

LEGAL MANAGEMENT

SEPTEMBER 2017
VOLUME 37 • ISSUE 8

THE MAGAZINE OF THE ASSOCIATION OF LEGAL ADMINISTRATORS

MARIJUANA MAKES AN IMPACT ON LEGAL

Laws are rapidly changing, presenting challenges — and great opportunities — for law firms.

**Staying the Course: How to Conduct
Stay Interviews**

**Prime Your Workplace for Diversity
and Inclusion**





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I'm sharing this story in the hopes that you will share your experiences as well. ALA wants to highlight how members are making an impact in their communities.”

The Spirit of Giving

My September column was written weeks ago; the goal was to highlight the generosity of our members and encourage others to share their stories about how they give back to their communities.

But like many of you, I've watched the staggering and heartbreaking effects of Hurricane Harvey in Southeastern Texas unfold over the last week. As a result, this column took on a new meaning. As *Legal Management* was going to press for September, the ALA community was organizing ways to help the devastated Houston-area. The Boston Chapter began by donating \$5 per member to the Red Cross. They then challenged other chapters to do the same. The response has been overwhelming. As of September 1, they've raised \$25,000. It reminds me of how incredible our ALA community is, and it makes me proud to serve as President to such a remarkable, generous group of people.

Check your inbox in the coming days for more information about ALA's efforts, as well as a more in-depth coverage in the October issue of *Legal Management*, due out October 13.

Volunteers are the heart of ALA.

It's a cliché, but it's a cliché for a reason: You get more out of volunteering than what you give. I've found that to be true each time I've volunteered, no matter the cause.

My volunteerism with ALA has made me a better legal management professional. But I've also given my time to other organizations over the years.

Recently, I volunteered as a reader for Every Child a Reader in Escambia (ECARE) where the mission is to build a strong foundation for students entering the education system. The time I spent with my reading pal was some of the most fulfilling times in my life. When I started working with him, he could not totally spell his name correctly. But with help and



support at home, in the pre-K classroom and the ECARE volunteers, he learned. And when the school year was over, he drew me a card where he wrote his name ... perfectly.

I'm sharing this story in the hopes that you will share your experiences as well. ALA wants to highlight how our members are making an impact in their communities. Maybe you're training for a marathon, and running it to raise money for your favorite animal shelter. Perhaps you volunteer your time at your child's school, lending your excellent planning skills to their latest fundraising efforts.

Or maybe you are like member Jean Pimental, from the Jacksonville Chapter, who has been giving her time to the Boy Scouts of America for nearly 12 years. She started when her youngest son was a Tiger Cub. Now, he and his brother are both Eagle Scouts. I invite you to read her story, and see another example of how much we get when we give our time to others.

We hope to feature more of these stories in upcoming issues. You'll find them in the "Member Spotlight" in upcoming issues of the "ALA Faces" section. And if you have a volunteer story you'd like to tell, just email the ALA publications team at publications@alanet.org. ■



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IAN RAINE
Head of Product Management,
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3 Tips on Implementing a Strong Need-to-Know Information Security Policy

“

Increasingly, there are powerful data analytics and artificial intelligence tools that can alert firms to unusual or suspicious activity, while at the same time cutting down on ‘false positive’ alerts.”

Security breaches are increasing in number and sophistication, making it more difficult than ever for law firms to protect sensitive client documents, emails and other vital work product.

With most work product now stored digitally, the ability of malicious insiders to cause serious damage by stealing this information continues to grow. Now clients are demanding that their law firms implement stricter information security measures and conduct audits to ensure measures are in place and working properly.

The days when law firms could employ open or optimistic security policies — where most users have access to documents and other work product by default — are over. Today, modern law firms need to implement advanced security models to address external and internal security threats that meet clients’ security expectations.

Unlike optimistic information security models where employees have free and open access to a firm’s sensitive information, pessimistic information security models only allow employees access when there is a “need-to-know” justification — when they are working on the specific project, deal or matter. Segregating and securing sensitive content on a need-to-know basis rather than utilizing the traditional open approach is an important part of any strategy to keep critical information safe.

By successfully implementing a need-to-know information security policy, law firms of all sizes can minimize the probability of a breach, reduce the damage caused by a successful breach and pass strict client security audits.



The following three tips can help law firms more effectively make this transition, allowing them to reduce the risk of and mitigate damage from external and internal data breaches.

1. Ensure all work product can only be accessed in a secure manner. If the work product is not secure, managing access to it will be ineffective. For this, firms need to encrypt their work product — not just when it is at rest but also while it is in motion. They also need to make sure users who can access work product are both authorized to do so and authenticated to be who they say they are. The latter point here is very important: By making sure users are authenticated (via multifactor authentication, for example), the chances that someone pretending to be an authorized user are reduced. Cybercriminals have utilized successful phishing attacks to steal passwords enabling them to access to sensitive information.

2. Strictly manage access to work product. For a need-to-know information management policy to work effectively, firms must ensure users can only access what they really need to know by implementing strict policies that limit access to and between data sets. The default should be that all users start off without access to client work product — users must demonstrate a need before they are authorized and granted access. Firms should set clear policies to determine who can access specific work product. With strict enforcement, firms can dramatically reduce the amount of information accessed in the event of a breach. Build the policy with the expectation that a breach is inevitable.

3. Analyze all work product activity. Just making sure all work product is secure and strictly managing access to work product is not enough. Firms also need to enforce access as well as analyze activity to determine if there was a breach. Increasingly, there are powerful data analytics and artificial intelligence tools that can alert firms to unusual or suspicious activity, while at the same time cutting down on “false positive” alerts. Analyzing this activity will help firms identify breaches quicker, limiting damage from the breach. In addition, by tracking activity, firms ensure the pessimistic information security model is not watered down or weakened over time.

As we move into a world where need-to-know security is becoming more nonnegotiable, firms need a better way to manage the increasing volume and complexity of security policies. These tips provide some insights on how firms can meet these challenges head-on and implement barriers and walls to meet client demands without slowing down workflows. ■

ABOUT THE AUTHOR

Ian Raine has more than 25 years of experience in the IT industry, building information governance and records management software products for the enterprise. He is currently Head of Product Management for the iManage Govern Division, responsible for iManage’s suite of information governance products for professional service firms.

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MICHELLE SILVERTHORN
*Diversity and Education Director
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on Professionalism*

“

These are all proven long-term solutions to diversity dilemmas. Diversity programs are the prologue; the rest of the book is up to you.”

Time to Rethink Your Diversity Program?

Has your legal organization put on a diversity program recently? What did you think about it?

At the Illinois Supreme Court Commission on Professionalism, we have reviewed thousands of courses offered for diversity and inclusion CLE credit over the years. In that time, we've learned some best practices for delivering quality diversity and inclusion CLE. It's an urgent need, one that's become even more pressing for Illinois lawyers due to recent changes to the Supreme Court rules.

On July 1, 2017, the amended Supreme Court Rule 794(d) went into effect. Illinois lawyers are now required to complete one hour of diversity and inclusion CLE and one hour of mental health and substance abuse CLE. The rule begins with attorneys, with the two-year reporting period ending June 30, 2019.

For diversity in particular, the amended rule recognizes that the current demographics of our profession and the changing demographics of the public we serve make our diversity education need even more urgent. The movements across the country, the debates happening in legislatures, the marches and strikes and protests and counter-protests, the recognition that formerly excluded minority groups need their voices to be heard, all make it clear that we are still having a long conversation on diversity. As does the response from many in the still-strong majority who feel their own voices and perspectives are being excluded from the conversation.

DIVERSITY PROGRAM BEST PRACTICES

Given all that context, how can you hold a successful diversity program that recognizes all of these factors? Here are some ideas that we at the Commission want to share.

Understand and set down your goals. This is a basic rule of any training. If you, as management, don't understand what you want from your diversity program, then your facilitator will be speaking to people who aren't primed to listen. Are you having a retention problem? A promotion problem? An inclusion problem? Have you spoken with your diverse attorneys and staff, and your non-diverse attorneys and staff, to learn what they're struggling with? Understand why you're bringing in a diversity trainer. Then have her teach with that understanding in mind.

One size diversity program does not fit all. Every organization is different, and in each of our different organizations, there are subgroups with very different diversity challenges. So instead of bringing in a diversity speaker to talk to your entire legal organization, think about how it might be a different conversation for your senior partners, your junior associates, your staff, your paralegals, your minority attorneys and so on. And think about the wide range of topics that can be covered in a diversity program — compensation, recruitment, succession planning — all of which are crucial to understanding perspectives and changing behavior.

Be realistic about what people want out of your diversity program. It'd be nice if everyone is attending out of a sincere desire to be more inclusive. But the reality is that lawyers are taking time where they could be billing clients to attend this program. Therefore, be explicit about why it benefits attendees to be at the diversity program. Have your diversity trainer make a business case. Talk about leading. Explain why a diverse team is a stronger team. Appeal to the sense of justice. Talk about competitive advantages. Explicitly answer their unasked question: "How will this benefit me?"

Emphasize problem-solving skills. Diversity programs, at the core, help people recognize that other people bring different perspectives and skill-sets to the table. But that's only the start. See, it's great to recognize that different people offer different perspectives. But at the end of the day, it's possible that the older male white partner may genuinely still disagree with the perspective that the younger female Hispanic associate brings to the table. And vice versa. So, if you leave it at, "Everyone has diverse perspectives. They should just talk to each other and figure it out," then you're not providing your lawyers with the skills to actually address those problems. Ensure your diversity program emphasizes listening skills, conflict resolution skills and problem-solving skills. It will help when conflict arises, which it inevitably will.

Diversity programs are not, have never been, and will never be enough. Diversity programs should be used to start a conversation that it's likely many of us are unwilling to start. As I've written previously, people find it difficult to talk about difference, particularly with race. So once that conversation starts, keep it going. Schedule a lunch to have participants discuss what they learned and how they've changed their behavior. They can even criticize the diversity program. Hold a book club. Host a team-building activity. The diversity program has readied people to talk and listen to each other so give them venues to do that.



