



### **President's Column** **Unusual Times**

*Welcome to the start of the economic rebound (hopefully not a premature wish)*

These are unusual times that call for unusual responses.

**The best path forward**  
Solid planning discipline tells us to pick a cycle in which to assess our current circumstance at given intervals and then revise the path forward on a calendar basis.

Unfortunately, there are times when the environment around us changes so rapidly and to such a degree that we are compelled to re-assess the best path forward sooner than normally appropriate.

### **Challenge and Opportunity**

These are clearly times of both considerable challenge and great

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### **Planning** **An Assessment Model to Match the Times**

*by Marc Paul Chinoy*

*The best planning always starts with an agreed-upon sequence of inquiry and deliberation that is virtually a Plan to Plan.*

#### **A formal Assessment**

To assure that strategic decisions are made with forethought, all planning should begin with a formal assessment of:

- Range of Assets (both Tangible and Intellectual)
- Market Position (including Competition, Market Preferences and Geographic Differentiation)
- Internal Capabilities (including Talent, Facilities and Working Systems)
- Financial Status (including Pressures and Depth of resource)
- Cultural Requirements (including the law/regulation as it is now and is most likely to be at the end of the planning period)

The resulting planning effort should be objective, thorough and timely, and should yield a result that is comprehensive, comprehensible and dynamic enough to energize the enterprise.

Above all, top planning is *not* a "One Size Fits All" exercise and must reflect the nature and preferences of the development team as a unit.

#### **A pro-active adjustment**

In today's harsh environment, many client/customers will either freeze or hesitate. As a result, special attention should be given to a prompt re-assessment of the Marketplace. Success may depend on pro-actively adjusting the offering to either cover sudden gaps or



### **BizSpeak:** **Stalking Horse**

#### **Definition:**

A diversionary issue, appointment selection, and/or subject, generally used to mask the existence of an undesirable point, personality, solution, and/or approach

#### **Related Terms:**

Smoke Screen

#### **How it Sounds:**

Franz's argument about moving HQ is just a STALKING HORSE. He has no more intention to move than he does to fly without wings.

opportunity.

If we are careful and see things as they are as well as how we intend to make them be, we stand a good chance of turning the corner in style.

So... let's all take a deep breath, and dive in.

*Marc*



Eric Zimmerman

## Managing Transitions

*by Eric Zimmerman  
Regis Senior Associate*

We spend years building our businesses. We utilize experts such as consultants, attorneys and accountants to help maximize returns on our investment of time, money and energy. What we do not consider, however, is the "involuntary exit strategy." What happens to our business when we die? How does the business activity continue when we are not present to push it along? Will the business have value to be sold for the benefit of our heirs, or will our death result in the demise of the business

stepping in with adjusted/new services and products that offer either support or comfort to real or perceived needs.

***More in the next Agenda. Until then your comments, responses and examples are actively sought.***

What he is really after is a renovation budget for the Lakeview site.

**For More BizSpeak, check out the Book. Click here.**



James Alfini

### ***Focus on the Future***

## **Guest Predictions: James Alfini**

*Guest Predictions is a regular feature in which we interview leaders in a number of professions about questions that affect us all.*

*James Alfini is the President of the South Texas College of Law in Houston, Texas. His areas of expertise include alternative dispute resolution, constitutional law, mediation, and judicial ethics.*

**Q: What changes in your professional environment in the past 3-5 years have you found to be the most beneficial?**

**A:** The adoption of a Strategic Plan. We have learned to think strategically about the future.

**Q: What changes have been the most troubling to you?**

**A:** The financial downturn has had a significant impact on our endowment, affecting our operating revenues. It has also had an impact on fundraising.

**Q: How will globalization (e.g. the emergence of new global powers, such as China and India) affect your professional area in the near term?**

**A:** We have made a concerted effort to provide our students with study abroad opportunities to introduce them to the global business and legal environment.

**Q: What significant challenges might be anticipated in your professional area in the next few years?**

**A:** Technological changes have made litigation very challenging (eg., e-discovery). Technology has also had a big impact on transactional work.

**Q: What are the greatest challenges confronting young professionals in Western culture today?**

**A:** The biggest challenge is that of being able to maintain a sense of professionalism with the increasing emphasis on the "bottom line." The professions have become nothing

as well?

### Issues to Address

One thing is certain: sooner or later, our personal involvement will cease. What are some of the issues to be addressed?

### The Death Tax

Probably the one that comes to mind most often is tax consequence of the death of the principal of the organization. Most often this would be the estate tax, sometimes referred to as the Death Tax. To be candid, though, beginning in 2009 the decedent would have to own in excess of \$3.5 million in assets to be subject to this tax.

### Can it Continue?

The question that must be answered is how or if the business can continue to function if the principal is not present. This is most important in a personal services business, such as an attorney or consultant. More often than not, especially with a smaller one-person operation, the value of the business is solely that one person. However, even in these types of businesses, steps can be taken to ensure that there is something of importance to sell.

### Wielding Authority

With larger businesses, the death of the individual will not necessarily spell the doom of the company.

more than businesses.

In the legal and medical professions, for example, there is much less concern with the needs of the client or the patient. Therefore, our biggest challenge in legal education is to bring our profession back to an environment where the individual lawyer sees himself or herself as a professional first and foremost.

## The Art of Re-Branding (Part I) by Richard Earle, Regis Senior Associate

In a New York Times Op-Ed column a couple of weeks before the election, Nicholas Kristof reported the results of a 22-nation BBC poll, in which over half said that "the election of Mr. Obama . . . would fundamentally change their perceptions of the United States."

### The American Brand

"It would re-define the American 'brand' to be less about Guantanamo, and more about equality" concluded Mr. Kristof.

It is interesting to me that a term hitherto used mainly in marketing circles to define the image and positioning of a product, corporation, or association, would now be applied to a country.

### Unimaginable to the Founders

The concept of Branding would have been unimaginable to the founding fathers. But in the 21st century global village that is now completely interconnected, the essence of any people can be presumably grasped in just a few Google searches.

### Quick Judgments

These days, we all make quick judgments. The New Yorker's Malcolm Gladwell, in his very perceptive book "Blink," hypothesized: "When you meet someone for the first time, or walk into a house you are thinking of buying, or read the first few sentences of a book, your mind takes about two seconds to jump to a series of conclusions." It is an emotional reaction. Smart Branding can create it.

### A Branding Review

In times of economic downturn, it is largely the strong Brands that survive. Which is why we have recommended a branding review and evaluation for a number of Regis clients.

Many have inherited an identity package that was cobbled together when the company or group was founded years ago, and has been unchanged since.

We have done 5 evaluations in the past few months. With all, we guided them through a careful Re-Branding process. It employs an interesting protocol.



### The Obama Campaign

#### Brand Logo

Obama has a chance to re-Brand America. His campaign Brand was outstanding. Employing his initial and a patriotic color palette, his graphic made a strong emotional connection

Quite the contrary, in this instance the owner usually provides the leadership and wields decision-making authority. The value of this kind of business will continue long after the owner disappears.

**An orderly Transition**

However, one must prepare for an orderly transition lest the organization become paralyzed by not having any one person or group of persons to step into the void.

*Next month we'll offer some specific suggestions.*

*In Part II in the next Agenda, we will demonstrate some steps in the process.*



*Happy Holidays from  
Your friends at  
The Regis Group!*

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