

LEGAL MANAGEMENT

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Silence Is Not an Option

Your role in driving more meaningful change to confront racial disparities in the workplace.





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**MICHAEL T. BUMGARNER, CLM, CPA,
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“It’s an exciting and uncertain time as we try to get back to what we all enjoy and appreciate about our world. This provides a great chance to look at everything through a different lens.”

Looking Through a New Lens

As we appear to be coming to the other side of a pandemic that, in my lifetime, I never thought I would experience, it has me considering all that I do and what I’m going to do differently moving forward.

This led me to the book *The Subtle Art of Not Giving a F*ck: A Counterintuitive Approach to Living a Good Life*, which has resonated with me for several reasons. It discusses how we establish the right gauges for how we measure what we value and what is important to us. In turn, this helps us continue to grow. It is a guide to setting aside things that are not as important and focusing on what really matters — essentially, how to free up the time we spend focusing on insignificant things so that we can concentrate on what we care about most in our lives.

I can see how this relates to my own life with how we focus on work and volunteer commitments. We’ve found ways to get work done differently this past year because we had no other choice. In all honesty, in some cases, we got work done better than we had before — we’ve made so much progress in the way we work within our legal organizations. Now that we are nearing the light at the end of the tunnel (hopefully there’s not a train coming toward us), the challenge of meshing the old ways with the new arises. We must focus and address this so we can keep making progress.

One article in this month’s issue focuses on a particularly pressing topic — how do clients perceive value? Clients have been tightening up budgets since long before the pandemic. Now we are entering a phase where many companies have seen their profits cut and lost income as a result of the pandemic. In other words, efficiency in cost will be even more of a factor for attracting and maintaining business. This doesn’t mean we need to discount our legal services — but it does mean we need to up our game in how we explain our value to clients.

We have been making the effort to do things more efficiently to save money, but do our clients know what measures we've taken? "Keeping Clients Informed About Value" explains how we can not only get better at showcasing the expertise at our firms but also get better at explaining the processes we have in place to save time — and, ultimately, money. There are a number of ways to do this: from personal phone calls to emails providing important and timely updates to making sure we clearly spell out these details on our websites.

It's an exciting and uncertain time as we try to get back to what we all enjoy and appreciate about our world. This provides a great chance to look at everything through a different lens, to reevaluate what we are communicating to our clients so we can remind them why our services are invaluable. As the

article notes: "If you're not efficient and you're not innovative, providing really tangible value to the client, you're in trouble." This perfectly aligns with the book I previously mentioned, which says: "It's time to focus on what's meaningful."

We have a tremendous opportunity to shape our own futures, as well as others', through our work and this Association. We can continue to make our worlds better — so let's get started!



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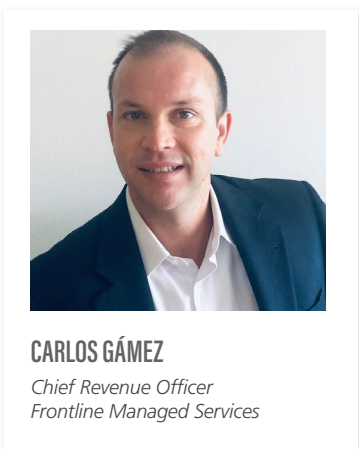


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CARLOS GÁMEZ

Chief Revenue Officer
Frontline Managed Services

“
To effectively navigate change, administrators must integrate their partners into the organization’s processes as well as its culture.”

Navigating the Risks and Rewards of External Partnerships

Engaging an outside company to manage internal change — systems, processes or people — requires effective leadership and collaboration. For law firm administrators, the task is especially involved considering the demands of the legal profession.

Client confidentiality, firm structure, administrative workloads, billing sensitivities and the legal profession’s perceived resistance to change can all pose challenges for even the most capable administrators and their partners.

How can firm leadership successfully manage these unique client-vendor relationships? The key lies in skillful change management and collaboration between the firm’s operational teams and outside providers. To effectively navigate change, administrators must integrate their partners into the organization’s processes as well as its culture. This requires a coauthored roadmap, a rational execution strategy and a good measure of subtle finesse.

RISK VS. BENEFIT

Before undertaking any journey, it’s beneficial to understand the pitfalls that may sidetrack or thwart a successful outcome. For the legal profession, process is almost as important as relationships. Hiring an outside entity to create change presents challenges unlike the day-to-day practice of law. Obviously, a poorly executed project is a waste of cash — hours spent on a project with little yield add up in the loss column.

Team morale suffers when support staff are either left out of the execution equation or feel threatened by outside “consulting.” When staff retention suffers, a disproportionate amount of effort must be spent on recruiting and training to maintain operations. This snowball effect can creep into attorney-client relationships and ultimately affect the firm’s financial footing.

The benefits of successful business partner relationships, however, greatly outweigh the risks when done well. Typically, firms bring on a partner to improve processes and deliver predictable outcomes. The first benefit is sustained profitability through combined reductions in operating costs and an increase in revenues collected. Improved internal processes eliminate employee pain points, boost morale throughout the firm and help teams function more efficiently. And when teams function better, they serve clients better — whether it be by eliminating friction, such as billing errors, or freeing up attorneys to focus on nurturing client relationships instead of client administration and troubleshooting.

An often overlooked positive externality of optimized back-office functions is predictability — in service levels, risk exposure and cashflows. Predictability generates transparency and trust in achievable expectations, which results in better relationships between law firm stakeholders, their vendors and the end-client. Better relationships produce successful outcomes, which produce more business.

RELATIONSHIPS AND CULTURE ARE ESSENTIAL

So how do firm administrators avoid the pitfalls and reap the rewards of incorporating outside assistance into the organization? Begin by establishing a relationship with key contacts, preferably the business partner’s top executives. Start simple — begin by establishing rapport across functionalities. The fact of whether a vendor is trusted or even liked sets the tone for the rest of the relationship.

Take the time to educate. While it’s crucial to make the vendor fit your culture, be sure to share that culture, including your firm’s expectations of formality, responsiveness and client interaction. Do they return phone calls and email promptly? Have they delivered their information in a timely manner? What’s the general attitude of more junior personnel? Remember, these staffers, whether they’re help desk personnel or IT managers or billing specialists, will be interacting with your teams and your clients on a daily basis. Do they meet your level of customer service? Do you trust them?

3 KEY QUESTIONS FOR POTENTIAL VENDORS/PARTNERS

If there appears to be a fit, ask the potential partner’s key leaders some simple but revealing questions:

1. What’s their track record? Ask who they’ve worked with. Ask about specific projects. What was the scope? Was it successful? Are they still working with that client? The answers they give will reveal much more than the questions imply.



2. Ask for assurances and guarantees. Set expectations early — let the vendor know what the key performance indicators (KPIs) are and what is ultimately hoped to achieve for the firm. Get agreement on specific deliverables before signing a contract. This may seem obvious, but a solid roadmap authored by both parties is essential for success yet often overlooked.

3. What is the company’s vision? This question, more than the practical first two, will reveal the nuances for how to manage (or not to manage) the relationship. The answers should shine light on how the business partner’s leadership thinks, how they learn and how they manage their adoption journey. It should illuminate whether their success is vested in your success. If not, consider passing on the opportunity.

SIGNED, SEALED — NOW DELIVER

Execution is often where things go wrong. We can do all the homework and reference checking in the world and play countless rounds of golf, but if the law firm and the vendor partner aren’t mutually aligned on goals, shared incentives and an agreed-upon process, the effort may be doomed. Keep these in mind:



Stick to the roadmap: A detailed plan that outlines responsibilities, expectations, process, deliverables and desired outcomes is essential. This “prenup” should include the firm’s expectations as well as the business partner’s. There must be measurable KPIs, and incentives should be built in and shared by both parties. Your roadmap helps align all efforts and creates an invaluable sense of team investment and joint ownership on process and outcomes.



Think big, start small: Change only happens as fast as its slowest component. Identifying and removing bottlenecks first, whether they be in invoicing, communication protocols, onboarding or general process familiarity, is effort well spent. Set big overall goals, but implement small, tangible changes. Managing change in phases and at a tolerable pace avoids disillusionment when progress is slowed or efforts are off target. Allow for correction and learning in pursuit of success.

A CULTURE OF COLLABORATION IS KEY

A collaborative mindset helps individuals, and ultimately organizations, embrace change. Administrative leadership, in tandem with their business partners' principals, must create this culture. A shared plan, common goals and a well-designed process create an atmosphere of possibility. Teams, whether

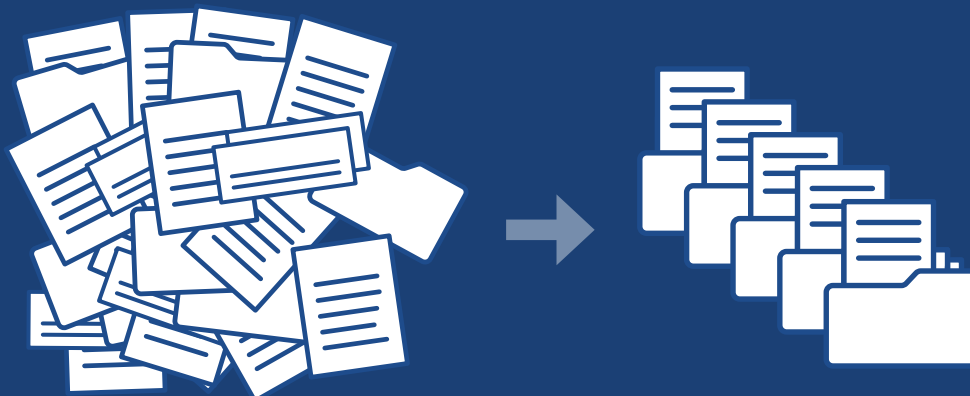
internal or external, thrive when they work together to achieve mutual goals. Collaboration means attorneys, administrators, staff and consultants share the sense that payoff is greater than effort. The attitude and outlook of firm administrators and partner leads infuse the entire effort. Creating a positive, rewarding experience that has achievable, recognizable goals is essential. It allows for course correction and adaptation along the way and perpetuates the foundations of trust and clear communication.

ABOUT THE AUTHOR

Carlos Gámez, an attorney and legal technology innovation leader, is Chief Revenue Officer at Frontline Managed Services, a provider of administrative, financial and IT managed services to the legal industry.