At the same time, recognize that a diversity program is only the beginning. Other factors include changing recruiting practices, targeting professional development and offering formal mentoring programs. Other avenues to explore include bias-proof feedback and evaluations, diverse compensation committees, and diversity managers and task forces.

These are all proven long-term solutions to diversity dilemmas. Diversity programs are the prologue; the rest of the book is up to you. ■

ABOUT THE AUTHOR

Michelle Silverthorn is the Diversity and Education Director for the Illinois Supreme Court Commission on Professionalism. Through the Commission's online platform, 2Civility, Silverthorn works on blog posts, social networking sites, and online discussion groups focusing on legal education, diversity and young lawyers. She also works with law schools, law students and other legal groups, developing education courses and workshops.

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MORRIS TABUSH
Founder and President,
Tabush Group

How Law Firms Can Benefit from Cloud-Based Desktops

About 10 years ago, cloud computing was practically nonexistent. Today, there are many parts of your firm's IT that should be utilizing cloud.

“

That means lost or stolen equipment is no longer a security risk, nor is accidentally leaving behind files on a personal computer and breaching ethical guidelines.”

Services such as email, file sharing and software have become extremely popular in their cloud iterations. So, too, have hosted or cloud-based phone systems, which give firms all the features of a fancy and otherwise expensive phone system at a fraction of the cost, with added reliability and convenience of being in the cloud.

One of the latest things that law firms are moving to the cloud are their desktops. Yes, you're reading correctly — the desktop PC that has sat on (or under) desks for 20 years is now moving to the cloud in the form of Desktop-as-a-Service (DaaS). And when the desktops go to the cloud, so do the servers.

Similar to cloud phone systems, cloud desktops give firms many of the features of an expensive IT infrastructure at a fraction of the cost, with the convenience and reliability of being in the cloud. Just like with cloud-based phone systems, if a DaaS setup is done properly, to end users, it looks and feels just like traditional computers they're used to — but with many added benefits to the firm.

Before we get into the benefits, allow me to explain why DaaS has only recently become popular. The quality and experience of using any cloud-based system depends on the technology and infrastructure.

For example, we couldn't have cloud file sharing or hosted phones back in the T1 and DSL days, because these services require faster connections. Delivering an entire desktop via the cloud (or, for a provider, hundreds or thousands of desktops) not only requires a fast

connection, but also a very high-performing data center environment. This includes server processors that didn't exist five years ago, and solid state storage, which is basically a much larger version of the solid state drive (SSD) available for computers and laptops. Without these and other amazing advances in technology, cloud desktops would be sluggish and ineffective. But with them, they fly.

A BOUNTY OF BENEFITS

There are several specific benefits of DaaS for law firms. Firstly, performance will most certainly increase as your users will get brand-new "computers," living on lightning fast hardware in a purpose-built cloud data center. Crashed PCs, blue screens, hardware malfunctions, inclement weather, tricky VPNs — even equipment theft — will not affect your staff's ability to access their desktops and do their work. Your users can access their entire desktops — not simply certain applications or files in a different way than they normally work — from any screen (Windows, Mac, iPad, Android, etc.) anywhere, so they can get more done in less time.

Then, there are the security benefits. Firstly, most DaaS providers have multiple layers of fault tolerance and do extensive backups of their clients' data. That said, it's still up to you, the customer, to vet anyone you are considering. Secondly, when working on a cloud desktop, the connection is fully encrypted using bank-grade security, and the actual data such as files, databases and documents are never stored locally on your computer or other device. That means


lost or stolen equipment is no longer a security risk, nor is accidentally leaving behind files on a personal computer and breaching ethical guidelines.

Finally, when your desktops and servers live in the cloud, there are no longer the concerns of repairing or replacing problematic PCs and complicated VPNs. Additionally, there aren't backup and restores, server upgrades, and all the other headaches that go along with IT. The cloud provider manages, supports and protects everything, and your staff simply can log in from anywhere and do their work.

Never worrying about any of this means that you'll be able to focus on the more important parts of running a law firm, such as clients, matters, employees and — of course — the bottom line! ■

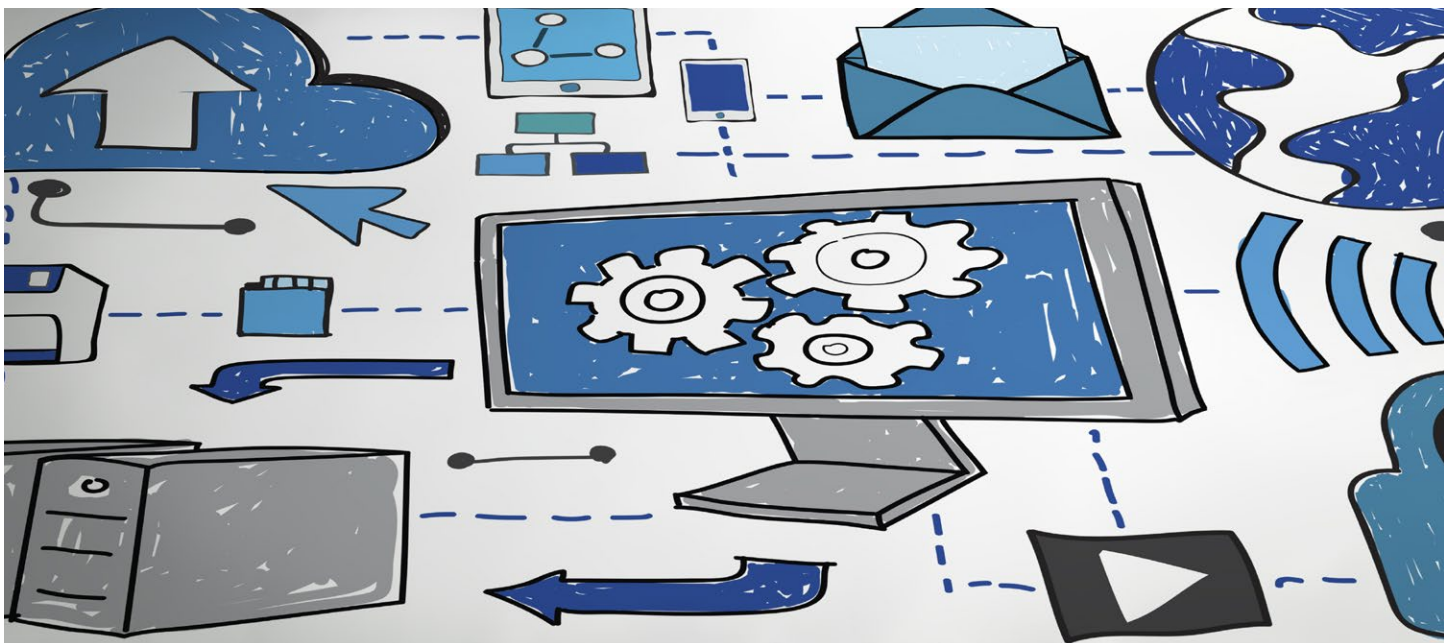
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Morris Tabush is the Founder and President of Tabush Group, a provider of managed IT, and the creator of Boxtop, a cloud desktop service for professional firms. Since 2001, his firm has helped hundreds of businesses solve IT challenges and focus on what matters.

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Facts and Stats

INDUSTRY INSIGHTS

The 2017 Aderant Business of Law and Legal Technology Survey suggests business of law professionals see improving operational efficiency as a driver of profit, and it presents a pivotal opportunity for a modern law firm to get ahead. They polled more than 100 respondents from U.S. law firms. Some key findings:

1. Top law firm challenges. Respondents indicated the top challenges facing law firms today are a) pricing pressure, b) improving operational efficiency, c) winning new business, d) growing more business from existing customers, and e) improving law firm agility and adaptability.

2. The billable hour reigns; firms don't see broad AFA demand.

The median number of law firm client accounts structured under alternative fees arrangements (AFAs) — those invoiced by a model other than the billable hour — is 14 percent.

3. Law firm billing benchmarks and challenges. More than half cite the sprawl of complex and lengthy outside counsel guidelines and the proliferation of e-billing technology as the most difficult aspects of law firm billing.

4. Collaboration inside law firms is changing for some firms. The market dynamics that are changing the legal industry are not just external. Nearly half (47 percent) of respondents said who they collaborate with, inside the firm, is different from five years ago.

5. Top legal tech tools. The top technology tools that deliver the most benefit for law firms include a) document management, b) financial applications and ERP, c) business intelligence, d) matter pricing and planning, and e) case management.

To read the full report, click the link in the web version of this article.






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QUICK TAKES

- 25 percent***
The proportion of senior roles held by women.
- 34 percent**
The percentage of businesses with no women in senior leadership.

For tips on how to improve diversity and inclusion at your firm, check out this month's Innovations column, "Prime Your Workplace for Diversity and Inclusion."

*Source: www.grantthornton.global/en/insights/articles/women-in-business-2017

PUBLIC NOT FULLY AWARE OF CYBER RISKS

The recent HBO hacking is just another high-profile case in a series of reminders about how at risk company's confidential information may be. In fact, a recent poll from the Pew Research Center underscores just how important education in this area is for employees. The results reveal just how little most know about the complex world of cybersecurity.

The following are the percentage of users who answered "not sure" to questions about cybersecurity:

- **20: Public Wi-Fi (even if password protected) is not always safe for sensitive activities.**
- **43: Email is not encrypted by default.**
- **54: https:// in a URL means the information entered into the site is encrypted.**
- **73: A botnet is a networked set of computers used for criminal purposes.**

For more on cybersecurity and law firms, be sure to check out the October issue of *Legal Management*.

To read the full report, click the link in the web version of this article.



