

# LEGAL MANAGEMENT

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## SOCIAL MEDIA STRUGGLES

In the age of social media, your firm needs a clear policy in place to ensure you don't make headlines for the wrong reasons.





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## Navigating the Murky Waters of Social Media

**On November 30, 2007, I joined Facebook. At the time, I used it mostly to keep up with the few friends I knew who were on it.**

I didn't post much — actually, I didn't post at all. Aside from adding friends and updating my profile, most of my activity was limited to commenting on other people's posts. My first status update came nearly two years later: "Had a great weekend in the city." Pure poetry.

Since then, I've become a lot more active on Facebook, along with 2.7 billion other people. It's a wonderful tool to connect with friends and family, learn about new things and share experiences. I've spent way too much time watching cooking demonstrations, laughing babies and funny animals. My husband, Jeff, also enjoys the animal posts, but often finds himself in a puddle of tears watching hours of pet rescue videos.

But for all its virtues, Facebook and other social media platforms have their downsides. One night a few years ago, Jeff and I were on the couch. I was watching TV, while he was casually scrolling his newsfeed. Every so often I would hear a loud laugh (Me: "What are you watching?" Him: "A talking cow!"), and an occasional sob (Me: "Why do you torture yourself? The dog lives and gets adopted by a great family. The dog is OK; I watched it for you."). A few minutes later, he got quiet. Then he started muttering, and finally started yelling at his phone.

"What's wrong?" I asked.

"This 'friend' from high school is on a rant, " Jeff replied. "He's saying the most ridiculous things and his feed is blowing up. Look at what he's posting! Can you believe that?"

The posts were very political and, in some cases, hurtful. Jeff immediately began banging away at a response to a particularly pointed message.

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These platforms are so integrated into our daily lives and it's likely they aren't going away. Having a well-defined social media policy and ensuring employees understand it is essential.”

As he was typing, I looked at him and said, "Kittens and puppies. Kittens and puppies." Our shorthand for, "Do you really want to post this?" As tempting as it might have been to respond, we both knew that it wasn't going to change his "friend's" mind and it wouldn't make Jeff feel any better. Better to go back to the talking cow videos.

There have been many times when I have been surprised, disturbed or shocked by what people are willing to post on social media. While it is certainly an outlet for self-expression and free speech, there are plenty of examples of how social media can cause significant damage to one's personal reputation, and even end one's career, if not used carefully.

You may remember Justine Sacco's insensitive tweets about AIDS just before getting on a plane to South Africa. By the time she got there a few hours later, the PR company she worked for had fired her and her reputation was in tatters. Then there is the legendary "Cisco Fatty" incident when 22-year-old Connor Riley shared this tweet: "Cisco just offered me a job! Now I have to weigh the utility of a fatty paycheck against the daily commute to San Jose and hating the work." Someone at Cisco got the tweet and shared it with the hiring manager. Conner does not work at Cisco, as you might imagine. And

there are countless other stories of drunken photos, racist and homophobic tweets, and posts complaining about jobs leading to losing those jobs.

This month's cover story provides great insight into how legal organizations should navigate this murky social media world. In addition to advice on crafting social media policies, it also provides guidance on training employees on using social media. These platforms are so integrated into our daily lives and it's likely they aren't going away. Having a well-defined social media policy and ensuring employees understand it is essential.

Social media gives us an opportunity to connect with the world and create a permanent record of our lives. But it also comes with a price — every post, picture, retweet is there forever. Which is why when I am tempted to post, my first thought is always, "Kittens and puppies. Kittens and puppies." ■



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**DON FUCHS**  
Vice President of Legal Sales North America, HighQ

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The correct legal technology allows teams to share files, work together on documents, send private messages, post updates in a blog, manage team tasks, share project calendars and connect.”

## How Legal Technology Is Changing the Practice of Law

**Technology around the legal world perpetually evolves at a faster rate, and legal professionals have struggled with how to keep pace. Law firms and legal departments have adopted solutions at different speeds, looking for ways to advance their business model and provide clients with measurable efficiencies — both in terms of time and money spent on services. In general, technology continues to redefine the practice of law, and those not actively participating in the change risk ending up at a competitive disadvantage.**

When specifically evaluating technology, the key idea is consistent: Identify pain points and issues with workflow and then adopt the appropriate tech tools to solve these problems. Simply purchasing a technology platform and expecting it to unilaterally be applicable to a firm or department’s particular needs presents significant problems.

Here are considerations for a law firm or legal department looking to explore new, beneficial and user-friendly digital solutions.

### **DOCUMENT MANAGEMENT**

Legal matters and document management use cases will always involve documents and files. Using technology to manage the matter in a central online workspace where the entire project team can access what they need and collaborate productively is often overlooked.

Unfortunately, document management, sharing and collaborating across project teams are too often still done via email in conjunction with Microsoft Word or Excel indexes. Finding the latest version of a document involves searching through an email chain and trying to make sure all applicable changes are made.

With the right technology, document access and permissions can be set all the way down to the file level, and the platform has full digital rights management and activity reporting to help control and monitor who does what.

### **STREAMLINING COMMUNICATIONS AND DRIVING COLLABORATION**

Team collaboration is both internal and external, and all these project participants benefit from effective communication and collaboration tools. These tools enable them to break down silos and improve transparency and knowledge sharing.

The correct legal technology allows teams to share files, work together on documents, send private messages, post updates in a blog, manage team tasks, share project calendars and connect.

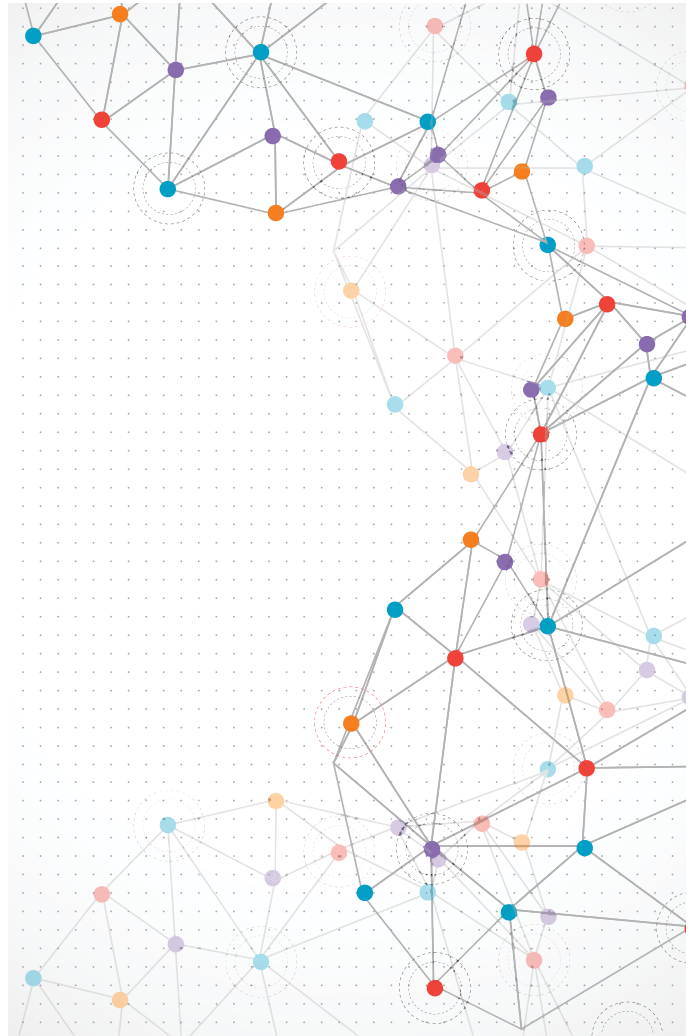
Information needs to be consolidated in one place to make it accessible by the entire project team. Providing a central workspace for distributed teams to work can quickly solve issues that arise.

### **KNOWLEDGE MANAGEMENT**

The most successful law firms are those with the best guidebook in the shape of legal experience and know-how so they can share internally and with their corporate counsel partners.

However, law firms tend to have a shifting body of knowledge that depends on the makeup of their lawyers at any point in time. The challenge for law firms is to capture and centralize their collective intelligence so that the quality of their experience develops and improves over time. A firm that masters this process and makes quality knowledge available to all its lawyers — and outside stakeholders — at the point they need it, will enable better decision-making and improved outcomes for clients.

Legal technology provides several ways for firms to unlock and capture legal knowledge and share it with other lawyers who need it. This might involve storing and managing precedent documents through a files module, collaborating with colleagues on know-how topics within a wiki, or sharing current awareness through an internal blog. Social collaboration tools can be used to share knowledge and opinions in real time, as well as crowdsource knowledge and guidance to take full advantage of the collective abilities of the legal professionals involved.



### **LEGAL PROCESS AND AUTOMATION**

All legal matters, except for perhaps the most unique and exceptional, have a standard process and workflow. Whether it's a contract negotiation, litigation, stock market listing, competition clearance or property financing, they all involve a series of standard steps and actions. Sure, each process will have its own intricacies and complexities, but the foundational process of a specific matter type will be consistent.