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FELICE SOLOMON

*President
Solomon Search Group*

“With many companies’ legal departments and boards facing calls to diversify, the expectations for their partners to do the same has increased.”

Why Your Firm Should Be Partnering with a WBENC-Certified Business

Diversity and inclusion (D&I) are hot topics these days, and that likely has you looking at ways your firm can improve upon its D&I efforts.

An often overlooked opportunity is partnering with a business certified by the Women’s Business Enterprise National Council (WBENC). I’ll outline not only the certification process businesses go through to receive this, but also discuss some of the benefits companies can take advantage of when they partner with a WBENC-certified business.

I’ve worked in the staffing industry for over 20 years, and I can tell you that a wholly women-owned and operated business is rare. I learned about the Women’s Business Enterprise National Council and immediately found the value in becoming certified by this nonprofit. (It’s a third-party certifier for the Women-Owned Small Businesses Federal Contracting Program through the U.S. Small Business Administration.)

Founded in 1997, WBENC is the largest third-party certifier dedicated to helping expand business opportunities for women entrepreneurs by offering a nationally recognized certification for businesses owned, controlled and operated by women in the United States. In addition to certification, WBENC offers a wealth of resources to its members, including pitch opportunities, educational programming and access to over 300 of the nation’s largest and most successful corporations.

3 BENEFITS

Solomon Search Group is part of this organization, which allows us to offer our clients unique benefits only available to those that partner with a WBENC-certified business. Here are a few.

1. Tax incentives: The federal government passed the first laws offering legislative provisions encouraging using minority-owned and/or women-owned business. Through the Minority Business Development Agency (MBDA), the government is able to provide tax incentives for using these businesses, including offering reduced tax liabilities for projects funded with federal or state grants or loans when the supplier is a women-owned business. A WBENC-certified business can provide you with its certification information for your tax purposes.

2. Furthering diversity and inclusion goals: With many companies' legal departments and boards facing calls to diversify, the expectations for their partners to do the same has increased. NASDAQ is looking to the U.S. Securities and Exchange Commission (SEC) to approve a new diversity disclosure rule, and many legal departments now need to abide by the Mansfield Rule to boost the representation of diverse lawyers in law firm leadership — it's no surprise that D&I is at the forefront of yearly growth initiatives. Partnering with a WBENC-certified business accomplishes this goal and complements the internal diversity efforts your company is implementing.


3. Supporting the continued growth of minority-owned small businesses: Your support showcases your company's commitment to working in diverse markets. We are among the fastest-growing sectors of our economy, thus positioning your company favorably to open new channels of revenue. As an ally, a partnership with a minority-owned business directly promotes innovation and creativity across industries.

The process to become WBENC-certified is extensive and many times takes upward of a year or longer from start to finish. With an equally intensive recertification process, you can trust that businesses certified by WBENC maintain the highest standards of business operations.

ABOUT THE AUTHOR

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“When people go to a restaurant with bad service, most people will not complain; they’ll just leave and never come back. It’s the same way with lawyers. People don’t complain — they just walk.”

Keeping Clients Informed About Value

Law firms have worked to increase efficiency and cut costs — but have been less successful at letting clients know about it.

From automating processes to assigning work to younger associates, numerous law firms have modified the way they deliver legal services in recent years to meet the post-Great Recession demand for increased value.

Legal expense, however, remains an area of focus for clients. Legal departments ranked controlling outside counsel costs as their top priority in Thomson Reuters’ 2020 Legal Department Operations Index, with 89% identifying it as a high priority.

Individual consumers, too, are concerned about cost. In fact, it’s one of the key factors, along with expertise, they base their decision to hire a lawyer or firm on, according to the latest Consumer Legal Needs Survey.

Law firms may have diligently worked to boost efficiency and reduce operational expenses. But many haven’t been quite as proactive about telling clients about it, says Michael Rynowecer, President of BTI Consulting Group, which works with legal and professional services firms.

“Some do a very good job of branding their efficiency effort; others’ work is done more quietly, and it’s not apparent to clients what they’re doing and what the benefits are,” Rynowecer says. “Most of the communication is ad hoc. The firm relies on partners to tell the clients; not every partner puts the same level of effort and clarity into explaining that.”

With varied client strategies, schedules and other aspects, determining what specific information would resonate with a client — and the best way to successfully share it — can be a balancing act. For many firms, figuring out the best approach can involve investigation, periodic conversations and marketing efforts that supply ample detail.

ASSESSING HOW CLIENTS PERCEIVE VALUE

To truly know how firms are being perceived, they have to communicate frequently with clients and ask the right questions, says Cole Silver, who signed on to serve as Chief Client Officer, a type of client relations liaison, at 600-attorney firm Blank Rome six years ago. As a former general counsel, he feels he's able to understand their pain points.

If a client is upset or a mistake has been made, Silver will meet with the client, preferably in person, to offer an explanation and hear their concerns. Conveying value is also a key part of Silver's role.

"When people go to a restaurant with bad service, most people will not complain; they'll just leave and never come back," he says. "It's the same way with lawyers. People don't complain — they just walk. So it's really important you talk to your clients a lot and tell them how you provided value, from giving a better price [to] filing a motion in a case early. Sometimes clients don't know."

For certain clients, Silver says, savings may be the goal; to others, money is no object but winning is everything. Others may place an importance on working with organizations that emphasize diversity or sustainability initiatives.

"The key is to find out their objectives, wants, needs and aspirations," he says. "Every general counsel, every CEO has pressures from someone else, whether it's a board, shareholders, regulators. It's up to us, as lawyers, to find out who that is and how to satisfy them to make clients look good — and make their life easier. If a lawyer is a good listener and asks the right questions at the onset of the relationship, it's not too hard to get at the real motivations of what they want."

As part of the firm's formal feedback program, Silver prepares written reports after speaking with clients — almost exclusively, he says, face-to-face.

"Our position is our relationships are so important that we wouldn't want to send our clients a written survey about how we are doing," he says. "We want it to be more personal. That's really not the norm. If I can't get a personal meeting, I will do an interview on the phone, but we have not had any clients — not one — who refused to talk to us."

CONVEYING WORTH

Some firms — particularly larger ones — have included sections on their website that directly describe what value elements they provide to ensure that's clear, says Taylor B. Graham, a Partner at Pelton Graham LLC, which has offices in New York City and San Francisco.

"Our position is our relationships are so important that we wouldn't want to send our clients a written survey about how we are doing."

"If it's not on the website, using LinkedIn or other marketing efforts upfront is helpful," Graham says. "And within that, showing what else you bring to the table besides competitive rates."

Legal industry updates and matter-related posts on a firm's website can highlight the expertise attorneys offer, which may also help reinforce the firm's value to clients.

"Practice area or industry [news items] shows these people are on top of things in our industry, and that sends a good message to the clients," Graham says. "We may also highlight some results we've had, just to show we are getting favorable results in the types of cases clients would be coming to us for representation on."

Some firms have set up dashboards that provide near-real-time billing, budget and other information. A couple of partners Rynowecer knows have developed a system using Excel spreadsheets to share information. "By and large, clients love it," he says.

The billing process can be another venue for expressing value. Include line items that show what work was done. If possible, including goals that have been met — using word choices that convey results or benefits, rather than just effort being expended — can be helpful, according to Graham.

Discussing the related work that's been accomplished before sending out a bill is a practice at his firm.

"Otherwise, if you're sending a bill and then having the conversation, you could see the client maybe not understanding the bill necessarily when they receive it," Graham says. "And then that conversation is more of a defensive one where you're having to justify why you're billing, rather than explaining in advance what was done."

Clients may also appreciate being able to gain industry insight and information from other clients you've introduced them to, according to Rynowecer — through informal roundtables, emails that start a dialogue about current issues or, more recently, Zoom calls.

"You add value when you connect your client to another individual who's also a corporate counsel and have them

share ideas on what to do about the return to the office [or] industry-specific trends about vaccination policies,” he says. “Clients consider that an extraordinary value.”

HOW (AND HOW MUCH) TO COMMUNICATE

Standard case updates that simply underscore all you’re doing for a client, via phone or email, can also help articulate the value the firm is providing.

Communication frequency, though, can vary by client. Some like to hear from their attorney often, according to Graham; others aren’t as interested in each step, as long as you accomplish the desired result.

A client’s early behavior in a matter may offer some clues about the person’s preferred rate of contact.

“Some clients set the tone early,” Graham says. “You know if they called or emailed five times in a week before the first meeting, it’s probably someone who wants that constant communication throughout — but setting the expectation is important. In the initial meeting or early on, it’s good to ask how often they really want to hear from us. If someone doesn’t know, maybe start out [by saying], ‘We’re going to update you every two weeks, just to let you know.’”

Whatever the client’s communication sweet spot turns out to be, sharing information on that timeframe can help ensure they’re aware of the value the firm is providing — which can be a crucial factor in retaining clients.

The value a firm provides can also influence its chance of obtaining new business. As a reminder the firm is available if clients, or anyone they know, need representation in the future, Pelton Graham LLC mentions its practice areas in a letter sent to thank clients for their relationship at the conclusion of a case.

“If you’re not efficient and you’re not innovative, providing really tangible value to the client, you’re in trouble.”

“Generally, people who work in similar industries have friends who also work in those industries and talk among each other and know if they’re experiencing similar problems,” Graham says. “So we’re always discussing with them, is this something you’re aware of that happened elsewhere? Through those discussions is how we would obtain referrals from current clients.”

With alternative legal service providers, Big Four accounting firms and other parties vying for a piece of the engagement pie, if a law firm hopes to remain competitive in today’s legal market, ensuring it provides — and effectively communicates — value to both clients and potential clients is imperative, says Silver.

“[Firms are] trying to convey value across the board — bringing in alternate providers that are cheaper, trying to bring in technology to make themselves more efficient — because they realize all clients are demanding it,” he says. “There’s much more competition out there than before. If you’re not efficient and you’re not innovative, providing really tangible value to the client, you’re in trouble.”