A large stack of papers, folders, and envelopes, some held together by black binder clips, sits on a desk. The papers are of various colors, including white, green, yellow, and pink. The background is slightly blurred, showing a person's head and shoulders in a light blue shirt.

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Staying the Course

Conducting stay interviews can help you better understand and retain your best talent.



CAROL E. CRAWFORD,
SPHR, SHRM-SCP
Managing Director, Calibrate Legal

Exit interviews have long been used to determine why employees leave organizations. That feedback can be valuable, but the window to prevent losing that person has already closed. Now, a developing practice aims to discover what factors contribute to a talented employee's satisfaction level and that person's decision to stay with the organization.

Considering the potential return on investment and the competitive advantage of retaining the most talented professionals, it's important for law firm leaders to understand how and why stay interviews should be included in a law firm's suite of operational tools. Human resources plays a significant role in adopting this strategy — although managers ultimately hold the key to impact talent retention within their firms.

Many HR and engagement experts believe stay interviews, when done effectively, can make a significant impact on employee engagement and retention. In an interview with *HR Executive* magazine, renowned author and speaker Beverly Kaye stated that stay interviews can provide valuable information that can significantly lessen the likelihood an exit interview will occur.

"I have thought about the concept of stay interviews and how they could be an integral part of an engagement and retention strategy. What I really focused on is the role it could play

When you boil the process down to its simplest form, it's about talking to your people and, more importantly, *listening* to what they say.

in the primary challenge, which is engagement," says Patti Lane, CLM, Chief Human Resources Officer at Hooper, Lundy & Bookman, P.C. in Los Angeles.

Research backs this up. In fact, a 2015 Gallup poll revealed that 50.8 percent of all employees are disengaged, with an additional 17.2 percent actively disengaged. Disengaged employees are operating at less than their full capacity and those actively disengaged are currently looking for another job.

"To me, worse than losing top talent when they are truly at the top, is having people who once were top performers, but for a number of reasons, become disengaged — and stay," says Lane.

HOW HR CAN HELP

Developing an effective, integrated engagement strategy requires leadership, skillful collaboration, influence and thoughtful input from stakeholders across the firm. To be effective, this engagement strategy needs top-down support and buy-in across the organization. But in today's employment climate, where firms compete for talented people to propel their businesses forward, it is more important than ever to be intentional in your engagement strategy.

Most law firms have a plethora of benefits, perks and policies developed over time to attract and retain talent. Yet, as technology, personal priorities and professional roles have evolved, have those benefits evolved along with them? Now is a great time to identify the menu of "extras" that make your culture unique, and ask yourself the following:

- Are they still serving the purpose for which they were intended?
- Are you packaging them together into an employer brand that resonates with your people and differentiates you in the marketplace?
- Have there been adjustments to meet changing times and priorities within today's society?

When you boil the process down to its simplest form, it's about talking to your people and, more importantly, *listening* to what they say. For HR, conducting focus groups or structured stay interviews with key associates or staff members can be an effective way of collecting data to

support what is and is not working within your current engagement strategy. As ambassadors of this feedback, HR can and should participate either directly or indirectly in those conversations.

It's also part of HR's responsibility to ensure the effectiveness of hiring and retention practices across the organization. Tracking the true cost of turnover, and using this data to educate leaders on the financial ramifications of attrition is critical for HR to obtain the support they need to truly lead this effort. If HR recognizes stay interviews as an engagement best practice, models them within their own department, and encourages other leaders to embrace them, then stay interviews can become an established and ongoing component of the firm's culture.

Most law firms have a plethora of benefits, perks and policies developed over time to attract and retain talent. Yet, as technology, personal priorities and professional roles have evolved, have those benefits evolved along with them?

"Excellent lawyers and highly competent staff choose to come here because we invest upfront in the hiring process to ensure we are hiring for capabilities and for culture fit," says HR Director Marianne Monagle of Goulston & Storrs P.C. in Boston. "We have to deliver on our promise that the culture and experience they get from practicing and working here is different." To that end, Monagle says they invest in people for the long-term, so having those conversations on a regular basis is important — especially with high performers and high potentials.

MANAGERS: TAKE NOTE

For stay interviews to be effective, the buy-in must reach beyond HR to the managers who are leading these discussions. Without an understanding of the value — and a willingness to truly hear their employees' feedback — interviews can easily become another "required HR process" lacking the necessary traction to take hold.

In his 2010 book, *Rethinking Retention in Good Times and Bad*, author Richard Finnegan cites a report released by Yahoo HotJobs! where more than half of all respondents agreed with the following statement: “People don’t leave companies, they leave managers.” Finnegan further clarifies this key retention concept, suggesting the following: “Employees join for things but stay or leave for people.”

Stay interviews provide an ideal environment in which to develop these connections. What you learn from these conversations is essential to cultivating a deeper, meaningful and lasting relationship with your employees.

“As managers, it is our most important responsibility to engage and develop our staff,” says Lori Kennedy, PHR, SHRM-CP, Manager, Talent Acquisition at Venable LLP in Baltimore. “In today’s candidate market, if we do not provide this type of environment, our top talent will seek opportunities with firms and companies that will.”

As managers and leaders of people, the greatest gift you can give your firm and most significant contribution you can make to retain top talent, is to develop a relationship with the people who report to you. No other work relationship holds more importance, impact or influence with an employee.

For example, an employee shares with you that she really enjoyed a recent project and would like more opportunities for that kind of work. As the manager, you can coach her on ways to earn similar projects and involve her in future opportunities that she may find interesting. When you follow through, you send a message that you listened and care.

Alternatively, if your employee decides to leave to work for a competitor where she can do more of that specific work she told you she really enjoyed but doesn’t have access to in her current position, then the manager has some responsibility in that employee’s decision to leave.

Of course, you will not always be in a position to say “yes.” However, this type of ongoing feedback loop provides an environment where you can explain why not, or why not now. “Oftentimes, staff will come to me with suggestions and ideas that they have carefully considered to solve a problem, create a better process or merely be more effective. I’m looking forward to making this concept part of my strategy and tap into their insight and, in the process, keep them engaged,” says Lane.

There are numerous digital resources that outline the top questions managers should ask in a stay interview. A Google search of “stay interview questions” turns up dozens of viable results. These resources may help you personalize and develop questions to ask your direct reports and to gain a better understanding of the differing views on the topic. Managers can adapt these questions to their own style and customize their application to appropriately reflect the individual relationship with each direct report.

Without an understanding of the value — and a willingness to truly hear their employees’ feedback — interviews can easily become another “required HR process” lacking the necessary traction to take hold.

ENGAGING EMPLOYEES

On their own, formal stay interviews can only accomplish so much to drive retention. However, integrating this practice into ongoing career conversations with your employees where you seek to understand their needs, motivations and career objectives can define your culture and significantly impact employee satisfaction — and, ultimately, retention.

“In the absence of a formal stay interview program, which may not align with every firm’s culture, I believe it is important that human resources professionals coach managers to regularly engage their employees regarding performance and development,” says Kennedy. This process not only benefits the direct report, but managers who cultivate relationships with their direct reports and utilize these concepts will achieve an added reward — their own elevated engagement and sense of purpose. ■

ABOUT THE AUTHOR

Carol Crawford was a member of ALA for 20-plus years during the time she led the HR function within law firms. As a Managing Director at Calibrate Legal, she advises law firms on talent engagement and leadership development strategies as well as places top talent in law firm leadership roles.

