LEGAL MANAGEMENT

THE MAGAZINE OF THE ASSOCIATION OF LEGAL ADMINISTRATORS



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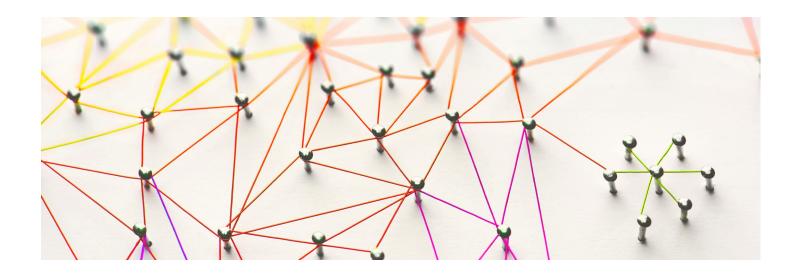
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2020–2021 ALA President Chief Executive Officer, Flaherty Sensabaugh Bonasso PLLC

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Take it from a member from a (real) state without a chapter, who barely made it to a conference and attended a newcomers' orientation. Let's all continue to unite and grow the Association.²⁹

Connected Through ALA

I'm just a week into my role as ALA President, and I can't begin to tell you how much of an incredible honor it is.

I come to you from West Virginia, and contrary to what some may think, West Virginia is its very own state — it's not the western part of the state of Virginia. Yes, there is a Western Virginia Chapter, but there isn't a chapter within the state of West Virginia. That means I'm an independent member — and I'm proud to say that I'm the first independent member to become ALA President.

This story might already be familiar for those of you who were able to attend the Annual Meeting on May 6, but I know many of you might not have had a chance to log on for the event. I wanted to share my story of my nontraditional ALA leadership path. I am hopeful my ALA journey may inspire you to forge your own to make the most of your ALA experience.

I have been a member of ALA for almost 19 years. My first interest in becoming a member came when I started working at my current law firm of Flaherty Sensabaugh Bonasso PLLC in 2002, coming from the accounting and banking industry. Within my first year, I attended the ALA Essentials of Legal Administration Conference in Washington, D.C. This gave me a terrific overview of legal administration, but it wasn't a pivotal moment for me in my ALA journey.

After four years of keeping up with ALA's legal publications and emails, I didn't do much more with ALA and even contemplated dropping my membership.

It wasn't until 2006 that I read about the Certified Legal Manager (CLM)® exam. This credential would demonstrate that I mastered the knowledge, skills and abilities to operate at a high-level of expertise in the field of legal management. Also, there was a possibility of a professional liability insurance discount for our firm. With that in mind, I received approval to attend the 2006 Annual Conference & Expo in Montreal, so I could sit for the CLM exam and obtain credits that I needed for my CPA education requirements.

Here's where things get interesting. I made a rather silly mistake that ultimately changed things for me both personally and professionally.

I almost didn't make it into Canada for Annual Conference and the CLM exam because of a long delay in a special room with customs agents. For some reason, I didn't realize I would need my passport to fly into Canada versus driving into Canada as I had done just the summer before when I visited Ontario. So there I sat, begging for leniency. Fortunately, they had mercy on me and granted me entry to beautiful Montreal.

But this mistake meant that I ended up on a late shuttle to the hotel next to another ALA member — Josh Meeks from North Carolina. It was a long shuttle ride, and we are both chatty guys, as some may say.

Josh was a first-time attendee, too, and convinced me to meet him the next night at the newcomers' orientation, after taking the CLM exam. Someone had encouraged him to show up to meet some people. Reluctantly, I agreed to meet him.

At the newcomers' orientation, Josh introduced me to Kathy Scourby and David Constantine, both ALA Board members at the time, and they adopted both Josh and me for that week. The fellow members and friends I met encouraged me to put my name in for volunteer roles shortly after that conference. The rest, as they say, is history.

Josh, Kathy and David are my closest friends to this day, and their connection at a newcomers' orientation 15 years ago changed how I looked at ALA as more than education, but also personal connections.

All of this has led to an interest in giving back to ALA by volunteering for the Certification Committee, then as Regional Representative and ultimately Director. Each year, my favorite event is the newcomers' orientation, and I enjoy trying to pay it forward when meeting new members at any event.

For each person in the Association who I have had the opportunity to spend time with and work with on a committee or as a fellow volunteer, I cannot tell you how much each of you have contributed to who I am since my ALA journey started. I am extremely grateful to those of you who have encouraged me to continue volunteering. I don't think I can ever repay how you all have supported me, what I have learned, continue to learn and how much I've grown and continue to grow because of my experiences within ALA and my friendships with ALA members and business partners.

In closing, those of you who volunteer in our Association know the feeling. I encourage all members to take an active role in ALA, show kindness and be welcoming to others, seek connections and create positive experiences, and encourage others in your firm to join and be actively involved. It will be a tremendous gift to yourself, both professionally and personally. I am an example that sometimes the best gift you can give to others is to welcome and include them. If someone had not done that for me, I would not be here today. Take it from a member from a (real) state without a chapter, who barely made it to a conference and attended a newcomers' orientation. Let's all continue to unite and grow the Association.

I look forward to being the 47th president of ALA and celebrating its 50th year with you all, and I look forward to meeting you!



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Were you unable to attend the Annual Meeting live? We've got you covered. Head over to alanet.org/annualmeeting to watch the recording.





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CHRISTINE MCCULLUGH

President

LTC Solutions

Did you know that 40% of individuals aged 18 or older face the risk of needing LTC at some point in their lives? That risk increases to 67% for ages 65 and up. The rates of an LTC plan vary by the employee's age and choice of plan design, but the employee has control to determine what fits their needs and budget.*

How to Offer a Successful Long-Term Care Insurance Benefit

Long-term care insurance (LTCI) products and enrollment have gone through many twists and turns in the past 10 years. The question many law firms ask is "How do we successfully offer an LTC benefit?"

But what makes it a successful offering? That can be defined by the number of eligible employees who become informed about a long-term care event and LTCI. When employees attend webinars, read the information and are provided plan options with rates, they can make informed decisions. Our data shows that at least 25% of employees determine that enrolling in an long-term care plan will solve their future needs.

To better understand long-term care coverage options, employers and employees need to learn about the types of care, risk, cost of care and government programs available. For instance, did you know that 40% of individuals aged 18 or older face the risk of needing LTC at some point in their lives? That risk increases to 67% for ages 65 and up. The rates of an LTC plan vary by the employee's age and choice of plan design, but the employee has control to determine what fits their needs and budget.

Many legal organizations can provide an LTC product that employees would not be able to obtain on their own. There are limited individual LTC plans available, and they require pages of health questions with a percentage of people being declined for coverage.

