

Folks:

Sorry about all the confusion on NYSBA billing; the problem is that all the numbers and agreements are in my head. We ended up with the following agreement with Gallegher:

-- \$4000 initial setup fee for doing Elder Law and developing the 'template' for future efforts. {peil: Done. And how.}

-- \$3000 for setting up six more sections prior to the end of January 98.

This was priced at \$500 per section, so if we did more we should bill more and if we did less we should bill less. {peil: Heh... Their fault, not ours.

Right now, we stand at three. So bill

\$1500 on this. But all were done by January. Three or four more by end of academic year.}

-- \$4000 for maintenance on those seven (Elders plus six) to the end of the academic year. {peil: We've fulfilled four of the seven, so pro-rate this.}

So, at this point they should be invoiced for \$4000 plus \$500 times the number of sections we actually set up. They should be billed for an additional \$4000 on July 1, assuming that they have not gone totally nuts and added a jillion sections. In response to a message Peil sent my way earlier, I would be willing to undertake additional sections with them at the rate of a \$500 one-time setup fee plus \$500 per semester in maintenance (translated to \$1500 the first year and \$1K per year thereafter). Scream if you think I'm underpricing this. In any event we should probably think about a meeting with them to review the year and plan for the future before Peil evaporates, representing a formal handover of management on the project to Patrice and settling on what the money for next year is going to look like.

From TOM

1/16/98

Patrice:

I'm all for this, but with a word of caution -- namely, that the deal ought to be structured in such a way as to make it very expensive for them to waste our time.

Tips for dealmakers:

In general what I've done in the past when I've looked at these things is try to see whether there are boundaries on the project or not -- that is, if

the deliverables can be easily defined and given a single deadline. Asking yourself the question, "How will we know when we're done?" is usually helpful. If the answer is fuzzy, or you can't put a date on it, or you find out that you'll "be done" more than once, it's time to bill hourly. Things like SG is articulating below -- "we need a little help here, and a little help there, and some more help over here" -- in other words, fragmented stuff -- tend to be billed hourly too. Things that can be better defined can get a package price, which I'd advise you to consult with Peter about -- he has been pretty wily and very good at dodging my cowboy instinct to go out and just do it right now regardless of whether we can make money or not. It's also possible to bill hourly but set either a minimum or a cap, depending on who's uncomfortable. And in every case the basic formula is the same -- you need to emerge from the discussion with both parties having the same understanding of what is to be delivered and what is to be paid. "Well, DUH!", sez you, but you'd be surprised how difficult that works out to be in practice.

Tb.

Peter:

I have been working with Bernice Leber, chair of NYSBA's Commercial and Federal Litigation Section, to distribute a new newsletter being published five or six times a year by the NYS Supreme Court - Commercial Division. Apparently OCA will be adding the full text of their decisions to their web site, and the courts would like our help in getting the word out.

We are designing a web site for the section at this time, but I would like your assistance in offering an electronic version of the newsletter similar to your listserv for distributing announcements for the Court of Appeals.

Bernice is giving me the name of the contact we will be working with at OCA, and I would like to talk with you the early part of next week to see if you could help us with this project. I will fax you a copy of the article which explains the service we envision. The article will be sent to 1900 section members.

I look forward to speaking with you once again, and I look forward to working with you.

3/19/98

This is one of the ways we can help the Commercial Division. I have not

had a chance to speak with Prof. Peter Martin at Cornell's Legal Information Institute (LII), but we have exchanged e-mails previously on similar topics. NYSBA will have a web site in place for the Commercial and Federal Litigation Section sometime before April 15. As soon as OCA has the newsletter in place, and some of the Commercial Division's decisions in place, we will make them available through NYSBA's web site.

I have asked Peter Martin to work with us to setup a mailing list to distribute the Commercial Division Newsletter through the web site. Cornell has a very effective current-awareness service called the liibulletin-ny. Peter and his students analyze the more significant decisions of the NY Court of Appeals. This service is available both on the Cornell site (with hypertext links to appropriate sources) and electronic mail (via free subscription). I am hoping to use the liibulletin-NY as the model for distributing this new newsletter. I will speak with Peter Martin next week.

3/19/98

Richard:

The web site looks great. I am forwarding your site to Bernice Leber to check it out. If you want to get others to take a look, maybe Bernice could mention the site on her mailing list.

<http://ucs.ljx.com/nycdlr/nycdhome.htm>

3/23/98

Peter:

Take a look at the OCA's site that will house the Commercial Division Law Report. The Commercial Division is mailing this newsletter out to our Commercial and Federal Litigation Section members (1900) and they are advising them that the newsletter will only be available either on the web site, or through the mailing list. We are telling people that they should be able to sign up for this new service around May 15, 1998. We hope to have the Commercial and federal Litigation Section web site ready during the first week of April.