Establishing and following a standard process is essential for law firms, ensuring quality and consistency of delivery and helping to mitigate the risk of error — which is essential for all firms.

However, an automated approach to legal process carries even more benefit. It helps reduce manual intervention in the process, frees up lawyer time to focus on higher value tasks, enables downstream allocation of work and speeds cycle times.

It also produces data and metrics that allow law firms to identify opportunities for process re-engineering and improvement.

### DATA SECURITY

Lawyers help clients mitigate and manage risk as well as achieve value, and they do this in many different ways.

While using cloud technology for data storage becomes the norm, many law firms continue to hold out on adoption or simply want to “test the waters.” The cautious approach in the current legal landscape keeps some firms from fully realizing the ever-increasing benefits. The major roadblock for cloud technology continues to be nontechnical decision-makers who are still under the assumption that cloud data storage is inherently less secure or that in-house IT departments lack the skill to properly secure the service.

However, an informed decision on a cloud data storage provider can help eliminate the fears that law firms have around data security and privacy.

In today’s connected world, access to data on demand is paramount, and any cloud service provider should offer an “always-on” service guarantee. But beyond the network, data must always be housed in multiple locations so that in the event of a data center failure, a secondary site picks up the service with zero loss of availability. Be careful when selecting a provider because backup sites should be in the same jurisdiction as the primary site to ensure data does not transfer across borders inappropriately.

As data security regulations tighten, law firms need to know where data is stored at all times — even in the event of a disaster — to avoid any possibility of unnecessary legal exposure.

When done correctly, cloud data security comes with industry-leading expertise that safely stores a law firm’s most valuable nonhuman asset and enables improved agility and effectiveness. The best providers supply thorough and frequent auditing to ensure systems remain up to date and in compliance with the ever-evolving regulatory landscape.

### LEGAL TECHNOLOGY CONTINUES TO REDEFINE THE PRACTICE OF LAW

There can be a certain amount of trial and error involved with technology adoption. Legal departments should not be afraid to re-evaluate and make adjustments in the pursuit of improved process and efficiency. Refinement will always be necessary as the landscape of technology in the legal industry continues to evolve and change. ■

#### ABOUT THE AUTHOR

**Don Fuchs** is the Vice President of Legal Sales North America at HighQ. He is an experienced tech entrepreneur and attorney focused on helping law firms enhance their business development and client engagement through innovation with technology, practice management and the delivery of legal services. He is passionate about using his legal and technology experience to help law firms leverage the HighQ platform to gain a competitive edge and win more business.

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# How Software Financing Helps Law Firms Stay Ahead

**Law firms rely on software to provide critical opportunities to leap ahead, enhance client services and maximize productivity for the firm. However, a software upgrade can be a complex project that monopolizes resources, leading to drained budgets, or worse, reluctance to implement new technologies.**

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Financing allows firms to spread the cost of software over the useful life of its application, which, in turn, preserves money for strategic growth initiatives and partner distribution.”

To benefit from the latest software, law firms are challenged to find a strategy to harness the power of technology, while also managing the costs of projects to ensure they don't interfere with partner distributions and growth initiatives.

Enter software financing.

### HOW DOES SOFTWARE FINANCING WORK?

According to a survey published by the International Legal Technology Association (ILTA), nearly half of all law firms spend between \$8,000 and \$21,000 per attorney on technology resources. A growing cost of technology is tied to software expenses, which can easily reach six and even seven figures. Implementations often involve huge upfront consulting fees, training requirements and ongoing expenditures.

Financing allows firms to spread the cost of software over the useful life of its application, which, in turn, preserves money for strategic growth initiatives and partner distribution.

Software may seem like an odd thing to finance — it lacks the tangibility of physical equipment and many banks are reluctant to finance “soft” costs such as a software upgrade project. However, with the cost of these projects skyrocketing, financing is becoming increasingly common in the legal industry, as well as in the wider business world. The right lender will be prepared to finance the entirety of a software system or upgrade

project, including hardware, software, maintenance costs, consulting fees and other implementation services. Software leases typically take one of two forms. Law firm executives should choose the lease structure that best aligns with their objectives:

- **Capital leases:** Software is booked as an asset, subject to depreciation as if the law firm paid cash. Monthly capital lease payments are fixed and spread out over the lease term. At the end of the lease, firms will have the right to use the software with no further financial obligation. (Although considering the speed of software development, it may be time for another update.)
- **Tax leases:** Lease payments are treated as business expenses, which can be written off for taxes. Tax lease payments tend to be lower than capital lease payments, as they do not lead to outright ownership. At the end of a tax lease, firms typically can elect to either purchase the right of use of the software or continue leasing.

### THE BENEFITS OF SOFTWARE FINANCING

The overall advantage of software financing is that it allows firms to take control of unwieldy, often unplanned expenses. The result is increased flexibility to take on other, more profitable ventures. Software financing lets firms:

- **Spread payments over time.** A lease structure better aligns use with cost. Similar to office space or equipment, legal professionals generate value from continual use of the software; therefore, it makes sense to spread out the costs over its useful life.
- **Ensure there is cash on hand.** A strong cash position can protect against unpredictable markets and allow the firm to be poised for growth opportunities.
- **Grow faster and do more.** A firm’s momentum doesn’t have to come to a halt to implement more efficient software or upgrade legacy systems. Software licenses, hardware upgrades and training can all be integrated into one simple lease.
- **Minimize bank credit exposure** while paying low fixed rates for their software.
- **Maximize partner distributions** and keep within budget with predictable payments.

### SOFTWARE POWERS LAW FIRMS

Given the high costs involved and the complexity of implementation and updates, firms may be inclined to think of software as a necessary annoyance. But anyone who remembers the era before software saturated the profession will recognize how digital tools have revolutionized legal work. We can share information faster, store and find records with ease, and keep track of time and accounts with greater precision.

In short, software investments are strategic, and they help law firms make the most of their human resources. Financing is a way for firms to realize the full potential of their software without sacrificing growth or partner distributions. ■



### ABOUT THE AUTHORS

**Christina Floyd** is a Certified Lease and Finance Professional (CLFP) and has almost a decade of equipment leasing knowledge and dedicated experience working with the legal industry. Additionally, she has successfully completed the Legal Management Finance Specialist Certificate Program through ALA. In her tenure, Floyd has been instrumental in growing First American’s legal business to more than 200 firms.

**Karen Leastman** has more than a decade of equipment leasing knowledge and dedicated experience working with the law firm industry. Since joining First American in 2003, she has been a key contributor in building First American’s law firm division which now serves more than 200 law firms across the United States, including Am Law 100 and 200 firms. As a Certified Lease and Finance Professional (CLFP), Leastman is a leader in the equipment leasing industry.

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# The Legal Industry Enters the Gig Economy Age

Could your firm or legal department benefit from temporary, part-time or freelance employees?



**ERIN BRERETON**  
*Owner, Chicago Journalist Media*

**Two in five organizations expect to increase their contingent workforce use by 2020, according to EY research; the legal industry, too, appears to be increasing its use of nonpermanent workers.**

One in seven lawyers said their law firm or legal department planned to outsource more legal matters to attorneys on a contract or project basis in a 2018 Robert Half Legal survey.

Fifty-eight percent of law firms currently use part-time lawyers, and 55 percent employ contract lawyers, according to Altman Weil's 2018 Law Firms in Transition survey. Moreover, many are finding it's a beneficial arrangement — the effectiveness rate of those staffing structures increased from 2017 to 2018.

In addition to law firms bringing in temps for a defined time period to handle overflow work or cover for someone who's on medical leave, some are now turning to contingent

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“Hiring cycles can be between a month to six to seven months. We’re seeing an uptick in companies bringing in interim talent and filling gaps on a contingency basis while a new hire is selected.”

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workers to boost efficiency, according to Shannon Adams, Vice President at legal consulting and talent service provider Special Counsel.

“With large organizations, getting headcount approval could take months; if a paralegal retires, oftentimes, business leaders are having to prove a business case for why they should be replaced,” Adams says. “Hiring cycles can be between a month to six to seven months. We’re seeing an uptick in companies bringing in interim talent and filling gaps on a contingency basis while a new hire is selected.”

#### THE BENEFITS OF TEMPORARY ASSISTANCE

Hiring contingent help can offer firms a number of operational advantages, ranging from cost savings to allowing project teams to quickly amp up and down.

With a number of candidates available for contingent roles — including lawyers and staff members who are in-between full-time jobs, attorneys who are exiting Big Law, ones who want a reduced schedule as they approach retirement, and other industry members — if your organization is considering utilizing nonpermanent workers, the following considerations can help you ensure the arrangement ends up being as effective as possible.

**Determining who does the work.** Michael Downey, Managing Member at Downey Law Group LLC, a two-attorney firm in St. Louis, tends to favor using attorneys for projects because he says the cost difference compared to a paralegal isn’t that different — potentially as minor as \$10–\$15 an hour, totaling \$3,000 for a 200-hour project engagement.

“They’re going to have generally more of the skills I’m likely to need; there are certain things paralegals can’t do. Lots, for example, don’t have research or writing experience that an attorney would,” he says. “Theoretically, an attorney can do anything we need to have done.”