So what is the best way to provide employees LTC education? We suggest the following:

1. Leadership: How are you involved and what can you do?

- The involvement should include education and an explanation of the LTC program, along with a solution the law firm can provide to its most valued assets, their employees.
- Actively encourage employees to be part of the educational sessions.
- Support the human resources team's education enrollment strategy for the LTC benefit. Long-term care enrollment is different compared to other benefits because there are fewer or no health questions only offered at initial enrollment. This may be the only opportunity for an employee to have an LTC plan, so it's imperative that employees understand this key point before choosing to not enroll in the group LTC plan.

2. Time: When is the best time to offer an LTC benefit?

It's best to offer it off-cycle from other benefits as people have a limited capacity to take in insurance/benefits information. During a firm's annual open enrollment there is often an overload of benefits information, so an employee has less capacity to learn about a new long-term care option. Remember: A successful LTC benefit offering is founded on a basis of education.

3. Communication: These three formats are the most impactful.

- **Emails:** Written information provided with specific educational points about the LTC benefit; this includes access to the product and pricing.
- **Group webinars:** Listening and seeing information from an LTC expert allows participants to ask questions and have their focus exclusively on LTC.
- **Phone calls:** Talking to an LTC expert about a person's specific questions, plan design, budget and health concerns.

4. Solution: The law firm needs to find the right LTC insurance product that fits their needs.

- There are over eight options available to firms. A firm's number of eligible employees, demographics, its headquarter state and employee residence state determines how many options are available to a firm.
- >> Look for an LTC insurance proposal that provides all options to the specific firm. The proposal should include product features, rates and underwriting.
- >> LTC plans can be paid by the employee only or partially paid by the firm with the employee having the option to buy additional coverage.

Offering a successful long-term care insurance benefit helps many people protect their lifelong savings, home and family.



LTC Solutions, Inc., is a member of ALA's VIP Program, which means as a member, you have access to exclusive savings from them. Learn more about their program at myltcguide.com/ltc_basics.pdf.

ABOUT THE AUTHOR -

Christine McCullugh is a nationally known expert in longterm care insurance. She is the President of LTC Solutions, the group and individual LTCI brokerage she founded in 1996. Headquartered in Redmond, Washington, LTC Solutions advise carriers, brokers and employers about group LTCI. McCullugh is a speaker, consultant and member of AHIP's Long-Term Care Curriculum Review Committee, offering insights that are helping shape the future of LTC insurance. She is pleased to provide expertise and partnership opportunities to colleagues desiring a deeper understanding of this unique market and help presenting it to their employer clients.

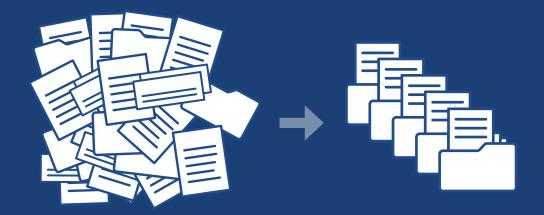


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MICHELLE CALCOTE KING
Principal and President
Reputation Ink

With podcasting, your networking is focused on the right people — potential clients, referral sources and others who enhance your professional network.**

Why Podcasting Is an Introverted Lawyer's Dream Networking Tool

The last time I went to an in-person networking event — over a year ago thanks to COVID-19 — I remember sitting in my car and giving myself a pep talk. "This is a party. Go inside and enjoy it." I repeated over and over again to myself.

While I'm the life of a party when I'm with my friends, I loathe networking events and dread small talk. Instead, I enjoy substantive conversations and don't know how to achieve meaty, engaging discussions with people I don't know very well. Thus, the topics stay in the weather and cute-things-my-dog-did-today categories. I inevitably go home exhausted and dreading the next time I have to discuss the weather with strangers while snacking on a charcuterie board.

I don't consider myself an introvert (I'm more of an ambivert), but long ago I recognized my introverted nature when it comes to business networking. As I work primarily with lawyers, I recognize the same quality in many of them. In fact, 60% of lawyers are believed to be introverts. In a profession that requires relationship-building in order to build business, how can introverts overcome this aversion to networking? In my case, I found podcasting.

Yes, podcasting. I started my agency's podcast, *Spill the Ink*, in late 2020. I was late to the podcasting game. In fact, I had resisted starting a podcast as I believed that the legal marketing and PR space was too saturated with podcasts for me to make an impact. I changed my mind, however, following a conversation with Elise Holtzman, a legal business development coach and host of *The Lawyer's Edge* podcast.

Elise explained that her strategy was focused more on relationship-building than audience-building. The audience would come, eventually, but Elise was more focused on the one-on-one conversations she was having with people who were new to her network —

especially potential referral sources. This one-to-one networking was highly valuable, and the podcast format allowed her to do it in a structured, purposeful way. I was intrigued and decided to take the plunge.

What I found is that podcasts are an ideal platform for introverted networkers like lawyers. Here's why:

PODCASTING IS DONE SOLO, FROM THE SANCTUARY OF **YOUR OFFICE**

When doing a podcast interview, you are technically alone. I conduct all my podcast interviews via Zoom, so I'm having a virtual face-to-face conversation. I only publish the audio for now, but I still get the benefit of looking someone in their eyes while having a meaningful conversation without ever having to leave my office. (I do miss the charcuterie board, though.)

Conversations are recorded and later edited. That means if a dog barks, if the conversation lulls or if you venture into a topic that you don't want to include in the final version, you can edit it out.

YOU FOCUS ON THE RIGHT PEOPLE

With podcasting, your networking is focused on the right people — potential clients, referral sources and others who enhance your professional network. Imagine if you could walk into a networking event, immediately find a potential client, have a focused one-on-one conversation with them, and then promote the nuggets of wisdom you both shared to your networks later on? This is what a podcast does for you and more.

When I first started mine, I brainstormed a list of guests. I first focused on referral sources — i.e., other legal industry service providers who served the same clientele but offered different services. I've interviewed website designers, customer relationship management consultants, search engine optimization firms, business development coaches and a range of other specialists. These people are all excited to be featured on a platform that reaches the audience they, too, want to reach.

I'm now focused on interviewing managing partners of small to midsize business law firms, which are my target client. Eventually I'll move on to interviewing legal media reporters and editors, an integral part of my network.

At the end of every interview, I ask the guest for an introduction to someone they think would make a great guest. I've made valuable connections that I never would have without the podcast. The format gives me a meaningful reason to connect with someone and expands my network to include the guest's network.



NO SMALL TALK NECESSARY

Throw the weather convo out the window! When I schedule a podcast, I have a clear idea of the type of conversation I want to have, and I communicate that to the guest. I typically spend about an hour researching the guest and writing up a list of questions. While great podcast interviews are free-flowing, it helps to have a list of guestions prepared and a loose structure to keep the conversation on track.

Most podcast interviews are a half-hour to an hour in length. What other way could you have a substantive conversation with a valuable new connection, focused on a relevant topic, in less than an hour?

