

# LEGAL MANAGEMENT

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## GET READY FOR BLOCKCHAIN

Blockchain has the potential to revolutionize legal. Here's an in-depth look at just how.



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## FEATURES

CE COURSE BY KEITH HANSON

### RESPONDING TO A REQUEST FOR PROPOSAL: TIME, MONEY, PEOPLE AND THE LAW .....22

This course will help you define your process for responding to RFPs — and earn a CE credit!

LEGAL INDUSTRY/BUSINESS MANAGEMENT BY TERESA J. WALKER

### GET READY FOR BLOCKCHAIN.....16

Blockchain has the potential to revolutionize legal. Here's an in-depth look at how.

## COLUMNS

### BIG IDEAS: A MESSAGE FROM ALA'S EXECUTIVE DIRECTOR.....4

Better Together

### BP PERSPECTIVE .....7

3 Key Areas That Should Be in Your IT Disaster Recovery Runbook

### DIVERSITY DIALOGUE .....10

Q&A: Tips for Ensuring Your Workforce Is Diverse and Inclusive

### INNOVATIONS .....13

Value Pricing: Can It Work for Firms?

### TEST DRIVE .....28

Rounding Up the Latest Laptops and Tablets

## DEPARTMENTS

### INDUSTRY NEWS.....30

Five Technology-Focused Roles Legal Departments Should Recruit For

### TIPS AND TRENDS .....33

11 Tips for Building Better Business Relationships  
The Power of Color: An In-Depth Look at the Top Shades in Branding

## ALA NOW

### ALA FACES.....39

Member and Chapter News

### AT ALA .....40

What's Happening at Headquarters?

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**OLIVER YANDLE, JD, CAE**  
*Executive Director, Association of  
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“

The pace of change in the legal industry isn't slowing down. But despite the uncertainty and disruption change creates, it also creates opportunity.”

## Better Together

**August was a very busy month. The Large Firm Principal Administrators Retreat kicked off the month in San Diego, followed quickly by the ALA Board of Directors' meeting in Chicago. A week later, I found myself in National Harbor, Maryland, for the International Legal Technology Association's (ILTA) annual conference.**

At each of these events, the focus was on change, innovation and technology. While these topics aren't new, what impressed me most was the sense of convergence. One of the definitions of convergence is “the merging of distinct technologies, industries or devices into a unified whole.” A simpler definition might be “things coming together.”

The LFA Retreat featured presentations by the Corporate Legal Operations Consortium about the explosion of corporate legal operations and the importance of working together across the legal ecosystem to improve service delivery. The program also featured a session on how firms can leverage technology to drive innovation. A discussion with the LFA Steering Committee focused on ways to shake up the retreat with new formats to create peer-driven solutions to industry challenges.

ALA's Board meeting also focused on innovation with robust discussions on enhancing member value and engagement, improving governance structures, and building greater collaboration with our peer associations.

At ILTACON, ALA was invited to share its perspectives on and support of blockchain technologies for advancing the business of law. As an organization of legal management professionals responsible for improving the delivery of legal services, we recognize the significant contributions that technologies like blockchain can make. (For more on blockchain, see “Get Ready for Blockchain” in this issue.)

Likewise, developing industry standards for legal matters (as reflected in our partnership with the Legal Marketing Association on the SALI Alliance) and legal operations (through the



launch of ALA's Uniform Process Based Management System) represent initiatives that can bring the entire legal industry — law firms, clients, technology providers, alternative legal service providers and industry associations — together.

The pace of change in the legal industry isn't slowing down. But despite the uncertainty and disruption change creates, it also creates opportunity. Through my travels this August, I've discovered that these changes also create convergence, and that to face these challenges, we are better together. So, we will continue to look for opportunities to collaborate with our sister associations, business partners and members to ensure a thriving legal ecosystem. ■

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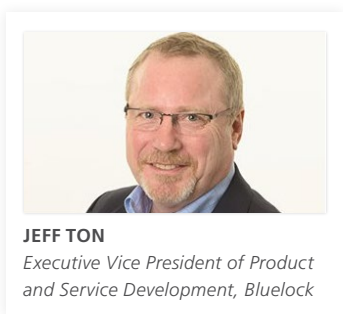
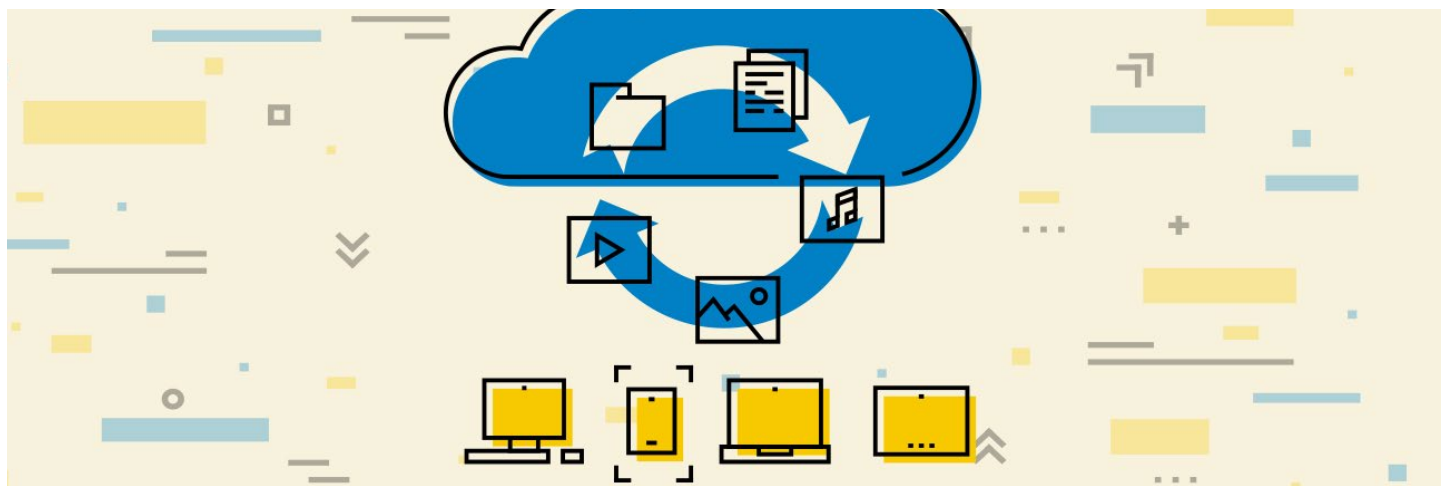
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**JEFF TON**  
*Executive Vice President of Product and Service Development, Bluelock*

“

With delineated roles and processes in place — and regularly tested — to prop up your IT systems after an event, you should trust that things will work as expected.”

## 3 Key Areas That Should Be in Your IT Disaster Recovery Runbook

**With a growing number of adverse events, from power outages to cybersecurity breaches to terrorist attacks, it seems that anything could halt a law firm’s operations. For this reason, it can be difficult to design a good IT disaster recovery (IT-DR) strategy that addresses all likely and unlikely scenarios. A key part of a robust IT-DR plan is preparing a comprehensive runbook and testing its effectiveness.**

A runbook is a script for your IT team and your law firm to follow when returning IT operations to normal after a breach or disaster event. The goal is to delineate steps and responsibilities for everyone who is involved — or could be involved — so that when a disaster strikes, the recovery process will run smoothly and quickly.

As a starting point, here are three key areas to include in a runbook to ensure your firm is completely covered.

### 1. THE TECHNOLOGY ASPECTS

To construct a good runbook, you must begin with the IT-DR plan itself. Examine what your current recovery capabilities are versus what you’d like to do. If your data contains archived data, it could take days to weeks to recover. For this reason, many law firms have various solutions for their differing types of data.

Start with an architectural diagram of the whole IT systems setup, illustrating how each is supposed to communicate with the other. Configuration details are key to successful recovery, so note any special environments, such as VPN tunnels, networking and connectivity logistics, so team members will know what to do in both full and partial failover scenarios. When you’re in the IT-DR environment, how is it secured? Your runbook should note all security services, such as antivirus, firewalls and intrusion prevention system, as well as how to check if these are, indeed, secured.

Also, include all important links to access your environment, including password vaults, URLs for Software as a Service (SaaS) applications like Office 365, etc. Given the disaster type and scope, you may be in a failed-over environment for a while, so make sure end users will have everything they need to know during this period.



## 2. THE PROCESS ASPECTS

Keep in mind that IT-DR should be integrated into your overall business continuity plan. Any number of scenarios can occur to take your IT systems offline, so it's imperative to plan for several event types in your runbook.

