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Solving the Overtime Puzzle

Law firms grapple with new wage and hour challenges.





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“
Through a lot of repetition
(and learning to bite my
tongue when I wanted to fill
the silence), I started to make
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a leader and problem solver.”

Learning to Lead with Questions, Not Answers

I was recently asked how my management style has changed throughout my career. When I stopped and thought back to my first office administrator position and how I approached my job, my answer was A LOT. As I reflected on the many different situations I faced over my 12 years in law firm management, I noticed the biggest difference is how I respond to the problems people bring to me.

When I first started managing people, I prided myself on being a fixer. I listened to the issue and then swiftly and directly gave my advice on what to do and how to do it. If you were to walk by my office during one of these conversations you would have heard me say things like, “In my experience...,” or “If I were you, I would...” or “Have you thought of...”

What I realized over time is the more problems I fixed for people, the more problems they brought me to fix. I became overwhelmed with my own work, because I was too busy rescuing people and fixing everyone else’s issues. I also realized many of the issues they were coming to me with were things they could have figured out on their own, but instead came to my office as a first step because they knew I would give them a solution.

When faced with the reality of what my leadership style was versus what I wanted it to be, I started to learn more about the concept of leading with curiosity. I read a few articles about coaching, which sparked me to take an introduction to coaching course. Through my readings and the course, I learned a different way to help people: not by giving them an answer, but instead asking questions. I also realized it was an unrealistic expectation I put on myself that I should have all the right answers for every issue for every person in every situation.

I took every opportunity to practice this new skill. When I had conversations with anyone, I would consciously force myself to only ask questions. It took all my energy and focus sometimes to not blurt out a solution. Through practice, however, I got a little better each time learning what questions to ask and different ways to quiet my brain and detach myself from having to have the answer. Through a lot of repetition (and learning to bite my tongue when I wanted to fill the silence), I started to make asking instead of telling a conversational habit. I felt I was starting to migrate to how I wanted to bring value as a leader and problem solver.

Through my daily practice, I also learned people started to come to me not for my experience and quick answers, but instead

my ability to listen and help them to analyze their unique situation and determine their action plan to address their problem. When you pass my office now, you hear me say things like, "Tell me more about that," or "What have you tried so far," or "What is a first step you can take?"

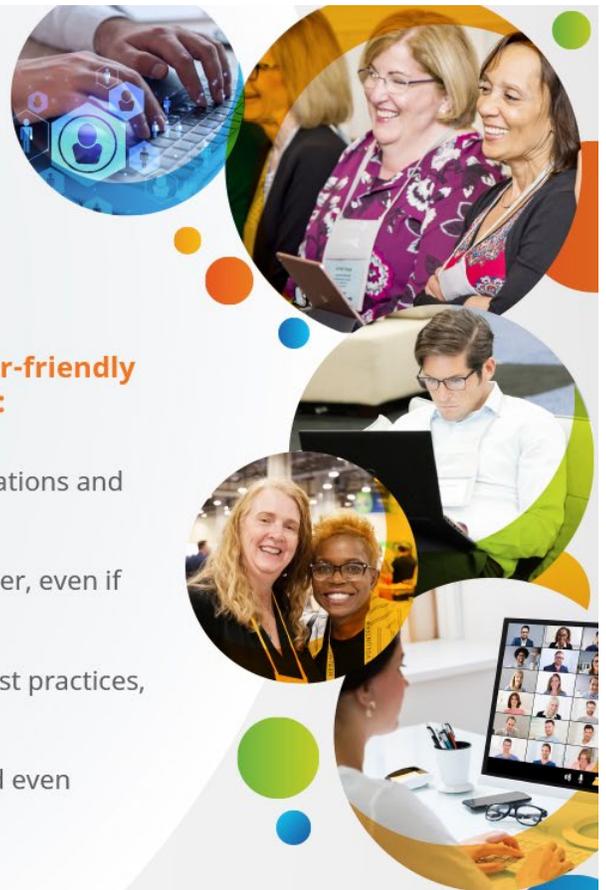
So the next time someone pops into your office with an issue, before you immediately jump into problem-solving mode, try asking a few questions. I think you might find it is ultimately less work for you, (YEAH!) and the person might surprise you with some creative solutions and original ideas (WIN!).

 sarah.evenson@btlaw.com

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BIM DAVE

*Executive Vice President
Helm360*

“
Done correctly, data discovery allows a firm to see its data holistically and determine how current processes affect the bottom line.”

Why Data Discovery Should Be the Priority for Law Firm IT Staff

Anyone doubting whether data is the lifeblood of today's law firms should try to lead a new system upgrade or conversion project. That will quickly reveal the importance of knowing the state of a firm's data — and how haphazard data management practices can be.

Even if a firm is not contemplating any significant system changes, data discovery should be the No. 1 quality assurance task carried out each year by IT staff. Not only is it essential if a firm decides to migrate to other platforms and systems, but it can also offer unique business transformation opportunities.

Done correctly, data discovery allows a firm to see its data holistically and determine how current processes affect the bottom line. That permits leadership to make management decisions based on accurate information about current and future operations. Unfortunately, firms rarely take data discovery seriously as a routine part of IT operations.

DATA DISCOVERY REIMAGINED

Data discovery determines the current state of a firm's data management — the good, the bad and the ugly. The mechanics can vary from laborious manual review to an automated process. Regardless, data discovery establishes a baseline for comparison between how the firm's data is intended to be recorded, stored and used and how it is actually recorded, stored and used.

