

STATE BAR OF MICHIGAN ANNUAL MEETING

❖ *Achieving Balance and Success* ❖



13
14
15
SEPTEMBER 2006



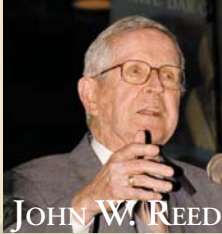
John W.
keynote speaker
Reed

Ypsilanti Marriott at Eagle Crest

- HISTORIC LAW WALK
- POWER PERSUASION SEMINAR
- HISTORY OF MICHIGAN LAW PANEL
- ◆◆◆ AND MUCH MORE

SBM
State Bar of Michigan

Highlighted Speakers



JOHN W. REED Keynote Speaker

John Reed is Thomas M. Cooley Professor of Law Emeritus at the University of Michigan Law School. In addition to his decades of service on the Michigan faculty, Professor Reed has served as dean at the University of Colorado Law School and, in retirement, at Wayne State University School of Law. His visiting appointments have included Harvard, Yale, Chicago, and NYU. He is an Academic Fellow of the International Society of Barristers and serves as its administrative director and editor.

CRAIG D. BALL

Craig Ball is a trial lawyer turned electronic evidence expert who serves as a court-appointed special master in federal and state courts and as a consultant in computer forensics and e-discovery, notably in the Enron/Andersen, Tyco, and BP Texas City explosion cases. As a certified computer forensics examiner, Craig specializes in cases involving alleged theft of digital data. A frequent lecturer on forensic technology, Craig's monthly column, "Ball in Your Court," appears in American Lawyer Media publications.

TIMOTHY D. BATDORF

Timothy Batdorf is a practicing lawyer, speaker, and career coach. He currently serves as vice president of the International Alliance of Holistic Lawyers and is the author of a soon-to-be-published book entitled *The Lawyer's Guide to Being Human*. Tim has practiced law for 11 years, focusing primarily in the estate and business planning areas. He is a graduate of the Core Curriculum and Leadership Programs offered by the Coaches Training Institute.

STEPHEN FAIRLEY

Stephen Fairley is a master business coach and CEO of Today's Leadership Coaching (www.YourPracticeMadePerfect.com). He is the international best-selling author of nine books, including *Practice Made Perfect for Lawyers* (2005). He specializes in helping attorneys find new clients fast and appears on more than 300,000 websites.

BARRON K. HENLEY

Barron K. Henley is an attorney, a "legal technologist" with 15 years of experience, and a founding member of Henley March & Unger Consulting, Inc. Mr. Henley is a frequent Continuing Legal Education speaker on legal-specific technology issues throughout the U.S. for state and local bar associations and CLE providers.

JOSEPH KIMBLE

Professor Joseph Kimble has taught legal writing for more than 20 years at Thomas M. Cooley Law School. He is the longtime editor of the "Plain Language" column in the *Michigan Bar Journal*, the editor of *The Scribes Journal of Legal Writing*, and the president of the international organization Clarity. He recently led the work of redrafting the Federal Rules of Civil Procedure. He is also the author of *Lifting the Fog of Legalese: Essays on Plain Language*.

Wednesday, September 13, 2006

12:00 PM-5:00 PM

GOLF OUTING AT EAGLE CREST

Join your friends and colleagues for the first annual golf scramble at Eagle Crest Golf Club in Ypsilanti. The format for the outing is a four-person scramble. Golf registration includes 18 holes of golf, cart, lunch, prizes, awards, and fun.

2:00 PM-4:00 PM

MICHIGAN STATE BAR FOUNDATION *Members/Trustees Annual Business Meeting*

2:00 PM-5:00 PM

MICHIGAN DEFENSE TRIAL COUNSEL BOARD MEETING

3:00 PM-7:00 PM

REGISTRATION

4:00 PM-4:30 PM

FELLOWS OF THE MICHIGAN STATE BAR FOUNDATION *Annual Business Meeting*

4:30 PM-6:00 PM

FELLOWS OF THE MICHIGAN STATE BAR FOUNDATION RECEPTION

6:30 PM-9:00 PM

STATE BAR OF MICHIGAN AWARDS BANQUET

Let us celebrate and honor these lawyers who have gone above and beyond the call of duty and who have been outstanding in the areas of leadership, professional integrity, and community service.