Fast recovery depends on a clear process and order of operations. This demands each application and dataset are organized correctly. To know where to put each dataset, order them by importance and then map them to specific recovery times — that way, the crown jewels receive prioritized attention. Keep in mind what service-level agreements (SLAs) you'd like to hit and how you'll be able to verify these goals. What are the managing partners' expectations? Look beyond the technical aspects of a recovery time objective (RTO), as your partners are ultimately concerned with how long it will take to return applications to end users again. Use that return-to-end-user time as your RTO estimate instead.

## 3. THE PEOPLE ASPECTS

Within the opening section of the runbook, list all relevant contacts, including IT personnel, executives, board members,

vendors, etc. You also want to include alternate email addresses and phone numbers for all responsible parties, so they can be reached if the on-premises systems go down.

Note who makes decisions and how for each step of the declaration and recovery process — as well as who will make decisions in that person's absence. Events like weather-related disasters could render key IT personnel unreachable because they will be focused on their family's safety rather than the business. A runbook should be written in a digestible but detailed manner so that anyone inside or outside the firm can execute the process without extensive IT knowledge.

Your firm should also have a central communications team to handle all client- and public-facing communications during an event, as your IT team will not have the bandwidth to do this while trying to recover the IT systems and data. How do you notify marketing and PR to issue press releases or other relevant damage-control responses? Note these items in the runbook, too.

## RECOVERY DEPENDS ON CLARITY DURING CRISIS

These tips are, of course, not the only aspects that go into a runbook development, but they are a good starting point. A runbook should provide your IT team and firm with confidence. With delineated roles and processes in place — and regularly tested — to prop up your IT systems after an event, you should trust that things will work as expected. Ultimately, a runbook's goal is to provide clarity in a period when many people will not be thinking clearly. Depending on the disaster type, there will often be high anxiety and pressure for hasty action, in which case a runbook is intended to mitigate these pain points. ■

## ABOUT THE AUTHOR

**Jeff Ton** is the Executive Vice President of Product and Service Development for Bluelock, where he is responsible for driving the company's product strategy and service vision and strategy. Ton has more than 30 years of experience in business and information technology.

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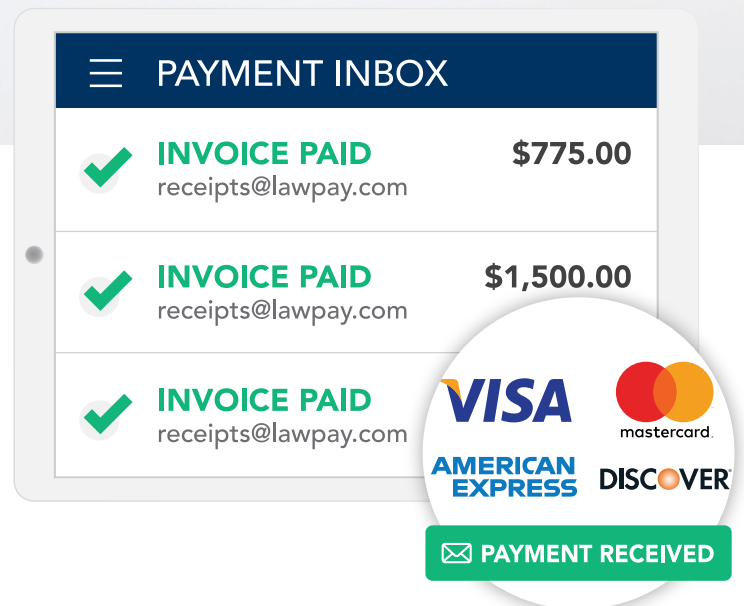
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**JESSICA MAZZEO**  
Co-Founder and Chief Operating  
Officer, Griesing Law, LLC

## Q&A: Tips for Ensuring Your Workforce Is Diverse and Inclusive

**“Diversity” and “inclusion” aren’t just buzzwords. They are words law firms need to take to heart — not just because it’s the right thing to do, but because it makes business sense, too. More clients look to do business with firms that employ a diverse population.**

We recently asked Jessica Mazzeo, Co-Founder and Chief Marketing Officer at Griesing Law, LLC ([www.griesinglaw.com](http://www.griesinglaw.com)), in Philadelphia, how firms can put words into action when it comes to ensuring they have strong diversity and inclusion measures in place. Notably, she is also a member of ALA’s Committee on Diversity and Inclusion ([alanet.org/about/diversity](http://alanet.org/about/diversity)).

**Legal Management: What are the benefits of ensuring firm leadership is diverse and includes women in leadership positions? What tips do you have for law firm managers to cultivate such a culture?**

**Jessica Mazzeo:** There are many reasons out there for what they call the “business case” for diversity. But I think it’s much simpler than that. When all the decision-makers fit the same criteria, it’s not remotely feasible for their decisions to be universally fair or effective. Leadership and top management should reflect the makeup of not only your firm, but your client and prospective client base as well. That includes a representative group of individuals who differ in gender, race, disability and/or sexual orientation (among a variety of other diverse categories).

As for implementation, it all comes down to the people. First, you always need buy-in from the top. If your managing partners do not *publicly* support D&I, it won’t work no matter how well thought out the goals are. This includes setting aside budget spend for D&I initiatives and tracking how that money is being implemented at the firm and what the outcomes are. Having public support from the leaders of your firm also sets a very clear

message that D&I is not just a new firm initiative, but an important part of firm culture going forward.

Once you get buy-in from the top, you need to have people who understand the importance of such a program and that they are not simply tasked with “checking a box.” It’s important to educate staff on why diversity and inclusion is essential and why it will benefit the firm now and in the future. Allow staff of all levels to get involved in the firm’s D&I committee, ensure that the committee meets regularly, and set concrete tasks for committee members to keep everyone accountable. One last tip I have for law firm managers is to be patient. Like any new or existing policy, anything that affects firm culture will take time to successfully implement. Get input as you go and adapt as necessary.

***LM: What steps should firms be taking now to make sure their leadership reflects the diversity of employees?***

**JM:** A quick visual of the leadership team will indicate what next steps your firm should be taking. If everyone in a position of leadership looks the same, I would say it’s time for a change. While it’s true that great minds think alike, it’s certainly not true that all great people are alike — in appearance or beliefs. It’s not just about “filling” a position or checking a box with what you think will meet your firm’s diversity goals on paper. The most qualified people need to be in proper roles. If you notice a lack of diverse employees on the path to climbing the internal corporate ladder, consider a review of your hiring and promotion practices. A revamp in that regard will ensure that equal and balanced opportunities exist.

Diversity and inclusion is not just about having a diverse employee base but is also about ensuring that everyone at the table has a voice. You cannot expect to have diverse, high-ranking members of your team if you never provide them with meaningful opportunities. Depending on the position, that could include a senior member of the team mentoring a rising star or inviting attorneys at all levels to attend client pitches and business development meetings. As innovator/activist Vernā Myers said so eloquently, “Diversity is being invited to the party; inclusion is being asked to dance.”

***LM: What sort of leadership trainings do you recommend legal managers implement at their firms?***

**JM:** ALA’s Diversity and Inclusion Committee offers a wide range of speakers who can provide effective D&I trainings for

law firms and legal departments. But if you prefer to do the training on your own, there are a variety of different ways you can successfully do this. First, role-playing situations are always highly effective. Similar to sexual harassment training, have committee members or other top management participate in mock scenarios that showcase both what not to do and the right thing to do. Have clear, distinct examples of right and wrong for hiring practices, training, internal promotions and other similar initiatives at your firm that may need more diversity or that have had issues in the past.

Mentorship has also proven highly effective at fostering diversity. Implement a voluntary mentoring program, and match senior leadership with employees who come from different backgrounds to build rapport naturally and encourage an exchange of experience and expertise. ■

*To follow up with Jessica, you can reach her at 215-732-3922 or [jmazzeo@griesinglaw.com](mailto:jmazzeo@griesinglaw.com).*



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Lead Product Strategist  
iManage RAVN

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With the right tools in place, law firms can be more creative and strategic in how they price matters, creating a more beneficial state of affairs for clients and firms alike.”

## Value Pricing: Can It Work for Firms?

**The billable hour had a good run — but its time may be up.**

Not only do alternative legal providers like Thomson Reuters vocally sound the death knell for the billable hour model, clients increasingly demand fixed fees and more predictable pricing, lower costs and greater value from their lawyers.

Think customers are bluffing? Consider Deutsche Bank’s decision to stop paying for work done by trainees or newly qualified lawyers at its panel law firms.

In this new landscape, law firms must transform how they do business — and that includes exploring new pricing models, like value pricing. Artificial intelligence (AI) is an enabler, helping firms better price jobs at the outset, perform work more efficiently and find new ways to add value.

### **IT ALL STARTS WITH ACCURATE PRICING**

When law firms onboard a new job, how should they price it? How can they be sure they’ll wind up with a healthy profit rather than simply breaking even?