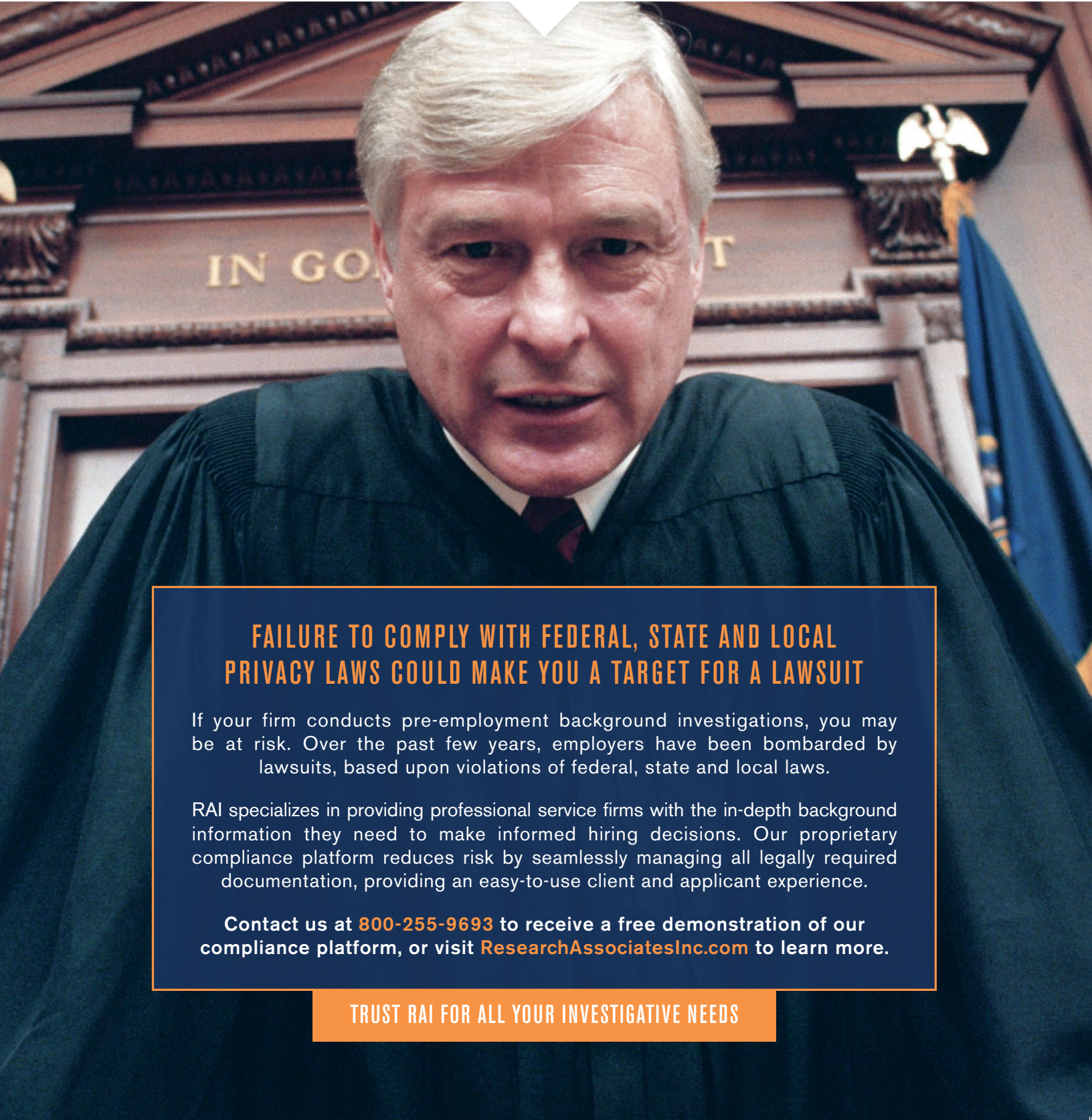


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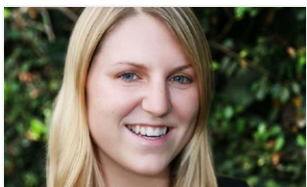
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Marijuana Makes an Impact on Legal

Laws are rapidly changing, presenting challenges — and great opportunities — for law firms.



KYLIE ORA LOBELL
Freelance Writer

Over the past few years, Americans have been voting in support of the legalization of medical and recreational marijuana. As of this writing, 29 states and the District of Columbia have legalized medical marijuana, and seven states, as well as D.C., have legalized the drug for recreational use.

Still, marijuana is illegal on a federal level, and patients, employers, employees and dispensaries have their own share of legal issues. Attorneys have stepped up to help solve these unique problems and guide their clients on how to function within the confines of the law.

As medical and recreational marijuana increasingly become legal in different parts of the country, the legal industry is seeing a change in their client base and objectives. The following examples are the ways in which the legal industry has been impacted by the medical and recreational marijuana laws.

MORE ACCEPTING LAWYERS

Before states were voting to legalize medical and adult recreational marijuana use, attorneys were hesitant to represent clients in the industry. Now, that has changed.

Attorney Shanel Lindsay is Founder and President of Ardent and creator of the NOVA Decarb, a tool that allows cannabis patients to transform the plant into a medicine for topical, oral

“As cannabis is becoming legal around the country there is a rush to gain expertise in the industry. You see a shift and incredible interest in this new and very legally intense and nuanced environment.”

and sublingual use. She says that two or three years ago, lawyers wouldn’t dare take on these clients. “[But] as cannabis is becoming legal around the country there is a rush to gain expertise in the industry,” Lindsay says. “You see a shift and incredible interest in this new and very legally intense and nuanced environment.”

Mitchell Kulick, Partner at Feuerstein Kulick LLP, provides legal services for marijuana-related businesses, investors, funds and lenders. “As more professionals enter the space and more states implement highly regulated medical marijuana programs, the demand for quality legal representation will only grow (pun intended),” he says. “Given the expansion of medical marijuana programs throughout the nation (and world) and the increasing public and congressional support for medical marijuana, we have seen more lawyers try to enter, or at least learn about, the space.”

SPECIALTY PRACTICES

Lawyers are not only representing marijuana clients at their firms. They are also creating entire businesses out of it.

Vicente Sederberg, which has offices in California, Colorado, Massachusetts and Nevada, dubbed itself “The Marijuana Law Firm.” The attorneys there crafted Amendment 64, which founded the legal marijuana industry in Colorado, and sat on the governor’s task force to ensure the law was implemented. “I’ve been doing marijuana law full time since 2004 when I graduated from law school. I decided to [establish my firm] to advocate for patients who are underrepresented,” says Brian Vicente, who co-founded the firm.

William S. Kroger, Founder of Kroger Law Group in Los Angeles, has been working with the medical marijuana industry for nearly 20 years, and focuses on many areas of marijuana law at his firm. He says he’s passionate about his work because of his personal viewpoints toward it.

“I believe that medical marijuana has many benefits that pharmaceutical drugs have but without the side effects and high costs. I have seen it help hundreds of people and sometimes cure their medical conditions,” says Kroger.

MORE THAN CRIMINAL MARIJUANA CASES

Just recently, if attorneys were representing marijuana clients, they may have only been concentrating on criminal charges and laws. Now, all that has changed. “What’s been interesting is it reaches into a lot of different areas of law,” says Vicente. “Anything to do with marijuana 15 years ago was criminal. Now my firm does corporate law, [represents] marijuana businesses, writes policy, and [takes on] real estate law, compliance, housing issues and civil rights. That’s what has been most remarkable — marijuana laws branched out into traditional types of law.”

Kulik says that these days, the clients he represents in the marijuana sector have similar difficulties to his other clients. “People and companies operating in the legal medical marijuana space face many of the same issues as other companies, including complying with applicable laws and regulations, adhering to securities laws, licensing intellectual property, entering into strategic relationships, and resolving disputes.”

ATTORNEYS ARE GRAPPLING WITH STATE VS. FEDERAL LAWS

When it comes to the marijuana industry, the laws are not well defined because they differ from state to state and on a state and federal level. As Kroger has seen in California, the laws are still not clear.

“As more professionals enter the space and more states implement highly regulated medical marijuana programs, the demand for quality legal representation will only grow (pun intended).”

“Medical marijuana and the legal industry in Los Angeles has [been] and continues to be such a gray area, and the way the new laws are written, will be for some time to come,” says Kroger. “The laws that they are trying to enact are like trying to build an airplane while it is flying. They are so behind in time as to compared to what is going on.”

However, Kroger says he does not have to worry about federal laws as much where he is. “In Los Angeles, the feds

“Anything to do with marijuana 15 years ago was criminal. Now my firm does corporate law, [represents] marijuana businesses, writes policy, and [takes on] real estate law, compliance, housing issues and civil rights. That’s what has been most remarkable — marijuana laws branched out into traditional types of law.”

do not really take part in the marijuana industry. They do not have the money and resources. Although it is totally illegal under the federal law, they don’t bother with it much here.”

Michael Clarkson, an Attorney at Ogletree Deakins who is the Chair of his firm’s Drug Testing Practice Group, represents employers who have dealt with medical marijuana issues. He says national employers have trouble determining how to take action in some cases. “It’s a state by state question. Multistate employers are grappling for some kind of clear answers. I spend a lot of time counseling multistate employers on what to do,” he says.



In one case, an employee from Minnesota was using medical marijuana for his glaucoma. Though the drug is legal for medical purposes in the state, his employers were concerned about how it would affect his job working in sterility control. “They flipped out,” says Clarkson. “They were asking for advice. We worked through it in many steps.”

Eventually, the patient decided to switch from medical marijuana to a more traditional drug. “[But this case] could

have been harder,” says Clarkson. “As an employer, you have to ask if you want a one-size-fits-all policy across the country. It better be broad enough to accommodate people’s rights and not cause them to lose their jobs.”

When representing dispensaries, Vicente says that compliance could be tricky because there is a prohibition on interstate travel of the product. “[They ask] ‘How can I establish my brand across multiple states?’ We structure those legal arrangements.”

A dispensary in Colorado can cultivate its branding by producing a vape pen with its name on it. However, if the pen is sold in Colorado, it needs to contain Colorado marijuana. If it is shipped to California, it needs to have California marijuana inside of it, says Vicente.

According to Kulik, any lawyer who is advising industry participants should ensure that their clients know the state and federal laws.

“While marijuana, including medical marijuana, is considered a Schedule I controlled substance, the Department of Justice has released a guidance to prosecutors known as the Cole Memo that sets forth the government’s priorities in prosecuting matters relating to marijuana,” Kulik says. “While there is no guarantee how the federal government will act, operators in the space should make sure that they meticulously follow applicable state laws/regulations as well as the Cole Memo.”

Also, Kulik points out the other problems this industry faces when dealing with federal laws — taxes. “[Many medical marijuana businesses] that comply with applicable state laws and regulations are still unable to open bank accounts, which has created a problematic cash industry. In addition, under a provision in the tax code known as 280e, legal businesses operating in the space cannot make normal business deductions,” says Kulik.

Thankfully for attorneys and those in the marijuana industry, there may be some clarification coming. “While there’s no immediate sign that marijuana will be removed as a controlled

“It’s really interesting to see how quickly the industry is starting to require legal assistance and not just fighting to make it legal. There are so many facets of this industry that need legal help.”

substance, there have been bipartisan bills introduced in Congress that are intended to resolve those and other issues facing the industry,” says Kulik.

According to Lindsay, federal and state laws must coincide soon. “There has to be resolution at some point,” she says. “We will not see the states roll back. The trajectory is very clear. We are at critical mass when it comes to medical marijuana.”

THE FUTURE OF MARIJUANA REGULATION

While the laws don’t move quickly, the law firms are in their response to this flowering industry. And it won’t slow down anytime soon. “This is an area that’s really growing,” says Lindsay. “It’s really interesting to see how quickly the industry is starting to require legal assistance and not just fighting to make it legal. There are so many facets of this

industry that need legal help. That’s exciting to me and I’m hoping attorneys realize there is a future in this.” ■

ABOUT THE AUTHOR

Kylie Ora Lobell is a freelance writer living in Los Angeles. She covers legal issues, blogs about content marketing, and reports on Jewish topics. She’s been published in *Tablet Magazine*, *NewsCred*, *The Jewish Journal of Los Angeles* and *CMO.com*.