YOU PRODUCE CONTENT THAT PROVIDES MYRIAD BENEFITS

At the end of a typical networking conversation, you come away with a business card and a LinkedIn connection, at most. However, with a podcast interview, in addition to the new connection you've made, you create a piece of content that adds not just to your marketing arsenal, but also to your guest's. You can share that podcast on LinkedIn, post it to your website and populate it to the range of podcast services such as Spotify, Apple and Google Podcasts.

If you're the type that dreads networking, stop attending the events and instead launch your own podcast. Consider your time hosting the podcast as a replacement for all those business networking events you used to go to. Your introverted self will thank you.

ABOUT THE AUTHOR -

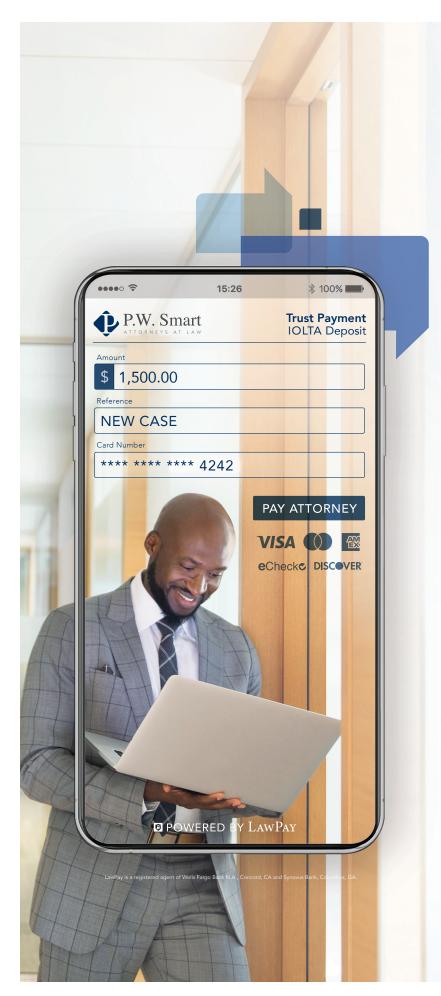
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PHILLIP M. PERRY
Freelance Business Writer

Suppose a [chief financial officer] or [chief operating officer] has developed a relationship and a degree of loyalty with a certain team of individuals. When that person leaves, there is a real risk that other team members will go along if they are solicited by the very person who was their leader for a period of time. **

Under Wraps

How to secure proprietary information when staff members jump ship.

Most law firms invest considerable time and effort building skilled teams. But what happens when key employees leave your firm and head to competing organizations? Too often their hard-earned knowledge goes out the door with them.

"Staff members are extremely valuable components of a law firm," says Brad Adler, Partner and General Counsel in the Atlanta office of Freeman Mathis & Gary, LLP. "Their departure can unexpectedly and dramatically disrupt an organization's entire administrative efficiency."

Departing staff can siphon off valuable organizational property in two categories, says Adler. The first is intellectual capital, consisting of the individual's accumulated skills for which the law firm has typically invested time, effort and resources. The second is institutional knowledge of the firm's internal operations. That includes marketing strategies and plans, financial information, hourly rates, fee arrangements, pricing and an understanding of client needs.

While law firms have always aimed to stem losses in both categories, recent changes in the work environment have lent urgency to the task. Employment relationships have become less stable, high-level talent is in greater demand, and recruiting has become more aggressive. Intellectual property — easily carted between firms — has become more valuable to organizational survival.

RESTRICTIVE COVENANTS

Law firms looking to protect their proprietary interests have a tool at their disposal in the form of restrictive covenants. "Post-employment restrictive covenants are similar to insurance policies," says Adler. "They are proactive measures predicated

on something happening that hopefully never does. While you don't want to have to rely on them, their value crystallizes at the very time you need it most — when an essential employee leaves and goes to a competitor."

Let's take that first category of organizational value: intellectual capital. The loss of a single employee's knowledge can transmute into a costly brain drain when the individual solicits colleagues to jump ship. The risk can elevate with higherlevel employees. "Suppose a [chief financial officer] or [chief operating officer] has developed a relationship and a degree of loyalty with a certain team of individuals," says Adler. "When that person leaves, there is a real risk that other team members will go along if they are solicited by the very person who was their leader for a period of time."

Law firms can obviate such losses by having key personnel sign nonsolicitation agreements, also referred to as anti-raiding provisions. These restrictive covenants that keep departing personnel from luring away fellow employees are commonly used by businesses of all kinds.

"I don't know of anything that triggers litigation more than a high-level employee leaving a company, and then coming under suspicion of being a pied piper and causing a bunch of other employees to leave," says Joseph Y. Ahmad, a Founding Partner in the Houston law firm of Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing. "Many times that gets articulated as some type of raiding claim."

How about the other category of value — institutional knowledge? Law firms can use yet another type of restrictive covenant to obviate losses of sensitive and proprietary information.

"A confidentiality or nondisclosure provision prevents the departing employees from disclosing or using the proprietary or confidential information of their ex-employers," says Joon Hwang, Shareholder in the Tysons Corner, Virginia, office of Littler Mendelson, PC. After defining the nature of the organization's sensitive information, such agreements state that the signers will take measures to keep it secret. "The information in dispute does not have to be a 'trade secret' but must simply be confidential, proprietary or not publicly available."

Nondisclosure provisions prohibit departing employees from disclosing confidential information to anyone else. State laws determine the maximum time periods for which such agreements are enforceable. In Georgia, the clause can exist in perpetuity, but other states have time limitations that often range from three to five years.

"[New hires] should be asked for copies of any agreements they signed with their current or previous employer. This will allow for an independent assessment of any obligations they might have which will impact their value to a new employer, or indeed whether they can work for a competitive firm at all."

Whatever the category of organizational value being protected, there are two sides to the coin. When hiring staff from elsewhere, law firms need to avoid violating a rival organization's own restrictive covenants. "Law firms should ask candidates to confirm they are not under any restrictions from coming to work," says Adler. "They should be asked for copies of any agreements they signed with their current or previous employer. This will allow for an independent assessment of any obligations they might have which will impact their value to a new employer, or indeed whether they can work for a competitive firm at all."

DEPARTING ATTORNEYS

to attorneys who are departing for competing law firms. "The things to think about for departing lawyers are confidentiality

Much of what has been said about staff members also applies

agreements and provisions for nonsolicitation of employees," says Adler. The former would keep attorneys from disclosing institutional knowledge; the latter would keep them from luring away professional colleagues.

While business organizations of all kinds use noncompetes to keep staff from joining rival organizations and nonsolicit provisions of customers to protect revenues, Adler says he has never seen such covenants used to restrain the activities of attorneys migrating to rival firms. "The American Bar Association has come out and flatly said that a law firm can't use noncompetes for lawyers," says Adler. "The idea is that clients have a right to choose the lawyers they want, and courts are going to bend over to protect the rights of clients in these situations."