Adams recommends firms and in-house departments examine the specific work that contingent help will be performing.

A client initially thought it needed a team of Los Angeles-based attorneys with entertainment law and licensing expertise to review contracts for a project — at a cost another staffing agency had estimated would be \$200 per hour. So they approached Special Counsel for a second opinion, and the company suggested using talent who had some understanding of entertainment contracts, but weren’t necessarily all specialists.

“Our project team was a mix of paralegals and licensed attorneys at varying levels, who cost these folks close to \$70 an hour,” Adams says. “Once we’re able to uncover what the job is that needs to get done, sometimes we say yes, a paralegal would be the person to execute the work, or it doesn’t matter if it’s a paralegal or JD.”

**Structuring the arrangement.** Downey advises letting contingent hires know when they’ll be starting and how long they’ll be needed. That way, they’ll be readily available and there won’t be surprises on either end.

Firms and legal departments may be able to treat the project as a test to see if temporary employees might be a good permanent fit.



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“It’s really important to spend time onboarding people well so they can provide the maximum benefit and don’t spend a lot of time doing something you didn’t need.”

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“Having a 90-day employment period is nice because if [after that time] someone isn’t satisfying expectations, you can go your separate ways,” Downey says. “If the person works out, you can say, ‘Let’s keep the person longer.’”

Thomas J. Simeone, Partner at Simeone & Miller, LLP, five-attorney law firm in Washington, D.C., has used part-time and temporary help since founding his firm in 2002.

College students initially provided flexible assistance, without the added cost of providing benefits. The firm has since hired other college and law students, a part-time attorney and freelancers to work on its website and promote a scholarship the firm is offering.

Simeone has found some responsibilities — such as handling frequent communication with clients — generally aren’t well-suited to employees who aren’t full-time.

“You can’t give a part-timer vital daily tasks; they have to fit around the times they’re there,” he says. “[And] they’re not always there to respond to people, which makes communication a little more difficult. Having one paralegal



oversee people [can help] allocate time and tasks. [Then you can] say, ‘Talk to Linda,’ and she’ll say, ‘Do these things,’ or ‘Work for Paul today.’”

**Dedicating time to onboarding.** The biggest pushback Special Counsel hears from clients about using contingent help is that training takes too long, according to Adams. She says they feel that by the time they get trained, the project will be over or the person the contingent worker is filling in for will be back.

Although, particularly in the midst of a project extensive enough to necessitate bringing on nonpermanent employees, taking time away from that work can seem counterproductive. But Downey says it can actually improve project outcomes.

“It’s really important to spend time onboarding people well so they can provide the maximum benefit and don’t spend a lot of time doing something you didn’t need,” he says. “[It can be helpful] to provide them with short written summaries of the key people and dates they can look back at as a reference if they see things they think are important.”

**Proactively protecting privileged information.** For contingent workers to effectively help with things like document review, attorneys may need to provide information about a case. Although, some firms may view that as a confidentiality concern.

“Usually you have to provide them with enough information about the case if you want them to do well — a case summary, here’s the title, caption number, the pending basic allegations,” Downey says. “The biggest thing with temporary attorneys is you don’t want them to have a conflict coming in, and you don’t want someone who worked with your side of the case to go to the other side.”

While it might not be realistic to craft an extremely detailed noncompete arrangement for a temporary engagement, firms will likely want some protection to ensure related information isn’t disclosed, according to Downey.

“The confidentiality agreement doesn’t need to be complicated, but it’s really good to have something in writing,” he says. “If you have an agreement that says, ‘I have been retained by X law firm to work on Y project, and I agree to keep information during the retention confidential as permitted by law,’ in [some states, can offer adequate protection].”

**Paying attention to ethics.** Downey, who has taught legal ethics at Washington University in St. Louis, says his firm is careful to always be very transparent with clients about what the firm charges and what it pays any non-long-term employees who work on their matters.

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“One of the big things some firms don’t realize is they shouldn’t be using temporary attorneys as a way to get improper profits.”

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“One of the big things some firms don’t realize is they shouldn’t be using temporary attorneys as a way to get improper profits,” he says. “People say, ‘I hear you can pay employees X and charge clients five times X, and you don’t have to tell the client.’ That’s not true.”

### NONPERMANENT WORKERS’ ADDITIONAL IMPACT

In addition to expense and operational efficiency benefits, contingent workers may also be able to help firms and legal departments increase current employees’ level of job satisfaction.

A labor and employment law firm Special Counsel works with investigated its high overtime costs. Adams says that the firm discovered it was spending far too much to have work that could be produced externally at a third of the cost handled by internal support staff members who, due to experience, were paid above-market salaries.

“In turn, the firm realized its employees were stressed and got sick more often because they were working so many hours,” she says. “It’s not only a financial value to a firm to take work off people’s plates; it also is good for the culture of the organization to give very tenured, very valued employees a breather.”

Clients may also experience positive effects. “Client service can be the first thing out the window; maybe people aren’t



as quick to respond to emails or return calls,” Adams says. “If contingent workers can take some of the work from those people, they’re now more available, which is a more delightful experience for clients. That’s what helps you retain your market share — happy clients don’t leave; they stay and give you more work.”

Hiring contingent workers isn’t an automatic fix for every firm or legal department, or every business problem. The system may not be a good fit in scenarios where having turnover on a project or role would mean institutional knowledge was lost, Adams says. Furthermore, in areas with high demand for certain skills, finding temporary or part-time help for a reasonable cost may be challenging.

However, in today’s post-recession legal services market, that may not be an issue for a number of firms and in-house legal departments, according to Downey.

“The economy has been tough,” he says. “A lot of law school graduates own a firm that’s not that busy, or have free time or a family situation where they’re not able to work full-time. There are plenty of people around who are happy to have decent employment for decent pay.” ■

### ABOUT THE AUTHOR

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

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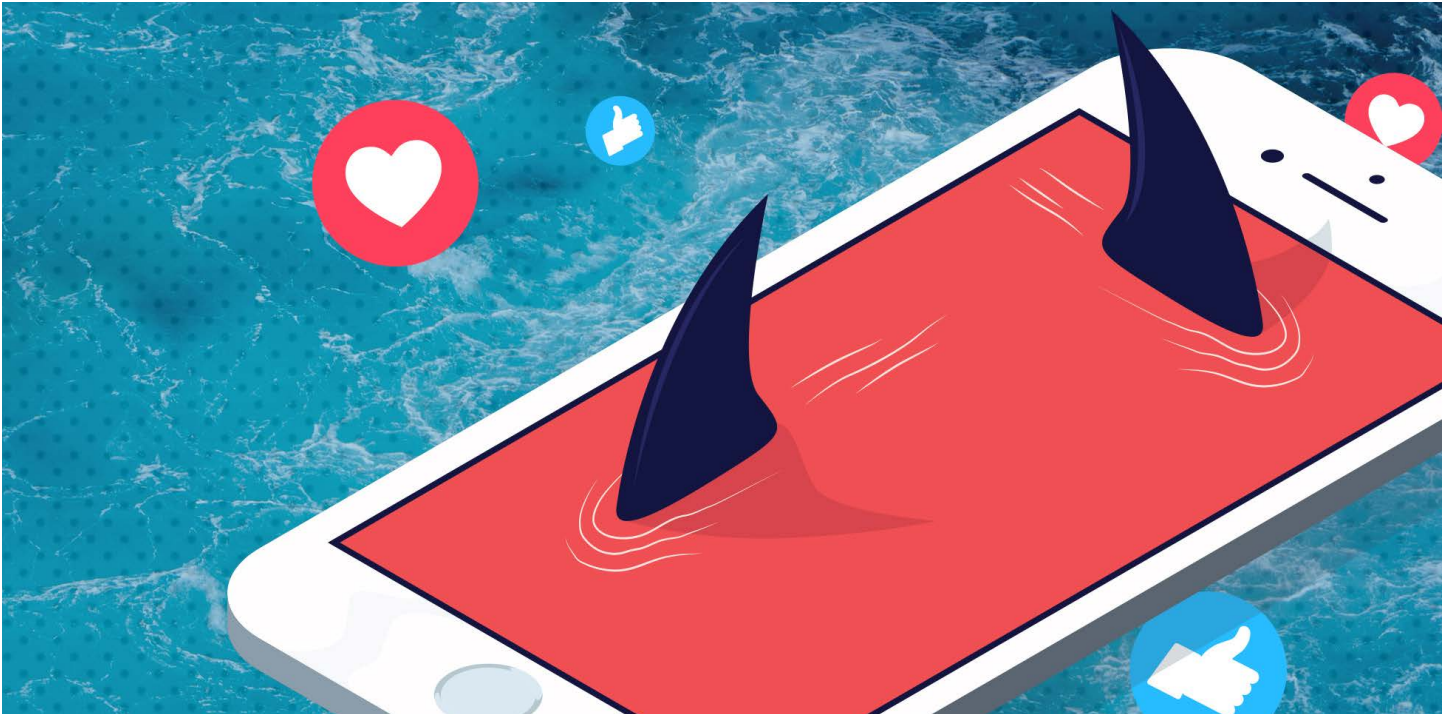
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# Social Media Struggles

In the age of social media, your firm needs a clear policy in place to ensure you don't make headlines for the wrong reasons.



