

# LEGAL MANAGEMENT

THE MAGAZINE OF THE ASSOCIATION OF LEGAL ADMINISTRATORS

APRIL 2018  
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## MODERN DEVELOPMENT

Strategies for creating effective training programs for today's law firm





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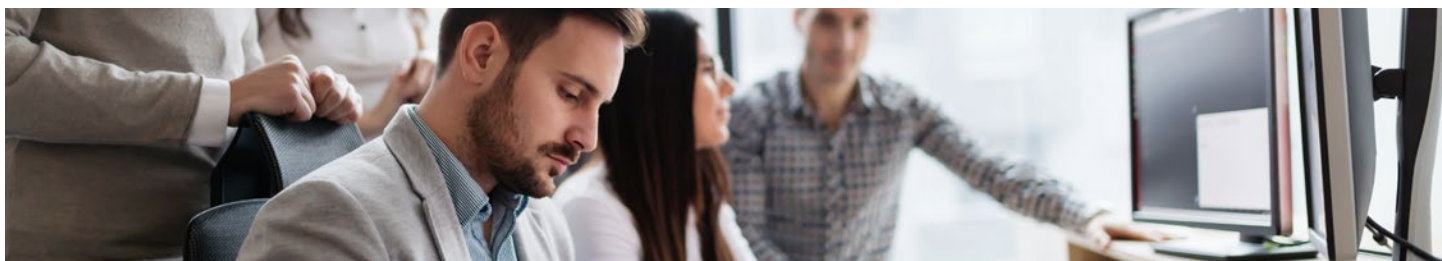
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## Taking Training to Heart

**How important is good training? Over the years, I've learned it's pretty vital in most areas of life. But I got the most eye-opening lesson regarding this when I was 18.**

I had decided I wanted to learn how to fly. From the start, in so many ways, this was a bad idea. My instructor, though from a reputable and admirable organization, just wasn't that into it. That should have been my first clue — as far as trainings go, when you're learning to fly a plane, you really want the instructor to be super committed.

But I did love it, so I stuck with it, and I was excited when it came time for my first solo round-trip flight between Orlando and Daytona Beach. Here I was, flying all alone, marveling at the beautiful scenery and truly enjoying life ... until I had to contact the airport. My instructor had not taught me about the instruments on the plane — just the basics, like how to tune the radio to the airport I was heading to.

My transmission went something like this: "Daytona Beach Airport, this is a student pilot asking permission for a touch-and-go." This is what I heard: "XWA787, you are free to do a touch-and-go on runway blah blah." This was my first clue that I did not have adequate training. Bewildered, I responded: "Where is runway blah blah?" After a long pause and a noticeably different tone, he responded, "It's the short runway next to the two long runways."

That I understood ... or so I thought. But here's what I saw: two long runways, one shorter runway parallel to the longer runways, and one really short runway perpendicular to the long runways. (I soon found out that that really short runway was the taxiway.) Guess which one I took?

Within seconds of my touch-and-go — which I was pretty proud of, I might add — I heard "XWA787, what are you doing?!?!!" He did not seem as proud. I answered, "You said the short runway!" He answered, "Not that short runway! Please take a left and get out of my airspace!"

Not surprisingly, I never went on to get my pilot's license.

“Needless to say, this kind of 'active training' would have benefited me greatly on the runway that day. Instead, I found out what the numbers on the runways mean when I was on my own in very real scenario.”



This month's cover story, "Modern Development," tackles how important it is for us as legal managers to ensure our staff is not just receiving regular training and professional development, but the appropriate kind that meets employees' current needs. Oftentimes, this means shifting from more general, one-size-fits-all trainings to more detailed programs that take into account the needs of the firm's business, clients and attorneys.

One thing the article suggests is to incorporate active, hands-on training to boost engagement and to make it more meaningful. For example, Blank Rome LLP offers mock trials that take place in actual Philadelphia courtrooms with former judges presiding over the cases. They aim to tailor it to the stage of development the lawyer is in.

Needless to say, this kind of "active training" would have benefited me greatly on the runway that day. Instead, I found out what the numbers on the runways mean when I was on my own in a very real scenario.

But I invite you to check out this article. As firms, we need to keep adapting to remain competitive and recruit today's top candidates. And professional development is an area that firms can really use to stand out from the crowd.

And don't neglect your own professional development either. I love taking advantage of the variety of continuing education opportunities that ALA offers. I wouldn't be the legal manager I am today without these opportunities. There's also still time to take advantage of my favorite education event of the year — the Annual Conference & Expo. I hope to see many of you in National Harbor, Maryland, in May! (I'll be flying there, but merely as a passenger.) ■



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National Program Director  
GLJ Benefit Consultants

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We hope that as a member you will set a personal goal this year to get to know a VIP. Take some time to learn about and take advantage of the full breadth of your member benefits.”

## ALA's Value In Partnership (VIP)<sup>SM</sup> Program — What's the Value?

**As an Association of Legal Administrators member, are you taking advantage of the total value afforded you? You've probably heard of the VIP business partner program. Perhaps you've heard the program is just a collection of national business partners that pay ALA money to have their logos put on the website and on signage at events. Or maybe you've heard it's simply a discount program for medium to large firms.**

While it's true that VIP logos have graced signs and that many VIPs offer major discounts to member firms of all sizes, that's not what the program is all about. Let's take a quick look at five truths you may not be aware of when it comes to the VIP business partner program.

### **Truth No. 1: VIP stands for Value In Partnership**

There are currently 17 national VIP business partners that provide business solutions, programs and services that have been created and developed *with ALA for ALA*. These are exclusive benefits and value programs that your firm can take advantage of because you are a member. These offerings are built to solve real issues, provide real resources and connect members with the highest degree of focus on member experience that can be found in the legal industry.

“I have experienced firsthand the ALA VIP business partner program playing a significant role for my firm, chapter, and on an international level with respect to resources, education and most of all quality products and services,” says Katie Bryant, CLM, the Executive Director of Udall Shumway PLC and an At-Large Director on ALA's Board of Directors.

### **Truth No. 2: VIP business partners can be counted on to provide incredible access to education about the business of law industry.**

What sort of industry challenges are represented by the top national companies in the VIP program?



- Human resources
- Payroll
- Financial/401(k)
- Employee benefits
- Logistics
- Risk management
- Legal professional risk
- Investments
- Retirement
- Succession planning
- Long-term care
- Cyber risk and information security compliance
- Software and business management consulting
- Office supplies
- Matter management
- Billing
- Telehealth
- Online legal payments
- SEO and visual content management

Many chapters are already taking advantage of the high-level educational opportunities and speaking resources that these companies bring.

**Truth No. 3: The VIP business partners are a diamond mine of new membership opportunities.**

These companies have huge reach into markets across the country and represent a real mining opportunity for new members. Did you know that VIP business partners have been responsible for dozens of new members over the years? Nonmember firms have joined so they could access the exclusive members-only resources that can be found in each of the VIP offerings. What in these offerings holds such value? Have you taken the time to find out for yourself and your firm?

**Truth No. 4: VIP business partners are more than just vendors — they embrace all ALA goals and objectives.**

While collaborating with ALA on their offerings, VIPs also commit to investing in education, technology, resources and networking to help further ALA's goal to embrace membership in a meaningful manner. Members can be assured that engaging in conversations and projects with VIPs will not be riddled with sales talk, but will produce true collaboration with a focus on a great member experience filled with professional problem-solving.

"Being a VIP business partner ... gives us direct access to the key personnel at law firms all across the country. The kicker?

They welcome us with open arms!" says Ryder Kimmes, Vice President of Business Development at LTC Solutions. "The folks that make up ALA are the kindest, most welcoming group we've encountered and make collaborating, educating and getting to know them a real treat for us."

**Truth No. 5: Many members use the savings they get through the VIP program to show their firm and managing partners the value of membership.**

Cost savings through a VIP cost-benefit analysis is a unique way to become a hero at your firm. With huge savings, long-term price locks, offerings that pay for an ALA conference registration and more, a cost-benefit proof of value is easy!

The bottom line: ALA's VIP program serves thousands of ALA member firms and tens of thousands of employees at those firms. Are you reaping the benefits of your membership? If not, now is as good a time as any to learn more.

We hope that as a member you will set a personal goal this year to get to know a VIP. Take some time to learn about and take advantage of the full breadth of your member benefits. With ALA's Annual Conference & Expo nearly upon us, we hope that you will make a point to stop at each of the VIP business partner booths for a visit. We promise you will be amazed at what you will find. ■

**ABOUT THE AUTHOR**

**Alan Wilson** is the National Program Director at GLJ Benefit Consultants and Co-Founder of Visual Image Building Enterprises (VIBE), an ALA VIP Business Partner.

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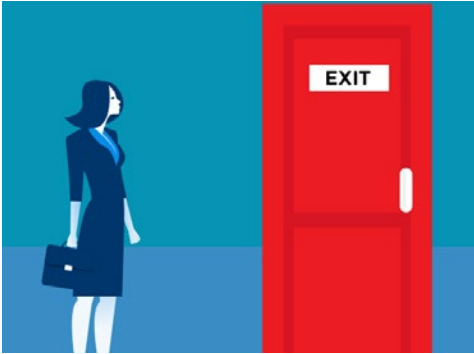
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## NEED SOME TIPS ON INTERACTING WITH BUSINESS PARTNERS?

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# Facts & Stats



## DON'T IGNORE INCLUSION IN YOUR FIRM

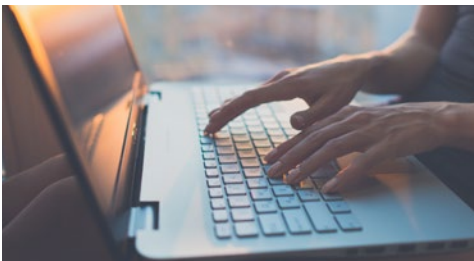
Approximately 40 percent of the lawyers who left firms in 2016 were women, a number that's remained relatively consistent since 2007, according to a 2017 survey from the Minority Corporate Counsel Association and Vault. Of the 10,709 lawyers who left firms in 2016, almost 22 percent were members of a racial or ethnic minority group — the largest portion to date.

Read more in "Making Legal Managers into Effective Diversity and Inclusion Advocates," in this issue.