There might be unique circumstances in a particular state that would approve the use of a noncompete for a lawyer, says Adler. But it would be a rare event. And there's one more thing to consider: "Most firms would want to resolve any disputes in this area on a private basis, since a public fight doesn't benefit anybody."

The same goes for covenants restricting client solicitations. "I have rarely seen them in agreements signed by lawyers, but that doesn't mean they wouldn't be enforced or that there aren't firms that have them," says Adler.

If restrictive covenants can be valuable resources for law firms looking to stem losses of intellectual capital and institutional knowledge, the fact remains that the documents' powers are negative in nature. Activating them can cost much time and effort and damage staff morale and public reputation.

A much more productive approach is to ensure staff members don't want to leave your legal organization in the first place. "In the end, law firms would prefer to not use their restrictive

covenants," says Adler. "The best way to assure they remain idle is to treat staff members well by adequate compensation, recognition, provision of advancement opportunities and recognition of the value of work-life balance."

- ABOUT THE AUTHOR

Phillip M. Perry is an award-winning business journalist with over 20 years of experience under his belt. A three-time recipient of the American Bar Association's Edge Award for editorial achievement, Perry freelances out of his New York City office. His byline has appeared over 3,000 times in the nation's business press.



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MARY KATE SHERIDAN, JD Writer, Editor and Lawyer

I think you have to really explain the reason why you're doing the reviews, whether they're for salary purposes, mentorship, performance warnings, etc. I think if you put it in terms of financials, that makes people more receptive."

Raising the Value of Employee Reviews

Follow these 6 tips for effective performance management at your law firm.

Successful performance management should be a top priority for every law firm. But without the right plan and tools, the employee review process can be an administrative nightmare and can ultimately fall flat in its value to both the firm and its employees.

Indeed, 96% of managers are not satisfied with their organization's performance management system, according to research by Gartner. Those at the top aren't alone in their concerns. The Growth Divide Study — conducted by Wakefield Research and commissioned by Reflektive — found that "most employees feel the process is outdated (61%) because it's too generic (22%) or too infrequent (6%) and often incomplete (62%)."

"I think the problem with most performance management processes is the performance review tends to be annual and isn't discussed other than at that exact time," says Alexandra Levit, author of *Humanity Works: Merging Technologies and People for the Workforce of the Future.* "It becomes a high-pressure, high-effort endeavor."

With the right strategy and tools, however, performance reviews can become a valuable asset for your law firm. Below are tips for maximizing performance reviews through transparent communication, proper scheduling, integration of technology, continuous engagement, follow-up meetings and flexibility.

1. COMMUNICATE THE PURPOSE

The key to an effective performance management plan is to first develop the overarching goals and purpose of the employee reviews. As Mercer's "Performance Transformation in the Future of Work" indicates, "any enhancements to a company's performance management process must start with HR leaders setting a strategy that combines the business priorities with the desired employee experience."

Tying together the company's goals and individual performance establishes a foundation on which to evaluate employees and offers employees transparency into their contributions to the company's mission. "Goal clarity provides an employee with a sense of how they connect to the overall business purpose and make an impact," the Mercer report says.

Also, sharing how the reviews will be used from the outset can help build buy-in from employees and those reviewing them, as they will understand what is at stake. "I think you have to really explain the reason why you're doing the reviews, whether they're for salary purposes, mentorship, performance warnings, etc.," says Cynthia Thomas, Executive Director of the legal management consulting firm PLMC & Associates. "I think if you put it in terms of financials, that makes people more receptive."

2. PROVIDE A SCHEDULE AND RESOURCES UP FRONT

Once your firm has established how its performance management process links to the firm's goals, it is important to provide reviewers and staff with a schedule and necessary resources up front.

Krystal Champlin, Chief Executive Officer of RJH Consulting, advises law firm administrators to have a meeting at the beginning of each year through which all HR-related expectations are conveyed, including those relating to performance reviews. Managers and staff should be made aware of the calendar for the performance evaluation process, and all necessary resources should be provided at the onset.

"In the beginning of every year, HR needs to send out the forms they are going to use, so the team can get familiar with them," says Champlin.

Administrators should also consider the timing of the review itself and provide guidelines for best practices. For example, requiring that managers schedule reviews and actually deliver

them is a critical step. Thomas notes that among the biggest mistakes firms make with regard to the review process is failing to deliver the review or delivering it late.

"I think everything needs to be on the calendar," says Thomas, who recommends that administrators set reminders and early self-deadlines for anyone reviewing a member of the staff.

Further, the timing of the review itself can have a big impact on how it is received. "Make sure you do it at the right time of day," says Thomas. "I never like to do reviews first thing in the morning because if it's not the greatest review, it ruins productivity for the day."

3. EMBRACE TECHNOLOGY

Some of the biggest hurdles with managing performance is coordinating among the various stakeholders and organizing the information collected through reviews. Administrators should consider a technological solution to aid with these processes.

"The best way to collect feedback from a variety of sources is to do it digitally," says Levit. "Having a system that can ping multiple people and collect information in one place is incredibly useful."

Performance management software can host and track various aspects of the employee review process, such as performance reviews (which often are customizable), 360 feedback, goal creation and tracking, continuous feedback, self-assessments, performance analytics and more.

"The best way to collect feedback from a variety of sources is to do it digitally. Having a system that can ping multiple people and collect information in one place is incredibly useful."

The sheer number of options can be overwhelming, however, and firms may be unsure where to begin. Levit recommends that administrators start by coordinating with the firm's IT department to determine what, if any, technology the firm has in the human capital space — e.g., technology related to payroll, onboarding, etc. Your firm's current technology may already offer capabilities for performance management, or you may be able to add on to the technology in place.

If not, legal managers should take time to research the myriad performance management software options and determine which one best fits with the organization's size and goals.

In assessing technology options, consider the value of a holistic approach, which can provide numerous benefits to performance management.

"Ideally you would have an end-to-end human capital management (HCM) system," says Levit, "which is a technology system that connects people throughout an employee's life cycle, from recruitment to onboarding to learning and development to performance, and so forth."

These systems are particularly useful for performance management because data is consistent, and managers have access to data across various points, including training completed, feedback collected, etc. "If everyone has a digital footprint in that system, you don't have to create a review from scratch," says Levit.

Such a system prevents reviews from being done in a box. In fact, according to Mercer's 2019 Global Performance Management Study, "70% of companies say there is a need to improve the link between performance management and other talent decisions."

4. INCORPORATE CONTINUOUS FEEDBACK AND COACHING

Another potential roadblock both for buy-in purposes and for ease of collecting performance data is the annual nature of many performance review systems.

"You don't want to get to the annual review and bring up something that happened eight months ago," says Champlin. "A lot of time employees go into these performance evaluations and are surprised by the feedback they're getting."