**KYLIE ORA LOBELL**  
Freelance Writer

**Today it seems just about everyone is on social media. In the United States alone, 79% of people have at least one profile on sites like Twitter, Facebook, Instagram and Snapchat. But social media can be a mixed bag. On one hand, it's a great connector and has the ability to bring together individuals all over the world. But it can also cause significant headaches — especially when it comes to the workplace.**

Hardly a week goes by when there isn't news of employees being fired over their social media behavior. One doctor in Ohio was fired over anti-Semitic tweets, when she wrote that she was going to give Jewish people the wrong medicine. A day-care employee posted on Facebook that she hates being around children, so she was let go. A math teacher in Colorado was fired over racy tweets. (See the online version for links to these examples.)

When employees post hateful or inappropriate comments that are considered racist, sexist or homophobic, they often go viral. Where they work is often exposed, and suddenly a company can find itself dragged into the headlines. Where an employee posts doesn't matter — even if employees posted during their personal time, outside of business hours — it still can be grounds for dismissal.

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It's critical that law firms come up with specific social media policies before taking any sort of action against an employee.

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### THE LEGAL MURKINESS OF SOCIAL MEDIA

Firing an employee may seem like a logical step if they are out of line on social media; however, the rules aren't always so clear. Social media is still a relatively new concept, so the law hasn't necessarily had time to catch up with it. Furthermore, employers might not be aware of what employees can and cannot say online. For instance, one woman who ranted on social media about her job was subsequently fired, but she struck back with a lawsuit. The matter was settled as it was within the employee's legal rights to complain about her job on social media.

"There are some labor laws around what you can and cannot do and what you can tell your employee to do," says Rose Miller, President of Pinnacle Human Resources. "There's a thing called protected concerted activity. An employee can talk about your company in terms of their wages, benefits and work environment and you can't tell them not to do it."

So what's an employer to do? Knowing what would qualify for disciplining or even letting an employee go is critical for law firms. Otherwise, they could get themselves into legal hot water. Aside from looking into the legal aspects of social media posts, such as protected concerted activities, law firms should know what types of posts are problematic.

### WHAT QUALIFIES AS A BAD SOCIAL MEDIA POST?

Posts that are hateful in nature are clearly off-limits, even if they appear on personal accounts. Bullying and sexual harassment of other employees are also issues that need to be dealt with seriously as well.

According to law firm consultant Matt Starosciak of Proven Law Marketing, any post that mentions a client — whether it's positive or negative or if it divulges confidential information — is a big problem.

"Both current and prospective clients will make judgments about the firm's quality of representation and ability to keep information confidential from what they find online," Starosciak says. "Employees should not be posting anything that diminishes a prospective or current client's positive

impression of the firm. Those mistakes will cause a loss of revenue either directly or indirectly over time, and that's a problem for any business."

Anything that violates a company policy could also lead to an employee's termination. However, it's critical that law firms come up with specific social media policies before taking any sort of action against an employee. It's best to be proactive rather than waiting till you find yourself in a difficult position.

### CREATING A SOCIAL MEDIA POLICY

While 51% of companies in the United States have rules regarding social media in the workplace, only 32% have guidelines that highlight how employees should be conducting themselves when posting anything online. Law firms need to put policies in place that cover how social media can be used and outline what constitutes an inappropriate post.

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Another way a law firm can safeguard itself against sticky social media situations is to stay on top of them. This means setting up a Google Alert so they can see when a company name is mentioned.

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Starosciak says a good place to start is to strongly discourage employees from posting anything about the firm online.

"Law firms are not pizza shops. Because there are so many potential problems for law firms when it comes to social media, it's better to stay away from it completely," he says.

This includes any discussion about clients. According to Mary K. Young of Zeughauser Group, employees should not talk about clients without their permission or take a side on an issue without vetting it internally. "You can say things like, 'Here is the likely development,' and you can comment to the press and explain what is going on without taking sides," she says. "There are a lot of ways to be engaged without offending clients. That should be spelled out in the policy."

Firing an employee may seem like a logical step if they are out of line on social media; however, the rules aren't always so clear.

Employees may have a lot of strong opinions on a lot of topics that they post online; as long as these comments aren't off-color, they are fair game. Miller does recommend instructing employees to say that post is their personal opinion and that they don't represent the company. For example, say an employee shares a post related to a political hot point. If your firm represents lobbyists on the opposing side of that issue, it's a problem. "You need to separate private technology and company technology," she says.

Once your social media policy is in place, Young says it's imperative the firm trains their employees on it. This training should cover the policy as well as best practices for social media. If employees still violate it after this, it's time to have a serious discussion that may result in job termination for that employee.

### HAVING A TOUGH CONVERSATION

You may have a zero tolerance policy for hateful or harassing posts. But what about for posts that may cross a line, but may not be as off-color? That's when law firm leaders need to speak with the employee to ascertain what happened.

"Speaking with the employee about the impact of the post on others, sharing why it is not appropriate and asking that it be removed is a good first step," says Kendra Fuller, SPHR, SHRM-SCP, Senior Consultant at Swift HR Solutions. "Supporting this action with increased awareness and education can help minimize future events."

Law firms can also put employees on a performance improvement plan. Instead of taking disciplinary action, they help the employee understand what was wrong to make sure it doesn't happen again. "Give them a chance to do the right thing," says Miller.

If you are an HR professional within your firm, these tasks are likely to fall to you — and your firm is better poised to handle these situations.

Another way a law firm can safeguard itself against sticky social media situations is to stay on top of them. This means



setting up a Google Alert so they can see when a company name is mentioned. "This is something they should be monitoring," says Miller. "This is important especially in highly competitive environments."

### GOING BEYOND SOCIAL MEDIA

Ensuring success with a social media policy goes beyond creating a document and doing a training on it. A culture shift that involves valuing employees should be put into place. According to Fuller, leaders should create opportunities for conversation.

"Policies alone may set an expectation and consequences for violation, but a larger shift needs to happen in our workplaces," says Fuller. "So many leaders state that 'employees are our most valuable asset.' However, they fail to engage in actions that both protect and educate their people throughout the full employee lifecycle. By setting an inclusive, respectful culture that is evident in how we recruit, interview and select, manage, develop and exit staff members, we embed the desired culture that supports open and candid communication, inclusion and respect." ■

### ABOUT THE AUTHOR

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



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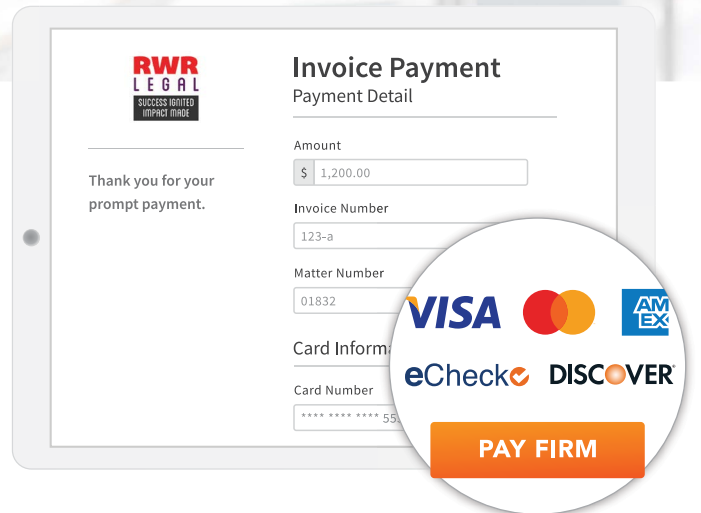
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# Lifting Low Morale

Small changes can make a big difference in shifting your employees' mindset.



**DREW AMOROSO**  
Founder, DueCourse

**At a time when law firms are looking for new ways to address changing markets and shifting client expectations, much of the recent conversation has centered around things like legal technology, increasing productivity and maximizing efficiency.**

While these concepts are certainly a key element of the progress firms must make, many firms overlook the opportunity to address a fundamental theme that's crucial for continued growth and development: employee morale. It's no surprise that spending time and resources to address the mental and emotional wellness of employees results in a net positive for firms. The quality of day-to-day interactions and the culture that exists inside firms help to shape the creativity, longevity, productivity, confidence and enthusiasm of all members of a firm, attorneys and staff alike.

Although building morale and creating a positive workplace culture is not a snap-of-the-fingers undertaking, an extensive budget and elaborate plans are not a prerequisite to making significant changes. When it comes to morale, it turns out that small practices executed consistently over time can lead to meaningful changes for your firm.

If you're feeling like your firm culture needs adjusting, start with this: focus on the basics. Here are a few simple concepts that can help you get started.

## **START BY EXAMINING YOUR PERCEPTION**

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When it comes to morale, it turns out that small practices executed consistently over time can lead to meaningful changes for your firm.