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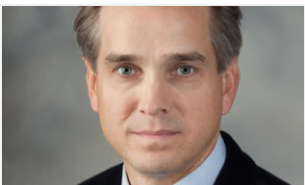
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Outsourcing to Enhance Your Firm's Resources and Client Value

As legal markets continue to shift, outsourcing can provide some stability.



STEPHEN COLE
Director of Client
Technology and Strategy,
Mattern & Associates

We've all felt the changes within the market for legal services. Staffing models are substantially different from a decade ago, and mergers and acquisitions continue to disrupt operations. Still, what is most common across all firm sizes and geographies is the need to deliver more client value with fewer resources.

According to the 2016 Mattern & Associates Cost Recovery and Middle Office Survey, 70 percent of law firms outsource a portion of their back office; 45 percent consider outsourcing more middle office functions. It's clear that outsourcing is one of the tools firms are leveraging to succeed in the new legal market. When executed correctly, it can be an excellent management tool to increase service levels, broaden talent and manage costs.

In fact, these were some of the persuasive reasons behind Am Law 100 firm Fox Rothschild's decision to outsource. "The value of outsourcing then and now is the flexibility and continuous level of service and expertise it provides our firm," says Suzanne Homel, Senior Director of Administrative Services for Fox Rothschild, LLP. "Law firms have very specific back-of-the-house needs, and in the absence of cross-training investments, if one or two in-house staff were to call out sick, this could put our attorneys in a bind. The decision to outsource was to enable

The most important part of dealing with an outsourced operation is the people. This includes how to best transition in-house staff, culturally assimilate outsourced staff, and how to get the most out of your on-site manager relationship.

continuous, skilled and flexible service to our attorneys and, therefore, our clients.”

When Sandberg Phoenix was looking to outsource, it also came back to the clients. “I look at the firm’s operations as having two clients — internal and external,” says Jeffrey Feltz, Director of Finance and Facilities. “The goal is always to provide better service to clients; however, often the way to achieve that is through providing important efficiencies to the internal clients, i.e. the firm’s attorneys. With outsourcing, we were looking to gain efficiencies for the firm that could help drive more value into certain key support roles. For instance, by removing copier tasks from our legal secretaries, they could provide more valuable support to the firm’s attorneys.”

Would these firms do it again? The answer is yes — each firm has recently gone to market to investigate and deploy outsourcing services at their firms. This article will examine how outsourcing can enhance the stability and culture of your firm and provide better client service in the new market for legal services.

THE PEOPLE PART OF THE EQUATION

The most important part of dealing with an outsourced operation is the people. This includes how to best transition in-house staff, culturally assimilate outsourced staff, and how to get the most out of your on-site manager relationship.

Firms need to be staffed with resources knowledgeable in their specific job function, the nuances of a law firm (structure, deadlines, etc.), and the ability to adapt to firm culture. For most outsourced operations, this will lead to a mix of absorbed firm employees, current service provider employees from other locations, and new hires. This mix will ensure the proper blend of legacy firm operational intel as well as the best practices and process improvements of the service provider.

Following a successful implementation, the only way to gauge ongoing performance is to measure key metrics, and audit compliance back to contractual obligations.

“One of the most important things for Fox Rothschild was to retain a sense of family. This means, when transitioning our in-house staff, we made sure to keep our in-house folks with us and keep them whole, says Homel. “That was important to us. Now, as part of the outsourced team, we have put a career path with enhanced training and mobility in front of them while always including them in all Fox Rothschild social activities to keep that family appeal.”

Feltz adds that at Sandberg Phoenix, their outsourced staff often goes that extra mile. The firm’s copy center operates

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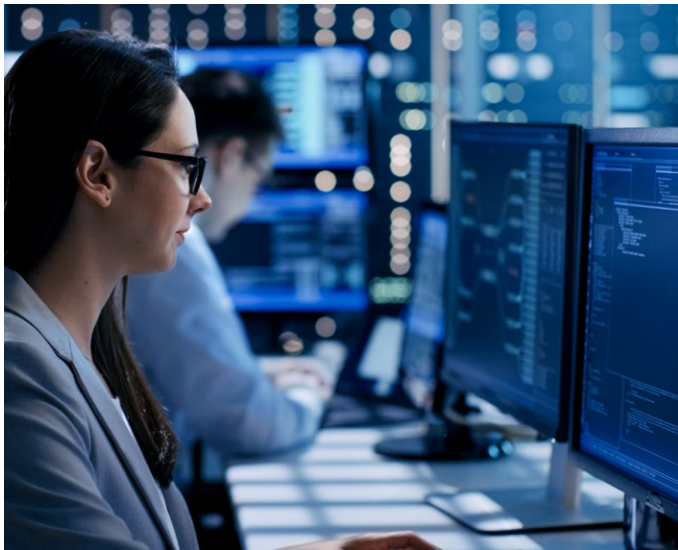
officially until 6:30 p.m.; however, one of the firm's attorneys had an emergency copy job after 6:30 on a Friday evening that required delivery the next morning to the plaintiff's attorneys. "We have an emergency service number to call in these situations, and one of the persons in the work center went the extra mile and hand-delivered the required documents," Feltz says.

Additionally, the service providers' on-site manager will be an important piece of a successful operation. The first-level of off-site management ensures that the on-site staff has the resources to fulfill all contractual obligations. An open dialogue between the site manager, the regional operations manager, and the client will determine whether the operational foundation is built for success. The service provider needs to engage and motivate the staff.

If your current or potential service provider has not adopted automation — or is not proactively bringing innovation to the firm — then the firm is not getting the true value of an outsourcing engagement.

IMPLEMENTATION AND REPORTING

To ensure implementation success for the firm, ask your potential provider about taking a "swarm" approach to overstaffing the operation during the implementation period. Also, shadowing and documenting of procedures during the



run-up to transition is critical as unforeseen circumstances occur during the first week of any new operation. It will provide your firm peace of mind to know your provider is prepared to overcome any hurdles that may arise.

Following a successful implementation, the only way to gauge ongoing performance is to measure key metrics, and audit compliance back to contractual obligations. The contract needs to be well-structured with defined service levels, regular reporting on those service levels, and penalties for missed compliance. Additionally, the contract should identify head-count, requirements for staff placed on-site (training, legal background, etc.) and any credits due to the firm for underage staff.

ACCESS TO TECHNOLOGY/INNOVATION

If your current or potential service provider has not adopted automation — or is not proactively bringing innovation to the firm — then the firm is not getting the true value of an outsourcing engagement.

"We meet monthly with our service provider as schedules permit; during these meetings, our outsourcing partner not only provides utilization statistics to me, but also are able to keep me informed regarding new print services and technology ranging over 150 pieces of equipment," says Homel. "This is a tremendous added-value, both in terms of our knowledge-base, time-efficiency and assisting my managerial role with data."

MOVING AHEAD

Ultimately, these insights illustrate how outsourcing can enhance the stability and culture of your firm and provide better client service in the new market for legal services. When done properly, the engagement will bring a high level of service with engaged, motivated and trained employees, while freeing the firm to concentrate on its core competency of providing first-class legal service to its clients. ■

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SHANI MAGOSKY
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Lack of sufficient diversity is merely one symptom of broader workplace dysfunction, and one-off trainings are simply Band-Aids if we aren't addressing the underlying diseases, which are disconnected relationships and nontransparent communication.”

Prime Your Workplace for Diversity and Inclusion

We've all heard the lopsided statistics from Grant Thornton's annual "Women in Business" study, now in its 13th year. As revealed in their 2017 report, only 25 percent of senior management roles globally are held by women, up a scant 1 percent from 2016. And the percentage of businesses with literally no women in senior leadership rose 1 percent to 34 percent.

This picture is even more bleak in law firms. Yet, antithetically, there is voluminous research proving that companies outperform when they have a greater proportion of females in leadership and on the board of directors.

However, when you dig deeper into the Grant Thornton report by region, interesting disparities arise. Emerging and developing countries blow developed nations out of the water in most cases. Eastern Europe features the most balanced leadership, with women in Russia occupying 47 percent of top positions, and Poland and Estonia both at 40 percent. Elsewhere, China shows up at 31 percent and the average in Africa is 29 percent.

In contrast, the United States and Canada weigh in at 23 percent. Three other G7 countries score among the lowest, with Japan, Germany and the United Kingdom at 7 percent, 18 percent and 19 percent, respectively. The average in traditionally patriarchal Latin America is 18 percent, with India — where hierarchical family-owned businesses historically pervaded — close behind at 17 percent.

What this data says to me is that that greater gender equality in leadership is possible, but we all have more learning to do. This makes sense: after all, "co-ed" is an abbreviation of the original phrase "co-educational." To wit, learning and development staff everywhere are busily implementing trainings to improve recruiting, hiring practices, talent management, performance processes, retention and engagement, to name a few. All too often, the noble intentions behind



those initiatives are soon lost when people reflexively return to the habits and beliefs they've held for years.

So how do we make great programs stick to improve the odds of finally shifting gender imbalance in developed countries' business leadership?

PRIMING OURSELVES FOR SUCCESS

The analogy I like to use is paint and primer. A quick Wikipedia search tell us primer is "a preparatory coating put on materials before painting. Priming ensures better adhesion of paint to the surface, increases paint durability, and provides additional protection for the material being painted."

The primer for improving gender and other categories of diversity (or any crucial culture change initiative for that matter) we must work first on is ourselves!

Just like any workplace culture initiative, support and passion must flow from the top for any of the policies and practices to be successful. Lack of sufficient diversity is merely one symptom of broader workplace dysfunction, and one-off trainings are simply Band-Aids if we aren't addressing the underlying diseases, which are **disconnected relationships and nontransparent communication**. We exacerbate these chronic "illnesses" with the judgments and assumptions we make in response to personal triggers, group dynamics and organizational politics.