Legal managers should consider incorporating continuous feedback and/or coaching throughout the year, rather than offering feedback just once a year.

Continuous Feedback

According to the 2019-2020 State of Continuous Performance Management Survey by BetterWorks, "HR teams that have implemented a continuous performance program report being nearly 50% more satisfied with their performance management process, and are 24% more likely to recommend this methodology compared to companies that still rely on annual processes."

"It's very helpful to have continuous, ongoing dialogue and feedback, especially in the case of an employee that may be struggling or who has deficiencies that may need to be corrected. It creates a dialogue, and it gives the employee the sense that you care about them and want them to do well in the firm."

And employees themselves perceive tremendous benefits from regular feedback, as opposed to a once-a-year meeting. Research from Gallup indicates that employees who receive weekly feedback from managers (as opposed to annual feedback) are "5.2x more likely to strongly agree that they receive meaningful feedback, 3.2x more likely to strongly agree they are motivated to do outstanding work, [and] 2.7x more likely to be engaged at work." The benefits of regular feedback may provide more incentive for employees to engage in the performance review process.

Legal managers should create a uniform strategy for collecting continuous feedback, whether through an HCM system or other technology, to provide managers with guidelines for when and how to provide feedback.

"The best thing administrators can do is make this as easy as possible by tying reviews to the feedback managers are already giving employees — and have a system where there is a continuous loop," says Levit. For example, firms may ask managers to provide short, tweet-length feedback regularly via the HCM system. "It's very easy to do because they are quick messages, which can then be collected in one place," she says.



A continuous feedback model may improve efficiency because managers can provide comments in real time, rather than looking back to remember what happened throughout the year. This process may make it more manageable for administrators because they can collect and organize data throughout the year, and it also may benefit employees who can apply feedback immediately.

"It's very helpful to have continuous, ongoing dialogue and feedback, especially in the case of an employee that may be struggling or who has deficiencies that may need to be corrected," says Thomas. "It creates a dialogue, and it gives the employee the sense that you care about them and want them to do well in the firm."

Coaching

Firms may also incorporate coaching throughout the year to address any concerns as they surface. Champlin shares that when you proactively offer coaching, employees are more inclined to change their behavior because they see it as a benefit to them. Also important is giving the employee a voice in shaping a solution. "Let the employee have buy-in on that process," says Champlin.

5. FORMALIZE FOLLOW-LIP

An often-forgotten aspect of performance reviews is the follow-up meeting.

"After you have the formal review, follow up with the person in a couple of weeks," says Thomas. "Ask if the employee has any thoughts, comments or clarifications." Thomas recommends a follow-up meeting both so the staff member can reflect and return with any questions and so the reviewer can think about the discussion and address any points raised during the review.

If administrators would like to incorporate follow-up into the review process, it should be formalized in the schedule. But be sure to give the employee sufficient time to reflect on their review.

6. BE FLEXIBLE

The year 2020 forced law firms to reexamine many of their processes and systems to better serve a remote workforce in the wake of the coronavirus pandemic. According to Clear Review's 2021 Performance Management Report, more than half of human resource directors believed that "the management of employee performance is more important as remote working is becoming more prevalent." Administrators should develop strategies to engage with employees regarding the review process and virtual delivery of reviews.

The review process is an opportunity to engage with employees and drive the firm's goals. Successful performance management requires robust communication, a welldeveloped schedule and organizational tools. With a solid plan, you'll be ready to rejuvenate your firm's review process — and reap the benefits.

ABOUT THE AUTHOR -

Mary Kate Sheridan is a writer, editor and lawyer with a JD from Columbia Law School, an MFA in creative writing from The New School, and a BA in English from Mary Washington College. Previously, she worked as a litigator at a Vault 100 law firm.



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ERIC BUTTERMANFreelance Writer

You can't serve your firm in the future if you burn out.
Being a people pleaser can be a big fault for attorneys.
They need to remember they're not superhuman.
It's also a highly competitive field, but you need to realize when it's become out of hand.

Getting to the Bottom of Burnout

If you're seeing signs of employee burnout, these tips can help you cut it off before it becomes a bigger problem.

Burnout is a tricky thing, and it feels like an even weightier term given the last year. You have to be on your toes when it comes to it, and when you least expect it, it can pause or even derail a career. If it's happening with one of your firm's lawyers, it can trickle down to the firm's support staff.

As the legal manager, it's important you know the signs so you can get out in front of it — even if you're the one experiencing the burnout. If you know the cues, you might be able to take some preemptive steps.

One important indicator can be the calendar. Certain fields leave you vulnerable to particularly critical moments. For legal organizations focused on taxes, it can be the end of the tax year. "I've seen lawyers get overwhelmed by the moment, and we have to remind each to take it easy during the slow times," says Edward Christian, a Managing Partner at Burr & Forman who practices in their corporate and tax group.

For those firms specializing in real estate, it can be that complicated deal or other time-crunched matters particular to the area; for those in the field of health care reimbursement, the stakes can be as high as helping to keep a medical institution's door open. This can make burnout a bigger possibility and can leave attorneys and staff feeling like a failure on a larger scale.

If you're familiar with the general crunch times, you'll be better able to anticipate these needs and reach out early to see if more help is possible. "It can be difficult to bring in other people to help the team unless it's done early because the educational process would take longer than just doing it yourself ... and you can end up with that isolated feeling unless you're cognizant of it," says Peter Smith IV, a Managing Partner at Smith + Malek.

Another sign specific to lawyers might be avoiding the courtroom. "A lot of the time you won't, but when it's been years, that's often someone who's avoiding it because they don't want the pressure of it," says Richard Lovich, who specializes in health care and is a Managing Partner at Stephenson, Acquisto & Colman. "That avoidance can be letting down the client, but it also shows this is someone who's really suffering. They need to be talked to, understood and maybe given some time off."

The COVID-19 pandemic has been a common denominator among much of the stress in the last 14 months, upending the way many hard-core traditional firms had to do business. After a year of learning on the fly and changing methods, many legal professionals have felt out of their element within the profession they knew so well — especially the lawyers. Being out of the office, not having the same staff available, not feeling sure about how they would deal with a witness in a virtual deposition — all of it can have an effect.

"I've seen it heavily weigh on lawyers that they are talking to witnesses on Zoom instead of being in front of them," Lovich says. "The whole feel of the process from delays to law through technology has made many feel uncomfortable, and that can lead to burnout. They can feel that the legal world they knew is gone. It can be hard enough for some to be a lawyer in usual circumstances. ... It's also challenging that lawyers don't feel as connected to the others at the firm during this time."

A FIRM GRASP

The best way to avoid burnout from getting out of control is for it not to happen to begin with. That starts with building a firm culture that encourages health and wellness.