This benchmarking is crucial for firm management because leaders get a bird's eye view of the firm's data and its quality. That allows high-level questions such as:

- » Does current data usage align with expectations?
- » Is data usage supporting our business goals?
- » Are there unexpected or hidden roadblocks hindering daily functionality?
- » Are downstream and upstream systems being impacted negatively by poor-quality data feeds?

This “map” of a firm’s current data environment provides a trove of valuable information executives can leverage to create a relevant and future-focused technology infrastructure.

DATA PROFILING: WHAT’S REALLY HAPPENING WITH A FIRM’S DATA?

Data profiling is the process of examining, analyzing and summarizing data from an existing source and is the most crucial part of data discovery. It addresses the fact that data quality inevitably erodes over time, with each slight anomaly contributing to a larger web of inconsistencies. Inevitably this degrades data, lengthens processing times and generally mucks up systems.

Because data degradation often happens without a severe impact on workflow, a firm will keep operating as usual — but everything it does will be based on faulty data.

With data profiling, firms will spot quality issues quickly and easily. A report will show, for example:

- » How data is distributed in core tables
- » Where bad dates, incomplete records or orphan records are hiding
- » Where and how data entry protocols differ
- » How setup tables are syncing to actual data

With this report in hand, decision-makers can determine next steps: Which data can be purged? Are all the data fields still pertinent? Do the setup tables (e.g., ledger codes, etc.) need adjusting? Not only do these decisions improve data quality, but they also boost data relevance, making everything from time entry to billing concise, efficient and accurate.

ADDRESS CLEANING: A DATA DISCOVERY USE CASE

A functioning contact management system is crucial for client service, yet this is probably some of the most neglected data in a firm and rife with duplications, incomplete records, etc. Done well, data discovery makes cleaning address data a manageable, efficient process.



First, it uncovers common inconsistencies and reports them in an actionable format using data profiling. A typical report can show:

- » How many records are missing or have invalid postal codes
- » Discrepancies in state indicators (spelled out versus abbreviated)
- » How many records have names in one field versus two fields
- » How many times the same surname is listed and whether the listings are duplicates

Armed with the data profiling report, tech teams can see what cleanup work needs to be done and where they need to do it. Their next step is to parse the data, which puts it into a consistent format that is easy to work with. Once parsed, irrelevant data can be purged, field structure changes can be implemented (for example, states always abbreviated) and data entry protocols can be established (such as always splitting names into two fields).

Cleaning address data is one of many use cases for data discovery. While it can be a laborious process, there are many benefits that can be leveraged across the firm. Taking the time to do a data reality check regularly is a value-add for a firm’s business, client relationships and, ultimately, the bottom line. It’s also one of the best ways to maximize return from technology investments made to enhance a firm’s competitive edge.

ABOUT THE AUTHOR

Bim Dave is the Executive Vice President of Helm360. With 15+ years in the legal tech industry, Dave’s keen understanding of how law firms and lawyers use technology has propelled Helm360 to the industry’s forefront.

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JANA E MARTIN

*Legal Administrator
Helmert and Associates, PLLC*

Keep Your Firm's Diversity Initiatives on Track in the New Year

The discussion surrounding diversity goals and initiatives has been one of the most rapidly growing topics among human resource professionals in law firms within the past five years.

This growth is due largely to several major contributing factors: recent social justice movements; landmark Supreme Court decisions that gave increased protections to covered individuals in the workplace; and an overwhelming number of studies that continue to show that firms with diversity strategies are more successful than their counterparts in terms of revenue, employee satisfaction, retention and hiring.

If your legal organization is making strides in this area, keep the momentum going. As you begin preparing for the new year, now is the perfect time to review of your firm's diversity goals and initiatives to make sure you stay on track in 2023.

STEP 1: PULL OUT THE PLAN

In reviewing your firm's diversity, equity, inclusion and accessibility (DEIA) policies, you should first consider inclusivity in all areas of the workplace — from the conference rooms to the break room.

The first step to this review process is to pull out the plan. If there is no actionable, easily identifiable plan that is ready to be reviewed, you've identified your first problem.

Diversity goals are not just a tagline that looks good on your firm's website; these goals and values must be etched into the core values and everyday practices of your firm. They must be present and represented in everything from employing diverse hiring practices to considering which vendors the firm employs.

The National Association for Law Placement found that there are three universal tenets that have proven essential to a successful strategy for enhancing and embracing DEIA in the legal industry:

“Diversity goals are not just a tagline that looks good on your firm's website; these goals and values must be etched into the core values and everyday practices of your firm.”

1. There should be a strong demonstrated commitment from leadership.
2. DEIA must be defined as a core value of the organization.
3. Specific goals must be identified, and metrics must be utilized to ensure accountability and progress.

STEP 2: ANALYZE METRICS TO DETERMINE WHERE YOUR FIRM CURRENTLY STANDS

A great method to evaluate the effectiveness of your firm’s current DEIA policies is to survey a representative group of current employees anonymously. Sometimes, numbers really do lie. If the numbers are there, but there is an overall feeling that the firm has not moved toward a more diverse and inclusive atmosphere, then it’s time to reevaluate your goals.

Do your employees feel as though they belong? Your review should center around the type of environment in which your employees work and whether that culture is in accordance with the firm’s diversity objectives.

As an efficient legal administrator, you should consider inclusivity in all areas of your workplace. Review everything from pay equity, time-off policies and holiday celebrations to staff communications and client relationships. Does everyone feel as though they belong? If not, it’s time to assess needs and implement change.