Roberts P. Hudson Award

Thomas G. Plunkett

Frank J. Kelley Award

Philip A. Balkema

Hon. Douglas W. Hillman

Champion of Justice Award

Jon. T. Ferrier

Elliott S. Hall

Daniel P. Malone

Hon. Fred M. Mester

Gail M. Pamukov

John W. Cummiskey Pro Bono Award

Michael S. Callahan

Liberty Bell Award

Jeffrey Montgomery

Kim Trent

Michigan Defense Trial Counsel—

Respected Advocate Award

William N. Kritselis

Michigan Trial Lawyers Association—

Respected Advocate Award

William C. Hurley

Thursday, September 14, 2006

8:00 AM-6:00 PM

REGISTRATION

8:00 AM-5:00 PM

VENDOR SHOWCASE OPEN

8:00 AM-10:30 AM

CONTINENTAL BREAKFAST—VENDOR AREA

8:15 AM-8:40 AM

ELECTRONIC DATA DISCOVERY AND DOCUMENT MANAGEMENT *Vendor Seminar*

As legal teams continue to face the rising number of cases involving electronic records and discovery, they are realizing the complexity in managing and executing the discovery process. Learn the strategies and technology to use when responding to e-discovery requests of varying size and scope.

Hosted by Esquire Deposition



8:30 AM–10:00 AM

THE HISTORY OF MICHIGAN LAW *Panel Discussion*

Each member of the panel has contributed a chapter to the forthcoming volume, *The History of Michigan Law*. Panelists will point out the many unique features in the evolution of Michigan law, including the state's early abolition of the death penalty, the state's dramatic protection of the environment in the nineteenth and twentieth centuries, the strong support of Michigan's legislature and courts for black freedom before the Civil War and for racial equality after the war, the opportunities for women, the impact of industrialization, and the growth of labor unions. Panelists will make brief presentations to allow for plenty of question-and-answer time.

Panelists: *David Chardavoyne, Wayne State University Law School; Elizabeth Faue, Wayne State University; Paul Finkleman, Albany Law School; Roy E. Finkenbine, University of Detroit Mercy; Frank S. Ravitch, Michigan State University College of Law; and Martin H. Herschok, co-editor of the collection, University of Michigan–Dearborn*

Moderator: *Hon. Avern Cohn, U.S. District Court, Eastern District of Michigan*

8:45 AM–9:10 AM

HIGHLIGHTS OF ECONOMIC EVIDENCE AND PATENT INFRINGEMENT CASES *Vendor Seminar*

A discussion of the economic evidence that parties to patent infringement litigation have introduced to support their theories of the hypothetically-reconstructed market as part of their lost profits calculations.

Presenter: *Bob McSorley*

Hosted by Plante & Moran, PLLC

9:00 AM–11:00 AM

ADMINISTRATIVE LAW SECTION *Business Meeting*

9:00 AM–11:00 AM

FAMILY LAW SECTION *Business Meeting and Program*

9:00 AM–12:00 PM

YOUNG LAWYERS SECTION *Business Meeting*

9:00 AM–10:30 AM

I DIDN'T KNOW I COULD DO THAT WITH MY COMPUTER AND THE INTERNET *Seminar*

This exciting panel of speakers will show you how to use the Internet and your computer to better practice law. Learn the latest and greatest in technology tips and about Windows Vista, the operating system likely to come out later this year . . . currently in beta. There is no better place to learn dozens of ways technology can help you get things done better, faster, and cheaper.

Panelists: *Jon Moothart, Attorney, Bowerman, Bowden and Moothart, P.C.; E. Thomas McCarthy, Jr., Attorney, Halpert, Weston, Wuori & Sawusch, P.C.; Nicole L. Zamiana, Legal Assistant, Halpert, Weston, Wuori & Sawusch, P.C., B.A. in Legal Studies, Grand Valley State University*

Moderator: *Hon. Don Passenger, Grand Rapids District Court*

9:00 AM–11:30 AM

FAIRNESS AND EQUAL ACCESS TO THE JUSTICE SYSTEM *Seminar*

The Committee on Justice Initiatives (CJI) acts on behalf of the organized bar to coordinate efforts to help bridge the gap between our ideal justice system and the system within which we function. The CJI is the State Bar entity that addresses the issues raised in reports from the task forces on Gender Issues in the Courts and Racial/Ethnic Issues in the Courts, as well as the civil side effects of criminal convictions and criminal legal services for the indigent.