"At our firm, we're always sharing information on taking care of yourself — ways to eat better, exercise and just live better," Lovich says. "But it's also not allowing lawyers to just be doing endless cases in the courtroom. It can be exciting, but if you keep going back in again and again, it can drain you without you knowing. Lawyers want to help their firm, but we have to make sure they're also helping themselves. Keep track of it because sometimes lawyers may not even notice that they haven't been taking a break from it."

He adds that it's important to have a life on solid ground and a real sense of long-term thinking. "A lawyer needs to remember that you can only do so much and to not expect more than is possible," Lovich says. "You can't serve your firm in the future if you burn out. Being a people pleaser can be a big fault for attorneys. They need to remember they're not superhuman. It's also a highly competitive field, but you need to realize when it's become out of hand."



But if you want to really help your burned-out lawyer, the key is honest communication. Lovich says it doesn't do any good to tell them to take time off or that they won't be penalized for easing up their workload if no one else is doing it.

"It's really action that shows you care about your attorneys, not some big speech," he says. "It may even be one of the leaders taking time off which can make the difference. It says, 'We all need this.' We need to show attorneys that they're not a part of a law factory — that they're cared about. And we need to remember why we fell in love with being a lawyer to begin with — it wasn't to make ourselves miserable."

To him, it's a shame when a lawyer leaves their career when they didn't have to. Patience and compassion can go a long way to help attorneys stay in it for the long haul.

"People work very hard to enter our profession and spend so many years getting themselves to a good place," Lovich says. "When you see someone walk away because they didn't treat themselves well and neither did their firm, it makes you sad. There are a lot of good people in our profession, and you want to see them stay in it. We have to remember to look out for each other."

ABOUT THE AUTHOR -

Eric Butterman has written for more than 50 publications, including Glamour and Men's Journal.



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DREW AMOROSO
Founder
DueCourse

We can train our brain to have a different response to a situation that would normally trigger us to sit with a stressful thought for our entire workday.²²

Responding to Stressful Workday Situations

If we look closely at how we think throughout a workday, it turns out that for most of the day we're simply bouncing from thought to thought — without much awareness of the quality of those thoughts.

And when it comes to experiencing stress during a workday, much of that stress can be attributed to very specific workday situations we encounter. For example:

- A new task comes up that you've never done before you become anxious about figuring out how to complete it.
- Someone sends you an email asking you for an update you tense up because you know you're behind.
- You receive some negative feedback from a client or a supervisor the feedback feels like a personal attack and you internalize your emotions.
- You're spending extra time on something you thought would be simple you start to beat up on yourself for not being efficient and managing your time better.

These are workday situations we all can relate to. If we're not aware of how situations like this can make us feel anxious, fearful or frustrated, we can move through an entire workday simply internalizing the stress that comes with these thoughts.

But here's the big secret: We can train our brain to have a different response to a situation that would normally trigger us to sit with a stressful thought for our entire workday. One way to process stressful situations is a technique called "When This, Then That."

The goal of this four-step process is to identify a stressful thought that's connected to a workday situation you encounter and to come up with a plan for how you're going to "reframe" the thought the next time that situation arises.

Here's how it works.



Identify a recurring stressful workday situation you encounter.

Bring to mind a particular situation that causes you recurring stress. It could be receiving a certain type of email, interacting with a certain person on your team, or that moment when you feel like you're way behind on a project.

For the sake of an example, one situation from early on in my career that always caused me stress was the moment I received very poignant, constructive feedback. When someone would tell me that they disagreed with me or gave me critical feedback, it felt like a personal attack, and I was guick to internalize it.

Choose and write down a single situation that causes you to feel an immediate sense of stress.



Write out the reactive thought that's the root cause of the stress.

In this step, write down the very first thought that comes to mind when you encounter this situation. It's normally this first "reactive" thought that causes us to experience stress.

In my example, this is the reactive thought I used to have: "This was an attack on me, they don't think my work is good enough, and this is going to change their viewpoint of me."



Draw a line through reactive thought.

This step is in part symbolic, but drawing a line through this reactive thought is a powerful way to acknowledge that you're actively choosing to let go of the thought and replace it with one that suits you better.



Identify one to three things you're going to do the next time this situation comes up and you can catch yourself having this reactive night.

In the final step, come up with a plan you'll set into action when this stressful situation arises. The goal is to outline a process that will help you convert a reactive thought into a set of constructive actions. Think of it as a mini roadmap that will help you navigate this situation each time it comes up.

In my example, I decided that anytime I received feedback that made me uncomfortable, I was going to:



- Get up from my chair and take a deep breath.
- Move out of my workspace and take a several-minute break.
- Remind myself that the feedback I received had nothing to do with me as a person and that it wasn't personal. The feedback was about my work — and every piece of feedback I get is a golden opportunity to improve. I should welcome feedback because it gives me perspective and sharpens my ability.

And so, every time this situation arose for me, I walked through this process. Working through a process like this allows you to acknowledge much faster that a reactive thought is causing you stress — and you can take some simple steps to address it with intention.

Over time, the anxiety you feel around a situation dissipates because you recognize what your mind is doing, and you have a process in place to address it.

ABOUT THE AUTHOR -

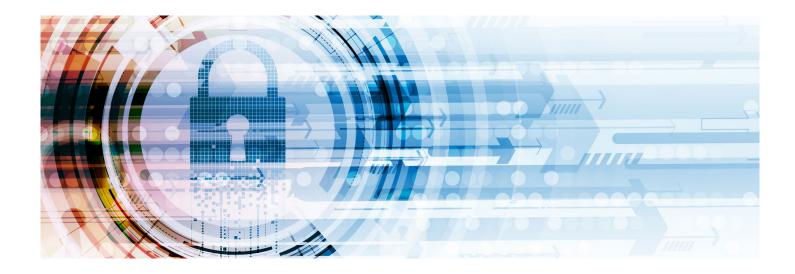
Drew Amoroso is an Attorney, Public Speaker and Founder of DueCourse, a mobile application that helps professionals strengthen their workday mindset and show up at their best at work.



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HEINAN LANDAFounder and Chief Executive Officer
Optimal Networks

Our cybersecurity strategies must rise to meet this new challenge, and that what we used to view as 'advanced' measures must now become our baseline.**

The Evolution of Cybersecurity

Last year we saw cybercriminals seizing a massive business opportunity. Our rapid shift to working from home due to COVID-19, plus heightened financial, political, social and emotional stressors, presented a perfect storm:

- **>>** The consumer-grade routers and electronics we use at home are inherently less secure than the centrally managed commercial-grade devices at our offices.
- Many home networks are already compromised. In April 2020, BitSight found that 45% of companies had malware originating from an employee's home network.
- Social engineering hacks like phishing, vishing and smishing thrive when victims are preoccupied or fearful.