Using AI to look at historical data within the firm provides answers. A firm can extract very specific pieces of information from deal capture reports and other data sources, such as the number and type of documents and attorneys involved in a matter, the client type, the opposing firm and so on. Meanwhile, an AI-powered classification tool can go through billing records, read free-form descriptions of each charge, and assign it to a fixed category like “emails” or “contract drafting.”

Once data is extracted and classified, AI can start analyzing and pattern spotting. For example, a firm might notice that in cases where they’re competing against firm X in matter type Y

for client type Z, they tend to see a 20 percent higher cost versus other opposing firms. Or, they might see that they spend significantly more time on emails with clients of a certain size.

Firms can use this data to cost projects more accurately, and in turn manage resources more economically, by knowing which variables will likely impact a matter's profitability. Firms that do this will outcompete firms who don't, as pricing competition and commoditization of legal services heats up. Doing so helps win or retain business while keeping it profitable.

### WORK SMARTER, NOT HARDER

What happens once the deal is landed? For value pricing to work, law firms also need ways to perform work more efficiently. Once again, AI can lend a helping hand.

Here's an example. In the past, if a client came to a law firm with a mammoth task — such as reviewing 10,000 documents within four weeks — the law firm probably wouldn't be able to take on that task at a profitable fixed price. Or, they'd only be able to review a small portion of the documents initially, with potentially further review tranches to follow pending the progress and outcomes of the first tranche. Both are suboptimal for client and firm.

Thanks to AI, law firms can now efficiently review 100 percent of the documents. An AI classification tool can quickly go through a mass of documents and understand which documents are relevant versus which can be disregarded, what jurisdictions are involved, and what specialist resources might be needed.

Better yet — once law firms have "taught" a tool how to perform a specific reviewing task, they can reuse that model for the client in the future, letting them deliver work even more efficiently. This is comparable to the way firms standardize documentation and process for clients that regularly transact similar deals throughout the financial year, rather than drafting something from scratch each time.

### ADDING VALUE IN NEW WAYS

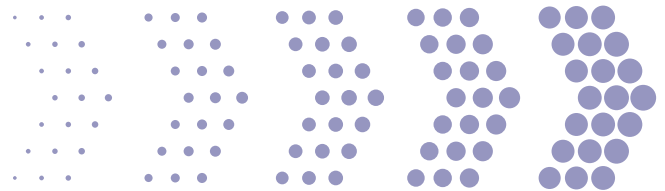
At a law firm, simply "doing the work" is expected. Clients expect firms to bring additional value, and AI helps on this front, too.

Using AI and AI-assisted lawyers to tackle the grunt work of any matter means that clients only pay for high-value activities. Clients never have to receive an eye-popping bill

for a senior lawyer who spent time pulling basic clauses from contracts because no other resources were available.

Law firms can also now service the client more comprehensively and provide more coverage — for example, to revisit the scenario in the previous section, by reviewing 100 percent of documents within a short timeframe instead of, say, only 15 percent. While using AI to review documents, law firms can perform additional value-adds, like using extract tools to pull out clauses and build a clause library for the client — something that the client probably couldn't do internally due to lack of resources.

In these ways and many others, customers get more value — not less — from firms that embrace AI as part of their operations.



### THE WAY FORWARD

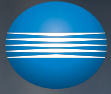
With AI's ability to help firms better cost projects, perform work more efficiently at lower cost and deliver more overall value to their clients, value pricing becomes a viable option. And for law firms, the timing couldn't be better.

The chorus of voices demanding an alternative to the billable hour is only going to get louder. With the right tools in place, law firms can be more creative and strategic in how they price matters, creating a more beneficial state of affairs for clients and firms alike. ■

#### ABOUT THE AUTHOR

**Alistair Wye** is Lead Product Strategist for iManage RAVN AI. In his current role, he works closely with the product and marketing teams on product development. Prior to joining iManage, Wye was a banking lawyer specializing in multijurisdictional leveraged acquisition finance. His legal experience includes working at Latham & Watkins in both London and Hong Kong, the in-house legal team at Deutsche Bank, and Ashurst in London. He also runs his own legal tech law and coding website, [www.lawtomated.com](http://www.lawtomated.com).

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# Get Ready for Blockchain

Blockchain has the potential to revolutionize legal. Here's an in-depth look at just how.



**TERESA J. WALKER**

Chief Operating Officer, Emeritus  
Waller Lansden Dortch & Davis, LLP

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**No, that's not a typo. Before you swing into widespread panic mode thinking that you've been HACKED, realize that the HASHED string above translates to: ALA's Introduction to Blockchain!**

It's something we'll need to start getting familiar with, as it has the potential to impact the legal industry. And ALA is helping to lead the effort — it's the first membership association to become part of the Global Legal Blockchain Consortium (GLBC), joining more than 30 large companies, law firms, software companies and universities. The GLBC exists to develop standards to govern the use of blockchain technology in the business of law.

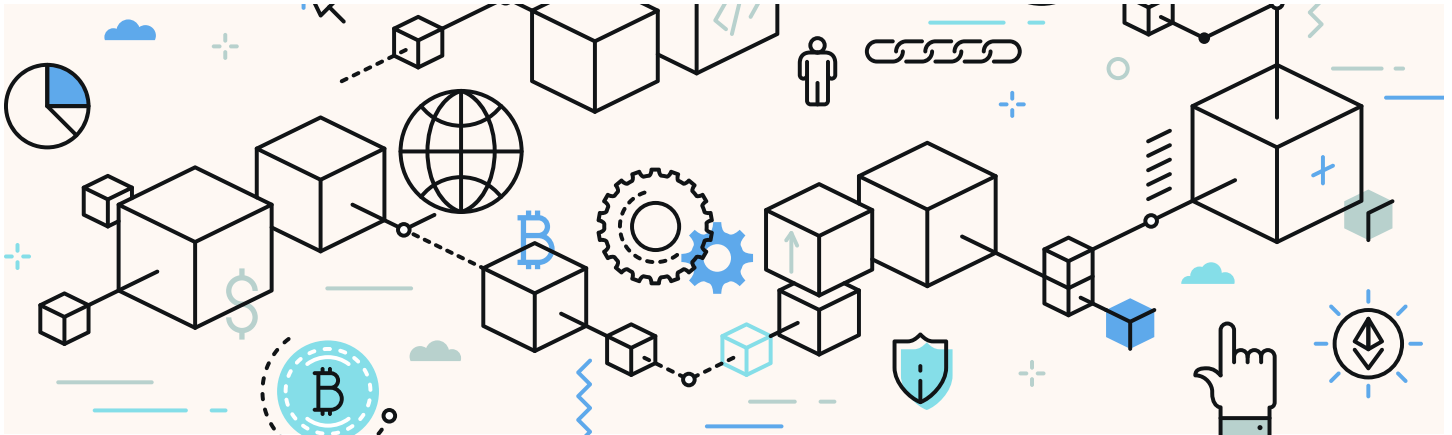
"Blockchain is a game-changing technology for the legal industry and we are excited to be a part of shaping its development for the industry," says ALA Executive Director Oliver Yandle, JD, CAE.

Before we get into what it means for legal, let's take a step back and talk about blockchain in a very simplistic way. I think of blockchain as a freeway or interstate — it's a conduit for transactions, somewhat like telephone lines used to be for telephone calls. The calls could not happen without the line, but the line in and of itself was pretty limited in function.

So, just as sophisticated digital phones now allow us to see who is calling, route calls to voicemail and partake in video calls, applications that operate using a blockchain are being conceived and



I think of blockchain as a freeway or interstate — it's a conduit for transactions, somewhat like telephone lines used to be for telephone calls. The calls could not happen without the line, but the line in and of itself was pretty limited in function.



built to maximize the use of this technology. Many people believe this technology provides a platform to revolutionize all sorts of things, from tracking land purchases to pinpointing from which farm E. coli-contaminated produce originated. And because transactions are conducted without a controlling authority in a decentralized manner, many efficiencies and cost savings can be achieved. Simply put, results can be better, faster and cheaper! But those types of uses are just the tip of the iceberg.

You may have heard blockchain referred to as distributed ledger technology, or DLT. Using the internet, computer nodes participating in a peer-to-peer network receive an exact copy of an electronic ledger on which transactions or information has been encoded. Each time new information or new transactions are submitted to the ledger, all network participants receive an exact copy of the information.

Unlike a database where existing information can be overwritten, information on a blockchain cannot. Also, there is no “master copy” of the ledger held by some third party or central authority such as a bank or governmental office. Instead, each network participant owns a master copy.