## THE CHANGING ROLE OF THE LEGAL SECRETARY

In 2004, the average attorney-to-legal-secretary ratio was one-to-one, and occasionally two attorneys to one legal secretary. In 2016, the U.S. Bureau of Labor Statistics showed that there were 792,500 lawyer positions and only 191,200 legal secretary positions. This means that the ratio has increased to four to five attorneys to one legal secretary.

Explore why this happened and the impact it has on firms in ALA's newest white paper, "The Changing Role of the Legal Secretary," available later this month!



## DEFINITELY NOT UNPLUGGED

An estimated **77 percent** of Americans go online every day. Furthermore, one in four Americans — and 39 percent of those ages 18 to 29 — go online "almost constantly." Americans ages 30 to 49 aren't far behind — 36 percent in that group report being online "almost constantly," too.

Source: Pew Research Center

**162\***

That's the number of exhibitors on deck for the 2018 Annual Conference & Expo. There's still time to register for this year's event, where in addition to finding solutions with our business partners, you'll have access to a variety of education and networking opportunities. See you in National Harbor, Maryland: [alanet.org/conf18!](http://alanet.org/conf18!)

\*as of March 27



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on Professionalism

“

It's essential to not make assumptions about what law students know about law school and legal employment before walking into the building on day one.”

## First-Generation Lawyers: The Next Diversity Frontier

**Have you heard of “first-generation lawyers”? The idea might be familiar if you work in diversity and inclusion, but it’s a new concept for many lawyers and legal professionals. First-generation law students and lawyers are a growing force in our legal communities. How do we define them? What unique challenges do they face? And what can law schools and law firms do to identify them, support them and ensure they achieve every level of success?**

I asked two legal diversity leaders to help answer these questions. Here’s what Sally Olson, Chief Diversity Officer at Sidley Austin LLP, and Michelle Jackson, Director of Alumni Advising at Northwestern Law, had to say:

### **How would you define first-generation lawyers?**

**Olson:** I define first-generation lawyers as first-generation professionals. In other words, their parent or parents did not have a professional job. They most likely did not attend college, although that’s not necessarily the case.

**Jackson:** We generally define first-generation law students as those whose parents have not attended law school. Often, these students are also first-generation college students and students who are from working-class or lower-income backgrounds.

### **First-generation lawyers have been around for a long time. Why the seemingly new concerted effort to focus on them?**

**Jackson:** A lot of it has to do with an enhanced awareness of issues around modern identity. As the legal industry continues to focus more and more on issues of diversity, inclusion and equity, it’s become apparent that first-generation law students and lawyers have common issues regardless of social identity. The recognition of these commonalities has created this distinct diversity category.



**Olson:** I agree. The GI Bill produced a lot of first-generation lawyers. I try to publicize this fact with younger lawyers so that they understand their experience is not unique. I see two things that have produced this new interest. First, there are more diverse lawyers entering the profession and a higher percentage of them are first-generation professionals. Second, and more recently, I've seen evidence of a mindset that being first-generation is a professional detriment, which makes people focus on it and organize around it to get support and share experiences.

### **What are the major obstacles first-generation lawyers have when starting out in the profession?**

**Olson:** Many come to mind. A lack of acculturation to expectations in a professional setting; lack of knowledge of resources, inside or outside the firm, that would help professional growth and personal stability; a lack of self-confidence or sense of belonging and a higher incidence of imposter syndrome among young first-generation lawyers; financial burdens that constrain first-generation lawyers' career choices, along with the experience of being isolated at work and not understood in your family.

**Jackson:** Yes, the expectations piece is critical. First-generation lawyers often feel like they're "playing catchup," like others already know the rules and got a head start on playing the game. This can be because of lack of knowledge of social norms and law firm etiquette, lack of familiarity with terminology, or lack of exposure to certain environments.

### **What can law firms do to better recruit, hire and develop first-generation lawyers?**

**Olson:** We need to destigmatize the condition, to the extent that either students or practicing lawyers think being a first-generation lawyer is a detriment. We also need better education for first-generation lawyers about their new environment and its cultural expectations.

**Jackson:** And that education can start in law school. Law firms should offer support and sponsorship of first-generation initiatives in law schools. That way, they can become invested in enhancing the professional development of these new professionals. This support can include identifying first-generation lawyers at the firm and allowing those lawyers to serve as panelists or mentors to first-generation law students. This creates a pipeline of lawyers who are equipped to handle any first-generation obstacles. Firms might also add first-generation as a category for scholarships or other diversity opportunities.

Additionally, like law schools, law firms should create and support first-generation employee resource groups so that first-generation lawyers can share experiences, successes and hardships.

### **What suggestions would you have, if any, for law schools and law firms starting a program for first-generation lawyers?**

**Jackson:** Many law schools have done a great job with first-generation programs. They teach students essential law school coping skills, and help them obtain mentors, navigate the job search process and share each other's stories of challenges and successes. Knowing that they are not the only one who didn't understand a particular phrase or has never heard of a particular activity can help alleviate anxiety and create confidence.

Law schools can also consider first-generation concerns when planning professional development programs and activities. It's essential to not make assumptions about what law students know about law school and legal employment before walking into the building on day one.

**Olson:** As for law firms, they can start by connecting with first-generation students and listen to their concerns. Create a first-generation lawyers discussion group for all first-year associates to share resources, destigmatize and provide a peer group. Learn the value of having a first-generation lawyer's perspective and share that value inside the firm. Help non-first-generation professionals understand and respect that value. ■

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**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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As a law firm's actual physical assets have become less expensive, a good analysis of your office insurance could lead to actually lowering your coverage.”

# Insurance Transformations for Law Firms

**The legal industry and the insurance market for law firms are transforming at a rapid pace. Competition from other law firms, legal technologies like artificial intelligence and the economic environment at in-house legal departments have made adapting to change mandatory — firms that ignore change do so at their peril. Your insurance needs are necessities that are caught up in change like never before.**

Your law firm leadership is relying on you to both understand the changing legal industry and the alterations to the important services that you purchase to run the firm's operations. These are five changes in the law firm insurance world that directly impact your firm.

- 1. Health insurance:** Health care and health insurance have changed more over the past few years (post-Affordable Care Act) than the previous 30 years. Insurance companies have entered and exited new markets often with brand-new plan designs and major financial differences. Premiums remain high with the biggest new changes that the coverage structures vary largely between plan designs. The days of a straight simple deductible and coinsurance are long gone.

Evaluating new options for your firm's health insurance program now needs to incorporate the new tax law, explore the legal HR protocols, include financial models and review new benefit technologies that often interface with insurance offerings.

- 2. Professional liability insurance:** While professional liability insurance products are not undergoing structural changes like health insurance offerings, there are notable trends that affect them:

- The way law firms are structured has evolved (fewer equity partners, more of-counsel relationships, joint ventures, etc.).

- Law firm legal liability has increased due to claims.
- The relative cost to higher limits has plummeted due to healthy competition in the market.

All of this means that professional liability analysis must be deliberate and handled proactively by a specialist in the legal insurance industry.

**3. Office insurance:** As a law firm's actual physical assets have become less expensive due to the trend of simpler offices, dropping hardware prices and the growth of cloud services, a good analysis of your office insurance could lead to actually lowering your coverage. As your firm moves to a full a paperless environment, client data backup coverage — known in insurance geek speak as Valuable Papers Coverage — could be significantly reduced (along with its premiums) or might not be necessary at all.

**4. Employment practices liability insurance:** As the general population is getting older, our law firms are getting older, too. Employment legal and business professionals are warning that smart organizations are preparing for this eventuality. You will be dealing with an increasing amount of age-related challenges and inevitable disabilities and impairments. The firm is responsible for all the work product, so monitoring and occasional interventions will be needed in the near future. Expect this to lead to more claims of age discrimination, which will disrupt your firm and force more reliance on employment practices liability insurance for human resource tools and financial protection.

**5. Cyber liability insurance:** Insuring against the unauthorized release of private information has changed at a rapid pace. The constant stream of news stories about private businesses and government entities being the source of cyber events and cyber damage behooves us in the legal industry to take this risk very seriously. It is critical that your firm evaluates your risks in this area, get ready for the eventuality of a breach and procure a comprehensive cyber insurance policy that includes first-party coverage replete with a team of professionals available when you need them.

Change is never easy. Undoubtedly, you will receive pushback from some stakeholders about the work expended to appreciate and evaluate these changes. In some instances —

like with new cyber liability insurance — it may even cost you more money than before. Ironically, a common criticism that law firm partners have about law firm administrators is that they don't force change enough.

The thing to keep in mind is that while we do not have any control over change, we do control how we handle change and how we adapt to it to minimize any negative effects and maximize the benefits of the changing environment. ■

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**Uri Gutfreund** is the National Law Firm Practice Leader for Risk Strategies Company, a national top 25 insurance broker. He and his multidisciplinary team advise law firms on all types of insurance and benefits. Gutfreund is a frequent speaker at legal conferences, and a writer and blogger on insurance and risk management.



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## CONTINUE THE CONVERSATION IN NATIONAL HARBOR

Learn more about why legal management professionals are vulnerable in this changing environment and how to develop skills that make you valuable to your firm and the job market. Uri Gutfreund presents the session "You're Fired: Why the Managing Partner Might Ax You Soon" at this year's Annual Conference & Expo, May 3-6: [alanet.org/conf18](http://alanet.org/conf18).







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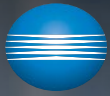
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# Making Legal Managers into Effective Diversity and Inclusion Advocates

Could managers be the ideal champion for firm diversity?



**ERIN BRERETON**

*Owner, Chicago Journalist Media*

**Research suggests small law firms haven't been able to quite keep pace with large firms' diversity progress in recent years.**

Although firms with 100 or fewer attorneys showed minor diversity representation gains from 2016 to 2017, their percentage of female associates declined.

The proportion of minority and nonminority women partners, according to National Association for Law Placement data, rose by less than 0.5 percent. Small firms' most significant diversity achievement, involving an increase in the overall amount of minority partners, was incremental — just 0.93 percent.

For small firms that lack the resources to add the type of full-time diversity position a number of large firms have incorporated, increasing diversity can be a daunting task.