Presenters: *Bob Gillet, Chair, Pro Bono Initiative; Erika Akinyemi, Vice Chair, Equal Access Initiative; Terri Stangl, Chair, Justice Policy Initiative; Ed Pappas, Chair, Resource Development Initiative; and Linda Rexer, Chair, Criminal Issues Workgroup*

Moderators: *Richard McLellan and Hon. Cynthia Stephens, Co-Chairs, CJI, SBM*

- 9:15 AM–9:40 AM **THE LATEST LITIGATION WEAPON TO WINNING—A CERTIFIED LEGAL NURSE CONSULTANT** *Vendor Seminar*
Learn cost-efficient solutions to your medical record scenarios.
Hosted by Certified Legal Nurse Consultants
- 10:00 AM–10:30 AM **REFRESHMENT BREAK—VENDOR AREA**
- 10:00 AM–12:00 PM **AMERICAN INDIAN LAW COMMITTEE** *Meeting*
- 10:00 AM–5:00 PM **REPRESENTATIVE ASSEMBLY** *Business Meeting*
- 10:00 AM–12:00 PM **REFEREES’ ASSOCIATION OF MICHIGAN** *Business Meeting*
- 10:30 AM–12:00 PM **SUREFIRE WAYS TO IMPROVE YOUR WRITING** *Seminar*
Professor Kimble, a veteran teacher and editor, will guide you toward the clear, plain style that marks the best legal writing. The session will be brisk and practical.
Presenter: *Professor Joseph Kimble, Thomas M. Cooley Law School*
- 10:30 AM–12:30 PM **ANIMAL LAW SECTION** *Business Meeting*
- 12:00 PM–1:30 PM **STATE BAR INAUGURAL LUNCHEON**
Michigan Supreme Court Chief Justice Clifford W. Taylor will swear-in State Bar President Kimberly M. Cahill and other State Bar officers. During the luncheon, Chief Justice Taylor will present the Michigan State Bar Foundation’s Founders Award to Charles R. Rutherford, and Representative Assembly Chairperson Lori A. Buiteweg will present the Michael Franck Award to William Leo Cahalan and the Unsung Hero Award to Jay D. Kaplan. Share in the celebration by recognizing the award winners and honoring our new president.
- 1:00 PM–2:00 PM **GENERAL PRACTICE SECTION** *Business Meeting*
- 1:30 PM–2:30 PM **INTERNATIONAL LAW SECTION** *Business Meeting*
- 2:00 PM–4:00 PM **AMERICAN INDIAN LAW SECTION** *Business Meeting and Program*
MICHIGAN CIVIL RIGHTS INITIATIVE *Panel Discussion*
- 2:00 PM–4:00 PM **ENVIRONMENTAL LAW SECTION** *Program*
WETLANDS REGULATION: IS THE GOVERNMENT ALL WET?
Rapanos and *Carabell* cases, the new “feasible and prudent” analysis, and takings issues.
Presenters: *Saulins K. Mikalonis, Butzel Long P.C.; and Paul R. Bernard, Dickinson Wright PLLC*
- 2:00 PM–4:00 PM **APPELLATE PRACTICE SECTION AND LITIGATION SECTION** *Joint Program*
LITIGATORS AND APPELLATE ATTORNEYS: PARTNERS, NOT ADVERSARIES
A panel of judges and attorneys will discuss the real and perceived tensions between trial and appellate practice, including preservation of error and protection of the trial court record.
Moderators: *Linda M. Garbarino, Appellate Practice Section; and James Partridge, Litigation Section*
- 2:00 PM–4:00 PM **MICHIGAN RETIRED JUDGES ASSOCIATION** *Annual Meeting*

2:00 PM-4:00 PM

COMPUTER FORENSICS FOR LAWYERS WHO CAN'T SET THE CLOCK ON THEIR VCR *Seminar*

Everyone uses computers—at home, at work, on the road, leaving voice mail, opening card key doors—everywhere, every day. Nearly all documentary evidence is created digitally, and only about a third or less gets printed. As lawyers, we're duty bound to zealously pursue the truth, so we can't walk away from two-thirds of the evidence or turn a blind eye to its metadata. We must master electronic discovery and learn to exploit its powerful sub-discipline, computer forensics.

Presenter: *Craig Ball*

2:00 PM-5:00 PM

LABOR & EMPLOYMENT LAW SECTION *Business Meeting and Program*

2:00 PM-5:00 PM

LAW PRACTICE MANAGEMENT SECTION *Business Meeting*

2:00 PM-5:00 PM

CONSUMER LAW SECTION *Program***DEBT COLLECTION PRACTICE IN DISTRICT COURT**

Chief Judge Stephen Cooper, 46th District Court, Michael H. R. Buckles, and Alan Taub will discuss this issue.