In a public blockchain, network participants compute complicated algorithms in order to be awarded the opportunity to commit the next block to the blockchain. If the solution to the algorithm is trusted and determined to be a correct answer by a consensus of group participant nodes, participants approve it by digitally signing and timestamping it. The information is

then appended in a new block to the information already in the ledger. This process creates a chain of blocks of information or transactions. Each network participant receives an identical copy of these blocks so there is complete transparency of this trusted information. Participants can leave a network for long periods of time, and should they subsequently rejoin it, they receive an exact copy of the blockchain in its current state.

### EXAMINING THE SECURITY

Information is secured on a blockchain in a variety of ways. Also, there are various types of blockchains used to grant permissions to access the information contained on them. First, the information goes through a cryptographic process, creating a digital fingerprint. Using SHA256 hashing technology from this online hash generator (<https://bit.ly/2qUbitk>), it is easier to understand the hashing process.

As a very basic example, compare the hashes of these simple, yet slightly different, versions of information contained in the items below:

- **Information (Transactions) Hashed:**
  1. ALA's Introduction to Blockchain!
  2. ALA's Introduction to Blockchain?
  3. ALA's Introduction to Blockchain#
  4. ALA's Introduction to Blockchain! ALA's Introduction to Blockchain?
  5. ALA's Introduction to Blockchain# ALA's Introduction to Blockchain?

- **Resulting Hashed Block:**

1. F17D8A2E81DD1967D98D45EF53C952893F565954C-06C140B7FA64FC2BE1948DD
2. 9999E7AC8BD56E5FC81112CAD57F0B-D4A910A527930ADAF489EAB76F3A18D6EB
3. E1E2674A2810400F4F156CADD365E0A85494D-44D8A93112DC58499BCABBBDC1
4. 149F9ABBE8597EF86E7CF9346FFD742265A071DAF74E-B9E6E063D306F6E29B1
5. 13470D6AE1B81EC05C57A06FB0338C109D09FECF-28999F61A5EBBAECF121AF6A

As you can see from this process, changing the text string in items 1, 2 and 3 in the smallest way creates a very different hash (or digital fingerprint). Hashing item 4 (a combination of items 1 and 2) results in yet another new hash. Hashing is used to link or chain together the blocks of information on a blockchain. As transactions are linked to the chain, any attempt to change the data in a prior block causes a break in the chain and means that each subsequent block in the chain has to be rehashed. The block where a change is attempted is highlighted to indicate that rehashing of the block and all subsequent blocks is required — an easy way to identify that a change was attempted. In transaction 5, attempting to change the “!” in transaction 4 to a “#” creates a very different hashed result item 5.

Because each network node participant can sign off on each new transaction before it is saved to the blockchain, the hashing allows for easy identification of an unauthorized attempt to edit data. Network participants decline to approve the edits and the original data is secure. Additionally, each transaction is timestamped for further authenticity, making the contents on the blockchain permanent, indestructible records. This hashing process makes the chain even more secure from intrusion and basically immutable.

#### WHAT'S IN IT FOR THE LEGAL INDUSTRY?

New blockchains are being launched on a regular basis, and many being developed today are focused on specific industries. (Even within a given industry, blockchains tend to be developed with specific uses in mind.) As you might suspect, the financial services industry has been working on understanding and exploring adoption of this technology for quite some time. In the legal industry, for example, you'll find Integra Ledger, which is governed by the GLBC. Other

examples of blockchains include Corda, Bitcoin and Ethereum, to name just a few.

Over the last two to three years, Baker Hostetler has been investing a great deal of time to understand how its clients' may deploy blockchain as well as understanding how it may use blockchain for its own business needs.

“Law firms may want to think about where they are best equipped to help their clients with this technology,” says Bob Craig, Chief Information Officer at Baker Hostetler. “Should a firm be involved in helping clients in the early design stages of developing blockchain-enabled products, particularly ones involving smart contracts? Or is the firm better suited to assist clients with resolving problems that will occur inevitably once a product is deployed to customers?”

From a client's perspective, Josh Rosenblatt — BTC Inc.'s Senior Vice President and General Counsel — notes that he would like for any law firm representing BTC to accept payment in cryptocurrency, especially firms handling international work. He also believes the use of blockchain for document collaboration and management will deliver great efficiencies for clients. Other use cases he noted for law firms include evidentiary, establishing proof of existence, escrowing of funds and payroll processes.

As with most other industries, legal's goal for use cases is to work better, faster and cheaper. Use cases are endless, in my opinion, and many are in development for the legal industry. Here are some examples of big developments that will likely impact the legal industry:

- The Delaware Blockchain Initiative was announced in 2016. It intends to spur adoption and development of blockchain and smart-contract technologies in both the private and public sectors. A law enacted in 2017 allows for the creation and maintenance of corporate records — including corporate stock ledgers — on blockchain.
- The Illinois Blockchain Initiative aims to transform the delivery of public and private services.
- West Virginia is piloting a blockchain-based application for mobile voting in the 2018 elections.
- Colorado is considering the use of blockchain for government recordkeeping.
- Vermont recognizes data stored on a blockchain as admissible in a court system.

Because transactions are conducted without a controlling authority in a decentralized manner, many efficiencies and cost savings can be achieved. Simply put, results can be better, faster and cheaper!

Remember from our phone analogy that the blockchain itself doesn't really do anything. That said, distributed applications are being conceived and created to promote easy adoption of the blockchain technology in the legal industry. A few examples include (for the links to these examples, visit the web version of this article):

- Document management systems can allow the secure posting of documents to a blockchain so that clients have easy access to them across the globe. NetDocuments has already developed a proof of concept demonstrating their integration with the Integra Ledger blockchain.
- Thomson Reuters' product Contract Express allows for automated document assembly and publishing of executed documents to the Integra Ledger blockchain.
- OpenLaw has developed a prototype smart contract for the purchase and sale of real property in Australia. Using OpenLaw, you can create "legal templates" that can be enhanced using their "Legal Markup" language.

The user can wrap logic and other contextual information around traditional legal terms and conditions. Software that helps develop smart contracts combines natural language processing to convert legal documents into applications that, with the input of external data responses, allows the contract to "self-execute." It is envisioned that smart contracts will greatly reduce and automate manual processes in commerce, such as ordering, shipment, receipt and payment for goods and services. Smart contracts hold great promise for the legal industry.

- BlockSign can be used to circulate documents for legal signing, timestamp them and store them on a blockchain for subsequent verification.
- SilentNotary is a decentralized service for confirming the existence of an event, converting an event into legally significant evidence.

And let's not forget the implications for ALA's Uniform Process Based Management System (UPBMS). Members of the GLBC are required to initiate a proof of concept (POC) project on blockchain technology. A blockchain POC evaluates an idea for a real-world application of blockchain technology to a legal challenge.

In early 2018, I competed on Team ALA in the Global Legal Hackathon, where we focused on how the UPBMS task classification system can play an integral role in capturing administrative and operational data for the many processes and tasks in delivering legal and operational services. The team programmed a bot to interface with various collaboration applications. Using the bot, we assigned UPBMS codes to these actions, then committed the data to a blockchain, initiated a workflow and created data for time entries. Nicknamed "Lexi," our "assistant" became ALA's proof of concept for membership in GLBC.

"I now see how powerful and valuable the UPBMS codes can be to help our legal organizations measure and analyze administrative processes, so we can become more efficient in the management of our operations. I believe there is broad



applicability of the code sets in all our legal organizations, regardless of size or practice focus,” says ALA President-Elect and Team ALA Leader James L. Cornell, Office Administrator with Shook Hardy & Bacon, LLP, in Washington, D.C. “Greater efficiency in servicing clients is a priority, and a differentiator for firms, so having data to inform decision making is definitely a competitive advantage.”

### GETTING ONBOARD

I believe blockchain is going to revolutionize the way we live. The legal industry has barely dipped its toe into this water, and new developments are being announced daily. The world’s fastest blockchain claims to process 1 million transactions per second. For perspective, Visa claims to be able to process roughly 24,000 transactions per second. It is hard to contemplate the potential impact of this technology.

Furthermore, with the removal of third parties and their processes that will no longer be necessary to conduct business, one can easily assume that commerce will be better, faster and cheaper. Legal must be there! ■

### ABOUT THE AUTHOR

**Teresa J. Walker** is Chief Operating Officer, emeritus, for Waller Lansden Dortch & Davis, LLP, in Nashville, Tennessee. She served as the 2015–2016 ALA President and is currently a member of ALA’s Professional Advisory Development Committee (PDAC).