STEP 3: DEVELOP A PLAN FOR CONTINUED SUCCESS

Now that you have gathered both qualitative and quantitative results for how well your firm is performing with its DEIA goals and strategies, it’s time to consider what can be done to either keep up the good work — or what can be done to bring your firm closer to its goals. Here are some suggestions:

- » **Spread the word:** Develop a fresh strategy to get the DEIA plan and initiatives to your workforce. Think of new emails, a fresh tagline and/or marketing materials, postings in the breakroom, etc. This provides very clear communication with the firm’s employees on the goals of the organization.
- » **Put your money where your mouth is:** What resources does your firm put behind its initiatives? Is there a budget for plans and programs that make sense in furthering your DEIA goals?
- » **Consider including mentorship activities, sponsorships of groups or organizations** within local communities, a scholarship to a gender-specific or culturally specific prelaw students’ group, bringing in a speaker on a particular topic during a lunch and learn series, or even volunteering at a local legal aid society for clients who cannot otherwise afford representation.

- » **Develop mentorship programs** with attorneys and staff from diverse backgrounds.
- » **Consider using cultural calendars** to celebrate diversity.
- » **Create initiatives during recruitment** that promote diverse hiring tactics and bring in diverse pools of applicants. Then look at your recruitment materials. What do they look like? Are they representative of your DEIA goals? Your communications to both potential and established clients set the tone of your firm and should be reflective of your DEIA goals.

Remember, your firm’s diversity plan should be embedded into the organization’s culture. Every employee should know where their organization stands. If you perceive that to be an issue, then conduct a review of the ways in which the firm’s objectives are communicated to the team.

DEIA strategies within your organization are the key to achieving a well-balanced law firm that is ahead of its counterparts. Simply creating a DEIA policy and storing it away does not contribute to the overall advancement of the firm. Taking the time out to review, analyze and refresh your DEIA goals puts your firm well on track to break through into the new year with success!



ALA'S DEIA COMMITTEE IS HERE TO HELP

If you need help in building a business case for diversity, please be sure to check out alanet.org/resources/diversity. Here you’ll find *Becoming an Advocate for Diversity, Equity, Inclusion & Accessibility*. This new brochure is a valuable tool in gathering ideas and research and making a business case for advancing diversity and inclusion in your organization. It includes facts and studies that your company can’t afford not to consider.

ABOUT THE AUTHOR

JaNae Martin is the Legal Administrator for Helmers and Associates, PLLC, a domestic relations firm in Louisville, Kentucky. She has worked in the legal field for over 20 years. Martin has been an active member of ALA since 2015, proudly serving as the 2020–2021 ALA Kentucky Chapter President. In addition, she has enjoyed extensive terms on both the Business Partner and Membership Committees and currently operates as the Membership Committee Chair for the Kentucky Chapter and serves on ALA’s Diversity, Equity, Inclusion and Accessibility Committee.

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Beyond the Bar Exam: Competence Frameworks for Associate Development



JORDAN FURLONG
*Legal Sector Analyst
 Law21*

“Extensive academic research and deep dissatisfaction with the present system of American lawyer licensing could lead the United States to adopt competency-based lawyer licensing sooner than anyone expects.”

You’ve probably heard about the tidal wave of anger and frustration besieging the bar exam lately. Accusations that the exam is outdated*, unvalidated, irrelevant to practice competence, systemically racist and sexist, and callously administered seem to come faster and more furiously each year. The National Conference of Bar Examiners plans a revamped exam for 2026, but for the exam’s growing ranks of critics, the changes seem too little and will arrive too late.

Alternatives to the bar exam already exist, however — in Wisconsin, which grants licenses to graduates of in-state law schools through “diploma privilege,” and in New Hampshire, which exempts from the bar exam graduates of the skills-oriented Daniel Webster Honors Program at the University of New Hampshire School of Law. In addition, Oregon is closing in on two new nonexam pathways to licensure, one involving extensive clinical practice in law school and the other requiring a period of supervised practice in a law office.

However, what’s missing from both the bar exam and its admirable alternatives is a precise delineation of what qualifies a person for law licensure. What knowledge, skills, attributes and experiences — that is to say, which competencies — should a candidate demonstrably possess before they should be allowed to become a lawyer?

For the most part, this question has gone unasked in the American legal system. The ABA’s Section on Legal Education and Admission to the Bar made good progress in this direction in 2015 when it told law schools to ensure their graduates achieve various “learning outcomes,” including competency in knowledge of substantive and procedural law, legal analysis and reasoning, ethical responsibilities, problem-solving, communication and other professional skills.

*The web version of this article contains several embedded links for references. See the web version for those links.

The majority of U.S. law schools have obeyed this directive, albeit most in very broad and general terms. But there is still no official, detailed framework of American lawyer competencies — or at least, not in the lawyer licensing regulatory system. American law firms, however, tuned in long ago to the importance and usefulness of lawyer competencies in associate development.

ENTER COMPETENCE FRAMEWORKS

Competence frameworks for law firm associates identify the wide range of knowledge, skills and attributes that a firm expects of its associates, as well as the degree of proficiency the associates ought to possess at different stages of their development. When an associate has demonstrated the required proficiency at one stage, the associate then graduates to the next competence level, a move often accompanied by an increase in salary and responsibilities.