2:30 PM-5:30 PM

INTERNATIONAL LAW PROGRAM**GOING GLOBAL—MANUFACTURING OPERATIONS IN MEXICO AND OTHER KEY LATIN AMERICAN COUNTRIES**

This program will present a summary of key legal and business issues involved in structuring and operating manufacturing companies in Mexico and Latin America.

3:00 PM-5:00 PM

NUTS & BOLTS OF SUCCESSFUL LAW PRACTICE MANAGEMENT *Seminar*

Law Practice Nuts & Bolts is designed to benefit attorneys and support staff, concentrating on office management, understanding clients, and efficient staff use. This seminar teaches the substantive knowledge and expertise needed to run an efficient, viable law practice.

Hosted by Law Practice Management Section

3:00 PM-3:30 PM

REFRESHMENT BREAK—VENDOR AREA

4:00 PM-4:30 PM

ENVIRONMENTAL LAW SECTION *Business Meeting*

4:00 PM-5:00 PM

APPELLATE PRACTICE SECTION *Business Meeting*

4:30 PM-6:00 PM

LAW SCHOOL RECEPTIONS:

Michigan State University College of Law
Ohio Northern University College of Law
Thomas M. Cooley Law School
University of Detroit Mercy School of Law
University of Michigan Law School
University of Toledo College of Law
Wayne State University Law School

6:00 PM-9:00 PM

HISTORIC LAW WALK

After a full day of meetings and seminars, wouldn't a leisurely walk through historic downtown Ypsilanti on a late summer evening be relaxing? What if the stroll included stops at some of the city's elegant nineteenth century homes? And what if each destination offered visitors a unique selection of food and drink?

That's the idea behind the Historic Law Walk, new to this year's Annual Meeting. Participants will first attend a reception at the Michigan Firehouse Museum sponsored by the Washtenaw County Bar Association. Afterwards, you and your fellow colleagues will tour landmark Ypsilanti homes that have been renovated and now house law firms. You'll learn about the history behind each home while sampling a variety of foods and beverages.

Friday, September 15, 2006

8:00 AM-4:00 PM

REGISTRATION

8:00 AM-4:00 PM

VENDOR SHOWCASE OPEN

8:00 AM-10:30 AM

CONTINENTAL BREAKFAST—VENDOR AREA

8:00 AM-11:00 AM

ANTITRUST, FRANCHISING & TRADE REGULATION SECTION *Business Meeting*

8:15 AM-8:40 AM

USING INTERNET TECHNOLOGY TO STREAMLINE**LAW PRACTICE MANAGEMENT *Vendor Seminar***

Learn the ins and outs of accessing your firm's data from Internet-enabled devices.

Hosted by Desktop Business Solutions

8:15 AM-8:40 AM

BUSINESS VALUATION: WHAT LAWYERS NEED TO KNOW *Vendor Seminar*

Learn how to read valuation reports and common errors to watch for.

Presenter: *Tim Dankoff*

Hosted by Plante & Moran, PLLC

8:45 AM-9:10 AM

ELECTRONIC DATA DISCOVERY AND DOCUMENT MANAGEMENT *Vendor Seminar*

See description on page 45.

Hosted by Esquire Deposition

8:45 AM-9:10 AM

THE ART OF ARBITRATION *Vendor Seminar*

An arbitrator's view of what the arbitration process can or should be.

Presenter: *Gerald Hepp*

Hosted by Plante & Moran, PLLC

9:00 AM-10:30 AM

POWER PERSUASION *Seminar*

As a tool in the lawyer's presentation arsenal, PowerPoint tremendously enhances our ability to communicate ideas to others. This popular ABA Techshow session is a step-by-step guide for trial lawyers, detailing how to use PowerPoint to become a more effective advocate. Presenter Craig Ball will share his tips and tricks for getting the most out of this program.

Presenter: *Craig Ball*

9:00 AM-10:00 AM

LEGAL ASSISTANTS SECTION *Business Meeting*

9:00 AM–11:00 AM

BECOMING A RAINMAKER *Workshop*

This two-hour comprehensive program is specifically designed for solo practitioners, partners at small to mid-size firms, and of counsels. Get the tools you need to generate more referrals and land new clients using less time, energy, and money by creating an automated, systematic, new client development program.