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Like many things, improving morale starts with a shift in perception as to what actually is at the root of improved morale — and how you're going to go about focusing on those aspects with intention. Rather than functioning on the assumption that things like money, bonuses, perks or more vacation time are the ultimate motivator, spend time promoting some of the concepts below and building the things that matter to your teams.

### ASK FOR FEEDBACK — AND ACT ON IT

If you don't know where to start, one of the best ways to learn what your teams really need is to simply ask. Start a conversation by asking what you or the firm could do better, and commit to trying some of the suggestions you receive. It's important for the members of your firm to feel like their opinion is being heard and considered.

### PRACTICE GRATITUDE

In the absence of any praise or feedback, employees will assume that their efforts are going unappreciated or unrecognized — and many supervisors fail to realize the significant impact that simple acts of gratitude can have on those they work with. Simple things like saying thank you or telling someone how their efforts positively affected a case or matter can be valuable motivators for your team and can be accomplished in a matter of seconds. Capitalizing on opportunities to demonstrate gratitude will also prevent the stagnation and lack of effort that comes from feeling like your efforts have gone unnoticed.

### DEFINE SUCCESS AND FOCUS ON PROGRESS

Your efforts to define success and focus on the incremental progress your individuals and teams accomplish can also be a driver for increased morale. Studying the performance of workers inside organizations, researchers Teresa Amabile and Steven J. Kramer have written extensively on the power of small wins throughout a workday. As Amabile and Kramer pointed out in the *Harvard Business Review*:

*"Of all the things that can boost emotions, motivation, and perceptions during a workday, **the single most important***

*is making progress in meaningful work. And the more frequently people experience that sense of progress, the more likely they are to be creatively productive in the long run."*

Amabile and Kramer's work underscores the importance of taking time to outline what success looks like for your firm, your employees and your teams, and for identifying milestones that everyone can work toward. The sense of progress that comes from working toward those goals can have a positive impact on day-to-day motivation and spur a deeper connection with their work.

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Like many things, improving morale starts with a shift in perception as to what actually is at the root of improved morale — and how you're going to go about focusing on those aspects with intention.

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### ACKNOWLEDGE WINS

A close relative of focusing on progress is acknowledging wins. In fast-paced law firm environments where the next case always needs attention, there never seems to be much time to focus on accomplishments. But a key part of boosting morale is taking time to acknowledge wins — both on a small and large scale. It could take the form of sending out an email or writing a short handwritten note congratulating an individual or your team on a job well done. (Remember: This praise need not wait until a deal is done or a case is won, either — small victories can and should be celebrated, too.) It also could mean acknowledging individuals at firmwide or all-hands meetings where the entire organization gets to celebrate the accomplishments of their peers.

### GIVE CREDIT

Look for opportunities to go out of your way to give someone credit for a job well done. In the law firm setting, attorneys are often the only ones who are acknowledged for "winning" cases or landing big clients. But staff and junior associates play an integral role in these accomplishments, too, and making

Consider the value that comes from investing in tools and technology that support the work of your teams — particularly areas that are consistent pain points.

sure to give credit to everyone who contributed helps cement a sense of community.

### INVEST IN TOOLS THAT HELP YOUR TEAM WORK BETTER

Consider the value that comes from investing in tools and technology that support the work of your teams — particularly areas that are consistent pain points.

“By automating routine cognitive tasks like document review, associates can focus on work that is more meaningful to them while simultaneously providing better service to their clients,” says Peter Wallqvist, Vice President of Strategy at iManage, a company that provides document and email management software to legal professionals. “Automating mundane tasks serves the dual function of streamlining your work while also getting your teams back to focusing on work that is more meaningful and fulfilling.”

Look for opportunities to improve the day-to-day work experience of your teams by investing in tools that help them do their job better.

### SCHEDULE THINGS YOUR OFFICE CAN LOOK FORWARD TO

Always put things on the calendar that your office can look forward to. A natural sense of excitement and motivation

builds when we know a reward or a fun event is coming soon. Look for opportunities to rally your office behind the shared excitement that comes from these opportunities.

Here’s the main takeaway: investing in employee morale is at the heart of the short- and long-term growth and development at your firm. If you’re looking for ways to address turnover, low productivity and underperformance, consider the value that comes from shaping a culture where morale is one of the highest-level priorities. ■

#### ABOUT THE AUTHOR

**Drew Amoroso** is the Founder of the legal tech start-up DueCourse, a professional development platform that helps lawyers achieve their performance and productivity goals and develop practical skills through customized video courses and other technology-based learning methods. Prior to founding DueCourse, Amoroso was a Senior Associate at Reed Smith and was the owner of his own law firm where he practiced fitness law — representing innovators in the fitness and health and wellness industries.

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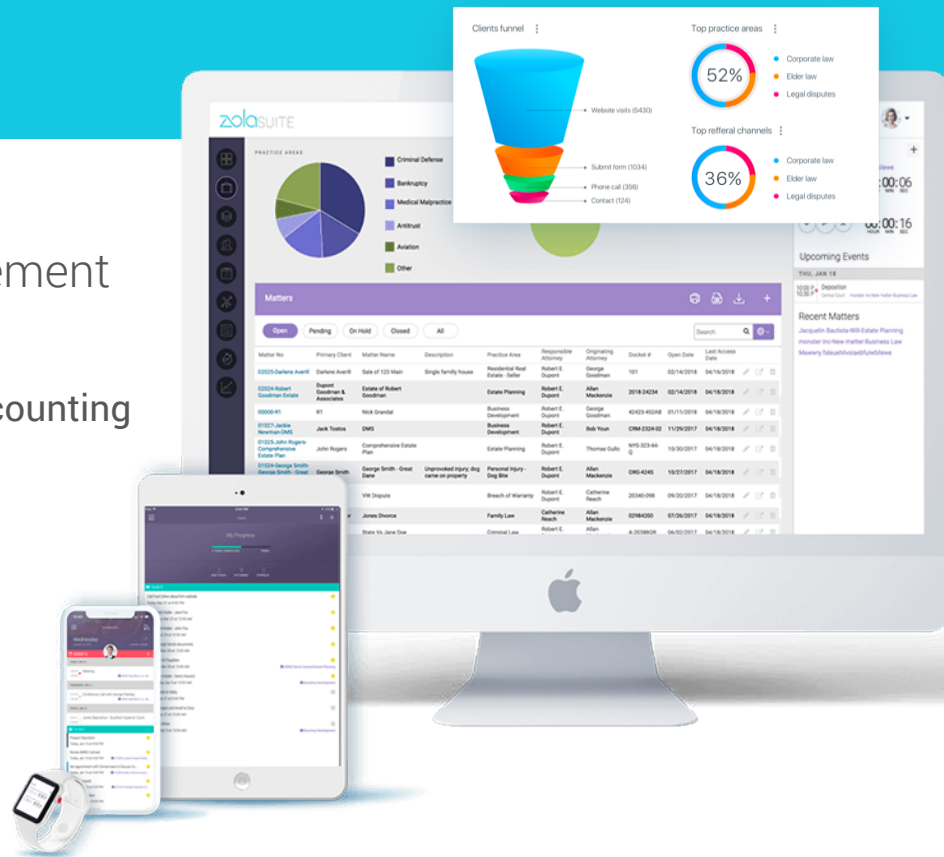


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# TOP 10



ROSS FISHMAN, JD  
CEO, Fishman Marketing

## The Top 10 Rules for Client Endorsements

*"Ross is the smartest, most creative marketer I know." — Bill Gates*

“

Testimonials, recommendations and endorsements from credible sources are extremely persuasive. As such they should be a vital part of your marketing arsenal.”

Boy wouldn't it be great to have that testimonial? From someone as well-known and well-regarded as Bill Gates? You may not know me, but I'll bet you already suspect that I might be pretty good. You know and respect Bill Gates and by virtue of his willingness to publicly put his name behind me, I'm immediately imbued with some of his credibility. That is the power of testimonials. (Of course, I completely made up that testimonial; Bill Gates has no idea who I am, but you see the point.)

Testimonials, recommendations and endorsements\* from credible sources are extremely persuasive. As such they should be a vital part of your marketing arsenal.

Consider two marketing approaches. You can: A) Tell me that you're awesome. B) Have a giddy client or credible third party say the exact same thing.

The first one is bragging, it's icky and it lacks credibility.

The second one is persuasive, professional and trustworthy. Fundamentally, in marketing, don't tell me you can do something; show me that you've done it — and ideally have a happy client or trustworthy professional to prove it.

**1. Name the source.** If you don't tell me exactly who said that wonderful thing about you, I doubt it's true. Specificity *creates credibility*. Here's a quick test — if you saw this on a law firm website, which of the following signatures is more convincing?

"Dave is a terrific lawyer!"\* [signed]:

- **"Client"**
- **Tiffany**, Fortune 500 company
- **Tiffany R. Jones**, Associate General Counsel, General Electric

It's the last one, because it identifies the specific person, title and company. It makes me feel like I could contact this person to double check if I wanted to. And the better-known the recommender, bigger the title, and more prestigious the company, the better the endorsement.