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## WAYS OF BUILDING NETWORK CONSENSUS AND CREATING ADDITIONAL SECURITY

Consensus of network nodes approving transactions is imperative in the operation of a blockchain. Here are several types of networks and levels of controlling access:

- **Public:** Globally, anyone can establish a node or become a user of a public blockchain to see what transactions are occurring. Because of the openness of a public blockchain, it is sometimes referred to as a trustless model — that is, users do not know the identity of the other participants, so trust isn’t established and approvals take longer as a result.
- **Private:** All the participants of a peer-to-peer network are known to one another and agree to utilize a specific blockchain for conducting business. Because this model relies on participants who tend to trust one another, it is sometimes referred to as a consensus model. As this model typically has fewer participants, it operates faster.
- **Permissioned:** This is a hybrid of public and private networks. A few selected nodes or participants are connected. However, not every node has to approve or even see all of the transactions. Permission must be granted to see certain information on the chain, so only certain nodes serve as verifiers of the transactions.
- **Key pairs:** Another way to secure information is through the use of public/private key pairs (think public and private passwords). They generate an additional layer of encryption and can be used to verify authenticity.

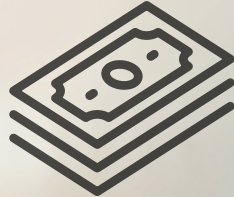
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# Responding to a Request for Proposal: Time, Money, People and the Law

This course will help you define your process for responding to RFPs — and earn a CE credit!



**KEITH HANSON**  
Managing Partner, Hanson Law Group

## COURSE DESCRIPTION

A combination of increased competition, rising costs and growing scrutiny by management, auditors and investors, has made the RFP process the gatekeeper for new law firm business. In 2016, the average law firm, according to LexisNexis, reported receiving 200 requests for proposals (RFPs) each month! Managing that workload has become a substantial exercise for firms large and small. That tide of inquiries brings issues of ethics, regulation, economics and strategy that should implicate legal management professionals. This course will examine the key elements of an RFP strategy.

## COURSE OBJECTIVES

- Identify the key elements in an RFP.
- Define the parameters for when the firm should respond to an RFP.
- Examine ethical issues that may be presented by the RFP process.
- Identify the team members for the process.
- Break down the potential financial implications of responding to an RFP.

Abraham Lincoln's clients often came to him on the day their matter was scheduled for trial to ask the Illinois rail-splitter if he would serve as their counsel. Today, a client inquiry is likely to first

appear in the form of an email or express letter comprised of 3 to 30 pages of questions presented as a formal request for proposal (RFP).

Knowing how to ethically, economically and strategically manage these efforts requires a significant amount of bandwidth for firms large and small.

Five major issues regarding RFPs are deserving of legal managers' close attention:

1. What goes into preparing a winning response to an RFP?
2. What are the issuers of RFPs looking for in a law firm proposal?
3. What are the regulatory and ethical issues presented by the RFP process?
4. What should the proposal-drafting process entail?
5. What are the costs of responding to an RFP?

### INITIAL CONSIDERATIONS

Depending on the complexity and scope of work contemplated, the process of responding comprehensively to an RFP could take anywhere from 4 to 40 hours. Making that sort of time investment into a speculative venture like an RFP response should mean that the effort is seriously and professionally pursued — not slapped together as an annoying side project. Even the biggest law firms report that their success rate in the RFP process is 30 percent or less. When an RFP is sent out to dozens of firms at once, the expected success rate is clearly lower.

For law firms in aggressive growth mode, or those struggling to keep their work pipeline full, this can be a difficult decision to make. If the chances of success are slim, is there any reason to put the time and effort into preparing a proposal? The answer to that question depends on two things: 1) How accurate is your assessment of the chances of success? 2) How much is the time put into the project really going to cost the firm?

Determining chances of success regarding any particular RFP is clearly difficult (unless, perhaps, your firm already has a pipeline to information from the requesting organization, say from a pre-existing relationship). But as imprecise as the process of making that determination may be, in a world where time is inelastic and one of the most limited of resources, doing the research necessary to gauge the likelihood of success is well worth the time.

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For example, finding out what you can about the requestor online, polling your colleagues within the firm, or even talking with colleagues outside the firm about the organization issuing the request may help you understand whether the organization has longstanding relationships with other firms. A check of public documents, such as U.S. Security and Exchange Commission (SEC) or state filings, may reveal the relevant relationships of larger entities. A glance through the plaintiff-defendant index in the relevant courthouses — both state and federal — may provide some insight as well, both as to existing relationships with law firms and the type of issues otherwise facing the issuer of the RFP.

Once the decision is made, make the necessary investment to formulate a quality responsive proposal, it makes sense for the persons involved to take on an “all-in” attitude toward the effort, despite being engaged in a speculative investment of time and passion. A flawed, incomplete, tardy or half-hearted effort will constitute a waste of time and resources. If the response team leader finds the team unenthusiastic, they should consider either changing the roster of participants or the decision to proceed. Preparing an RFP, like trying cases, is not for the faint of heart. Issuers of requests for proposals, like juries, can sense a lack of enthusiasm and confidence.

Understanding the elements of a compelling response to an RFP is central to identifying the skills that should be brought to bear on the project. Those elements, in turn, are dictated by the expectations of the organization issuing the RFP. Understanding what potential clients want to see in a proposal should drive the decisions about what to include in the proposal and which individuals should be assigned to the task.

Depending on the complexity and scope of work contemplated, the process of responding comprehensively to an RFP could take anywhere from 4 to 40 hours.

## ELEMENTS OF AN EFFECTIVE PROPOSAL

What is it that potential clients say they value most in proposals?

Here are some thoughts derived from a review of various commentators, counsel and clients regarding the RFP process:

1. Generally, make sure you address each of the specific areas of inquiry contained in the request for proposal, at a minimum. Potential clients that have gone to the work of issuing an RFP may be sending their request out to either a handful or perhaps as many as 40 recipients. When the responses come in, one of the easiest ways to winnow down the stack is to check each response for completeness. Failure to address a question contained in the RFP is likely to be a quick disqualifier.
2. When dealing with a potential client that is unfamiliar with your firm, provide a high-altitude introduction to your organization, describing its geographic coverage, history, size, culture, diversity and achievements.
3. Specify the experience the firms' attorneys have in the core area addressed by the RFP. If there are related areas that seem relevant, address them as well.
4. Identify and describe the key players within the firm who are available to provide the services contemplated. Call attention to specific achievements and credentials.
5. Specific references to previous case assignments germane to the task at hand should be included wherever possible and wherever this can be done while respecting client confidences.
6. Rates and alternative billing approaches are of great interest to all entities issuing RFPs. Today's marketplace increasingly demands candor in this area. RFP issuers often disregard proposals that fail to address fees up front and with specificity.
7. Billing practices and systems are almost always of interest to issuers dealing with a substantial assignment. Indicating flexibility and attentiveness, when deliverable, is very helpful.
8. Technological expertise (especially regarding defense measures) and overall respect for confidentiality is vital. Highlighting the steps your firm takes to address these concerns and your firm's overall level of sophistication in this area can make your proposal stand out.
9. Recommendations from other clients and stories of satisfied clients should always be given adequate play, when permissible.
10. The traditional listing of representative experiences is of considerable value as well, especially if accompanied by a brief discussion as to why that effort is germane to the task at hand.

Style considerations also matter. Proposals are not legal briefs — they are sales presentations. They should move briskly, be devoid of errors and free of heavy prose. Most issuers of an RFP value brevity and thus prefer to read documents written in a creative, fluid, active fashion. This skill is not common to most lawyers who write briefs, contracts, pleadings and motion papers pursuant to the rules of civil procedure or the dictates of established caselaw.

## CHOOSING THE TEAM

In most firms, there is a go-to lawyer who both determines whether a proposal is worth the effort and who ultimately takes the laboring oar in preparing the document. The fact that a senior lawyer is involved at least assures that the proposal writing process will be informed with broad experience.

At the same time, relying on senior lawyers comes with its own set of disadvantages. For one thing, such individuals have alternative demands on their time, many of which are billable at a high rate. That makes the opportunity cost associated with their involvement in the proposal drafting process very high. Furthermore, the most senior and knowledgeable lawyers in the firm are often also those who manage their responsibilities on a "last-minute-crisis" basis. This is an invitation to failure in answering a request for proposal. Responses received late are often summarily dismissed. Even a barely timely response may suffer when compared to an early and comprehensive response, as first impressions count in the proposal process.



Professional writers, working inside or outside of a law firm, can also be utilized — often on an as-needed basis — to develop effective proposals at a reasonable cost.

Responses, if taken seriously, deserve to be dealt with as urgent matters addressed by gifted writers, well-organized team leaders and knowledgeable firm advocates. Much as law firms have come to realize that the ideas and impressions of the lead partner don't necessarily serve as the best possible foundation for a marketing campaign, the specialized requirements of the RFP response process can often be better served by less senior personnel with relevant skills, access to necessary information and a reasonable cost profile.