Presenter: *Stephen Fairley*

9:00 AM–11:30 AM

NEGLIGENCE LAW SECTION *Business Meeting and Program*

9:00 AM–12:00 PM

MICHIGAN LAWYERS AUXILIARY *Business Meeting*

9:00 AM–12:00 PM

MEETING OF THE ATTORNEY DISCIPLINE BOARD

9:00 AM–9:30 AM

PRISONS & CORRECTIONS SECTION *Business Meeting*

9:30 AM–12:00 PM

PRISONS & CORRECTIONS SECTION *Program***THE MICHIGAN DEPARTMENT OF CORRECTIONS**

9:30 AM–10:30 AM

NEW BOARD OF COMMISSIONERS MEETING

10:00 AM–10:30 AM

REFRESHMENT BREAK—VENDOR AREA

10:00 AM–12:00 PM

FELLOWS OF THE AMERICAN BAR ASSOCIATION *Business Meeting and Program*

10:00 AM–12:00 PM

CHILDREN'S LAW SECTION *Business Meeting and Program*

10:00 AM–12:00 PM

LEGAL ASSISTANTS SECTION *Program***CSI: YPSILANTI**

Presenter: *Mary Dempsey-Knox, Michigan State Police Forensic Lab*

10:00 AM–12:00 PM

JUDICIAL CONFERENCE *Business Meeting*

10:00 AM–12:00 PM

MICHIGAN ASSOCIATION OF BAR EXECUTIVES *Business Meeting*

12:00 PM–1:30 PM

STATE BAR OF MICHIGAN LUNCHEON**KEYNOTE SPEAKER JOHN W. REED**

Back by popular demand, John W. Reed is Thomas M. Cooley Professor of Law Emeritus at the University of Michigan Law School. In addition to his decades of service on the Michigan faculty, Professor Reed has served as dean at the University of Colorado Law School and, in retirement, at Wayne State University School of Law. His visiting appointments include Harvard, Yale, Chicago, and NYU.

1:00 PM–3:00 PM

MICHIGAN PROBATE JUDGES ASSOCIATION BOARD *Business Meeting*

2:00 PM–3:00 PM

MICHIGAN DISTRICT JUDGES ASSOCIATION *Business Meeting*

2:00 PM–3:30 PM

THE LAW OF POSSIBILITIES *Seminar*

How can I be inspired with the work I do? How do I practice law and stay passionate? The Law of Possibilities examines the realities we face as lawyers and the possibilities available to us. The seminar discusses the difference between “bad work,” “good work,” and “great work.” By relating a series of real life experiences, Tim discusses various avenues for making the most of the legal profession.

Presenter: *Tim Batdorf*

2:00 PM–4:00 PM

ATTORNEY DISCIPLINE BOARD HEARING PANELIST TRAINING

2:00 PM–4:00 PM

**PRACTICING LAW SUCCESSFULLY IN A CHANGING ENVIRONMENT:
GETTING THE MOST OUT OF MS WORD** *Seminar*

This seminar will address the techniques and Word features most useful for drafting legal documents, and will provide answers to the most commonly asked MS Word technical support questions. Here's a sampling of the many topics included in this interactive seminar: detailed instructions on how to fix Word's annoying default settings, which cause most of the "why does it do that" questions; fixing corrupted documents and password-protecting private documents; understanding Word's three types of formatting; what to do about Metadata in Word; eliminating natural page breaks between headings and paragraphs that follow; automatically keeping your signature lines and acknowledgments on the same page; and much more.

Speaker: *Barron K. Henley, Esq., Henley March & Unger Consulting, Inc.*

Hosted by State Bar of Michigan Practice Management Resource Center

2:00 PM–4:30 PM

CRIMINAL LAW SECTION *Business Meeting and Program*
FIXING MICHIGAN'S BROKEN PUBLIC DEFENSE SYSTEM

This program features modifications and methods for improving Michigan's Public Defense System. The topic arises, in part, from SCR 39, legislation that supports a data collection project to compile public defense information. The Public Defense Task Force has been promoting an improved defense system in Michigan and it is anticipated that the data obtained will substantiate that need for change.

