** TECHNOLOGY

TECHGEAR



The HTC Evo 4G from Sprint (price TBA) is the first phone to take advantage of Sprint's fast WiMAX network, which is live in limited areas of the United States. The phone sports a 4.3-inch LCD, an 8-

mexapixel camera, and hotspot capability for up to eight users.

WEBLINKS



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injury law, real estate law, and

State Bar grievance defense. Johnson maintains the blog www.dfwtexasinjurylawyer.com.

The Mighell Marker (www.inter-alia.net)

This Internet legal research blog is updated daily and is the fine work of Tom Mighell, a Dallas attorney. The daily listing of blogs and sites can be very useful for information in various areas of the law.

Remarkablogger.com

This is a very good source for blog consulting and coaching. The site offers ideas and tips on improving and increasing traffic to your blog site.

TheFlyFishingForum.com

A favorite site for the outdoor enthusiast. There are blogs, discussion forums, and other items of interest. If you like to fish, you can learn fly casting, knot tying, and fly tying. The forum offers advice from experts and novices who enjoy the sport and the experience of being in some of the most beautiful locations in this country. You can find premier fishing locations or view the secret fishing holes of "trout bums."

TheTicket.com

This is one of the best "all sports" radio talk shows in the country. This AM station covers all sports and has up-to-date sports news and information 24 hours a day. The radio team personalities have been together for years and consistently receive the highest ratings in the Dallas area. Be sure to listen to Gordon Keith's impersonation of Cowboys owner Jerry Jones.

The Adaptable Lawyer

BY MICHAEL P. MASLANKA

Text month's State Bar Annual Meeting includes the legal innovation program, "The Adaptable Lawyer." Why? What we do as lawyers — building a practice, trying lawsuits, being a trusted adviser, learning at CLEs — will never change. But how we do it - aligning client's interests with the law firm's compensation structure, embracing knowledge-management and competitor-cooperation, leveraging social media, exploring technologies — is changing. Changing here and now; not tomorrow, not elsewhere. But, here's the good news: Darwin taught us that it's the most adaptable who flourish.

Consider social media. Once upon a time, building a network meant hopping on an airplane, attending a faraway function, eating eggs at the morning breakfast buffet, and tossing back a few at the nightly happy hour. No more. Social media gives us alternatives. Think Twitter. I follow people on Twitter, and they follow me. Because of this, I now have many friends I did not before who share my interests. When you make a connection with one person, you make a connection of the second degree with all of the people connected to him or her. It comes in handy.

True story: A potential client called and asked if I knew of any studies on how employers manage social media at the workplace. "Sure, let me send you the link for it." I only knew about the study because one of my Twitter followers had Tweeted about it the day before. Your Twitter contacts grow easily and organically with reTweets. Tweet about

an idea, and if a follower likes it, he or she can send it to all of their followers. It evolves like a crystalline structure.

How should law firms deal with social media, whether it is Twitter, Facebook, Plaxo, LinkedIn, or others? There are two choices: Embrace it or run away from it. Embracing is better. Train all firm lawyers in social media; let them engage in it at work; give them billable credit for doing so; evaluate colleagues on how well they encourage others in leveraging social media to their own and the firm's benefit.

Note that I said colleagues — not partners/associates. If the recent economic collapse will result in anything, it is this: Law firm hierarchy is the past; working together is the future — not just with one another as firm colleagues, but in true partnership with clients. The meaning of "partnership" continues to be devalued from overuse. No more. Law firms must now look at whether their aspirational values are aligned with their real ones. Firm websites colorfully proclaim that the firm puts clients first; brochures bang the drum of clients being the focus of attention; mission statements extol firm virtues.

Yet, post-collapse questions will be asked about whether actions conform to promises. Clients want to know how firm lawyers are compensated — brute numbers or client care; exceeding billable hour requirements, or a fruit salad of factors? The first drive a firm's interest; the second, a client's. As my mother taught me, "If you say something is important, treat it as important."



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How will "alternative billing" fit into the new adaptability? Boston lawyer and perceptive commentator Jay Shepherd says don't call it "alternative billing." Shepherd says the phrase carries seamy connotations. Instead, call it what it really is: open-priced lawyering. Legal services where the price is known to the client ahead of time, so the client can make an informed decision about the worth of those services before actually agreeing to buy them. Here's Shepherd: "There's a fair exchange [here] between lawyer and client with the client having as much knowledge about the price as the lawyer."

Eversheds, a U.K.-based law firm, published an interesting report in March 2010, "Law Firm of the 21st-Century: The Clients' Revolution." The report concludes that a "radical" shift to just this type of value-billing is under way. Eversheds' definition says that "valuebilling is billing based on the value of the work for the client, rather than the amount of hours spent on it by outside counsel. In effect, it is billing based around business outputs, rather than lawyer inputs." Eversheds' statistics show that two years ago, only 22 percent of clients and 48 percent of partners saw value-billing as the future. Now, a whopping 86 percent of clients and 80 percent of partners say they often or sometimes use value-billing. Like I said earlier: Change is here and now.

And, value doesn't always translate to do-re-mi. Lawyers will be asked for After-Action Reports (a military term borrowed from a former colleague, and something that clients love), detailing what happened and why, what went right and how the company can do more of that, and what went wrong and how the company can fix that. Increasingly, we will say to a client, "Here's what we learned. I hope you use this information to your benefit and that we never see you again." We do, I think, our best lawyering when we provide light, not just heat.

What else is here, now? Law firms are institutionalizing their collective wisdom

through knowledge-management, aggregating what they know regarding the modus operandi of other lawyers, the proclivities of judges, winning arguments, and more. Ask this: Do I access our collective wisdom by walking down the hall to talk to a colleague? If so, adaptability will drive you toward more systematic and organized methods.

We gravitate to what we know and rappel away from what we don't — all of us, including yours truly. But, once we cross the great divide from what we are to what we are becoming, we will look back and say, "Gee, that was easier than I thought. What was I so wired-up about in the first place?"

We will still make money (albeit not as much — gasp!), but we will find ourselves again, and be reminded of why we became professionals — to place the interests of others above our own; to develop deep and lasting relationships; to find a transcendent meaning to our lives. ©

Editor's note: To register for this year's State Bar of Texas Annual Meeting, including "The Adaptable Lawyer" legal innovation track on June 10, visit www.texasbar.com/annualmeeting. Speakers for the legal innovation track include Michael P. Maslanka, Kevin O'Keefe of LexBlog, Inc., and legal futurist Richard Susskind.

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