Examples of associate competence frameworks can be found at myriad firms, ranging from Stoel Rives and Sullivan & Worcester all the way to global giants like Clyde & Co. and Baker McKenzie. These systems provide structure, guidance and accountability to both associates eager to learn the ropes of practice and partners looking to accelerate the development of the firm's future leaders.

If your law firm doesn't have a competence framework to anchor its associate advancement system, it's not too late to develop one. There is no shortage of models to study. Professional development experts can help by reviewing the latest studies on competence learning for professionals and by interviewing your partners and senior associates to identify critical lawyer competencies, the stages at which a lawyer is expected to

develop them, and the best ways in which these competencies can be learned and practiced. (This approach can be applied to allied legal professionals, too.)

The groundwork for lawyer licensing competence profiles has already been laid in the United States, in particular through the work of the Institute for the Advancement of the American Legal System and its "Building a Better Bar: The Twelve Building Blocks of Minimum Competence" report, as well as the "Roadmap for Employment" developed by the Holloran Center at the University of St. Thomas School of Law in Minneapolis. Consulting these two projects, each developed in conjunction with law firms and other lawyer employers, can provide a powerful supplement to your firm's own internal assessment of the appropriate stages of associate competence.

The trend lines in this area are starting to rapidly converge. Extensive academic research and deep dissatisfaction with the present system of American lawyer licensing could lead the United States to adopt competency-based lawyer licensing sooner than anyone expects. Your firm will benefit by being aware — and staying ahead — of these remarkable advances in lawyer development.

ABOUT THE AUTHOR

Jordan Furlong is a legal sector analyst who assesses the pace of change in the global legal market and advises public and private legal organizations on their strategic paths forward. His current areas of focus include lawyer formation, lawyer licensing and competence, and legal services regulation.

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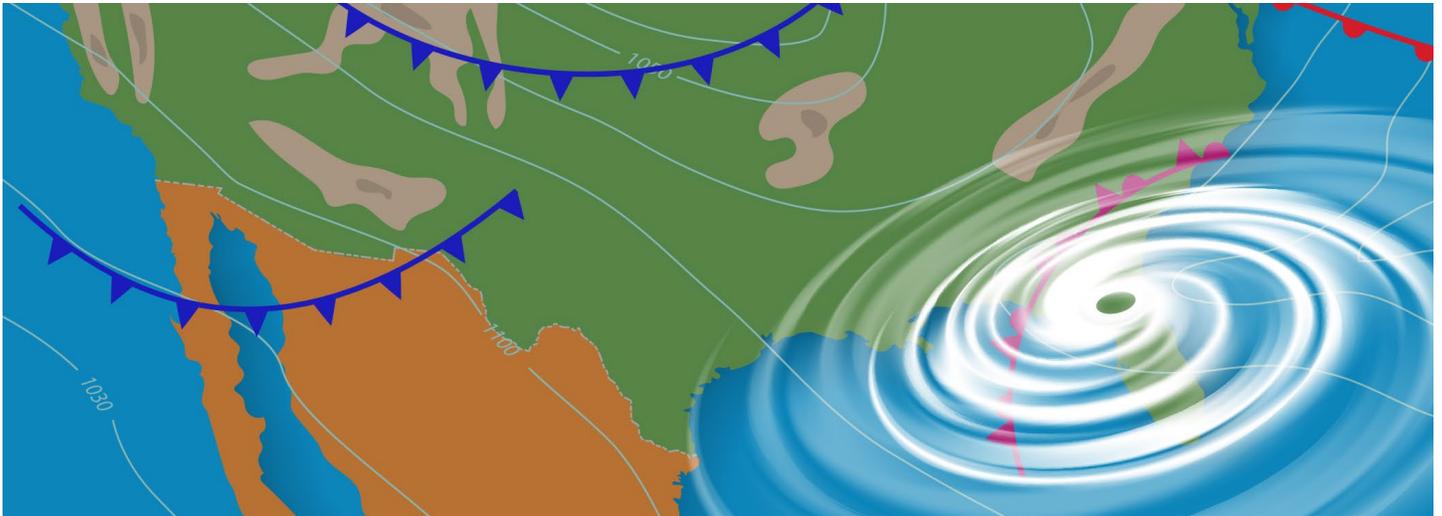
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CATHERINE ALMAN MACDONAGH, JD

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“
The generosity and uplifting activities I have experienced and observed inspire me to think about the organizational development, sociology and volunteerism themes in the context of the work we do within our legal organizations.”

Weathering the Storm: Lessons and Thoughts in the Aftermath of Hurricane Ian

As we began to prepare for Hurricane Ian in Southwest Florida, we kept a close eye on the forecast. There was consensus among most forecasters that the massive, Category 4 hurricane was headed north, to Tampa, where it would cause unprecedented, life-threatening flooding and wind damage. The predictions were that it would take quite some time to recover.

So, while we shopped for supplies, got gas and propane, checked our generators, and installed hurricane shutters, my neighbors and I were doing so out of an abundance of caution — initially.

When it became clear that this enormous storm was taking a right turn and headed straight for our area, concerns and responses increased both in magnitude and speed to act. Because of the earlier indications, some were starting preparations later than others, but I began to observe increased and focused activities, coupled with the kind of neighborly behaviors that reaffirmed the love I have for my community in Bonita Springs since relocating from the Boston area in February 2021.

The day before Ian's arrival, I took my daily walk around the neighborhood with my dogs, Abbie, Peaches and Punkin. I saw teams of people helping each other install shutters. Everyone asked, “Are you ready? Do you need any help?” There was a neighbor bringing water to another, an offer from a first responder who lives around the corner to make an emergency call to my parents (who are located two miles away), if we lost our signal so I could make sure they were alright, and many examples of supply and resource sharing.