**2. Tell them what you want it to say.** You might want it to focus on a particular feature, style or brand attribute you want to convey. Detailed guidance makes a testimonial easier to write. For example, "Can you talk about how efficiently we handled your case?"

Most satisfied clients are happy to do this. They're most likely to simply respond, "Sure, just write something for me to sign." That's ideal; this way you can get precisely what you need.



**3. Use simple English.** Make it sound like something people might actually say. Take out the marketing fluff and puffery. Don't make me suspect that it was written and thrice-edited by a large, dull marketing committee.

**4. Shorter is better.** Many well-intentioned endorsements you receive will be entire paragraphs, with unnecessary specificity. Edit it into a single tight sentence or two if possible. Think in terms of active blurbs: "Brett understood our industry better than any lawyer we've ever worked with!" Just because a client wrote it doesn't mean you must use the whole thing, verbatim. But be sure your edit remains true to the original. In my experience, most testimonials will arrive with a friendly "feel free to edit it" comment from the author anyway.

**5. If they say it, get it in writing.** Often, you'll receive a gracious comment from someone, like "You really did a terrific job negotiating the deal!" If you know that they sincerely mean it, you can respond "Thanks, that's so nice of you to say. Would you do me a favor? Could I quote you? I'm supposed to collect some quotes for the firm's marketing. Would it be OK if we put that on the website?" They're usually happy to let you turn their comments into quotes.

**6. Get explicit permission.** Always get the recommender's approval to use the quote. A client might have said something nice to you face-to-face or in a private email but have a strict corporate policy against providing public endorsements.

Don't anger good clients by using their name without explicit permission. First, it's simple courtesy.

Second, lawyers have a high duty of confidentiality regarding their client representations (Rule 1.6), including revealing client names and examples. Check your state's ethics rules, too.

**7. Spread it across the internet.** Don't forget to add it to your website biography and LinkedIn profile. (You can ask for a recommendation on LinkedIn with a simple click, and you want prospects who are looking you up to see them.)

Once you have a few positive endorsements, start asking

satisfied clients to post them to the review sites that Google ranks highly, such as Yelp, Merchant Circle, Avvo or Martindale.com. If these sites are going to show up anyway when someone searches for your name, they might as well show up with a comment from someone saying you're fabulous.

**8. Reciprocate.** There's no obligation to immediately write something nice about the client, but it would certainly be nice to return the favor. They have careers, too, and would likely benefit by having their boss and professional connections see a prominent lawyer recommending them. Simply go to their LinkedIn profile and click "Write a Recommendation." You may even tell them that you're going to and ask them what they'd like it to say. Just be sure you mean it.

**9. Don't write your own.** It can be tempting to short-cut the process and write your own awesome endorsements or have your family and employees secretly do so. Don't do it. Both the Federal Trade Commission and bar associations frown upon this deceptive conduct, called "astroturfing."

**10. How to request a testimonial.** Just ask. It's a simple and common request given the omnipresence of social media. But many professionals won't ask, because it feels demeaning. So, here's what you do — blame marketing.

Try this: "I'm sorry to ask, but marketing has been asking us to get client testimonials. Can you do me a favor? Can you write me something short about how practical our approach was in this deal? I'd really appreciate it."

It's that simple. Blame someone else if asking makes you uncomfortable. If they were happy with your work, they'll be happy to dash off a quick sentence or two for you. Really, it's no big deal.


Once you get in the habit, you'll find that seeking endorsements is pretty easy. And please get in the habit of giving endorsements, too. It's nice, and it helps build stronger relationships. ■

*\*Note that client testimonials, endorsements and reviews had been prohibited in some fashion by Rule 7.1 of the American Bar Association Model Rules of Professional Conduct in roughly half the states as a potentially "false or misleading communication." The ABA's recent update has helped many states loosen up their rules, permitting truthful testimonials. Check your state's rules.*

**ABOUT THE AUTHOR**

**Ross Fishman, JD**, specializes in branding, websites and marketing training for law firms. A former litigator, marketing director and marketing partner, he has helped hundreds of firms dominate their markets. Fishman was the first inductee into the Legal Marketing Association's Hall of Fame. He's written two books on branding and associate marketing, both available on Amazon.

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# Law Firms Should Not Ignore Rumors About Workplace Sexual Relationships

By Kate Dewberry



**Recent media coverage of the #MeToo movement has brought a heightened awareness of sexual harassment in the workplace, especially in law firms.**

News coverage indicates an increase in sexual harassment claims against law firms — both for covering up clients' histories of sexual harassment and covering up harassment in their own firm. Law firms are particularly vulnerable to these types of claims for several reasons.

First, the practice of law has traditionally been dominated by men, and despite recent efforts, there is still an inequitable distribution of men to women in the field. Additionally, the nature of law practice involves long hours in small teams, often involving only one associate and one partner or one attorney and one paralegal or legal administrative assistant. The mentor-mentee model has an inherent imbalance of power that can be abused or result in misperceptions.

Finally, people who work in law firms — especially associate attorneys — often form close bonds to handle the stress of their jobs and those relationships can be problematic.

According to recent data from the Equal Employment Opportunity Commission (EEOC), charges filed with the EEOC alleging sexual harassment went up by more than 12% in 2018 over the previous year. In addition, there was a 50% increase in the number of lawsuits filed by the EEOC against employers alleging sexual harassment as compared to 2017.

## TIME FOR A POLICY REVIEW

Now is the best time for firms to review internal policies and practices and ensure that attorneys and staff understand the kinds of behavior that can create claims of sexual harassment.

In general, sexual harassment is any conduct of a sexual nature or based on a person's gender when submission to or rejection of the conduct affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

The Circuit Court covering North Carolina, South Carolina, Maryland, Virginia and West Virginia recently expanded the scope of the kind of conduct that can be considered to form the basis of sexual harassment claims. Historically, courts were hesitant to treat sexual rumors as a form of as a form of discrimination in accordance with Title VII of the Civil Rights Act. However, in February, the U.S. Court of Appeals for the Fourth Circuit held that baseless rumors that a female employee had a sexual relationship with her supervisor could support a sexual harassment claim.

The female employee's male coworkers spread a rumor that she slept with her male boss to obtain a promotion. A manager participated in spreading the rumor, discussed it at a staff meeting with other employees and blamed the

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An attorney's initial reaction to workplace gossip may be to stay out of it. While that approach may have been acceptable in the past, attorneys should be trained to address rumors that an attorney or staff member "slept their way up the corporate ladder" under the firm's sexual harassment policy.

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employee for "bringing the situation into the workplace" when she tried to discuss her concerns about the rumor. He also told the female employee that "he could no longer recommend her for promotions or higher-level tasks because of the rumor."

The lower court granted the employer's motion to dismiss and held that the "complaint as to the establishment and circulation of this rumor is not based upon her gender, but rather based upon her alleged conduct." The Fourth Circuit reversed the lower court's opinion and held that the complaint "plausibly invokes a deeply rooted perception — one that unfortunately still persists — that generally women, not men, use sex to achieve success. And with this double standard, women, but not men, are susceptible to being labelled as 'sluts' or worse, prostitutes selling their bodies for gain."

Considering this expanded view of what constitutes sexual harassment and the recent climate surrounding these types of claims, it is important that law firms conduct regular training and keep an ongoing open dialogue with their attorneys and staff about sexual harassment.

Typical online antiharassment training is often ineffective. Sexual harassment training should be live and interactive whenever feasible and should be tailored to the firm. In addition, it should identify behaviors that are unacceptable in the workplace and communicate a clear complaint



procedure. It is most effective to train partners, associates and staff separately, so that those in a supervisory role can learn to identify and address sexual harassment. Separate training also fosters a more open discussion about specific behaviors that may be occurring in the workplace.

And, because of that Fourth Circuit decision, law firms should specifically discuss how to deal with sexual rumors in the workplace. It can be part of new sexual harassment training or an update to an annual program.

An attorney's initial reaction to workplace gossip may be to stay out of it and avoid getting involved in conversations about coworkers' personal lives. While that approach may have been acceptable in the past, attorneys should be trained to address rumors that an attorney or staff member "slept their way up the corporate ladder" under the firm's sexual harassment policy. That means reporting rumors to human resources and taking affirmative steps to prevent them from spreading. Once they become aware of a sexual rumor, human resources should immediately investigate to identify the source and scope of the rumor and discipline the individuals involved. ■

#### ABOUT THE AUTHOR



**Kate Dewberry** is an Associate Attorney at Poyner Spruill LLP in Raleigh, North Carolina. She practices in the areas of employment law and litigation and represents employers in litigation under all federal and state employment laws, including cases involving harassment, discrimination, retaliation and wage and hour issues.



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# How to Craft a Meaningful Parental and Caregiver Leave Policy

By Kathleen Brady, PCC



**Much has been written recently about the generosity of parental leave policies for lawyers at major firms. Clearly, availability is not the issue — it is the fear of using the leave that haunts the industry.**

Attorneys worry about the effect that using the policy will have on how their commitment to their firm is perceived. They worry that they won't be staffed on significant matters, which will impede their progression toward partnership. They also worry about the impact their actual commitment to work will have on their family responsibilities.