However, some firms, according to Mariel Piilola, JD, Director of Administration at Minneapolis law firm Larkin Hoffman, may be able to utilize an internal alternative: legal managers, whose job responsibilities can sometimes overlap with the recruiting, training and other operational elements diversity initiatives address.



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"In-house counsel will say, 'I want a team that reflects our law department and, more importantly, our customers.' They want the team to be bringing better perspectives to the table."

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"It touches on everything we do and are trying to accomplish in firms," says Piilola, a member of the Minnesota Chapter who currently serves as ALA's Committee on Diversity and Inclusion Chair. "If you're at a five-attorney firm or a 500-attorney firm, you have the ability to influence and make changes."

### A FRESH PERSPECTIVE

Legal managers working at firms that don't have a well-defined diversity and inclusion initiative could, Piilola says, present some ideas to increase diversity to the firm's management committee or suggest the firm establish a diversity committee.

Legal managers at firms that already have a robust diversity and inclusion committee can help advance diversity plans by keeping up with industry practices to provide resources and new ideas.

"It's a time commitment for legal managers, [but] it's a basic thing we have a responsibility to do because it's a significant issue our entire industry faces," Piilola says. "When you look at the statistics, you see where people of color, people with disabilities, women are not flourishing — they're not making it to the ranks of shareholder or partner."

If your firm's diversity and inclusion program could potentially benefit from a legal manager's involvement, the following steps can help the manager identify what needs to change — and how to make it happen.

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"We've found you can get diverse individuals into firms, but haven't been able to retain them. So we've come to this concept of inclusion."

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### Determine what diversity and inclusion issues exist:

Manar Morales, JD, President and Chief Executive Officer of the Diversity & Flexibility Alliance, suggests first gauging how employees view their work environment.

"Asking whether people feel included, who's going on client pitches, analyzing everything that's happening is an important

piece of shifting the culture," Morales says. "If your strategy's in place, but there's no culture to support it, you're never going to get results."

If a firm's culture isn't inclusionary, attempts to offer social activities, for instance, can end up being off-base, according to Michelle Sharpe Silverthorn, Diversity and Education Director at the Illinois Supreme Court Commission on Professionalism. She also writes a regular column for *Legal Management* on diversity and inclusion.

"Silicon Valley, for example, loves [to offer] free beer and arcade games and ping-pong tables — that may not be something every group loves," Silverthorn says. "Organizations [may need to recognize] that there can be a culture in a company that excludes other people."

**Cast a wider net:** "If the people who work in the firm are primarily white male partners and are just recruiting their own friend circle, you may always get the same [demographic]," Silverthorn says. "Expand to new circles and organizations. You can reach out to more people and be tapped into women and minority candidates, rather than just relying on the same system over and over again."

A similar approach can facilitate first-year attorney hiring efforts.

"If you're going back to the top 14 schools every time, there aren't that many minority students in those schools — the numbers are declining, not increasing, and [firms are] all competing for the same people," Silverthorn says. "Expand the schools you're recruiting at and you can get qualified, successful candidates who'll be successful at your firm."

**Choose more diverse vendors:** Legal managers' influence can often extend beyond internal processes — which could have a far-reaching effect, according to Elizabeth Birch, former Executive Director of the Human Rights Campaign and Worldwide Director of Litigation and Human Resources Counsel for Apple. She now serves as a Vice President at commercial real estate firm CBRE and President and Chief Executive Officer (CEO) of media, communications and strategic change organization The Elizabeth Birch Company.

"Asking whether people feel included, who's going on client pitches, analyzing everything that's happening is an important piece of shifting the culture. If your strategy's in place, but there's no culture to support it, you're never going to get results."

"One of the biggest differences law firm administrators could make in the world is using the power of the purse, to the extent they have responsibility for the supply chain to that law firm," Birch says. "The more they can bust open those opportunities to women and people of color — not just organizations that are women- or minority-owned, but diverse teams within companies that provide services — it could help jolt the consciousness of internal law firm life, as well."

**Don't ignore inclusion:** Approximately 40 percent of the lawyers who left firms in 2016 were women, a number that's remained relatively consistent since 2007, according to a 2017 survey from the Minority Corporate Counsel Association and Vault.

Of the 10,709 lawyers who left firms in 2016, almost 22 percent were members of a racial or ethnic minority group — the largest portion to date.



"We've found you can get diverse individuals into firms, but haven't been able to retain them," Piilola says. "So we've come to this concept of inclusion — what are we doing to make sure folks who come from a different race or creed or socioeconomic background feel in this environment that their voices are being heard?"

Given that 76 percent of law firms say pressure from clients is the biggest catalyst for diversity-related change, according to a 2016 Big Law Business report, firms that can't keep diverse employees on board may face a challenging scenario.

"In-house counsel will say, 'I want a team that reflects our law department and, more importantly, our customers.' They want the team to be bringing better perspectives to the table," Birch says. "The only way that happens in a meaningful way is firms literally have to track the quantity of hours and clients and work so associates are truly getting a meaningful client experience."

According to Silverthorn, some firms are using technology to track associates' experiences from the time they start at the firm to identify patterns that suggest predictors of success and catalysts for leaving.

"The other thing we're tracking is where people are being recruited from," she says. "We [can then] go back to the partners and management committee and say, 'Here are the results for those efforts, and here's how we measured them' to make sure we continue to get buy-in for the programs we do."

**Address major roadblocks:** Firms may benefit from offering training that focuses on specific diversity challenges, such as implicit bias. It's the most prevalent challenge involved in advancing diversity and inclusion, according to a substantial majority of the law firms that participated in the survey conducted by Big Law Business.

"Recognizing implicit bias is the first step toward addressing those issues," Silverthorn says. "The thing is to be mindful when you meet people of what opinions you're forming."

She recommends taking an online bias test, which can make participants realize they're more inclined to possibly doubt people because of factors such as gender, age or weight.

"[Firms have] spent millions on diversity initiatives, but retention rates are still low," Silverthorn says. "One of the things that has helped is having a frank discussion on not just the people coming in, but what they're coming in to. If you're not willing to address issues like implicit bias when it comes to mentoring programs or getting assignments, you'll never move the ball forward."

## FROM PLANNING TO PROGRESS

With recent studies suggesting companies with more diverse executive teams outperform their peers financially — increasing the amount of women in top management positions correlates with increased profitability and organizations with an inclusive culture are twice as likely to meet or exceed financial targets — legal managers may find it's easier than ever to convince their firm to augment its efforts.

"Beyond being the right thing to do, diversity is a driver of productivity and profitability," Morales says. "There's a business case for it."

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*"Expand to new circles and organizations. You can reach out to more people and be tapped into women and minority candidates, rather than just relying on the same system over and over again."*

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Legal managers can certainly lead the diversity and inclusion charge — but they can't do it alone.

To achieve a truly successful outcome, firm leadership will also need to provide unyielding support. Without it, managers may find affecting real change could be a continuously uphill battle.

"There is plenty of information out there, including from ALA, about how to build a diversity and inclusion pathway. But the program will wane if the central power of the firm is not invested in it," Birch says. "It has to be an ironclad belief in the value system of the firm. Without a really conscious effort to alter the systems that both flow in and out of law firms, everything will just roll along as it always has." ■

## ABOUT THE AUTHOR

**Erin Brereton** is a freelance writer, editor and marketing consultant who has written about the legal industry, attorneys, business and other topics for 20 years.



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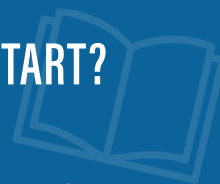
## CONTINUE THE CONVERSATION IN NATIONAL HARBOR

Diversity and inclusion takes center stage at this year's Annual Conference & Expo, May 3-6 ([alanet.org/conf18](http://alanet.org/conf18)). Two of the featured experts in this article will be on hand to further delve into the discussion.

**Elizabeth Birch** will deliver the Foundation of the Association of Legal Administrators' Brezina Memorial Session on Saturday. Birch will examine the effect of changing demographics on the U.S. workforce, the increase of client demand for diverse legal teams and the power of the law firm administrative role in the future.

**Manar Morales** will lead the session "How Gender Diversity Is Key to Organizational Success." She'll discuss how gender diversity is a key business strategy to sustaining an inclusive and diverse legal profession.

## NOT SURE WHERE TO START? ALA CAN HELP.



ALA offers a number of materials to help firms and legal departments can advance diversity and inclusion in the legal workplace.

For more information, view the:

- **ALA Diversity Toolkit** — providing a general overview of how to approach diversity and inclusion with tools to dig deep and inspire change: [alanet.org/about/diversity/ala-diversity-toolkit](http://alanet.org/about/diversity/ala-diversity-toolkit).
- **ALA Diversity & Inclusion Scorecard for Law Office Administrators** — featuring firm leadership, culture and other diversity and inclusion best practices to help administrators find and eliminate organizational barriers that limit opportunities to succeed: [alanet.org/about/diversity/scorecard-for-law-office-administrators](http://alanet.org/about/diversity/scorecard-for-law-office-administrators).





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# Modern Development

Strategies for creating effective training programs for today's law firm



**MARY KATE SHERIDAN**  
*Writer, Editor and Attorney*

**With modern priorities perpetually evolving, law firm professional development is likewise transforming. To remain effective, development strategies must adapt to modern employees' needs.**

"Employees are accessing information and learning differently than they did just a few years ago," according to Bersin by Deloitte's infographic: Meet the Modern Learner. "Most are looking for answers outside of traditional training and development channels."

The legal industry is no stranger to this trend.

"A lot of times there is an inclination to execute the same development programs because they've been done before, but I don't think that's the best thing to do," says Ori Portnoy, Director of Legal Talent at Blank Rome LLP. "You have to listen to attorney demands and understand what the people who are here right now need at the levels they are at now. And that might not be the same next year for the people at the same levels."

Firms are always striving to make training and development more effective and personalized. Below are eight strategies firms might consider to create more engaging development programs for today's legal needs.

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"First, you have to have the buy-in. You have to determine the reason you want coaching in the firm and the reason for the coaching. Then firms need to decide their commitment level. Are they going to hire someone to do it full time or are they going to outsource?"