Our values, beliefs and unique experiences in life combine to form our personalized filters. I like to describe these filters as our own unique prescription in the pair of glasses through which we will look at the world. Of course, filters generate both conscious and unconscious biases, just as looking through sunglasses or ski goggles tinted in brown, rose or yellow will generate slightly different images of what's in front of us. These aren't necessarily good or bad, but they certainly affect our perspectives. Acknowledging that we have such biases is the

first step to overcoming them; then we need to self-manage to build replacement beliefs and behaviors that better serve ourselves and the greater good of our teams and organizations.

4 AGREEMENTS FOR SELF-MANAGEMENT

To get started, many of my executive coaching clients have benefited from my recommendation to familiarize themselves with "The Four Agreements." These agreements come from the book by the same name, written by Don Miguel Ruiz, and specifically comprise the following:

1. **Be impeccable with your word.** (My note: This one has multiple facets, which include acting with integrity, avoiding gossip and telling the truth even when it's hard.)
2. **Don't take things personally.**
3. **Don't make assumptions.**
4. **Always do your best.**



Experiment with living by these easy-to-remember truisms for self-management. Adopting the four simple covenants as a team or entire organization is also a great antidote to the disconnected relationships and nontransparent communication diseases plaguing law firms and other workplaces.

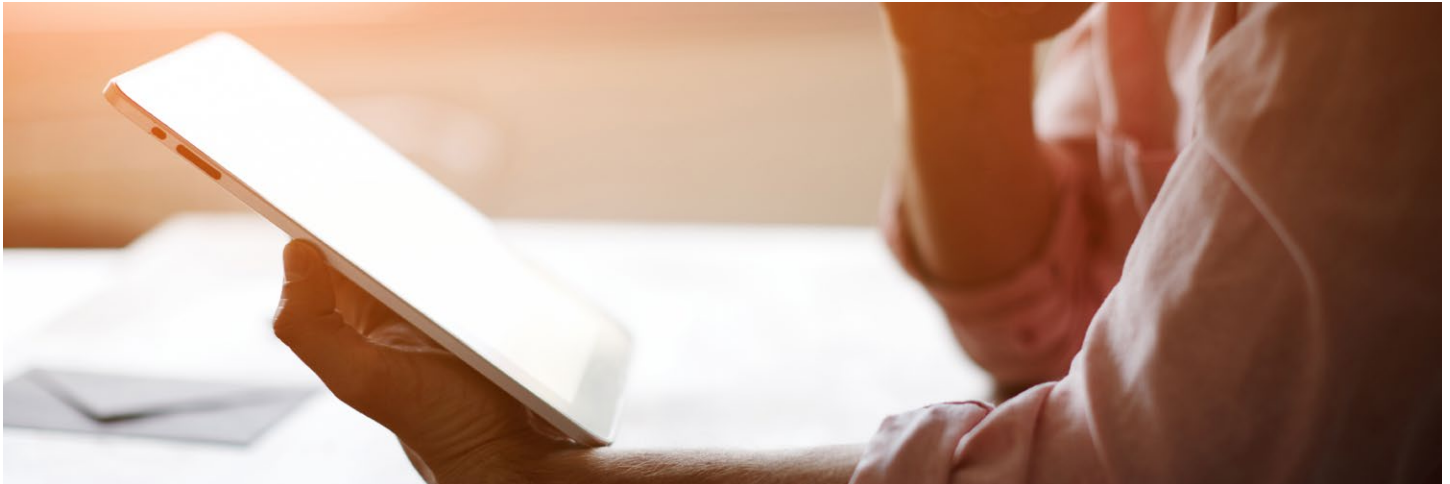
Only after the increased self-awareness and seeds of attitude and behavior change are planted and blooming can the above organizational development mechanisms resonate and inspire action instead of being a robotic checklist of yet more policies and procedures.

Diversity is not merely an awareness; it's a process. And it starts with you and me. ■

ABOUT THE AUTHOR

Shani Magosky is an Executive Consultant and Founder of The Better Boss Project®, which she developed from years of experience working with bosses at all levels and a desire to put a special focus on changing companies by helping people become better leaders — of others and themselves. She's also the author of *The Better Boss Blueprint*. Previously, she worked in three divisions of Goldman Sachs, managed a TV station, and was Chief Operating Officer of an all-virtual international marketing company.

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There are many more neat, new features in iOS 11 when combined with the iPad Pro. We really like them a lot, but we still cling to our laptops.”

iOS 11 and iPad Pro — Laptop Replacement at Last?

Ever since Steve Jobs released the first iPad in April 2010, Apple has claimed that the iPad will ultimately replace the laptop computer for both business and personal use. That prediction has yet to come to pass, and, in fact, iPad sales have been decreasing since its sales apex in 2013.

Apple has now released two new iPad Pro models, and it released a beta (trial) version of iOS 11. Apple claims that when iOS 11 is combined with the iPad Pro models, it truly becomes a “laptop killer.”

We have two observations about these developments. First, we are still not convinced that an iPad can be a complete laptop replacement. Second, since we are the suspicious type, we believe Apple has created the new iPad Pro models and iOS 11 in an effort to convince buyers to ditch their old iPads, and buy a new iPad Pro — the compelling features of the new iOS 11 certainly work best with an iPad Pro.

IMPRESSIVE — BUT SPENDY

First, let’s talk about the iPad Pro models. After seven years, Apple has taken a giant step forward in its attempt to make the iPad a laptop killer. The 12.9-inch iPad Pro is not significantly different from previous 12.9-inch versions, but it does have a faster processor and some other bells and whistles. The big change is in the smaller iPad Pro. The smaller iPad Pro is now a 10.5-inch model rather than 9.7 inches. The 10.5-inch is exactly the same overall size as the 9.7-inch; however, it now has a thinner bezel. Both models have a long battery life, significantly longer than most laptop computers.

Apple’s new A10X processor is extremely powerful and fast, and it is very stable when combined with iOS 11. However, both models are expensive. The 10.5-inch model sells for \$649 for a 64 GB model; the 12.9-inch model costs \$150 more.

In order to take full advantage of the capabilities of the Pro models and move it closer to a laptop replacement, you will need to buy a keyboard (cost approximately \$159) and the Apple Pencil (\$99). It won't be long until you have \$1,000 in your potential laptop killer. We believe you can buy a very, very good laptop computer for \$1,000.

Now, onto iOS 11. It's still in its beta version, but anyone can download the beta version and give it a try.

There are numerous great features of iOS 11, and it is a substantial improvement over previous iPad operating systems. We experienced a slight learning curve when we tried it out, but the curve was not so steep that it prevented us from taking advantage of these new features.

The biggest change in the operating system is probably in the control center. The look is completely different when you swipe the screen to the right. You get an almost unlimited number of "toggles" you can add to the control center screen for easy access. But don't get carried away — if you add too many it will be hard to find the ones you use most often.

APPS WORTH NOTING

Bill's favorite new feature is the Notes app. He uses it a lot in his day-to-day personal and work life. Notes now supports drag and drop. Plus, it has a built-in scanner, handwriting markup tools and handwriting recognition. You can also tap on the home screen with your iPad pencil, and it automatically opens Notes. You can then jot down notes, and they are converted into text — as long as your handwriting is not too terrible.

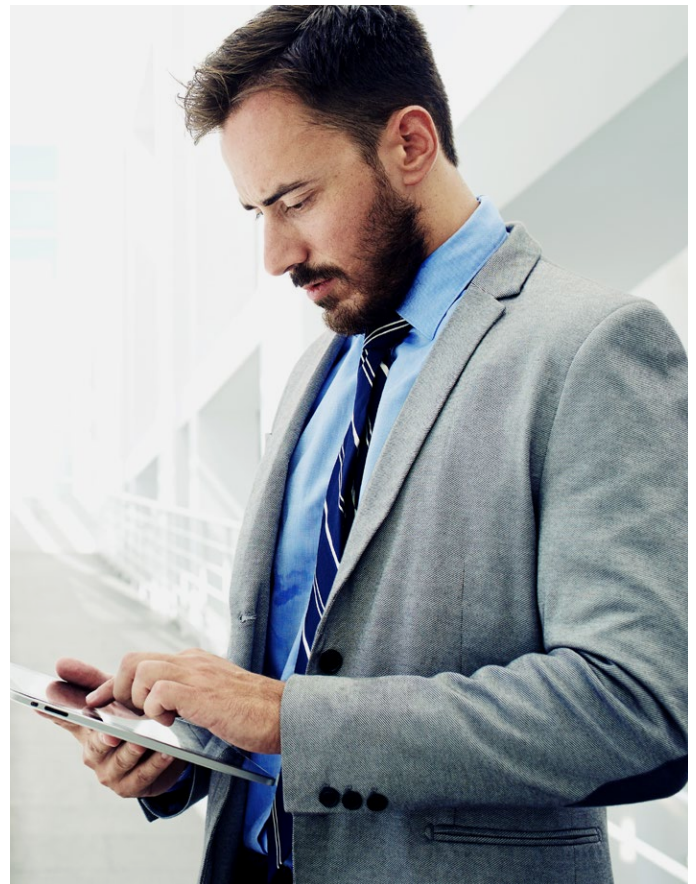
Another great new feature is the Files app. On older iPad and iOS versions, you could not easily manage files stored on the iPad or on cloud services. Now there is a dedicated app that allows you to manage your file storage and easily find the files you need, when you need them.

Then there is the dock. This sits at the bottom of the screen ready to pop back up when you need it. You can use it to drag one app over another, for example. The "floating" app will be in a separate window, or you can snap it to the side. You can also drag and drop content between apps, which can be very handy, and is laptop-like.

There are many more neat, new features in iOS 11 when combined with the iPad Pro. We really like them a lot, but we still cling to our laptops. There are many iPad apps that do everything we need to do for work, but we do not feel we

can meaningfully work without a mouse and menus. iPads will not allow the use of a mouse.