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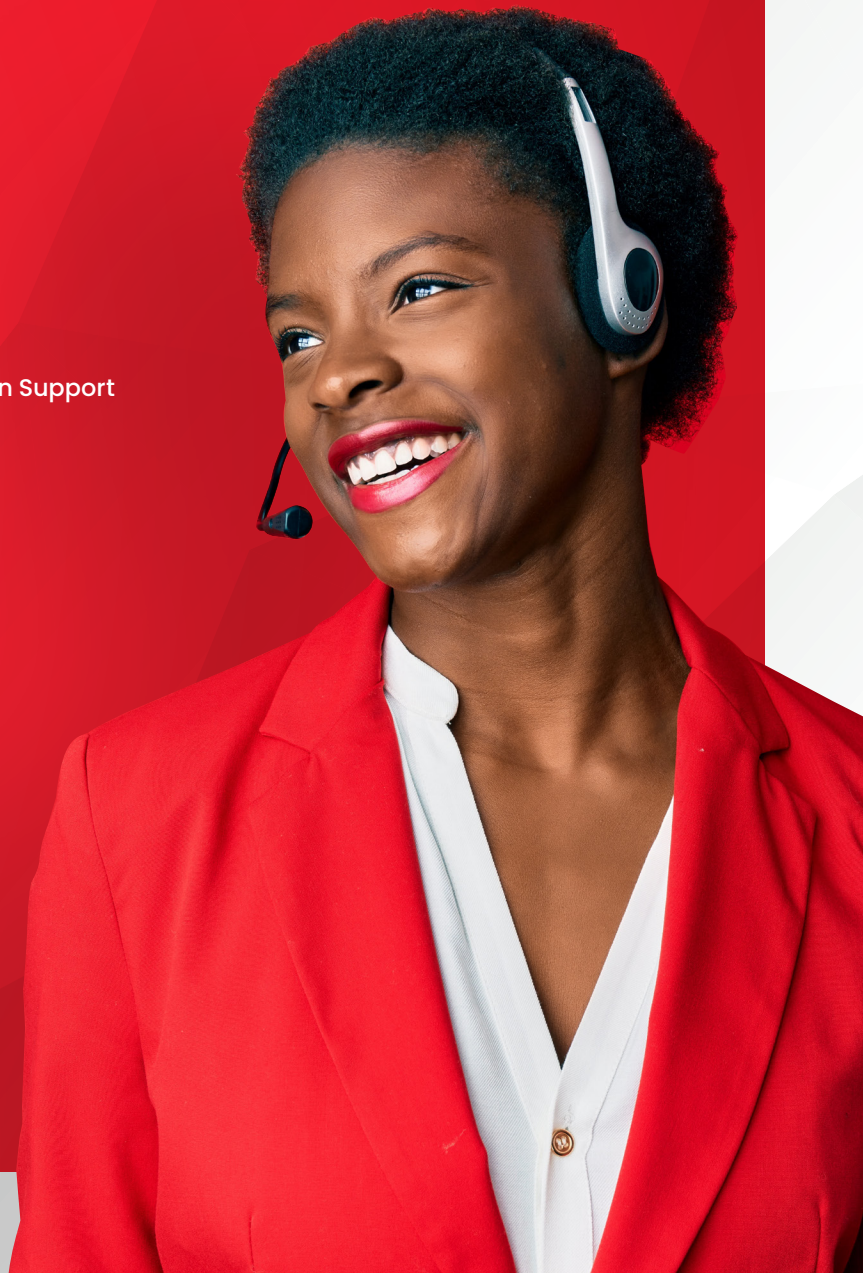
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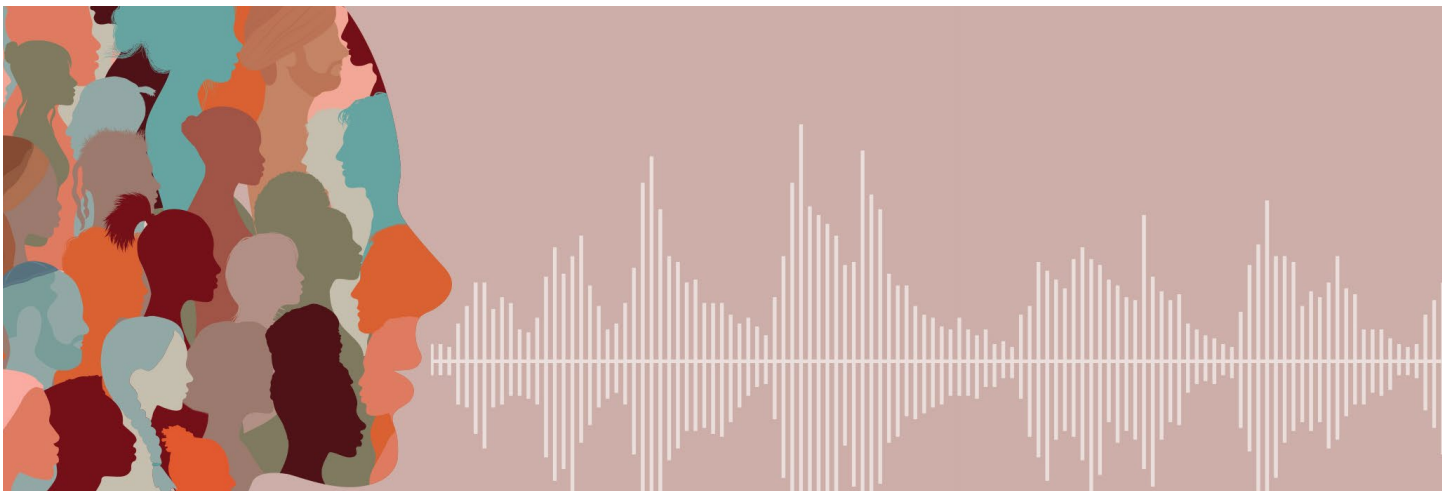


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ALERT
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“The days after the George Floyd tragedy played out repeatedly on people’s screens were heartbreakingly difficult. But it was more than difficult for those in the Black community — it was also triggering.”

Silence Is Not an Option

Your role in driving more meaningful change to confront racial disparities in the workplace.

The last 18 months have exposed racialized events and disparities — from the murder of George Floyd and health inequities laid bare by the pandemic to anti-Asian attacks and police violence — in a way that nobody could ignore.

These events have moved legal organizations to be more intentional in understanding the impact of privilege and bias, to renew and reassess their diversity efforts, and to take action to create more equitable practices within their firms and the profession.

Truly addressing these issues and becoming an ally means legal organizations must be purposeful in their actions. A forceful, firmwide commitment and a combination of strategies focused on action-oriented solutions are helping more firms change the conversation and drive sustained change.

ACTIVE LISTENING

The days after the George Floyd tragedy played out repeatedly on people’s screens were heartbreakingly difficult. But it was more than difficult for those in the Black community — it was also triggering. Black friends and colleagues were dealing with a whole other level of trauma as they were reminded how it could be one of their loved ones in that position — or having known someone or having been that someone who had been singled out in a similar way just for being Black.

Stinson LLP understood it could not just be business as usual in the immediate aftermath. “[We] supported attorneys and staff persons of color by holding groups sessions with an outside counselor of color, performing one-on-one check-ins, offering trainings on allyship, racial trauma and launching discussion circles,” says Ann Jenrette-Thomas, Stinson’s Chief Diversity & Inclusion Officer.

Making personal connections during this period of racial tumult also was a key initiative at Ballard Spahr. The firm redoubled its efforts “to build a culture of support and empathy, and develop opportunities to be allies with marginalized groups,” says Virginia Essandoh, the Chief Diversity Officer. “[Ballard Spahr] held private sessions with African American lawyers and staff to provide a space for processing, dialogue and support. These meetings also provided an opportunity for attorneys and staff to express how they believed the firm should meet the moment.”

Hate crimes against Asians have also increased, according to research from the Center for the Study of Hate & Extremism at California State University, San Bernardino. They found that anti-Asian hate crimes in 16 of America’s largest cities increased 145% in 2020, the first spike coming in March and April 2020 — which coincided with the COVID-19 pandemic and the negative stereotypes against Asians that ensued.

In response to these increasing attacks, O’Melveny & Myers LLP has offered safe space conversations for Asian American and Pacific Islander (AAPI) personnel, both privately and with U.S. colleagues. “And our Employee Assistance Program has created an AAPI mental health and self-care resources guide that we’ve shared with all U.S. colleagues,” says Mary Ellen Connerty, Director of Diversity & Engagement.

The firm hosted a program for employees, clients and alumni that examined the long history of anti-Asian discrimination in the United States, led by Russell Jeung, Chair and Professor of Asian American Studies at San Francisco State University and Cofounder of Stop AAPI Hate. “Our U.S. colleagues also will be invited to read the award-winning book *Interior Chinatown* by Charles Yu, followed by an opportunity to join a video chat with the author,” says Connerty. “AAPI colleagues have also suggested other topics for training — like empowerment and dealing with microaggressions — which we plan to pursue.”

ASSIGNING NEW FIRM RESOURCES AND IDENTIFYING CAUSES

Responding to racial justice events prompted a renewal and rededication of resources at many legal organizations. O’Melveny & Myers responded in several strategic ways. The firm formed a Racial Justice Committee that “advises firm leadership on issues of racial justice and equity, promotes open dialogue, and seeks out a range of viewpoints regarding race issues inside the firm and in the community,” says Connerty. They took direct action to identify key organizations to support, including the Law Firm Antiracism Alliance; introduced a training session on implicit bias; and conducted mandatory training for partners.

“A forceful, firmwide commitment and a combination of strategies focused on action-oriented solutions are helping more firms change the conversation and drive sustained change.”

Law firm foundations also assumed a more urgent and specific focus. At Barnes & Thornburg, firm management wanted “to activate our commitment to do something tangible to fight against racism,” says Dawn Rosemond, the firm’s Diversity Partner. “It goes without saying that 2020 was unprecedented in every sense of the word. Rather than just lament, our management committee wanted to do something bold.”

That decision yielded the creation of the Racial and Social Justice Foundation, which was funded by the firm’s entire management committee, lawyers and staff. By the end of the year, the foundation had awarded a total of \$200,000 to nonprofits in Minneapolis, Los Angeles, Atlanta and Indianapolis that were committed to combatting racism and stabilizing and empowering people and communities of color.

“The work through the foundation is a great source of pride and amplifies our position that our commitment to change is real,” says Rosemond. “We are just getting started.”