Panelists: *Michael Mears, Director of the Georgia Public Defender Standards Council; Emmet Bondurant, Chair of the Georgia Public Defender Standards Council; Randi Hood, Chief Public Defender of Montana; and David Carroll, NLADA*

2:00 PM–5:00 PM

LITIGATION SECTION *Business Meeting*

2:00 PM–5:00 PM

STRESS MANAGEMENT *Seminar*

This interactive seminar will address the professional and personal demands that lawyers face, and emphasize the importance of personal balance as the best strategy for avoiding the physical and psychological damage that can be caused by chronic stress. Special emphasis will be placed on proactively recognizing the signs and symptoms of stress, coping skills for stress reduction, and the identification of appropriate resources.

Presenters: *Martha Burkett, State Bar of Michigan, Lawyers and Judges Assistance Program; and Nancy Werner, J.D.*

5:00 PM

ADJOURNMENT

For updated
annual meeting
information, visit

[http://www.michbar.org/
annual_meeting.cfm](http://www.michbar.org/annual_meeting.cfm)

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 State Bar of Michigan—
 Practice Management Resource Center
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 University Legal Resource Center
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REGISTRATION FORM

If you plan to attend an event at the Annual Meeting, you must complete this form. This form is to be completed by only one attendee; please copy both sides of this form for additional registrants. Return by August 30, 2006 to receive early discount rates.

REGISTRANT INFORMATION

Check if applicable: Judge Representative Assembly BOC First-time Attendee
 Law Student Other _____

Name (to appear on name badge) _____ P# _____

Address _____

City _____ State _____ Zip _____

Firm/Organization _____

Telephone _____ Fax _____ E-mail _____

Special and Dietary Needs _____

ACTIVITIES

(PLEASE CHECK ALL THAT YOU PLAN TO ATTEND)

Received by 8/30/06 Received after 8/30/06 Total

WEDNESDAY, SEPTEMBER 13

<input type="checkbox"/> Golf Outing handicap (average score for 18 holes) _____ Please pair me with _____	\$95	\$105	\$ _____
<input type="checkbox"/> Awards Banquet	\$50	\$55	\$ _____
<input type="checkbox"/> Additional Awards Banquet Tickets # of Tickets _____ X	\$50	\$55	\$ _____
<input type="checkbox"/> I would like to reserve _____ table(s) of 8 Cost per Table	\$400	\$440	\$ _____

THURSDAY, SEPTEMBER 14

<input type="checkbox"/> Continental Breakfast	N/C	N/C	
<input type="checkbox"/> Inaugural Luncheon	\$35	\$43	\$ _____
<input type="checkbox"/> Additional Inaugural Luncheon Tickets # of Tickets _____ X	\$35	\$43	\$ _____
<input type="checkbox"/> I would like to reserve _____ table(s) of 8 Cost per Table	\$280	\$344	\$ _____
<input type="checkbox"/> Historic Law Walk	\$15	\$20	\$ _____

FRIDAY, SEPTEMBER 15

<input type="checkbox"/> Continental Breakfast	N/C	N/C	
<input type="checkbox"/> Rainmaker Workshop	\$95	\$125	\$ _____
<input type="checkbox"/> Keynote Luncheon	\$35	\$43	\$ _____
<input type="checkbox"/> I would like to reserve _____ table(s) of 8 Cost per Table	\$280	\$344	\$ _____

Registrant Activity Total \$ _____

PAYMENT OPTIONS

No phone registrations will be accepted. Online registration is available at <http://e.michbar.org>. **Mail completed form** with payment to: State Bar of Michigan, Attn: Annual Meeting Registration, 306 Townsend St., Lansing, MI 48933-2083 or **fax completed form** to 517-346-6365 by August 30, 2006.

Check (Make check payable to State Bar of Michigan)
 Visa MasterCard American Express

TOTAL \$ _____

Print Cardholder's Name _____

Credit Card # _____

Exp. Date _____

Signature of Cardholder _____



FREE SEMINARS

(Please check all that you plan to attend.)

*There is no charge to attend any of the following seminars offered at the 2006 Annual Meeting.***THURSDAY, SEPTEMBER 14**

- Electronic Data Discovery and Document Management 8:15 AM–8:40 AM
- The History of Michigan Law Panel. 8:30 AM–10:00 AM
- Highlights of Economic Evidence and Patent Infringement Cases. 8:45 AM–9:10 AM
- I Didn't Know I Could Do That with my Computer and the Internet 9:00 AM–10:30 AM
- Fairness and Equal Access to the Justice System 9:00 AM–11:30 AM
- The Latest Litigation Weapon to Winning—A Certified Legal Nurse Consultant 9:15 AM–9:40 AM
- Surefire Ways to Improve Your Writing 10:30 AM–12:00 PM
- Computer Forensics for Lawyers Who Can't Set the Clock on Their VCR 2:00 PM–4:00 PM
- Nuts and Bolts of Successful Law Practice Management 3:00 PM–5:00 PM