The devastation from the direct hit here as a hurricane just shy of a Category 5 is still being determined weeks later, but the sheer force of this record-setting storm has already placed it in the record books. We lost power for a short while and our signal for a longer time but are far enough inland to avoid the storm surge that brought an unprecedented 12–18 feet of water. We were fortunate. Many of us struggle with survivor's guilt. All of us are grateful even as we grieve for the many losses — of lives, our lives as we know it, our friends' and neighbor's losses — some people lost pets, many lost all their things. Every picture, memento, precious item — gone.

In the aftermath, the outpouring of support from so many people and places has been astonishing — the kindness, the generosity. The desire to DO something to make it better. To recover. We quickly stopped seeing each other as a category or label, like "red," "blue" or "purple," and instead as fellow humans for whom we have boundless empathy and a genuine desire to help.

SUPPORTING OTHERS BEYOND DISASTERS

There are some interesting studies that show how citizen participation is a key principle of disaster risk reduction and resilience building. With all this in mind, I have been wondering why it takes a major disaster to bring this out in people.

Could we create the kind of organization, culture, structure and place to work that brings out the best in people? The kind of place where people volunteer and just step in to fill a void because they are moved to do so — not because it is their job or responsibility? How can we create the conditions that provide cohesion, an impetus for people to come together and serve at their highest and best use — without all the devastation? What would motivate people to look for opportunities to contribute without being asked or told?

Sociological studies refer to two broad categories of volunteerism. One is *emergent volunteerism*, which involves new forms of volunteering that occur in response to unmet needs, whether perceived or real. The other is *extending volunteerism*, where groups and organizations without emergency or disaster functions often extend their activities to volunteer in times of crisis. Like emergent volunteers who act as individuals or form a new group, these volunteers often have intimate understandings of local needs and can draw on existing networks and resources to meet them.

There are obvious parallels: In our organizations, there are legal and business professionals who seize opportunities to respond to unmet needs (whether perceived or real), daily, regularly.

Our teams, practice groups, departments, committees and task forces routinely engage in extending volunteerism, drawing on our networks, access, skills, experience, and knowledge to serve our organizations, clients and community when needed. In fact, we seek out and relish these opportunities. I wish more people knew about all the pro bono work law firms do.

BRINGING THESE PRINCIPLES TO LEGAL

The generosity and uplifting activities I have experienced and observed inspire me to think about the organizational development, sociology and volunteerism themes in the context of the work we do within our legal organizations. How might we harness the power of the collective team to produce extraordinary employee and client experiences — without the exigent circumstances? How can we create and sustain an organization with a culture of continuous improvement, where everyone is moved to want people and things to work better and better, all the time?

This requires structure, focus, norms and a culture. Simultaneously, a certain degree of autonomy clearly is required for people to want to volunteer. When people are "voluntold," there is not the same, genuine desire to participate. When we ask people "what do you think?" and create emergent and extending volunteerism opportunities, they are far more inclined to engage willingly, even whole heartedly. When people know what to do and are inspired to do it, they are also more fulfilled and have greater appreciation. That seems to be one, excellent response to the talent war.



SPECIAL COVERAGE

As catalysts for growth and change, we continue to explore ways to develop and nurture that connective tissue that increases the sense of community and quality of life in the workplace. Ingredients of that connective tissue include communication. For example, it matters whether we say “that person lost everything in the hurricane,” vs. “that person lost all their things.” Leadership, organizational design and architecture are key components as well.

A lot of our time and energy is devoted to focusing on those formal structures. We would be wise to include planning for our informal structure in our 2023 activities — and every year after that. One way to do that is to work across the P+ Ecosystem.™ This includes focusing on people, planning, process improvement, project management, performance management, performance metrics, pricing, positioning. It's a process of working with a firm that targets both formal and the informal development.

This important work should be done in a conscious or planned way to address and manage the informal structure so that it works to your organization's advantage rather than hindering its progress. Additionally, situational, scenario and crisis planning ought to be included in any organization's activities as a standing business planning activity, year after year. With my colleagues on ALA's Professional Development Advisory Committee, we are looking at current state issues as well as taking a “peek around the corner” just like this.

Most law firms and legal departments are doing a good job addressing the “known knowns” — the equivalent of having a plan and resources in place to put up and take down hurricane shutters, stocking up on water, etc. Fewer are prepared for the “known unknowns,” like a devastating storm that, at the last minute, takes a turn and suddenly is bearing down on you. Almost none even think about unknown unknowns and have no plan or structure in place for what may come their way.

Experts are helpful but it isn't enough to keep an eye on the forecast. Things are going to happen in ways that can't always be anticipated. But having a culture where people are engaged and want to serve at their highest and best use is the best way to weather the storm. I often say that many places have the full six- or eight-pack; they are just missing the plastic thingy that holds it all together. That's the connective tissue. Build it and they will come. And if you've already sustained damage, rebuild with the wisdom that comes from experience.

This article is dedicated to my beloved Abbie, who passed away on October 28, 2022, at the age of 16 ½. She was by my side and at my feet for all the big things and all the many moments that make up our days, weeks, years. Thousands of legal and business professionals benefitted from her incalculable impact, whether they knew it or not.

Special thanks to Valerie Danner for her encouragement and editing genius.