Our organizations became very vulnerable suddenly, and bad actors did not hesitate to cash in. In March alone, scammers ramped up COVID-19-related phishing scams 667%. Overall, the FBI's Internet Crime Complaint Center (IC3) saw a 400% increase in reported cyberattacks in 2020.

While the events of last year presented a unique scenario for all of us, the swift and aggressive response from bad actors is indicative of a trend that will, unfortunately, persist. Cybercriminals have organized themselves into a successful enterprise that continues to innovate and evolve for maximum profit.

And that profit is sizable. According to a March 2020 study by Atlas VPN, cybercriminals bring in over \$1.5 trillion per year in revenue — more than Facebook, Walmart, Apple, Tesla and Microsoft combined.









WHY DOES IT MATTER?

Our only option when it comes to mitigating (not eliminating) the risk of a breach is to match ever-evolving threats with ever-evolving security strategy. Cyber defenses cannot be "set and forget" anymore; while antivirus software, firewalls and active monitoring tools are essential components of that defense, they are no substitute for human vigilance.

Not only that, but our concept of vigilance must recognize the potential for highly sophisticated cyberbreaches that span weeks or even months. Instead of snatching valuable data in discrete intrusions, cybercriminals are siphoning it off via prolonged, methodical interactions with victims. One popular scam works like this: The bad actor identifies who in your organization processes payments. They gain access to that person's email account, generally through a standard phishing email. They then monitor the email account over a period of time to identify high-dollar vendors. Meanwhile, they craft a spoofed domain and impersonate that vendor. The target receives an unassuming email from the "vendor" with instructions to remit future payments to a new account — guess whose? The target continues paying the fraudster until you or your vendor realizes the mistake.

These targeted exploits cost U.S. victims roughly \$1.7 billion in 2019, up 33% from 2018. Attacks like this harm your business in two ways:

- **Directly:** In addition to funds stolen by a hacker, you may incur ransom payments, downtime while your data is recovered and steep labor costs for emergency IT support. In the case of ransomware attacks, average downtime is 19 days, and costs to remediate averages \$730,000 for those who don't pay the ransom, and \$1.45 million for those who do
- Indirectly: Your reputation takes a hit when news of a breach gets out (every state government requires some form of disclosure). Cybersecurity audits are becoming a popular precursor to business engagements and memberships, and 38% of businesses report losing customers because of real or perceived gaps in their cybersecurity posture.

While there will never be a silver bullet when it comes to cybersecurity, it's imperative we adapt both our defenses and our mindset to best protect ourselves in this new landscape.

OUR RECOMMENDATIONS

More cybercriminals are entering the space, and they are more organized, disciplined and persistent than ever. This means



that our cybersecurity strategies must rise to meet this new challenge, and that what we used to view as "advanced" measures must now become our baseline.

At minimum, we recommend you implement the following:

- 1. Advanced endpoint protection on all machines accessing corporate data: Centralized antimalware only checks for known virus definitions. Add next-generation protection that uses artificial intelligence to flag all "unusual" behavior, and either kill the process or alert a security operations center (SOC) to intervene.
- **2. Two-factor authentication (2FA):** Strong passwords are no longer sufficient. Turn on two-factor authentication for any accounts and systems that don't already have it. Check regularly to make sure all accounts are covered 2FA makes it much harder for unauthorized users to gain access to your system even if they obtain your password.
- **3. Backup and recovery for all cloud apps:** Most popular applications (like Microsoft 365) have some built-in backup but in a limited capacity. Do you have sufficient retention policies? Would you be able to restore files encrypted or lost to malware? Protect your Microsoft 365 email, SharePoint, Teams, OneDrive and other online apps with a supplemental cloud backup service.
- **4. Firewall with intrusion detection:** An up-to-date firewall is a start, but we recommend also employing intrusion detection to monitor network traffic for potentially malicious behavior.
- **5. Security awareness training:** In addition to annual training, continually feed your employees security tips, and continually test with phishing simulations. It is essential that security remains top of mind year-round.

There are several security frameworks like NIST, ISO and CMMC that can provide structure to your security efforts even if you aren't subject to compliance regulations. These can feel overwhelming to tackle, but the items above will get you well on your way to fulfilling the core requirements.

Beyond this, it's critical to embrace the mindset that a network is only as secure as its users are vigilant and adaptive. The sophistication and sheer volume of today's cyberthreats demand that cybersecurity expenditures get their own line item in your annual budget and that your cybersecurity posture is reviewed annually. New threats are emerging all the time.

Most importantly, you need a resource who is qualified to assess your specific business needs and construct a solution that coordinates the technical and human components of your cyber defense.

ABOUT THE AUTHORS

Heinan Landa is the Founder and Chief Executive Officer of Optimal Networks, Inc., a globally ranked IT services firm. He is also the creator of Law Firm Anywhere, a virtual desktop solution that helps attorneys work seamlessly and securely from anywhere, and author of *The Modern* Law Firm: How to Thrive in an Era of Rapid Technological Change. After earning bachelor's and master's degrees in electrical engineering and computer science from Johns Hopkins University, Heinan went on to receive his MBA from the Wharton School of Business. Featured in Legal Management, Legal Times, Chief Executive, Inc., Forbes and CIO — and with regular appearances on local network affiliates — Landa is a trusted leader in the legal, technology and business spaces.



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NICK SIVOVOL
Senior Engineer
Innovative Computing Systems, Inc.

If we have learned anything over the recent past, it's that preparation should not be ignored merely because we worry our solutions may be imperfect."

Hacking Comes Home: 7 Tips for Data Security for the Remote Workplace

Given the dynamic, ever-changing consumer technology landscape, law firms' technology professionals may never be able to secure personal devices and at-home networks to the same degree as office-based infrastructure.

But if we have learned anything over the recent past, it's that preparation should not be ignored merely because we worry our solutions may be imperfect. By advising your remote technology users on how they can best secure their personal as well as their professional information inside and outside the office, you build on their cybersecurity awareness. If you consistently share best practices with your employees, you'll increase your firm's security over time.

To help managers build their remote users' cybersecurity defenses, we suggest starting with their home Wi-Fi network's security settings. Implementing some simple and commonly offered features can greatly enhance your firm's information security. Below are seven general recommendations you should share with employees for securing their home Wi-Fi network against unauthorized access.

1. Change the default name of your home Wi-Fi network. One of the first steps to a safer home Wi-Fi network is to change the service set identifier network name (SSID); this is the name that is publicly broadcast. It makes it easier for a hacker to identify a target. Often, these are set to a company name, a last name or a device manufacturer. The best practice is to change the network's SSID to something that does not disclose any personal information.

2. Change your default wireless network password and make it unique and strong. Most routers come preset with a default password, which is often easy to guess and even easier to find on the internet by hackers — especially if they know the router manufacturer. A good password for your wireless network consists of at least 20 characters and includes upperand lowercase letters, numbers and special characters. This change will make it difficult for unauthorized users to access your network. Perhaps consider using a personal phrase that has meaning only to you — just don't use your birthday or pet's name.