We think "mouselessness" is a real draw back. We just cannot get used to all the pinching, holding, swiping and dragging. Maybe this is just an indication that we are old fossils and can't get used to the new interface metaphors, and the new ways iOS 11 and the iPad Pro do things. We understand the power, and the ability is there. We just don't think it works as well as the traditional menu-driven, mouse-centered interface. But, the new iPad system is getting there. If you can afford it, give it a try. ■



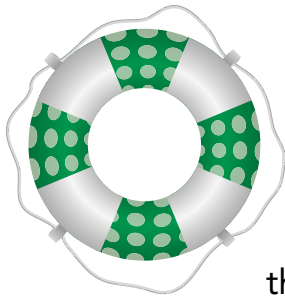
ABOUT THE AUTHOR

William Ramsey, Partner at Neal & Harwell, and LogicForce Consulting President **Phil Hampton** are best known for *The Bill and Phil Show*. The duo tours often and provides technology news and reviews on their website, www.thebillandphilshow.com.

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Simple Ways Your Firm Can Get the Most Out of Disability Benefits

By Jim Wrage



The benefits your firm offers are integral to the satisfaction of your attorneys and staff. They play a significant role in recruiting the best of the best and keeping them on your team now and in the future. Disability benefits are a vital part of the benefit mix.

When it comes to income, many attorneys have a lot to protect, not to mention the potential of future earnings. That's what disability insurance is all about — providing income protection for those times when someone is unable to work due to injury or illness.

EARNING INCOME WHEN YOU'RE NOT EARNING FEES

Private practice attorneys work as service professionals, with clients and fees. So when an attorney is unable to work because of an illness or injury, it's hard to continue to generate income. That's why it's important to offer disability insurance — which acknowledges the inability to earn an income — as opposed to waiting for income from services that were provided prior to the disability to eventually drop off over time. Many long-term disability policies include what's often referred

to as extended earnings protection, which can supplement an attorney's income when they're back to work. In addition to covering time not at work, this feature usually continues to pay a benefit for several months if the returning employee's income is below certain predisability levels. Check your disability policy to make sure it includes this coverage, which is especially valuable for attorneys.

PROTECTION FOR DIFFERENT AREAS OF PRACTICE

Attorneys' duties differ by area of expertise. For example, a patent attorney doesn't perform the same duties as a trial attorney. A family attorney's day-to-day tasks differ from a corporate attorney's.

If an attorney is highly specialized or practices in a niche market, consider upgrading the disability contract's definition of own occupation to own occupation for attorneys, commonly referred to as own specialty. A specialty own occupation definition of disability protects attorneys by evaluating them based on their ability or inability to perform in the specialty area of law they're working in when the disability begins.

COVERAGE FOR NON-ATTORNEYS

Ensuring your non-attorney population has an appropriate disability program is very important, as well. However, their needs may not be the same as attorneys, so make sure you're thinking through their unique needs as well. Consider offering both short-term and long-term disability coverage to non-attorneys to help cover their income replacement needs.

A popular benefit design is offering short-term disability coverage for six months, followed by long-term disability benefits that pay to retirement age. This provides comprehensive coverage for your teams and can be more affordable than you think.

COORDINATING DISABILITY WITH PAID LEAVE

Many times, disability and paid leave programs — such as sick pay and personal time off (PTO) — can overlap with each other. It's important to review what your firm offers for paid leave and then coordinate that with your disability offering.

For example, some firms require employees who file a disability claim to take a week of paid leave before the disability benefits kick in. This is the policy's elimination period. So it actually doesn't make sense for those firms to offer a policy that starts disability benefits on day one of the claim. A one-week wait would be more appropriate in those situations.

Ensuring your non-attorney population has an appropriate disability program is very important, as well. However, their needs may not be the same as attorneys, so make sure you're thinking through their unique needs as well.

Tweaks like this help support a more balanced approach where your firm complements paid leave with disability benefits.

EVALUATING HOW DISABILITY BENEFITS ARE SET UP

Every law firm is different. Is yours a partnership, with one or more people who own and operate it? Are there several partners with a range of associates? Do you have multiple generations working within the firm?

Offering quality benefits helps grow loyalty to your firm. But be certain to offer benefits that meet the needs of your entire associate and staff population, not just one or two owners or

partners. For example, you could set up a maximum benefit that meets the needs of your entire attorney population, and then for partners, consider offering an individual disability policy to help fill any income gaps. As the makeup of your firm changes, assess the benefits you offer against evolving needs to ensure you're providing coverage that works for the masses, not the few.

The bottom line? It's important to stay on top of your disability insurance offering. Don't be afraid to fine-tune your benefits — with the help of your adviser — to better meet your needs, be more cost-effective, and boost recruiting and retention for your firm. ■

ABOUT THE AUTHOR



Jim Wrage is Managing Vice President, Group Benefits Distribution at Principal. He joined Principal in 1990, and has served the company in California, New Jersey and several Midwestern states. Wrage is based at the company's home office in Des Moines, Iowa.

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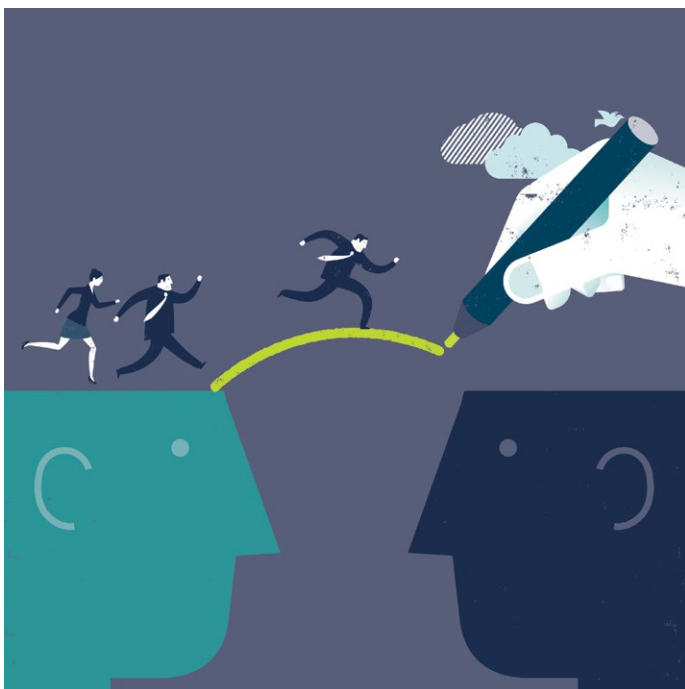
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The Docketing Department's Role in Business Development

By Chris Gierymski



Since the Great Recession, companies continue to pare down their business with outside law firms that provide legal services and instead use their in-house counsel for legal work. Their legal budgets are decreasing and they need to find ways to provide the same support at a lower cost.

Law firms have taken drastic measures to meet the financial demands of their clients and still make a profit. Alternative fee arrangements, hiring groups of lawyers to bolster or create new practice areas, mergers, staff layoffs and outsourcing are just a few of the examples. The landscape has changed and firms are increasingly looking for ways to get the competitive advantage and gain the business. One such way is to utilize the docket department as a business development resource.

The docket professional is an important part of the business development process when it comes to gathering internal and external information. What better way to determine how many cases a firm has handled in federal court that went to

trial, or how many foreign trademark applications were filed each year than to ask the docket professional? Not only should the docket specialist be able to mine the data in the firm's docketing software, but he or she can also use external resources.

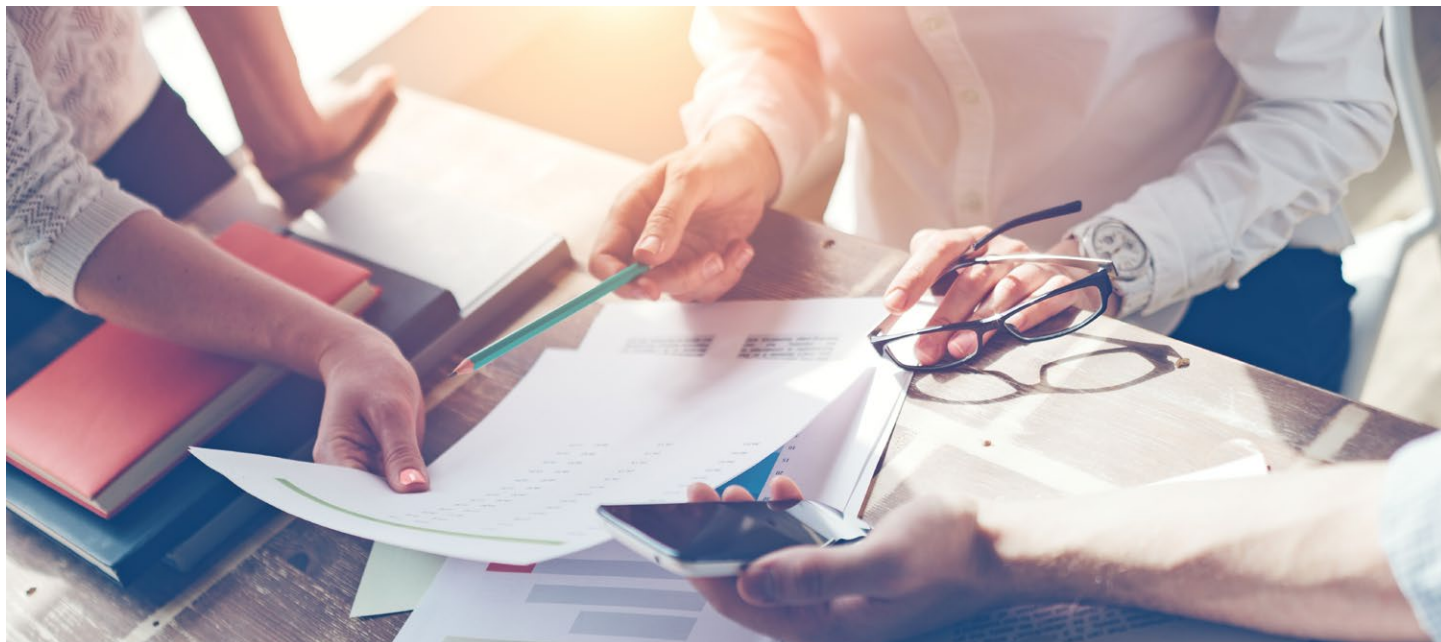
In a large law firm where I was employed, the docket staff monitored local and national law suits filed against their firm clients. They used several paid legal resources to monitor new cases. Once, a docket specialist found a new lawsuit filed against an important client and brought that case and a copy of the complaint to the attention of the responsible partner. That partner notified the client and the firm was retained as counsel. In just three years, the firm billed the client well over \$2 million and the case was still pending. That's a lot of revenue that was generated by an unexpected source — the docket professional.