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Responses, if taken seriously, deserve to be dealt with as urgent matters addressed by gifted writers, well-organized team leaders and knowledgeable firm advocates.

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#### WHY SO MANY RFPs?

Why are RFPs proliferating? Several trends seem to contribute to this reality.

First, many corporate legal departments have ascribed and committed themselves to “best practices” when retaining outside service providers. Bringing the notion of competitive bidding — or at least open competition — to the counsel retainer process is now a high priority for corporate general counsels who are under unrelenting pressure to reduce the cost of outside counsel.

Another reason is that mandates from corporate budgeting executives, chief financial officers and the like may specifically mandate the use of the RFP process as a means of demonstrating that something other than habit or personal relationships drive legal department decision-making.

Also, unhappy past experiences may lead the client or potential client to want to take a new look at old law firm relationships. Using the RFP approach can provide cover to legal department personnel who wish to deflect uncomfortable inquiries from incumbent counsel.

Changes in personnel within the corporate legal department may lead to a “take a fresh look” approach to the retention of legal counsel, too. Injecting competition among firms serving a common client can often improve communications,

responsiveness, staffing and billing practices of those firms who have come to realize that their work will always be measured against the performance of other entities.

Finally, the increased complexity of legal challenges and resultant specialization of lawyers and law firms means that clients increasingly need to identify a new area of outside service provider expertise.

Firms that are most successful in gaining work through the RFP process still succeed only about 25 percent of the time when they submit a proposal. With many issuers dispatching RFPs to anywhere from 3 to 30 law firms, the odds of winning a specific assignment, are often slim. In view of this, the most important thing firms engaged in responding to RFPs can do to ensure they are getting a fair return on their investment in proposal writing is to determine which opportunities carry with them a reasonable chance of success. Then, once the decision is made to go ahead with a submission, they should deploy the proper mix of skills and knowledge that will create a timely, impactful and economically sensible proposal.

Using previously drafted firm descriptions and tweaking prior proposals can speed completion and reduce costs. This can be the task of administrative personnel with communications skills. It does not take a \$1,000-per-hour partner to assemble and edit an effective response to an RFP. Using such high-priced talent drives up the cost of creating a proposal and drives down the likelihood of dispatching a prompt response.

#### AVOIDING INTERNAL DISTRACTIONS

What about the notion of origination credit? Ideally, this is an issue for the firm's senior managers to decide in advance. The administrator may assist in developing a firm-wide process for crafting RFPs and contribute to greater harmony among partners, greater efficiency in crafting proposals and higher success rates in submitting proposals.

As an example, it could be understood that if a particular partner is the initial recipient of an RFP that person will share in the origination credit, even if the substantive area of law involved has nothing to do with that person's practice. Furthermore, if substantive inputs are obtained from others in the firm, it should be understood in advance that their participation will be noted and considered if the proposal proves successful. If the firm is fortunate enough to have a nonpartner or outside source with the skills necessary to lead the effort, that fact alone could do much to make the response effort as efficient, timely and effective as possible.

Another thing to keep in mind is that testimonials by clients or celebrities are a particularly nettlesome area. They are approved in some states, restricted in others and apparently banned entirely in still others.

### ETHICAL CONSIDERATIONS

Proposals are subject to the same set of ethical and regulatory restrictions as lawyer advertising. Those rules are complex, constantly changing, and vary from state to state (a challenge for multistate law firms). A survey of those rules and sampling of cases would require a separate article, but areas that deserve care are worth highlighting.

First, the general rule in all states is that use of false or “inherently misleading” information is prohibited. Thus, while exaggeration or subtle suggestions not grounded firmly in discernable fact are acceptable in other fields, such puffery is suspect when utilized by lawyers. Even a factually accurate statement — if presented in a way that is likely to be misunderstood by the reader — can be found to be “inherently misleading.” Many states ban or restrict the use of terms like “specializing” as well.

Secondly, these limitations apply not just to written statements of fact but to characterizations, images and even client endorsements. Pictures or statistics that suggest an inaccurate picture of firm diversity, for example, can lead to disciplinary proceedings.

Another thing to keep in mind is that testimonials by clients or celebrities are a particularly nettlesome area. They are approved in some states, restricted in others and apparently banned entirely in still others. Again, knowledge of the applicable state rules is an important part of the RFP response process.

Finally, the penalty for violating such ethical rules can involve lawyer disciplinary proceedings, even if the error was the result of a non-lawyer action. Ultimately the partners or leaders

of the firm — as well as the lawyer supervising the drafting of the proposal — are ethically responsible for content. This does not mean that every element of a proposal needs to be created by a lawyer, but it does mean that someone well-versed in the applicable state limitations on ethical marketing should review the final product before submission.

### CONCLUDING THINGS TO REMEMBER

Requests for proposals are proliferating and law firms big and small are wise to have an effective strategy in place for determining the following: 1) which requests deserve a response, 2) how great an effort should be made to prepare each response, 3) who should participate in and oversee the proposal-writing effort, and 4) how to follow up and evaluate the effectiveness of proposals after dispatch.

The cost of creating an effective proposal can be significant and should be managed just like any other budget item, with legal management professionals and managing counsel looking for efficiencies, effectiveness improvements and risk management on an ongoing basis. ■

### ABOUT THE AUTHOR

**Keith Hanson** is the Managing Partner of Hanson Law Group in Barrington, Illinois. He has been an equity partner in firms as large as 500 lawyers and as small as 5 lawyers. He is also a mediator, writer, college professor and public official. In those roles, he has authored both requests for proposals and numerous responsive law firm proposals.



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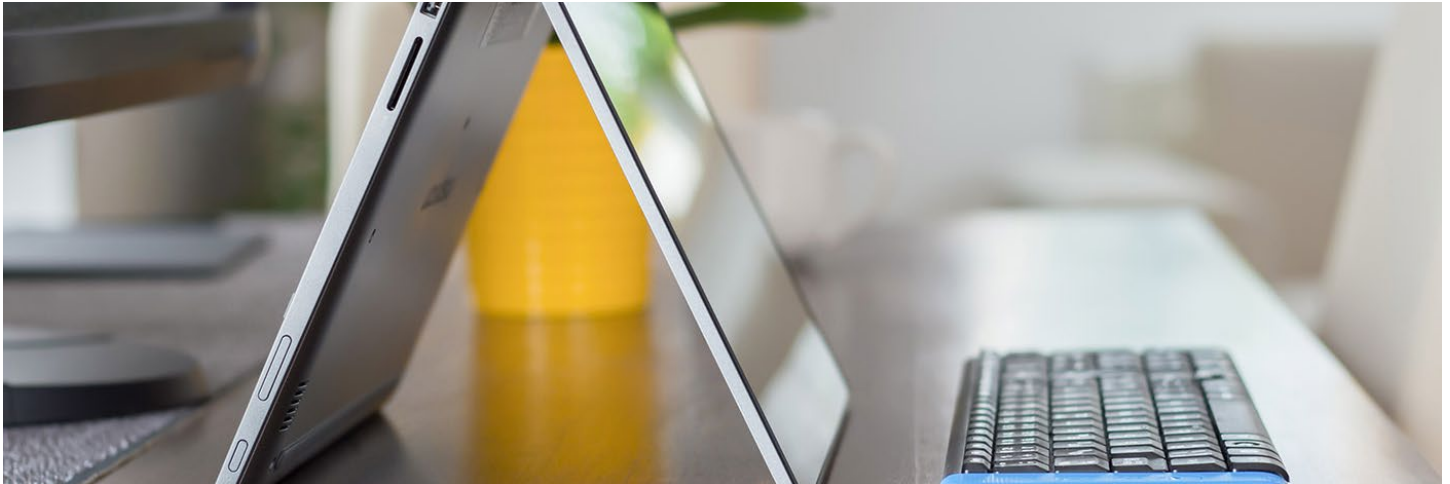
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“

The Surface Go reminds us of an iPad, but under the hood it is a ‘real’ computer running the Windows operating system on an Intel Pentium Gold Processor.”

## Rounding Up the Latest Laptops and Tablets

Every year around this time, we go shopping for some good deals on laptops. It seems that a lot of retailers offer good prices for budget laptops thanks to back-to-school promotions. We have no intention of going back to school, but we are donning our backpacks and trying to act like students as we hunt for some good deals. Here are some of our favorite laptops suitable for students (or law firm staff) on a budget.

### ASUS CHROMEBOOK FLIP C302

This may be the first time we have written about a Chromebook. When Chromebooks — which run Google’s Chrome operating system — first appeared on the market, we were not terribly impressed. Users were limited to internet browsing and a narrow selection of Chrome apps. But times have certainly changed — now that you can even use Microsoft Office apps on Chromebooks, we believe they are indeed a good, inexpensive option for the budget-conscious consumer.