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### 1. CONSIDER TRAINING IN A BIGGER CONTEXT

More and more, law firms are shifting from generalized training programs to programs that are tailored specifically to a law firm's culture and consider the specific needs of a firm's business, clients and attorneys.

"Firms should back away from thinking training is the name of the game," says Steve Armstrong, Principal of the law-firm consulting company Firm Leader Inc. "It is how the training can fit in with what happens before and after the training that becomes the key question."

Through this bigger picture approach, firms are focusing more on the immediate needs of their attorneys.

"I think those in professional development are trying to align training with the skill set as attorneys need it," says Amy Sladczyk Hancock, Director of Attorney Professional Development, Employment & Events at Andrews Kurth Kenyon LLP. "Training is more relevant if it is paid attention to the second it is needed."

### 2. IMPLEMENT IN-HOUSE COACHING

Nearly one quarter of respondents to Thomson Reuters' West LegalEdcenter's New Associate Training Satisfaction Survey ranked personal and professional development as the one training they most desired but didn't have access to, making it the highest ranked training category.

"I think one of the things that law firms are assessing and dealing with is the mentality of [entry-level] attorneys [and] what they are doing for career satisfaction, what their long-term goals are, and their need to be more well-rounded and have a broader skill set than lawyers have needed in the past," says Portnoy.

One way that law firms are responding to this demand is through coaching.

"More and more firms have their own internal coaches or people who are certified in coaching in-house these days," says Armstrong.

Firms may offer coaching for career development, business development or both. Critical to a successful coaching program are top-down support and careful planning.

"First, you have to have the buy-in," says Sharon Meit Abrahams, Director of Professional Development/Diversity & Inclusion at Foley & Lardner LLP. She's also a member of the South Florida Chapter and currently serves as Chair of ALA's Professional Development Advisory Committee. "You have to determine the reason you want coaching in the firm and the reason for the coaching. Then firms need to decide their commitment level. Are they going to hire someone to do it full time or are they going to outsource?"

Of course, even the most meticulous planning won't suffice if the benefiting attorneys aren't actively engaged in the coaching.

"Coaching success depends on the willingness of the person being coached," says Armstrong. "The goals and expectations need to be defined very carefully, from both the person's and the firm's perspectives."

### 3. FOCUS ON PARTNERS

Coaching and other development tools aren't solely for law firm associates, though.

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"A lot of times there is an inclination to execute the same development programs because they've been done before, but I don't think that's the best thing to do. You have to listen to attorney demands and understand what the people who are here right now need at the levels they are at now."

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**"Firms should back away from thinking training is the name of the game. It is how the training can fit in with what happens before and after the training that becomes the key question."**

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"We're much more focused these days on training and development in general at the partner level," says Armstrong. "Many law firms have realized there is value in focusing especially on the development of new partners and of partners stepping into roles leading groups or offices."

Coaching and sponsorship is particularly valuable for new income partners, who may have a limited amount of time to prove that they should be promoted to equity partners, notes Armstrong.

Firms are also engaging in more training for practice group leaders. According to Abrahams, many senior attorneys assume these roles with little to no training, yet their success is critical to the firm.

"Many firms have woken up to the [reality] that they have no choice but to make sure the leadership at that level is doing what they're supposed to," says Abrahams.

#### 4. OFFER "BITE-SIZE" TRAINING

Given changing learning preferences, firms are increasingly embracing the idea of microlearning or "bite-size" learning. This type of training can range anywhere from a few seconds to 15 minutes, says Steve Gluckman, Founder and Chief Executive Officer of LawFirmElearning, who also describes this type of training as a "SkillBurst."

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**"I think those in professional development are trying to align training with the skill set as attorneys need it. Training is more relevant if it is paid attention to the second it is needed."**

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Bite-size training corresponds with the way that many people consume information today.

"Attention spans have gotten shorter," says Gluckman. "People don't have a lot of time." As a result, attorneys are

receptive to shorter training sessions that they can digest quickly and access whenever they need it.

While lengthy continuing legal education (CLE) programs remain necessary to attorney learning, firms are using microlearning as an alternative tool for both CLE and in-time training.

For example, some firms create modular CLE e-learning programs, says Gluckman. The course is broken into multiple chapters, so attorneys can quickly review an individual topic. But the program can also be viewed in its totality to receive CLE credit.

"If you set it up correctly, you can leverage that one resource in a number of ways," says Gluckman.

#### 5. ENCOURAGE PARTICIPATION AND OWNERSHIP

Important to executing an effective training program is garnering buy-in from lawyers so that they participate and encourage others to engage in the programs as well.

"The way that I really garner enthusiasm and buy-in is I get the participants involved," says Hancock. "I feel like we're partnering in developing and presenting. Every success we can tout, we do, so people can see results."

One way to encourage involvement is to create a committee or team for a specific training, says Abrahams. For example, when Abrahams launched a business development training program at Foley & Lardner, she formed a business advisory board to share curriculum ideas and to champion the training to other attorneys at the firm.

Another method of driving attendance to training programs is to recruit revered partners and rainmakers as speakers, says Abrahams. Lower-level associates may not have as much access to these senior attorneys, and a training program can provide a valuable opportunity to engage with them.

In fact, partner involvement can be a tremendous help in promoting engagement in training programs. According

*"One of the things that I think is very exciting about professional development is you're continuously reevaluating what you're doing in terms of what people are doing and how the practice of law is changing."*

to LinkedIn's 2018 Workplace Learning Report, more than half of responding employees would take a training course suggested by a manager.

Hancock suggests that administrators leverage individual partners' needs into training opportunities. For example, if a partner is frustrated with junior attorneys' billing practices, the administrator can collaborate with the partner on a curriculum on billing and then ask the partner to help present the program. Once the partner has ownership in the program, he or she will become a champion for it.

## 6. INCORPORATE ACTIVE TRAINING

When it comes to training, there is no doubt that hands-on training drives engagement. "Well-designed hands-on training is the best training there is," says Abrahams.

Hands-on training can take on many forms, but firms should always aim to customize it specifically for the participating attorneys' specific skill sets and needs.

For example, Blank Rome offers a Trial Academy Program, which aims to provide senior associates and some counsel and junior partners with trial skills. The attorneys are

placed on teams and receive coaching from the firm's seasoned trial lawyers. The teams then engage in a series of mock trials in Philadelphia courtrooms, with former judges presiding and witnesses and juries made up of lawyers from the firm. At the conclusion of the trial, the participants review video footage with their coaches and also receive feedback from the judges, jury members and coaches.

"We specifically focus this program at that stage of the lawyers' development because our goal is for them to utilize this and bring it into the client work that they do," says Portnoy.

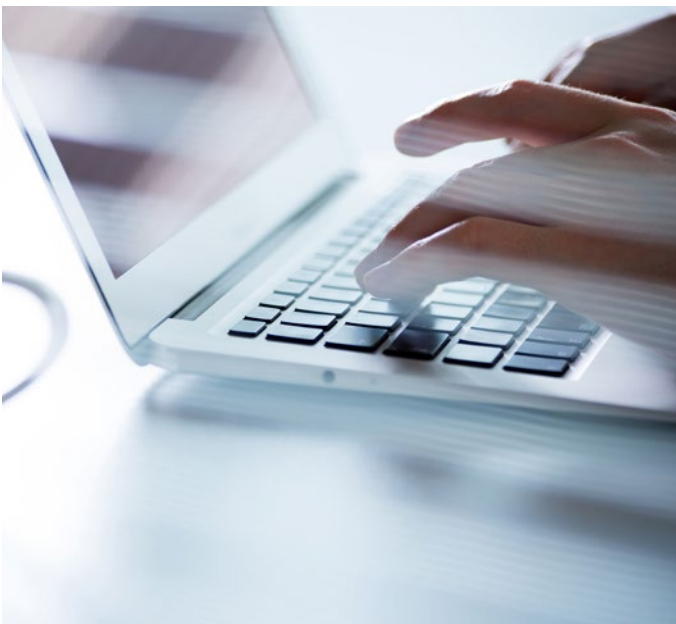
## 7. BOLSTER CLIENT UNDERSTANDING

More than half of respondents to the New Associate Training Satisfaction Survey from West LegalEdcenter indicated that they would like additional training in client relations.

"There's more emphasis on making sure that lawyers really understand the business perspective of their clients," says Armstrong. "It's showing up more and more as part of training curricula."

Some firms, for example, are implementing simulations on solving a client issue, running a matter from a client's perspective, and dealing with a client's complaints during the course of a matter, says Armstrong. He notes that such simulations haven't been widespread so far because large-scale simulations can be expensive and time-consuming. This type of training offers attorneys a safe space to troubleshoot how to address client needs and learn effective strategies for supporting their clients.

Secondments are another channel for gaining perspective on client needs. While secondments are nothing new, firms can use them as a tool for being proactive about their clients' needs. For instance, if a firm learns that one of their client's in-house attorneys will be out on leave — or if the firm realizes that a client seems overwhelmed in-house — the firm may offer to place one or more of its attorneys on secondment for however long the client needs, says Hancock.



"That's a way to embed some really effective training on both sides of the house," says Hancock. "The client sees that you're taking the initiative and really dedicated to learning their business. And you're embedding your attorneys right in the midst of it, and that's the best training you can get."

Another popular method of seeing the world from a client's business perspective is through what used to be called mini-MBA programs, which recently have become much more sophisticated, says Armstrong.

## 8. MODERNIZE E-LEARNING

E-learning has become a common tool for development and a method that meets the demands of modern learning. For example, LinkedIn's 2018 Workplace Learning Report found that 58 percent of employee respondents like to learn at their own pace, and 49 percent prefer learning in-time when they need it. E-learning addresses both of these preferences.

A lot of firms have used e-learning to basically present classroom CLE sessions in a different format, but many have not unlocked its potential as an engaging, interactive resource, says Gluckman.

For example, some firms offer programs that allow attorneys to directly interact with the course, simulating a real legal scenario. Their choices will dictate the path of the course, and the environment allows them to make mistakes and truly learn, says Gluckman.

Firms are also looking for ways to customize off-the-shelf e-learning resources. According to Gluckman, personalizing

the program allows you to incorporate your culture, firm terminology and specific firm policies into the training. Generic, one-size-fits-all on-demand learning is just not as effective or desired today, he says.