I look forward to speaking with you.

3/25/98

I have not had a chance to talk with Michael Peil about where he stands with links for this section. I have to admit that I was not been much help to him

in creating leads. For now I think we have to mark the line for outside links as "Under Construction," but we should get something up there asap. If OCA is telling people what a great site this is, this is the time we want to demonstrate our value.

Michael Peil will get us something to start with in the next week or so.

I have also started talking with Professor Peter Martin at Cornell to help us deliver the Commercial Division Law Report via a mailing list that anyone can sign up for from the Commercial and Federal Litigation Web site. The model we have talked about is the liibuletin-ny that works quite well. I would love to have this available by early May because that is the timeline we are using in the press release. I'll talk with Peter early next week when I return from Chicago.

4/2/98

Peter:

I wonder if I could travel down to meet with you and your team sometime in the next couple weeks, so we can make some plans for Michael's transition away from LII, and to see if we can finaliiize plans to provide me (NYSBA) with additional web support.

Our Executive Committee is meeting tomorrow, and I expect that I will be asked to outsource more of the web support. I have a number of sections that want me to help them develop content for their pages. I am considering hiring several law students to help me with these sections, because it could be a great learning experience for the students, plus I would have someone to help me enrich the content for the sections.

Michael had some very good ideas that we really were never able to implement. I would like to revisit some of what he suggested. If a law student was assigned to look for content, we should be able to find a way to get this new content to the section's web page. If a breaking decision impacts on several sections, we should be able to implement a strategy to get this notice to the right places withing out site. I will have the money to hire several law students, so I can either hire someone here from Albany, or if LII were interested in expanding our relationship, I could pay you a monthly fee, and you can hire students to oversee our work.

I briefly spoke with Patrice about doing a list for the Commerciial and Federal Litigation Section. I shared some of my discussions with you

when I corresponded with Bernice Leber. The Commercial Division Law Reporter is currently found on OCA's web site at:
http://ucs.ljx.com/nycdlr/cdlr1_1.htm

This is a report on leading decisions recently issued by the Justices of the Commercial Division, Supreme Court of the State of New York, and I made the suggestion that Cornell could build a list to allow people to sign up for this newsletter from the Commercial and Federal Litigation web site.< <http://www.nysba.org/sections/comfed/index.html>>

The Courts have just sent out a press release saying that this should be ready by May 15. If you want to make me look like a hero, here's your chance. On the other hand, if your plate is already full, I need to go begging elsewhere - soon.

I am not sure where Michael is with several projects.

1. The Business Law Section has been started, but we talked about adding links from the Franchise Law Committee within the section. If Michael can add this fine, if not, I'll wait till I get a student and this could be a good project to work on.
2. If we can add the list for the Commercial and Federal Litigation Section (no price determined for this as yet), I then should have links to related areas. This section came in late, so I am not sure if Michael had anyone working on this. Bernice Leber chairs this section, and she has been very supportive of our efforts. She finishes her year in June, so if we can take this one out of order, I'd love to build this during her watch. Bernice is at Arent Fox, and I have asked her to introduce me to her web master.
3. Another major project I have been asked to move along is a private area for NYSBA members. I would like to find someone to assume responsibility for everything behind this screen. Once you log into the NYSBA web site, you should be able to go to the private area. Unfortunately, I have nothing special behind this, but I might want to get into distance learning, such as computer skills training.
4. Another big area for us during the next year is the lists. Many sections want to create their own discussion groups and mailing lists - similar to those found on ABAnet. Would you be interested in getting into this business?

And the list goes on.

I can come to Cornell on one of the following days:
First Choice - Thursday, April 23. I'll be staying in Binghamton on

Thursday evening, so anytime Thursday would good for me.

Second Choice - Friday, May 1

Third Choice: Any other time during week of April 27.

Many thanks and I look forward to meeting with you once again.

SPG

4/16/98

Peter and Michael:

I am going to try to share some of my thoughts regarding what law students might help me with in providing ongoing support for our various sections.

Would law students be interested in providing a draft newsletter similar to the V.I.P. (Virtual Intellectual Property) Newsletter I have signed up for. My thinking is that we pick a section or two and ask a student to collect these abstracts, which people can sign up to receive from our web site. I could arrange to have a committee member sign off on the copy before we send the newsletter out.

I am also interested in trying to find a law student to help me develop the Law Office Economics and Management Committee web site. I would like to publish enough information to become the place to go when looking for information about " Starting a Law Practice in NewYork State." Eventually, I would like to use the site to identify the skills and competencies needed to manage a law practice. I think such a site would be very helpful.