The ASUS Flip C302 has a very compact form factor with a metal body, backlit keyboard and bright touchscreen display. The screen portion of the laptop is hinged and can be rotated 360 degrees, offering a lot of options for work or play. We are not going to give up our Windows laptops for this Chromebook, but if you just need an inexpensive laptop to take to school or on the road for basic internet, email and even some word processing, this laptop will be a good fit.

### MICROSOFT SURFACE GO

Microsoft surprised us once again when they announced a new, budget-friendly Surface laptop called the Surface Go. We love our Surface laptops; we have multiple versions — the Surface Pro, the Surface Laptop, the Surface Book — but we know that the price point for these excellent machines is somewhat higher than most budget-conscious buyers are willing to pay.

Microsoft has eliminated that constraint with the new Surface Go, which is priced very competitively with Apple's new lower-priced iPad.

With its 10-inch screen and incredibly light weight (just more than 1 pound), the Surface Go reminds us of an iPad, but under the hood it is a "real" computer running the Windows operating system on an Intel Pentium Gold Processor. Even though it is not as fast or as powerful as the more expensive Surface Pro, we think it is a great lower-priced alternative that will allow you to work as if you were on your desktop at the office or at home. We love that Microsoft kept the kickstand element, a great feature we appreciate on all the Surface models.

### APPLE IPAD 2018

We know the kids love their iPads, and we do, too. But until recently, you could buy a really nice, fully functional Windows laptop for the price of an iPad. Facing pressure from the growing popularity of Chromebooks, Apple first introduced a sub-\$400 iPad in 2017 and followed it up with the iPad 2018. This iPad has a 9.7-inch screen and is plenty powerful for basic computing needs. It does not have the big, beautiful screen or the power of the iPad Pro, but this model does support the popular Apple Pencil (purchased separately). If you are in the market for an iPad but don't want to break the bank, we recommend this entry-level model or perhaps even a 1- or 2-year-old "gently used" iPad from a reputable seller. Like the Chromebook, an iPad can handle Microsoft Office apps.

### ACER SPIN 1

This two-in-one convertible sits in the budget bin, but we feel that it is a great buy for the money. The Acer Spin 1 is a fully functional Windows 10 laptop. With an 11.6-inch screen and tipping the scales at just under 3 pounds, it is a bit bulkier than the other laptops we tried. But with an all-metal body and incredibly bright HD screen, you might be fooled into thinking this machine costs a lot more than it does.

The processing power is where you really start to notice that this is a budget laptop. The Acer Spin has an Intel Celeron processor that is sufficient for basic computing but can show signs of strain with extreme multitasking or any graphics-intensive application. Like the ASUS Flip, the Acer Spin has a screen that can rotate 360 degrees to be used in tablet mode, traditional laptop mode or somewhere in between. It's a little heavy and it's not a speed demon, but if you want to give Junior a dependable laptop-tablet hybrid to take to school, the Acer Spin 1 will do the trick and leave you with some extra lunch money. ■

#### 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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# Five Technology-Focused Roles Legal Departments Should Recruit For

By Rob MacAdam



**The continued quest to form a smart, efficient legal department requires not just a talented workforce but also proper organization of the personnel.**

Advances in technology continue to both drive innovation and enable law firms and in-house counsel to adapt. However, to take advantage of these increased efficiencies and keep pace with the evolution occurring in the industry, the most advanced law firms have already started dedicating resources specifically to roles aimed at transforming the way they deliver legal services to clients.

They are making an effort to position qualified professionals as proactive guides in navigating the current legal landscape and maintaining that vision as it evolves around technological advancements. In particular, five emerging roles have developed to assist legal departments in embracing innovation and the tools and systems that drive change in the legal industry.

## INNOVATION MANAGER

An overused and often misunderstood buzzword in the industry, legal innovation is simply a long overdue upgrade

to the profession. An innovation manager can help identify processes and technological tools that improve quality, flexibility, speed, efficiency and decision-making.

An innovation manager can help inform partners and firm leadership about what can be done differently in delivering legal services. The role can also help account for a lack of organizational capacity to handle the task of facilitation in communicating the options. This includes monitoring legal transformation trends and opportunities, managing ideation processes, supporting lawyers with transformative product and service delivery initiatives, monitoring investment and return on investment (ROI), and identifying new market opportunities.

## LEGAL DESIGNER

Building on the idea of innovation, a legal designer can apply human thinking to identify problems and find an efficient approach for procuring a solution. That solution may involve technology or simply a change in work pattern to deliver measurable value to lawyers and clients alike.

Legal designers can focus on collaboration to create a product or leverage an existing product to provide needed services. Technology is often an enabler, not the solution. A legal designer will help law firms identify and deliver value by integrating the needs of lawyers and clients with the possibilities of technology.

## KNOWLEDGE ENGINEER

This position performs a specific task: engineering legal processes and knowledge for use in new digital delivery solutions. If a legal department wants to implement digital solutions to systematize legal service delivery or create new legal products or services, then it needs tech-comfortable experts in the relevant area of law to engineer the content for these systems.

Whether it's machine-learning training, an automated document, legal advice, best practice processes, legal

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playbook or risk and compliance checklists, legal tech systems need quality content and input.

Currently, lawyers or professional support lawyers (PSLs) often serve as knowledge engineers in addition to their traditional responsibilities. However, firms can start to identify professionals qualified to handle the technological requirements and make this a unique position. This role will likely be formalized and will serve an important support role alongside or within the PSL team.

### LEGAL SOLUTIONS ARCHITECT

True legal solutions architects are technologists who have strong legal domain knowledge; are proficient in a range of platforms and technologies (and, in many cases, programming languages); and can quickly and efficiently build new digital solutions, products and services to meet lawyer or client needs. This role benefits from a professional who has worked with lawyers and understands how legal departments operate.

Paralegals, trainees or even former lawyers with a strong interest in technology are ideal candidates for this role. Such a background can encourage the creation of digital solutions that may disrupt the status quo in the delivery of legal services.

Legal solutions architects must be able to handle business analysis, requirements gathering, project management and process improvement. This position would normally reside outside traditional IT, ideally aligned with the innovation manager and knowledge engineer.

### DATA SCIENTIST

Law firms that use data effectively can make better decisions and deliver valuable insights for clients, putting them ahead of their competitors.

But it is difficult to identify and assess what data to extract, determine the best method of extraction and decide how to analyze the end result. Several large legal departments already employ a data scientist or have started to recruit for the position, which includes mining, structuring in a readable form and interpreting data sets to drive results. This role strongly



emphasizes visual presentation of the data to help guide decision-making within the firm or provide useful, accessible client insight.

In some cases, it might be premature to recruit for the role — a data analyst or data engineer may suffice while the firm’s collation and use of data matures. Hiring a true data scientist may be like using a sledgehammer to crack a nut, but in due course, every law firm will employ the services of one. ■

#### ABOUT THE AUTHOR



**Rob MacAdam** is Head of Legal Design at HighQ, which provides innovative enterprise collaboration and content publishing solutions to the world’s leading corporate law departments and law firms.

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# 11 Tips for Building Better Business Relationships

By Katie Bryant, CLM



**We've all heard that to be successful we need to build good, strong, lasting business relationships. But it takes a great deal of time and energy, and people don't seem to want to put in the work. News flash: Lasting business relationships just don't happen without dedicated and consistent work.**

Here are a handful of ways to build lasting business relationships:

- 1. Be authentic.** Be who you are and accept others as they are. Find people and companies you feel a natural connection with, are easy to communicate with, and you have things in common with.
- 2. Identify shared goals and values.** Seek out people who share similar goals and values. Are they honest, knowledgeable and helpful? How do they treat others? We may not always share the same point of view with everyone, but shared values are a must.
- 3. Develop mutual respect.** This one definitely takes some time. We prove ourselves over time and through different activities and experiences. Be patient and selective, and watch people in action. Building mutual respect is essential for growing relationships.
- 4. Don't be afraid to get vulnerable.** We are all human, and sometimes that means sharing and supporting people through difficulties, challenges and change. Showing vulnerability is part of revealing your authentic self, but use good judgment — this is best shared with a select few rather than publicly.
- 5. Demonstrate loyalty.** Show people you have their back by not partaking in gossip or unnecessary conversations.
- 6. Make connections.** Link together people so that they can meaningfully network with one another. Of course, be thoughtful, have the right motives, and connect people for the right reasons.
- 7. Get more personal.** Find opportunities for one-on-one conversations. Be willing to share experiences, ideas and perspectives — simply learn more about each other's story.
- 8. Don't forget to have fun.** Be willing to go out and do something fun that may not have anything to do with work. This will allow you to see different sides of people and hopefully to have some memorable conversations.
- 9. Calibrate your expectations.** Always go into relationships with an open mind and realistic expectations. Never assume. If we have preconceived expectations of people, then we are setting ourselves up for disappointment.