Sometimes, buy-in can be the biggest hurdle for testing innovative training approaches like more advanced e-learning. Gluckman advises firms to start small but think big.

## BE ADAPTABLE

In seeking to make development programs more engaging and effective, firms should focus on the big picture and be willing to adapt to the times and needs of their attorneys and clients.

"One of the things that I think is very exciting about professional development is you're continuously reevaluating what you're doing in terms of what people are doing and how the practice of law is changing," says Portnoy. ■

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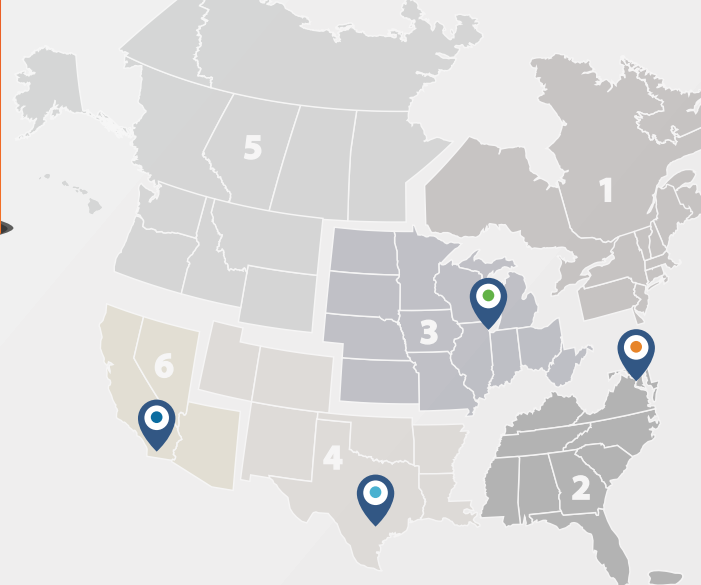
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The Association of Legal Administrators has specially designed its fall events to advance the development of professionals from all walks of law. Registration opens this spring for the following:



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## CHICAGO



**Sep. 12–13** Law Firm Management Essentials Certificate Program

**Sep. 12–13** Advanced Financial Administration for Legal Management Professionals

**Sep. 13–15** Regional Legal Management Conference – **EAST**

## WASHINGTON, D.C.



**Sep. 27–28** Intellectual Property Conference for Legal Professionals

## AUSTIN



**Oct. 17–18** Advanced Financial Administration for Legal Management Professionals

**Oct. 18–20** Regional Legal Management Conference – **WEST**



# Planning for the Unplanned

In today's competitive market, business continuity plans are not optional. These tips will help you craft one to meet your firm's needs.



**KYLIE ORA LOBELL**  
*Freelance Writer*

**Disaster can strike at any time. Last year, natural disasters wreaked havoc across the United States, leaving many literally and figuratively powerless and out of work for days at a time. Firms of all sizes are targets of hackers who are looking to steal your sensitive client information. In just a few minutes, a natural or technological disaster could cause your firm to lose hundreds, thousands or even millions of dollars.**

Thankfully, you can protect your firm and get back on track as soon as possible if you have a business continuity plan (BCP) in place. These written documents can go a long way helping your firm get back on track should disaster strike.

"[A BCP] details out all critical information needed for the law firm to be able to respond quickly to a crisis, manage that crisis and then recover by continuing to provide seamless service to the law firm's clients," says Kathryn N. Scourby, Principal of KNS Consulting, LLC, and a presenter at this year's ALA Conference & Expo.

Scourby, who helps law firms construct their own BCPs, says it's important that they have these plans laid out, as then firms are prepared to continue business in the face of any crisis or disaster that may negatively affect the workplace, people or the firm's reputation.

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"With ever-increasing threats and a more competitive marketplace, firms cannot afford threats to operational viability or client service. As more legal organizations adopt new technology, their security and recovery systems will be of paramount importance."

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### THE CURRENT STATE OF BCPS AND LAW FIRMS

According to a survey of more than 50 law firms by the Instant Group and Sandpiper Partners, 98 percent of firms have a BCP in place, and some even have separate ones for IT, human resources and communications disasters. Most of the disruptions affect businesses for seven or more days, and it can take seven to 28 days for businesses to find a new workplace if they rely on a physical office space.

Among the 98 percent of firms that have BCPs, 77 percent reported that they had conducted an internal BCP audit or test run in the past 12 months. Thirty-eight percent said that their BCP would cover them for more than a month if they were displaced or there was an outage. Thirty-five percent would be covered only for one to five days.

Michelle Bodick, Managing Director of Sales and Marketing (Americas) for the Instant Group, says that firms could not suffer these disruptions to their workflow. "With ever-increasing threats and a more competitive marketplace, firms cannot afford threats to operational viability or client service. As more legal organizations adopt new technology, their security and recovery systems will be of paramount importance."

### CRAFTING A PLAN

When creating a BCP, your law firm has to write it out, test all of the components of it to identify vulnerabilities and conduct a business impact assessment (BIA). "[This helps] to identify gaps in the essential personnel and resources that would be needed in the hours, days and weeks following a crisis or disaster that might affect a firm," says Scourby.

She also stresses having a solid communication and notification system for all lawyers and staff, and well-trained crisis management and communication teams to help ensure a quick response and recovery from a crisis or disaster that occurs. Additionally, you need to detail your alternate workspace plans, whether it's another location or you have a remote plan. And don't forget to include all pertinent information regarding your business interruption and cybersecurity insurance coverage. Hacks and cyberthreats are becoming more common and

disruptive to law firms in general, so you need to stay ahead of the curve with instructions in your BCP on how to deal with these events.

Christian K. Adams, Treasurer, Federal Bar Association, says that your BCP should also include technology backup plans and actionable items to confirm that your staff is safe and your office is protected. You need information on how your clients will be able to access services even if personnel are not available, and how you will secure your data, property and other assets.

But, Adams says to keep in mind these plans are not a one-size-fits-all undertaking. Types and intensity of disasters vary, as do the resources available to ensure recovery post-disaster.

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"Lawyers must safeguard clients' property and maintain client confidentiality and communications. These obligations are neither excused nor waived following a disaster."

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Oftentimes, law firms will look at sample BCPs to come up with their own. The American Bar Association's guide *Surviving a Disaster: A Lawyer's Guide to Disaster Planning* provides approaches to business continuity planning, a preparedness checklist and a sample plan that you can turn to when you're just starting out. *Legal Management* also published "Staying Afloat When Distraction Strikes," which covers things to consider. (See the web version of this article for links to both of these.)

However, keep in mind that because of evolving technology and high-level threats, you need an updated 2018 sample to turn to.

### ENSURING YOUR BCP IS AUDIT AND RFP-FRIENDLY

Your BCP is going to come with some legal issues of its own that you must not overlook. You also may want to hire a law firm consultant to help you come up with your plan



and guarantee that you are compliant with audits and RFP regulations. Otherwise, your firm could be in big trouble, on top of all the disruptions you'll be facing if a disaster strikes.

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**"Law firms that commit the finances and resources necessary to implement a business continuity/disaster recovery plan will be in a better position to meet their strategic, ethical and legal obligations to clients."**

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"Lawyers must safeguard clients' property and maintain client confidentiality and communications," says Adams. "These obligations are neither excused nor waived following a disaster. The failure on the part of a lawyer to prepare for disasters could lead to violations of ethics rules or even expose the lawyer to civil liability for his or her inability to protect a client's property and interests." He notes that to guarantee that client information is protected, law firm management must proactively incorporate business continuity considerations into the overall design of its law firm's business model to mitigate the risk of service disruptions.

If you want to stay competitive and satisfy your clients, you may need to take the extra steps when it comes to your BCP. According to Scourby, some clients are now requiring that law firms become certified in business continuity standards like ISO 22301 (business continuity management standards), ISO

27001 (information security management standards) or ISO 27032 (cybersecurity management standards).

#### WORTH THE EFFORT

Though it may take some time, money, effort and strategizing to put together your BCP, in the end, it can save your law firm from a loss in revenue and productivity, and ensure that it will continue to be successful for years to come.

"Any event that disrupts the normal flow of business can cause a decrease in revenue and can even cost a law firm its clients if the situation is not handled properly and promptly," says Adams. "Law firms that commit the finances and resources necessary to implement a business continuity/disaster recovery plan will be in a better position to meet their strategic, ethical and legal obligations to clients." ■

#### 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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## CONTINUE THE CONVERSATION IN NATIONAL HARBOR

Kathryn Scourby will discuss business continuity plans in detail at our Annual Conference & Expo in National Harbor, May 3–6. In her session, "A Law Firm's Competitive Edge: Writing Effective Business Continuity Plans," Scourby will send attendees home with a template that they can bring back to their office to customize for their firms: [alanet.org/conf18](http://alanet.org/conf18).

Get a preview of this session on our recent podcast with Scourby by listening at [alanet.org/podcasts](http://alanet.org/podcasts).





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William Ramsey, Partner, Neal & Harwell  
Phil Hampton, Consulting President,  
LogicForce

## Satisfying Our Drone Envy with the DJI Mavic Pro

**We have always wanted to have a high-end professional drone of our own. However, our collective flying skills are so horrible that we were afraid to shell out the necessary cash for a state-of-the-art drone just to crash it and lose our money.**

But when we went to the Consumer Electronics Show (CES) this year, our jaws dropped at the sight of the DJI Mavic Pro. We had to have one, and that was all there was to it. So we dropped the \$1,000 — and it was a great decision.

When we unpacked our drone upon its arrival, we marveled at its form factor. The entire drone is compact and portable, folding up into a small package about the size of a Subway sandwich. (You can buy a small pouch to carry it.) It is also very easy to fly. We will admit to studying the user's guide in detail for fear that we would crash our new toy, but actually, piloting the Mavic Pro is very intuitive and easy to learn.

### HOW IT'S DONE

All you have to do is unfold the remote and attach your smartphone to it, make the connection between the remote controller and the drone, and then start up the DJI GO 4 app on your smartphone. Pushing the "home" button on the smartphone screen allows you to instruct the Mavic Pro where "home" is. Magically, the Mavic Pro then knows the exact location for its return. You then press another button telling the drone to take off. Once you confirm that you're sure, you slide the control on your phone's screen to make the drone lift off. It will hover about 5 feet off the ground, awaiting your commands from the remote control and smartphone. Then things get really interesting.