INCREASING COMMUNICATIONS WITHIN THE FIRM AND COMMUNITY

Reaching out regularly, consistently and clearly through various communication vehicles also is a key element in strengthening diversity and equity initiatives. Stinson created a five-episode podcast series, *Big Law Success: The Inside Scoop for Law Students & New Lawyers*, that provides an insider’s view of law firm life, including insights on recruiting, networking and interpersonal communications. “We realized that not knowing the unwritten rules often could foreclose opportunities for diverse lawyers and law students,” says Jenrette-Thomas. “Every year, I am surprised by the number of students and attorneys who express their appreciation for the podcast.”

At Barnes & Thornburg, the firm’s *Diversity Matters* podcast “provides support and empowerment within our firm and our broader profession,” says Rosemond. “We want to make room for those courageous conversations necessary to move us forward both as a firm and as a profession.” Episodes have featured firm attorneys, outside counsel and

corporate leaders discussing a wide range of topics, including the business impact of the pandemic on diverse practitioners and how the racial justice movement has transformed business priorities.

RECRUITMENT AND FELLOWSHIP PROGRAMS

To provide a richer work experience and practical training, many firms are developing formal relationships with clients to provide new opportunities, deepen work relationships and expand the pipeline of diverse attorneys.

McAndrews, Held & Malloy, Ltd., an intellectual property and technology law firm in Chicago, has a program for diverse first-year law student (1L) summer clerks, involving an eight-week internship at the firm plus a four-week secondment at one of the firm's major clients. "[The joint program] provides a unique opportunity for summer clerks to understand patent issues from both the client and law firm perspectives and to network with and be mentored by diverse attorneys [and clients]," says Sharon A. Hwang, a Shareholder of the firm and current Vice Chair of the Chicago Committee on Minorities in Large Law Firms. "Our hope is that the summer clerk will stay with the firm and our client for two summers, and then eventually work at either the firm or our client."

Fellowships also can be a way to build a critical mass of expertise in an industry. In a fellowship program introduced this year, Ballard Spahr aims to increase the number of diverse attorneys in the consumer financial service industry, an area with few diverse attorneys. This proactive effort is geared toward law students who have overcome one or more substantial obstacles during their career, come from a disadvantaged background and/or are underrepresented in the legal community. Attorneys in Ballard Spahr's Consumer Financial Services Group will provide an overview of the practice, serve as mentors and facilitate introductions to clients and officials at regulatory agencies and trade associations. To expand the pool of top candidates, the firm has reached out to law schools seeking recommendations. "We asked them: 'Who are your great 2Ls? We want to expose them to the practice,'" says Essandoh.

A TOOL TO HELP ELIMINATE BIAS

Racial and gender bias can hinder the recruitment process, limiting the pool of diverse candidates at all levels. In an effort to counter implicit bias that often seeps into the on-campus interviewing (OCI) hiring process, O'Melveny has incorporated the pymetrics assessment as a data point when assessing candidates. Currently, O'Melveny is the only law firm using this innovative tool in its decision-making, according to Connerty.

"Recognize your privilege and use it to help — not diminish — those who are less advantaged. Lean in with honesty, and don't assume you know what a diverse person wants or needs."

Pymetrics, which is based on behavioral science and uses artificial intelligence technology and machine learning, collects candidate information using 12 games to compare against an O'Melveny-specific model that has been audited for gender and ethnic bias. O'Melveny asks all of its campus recruits to play the games before interviewing. The games, described by recruits as "fun," take 30 minutes to complete and measure various soft skills, including decision-making, risk tolerance, fairness and generosity.

"There are no right or wrong answers. Pymetrics measures how candidates play the game, and how their resulting traits will support future success at the firm," says Connerty. "We're looking at potential rather than pedigree. The results of the pymetrics assessment offer us additional, objective information for hiring decisions."

Overall, feedback to pymetrics from recruits and management has been positive. Connerty reports that diverse recruits especially appreciate their use of a hiring tool that addresses unconscious bias.



MENTORING VS. SPONSORSHIP

However, once recruited, retaining and providing a career path for diverse attorneys remains problematic. In its latest report, the National Association for Law Placement found people of color represent 25.4% of associates and 9.6% of partners — a steady, but very slow, incremental increase over a 10-year period. To accelerate these numbers, mentoring and sponsorship programs are becoming more formalized and creative.

Stinson’s Accelerate sponsorship program is specifically tailored to diverse partners to equip them with new skills. Often, many think making partner is the end goal, but “it’s really just the start of a new journey,” says Jenrette-Thomas.

“Through the Accelerate program, a select group of diverse partners are paired with the firm’s top rainmakers and leaders. The goal is to help diverse partners build their books of business. But the program also has helped some sponsors develop a deeper understanding of the challenges faced by diverse partners, including the time commitment involved in recruiting and mentoring diverse associates,” says Jenrette-Thomas.

Ballard Spahr’s INVEST sponsorship program supports the retention and advancement of diverse talent. Now in its third year, INVEST supports a small class of fourth- through sixth-year associates. Partners serve as advocates for these associates, expanding opportunities for them to engage with clients, build exposure and visibility inside the firm or the legal community, or lead in client matters. INVEST cohorts also work on a Business Challenge Project, which seeks to solve a critical firm management issue, and share their findings with management. In the process, associates gain a deeper understanding of the challenges in running a firm, and firm leadership benefits from fresh perspectives about practice management.

AN UNCOMFORTABLE — BUT NECESSARY — CONVERSATION

Having conversations about race and developing cohesive diversity strategies can be daunting. Kelvin O. Howell Jr., Deputy Executive Director and Chief of Staff of TransNewYork, recently presented a powerful case study at ALA’s Virtual Master Class: A Framework for DEI&A.

“Organizations often hire a diversity officer to address race and equity issues,” says Howell, who is also the Founder, Executive Partner and Chief Consulting Officer of Firm 9, LLC, a multiservice professional consulting firm. “I view the diversity officer as the ‘coach’ — facilitating initiatives, allocating resources and serving as an advocate to management. But the diversity committee really is the engine, or the ‘team,’ that drives efforts and creates meaningful action. It is the force multiplier within the organization that shapes awareness, builds empathy and creates a positive environment.”

Law firms need to be expansive in how they define and build their diversity committees. The legal profession remains largely hierarchical. Step back and examine your entire workforce, lawyers and staff. Work to address discrimination of all types — based on race, gender identity or expression, sexual orientation, age, disability, national origin, religion or class. Then identify people who can speak to those issues.

“Recognize your privilege and use it to help — not diminish — those who are less advantaged. Lean in with honesty, and don’t assume you know what a diverse person wants or needs,” says Howell. “It’s better to listen than to be heard. Ask for help, be willing to share power and continue to educate yourself!”



DEIA Is a Priority at ALA

ALA is making an ongoing commitment to diversity, equality, inclusion and accessibility (DEIA) as part of its new strategic direction. If there is a topic related to DEIA that you’d like to see covered — or if there is an area we are falling short in our coverage — please email suggestions to publications@alanet.org. For more resources on this topic, visit alanet.org/resources/diversity.

ABOUT THE AUTHOR

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Freelance Writer

“
The first step to addressing
— and eliminating —
unconscious bias is to
acknowledge that it exists.”

How to Tackle Unconscious Biases

Everyone has these biases — here’s how you can keep them from seeping into your hiring process.

In 2018, a study revealed that racial and gender bias are still widespread within the legal industry. In fact, 63% of women of color reported that they had to go “above and beyond” to gain the same recognition as their coworkers. Furthermore, men of color and white women reported feeling like they were held to higher standards more often than white men.

Even with all the talk of equity and equality — especially in the past year — and efforts to address bias when it comes to hiring in legal organizations, it very much still exists. And, it can lead to a number of negative consequences for law firms.

“From a moral perspective, unconscious bias allows for discriminatory hiring practices that discount people based on immutable characteristics, which [is] explicitly antihumanist and runs contrary to the idea that all people are created equal,” says Eric Rohrback, the Director of Growth Marketing at Hill & Ponton, a nationwide firm of veterans’ disability lawyers. “From a business perspective, unconscious bias can result in suboptimal hiring practices with respect to talent and fitness for a role. By inadvertently judging a book by its cover, a law firm may end up passing up on quality employees that would have a positive impact on the bottom line.”

By learning about what kinds of biases emerge during the hiring process and working to eradicate them, legal organizations can fill open positions with the best candidates and experience much greater outcomes overall.

REVEALING BIASES IN THE HIRING PROCESS

There are different points in the recruiting and interviewing process where biases could show up. For instance, even if recruiters have never seen a person, they could look at their résumé and learn about their identity.

According to Grant Walsh, the national recruiting coordinator for the America’s largest women-owned national full-service law firm Culhane Meadows, certain information on a person’s résumé could indicate their cultural background.

“If they graduated from a [historically Black college or university], that is generally a signal that the person is Black,” he says. “Similar conclusions about candidates’ personal lives and backgrounds are often made if they list affinity groups on their résumé (e.g., LGBTQ+ Bar Association, Hispanic Bar Association).”

Unconscious bias could also enter the picture when it comes to candidates’ names. Ellen Rosenstiel, SHRM-SCP, Administrative Manager at Kutak Rock LLP in Washington, D.C., currently chairs ALA’s Diversity, Equity, Inclusion and Accessibility Committee. She says there have been several studies that prove résumés with white-sounding names receive twice the number of callbacks as résumés with non-white-sounding names — even when everything else on the résumé is identical.

“If I am a minority candidate and looking for job, I will either have to send out twice as many résumés as a white candidate or take action to ‘whiten’ my résumé in order to get the same opportunities as my white counterparts,” she says.

Additionally, unconscious bias may be at play if law firm recruiters are consistently looking for candidates from a small number of target schools, according to Matthew Spencer, Cofounder and Chief Executive Officer of Suited, an artificial intelligence-powered recruiting network. If they keep this up, Spencer says they will continue to yield lower numbers of individuals from historically underrepresented demographic groups in their associate classes.



“[By] expanding the pipeline beyond a small group of target schools, firms can do better as it relates to diversity while still capturing candidates who are highly qualified and full of potential.”

HOW TO ADDRESS UNCONSCIOUS BIAS

The first step to addressing — and eliminating — unconscious bias is to acknowledge that it exists.

“Our unconscious bias is at work every day in almost everything we do,” says Rosenstiel. “It is without a doubt hardwired into our hiring processes. Employers who want to combat this type of prejudice and discrimination must first acknowledge that it exists within each of us and that it is clouding our screening of qualified candidates.”