It's well known that docketing is critical to risk-management practices. But what firms may not realize is that the support docketing specialists provide relates directly to the billable hour and the bottom line. Attorneys can bill more time and concentrate on other legal work rather than routine and mundane tasks.

THE MARKETING RELATIONSHIP

The process of relying on non-attorneys to drive the business is more important now than ever before. For example, marketing departments have become a vital part of the sales and business development process, and firms have increased the number of marketing professionals to better service their attorneys. Docketing professionals can help here as well.

When pitching for new business related to a request for information (RFI), the marketing department has to gather as much information about the areas of expertise of their attorneys and the capabilities of the firm. They not only use external resources to evaluate the competition, but also internal information such as attorney bios, the CRM system (customer relationship management), and measurable data to represent their success in the area of support sought by the potential client.



In just three years, the firm billed the client well over \$2 million and the case was still pending. That's a lot of revenue that was generated by an unexpected source, the docket professional.

When a pitch for business represents the expertise of the firm's litigation practice area, the marketing specialists have to seek as much information from their attorneys. That is typically a difficult process. Sometimes sending out mass emails asking for information is not possible, as there could be ethical walls that they need to consider.

The data must also accurately reflect the required information. With litigation, sometimes that includes how many cases went to trial, judgments that were achieved on behalf of the firm's clients, and summary judgment motions filed and won. With intellectual property, the information sought could include how many U.S. trademark applications does the firm file each year, how many patent applications were drafted, and the firm's success rate in getting patents through the patent office efficiently.

WORKING TOGETHER

When a firm neglects to use the docket department as a business development tool, they can miss out on possibilities to generate more revenue for the firm. The docket professional is and should be a vital component to the business development process in conjunction with the marketing department's efforts to generate business for the firm.

In this turbulent time of law firm survival, docket professionals need to do more than just calendar and track critical deadlines. They need to become a valuable resource in helping develop business for the firm. ■

ABOUT THE AUTHOR



Chris Gieryski is the Editor-in-Chief at Docket Life blog. He is a demonstrated leader with more than 25 years of experience supporting attorneys and law firms with a focus on risk management and leveraging technology to meet their docketing needs and goals. He served as Founding Member and Past President of the National Docketing Association (NDA), and has published several articles and white papers related to docketing topics.

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Beverly Driscoll, CLM, member of the San Diego Chapter, is now Office Administrator at Lewis Brisbois Bisgaard & Smith, LLP, in San Diego, California.

Barbara G. Gelmetti, member of the Nutmeg Chapter, is now Office Administrator at Halloran & Sage LLP in Hartford, Connecticut.

Shirley Laboy, member of the Silicon Valley Chapter, is now Office Manager at Sidley Austin LLP in Palo Alto, California.

John Meredith, member of the Houston Chapter, is now Chief Operating Officer at Chamberlain, Hrdlicka, White, Williams & Aughtry, in Houston, Texas.

Taryn Y. Scott, member of the Capital Chapter, is now Office Administrator at Dentons US LLP in Washington, D.C.

Sheila Sullivan, member of the Central Florida Chapter, is now Firm Administrator at The Ruggieri Law Firm P.A. in Orlando, Florida.

Nicole Wallace (not pictured), member of the Mile High Chapter, is now Accounting Manager at Ritsema & Lyon, P.C., in Denver, Colorado.

Ashley T. Whittaker, member of the Oregon Chapter, is now Administrator at Lindsay Hart, LLP, in Portland, Oregon.



CONGRATS ARE IN ORDER!

ALA member firm Kramer Rayson LLP is the Top Workplaces winner among small companies. Marc Upchurch, CPA, SPHR, CLM, works as Executive Director for the Tennessee firm. He says, "Our return on investment really comes from the fact that we don't have turnover."



IN MEMORY...

ALA sends its deepest condolences to the family, friends and colleagues of member **Doris Zimmerman** who passed away recently. Doris was an independent member from Region 6 who resided in San Jose, California. She will be sincerely missed.

ALA also mourns the loss of **Past President Jerry L. Brown**. Jerry passed away on June 15. He was an independent member from Region 6 who resided in Scottsdale, Arizona. ALA sends its deepest condolences to Jerry's family, friends and colleagues. We will be featuring a longer tribute to Jerry in our October issue.



*One location ...
three areas of interest!*

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alanet.org/events

Member Spotlight: Actively Volunteering



Troop 128 poses after placing flags for the veterans at the cemetery on Memorial Day. It's a tradition the Troop has done for the last 15 years. ALA member Jean Pimental is at the far left.

Jean Pimental gets as much (if not more) from her volunteer time with the Boy Scouts of America as the boys do themselves. When she's not Office Manager with the City of Jacksonville, Office of General Counsel, she's volunteered with the Boy Scouts for the last 12 years.

She started volunteering with Troop 128 at the Kirkwood Presbyterian Church in Jacksonville, Florida, when her youngest son, Austin, was a Tiger Cub in the first grade. Austin, now in college, and her oldest son, Sean, are both Eagle Scouts — the highest rank achievable within the organization. As her boys moved up the ranks, she continued her service to the organization, serving in numerous positions, including treasurer, secretary and summer camp coordinator — to name a few. She's currently serving as the Awards Chair with the troop.

She notes that many parents aren't active in the scouting program, but she hopes to encourage more to get involved

with the organization. "The boys get so much out of the scout events when they are able to attend them."

Jean sees parallels between volunteering for the Boy Scouts and ALA, too.

"I love to help see young boys become men and the way they change and mature while in Boy Scouts. This is very similar to ALA — I have seen members change once they join ALA. The knowledge and education they receive from ALA is very similar to the Boy Scouts," says Jean. "The boys learn by doing merit badges in various subjects. It gives them the ability to learn about different career paths and opportunities. ALA gives me and any other members the opportunity to meet other peers and have the educational exposure to keep fresh and up-to-date in our ever-changing world."

For more information about how to get involved with the Boy Scouts, visit www.scouting.org.



ALA's 2017 Compensation and Benefits Survey

Enter your firm's data to help compile the industry's most comprehensive, up-to-date report on legal management professionals.

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NEW RESOURCE FOR ALA SMALL FIRM MEMBERS

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To read or ask about eSignature software, credit card processing or any question or issue facing small firms, visit ALA's new small firm online community.

To subscribe to the group, visit community.alanet.org. Then click "My Options" then "My Subscriptions" in the top right corner of the webpage to receive periodic email updates with discussions from the group.

GET GREAT EDUCATION THIS FALL

There's still time to register for our fall conferences. Whether you specialize in IP, or spend your days overseeing the numbers, we have educational opportunities tailored just for you:

October 5–7: Specialty Conferences for Legal Management Professionals, co-located in Chicago:

- Finance and Law Practice Management Conference
- Human Resources Conference
- Intellectual Property Conference

October 12–14: Regional Legal Management Conference — East (Regions 1, 2, 3), in Nashville



HEADQUARTERS RECOGNIZED WITH WHEN WORK WORKS

ALA headquarters received the When Work Works award for the second year in a row! It is honored to be recognized for its workplace practices valued culture. The award goes beyond work-life programs and includes initiatives that address additional evidence-based aspects of effective workplaces: autonomy; supervisor support for job success; co-worker support for job success; satisfaction with earnings, benefits and opportunities to advance; opportunities for learning; and a culture of trust, respect and belonging.



CALENDAR

SEPTEMBER 11
PATRIOT DAY

SEPTEMBER 20 | 2PM, CENTRAL

THE MINDFUL LAW OFFICE: STRATEGIES FOR REDUCING ATTORNEY STRESS AND IMPROVING PRODUCTIVITY

Mindfulness is a hot topic in the legal profession, and much has been said about its effectiveness in reducing stress and improving productivity. As mindfulness becomes more familiar, it is time to shift the conversation from “why?” to “how?” This workshop will begin with the scientific evidence for the benefits of mindfulness, but it will focus on hands-on implementation. Attendees will learn basic mindfulness practices they can share with their attorneys. Of equal importance, they will learn strategies for creating a supportive space for these practices and helping attorneys integrate mindfulness into their workday.

Questions about this event? Contact psiems@alanelt.org.



SEPTEMBER 20
ROSH HASHANAH

OCTOBER 5-7
SPECIALTY CONFERENCES (IP, HR, FINANCE)

Chicago, Illinois



OCTOBER 5 | 2PM, CENTRAL

COMMUNICATION STRATEGIES FOR BUILDING TRUST IN THE WORKPLACE

Trust is essential across all levels in organizations, yet it can be extremely difficult to obtain. Most managers and employees agree that trust enhances team synergy and reduces overall on-the-job stress. However, one of the main reasons that employees feel dissatisfied in their jobs is lack of trust in the relationships with their managers and colleagues. Building trusting relationships requires practice and effort. Join this webinar to focus on the key areas of building and breaking trust in the workplace, as well as various strategies that managers can implement to create and maintain productive employee relationships and team satisfaction.

Questions about this event? Contact psiems@alanelt.org.



OCTOBER 12-14
REGIONAL LEGAL MANAGEMENT CONFERENCE – EAST
Nashville, Tennessee