When we educate, help and inspire others with our experience and expertise, we are building the foundation for the trust that underlies relationships that endure.

**10. Brainstorm.** Be sure to find time to brainstorm, engage and do business together. However, be sure to set time limits and have an agenda for what you want to accomplish.



**11. Be a giver first.** When we educate, help and inspire others with our experience and expertise, we are building the foundation for the trust that underlies relationships that endure. Serving and helping builds trust like nothing else. Trust is the one ingredient that builds strong, long-lasting business relationships.

Our business network should be a qualified, selective group of people we count on and rely on for support, direction and insight. But we can't just give or take, we need both. Selectivity, consistency, engagement and balance are essential for finding great people and growing relationships that become mutually beneficial. ■

#### ABOUT THE AUTHOR



**Katie Bryant, CLM**, serves as the Chair of ALA's Business Partner Relations Project Team. She is the Executive Director of Udall Shumway PLC in Mesa, Arizona.

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# The Power of Color: An In-Depth Look at the Top Shades in Branding

By Rosemary Bashwiner



**Color can make you feel. Make you pay attention or remember. Color is one of the most powerful tools for communicating and evoking emotion. Yet it is often misused or underused.**

While the topic of color theory, color psychology and the effects of color in advertising is broad, we will focus on the top three colors used in large law firm branding and how those colors can influence a potential client's impression.

## COLOR'S EMOTIONAL RESPONSE

A study called "Impact of Color on Marketing" found that people form impressions within 90 seconds of their initial interactions with people or products — and up to 90 percent of the assessment is based on colors alone.

Color can enhance emotions such as excitement, anxiety, depression and relaxation. It can stimulate or dampen appetite. It can even affect the perception of temperature. While such reactions can be shaped by personal experiences, there are commonalities. For example: Brighter shades of color generally elicit more energetic feelings while darker shades feel more

relaxing. These commonalities can be used when choosing colors for brands, marketing, websites and communication.

In 2018, All-State Legal conducted a survey of the top 500 law firms as determined by the *National Law Journal*. Additional information was collected in a survey of over 300 firms. From that, we've deduced how color is used and understood at some of the largest American law firms.

## 1. BLUE

Blue is associated with depth and stability. It symbolizes trust, loyalty, wisdom, confidence and intelligence. Blue inspires feelings of calmness and security. More than 45 percent of large law firms use blue in their branding.

Blue is also very versatile in design. It can be vibrant and friendly or cool and steady. And when used with warm colors — like yellow or red — it can create high-impact, memorable designs. When surveyed, one firm said that the blue logo "gives the impression of steadiness, trust, professionalism and prestige." **Light blue** is generally refreshing, bringing a soft, calming energy to any brand. **Dark blue** represents knowledge, power, integrity and seriousness.

## 2. RED

Red is associated with energy and passion. It symbolizes strength, power and determination. Red inspires feelings of importance. More than 26 percent of large law firms use red in their branding.

The color red attracts attention, making it useful in branding and marketing. It can be used to make people make quick decisions, which is why it is often found in "buy now" buttons. **Bright red** is generally associated with boldness, energy and passion. **Dark red, burgundy and maroon** represent power, endurance and leadership.

## 3. GREEN

Green is the color of nature. It symbolizes growth, stability and freshness. Green inspires feelings of safety. It is also

Brighter shades of color generally elicit more energetic feelings while darker shades feel more relaxing. These commonalities can be used when choosing colors for brands, marketing, websites and communication.



associated with money. More than 15 percent of large law firms use green in their branding.

The color green is a balanced color that stands out next to both warm colors (red, orange and yellow) and cool colors (blue and purple). Green suggests stability and endurance. **Light or bright green** is generally associated with friendliness, youth and endurance. **Dark green** represents wealth, ambition and determination.

### UNDERUSED COLORS

Employing any of these underused colors can instantly make a firm stand out in a sea of blue, red and green just by being different.

#### 1. YELLOW

Yellow is associated with energy and intellect. It symbolizes success, understanding and creativity. Yellow inspires feelings of confidence. Yet only 1 percent of large law firms use yellow in their branding. (When you include gold in the yellow family, that number jumps to nearly 16 percent.)

#### 2. ORANGE

Orange combines the energy of red and the happiness of yellow. It symbolizes enthusiasm, success and creativity. Orange inspires feelings of determination and encouragement. Nonetheless, only 5 percent of large law firms use orange in their branding.

#### 3. PURPLE

Purple combines the stability of blue and the energy of red. It symbolizes healing, wisdom, strength and ambition. Purple

inspires feelings of dignity, creativity and mystery. Only 1 percent of large law firms use purple in their branding.

### ACCENT COLORS

The colors black, gray and brown are often used in multi-color logos and as accent colors to the more vibrant colors discussed above.

### THE POWER OF COLOR


It is true that color can affect perception, memory and emotions. Additionally, personal experiences, surroundings and circumstances can shape that perception. However, every firm can use the power of color to project their culture, brand and image. ■

### ABOUT THE AUTHOR



**Rosemary Bashwiner** began her career with All-State Legal in 1984 and is a member of the company's executive team. She is now the Vice President of All-State Legal, headquartered in Cranford, New Jersey, and Division President of OTS Legal, an All-State Legal company located in southern Florida. As ALA's first business partner, All-State Legal is proud to support ALA since 1971.

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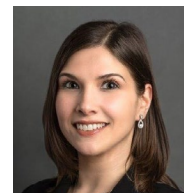
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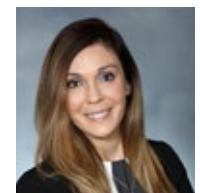
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**LaVerne Anenia, SPHR**, member of the Capital Chapter, is now Intellectual Property Practice Group Director at Drinker Biddle & Reath, LLP, in Washington, D.C.

**Joanne Anderson** (not pictured), member of the Greater Chicago Chapter, is now Office Manager at Sugar Felsenthal Grais & Hammer LLP in Chicago, Illinois.

**Rose DeLeon Carter**, an independent member from Region 6, is now Director of Legal Support at Hinshaw & Culbertson, LLP, in Los Angeles, California.

**Sarah Cramer**, member of the Greater Kansas City Chapter, is now Manager of Office Support Services at Lathrop & Gage LLP in Kansas City, Missouri.

**Stephanie S. Dantine**, member of the Middle Tennessee Chapter, is now Director of Administrative Operations at Neal & Harwell, PLC, in Nashville, Tennessee.

**Mimi DeMars, CLM**, member of the New York City Chapter, is now Director of Administrative Support at Ropes & Gray LLP in New York, New York.

**Laura Long**, member of the Golden Gate Chapter, is now Chief Financial Officer at Hanson Bridgett LLP in San Francisco, California.

**Lewis J. Migliore, CLM**, member of the Dallas Chapter, is now Operations Director for the Texas Region at Baker McKenzie in Dallas, Texas.

**Jennifer Murov**, member of the Golden Gate Chapter, is now Office Administrator at McDermott Will & Emery, LLP, in San Francisco, California.

**Terri Oppelt, CLM, SPHR, SHRM-SCP**, Region 6 Representative and member of the Greater Los Angeles Chapter, is now Director at Armanino LLP in Los Angeles, California.

**Lisa Sterritt**, Region 5 Representative and member of the Puget Sound Chapter, is now Firm Administrator at Socius Law Group in Seattle, Washington.

**Breana Tavalario**, member of the Philadelphia Chapter, is now HR Assistant at Obermayer Rebmann Maxwell & Hippel LLP in Philadelphia, Pennsylvania.

**Louis Tullius**, member of the Golden Gate Chapter, is now Director of Administration at Pillsbury Winthrop Shaw Pittman, LLP, in Palo Alto, California.

**Kyle Weigand**, Treasurer for the Foundation of ALA and President of the Northwest Ohio Chapter, is now Director of Administration at Brouse McDowell in Cleveland, Ohio.

**Christine Wilbur, MBA**, member of the Orange County Chapter, is now Human Resources Manager at Aleshire & Wynder, LLP, in Irvine, California.

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The second features Lori Hughes, Lead Operations and Information Security Officer for Miller Nash Graham & Dunn LLP, who gives a preview of what you can expect at her session at ALA’s Intellectual Property Conference for Legal Management Professionals. Valerie Studer, Firm Administrator for Dicke, Billig & Czaja, PLLC; Chris Sale, Chief IP Office for Arent Fox, LLP, will join Lori on a panel at the conference to discuss steps offices need to take to become a paperless office.

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