She recommends that legal organizations train their interviewers to be cognizant of their biases “and consciously work toward ensuring these biases do not affect the hiring process.”

A hiring panel for selection and interviews could prove to be helpful. Clinton says the panel should be as diverse as possible when it comes to experience, age, gender, race and ethnicity. She also suggests developing objective criteria for the résumé review process.

“I would suggest not over-relying on criteria such as what law school someone attended, their rankings or even GPA — but rather try to look at the whole person and focus on whether the candidates have the experience and skills to perform the job,” says Rosenstiel.

To make hiring as effective as possible, Rohrback says legal organizations could implement more rigorous implicit bias training as part of a commitment to social justice in the workplace. “And they can leverage AI to help make the recruitment and résumé sorting process as disinterested and neutral as possible. Existing AI and sorting algorithms can also be retooled to remove personal data from the sorting and shortlisting process, such as gender pronouns and race.”

Blind evaluations, like the ones Culhane Meadows does, could be effective, too. According to Walsh, this could entail recruiters presenting a candidate’s background data and experience without revealing their name, gender, ethnicity or age.

“Employers who want to combat this type of prejudice and discrimination must first acknowledge that it exists within each of us and that it is clouding our screening of qualified candidates.”

A firm can use tools like Textio, Blendoor and Pinpoint to remove demographic information from résumés, says Rosenstiel. “If you don’t have a budget for this type of software, you can also do some of this internally by redacting demographic information from the résumés. We’re law firms — we redact.”

Joyce Smithey, Founder and Partner at Smithey Law Group, suggests that legal organizations focus on the experience of the candidates. She says they can do this by using the same questions for every candidate. “Employers can also require candidates to take a writing test, for example, to measure skills across candidates.”

When recruiting from educational institutions, Spencer suggests widening your reach. “[By] expanding the pipeline beyond a small group of target schools, firms can do better as it relates to diversity while still capturing candidates who are highly qualified and full of potential.”


CONQUERING BIAS, ONE STEP AT A TIME

While legal organizations won’t overcome biased hiring overnight, they can take steps in the right direction to recruit the top candidates and make their workplace more equitable.

“I think it’s unlikely we can get rid of our unconscious bias — at least in my lifetime — but I think we can be aware that it exists and how are biases negatively affect our hiring decisions,” says Rosenstiel. “Being aware of our biases and making a conscious effort to interrupt those biased decisions will help us to create a more inclusive, diverse and equitable organization.”

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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“As we navigate our way toward what will surely be a *new* normal, now is a good time to pause and recognize the things that may have changed permanently.”

Post-Pandemic Priorities: Reassess Your Target Markets

Yay! At long last we are finally seeing light at the end of the pandemic tunnel. With increasing vaccinations, many law firms, technology companies and service providers are slowly moving back from remote work to in-person environments. But are we really going back to normal?

In some ways, yes. In other ways ... not exactly.

As we navigate our way toward what will surely be a *new* normal, now is a good time to pause and recognize the things that may have changed permanently.

START WITH A SELF-ASSESSMENT

Reevaluating current conditions starts with a self-assessment. Questions to consider may include:

- » What has changed with respect to your organization's goals/objectives, its priorities, its values and its mission?
- » Have any roadmaps or expansion schedules been altered? Are they simply delayed, or have they been modified significantly?
- » Many firms and companies were forced to adjust their service delivery operations last year — will any of those changes be adopted permanently?
- » Were impacts to your 2020 marketing and PR budgets carried over to this year, and how is that informing decisions for the remainder of this year and for 2022?
- » Does your department or the team you rely on to help execute strategies and tactical plans look different from the resources you had in place pre-COVID-19?

After taking an honest look at your own situation, consider the market at large. Remote work and various aspects of dealing with the pandemic have dominated conversations for more than a year, but as we move forward, what trends are getting attention now?

What areas have seen an uptick in activity? Cloud technology usage, remote offices and virtual meetings, and virtual or hybrid trade shows are prevalent adaptations to the pandemic. Now is a good time to think about where we've seen accelerated technology adoption to ensure smoother and more efficient communication, operations and promotion. Which of those trends are here to stay?

After looking inward and at the broader market, it's also crucial to reassess your target audience(s) and understand how the pandemic has impacted your clients and prospects. What has changed for them?

OTHER KEY QUESTIONS

As with your self-assessment, there are some key questions to consider with respect to your targets:

- » Are their priorities and pain points the same as they were pre-COVID-19?
- » Have they modified operations or how they deliver products or services?
- » What technology or resource changes did they adopt to support remote work?
- » Are they back in offices or still working remotely?

An important question to consider is not just which of those changes may be permanent, but whether or how those changes will influence the buying process. Are the same departments or individuals as before still influencers or responsible for the same level of decision-making? Many organizations have modified their purchasing and operations protocols, so understanding how this might affect your sales or marketing efforts is especially important.

Essentially, now is the time to reexamine everything you know about your target audience(s). You will need to reassess your own public relations and marketing strategies based on the changes your audiences have experienced.

To ensure you're still reaching the right targets with the right messaging through the right channels, start with some basics:



- » Revisit buyer personas:
 - Who are you talking to, and are they the same people as before?
 - Are your buyer demographics different?
 - What are their responsibilities and have those changed?
 - How do they define success in their roles?
- » Has your value proposition changed?
- » Do your key messages still effectively communicate your value proposition, and do they resonate with target audience(s)?
- » Are the channels used to communicate with your audiences the same as pre-pandemic?

For some organizations, perhaps very little has shifted. But for others, going through this exercise may uncover a number of adjustments that are necessary to keep your marketing and PR strategies successful through 2021 and beyond.

ABOUT THE AUTHOR

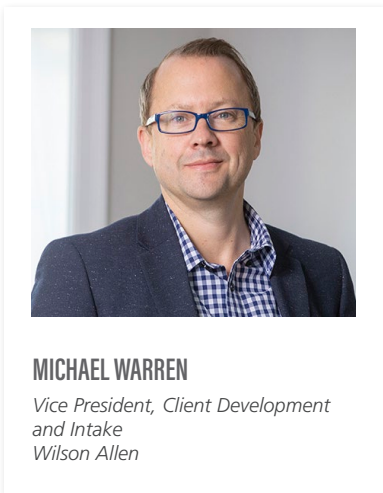
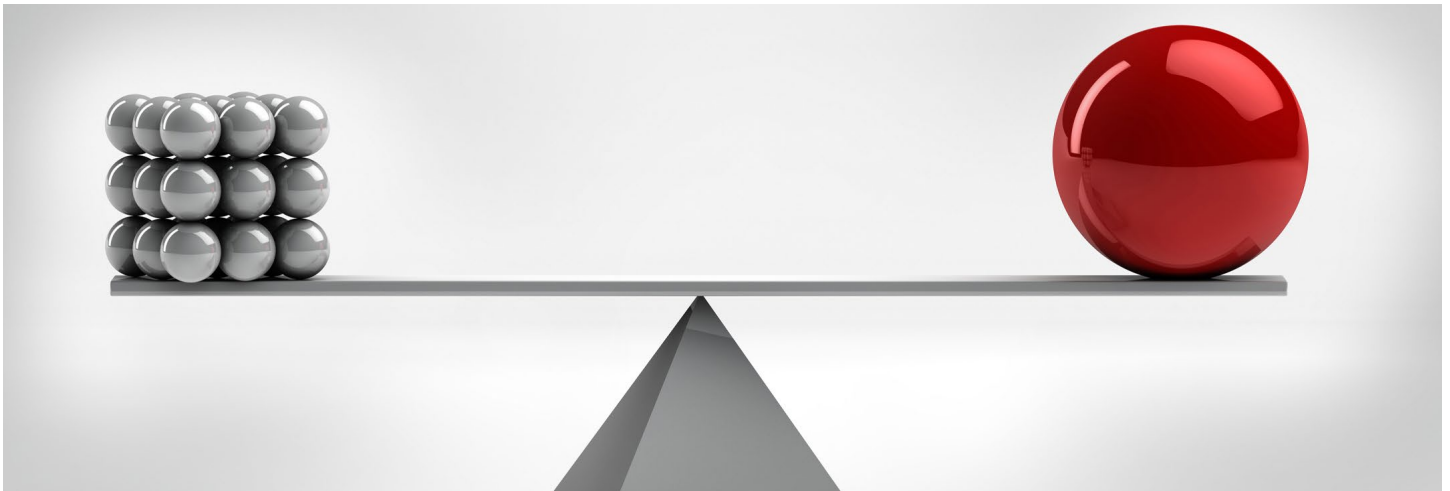
Jennifer Marsnik is a Marketing/PR Consultant with Edge Marketing (formerly Edge Legal Marketing), where since 2007, she's been specializing in helping clients develop and implement strategic plans that support their overall business goals. She lives in the Twin Cities area with her husband and two daughters and enjoys golf and cheering on the Twins, Vikings and U of M Gophers.

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Value vs. Performance: Measuring Success in Terms of Client Value

To grow and be profitable in today’s environment, professional services firms must realize the value of client centrality.

Increasingly firms are looking to adjust how they go to market, with a much greater emphasis on being client-centric, enhancing the client experience and reducing the impact of the firm’s operational constraints on how they interact with clients. A fundamental representation of this emphasis is tied to how firms measure success.

As businesses that have sold time as the primary “product,” professional services firms have traditionally measured success based on inward-looking performance metrics — for example, profitability as a function of rate, utilization and leverage. The increasing intensity of competition in the industry has, however, required an evolution in the way firms think about success. Firms are now thinking about broadening the definition of success to include the value clients derive from services rendered, in addition to traditional measures of the performance of people, teams, practices and offices.

An obvious way to see how firms have changed — particularly when it comes to their go-to-market strategies — is that they now tend to talk about industry-focused groups, not practices. They talk about jurisdiction expertise, not offices. In fact, the power that used to sit with the managing partner has for many firms now transferred to the chairs of industry and jurisdictionally focused teams. While remuneration models have not shifted quite as fast as the market positioning, surely this must follow to drive home the behaviors that professionals must adapt to align with the evolving strategies that firms are pursuing.

But which approach is better — a focus on performance or value? You might consider my answer to be somewhat of a cop-out, but I genuinely believe that you need to achieve balance. Skewing your strategy in one direction or the other poses risk.