ABOUT THE AUTHOR

Catherine Alman MacDonagh, JD, is the Chief Executive Officer and Founder of the Legal Lean Sigma Institute and of FIRM Guidance consulting. She is also a co-founder of the Legal Sales and Service Organization, the Legal Sustainability and Social Impact movement, and the Legal Mocktail. A former corporate counsel and law firm executive with experience in theater and improv, she is known for award-winning transformation work in law firms and legal departments. MacDonagh created Legal Lean Sigma® and the Legal WorkOut® to help people work better together. Additionally, she is a law school professor and a well-known expert, speaker, and the author of many published works.

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Solving the Overtime Puzzle

Law firms grapple with new wage and hour challenges.

The overtime provisions of wage and hour legislation have long bedeviled law firms. But instituting the right policies and procedures has become more difficult than ever with the increasing trend toward working from home. How can hours be tracked accurately when remote workers forget to log in before starting work? Or spend a few minutes here and there in the evenings tackling emails?



PHILLIP M. PERRY
Freelance Business Writer

“By the end of 2022 we anticipate seeing a notice of proposed rule-making that likely will affect the minimum salary threshold.”

“There is an increased risk of employee error when people work from home,” said Lori Dodge, CLM, SHRM-CP, Accounting Manager at Ross Scalise and member of the Austin Chapter. The firm only has three people working in its physical office: Dodge, an attorney and a file clerk. Five non-attorney staff members and five attorneys work remotely.

An increasing number of law firms are facing the same challenge as Ross Scalise: finding solutions to the puzzle of tracking staff hours in the absence of a watchful eye. The risk is especially great at firms with robust remote working policies. Some 68.4% of firms responding to ALA’s 2022 Compensation and Benefits Survey reported having some work-from-home policies, up from 58.4% in the previous year’s survey. Nearly 7 out of 10 said they had introduced such policies for the first time over the previous 12 months. Such inexperience can only increase the risk for errors, and there’s no relief in sight: Fewer than one in five survey respondents believed remote work arrangements will ever return to prepandemic levels.

HIGH RISK

Overtime errors can arise for reasons other than accidents. Well-intentioned staff members can create problems when they decide to donate their working hours to help their employer.

“Sometimes high-performing employees will put in over 40 hours but decide to not record all the time worked out of a sense of professionalism or loyalty,” says Brian P. Gilman, CLM, Chief Operating Officer at Smith Debnam and Foundation of ALA Vice President.

“Law is extremely time sensitive, and we live and die by the calendar. When prepping for a deadline, stress levels are increased and that can cause errors in registering time worked.”

This scenario commonly happens when a large case has looming deadlines or when a firm is getting ready for trial or filing an appellate brief. “But as employers we are required to pay for all actual time — including overtime — worked.”

Even when personnel are conscientious about reporting, the legal profession’s pressure-cooker atmosphere can create special risks. “Law is extremely time sensitive, and we live and die by the calendar,” says Dodge, who is a certified payroll professional. “When prepping for a deadline, stress levels are increased and that can cause errors in registering time worked.”

Whether deliberate or accidental, overtime violations can be expensive. “The cost of wage and hour compliance is much lower than the cost of liability,” says Marty Heller, a Partner at Fisher Phillips. “First, the law firm has to pay the amount that had not been paid for overtime. And it will also owe something called liquidated damages, which is another amount equal to the backpay owed.”

There are also attorney’s fees and costs, both the firm’s own and those of a prevailing plaintiff. Finally, in a U.S. Department of Labor (DOL) investigation, the government may issue what’s called civil money penalties, or CMPs. “They can be over \$1,000 per violation,” says Heller.

ENSURING COMPLIANCE

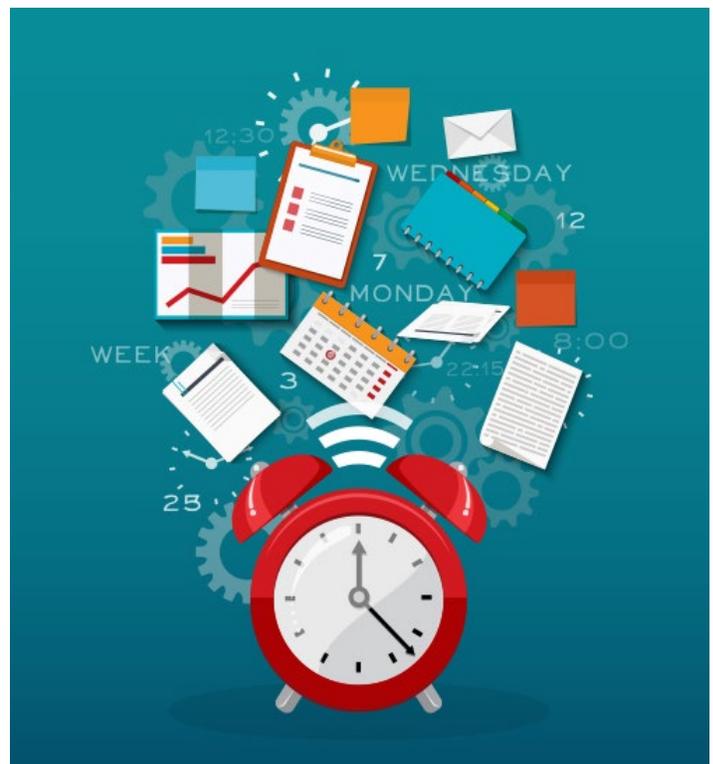
As these comments suggest, it’s incumbent upon supervisors and managers to ensure people are reporting hours accurately. Perhaps the most common technique to do so is jawboning — using one’s authority to persuade others: “We regularly remind them that employees must clock in for any work that they do,” notes Dodge.