FRIDAY, SEPTEMBER 15

- Using Internet Technology to Streamline Law Practice Management. 8:15 AM–8:40 AM
- Business Valuation: What Lawyers Need to Know 8:15 AM–8:40 AM
- Electronic Data Discovery and Document Management 8:45 AM–9:10 AM
- The Art of Arbitration 8:45 AM–9:10 AM
- Power Persuasion. 9:00 AM–10:30 AM
- The Law of Possibilities 2:00 PM–3:30 PM
- Practicing Law Successfully in a Changing Environment 2:00 PM–4:00 PM
- Stress Management 2:00 PM–5:00 PM

FREE SECTION AND ANCILLARY GROUP MEETINGS

(Please check all that you plan to attend.)

*There is no charge to attend any of the following meetings offered at the 2006 Annual Meeting.***THURSDAY, SEPTEMBER 14**

- Administrative Law Section
- American Indian Law Section
- Animal Law Section
- Appellate Practice Section
- Appellate Practice Section and Litigation Section (joint program)
- Consumer Law Section
- Environmental Law Section
- Family Law Section
- General Practice Section
- International Law Section
- Labor & Employment Law Section
- Law Practice Management Section
- Michigan Retired Judges Association
- Referees' Association of Michigan
- Representative Assembly
- Young Lawyers Section

FRIDAY, SEPTEMBER 15

- Antitrust, Franchising & Trade Regulation Section
- Attorney Discipline Board
- Children's Law Section
- Criminal Law Section
- Fellows of the American Bar Association
- Legal Assistants Section
- Litigation Section
- Judicial Conference
- Negligence Law Section
- Michigan Association of Bar Executives
- Michigan District Judges Association
- Michigan Lawyers Auxiliary
- Michigan Probate Judges Association
- Prisons & Corrections Section

Cancellation Policy: Cancellation request must be made in writing on or before September 1, 2006 to entitle registrant to a full refund. A \$25 administrative fee will be deducted from all refunds received after September 1, 2006. Refunds will be sent after the close of the meeting.

Questions: Contact Kari Brandel at 517-346-6371 or e-mail kbrandel@mail.michbar.org.

HOTEL RESERVATIONS

Ypsilanti Marriott at Eagle Crest: Make your reservation by calling 734-487-2000 or 1-800-228-9290. To assure the group-discounted rate of \$125, please identify yourself as being with the State Bar of Michigan. To assure availability, reservations must be made by August 22, 2006.

PARKING:

Complimentary parking is available at the Ypsilanti Marriott at Eagle Crest.



How to Answer the Question Every Client Never Asks

By Stephen Fairley

I was recently speaking with Clark, an intellectual property attorney in the Midwest, who was trying to persuade the CEO of a mid-sized company to hire him. During the course of his conversation, the prospective client asked him a rather pointed question: "With all the attorneys out there who can do what you do, why should I hire you?"

While most clients will never ask this question in such a direct manner, this is the question every client needs to hear the answer to. The fact that most of your prospects will never verbalize this question does not mean that you should not proactively answer it. One of the biggest challenges attorneys face is how to set themselves apart from other attorneys. Virtually every community has hundreds or even thousands of lawyers who can do exactly what you can do. When a client asks, "Why should I hire you?" what do you say?

Many attorneys struggle to answer this question in a clear, concise, and compelling fashion. Instead they revert to the same old, tired response of emphasizing the size of their firm, the number of years of legal experience, or by giving a long list of various practice areas. To most clients, none of these responses is compelling enough to assist them in the decision-making process because every attorney they speak to responds with the same answer.

If you're like most attorneys, you have experienced an increasing pressure to set yourself apart from your competition in a meaningful way. In marketing, we refer to this as your "unique competitive advantage." Why should someone hire you instead of your competitor across the street or down the suite? Clients don't want to hear how you are similar to other law firms (the services you provide, the size of your firm). They already believe most attorneys are the same. To grow your practice, you need to tell prospective clients how you are different.

Here are 10 ways you can begin creating your unique competitive advantage:

1. Focus on the benefits. Prospective clients don't care how large or small your law firm is, nor do they believe years of experience directly correlate with a bigger payoff for them. What they really care about is the benefits of working with your firm as compared to others. What are the benefits of working with your firm, from a client's perspective?