“Every firm must ultimately decide on the mix of value versus performance and where it places the emphasis on how it measures success.”

On the one hand, the performance-focused firm tends to be more inward-looking. It can often focus too heavily on a small number of performance metrics, which may mask financial issues that can lead to disaster. Conversely, the firm that focuses too heavily on perception and feedback might miss short-term operational performance indicators that need to be addressed.

The systems for measuring performance and value will be the same and the data points that they contain will be the same. The balance that firms need to strike is in what questions they are trying to answer with their data.

Let's take a look at how these two perspectives can differ depending on the extent to which the firm is focused on performance or focused on value.

VALUE-FOCUSED MODEL

- » Understand how the firm's work aligns with clients' needs and expectations.
- » Leverage the experience gained from work to develop service offerings that will support other clients with the same challenges.
- » Pay attention to leverage, as all firms should. However, value-focused models more acutely factor in the impact that flexible pricing models have on a client's perception of value.
- » Evaluate clients' emotional and rational feedback to address service issues and sustain and protect long-term client relationships to inform client acquisition strategies.
- » Align the go-to-market strategy with the lessons learned from client data.
- » Output proposals and create client teams that align with the business needs of the client as well as their expectations of a community-driven and socially responsible firm.
- » Ultimately differentiate on value rather than price.

PERFORMANCE-FOCUSED ORIENTATION

- » Understand how to create the right model to maximize utilization.
- » Commoditize experience to drive profitability.
- » Focus on achieving the best rates for work product, driving utilization and achieving leverage with a strategy to recruit and develop junior staff.
- » Develop client feedback models to protect client relationships and mitigate flight risk.



- » Align the go-to-market strategy based on the price that specific markets will bear for a given type of work.
- » Create client teams and onboard clients based on maximum utilization and efficiency.
- » Differentiate on technical reputation and marquee client work.

Neither point of view is wrong. But taking one position exclusively over the other is where firms can have challenges.

In the past, discussions about integration and data analytics focused on reporting and the financial metrics the firm needed to access. That dialogue is changing — and changing fast. Marketing and business development are increasingly driving the discussion around how the firm measures itself, or at least, they're now getting a seat at the table when these things are discussed. The alignment of the needs of the firm with the needs of the client will become ever more pronounced. This shift will have radical implications for the way that firms manage their systems, data and integration strategy.

Every firm must ultimately decide on the mix of value versus performance and where it places the emphasis on how it measures success. But whatever each individual firm decides, there will be a need for systems to become ever more connected to achieve client centricity.

ABOUT THE AUTHOR

Michael Warren has dedicated his career to helping professional services firms successfully implement business development solutions. He oversees Wilson Allen's client development and intake practice, which includes specialists who understand the customer journey across the practice lifecycle. The practice brings together collective knowledge of marketing, business development, intake, risk, and client acceptance with data insights and governance.

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BILL & PHIL

*William Ramsey, Partner,
Neal & Harwell*

*Phil Hampton, Consulting President,
LogicForce*

Have Vaccine, Will Travel

We are excited. Armed with our vaccinations (even though our arms were sore for a while), we are ready to hit the road, hop on a plane, and visit new and exciting places. (And you can rest assured we will be in Vegas next year for the Consumer Electronics Show.)

With that in mind, we figured it'd be a good time to share our favorite travel apps and websites. We'll dedicate most of this article to airline booking apps, but we'll also include some additional apps and websites that can assist you in your travels in a variety of ways.

AIRLINE BOOKING WEBSITES AND APPS

In our opinion, the best airline booking services are: ITA Matrix, Google Flights (powered by ITA Matrix), Momondo, Kayak, Expedia (and Orbitz and Travelocity) and Skiplagged. Of note: If you are going to travel on Southwest Airlines, you have to search Southwest separately; it does not allow access to aggregators or third-party booking sites.

ITA Matrix and Google Flights

Bill's partner, Jim Kelley, turned us on to ITA Matrix in the 1990s well before Google bought the technology from a bunch of MIT computer geeks. It's the grandmother of all flight searching websites. Google bought the technology and software in 2011, but many other providers such as Orbitz, Delta, United and, of course, Google Flights use the technology.

The interface takes a little time to learn, but it is the most powerful tool in the bunch. That said, you cannot book flights directly on Matrix, but you can paste the results of your search on *bookwithmatrix.com* to book the flight you found. Also, not all airlines can be found on Matrix or Google Flights.

“We'll dedicate most of this article to airline booking apps, but we'll also include some additional apps and websites that can assist you in your travels in a variety of ways.”



Momondo

Momondo is an aggregator and a flight booking site, which basically means it searches a number of sites and helps you find the best flights and deals on the web. You then go to another site to book the tickets. Momondo does both, but it shows its booking options first. Many consider Momondo the best of the pack.

Kayak

Kayak is a pure aggregator. It has a robust set of searching options, but in our experience, it does not always find the best and cheapest flight. What Kayak is good for is telling you when you should wait for a lower price.

Expedia, Orbitz and Travelocity

Microsoft gave birth to Expedia and sold it in the mid-1990s. It now owns Travelocity, Orbitz, Hotels.com and Hotwire. From our limited testing, Expedia, Travelocity and Orbitz all give the same results. The results are not so hot at finding the best price, but they are good places to book the entire trip if that's what you need — rental car, hotels, etc.

Skiplagged

We stumbled on this site in our research, and it's pretty darn cool. Its name comes from a little-known travel trick called "skiplagging."

Here is how skiplagging works. Let's say you want to go to Cincinnati, but the flights to Cincy are too expensive. However, you found a much cheaper flight that goes to Cleveland but has a stop in Cincy. So you book the cheaper flight, get off in Cincinnati and skip the flight to Cleveland, thereby saving money. (This does not work if you check baggage.)

Airlines obviously do not like this practice, and they've been known to take adverse actions against skiplaggers, such as banning them from the airline or revoking their frequent flyer points. But Skiplagged is still great even if you don't plan on skiplagging. (It does include skiplag fares in its search results, though.) Skiplagged is an aggregator that often finds the lowest fare and best flights, and it is very fast. The search options and interface are not as neat as others, but if you want to find cheap flights fast, you may want to give it a try.



OTHER TRAVEL APPS AND SERVICES

If you really can't afford it — or don't want to fly — there are many apps and websites that make your trip easier and more enjoyable. Of course, Waze and Google Maps are very helpful in making sure you stay on the best route for your driving journey.

While you are on the road, use GasBuddy to help you find fuel by location and price. iExit tells you what is waiting for you at each exit on the interstate, while Roadtrippers gives you suggestions on where to stop to find interesting places, parks, campsites, restaurants, etc. while you are on the road. And if you are a hiker, try the AllTrails app to help you find interesting trails to hike — whether you are in for a short jaunt or a challenging trek.

If taking buses or trains is more to your liking, try Wanderu.

Trip Planning and Organizing

Planning and organizing your trip is key to keeping it enjoyable. You can emulate Phillip and put everything that relates to your trip in OneNote, or you can try TripCase, which will combine all trip-related items into a chronology or itinerary (and you can add notes to the list). A similar app is Triplt, which works by locating confirmation emails in your inbox and building your itinerary from the confirmations.

If you want to learn more about your destination, try TripAdvisor or Culture Trip. The latter gives you interesting articles about your destination, and it's supposedly written by locals.

There are even sites that can help you decide what to pack for your trip. PackPoint tells you what you should pack, based on the length of stay and the weather forecast and the resources available at your destination.



See Bill & Phil in Person in Austin

Come join us at the 2021 ALA Annual Conference & Expo in Austin, Texas. We'll be presenting *The Bill & Phil Show: It's 2021, So Where Is My Flying Car?* We'll explore the current state of technology — and unveil some of the latest gadgets and innovations that every legal professional will want.

ABOUT THE AUTHORS

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

 twitter.com/BillandPhil



Corry Johnson

Founder and Chief Executive Officer
GLJ Financial

“All these myths can be thoroughly demystified with an independent benchmarking of your plan. As luck would have it, now is the perfect time to do that.”

Let's Debunk Some 401(k) Myths

As a law firm administrator, your responsibilities are endless, and becoming an expert in every area your job touches is not only unrealistic, it's probably impossible.

As such, the wise administrator will gather a team of topical specialists to carry out the day-to-day operations of the firm. Adding specialists to the team can help you avoid some potentially dangerous 401(k) myths, including the following.

Myth: “We take care of all your fiduciary responsibilities for you.”

This is a half-truth. Most of the day-to-day fiduciary responsibility can indeed be outsourced to a qualified 3(38) adviser and a 3(16) administrator. However, plan sponsors retain the responsibility for making sure the third parties are in fact qualified for the positions they take, as well as the duty of oversight to continue monitoring their decisions and actions to ensure they are actually performing the duties as outlined. If you have been told that you don't need to know what goes on behind the curtain, it may be time to take a look.

Myth: “It's all about the Benjamins.”

Fees are important and must be reasonable, but there are many other factors that are equally or even more important. Sometimes cheap is cheap for a reason. Are there participant engagement plans in place, retirement readiness data, a website and other access points with financial tools and resources?

Regarding the funds, simply choosing the lowest cost index fund solely for the fact that it is low cost is not an absolute liability defense. As you consider services and features of your plan and the associated fees, be sure to keep in mind your end goal.

Myth: “Our plan is a no-cost plan.”

Let me be clear: There is no such thing as a no-cost plan. True, your firm may not bear any out-of-pocket costs to administer the plan, but all that means is the fees have been shifted to the participants. Shifting all the fees to the participants can cause instances where the

firm partners and highly compensated individuals are paying more out of their 401(k) balance in fees than they contribute in a year.

It may be a better option for the firm to pay for certain fees directly. If the firm pays certain plan-related fees as an out-of-pocket expense, the firm can write those expenses off for tax purposes and receive a much greater benefit from that arrangement than taking money out of the partners' personal retirement accounts to pay higher fees. Ultimately, fee transparency is an essential component in determining appropriate fees.

Myth: "Index funds are the only way to go."

This is very similar to the fees discussion. A focus on value rather than simply cost is the wiser course of action. In times of full bull markets, it is true that index funds outperform actively managed funds with a fair amount of consistency. When every stock is a winner, the delta for picking winners from among winners is relatively small.