There’s also the potential for excessive working hours, even if recorded accurately, to erode the firm’s profitability. That’s where a gatekeeping mechanism comes into play. “In training our employees, we make sure they understand they must obtain approval from their manager for any overtime that exceeds an hour within our biweekly periods,” says Dodge. “If this isn’t adhered to, they’re subject to a verbal warning and then a written warning.”

While people do on occasion forget to obtain permission, the firm’s warning system is usually sufficient to get them back on track. “If the employee does work overtime, we pay for it, whether they received approval or not,” says Dodge. “That’s the law.”

Verbal exhortations to conform to overtime rules should be reinforced in writing. “Setting out policies clearly in the firm’s HR manual is really key, because your employees aren’t going to know or read the IRS and DOL regulations on overtime,” says Gilman. “The text needs to be clear enough that employees can understand it and you can hold them accountable to it.”

Law firms can also take steps to obviate errors caused by the legal industry’s stressful environment. “The key to alleviating this problem is to train employees on efficient time management techniques,” says Dodge. “If people understand how to manage their time by doing such things as creating to-do lists and utilizing the calendar, that can really help.”



“The first primary area of focus in terms of wage and hour policies and procedures is classification. Are employees subject to overtime or not? That is basically a nonexempt versus exempt question. The answer requires a reasonable job analysis: Do they meet the requirements to be considered exempt? If not, they’re nonexempt and subject to overtime.”

AUTOMATED RECORDING

If jawboning staff members on the importance of accurate activity tracking is essential, so is an automated system that keeps things squared away. That’s where computer software plays a role, by tracking the working hours of nonexempt employees.

“Timekeeping systems need to properly account for regulations and the firm’s own policies — for example, those related to break time — on what is paid work time and what is not,” says Gilman.

A variety of software programs will allow remote workers to register their working time on the web. Larger firms will use software such as ADP, Paycom, Paycor, UKG or iSolved. Smaller ones will likely gravitate toward more affordable solutions such as the Easy Time Clock software used by Ross Scalise. The program’s \$10 monthly fee also allows users to monitor productivity by comparing work done with hours clocked.

Some software will also allow the separation of billable and nonbillable time. “Paralegals do a lot of work that can be billed to the client, but especially in smaller firms can often wear two hats,” notes Suzette Welling, CLM, President of Law Practice Edge, a law firm consulting service. “They may do some more clerical legal assistant tasks that cannot be billed.”

Other software will allow firms to track staff communications, complete with time stamps. This can also obviate wage and hour violations. “It’s my responsibility to review time stamps, instant messages and emails,” says Dodge, whose firm uses Slack for this purpose. “If I see that someone sent an email at 9:57 p.m., I match that time with their records. If they’re not clocked in during that time, I approach the employee and find out why.”

Automated systems, though, are not a panacea. “For any number of reasons, an employee can get delayed logging in at the right time,” says Doug Miller, Chief Operating Officer at Sutter O’Connell, a firm with 15 nonexempt employees, and a member of the Cleveland Chapter. “Suppose they

are entering the office in the morning and get caught by an attorney who engages them in a conversation. Ten minutes might go by before they get to their desk and log in.” Care also needs to be taken about breaks and lunch hours, he added. The clock needs to be reset if an employee engages in any work during such periods.

WHO IS EXEMPT?

The right policies and procedures can help avoid errors in the tracking of work hours. Before doing anything else, though, law firms must decide who is subject to overtime in the first place.

“The first primary area of focus in terms of wage and hour policies and procedures is classification,” says Gilman. “Are employees subject to overtime or not? That is basically a nonexempt versus exempt question. The answer requires a reasonable job analysis: Do they meet the requirements to be considered exempt? If not, they’re nonexempt and subject to overtime.”

The requirements of exemption from overtime rules are outlined by the Wage and Hour Division of the Department of Labor. Employers must be able to convince regulators that exempt personnel fall into one of the so-called “white-collar categories” labeled executive, professional or administrative. Exemptions may also be granted for some people who are computer professionals, engage in outside sales or are highly compensated.



Exempt individuals must earn at least \$684 a week, which translates to \$35,568 per year. Paycheck size alone, though, is not sufficient criterion. Exempt personnel must also pass the so-called “duties test.” That means they must exhibit sufficient independent authority to make essential decisions in their daily work.

3 GREATER RISKS

Deciding who meets the exemption requirements means conducting detailed job analyses that can sometimes seem more art than science. A case in point is the perennial question on the status of paralegals. Law firms are tempted to classify them as exempt from overtime, given that sometimes they conduct operations that seem to put them in a supervisory role. Yet the urge should most often be resisted.

“It’s been pretty firmly established for some years that a paralegal is not going to meet the exemption qualification,” says Gilman. “Even if they are managing other paralegals or legal assistants, that may not be enough to qualify.”

Is there room for exception? Certainly, but it’s important to take a conservative approach.

“There is no definitive answer to which classification is correct,” says Heller. “To the extent a paralegal is given the authority to exercise discretion and independent judgment in significant matters, it is possible they could be exempt. But it has probably become more common — and is certainly the safer approach — to classify them as nonexempt.”

Law firms seem to agree. Nearly all respondents to ALA’s 2022 Compensation and Benefits Survey reported classifying legal assistants and paralegals as nonexempt.