2. Focus on value. When it comes down to it, many clients care about their bottom line. To understand your value, many clients will examine how much money you will either save them or make them. How have you helped other clients take better advantage of opportunities or avoid liability? What are some specific ways you constantly look out for your clients' best interests (beyond what every other attorney does)?

3. Focus on results. What results have you obtained for past clients? What do you do to achieve better results than your competitors? When using this strategy, be careful not to run afoul of your state's ethics rules about guaranteeing or promising results to clients.

4. Focus on solutions. Give an example of a creative solution you found to a client's problem. How did you come up with it? How did your creative solution help your client achieve his or her goals?

5. Focus on service. Do not misunderstand; I am not proposing that you focus on the list of services your firm provides, but how you better serve your clients. How do your clients describe the way you treat them? What's an example of how you went out of your way to better serve a client? How do you demonstrate exceptional client service on a regular basis?

6. Focus on a specific industry. By focusing on a specific industry, such as manufacturing, hi-tech, or telecommunications, you get a big jump on your competition. Companies expect their attorneys to know all about their industry or profession. They do not

want to pay to "bring you up to speed" on what they do. Target two or three specific industries, and make it your business to know everything you can about how they work.

7. Focus on the partners. If you work in a firm with several partners, it is important to understand how most people buy legal services. Most people do not buy legal services from law firms. They buy legal services from lawyers. People don't tell their friends to "go talk to my law firm." They say, "You need to talk to my attorney." Promote the individual partners rather than trying to brand the whole law firm. How are your partners different from partners at other firms? Are


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they more personable, easier to reach, or do they take only a limited number of clients?

8. Focus on clients' feedback. What do your best clients say about you? What would they tell someone else about your services and how you have helped them? Do you have a long list of very satisfied clients that prospective clients can speak with? Do your clients refer other clients to you on a regular basis?

9. Focus on credibility. It is one thing for you to believe that you're a good attorney; it's another thing when you are profiled in the media as a good attorney. The media can provide you with credibility when you're trying to land a bigger client. What is your firm known for in the industry? Is your firm being profiled in the media or industry trade publications? Why should your prospective clients perceive you as a credible attorney? Do they have to take your word for it, or can others attest to your credibility?

10. Focus on visibility. There are two kinds of visibility: online and offline. Offline visibility refers to how visible you are within your community or a given industry. Do you

speak at top industry events? Are you a featured expert? Online visibility refers to what happens when prospective clients type your name or your firm's name into Google's search engine. How visible are you? There are many low- and no-cost ways to dominate your competition online.

Take a few minutes and select two or three of these 10 ways to create a unique competitive advantage, and write down your specific responses to the questions. Be sure to focus on your prospective client's perspective, not your own. Use bullet points, not paragraphs, to highlight key phrases. Bring these to your next staff meeting and brainstorm with your colleagues about how to sharpen them and make them more specific. Have everyone in your office, especially the receptionist, memorize several key phrases so they can use them every time they speak with a prospective client. Integrate these key phrases into your marketing materials. Highlight them on the home page of your website. Use them at every networking event you attend. Make them a part of your everyday language at every meeting with potential clients. The big payoff comes in terms of new clients.

Developing a unique competitive advantage is critical to the long-term success of your law firm because it helps you stand up and stand apart from your competitors. It provides you with a clear, concise, and compelling response to "Why should I hire you?" With 30,000 new law school graduates every year, the challenge of finding more and better clients is only going to get harder. Take action today by developing a clear, concise, and compelling advantage and stay ahead of your competition. ♦

Stephen Fairley is a master business coach and CEO of Today's Leadership Coaching (www.YourPracticeMadePerfect.com). He is the international best-selling author of nine books, including Practice Made Perfect for Lawyers (2005). He specializes in helping attorneys find new clients fast and appears on more than 300,000 websites. Want to know how he did that? E-mail him at uca@yourpracticemadep perfect.com and ask for the complimentary UCA report.

Stephen will present his "Becoming A Rainmaker" workshop on September 15 during the State Bar 2006 Annual Meeting. For more information and to register, visit http://www.michbar.org/annual_meeting.cfm or call 1-800-447-3852.

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Question One: Why Did You Become a Lawyer?

- A. To spend all your time performing internal administration
 - B. To practice law
 - C. To constantly learn new software and technology
- (Hopefully your answer was "B", To practice law.)

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