3. Enable network encryption. Modern wireless routers come with an encryption feature, but it is often not turned on by default. Turning on your wireless router's encryption setting will secure your network. Encryption should be turned on during wireless network installation. At the very minimum, encryption should be set to WPA2 and, if available, WPA3.

4. Disable Wi-Fi network name broadcasting. This won't broadcast your SSID to the public. For businesses, libraries, hotels, restaurants and others that want to provide Wi-Fi internet access to customers, broadcasting an SSID is useful, but it's usually unnecessary for personal wireless networks.

5. Apply Wi-Fi router software updates. Manufacturers constantly update software for their devices to keep them more secure and stable. A router's firmware, like any other software, contains flaws that can become major vulnerabilities unless they are fixed by firmware releases. Always install the latest software and security patches to ensure no security hole or breach is left for hackers to exploit. Most routers now come with an auto-update option that should be turned on.

6. Turn on your Wi-Fi router's built-in firewall. A firewall is designed to protect computers from harmful intrusions. Wireless routers generally include built-in firewalls and other security features, but they are sometimes shipped with them turned off. Be sure to check that the wireless router's firewall and security features are on. If a firewall or security feature is not available, then you should investigate upgrading your router's firewall with a better solution, such as Fortinet FortiGate.

7. Create a guest wireless network. Most Wi-Fi routers now come with an option to set up a guest wireless network isolated from the regular network and all devices. This is a great option when giving internet access to your guests or friends, as it will keep the rest of your network secure. The guest network should be secured with a strong password and follow the same procedures and best practices mentioned above.



Encouraging your law firm's remote technology users to implement these basic network security features will further extend your firm's cybersecurity beyond its office walls. Building remote users' cybersecurity defenses will remain an ongoing, constructive process that your IT staff and/or managed service provider should regularly address. Refreshing your firm's cybersecurity awareness training with tips for remote workers — building on the lessons learned over the past year — should be high on your list of updates to your information security strategy, as well. As the world haltingly reopens, now is not the time to let our guard down.

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Anniversaries, Awards and Appointments

Members on the Move >>



Elizabeth A. Carazolez, a member of the San Diego Chapter, is now Director of Management at Casey Gerry Schenk Francavilla Blatt & Penfield, LLP, in San Diego, California.



Ginger L. Cavanaugh, an independent member, is now Manager of the Dallas, Texas, office of Scheef & Stone, LLP.



Joseph T. Kelley, an independent member, is the Chief Operating Officer of Phillips Lytle LLP in New York, New York.



Cynthia R. Montoya, a member of the South Florida Chapter, is now Firm Administrator at Allen Norton & Blue PA in Miami, Florida.



Cynthia M. Moore, a member of the Metropolitan Detroit Chapter, is now Human Resources Director at Seyburn Kahn, PC, in Southfield, Michigan.



Laura R. Wickliff, PHR, SHRM-CP, a member of the Capital Chapter, is now Director of Human Resources at Arnold & Porter Kaye Scholer LLP in Washington, D.C.



Sharing Our Condolences



ALA recently received word of the February passing of member Robin Pelleschi Levy, 63. She worked at the international law firm of King & Spalding for 15 years, serving first as the Human Resources Manager for the Houston and Austin offices before being promoted to Director of Administration for both offices. Contributions in her memory can be made to the MD Anderson Cancer Center or the Cancer Research Institute. Our thoughts are with her family, friends and colleagues.



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- >> Law Firm Life After COVID-19 with Monique Mahler
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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.

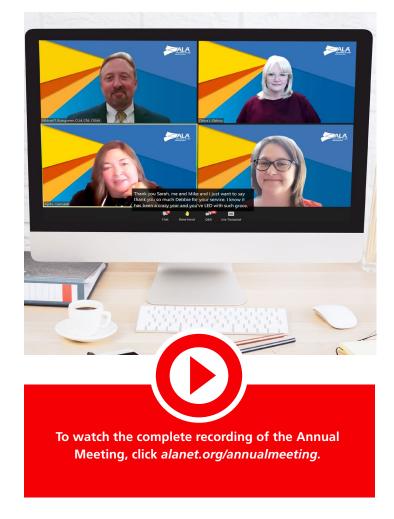
Miss the Annual Meeting? Stream It Now

On May 6, ALA held its Annual Meeting (virtually!), marking the transition of leadership Association-wide. This event is required by ALA's bylaws, but just as we did last year, we found ourselves convening by Zoom. This event featured:

- State of the Association report from Immediate Past President Debra L. Elsbury, CLM
- Passing of the gavel from Elsbury to 2021–2022 ALA President Michael T. Bumgarner, CLM, CPA, CGMA, plus recognition of outgoing members of the Board of Directors
- A town hall featuring Bumgarner, Elsbury, President-Elect Sarah Evenson, JD, MBA, and ALA Executive Director April Campbell, JD, who took turns answering questions from members

We'd also like to thank the nearly 60 individuals who completed their volunteer service. Their participation on the Board of Directors, the Chapter Resource Team, a committee or a project team played an active role in shaping the Association's long-term direction and short-term priorities. We salute you!

Right after this meeting, we also digitally announced our 2021 award recipients. These individuals will be recognized at the 2021 Annual Conference & Expo in Austin, Texas, and in the print version of *Legal Management*, which celebrate ALA's 50th Anniversary. Look for that to arrive in your mailbox in July!







Gain cutting-edge insights from a variety of experts at *the* gathering of legal administrators on October 3–6.

Here are a few of the thought-leaders who will share invaluable information and advice to help you and your firm advance:

- Michael S. Cohen, JD, Partner at Duane Morris LLP
- Sarah Cowen, Senior Vice President and Investment Counselor at Citi Private Bank
- Sherry A. Cushman, Vice Chairman and Leader of the Legal Sector Advisory Group at Cushman & Wakefield
- Amy A. Hunter, Vice President of Diversity, Equity and Inclusion at Caleres
- Cynthia Thomas, Executive Manager at PLMC Associates
- Joni Watke, JD, Academy LGBTQ

Be sure to visit ALAannualconf.org/speakers for the full list of the returning favorites and new perspectives who have joined the faculty so far.



How to Stop Bullies in the Workplace

ALA's Diversity, Equity, Inclusion and Accessibility Committee is pleased to announce that it now has a fourth educational offering available to chapters and law firms. The How to Stop Bullies in the Workplace presentation provides an opportunity to learn the difference between harassment and bullying. The discussion will touch on the intersectionality among harassment, bullying and racism. Participants will understand the impact on their employees when this behavior is allowed to continue. And they will learn how to recognize, acknowledge and stop bulling in the legal profession.

Visit alanet.org/resources/diversity/educational-presentations or email diversity@alanet.org for more information.