We took the Mavic Pro out to Bill's farm and flew it to follow the path of the Big Hickory Creek behind the farmhouse. The image from the Mavic Pro's 4K, 20-megapixel camera was stunning on the smartphone.

“

The camera footage was stunning. The DJI GO 4 smartphone app allowed us to edit the video and add music from the built-in music library.”



We flew the drone so far along Big Hickory Creek that we could no longer see it. We could only watch the camera image on the smartphone to determine its location. After we had flown the drone about a mile away from us, we lost our nerve and used the controls to turn it around and bring it back. It supposedly has a 4-mile range, can reach speeds up to 40 miles per hour, and can fly for about 30 minutes on a single battery charge — but we weren't ready to test its limits.

During the drone's journey back, it stopped and announced over the speaker on our smartphone that it had encountered an obstacle. It appeared to us that it was too close to a tree branch, so we merely commanded the Mavic Pro to go up another 10 or 20 feet and then had it continue flying. It resumed its flight path. Then, as we could hear the drone coming before we saw it, we touched the home button on the smartphone screen to command the Mavic Pro to return home. Dutifully, it headed back to the spot we had designated as "home."

Once there, it hovered 5 feet over the ground and asked, via the screen on the smartphone, if we wanted to land. We answered "yes," and it touched down perfectly. Miraculously, we had flown the Mavic Pro without any damage to the drone whatsoever.

## OUR THOUGHTS

We then downloaded the camera footage and watched it on a 4K laptop screen. Suffice it to say, the video was stunning. The DJI GO 4 smartphone app allowed us to edit the video and add music from the built-in music library — our selection seemed appropriate for a video of Big Hickory Creek during a flood stage. We marveled at the ease of the editing and soundtracking.

We were only able to test out a few of the many neat features on the Mavic Pro. You can enable automated flight modes. You can fine-tune the obstacle avoidance system (although the default worked incredibly well). You can instruct the Mavic Pro to fly around a point of interest in a perfect circle. You can instruct the Mavic Pro to fly a preset pattern. You can instruct it to follow you, another person or any other moving object, such as a car or even a deer or coyote, wherever it goes.

The return-home feature is quite impressive. We didn't test this, but if communication between the Mavic Pro and its remote is disrupted, the drone will automatically return to its takeoff point and land. If the Mavic Pro is running low on battery power, it will return home before it runs out of juice.

You can also fly the Mavic Pro without the remote controller and simply use your smartphone. You have to switch the drone to fly via Wi-Fi controls from your smartphone. This feature, along with the so-called Tripod Mode, will allow you to fly the drone indoors without endangering yourself or the people around you. With a little practice, we think we can fly the Mavic Pro at our next Bill and Phil Show. If you come see us, don't forget to duck! ■

## ABOUT THE AUTHOR

**William Ramsey**, Partner at Neal & Harwell, and **Phil Hampton**, Consulting President of LogicForce, are best known for *The Bill and Phil Show*.

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# Why Quality Assurance Is Critical When Offering Long-Term Care Insurance

By Christine McCullugh



**If you're already offering long-term care insurance (LTCI) to your employees, you are ahead of the curve! You are not only adding protection to your participating employees' retirement and savings endeavors, but also giving employees the opportunity to maintain their assets should they need long-term care. As we know, long-term care is expensive, so having a tool to protect yourself against these costs is invaluable.**

As employers, some of our largest liabilities lie within our administration of benefits. How would you like to know that someone is proactively performing quality assurance for you, thereby making you less exposed to liabilities?

Finding the right partner for your LTCI plan can help you reduce, if not remediate, this liability.

## WHAT'S AT RISK?

Long-term care insurance is different from other benefits. Its specialized characteristics can make the administration of the benefit complicated — if not managed appropriately, it can leave law firms exposed to liability.

A clear example of this exposure, and how common it is, can be seen in a recent compliance audit we did for a client that revealed billing errors amounting to more than \$27,000. The majority of the inaccuracies were found in unreported terminations of employees. There were some eligible employees who were never added to the plan and some incorrect dates of birth and names, which could spell difficulty when a claim is filed or when an employee would normally port their policy after leaving their job. There were also inexact deduction amounts, as well as deductions taken from employees' payroll for coverage they did not have.

All in all, we uncovered a potential liability for this employer.

## WHY LTCI IS VALUABLE TO EMPLOYEES

Law firms that offer long-term care insurance clearly understand how significant insuring employees' retirement dollars can be. They're also aware of the quality of life their employees have grown accustomed to — a consideration

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When employers have a long-term care insurance policy, they remove the financial burden from employees' lives and therefore ease the emotional stress at a time when they might need it the most.

---

that cannot be ignored. Your employees are able to protect not only their retirement funds, savings and assets, but also their family (and their family's quality of life). When they need long-term care, it will likely lead to two things: financial and emotional stress. When employers have a long-term care insurance policy, they remove the financial burden from employees' lives and therefore ease the emotional stress at a time when they might need it the most.

## HOW TO PROPERLY ADMINISTER A POLICY

Long-term care insurance can be such an involved process for any employer. You wonder if anything is falling through



the cracks or if anything is being set in motion for a potential liability. Let's look at the kinds of items you can inventory to shine a light on potential liabilities within your own firm:

- Do you reconcile your premium deductions to the carrier bill every month?
- Are you performing quarterly payroll audits (name, plan design, date of birth, terminations, additions, employee ID/Social Security number) against the carrier files?
- Do you have a protocol in place for new hires so that they can opt in within the underwriting timeframe?
- Are your employees offered claim support or care coordination support at the time of a long-term care event?

- Are your employees offered education-based support if/when the time comes to compare LTCI plans as the marketplace continues to change?
- Do you have a process to confirm that departing employees are getting directly billed by the carrier to ensure continued coverage?
- Is there a process in place to make sure new applications have been submitted to the carrier? That they've received confirmation of coverage from the carrier? That they're on payroll deduction?
- Are your employees educated on how they can use their HSA funds for their LTCI premiums?

If you answered "no" to any of these questions, you're not alone — many law firms find themselves exposed to some liability. Partnering with a specialist can help you answer "yes!"

On a more human level, you are providing a much-needed benefit to your employees. You are giving them and their families protection against financial and emotional strain when they need it the most. ■

#### ABOUT THE AUTHOR



**Christine McCullugh** is the Founder and President of LTC Solutions. The brokerage advises carriers, brokers and employers on individual and group long-term care insurance (LTCI).

 [www.ltc-solutions.com](http://www.ltc-solutions.com)

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**Time to Go Back to School: Important Updates for Your Firm's Handbook**



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# DIY E-Discovery: Computer Files and Electronic Evidence 101

By Jeff Kerr



**A big part of a lawyer's job is to identify and present evidence, and most evidence in today's world is digital — existing as a series of 1s and 0s on computers. Unfortunately, many lawyers have no idea how to identify, preserve, collect, produce or present digital evidence. As a result, they fail to discover helpful evidence or fail to produce evidence to which the other side is entitled. In this guide, we'll cover the basics that you need to know about computer files as it relates to e-discovery.**

## GOING "NATIVE"

Other than witness testimony, nearly all the evidence worth discovering in litigation is electronic. More often than not, it's emails, text messages, digital images and video, metadata, and Microsoft Office files that tell us the truth about what really happened.

In the context of software applications, native files refer to the file format which the application was designed to work with and in which it was originally created. Notably, a file can be described as native only with reference to its origin. For example, an Adobe Portable Document Format (PDF) file

could be native in one scenario but non-native in another. If the PDF document was originally created in Microsoft Word but later saved as a PDF file (or virtually "printed" to a PDF file), then the PDF version of the Word file would not be a native file. On the other hand, a PDF file would be a native file if it was originally created in an Adobe application.

## WHY ARE NATIVE FILES THE BEST OPTION?

One of the biggest obstacles for a lawyer trying to obtain electronically stored information (ESI) from the opposing party is the widespread practice of converting electronic evidence from its original, native form into some other form — and, in the process, degrading its ability to reveal the truth.

Instead of sending over the original files of spreadsheets and text documents, many firms will first convert those files to TIFF images or PDFs. This can result in profound differences in the information available in the file. In their new format, converted files are stripped of their original metadata, such as the creation time stamp, author, etc.

In addition to stripping away relevant case information, converting native files to a different form also provides a convenient way to hide key documents in an avalanche of unsearchable irrelevance. While native electronic files are generally text-searchable, conversion frequently strips out searchable text, making it more difficult to get the information you need.

## THE SIMPLE TRICK TO GETTING NATIVE FILES

Ask for them! It's best to explain why you need native files at the earliest possible meeting with your adversary, to document your request for native files, and to include detailed instructions for producing native files in your document requests.

If your opponent refuses to comply, it's often worth your time to take the issue to court. Discovery is about revealing the truth, and native documents serve this goal much better than degraded pseudo-copies in TIFF, PDF or paper form.

Many lawyers have no idea how to identify, preserve, collect, produce or present digital evidence. As a result, they fail to discover helpful evidence or fail to produce evidence to which the other side is entitled.

### VERIFYING AUTHENTICITY

Computer files are ultimately nothing but a series of 1s and 0s. This series remains the same unless the file is modified. For example, if we opened a document in Microsoft Word and changed one of the sentences, we would expect the series of 1s and 0s to be changed. If we did not change the file but instead merely moved it to a different directory or emailed it to a coworker, we would expect the series of 1s and 0s to remain exactly the same.

The easiest way to tell whether a file has been changed, or whether two files are in fact identical, is the MD5 hash. This algorithmic method provides a file with its own unique 32-digit hexadecimal number, or checksum, that serves as a digital fingerprint for the file.

The MD5 function has the following properties:

- The same file will always\* have the same MD5 checksum.
- Different files will always have different MD5 checksums.
- A small change in the code that composes a file — even changing a single bit — will result in a scrambling of the original MD5 checksum.

Because of these properties, a file's MD5 checksum can be usefully considered a fingerprint for the document.