In other words, your policies may look good on paper, but do they actually serve the needs of both the institution and its individuals? The goal is to design policies and protocols that empower caregivers to create workable solutions to progress in their careers and tend to their families. Yet unlike

other policies, the framework for this one needs to be driven by the caregivers' needs, not the firm's. Tending to the needs of your workforce first ultimately serves the firm best.

Start by examining your current policy:

- What do you call it? Language affects implementation and usage. Most firms have moved away from the gender-specific "maternity leave," opting instead for "parental leave." While that is a step in the right direction, many policies continue to distinguish between a primary and secondary parent. That distinction is not gender-neutral and ignores that most families engage in co-parenting to the detriment of both women and men.
- Is your policy limited to new parents or is it open to all caregivers, including those taking care of a sick or disabled loved one?
- Is your policy only for lawyers or does it include staff?
- What is the business imperative?

These may seem like minor points, but your responses will offer profound insights into organizational culture, which is defined by spoken and unspoken values and priorities.

As you examine your policy, consider why you are offering leave in the first place. A report by the National Task Force on Lawyer Well-Being suggests that by taking care of its workforce, an organization is better able to retain talent, serve clients and meet its financial goals. Since the priority of firm leadership is client service and profitability, it is critical to expand their worldview to see that a well-designed leave policy addresses both of those concerns and thus should be a priority.

Designing a policy is the tough part — there is no one-size-fits-all solution. It requires uncomfortable conversations to sort through all the issues. People need to talk to one



The goal is to design [leave] policies and protocols that empower caregivers to create workable solutions to progress in their careers and tend to their families.

another to uncover the concerns and priorities of potential users as well as firm leadership. The goal isn't to create an entitlement policy that caters to every demand of your workforce but rather to create a framework with enough flexibility to empower individuals to create a plan that works for their family, their career development and the needs of the organization.

### IMPLEMENTING YOUR POLICY

Once you have crafted your policy, you then have to announce, implement and monitor it to ensure that using leave becomes part of the firm's culture. Think beyond a firmwide email and consider methods that showcase the policy to reinforce the firm's values and priorities:

1. Create model schedule options to define acceptable hour arrangements and how bonuses will be calculated.
2. Designate a point person to facilitate leaves. Duties should include:
  - **Before leave:** Help design a leave plan to transition matters. Discuss if and how the individual wants to be kept in the loop while they're out.
  - **During leave:** Acknowledge it is a major life event. Send a gift to new parents, or offer a thoughtful gesture like a card or muffin basket to a caregiver to let them know they aren't alone.
  - **Upon return:**
    - Create a reorientation program to welcome people back: tend to logistics and paperwork, review available resources and arrange lunch. Schedule time with their practice group leader who can update them on matters and introduce them to any new hires.
    - Encourage them to talk to their practice group leader to establish best practices should the need arise to be out of the office or travel for assignments. Communication is critical to avoid misunderstands.

- Ensure some professional and client development activities are held during business hours so they can continue to grow.

3. Monitor it! What gets measured gets improved. Look at hard data and anecdotal information. Compare usage and challenges by gender, office and department. The data will help you determine what tweaks are needed to ensure using the policy is an acceptable cultural norm.

Finally, educate the community about the challenges of caregiving and the importance of not making assumptions about people's commitment or availability. Gently (but continuously) remind everyone that thoughtless comments and even well-meaning assumptions create unnecessary awkwardness and undermine the organizational objectives. Honest communication is the key to success. ■

### ABOUT THE AUTHOR



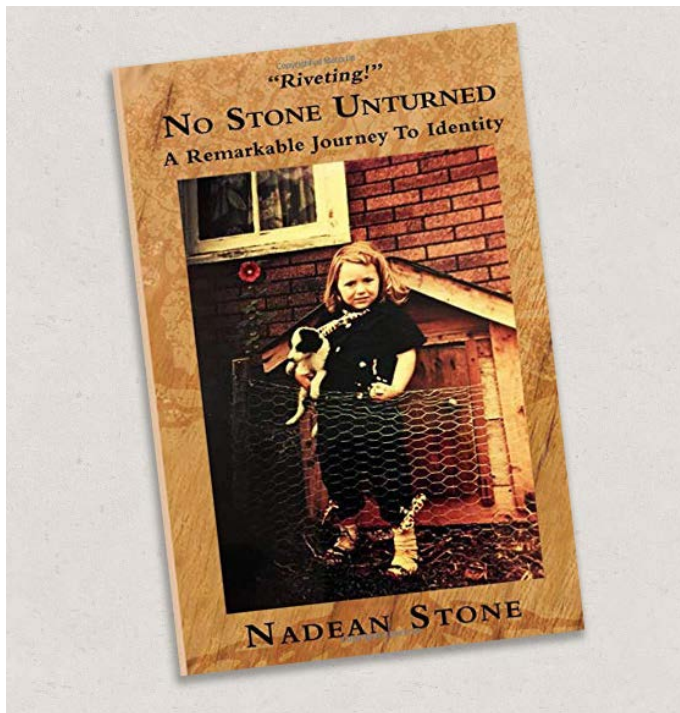
**Kathleen Brady, PCC**, is the Director of Coaching at Preferred Transition Resources.



Kathleen@preferredtransition.com



# ALA Member Pens Memoir



Nadean Stone, CLM, MBA, is a member of the South Florida Chapter, and recently released her memoir, *No Stone Unturned: A Remarkable Journey to Identity*, which follows her search for her birth parents. Between 1945 and 1973, about 350,000 unmarried Canadian mothers were persuaded, coerced or forced into giving their babies up for adoption. Many babies, like Nadean, were illegally given away. This journey chronicles Nadean's remarkable search for her birth parents. A portion of the proceeds from the book will be donated to St. Jude Children's Hospital, the Salvation Army and a scholarship established in memory of her son, Andrew.

We sat down with Nadean to discuss the book.

**LM: What inspired you to write this book and share your personal story?**

**Nadean:** In the early morning of August 4, 2017, my husband, Bill's, and my 28th wedding anniversary, I was at a particularly low point. We had just returned to our rental cottage in Vermont. The previous six days had consisted of extensive travel during which we buried my beloved Aunt Roberta, one of my many mothers, in Sault Ste. Marie, Canada, and then

traveled to another small town in Canada in search of clues to my birth father's history. He died in 2000. We hoped our research would establish that he had lived in the town and confirmation of this might lead to clues on the identity of my birth mother. The entire trip was an unending roller coaster of raised hopes and subsequent disappointments. I was physically and emotionally exhausted.

My life, up to this time, was replete with so many unbelievably daunting personal challenges, that on the rare occasion when I shared my story, the listener would stare at me in disbelief and usually reply, "That could not possibly have happened! How could one person survive all of that and come through it with any level of sanity?"

On that morning, I was feeling very much alone. I shared with Bill that if our search ended at that time, I would be OK as long as he loved me. However, some good had to come out of all these struggles. I made a commitment that morning to start my memoir in the hope that the reader would find faith, hope and the courage to persevere against all odds.

**LM: You went through so many formidable personal trials — a difficult childhood, a battle with cancer, an abusive marriage, and many more unbelievably profound hardships. Where has your strength come from?**

**Nadean:** I was raised Catholic so have always had a firm belief in God. On the many occasions that I felt alone, broken and unloved, I looked to God for courage. I knew that I was never truly alone, that God always walked beside me holding my hand.

**LM: DNA kits turned out to be crucial to you finding your birth family. Do you think you'd have been able to find them without that information?**

**Nadean:** One needs to look at the history of my birth to understand how crucial DNA was to finding my birth family. On Christmas Eve 1952, my unwed birth mother left me at St. Joseph's Hospital in Blind River, Ontario, Canada, and boarded an afternoon train to return to her small town. She had signed documents relinquishing all rights to me and

instructing Mother Superior to find adoptive parents for me. I was six days old. Mother Superior neglected to register my birth at the town hall, which was required by law. Nor did she call in the Children's Aid Society to process a formal adoption. We shall never know why. A beautiful successful young couple, Sid and Rita Russell, were desperate for a child and took me from the hospital on January 11, 1953.

In 2008, the law in Ontario changed, permitting legally adopted persons access to their birth records. It was not until 2013 that we discovered I had never been legally adopted. I had simply been given away by Mother Superior to a young, accomplished couple.

Without DNA, I would not have found my birth family in a timely fashion and perhaps never.

**LM: Where does your case stand now within the Canadian legal system? Do you expect anyone will be held accountable?**

**Nadean:** In 2013, I hired a Canadian attorney to petition the Province of Ontario's Privacy Commission to allow me access to my birth records. My contention was that as a citizen of Canada I should be accorded the same rights as legally adopted persons. The law in its current state, discriminates against nonadopted persons. I also petitioned the hospital where I was born to provide the name of my birth mother and to share my hospital records. I had resided in the hospital on my own from December 24, 1952, through January 11, 1953, so I should have had a separate medical record from that of my birth mother.

The Privacy Commission in Ontario denied my petition indicating that I had no rights to the birth records as I was not legally adopted.