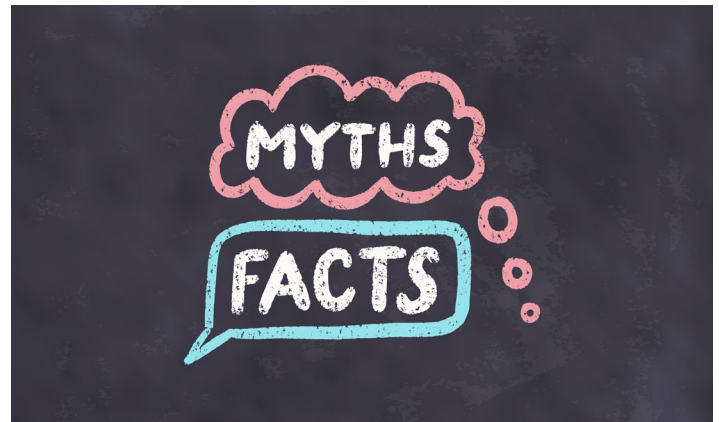
But when the market enters bear territory, picking winners from among losers is a valuable ability indeed. When evaluating your investment options, keep in mind your goals and remember a well-constructed plan will include options for any market environment.*

Myth: "My adviser benchmarks my plan for me."

In the case of a generalist, this is probably not true at all. In the case of a specialist, it's probably partially true. Any adviser worth their salt will benchmark the plan periodically in several areas — fees, fund performance, third-party administrator and recordkeeper services. Very rarely will they include their own fees and services in that benchmarking. Best practices would suggest a full independent request for proposal (RFP) is advisable at least once every three years.

All these myths can be thoroughly demystified with an independent benchmarking of your plan. As luck would have it, now is the perfect time to do that. We have just entered into the mandated plan restatement period for all prototype and volume submitter plans (the vast majority of plans fall into these categories).

This mandated plan restatement started fall 2020 and extends through summer 2022. During this timeframe, all plans must be restated to include updated language to the plan documents or risk being disqualified. The law states that all plans must be restated every six years, and this is the third required restatement since the law was passed, so this is not



new. This requirement provides an opportunity to review your current plan to make sure that it not only complies with the most recent legal updates but also with your firm's goals and objectives, and to make sure that you are not falling prey to the misleading myths that have surrounded retirement plans in the past.

**Exchange traded funds (ETFs) trade like stocks, are subject to investment risk, fluctuate in market value and may trade at prices above or below the ETF's net asset value (NAV). Upon redemption, the value of fund shares may be worth more or less than their original cost. ETFs carry additional risks such as not being diversified, possible trading halts and index tracking errors.*

Past performance is no guarantee of future results.


Note: *This information was developed as a general guide to educate plan sponsors. It is not intended as authoritative guidance or tax or legal advice. Each plan has unique requirements, and you should consult your attorney or tax adviser for guidance on your specific situation. In no way does the adviser assure that, by using the information provided, the plan sponsor will be in compliance with ERISA regulations.*

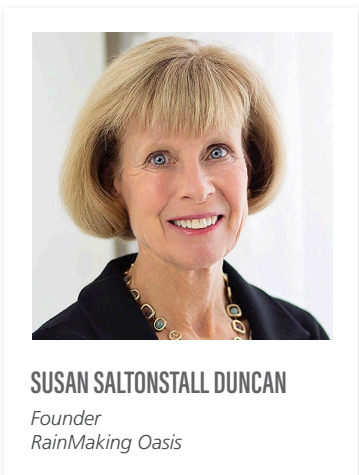
ABOUT THE AUTHOR

Corry Johnson is Founder and Chief Executive Officer of GLJ Financial where he works closely with businesses and individuals to help them meet their retirement planning goals. He received a degree in business management with emphasis in risk management, insurance and financial planning from Brigham Young University in 2002. In 2006, he expanded his services to include retirement planning and securities as a registered representative of LPL Financial (member FINRA/SIPC) and holds Series 6, 63, and 7 licenses. He became an Accredited Investment Fiduciary (AIF) in 2010. He also consults with NextPath Legal, a succession and contingency planning firm for ALA member firms. He is married and has six children.

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Outstanding Customer Experience Is Essential for Client Loyalty

Providing exceptional and consistent client service is critical to your firm’s success, but to earn long-term trust and loyalty from clients, you will have to deliver an exceptional customer experience (CX).

Client service focuses on the various interactions that clients have with you and your firm. It’s the way in which clients’ needs are met through the delivery of professional, helpful and effective service during client matters or engagements. Many firms tout exceptional client service among their distinguishing attributes, but clients are more interested in the customer experience.

So what is the customer experience, then? It’s more than client service and more than the various touchpoints and tangible interactions clients have with your firm. It encompasses the intangible aspects that your services create — how your clients feel about your firm and your brand, the promises you make and whether you deliver on them.

Law firm clients will evaluate their satisfaction and loyalty based on the overall experience — the cumulative experiences they have over multiple touchpoints over time.

When it comes to implementing a customer experience review process, firms will have to be truly committed to creating a customer-first/superior CX corporate attitude. This will require top leadership support, as it will take time and resources and likely will result in changes to policies and normative behaviors within the firm and an openness to constructive criticism



“ Law firm clients will evaluate their satisfaction and loyalty based on the overall customer experience — the cumulative experiences they have over multiple touchpoints over time.”

and continuous improvement. Institute formal and ongoing feedback mechanisms internally and externally to fully capture from the clients' perspective what you do, how you do it and how it makes them feel.

MAP THE CLIENT JOURNEY

The first step is to map out the journeys that clients take over the lifetime of a matter or engagement, and hopefully over a long-term relationship. Firms must identify — through the eyes of their clients — where the critical junctures are and what the pain points or areas of improvement are.

Effective journey mapping requires an organization to look at all touchpoints and operational aspects of engaging with and getting work done on behalf of a client. This is particularly difficult to do in law firms, as they so often operate in silos that not only challenge and jeopardize service consistency but also create disconnects between all the critical touchpoints on a client journey.

Even within the lawyer ranks, partners often act independently of one another and don't always communicate effectively with other partners and lawyers on the team. And then there are the paralegals, contract attorneys and support and operations professionals.

Don't forget about all the other client-facing support personnel that clients often interact with: lobby security staff, receptionist, conference/meeting setup attendants and administrative assistants. Clients are also touched by billing and collections personnel, IT staff and e-discovery and legal research professionals.

DELIVER AN EXCEPTIONAL CUSTOMER EXPERIENCE

There are essentially five key steps required to connect the mapping of the client experience to embedding positive changes into current processes and actions.

Step 1: Organize. Many firms will establish a cross-functional leadership team that drives the overall client experience initiative. Some firms now have an executive devoted to client service or a chief client officer.

Step 2: Educate. After mapping out the client journey, there may be a number of broad strategic themes that are either emblematic of the experience your clients are having or representative of the type of experience that you wish clients to have. Share both the learnings from the client journey mapping and the broader thematic issues with the entire

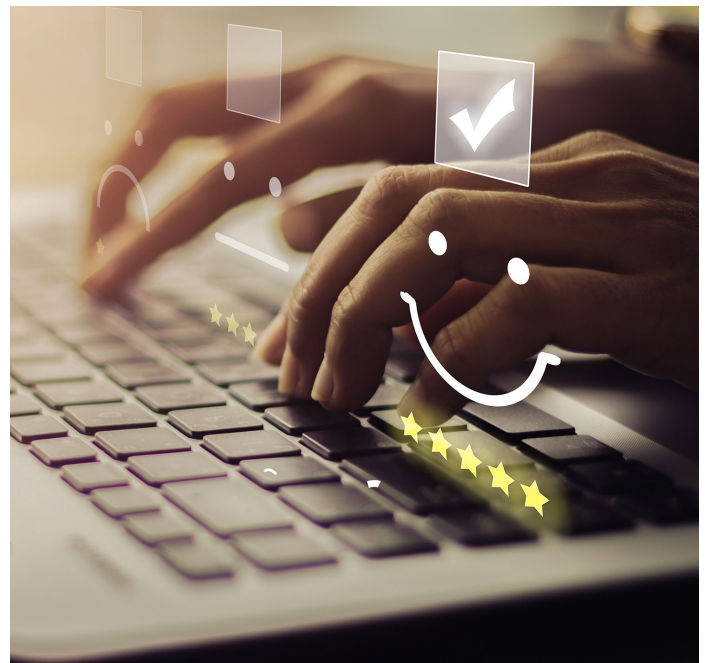
firm. Whether this is communicated through a multi-office videoconference, a firm newsletter or a series of emails, the critical piece of this step is to instill that this is an important issue to the firm and firm leadership.

Step 3: Enable. Once the firm's vision and expectations for providing a superior customer experience have been articulated, all partners and employees should be encouraged to innovate on continuous improvement of the customer experience. Depending on the size of the firm, this may entail developing multiple channels (e.g., suggestion boxes) through which anyone — regardless of whether they are asked/ appointed to a smaller team — can contribute to the initiative.

Ultimately, you will want to have smaller dedicated teams tasked with and engaged in identifying challenges and solutions, as well as driving activation — the act of bringing the changes to life through implementation.

Step 4: Implement. One of the hardest steps in any process is to put plans into action. Make sure you have plans and systems in place for coordination, accountability, sharing and monitoring.

Step 5: Embed, Measure and Refresh. CX attributes and actions should be built into employee performance evaluations and measured according to the key elements of the customer journey that your journey mapping has identified as critical touchpoints. Prepare and review metrics, measurement schedules and reports on at least a quarterly basis.



The firm must gather formal and ongoing feedback through internal surveys and focus, external client interviews, and end-of-matter and other surveys. Finally, reinforce the vision and values that delivering superior customer experience requires through training and development of all employees, measurement of performance against expectations, and recognizing and rewarding those who innovate and deliver an outstanding end-to-end customer experience.

ALA Members: Get an Exclusive Discount

To get more tips on improving the customer experience, ALA members can receive **20% off** the author's book, *Building Enduring Client Loyalty: A Guide for Lawyers and Their Firms*. Visit bit.ly/3B9oD3Z and enter **ALAmembers** on the checkout page to secure your discount.