The fact that even a tiny change in the content of a native file will dramatically alter the file's MD5 checksum is useful for many purposes. When a native file constitutes evidence in a legal proceeding, its MD5 checksum should be computed at the earliest opportunity. With the MD5 checksum in hand, proving that the file was not modified during the pendency of the case is as simple as recalculating its MD5 checksum and verifying that it is the same as it was at the beginning. ■

*\*So-called "collisions" where two different files have the same MD5 hash can be engineered, but the odds of a natural collision are so microscopically small that you can safely rule them out.*

### ABOUT THE AUTHOR



**Jeff Kerr** is the CEO and Co-Founder of CaseFleet. CaseFleet is a case management software that empowers litigators with tools for crafting timelines, reviewing case evidence, organizing case facts and more. This article was adapted from CaseFleet's *DIY E-Discovery* e-book.



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# 9 Ways to Strengthen Your LinkedIn Relationships

By Michelle Tillis Lederman



**Much like a live networking event, we use LinkedIn to make business connections. But as you know, simply making the connection isn't enough. You need to build relationships. LinkedIn is a great way to do this.**

Think back to your first day at a new job, your first date with your significant other or your first day of a new class. You probably felt anxious. But after a few happy hours with your coworkers, some marathon phone calls with your new special someone, and several study-group sessions with classmates, you started to relax. This is the Law of Familiarity — people feel comfortable with people they know. The more comfortable people get with you, the more they will like and trust you and the easier it will be to build a relationship.

Now let's apply this law to LinkedIn. Here are nine easy strategies you can use to stay in front of people on LinkedIn

and increase your familiarity without being pushy or obnoxious.

- 1. Respond to status updates:** Join conversations. If a connection shares a notice about an upcoming event, wish them luck or ask for more information about it. You can also share the announcement!
- 2. Update your own status:** Updating your profile keeps your name in front of your connections. This activity will appear in the weekly updates they receive.
- 3. Research new connections:** Check the new connections in your network to see if any of them is connected to someone you know. If you come across someone you have met but who is not yet a connection, send them a connection request. You can even ask how they know so-and-so. Also, email a response when someone connects to you — not just an acceptance.
- 4. Ask about groups:** If a connection has joined a LinkedIn Group or an organization that sounds intriguing, email them and ask if they are finding the group useful. Another idea is to post a status update asking for feedback on people's favorite groups.
- 5. Ask or answer a question:** Contribute to the discussion forums when there is an existing conversation you want to weigh in on. You can also initiate a forum discussion with a question.
- 6. Acknowledge new jobs:** When you see a connection has a new job title, congratulate them and ask about their new position.
- 7. Reach out to those looking for work:** When you notice that someone has left their job, ask what kind of role they are looking for next. Nothing shows support more than reaching out when someone needs you.



When you notice that someone has left their job, ask what kind of role they are looking for next. Nothing shows support more than reaching out when someone needs you.

#### 8. Provide recommendations and endorsements:

Provide recommendations for connections when you are familiar with their work. This may also connect you to other folks who want to learn more about them. Endorsements are another option — and much quicker. A simple click announces to the world that you see their expertise in a specific area. If you don't know their expertise, though, don't endorse them. It minimizes the meaning.

**9. Employ a “search and seek” strategy:** Search to see who has viewed your page and contact those individuals to see if you can be of any help to them. I have even emailed people saying that their name popped up on my update and it motivated me to reach out and connect. See where it leads.

And remember — LinkedIn is strictly for professional networking, which means you should look professional in your picture. Use a “head and shoulders” photo of yourself (alone) and wear professional-looking clothing, at least from the waist up. ■

## CONTINUE THE CONVERSATION


Join Michelle Tillis Lederman at ALA's Annual Conference & Expo for her session, “Relationship Networking: Building Personal Connections for Professional Results.” She'll examine tips and tactics that will help you convert your conversations into stronger and longer connections: [alanet.org/conf18](http://alanet.org/conf18).



## ABOUT THE AUTHOR



**Michelle Tillis Lederman** is the Founder of Executive Essentials, which provides leadership and communications training and coaching. She is the author of three books, including *The 11 Laws of Likability* and her latest, *Nail the Interview, Land the Job*. She was named one of Forbes' Top 25 Networking Experts to Watch in 2015.

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# Anniversaries, Awards and Appointments

## MEMBERS ON THE MOVE >>>>



Linda M. Gross



Gina Martin



William T. Matschke, CPA



Melissa Talbert



Suzanne Tran

**Linda M. Gross**, member of the Mile High Chapter, is now Firm Administrator for Ritsema & Lyon, P.C., in Denver, Colorado.

**Gina Martin**, member of the Greater Los Angeles Chapter, is now Director of Administration at Hahn & Hahn LLP in Pasadena, California.

**William T. Matschke, CPA**, an independent member from Region 1, is now Chief Financial Officer and Chief Operating Officer at Saxena White P.A. in White Plains, New York.

**Melissa Talbert**, member of the Raleigh-Durham Chapter, is now Executive Director at Schell Bray PLLC in Greensboro, North Carolina.

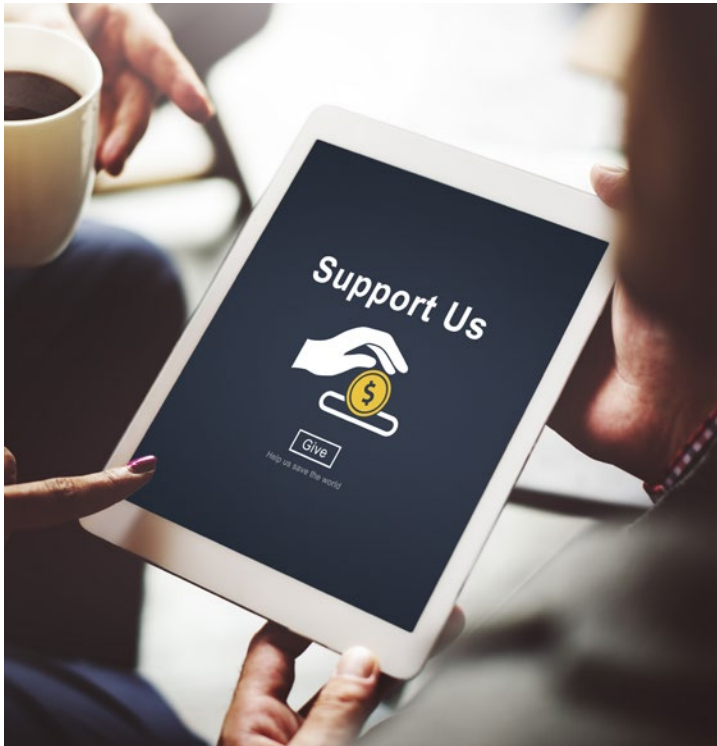
**Suzanne Tran**, member of the Puget Sound Chapter, is now Firm Administrator for Kantor Taylor Nelson Evatt & Decina PC in Seattle, Washington.



## IN MEMORY

Our condolences to the family, friends and colleagues of **Michael W. Rabinowitch**. He passed away in December at the age of 50. A member of the Philadelphia Chapter, he was the IT Systems Administrator at Berger & Montague, P.C. According to his obituary, contributions in his memory can be made to the American Cancer Society or Shriners Hospitals for Children.





## CHALLENGE EXTENDED: THE FOUNDATION WOULD LOVE IF YOU CHIPPED IN

The Foundation of the Association of Legal Administrators has been administering and raising funds for the Susan L. French Emerging Leader Scholarship Fund. GLJ Benefit Consultants established the Emerging Leader Scholarship Fund in memory of former ALA President Susan L. French. The fund was established in 2013 in recognition of Susan's commitment to professionalism, dedication to the advancement of law firm administration, development of future leaders and record of long-term service to ALA.

Recently, the Foundation received a very generous donation of \$1,000 from incoming President-Elect James L. Cornell, III. His firm, Graves Dougherty Heaton & Moody in Austin, Texas, then matched his contribution and donated another \$1,000. Read more about the Foundation's donation challenge to members, chapters and business partners: <https://bit.ly/2H7K8sV>.

## MEMBERS MAKING NEWS

- **Creating their own hype:** Sometimes you don't need an official publication to get your experiences out there — as two ALA volunteers have shown via LinkedIn. Region 4 Representative Timothy C. McKay, CPA, wrote a wrap-up of this year's Association Leadership Institute (ALI), while Region 4 Director (and incoming President-Elect) James L. Cornell, III, described what it was like to become a hacker during the Global Legal Hackathon. In this issue, you can learn more about staying connected from "9 Ways to Strengthen Your LinkedIn Relationships."
- **Less talking, more doing:** Jessica L. Mazzeo, Chief Operating Officer at Griesing Law, LLC, in Philadelphia, is all about action. Mazzeo, who will join ALA's Committee on Diversity and Inclusion in May, wrote a piece for *The Legal Intelligencer*\* advocating that leaders put diversity and inclusion measures in place at their firms rather than merely having conversations about #MeToo, #TimesUp and other movements. (\*Free subscription required to read full article.)



For the links to these articles, visit the web version of "ALA Faces."

# Sometimes Your Job Can Have Life-or-Death Stakes — And This Legal Manager Was Prepared

By Valerie A. Danner



**When you visit Nashville-based firm Lewis Thomason's website, the words "Our strength is our people" are splashed across the page. These words took on an even greater meaning in early February when coworkers put their training to use to save a colleague's life.**

Tania Freeman, Office Administrator at the firm and member of the Middle Tennessee Chapter, says her first inclination that something was wrong was when a managing partner notified her that one of their attorneys, John Lewis, had passed out by the elevator. "He had not been feeling well; we thought he had the flu and we were headed to help him," says Tania. "However, another attorney caught us in the hall and said that we needed the AED team. That's when I realized that we had a serious medical issue."

Just 10 months earlier, some employees in the office — Tania included — had undergone training in using an automated

external defibrillator (AED), a device designed to deliver a shock to a person's heart. They'd also received CPR training.

By the time Tania got to the elevator lobby, another team member was performing CPR compressions. However, John wasn't breathing and they couldn't detect a pulse. Rather than panic, Tania put her training to work. She grabbed the AED and began application of the shock pads. "The AED talks you through exactly what to do, but I definitely felt the confidence of the training. Once the shock pads were applied, the machine told us to cease compressions and get clear of the body. It ran its test and announced a shock was indicated. In other words, his heart was not beating," she says.