The hospital refused to share information on my residency indicating that they could not establish that the woman who gave birth to a female child on December 18, 1952, was in fact my birth mother. In addition, as the law only permitted legally adopted persons access to their birth records, once again, I was denied the information I requested.

During my investigations, I spoke to an official at the Privacy Commission who shared that nothing had been done correctly or legally after my birth. She indicated that I had an actionable case against the hospital. The hospital has changed ownership many times, so if I did file a suit, I would be filing against the Catholic Church as St. Joseph's Hospital was run by the Church in 1952.

My goal in writing my memoir is to hire an attorney to file a petition to amend the current law, thereby permitting non-adoptees equal access to our birth records. A leading Toronto attorney with whom I have consulted has indicated that the case will be huge and complex.

**LM: What would you like readers to take away from your book?**

**Nadean:** Upon reaching the end of the book, I would like the reader to look at the face of that brave young child on the book's cover, conclude that their glass is filled to the brim, that all is possible. Nothing can hold them back — to always remember to dream and to continue to reach within themselves to find the faith, hope and courage to persevere against all odds! ■



**CONTINUE THE CONVERSATION**

ALA member Nadean Stone, CLM, MBA, describes what it's like to publish her first book, titled *No Stone Unturned: A Remarkable Journey to Identity*. She talks about translating painful experiences into a memoir and how her professional background and network of legal management professionals inspire her to keep fighting for justice. Listen through your podcast app or at [alanet.org/podcasts](http://alanet.org/podcasts).

# Anniversaries, Awards and Appointments

## MEMBERS ON THE MOVE >>>>



Kelly A. Badum



Qeyana M. Hart



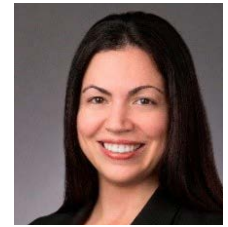
Amy L. Kempster, CLM



Catherine M. Mingolello



Edna G. Rosén



Kimberly Jo Santaiti-Potter



Joseph A. Samarco,  
MBA, ALPP



Hector Sierra



Marjorie L. Stein



Gary T. Swisher II, CLM

**Kelly A. Badum**, a member of the Western and Central New York Chapter, is now Office Manager at Pepper Hamilton LLP in Rochester, New York.

**Qeyana M. Hart**, a member of the Capital Chapter, is now Attorney Hiring Coordinator at Alston & Bird LLP in Washington, D.C.

**Amy L. Kempster, CLM**, a member of the Mile High Chapter, is now Director of Administration at Cooley LLP in Broomfield, Colorado.

**Amber Lowe** (not pictured), an independent member, is now Attorney Recruiting Manager at McGuireWoods LLP in Houston, Texas.

**Catherine M. Mingolello**, a member of the Nutmeg Chapter, is now Office Administrator at Robinson + Cole, LLP, in Hartford, Connecticut.

**Edna G. Rosén, CLM**, a member of the South Florida Chapter, is now Firm Administrator at Shendell & Pollock, PL, in Boca Raton, Florida.

**Kimberly Jo Santaiti-Potter**, a member of the Capital Chapter, is now Human Resources Manager at Alston & Bird LLP in Washington, D.C.

**Joseph A. Samarco, MBA, ALPP**, a member of the Philadelphia Chapter, is now Director of Billing Operations at Ballard Spahr LLP in Philadelphia, Pennsylvania. He has been on the ALA Board of Directors since 2017.

**Hector Sierra**, a member of the Greater Chicago Chapter, is now Office Manager/Chief Financial Officer at Davis Friedman in Chicago, Illinois.

**Marjorie L. Stein**, a member of the New York City Chapter, is now Senior Director of Administration for New York at Arent Fox, LLP, in New York, New York.

**Gary T. Swisher II, CLM**, a member of the Panhandle Chapter, is now Chief Operating Officer at Carrington Coleman Sloman & Blumenthal, LLP, in Dallas, Texas. He is a Past President of ALA.

**Amanda D. Tanner** (not pictured), a member of the Mobile Chapter, is now Office Manager at Carr Allison in Daphne, Alabama.

## CONGRATULATIONS TO ALA'S NEWEST CLMS!

The following legal management professionals fulfilled their certification requirements and passed the Certified Legal Manager (CLM)<sup>®</sup> exam in May to earn their credential:

Jessica A. Beyer, CLM  
DeWitt LLP  
Brookfield, Wisconsin

Michelle Campbell, CLM, SHRM-SCP  
Walzer Melcher LLP  
Woodland Hills, California

Catherine Harnett, CLM  
Hammill O'Brien Croutier Dempsey Pender & Koehler, PC  
Syosset, New York

Valerie C. Hayes, CLM, PHR, SHRM-CP  
Patterson + Sheridan LLP  
Houston, Texas

Lauren A. Larkin, CLM  
Shiver Hamilton, LLC  
Atlanta, Georgia

Olga Y. Malcolm, CLM  
Franklin D. Azar & Assoc., PC  
Aurora, Colorado



The next CLM exam is November 4; make sure you register by September 4. [alanet.org/clm](http://alanet.org/clm).



## SENDING OUR HEARTFELT CONDOLENCES

- We're saddened to report the passing in April of Patricia Anne Lauwers, 69. She was the Office Manager at Bowman and Brooke LLP in San Jose, California, where she worked for nearly 30 years. She had been a member of ALA since 2006. Our thoughts are with her family, friends and colleagues.
- Retired member Theresa A. Speicher passed away in May, according to Mile High Chapter President Julie K. Becker, MBA. She was an ALA member from 1987 to 2012, as well as a longtime Mile High Chapter member. Her last position was as Administrator at Spencer Fane LLP in Denver, Colorado. Our thoughts are those who knew and loved her.

# What's Happening at Headquarters?



## REGISTRATION IS OPEN FOR FALL CONFERENCES

ALA's fall conference season is anchored by two new and exciting conferences, but even returning events have undergone an overhaul to ensure they're encouraging collaboration, networking and knowledge-sharing. Register now ([alanet.org/events](http://alanet.org/events)) to set yourself up for dynamic professional development and new ideas that could alter way you're currently running things.

July 25-27 | Chapter Leadership Institute in Louisville, Kentucky

Aug. 1-3 | Large Firm Principal Administrators Retreat in Nashville, Tennessee

Sept. 17-18 | Legal Lean Sigma® and Project Management Yellow Belt Certification Course in Boston, Massachusetts

Sept. 18-20 | C4: The Legal Industry™ Conference in Boston, Massachusetts

Sept. 26-27 | Intellectual Property Conference for Legal Management Professionals in Washington, D.C.

Oct. 21 | Advanced HR Administration for Legal Management Professionals in Seattle, Washington

Oct. 21-23 | ALA Master Class: Leadership for Legal Management Professionals in Seattle, Washington

Oct. 24 | Managing for Impact in Seattle, Washington

## CRITIQUE THE UPBMS

ALA's Uniform Process Based Management System (UPBMS) is a taxonomy that provides a standard framework for classifying back-office tasks and understanding the true cost associated with matters. An improved Version 2.0 was recently released — featuring more logical organization, a more intuitive structure and enhanced classification for the nonbillable tasks performed by senior personnel. Please review the full system ([alanet.org/upbms](http://alanet.org/upbms)) and then provide your comments at [upbms.alanet.org](http://upbms.alanet.org). Your suggestions, edits and questions will help the project team develop the best, most practical system for everyday use.





## MEET ONLINE FOR HR OR FM COURSES

Registration is open for the e-learning courses HR1: Employee Selection and Promotion and FM1: Law Firm Accounting through July 12. Then, on July 15, sign-ups will open for HR2: Performance Management and Compensation and FM2: Financial Information and Analysis. Students who complete both courses in the series will be eligible to earn a Legal Management Specialist Certificate. (If you go that route, we encourage you to purchase a course bundle to save.)

For six weeks, these courses, led by a single instructor, meet online once a week to learn through lectures, case studies, discussions and demonstrations. (Anyone who can't make the live session can catch up on-demand.) The result of this deep dive is a strong foundation in HR and FM procedures, laws and best practices for the legal environment.

Register at [alanet.org/elearning](http://alanet.org/elearning).

## PARTICIPATE IN THE COMPENSATION AND BENEFITS SURVEY

Submit your firm's data by July 5 for the 2019 Compensation and Benefits Survey and, if applicable, the 2019 Large Firm Key Staff Compensation Survey. Doing so will ensure you and other legal managers will have access to comprehensive, localized information to understand how your pay and benefits — and the positions you have in place — compare to the rest of the industry, as well as your region, state and perhaps even city.

This year, the report will address more roles than last year, increasing the marketing and business development positions covered to 18 and the IT and technology jobs to 20. And remember — participating firms get a discount on the final report.

Get started at [alanet.org/compsurvey](http://alanet.org/compsurvey).



## ALA's 2019 Compensation and Benefits Survey

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

Participants get:

- A discount if they purchase the 2019 report
- A customized online dashboard for comparison

**SUBMIT YOUR DATA NOW!** [alanet.org/compsurvey](http://alanet.org/compsurvey)