ABOUT THE AUTHOR

Susan Saltonstall Duncan is author of *Building Enduring Client Loyalty: A Guide for Lawyers and Their Firms*. As Founder of RainMaking Oasis, she has provided management consulting and coaching services to lawyers and law firms for more than 35 years. She consults on client development, feedback and needs assessment interviews, firm and practice/sector strategy, business development, succession planning, lateral integration strategies, firm values, visions and culture and innovation. Duncan previously served in in-house roles including Director of Professional Development, Director of Business Development and as Chief Strategy Officer for a Global 25 law firm. She was inducted as a Fellow in the College of Law Practice Management (COLPM) and into the Legal Marketing Association's Hall of Fame.

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AMANDA LONERGAN

*Business Services Administrator
Greenberg Traurig, LLP, New Jersey
Office*

“While most people have adjusted to the remote working model, so much can be lost when there are few in-person meetings or regular interactions with colleagues.”

Mentoring Associates in a Virtual World

Mentoring: We’ve all read articles on the importance of these relationships in the professional development and growth of an associate. The mentor provides guidance and serves as a sounding board for the mentee.

Prior to the pandemic, this was fairly straightforward. Mentors often met their mentees in person for a coffee or lunch. Perhaps a mentee was invited to join the mentor on a client pitch, meeting or court appearance. Today though, in the age of virtual meetings, mentors and mentees need to make an extra effort to keep these relationships alive.

While most people have adjusted to the remote working model, so much can be lost when there are few in-person meetings or regular interactions with colleagues. You cannot simply go down the hallway to brainstorm a business development idea with a mentor or collaborate on a project. Moreover, associates who may have been working on growing their networks and solidifying relationships may be feeling that business development presents an impossible challenge in this new environment.

But for many senior attorneys, that has not been the case. Those who already had strong client relationships before the pandemic were able to focus their energies on maintaining those key relationships. They checked in with their clients to assess their needs and to simply serve as a friend during this difficult time.

These junior attorneys need mentors to guide them through the evolving landscape of business and professional development.

There are several ways to approach the problem. For example, in the New Jersey office of Greenberg Traurig, LLP, a marketing manager and a professional development manager attend monthly meetings with individual associates and their mentors. The goal is to provide the associate with an additional opportunity to connect to their firm, mentor and support staff. The associates set goals for themselves that are reviewed

at each meeting; the other participants provide them with the resources and support they need to achieve their objectives. Some of the goals include writing articles or presenting continuing legal education webinars with mentors.

These meetings have encouraged associates to regularly reach out to contacts on social media, particularly LinkedIn, and hold informal virtual coffees or cocktails. They also look at the possible benefits of repurposing firm content, such as client alerts, and sending it to their contacts, particularly when the topic is relevant to their business or industry. In addition, some associates are interested in working with shareholders in other offices for added experience and perspective; the mentors help them connect.

Mentors are invaluable. Now more than ever associates need their mentors to help them navigate this new, virtual world. In turn, mentors benefit from the relationship as well. Firms that continue to nurture these relationships may see happier and more fulfilled associates, greater retention rates and a heightened sense of camaraderie.

“We are all in this together” is a sentiment that has echoed throughout this pandemic. Virtual catch-up sessions between mentors and mentees will drive this message home and will likely prove beneficial overall to firms putting in the extra effort.

ABOUT THE AUTHOR

Amanda Lonergan serves as the Business Services Administrator for the New Jersey office of Greenberg Traurig, LLP. In this position, she oversees the professional development and mentoring programs for this office. Amanda earned her bachelor's from the University of Virginia followed by her JD from Catholic University Columbus School of Law and spent several years practicing law before transitioning her career to law firm administration. She's a member of the New Jersey Chapter, and she and her husband live in New Jersey with their three children and two Great Danes.

 [linkedin.com/in/amanda-lonergan-04](https://www.linkedin.com/in/amanda-lonergan-04)



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Anniversaries, Awards and Appointments

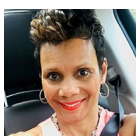
Members on the Move »



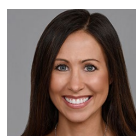
Sandra L. Garbovan, an independent member, is now Business Manager at The Dorsey Law Firm, PLC, in Fort Meyers, Florida.



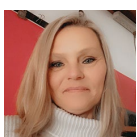
Holly K. Pulido, a member of the Austin Chapter, is now Chief Operating Officer at Slack Davis Sanger LLP in Austin, Texas.



Shirley M. Harlin, an independent member, is now Director of Administration at Rouse Frets White Goss Gentile Rhodes, PC, in Kansas City, Missouri.



Kristin L. Wrona, a member of the New York City Chapter, is now Director of Human Resources at Brach Eichler, LLC, in Roseland, New Jersey.



Amie K. Kochopolous, an independent member, is now Firm Administrator at Walters Levine Lozano & DeGrave in Sarasota, Florida



Congratulations to Our Newest Certified Legal Managers!

Please join us in congratulating our new Certified Legal Managers (CLMs)[®] on their outstanding achievement! The following legal management professionals fulfilled their certification requirements and passed the CLM exam in May to earn their credential:

Maria T. Black, CLM

Ogletree Deakins Nash Smoak & Stewart, PC
Chicago, IL

Jennifer P. Jordan, CLM

Cooley LLP
Seattle, WA

Desiree Shestakofsky, CLM

Duffy Kekel, LLP
Portland, OR

Karin Bangerter Wiborn, CLM

Nicolaides Fink Thorpe Michaelides Sullivan LLP
San Francisco, CA

Margaret T. Burke, CLM

Kolibri Law Support Solutions
Beverly, MA

Ashley O'Shurak, CLM

Shafer Law Firm
Meadville, PA

Pete Tass, CLM

Fabyanske Westra Hart & Thomson, PA
Minneapolis, MN

Francis E. Zeiger III, CLM

Foley & Lardner LLP
Chicago, IL

Stacie Hedrick, CLM

Welborn Sullivan Meck & Tooley, PC
Denver, CO

Daniel Peracchi, CLM

Lewis Brisbois Bisgaard & Smith LLP
Tampa, FL

Janet Tipton, CLM

Holland & Hart LLP
Anchorage, AK

Katherine Mary Hubbard, CLM

Madigan Dahl & Harlan, PA
Minneapolis, MN

Taryn Y. Scott, CLM

Kovitz Shifrin & Nesbit, PC
Mundelein, IL

Teresa J. Walker, CLM

Waller Lansden Dortch & Davis, LLP
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Yolanda Irby, CLM

Miller & Martin PLLC
Atlanta, GA

Katie Sheldon, CLM

Ice Miller, LLP
Chicago, IL

Jane Michelle West, CLM, SHRM-SCP, SPHR

The Bassett Firm
Dallas, TX

Sending Our Condolences

Patricia M. LaFontaine, 57, began working for LeGros Buchanan & Paul of Seattle, Washington, while she attended Central Washington University, from which she ultimately earned a bachelor's in accounting. Patricia remained at LeGros for the duration of her career — 37 years in total — and ultimately attained the title of Legal Administrator. She was also a member of the Puget Sound Chapter. Our thoughts are with her family, friends and colleagues.

Mark Lott, 65, had been the Firm Administrator for Eisenberg, Cutt, Kendell & Olson in Salt Lake City, Utah, for over seven years and was about to retire. He was also a member of the Utah Chapter of ALA, as well as the National Association of Credit Managers. Our sympathies are with those who knew him.

Gil Price, 59, was the Executive Director of Condominium Law Group in Seattle, Washington. Gil was also a member of the Puget Sound Chapter. According to his employer, contributions in his memory can be made to Fair Fight and Lambda Legal. Our thoughts are with his family, friends and colleagues.



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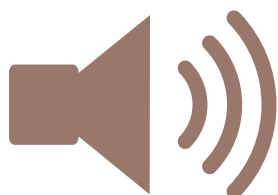
What's Happening at Headquarters

There's always a lot going on at ALA headquarters in Chicago. Here's a snapshot of what's in store for the coming weeks.

Coming Soon to Your Mailbox: Special *Legal Management* Celebrating ALA's 50th Anniversary

As you may have heard, ALA turned 50 this year. To commemorate our golden anniversary, *Legal Management* has put together a special print edition that will be hitting your mailboxes late July. In this commemorative edition, we look back at ALA's history with an eye toward where the profession is going.

We had a little fun along the way: This edition is styled as a yearbook. If you're coming to the Annual Conference & Expo this October in Austin, Texas, be sure to bring your copy — we've included a special autograph section for your ALA friends to sign.



Now You Can Listen to Select *Legal Management* Articles: If your eyes need a break from the screen or you just prefer to listen on the go, you now have the option of having some *Legal Management* articles read to you. Look for the audio icon near the headline, click it and choose your playback speed. Give it a try with our latest cover story at legalmanagement.org.



Fall CLM Exam and Webinar Bundle

Now that spring has passed, the next Certified Legal Manager (CLM)[®] exam will be on November 16. The deadline to apply for the fall exam is September 16. (Prospective CLMs will have a choice between an in-person exam and live, online proctored testing.)

Between now and then, make sure you have all the prerequisite education under your belt. The easiest way to do that is with the CLM Webinar Bundle that debuted earlier this year. Although a webinar bundle was previously available, this one has been newly calibrated to set up certification seekers for success. It includes nine webinars and one conference recording.

After that, buckle down and prepare with the *Study Guide for the CLM Exam*, relevant books and perhaps even an online study group.

Organizational Pricing for Membership Enrollment to Open Soon

Open enrollment for organizational pricing begins on August 1 and runs through September 30. This dues model is based on the total number of attorneys across an entire organization, including all office locations in any country. It delivers better value for organizations of all sizes and offers the new ability to extend ALA membership to all legal management professionals who can benefit from ALA's resources — without any additional dues payment required.

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- Organizational pricing supports your professional development program with ALA knowledge, networking and resources for more of your people.
- It may save your organization money compared to your current ALA membership dues investment. And it's more efficient — you just have to make one payment in November.
- ALA member benefits can be extended to an unlimited number of employees.
- It supports your organization's development of next-

To see if this is an option for your organization or to learn more, visit alanet.org/membership/organizational.



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Best of all, there are plenty of courses to choose from. Right now, all are based around law firm management essentials (LFME) — in other words, the foundational knowledge needed to succeed as a legal management professional. Brush up on the fundamentals of operations management or human resources, or purchase the five-course LFME package for a full professional development program for yourself or your staff.

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