After the first shock, Tania says she and the team resumed compressions until the machine indicated it needed to run its test. "It shocked John again and he began to breathe and had a pulse." She says after a few minutes, John resumed consciousness and was even able to speak. "We talked to him to keep him conscious until the ambulance arrived."

Once at the hospital, John was immediately rushed into surgery. The doctor informed John's family that his type of heart attack involved the anterior interventricular branch of the left coronary artery, often referred by its more ominous nickname: the widow-maker. Those with this type of heart attack usually don't have such successful outcomes. "The doctor informed his family that less than 1 percent of people survive this type of cardiac arrest," says Tania.

The physician also left no doubt as to why John beat that grim statistic — it was a direct result of the quick use of CPR and, most importantly, the AED.

Remarkably, after a couple weeks of recovery, John was back at work.



"It could be years before you use [an AED], but when it saves a life you will know that the machine is priceless ... John is here walking around the office every day. That is amazing to me."

### LIFE-SAVING INVESTMENT

AEDs are becoming more commonplace in public areas and offices. Tania says her firm implemented training on the device in April 2017. While she's used to stepping in on many tasks as a legal administrator, she says she never thought one of those tasks would be saving a life. But the firm wanted staff to be prepared for potential medical emergencies.

She hopes people reading this will take this story to heart. "Do not wait to buy an AED machine. It is absolutely worth the cost."

Tania also suggests training a wide cross-section of employees and attorneys — the more the better. "We trained 12 people in our 50-person office and we ended up having three trained people in the office that day. While it worked fine for this particular incident, we realized we wanted more people trained." She says remind the staff where the machine is located, as new employees may not even realize you have one. And just like your smoke detectors at home, periodically check

the AED battery to make sure the device is operational. All relatively small investments when you consider invaluable results.

"It could be years before you use [an AED], but when it saves a life you will know that the machine is priceless ... I am simply stunned when I think about it and I still get emotional when I talk about it," says Tania. "I know that I witnessed a miracle that day and the fact that I was a part of that is quite humbling. John is here walking around the office every day. That is amazing to me." ■

### ABOUT THE AUTHOR



**Valerie A. Danner** is Managing Editor of *Legal Management*.



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# What's Happening at Headquarters?



## STRATEGIC PLAN UPDATE: DEFINING OUR IDENTITY

Beginning with this issue, we will be providing updates on our strategic plan progress. We'll start, appropriately, with where we are on Goal One: Define Our Identity.

As you may recall, we conducted several initiatives to capture member feedback on ALA's current and desired identity, including focus groups, an online member survey, and word cloud exercises during chapter meetings. Among the findings:

- Value comes from the Association's expertise and thought leadership across the profession (legal management or administration).
- Use of the phrase "legal organization operations" to describe the work of ALA members is acceptable.
- ALA members describe the Association as a critical source of education, resources, networking and community.
- They were less likely to connect ALA to thought leadership and cutting-edge resources.
- Early entrants into the legal management profession place a high value on resources and benefits to help them grow. ALA has a strong foundation here that presents an opportunity for us.
- A "big tent" philosophy is preferred over a more selective philosophy across all demographics and could include a group membership option.

- Most members didn't have strong personal feelings about the term "administrator," but there was agreement that the term didn't really reflect the strategic leadership role that they performed. "Legal management professional" was somewhat more descriptive of the overall membership.

We also asked more than 250 nonmembers for their input as well. The survey results revealed the following:

- Among nonmembers, there is a lack of understanding of what ALA is and its purpose.
- Nonmembers want to belong to a membership organization that is inclusive and representative of the legal management industry as whole.

The results also indicated that our current identity — particularly among nonmembers — is limited to the administrator function. The perception is that only those who serve that role are eligible to be members. In addition, the organization's name and brand do not clearly convey the breadth of the legal management industry, nor the current makeup of our membership. A brand identity that is inclusive and representative of the legal management industry could bridge the gap to those seeking specialty offerings.

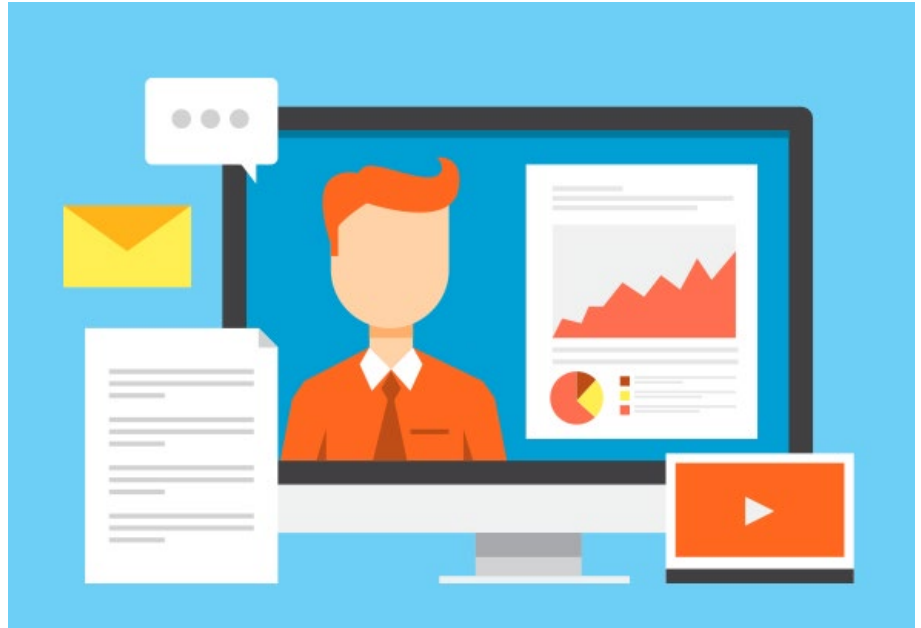
Based on input from these initiatives, we will develop potential brand position statements and solicit membership input. That process will begin at the 2018 Annual Conference & Expo in National Harbor, and we hope to see you there! For more information on our strategic plan progress, visit [alanet.org](http://alanet.org).



## VIEW THE GRUBHUB WEBCAST ON-DEMAND

In this free Solutions Series Webcast sponsored by Grubhub for Work, you can learn how to eliminate hidden food costs and run a more streamlined business. The business partner's Senior Corporate Sales Executive, Liz Wilsterman, will help you examine your firm's overtime meal policy, catering spend and administration requirements.

To view all of our webcasts, visit [legalmarketplace.alanet.org/events](http://legalmarketplace.alanet.org/events).



## THE VIRTUAL VERSION OF CONFERENCE

Can't make it to every day (or any day) of Annual Conference? Get your hands on some sessions and continuing education credits by signing up for the Virtual Conference. Three highly anticipated sessions from Friday, May 4, will be live-streamed for your home- or office-based viewing pleasure. They will also be recorded in order to be watched on-demand. There are purchase options that range from \$79 to \$209. Register here: <https://bit.ly/2tnBK2G>.



## LEARN ABOUT TRUST ACCOUNTS, EARN FM CREDIT

March's *Legal Management* features a continuing education course. Simply read "How to Ethically Oversee Trust Accounts," then register for the exam (\$49 for members; \$69 for nonmembers). Legal managers who pass the exam — which you can take until you pass — will earn one hour of CLE credit or one hour of financial management credit for the CLM application or recertification.



## CALENDAR



APRIL 17  
TAX DAY



APRIL 18 | 2 P.M. CENTRAL  
**PROVING CYBERSECURITY DUE DILIGENCE FOR YOUR FIRM**

While many firms understand their ethical responsibility to cybersecurity, many are not taking steps to ensure they've invested the appropriate resources to fulfill their obligations. In fact, many are delayed because they simply do not understand what "due diligence" to cybersecurity entails. Additionally, the governing bodies (*ABA Model Rules* and State Statutes) have not given prescriptive guidance; therefore, firms are left to decide for themselves what is an appropriate measure. Without a certifying body, where are law firms to turn to say "we've done our job?"

This session will give legal management professionals a clear roadmap to lead their firm toward appropriate due diligence and perform a comprehensive cybersecurity assessment/plan that encompasses policies, procedures, technologies, education and response. We'll provide a collaborative environment for attendees to interact both locally and nationally with other firms to develop a nationally accepted platform for due diligence.

Questions about this event? Contact [psiems@alanet.org](mailto:psiems@alanet.org).



APRIL 25  
**ADMINISTRATIVE PROFESSIONALS' DAY**



APRIL 26  
**TAKE YOUR DAUGHTERS AND SONS TO WORK DAY**



**MAY 3 | 2 P.M. CENTRAL**

### **MANAGING LAW FIRM GROWTH: A LOOK INTO THE SCIENCE BEHIND PERSONNEL ANALYTICS**

At the heart of every law firm are its timekeepers and employees. However, the maintenance and success of those timekeepers' career paths may be minimized by short-sighted priorities. As an example — though its benefits may be modest at best — the lateral recruiting boom of recent years shows no signs of slowing down. Managing partners are looking toward the lateral market to grow their firm, as well as answer growing succession planning issues. As those firms identify revenue growth as a top priority, many are losing sight of bottom line profitability, client satisfaction, employee satisfaction and organic growth. This session will address the various challenges surrounding not only the growth of the firm, but the individuals within it. Our moderator will begin with an interactive discussion and end with a case study that will touch on virtually all aspects of law firm personnel challenges, including mentorship, career alignment, succession planning, diversity and growth.

Questions about this event? Contact [psiems@alanet.org](mailto:psiems@alanet.org).



**MAY 10 | 2 P.M. CENTRAL**

### **A TRANSGENDER EXPERIENCE: A PERSONAL ACCOUNT**

This presentation includes an eye-level view of what gender transition consists of, including male and female perspectives. The attendees are able to experience a subject that has become more visible nationally, in both our communities and the workplace. The presentations' goal is not limited to only transgender issues, but by the nature of the topic, participants are able to have a better perspective of the challenges that women and minorities experience at work. This unique perspective will assist your organization in understanding the needs of transgender employees and provide an understanding environment. This presentation is designed to be a departure from standard training sessions by incorporating emotional experiences with a focus on discussion.

Questions about this event? Contact [psiems@alanet.org](mailto:psiems@alanet.org).