The risk of classification errors is likely to become greater very shortly, as the hurdles for exemption status get higher. “The Biden administration has signaled its intension to revisit the white-collar exemptions to the [Fair Labor Standards Act]” says Heller. “By the end of 2022, we anticipate seeing a notice of proposed rule-making that likely will affect the minimum salary threshold. It may also include proposed changes to the duties tests, which haven’t been modified in roughly 20 years.”



GET MORE DATA FROM ALA'S 2022 COMPENSATION AND BENEFITS SURVEY

Wondering about things like standard billable hours goals for associates and paralegals? ALA has you covered with our 2022 Compensation and Benefits Survey. Members who participated in the survey pay just \$349 (nonparticipating members pay \$459). Get more details at alanet.org/compsurvey.

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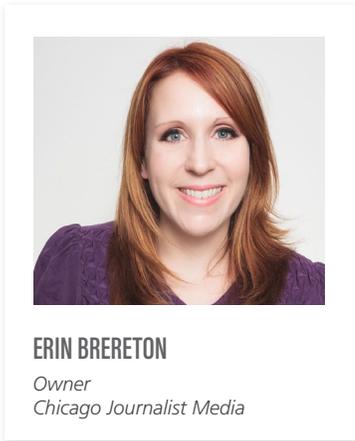
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Defining Your Staff's Path for Development

Career trajectory for young attorneys and legal staff isn't a straight line. These ideas can help employees find their path.

Since starting at Capell Barnett Matalon & Schoenfeld eight years ago, Lany Burnett-Orsini has taken on a number of tasks, including managing schedules, onboarding new hires and working in the real estate and estate planning departments.

“There's more of a holistic idea of what it takes to be a successful attorney. Given that we spent two years apart, we have opened up to other ways for young attorneys to excel and really contribute to a firm and become a partner.”

The approximately 10-attorney New York- and Florida-based firm doesn't have multiple distinct levels for paralegals to ascend to. Instead, Burnett-Orsini says she's gauged her career progression by the work she's been asked to perform.

“Being brought into matters that might involve more research or complicated issues has helped me acknowledge I am advancing,” she says. “My responsibilities have evolved over time.”

Some attorneys, too, now view the path to partnership as less of a lockstep progression than before the pandemic, says Kevin Morse, Deputy Member-in-Charge at Clark Hill's Chicago office. Since joining the firm in 2019, Morse has established a retention committee that's examining how to ensure younger — and other — firm members feel they can grow professionally within it.

“The world has changed significantly since spring 2020, and what the workplace looks like has changed,” Morse says. “There's more of a holistic idea of what it takes to be a successful attorney. Given that we spent two years apart, we have opened up to other ways for young attorneys to excel and really contribute to a firm and become a partner.”

Advancement can be a key hiring and retention factor in numerous industries — including the legal sector, where the average job tenure has sunk lower each year since 2016, according to NALP data.

“Don’t be afraid to ask someone questions. ... That’s what I hope young attorneys, paralegals and professionals will do. Whether it’s inside or outside of your office — attorneys, other professionals or potential clients — those connections matter down the road, so build them early.”

To help law firms, departments and industry members identify the opportunities that will provide the biggest occupational payoff, we spoke to several experienced legal professionals about some of the most notable elements that have helped shape their career.

TRYING NEW THINGS

Encouraging staff members’ interests, such as working in other practice areas, can potentially help them discover new career-oriented passions, says Chris DiBella, who’s been practicing law since 2004 and owns Massachusetts-based DiBella Law Offices, P.C.

“Talk to as many people as you can,” he says. “It might just be shadowing another department for a day; [or] grabbing lunch with somebody to see what they like and dislike about their position. It certainly led me to be exposed to a lot more than I started out doing, and it’s benefited me greatly because a lot of areas of law are very cyclical. I’ve been able to weather different economic downturns because of that.”

Daniel A. Scola Jr. is a Managing Partner at Hoffmann & Baron, LLP, but before joining the firm in 1991 worked as a senior patents and trademarks counsel at The Warner-Lambert Co. and an intellectual property attorney at Loctite Corporation. He made sure to seek out mentors earlier in his career to help him learn how a company he worked for operated. Scola also gained hands-on industry knowledge by offering to fill in attrition gaps.

“I saw taking on others’ responsibilities when someone left or was fired as a chance to learn and climb up in the organization,” he says. “My experience at that stage was largely in the patent field, so when the [trademark] director retired, my willingness to do two jobs gave me exposure to trademarks.”

After working on some other types of matters at the start of her more than 20-year career, Christina Dufresne, a Paralegal at DiBella’s firm, gravitated toward real estate.

“I dabbled in a few other areas [at the] law firm I first worked for,” she says. “But my passion ended up being real estate; I just went and worked for law firms that primarily did real estate law. I really was intrigued and loved the

research of it and the interaction with clients and people we work with.”

GETTING IN CONTACT

From an adversary attorney to fellow firm members who might become someone you can talk to openly about your job, building connections can help position less experienced professionals for later career success, according to Morse.

“Don’t be afraid to ask someone questions — just go into their office,” he says. “That’s what I hope young attorneys, paralegals and professionals will do. Whether it’s inside or outside of your office — attorneys, other professionals or potential clients — those connections matter down the road, so build them early.”

Dufresne, for instance, at one time attended occasional workshops that offered a chance to connect with other industry members.

“Paralegals would get together at a restaurant after work,” Dufresne says. “You kind of network that way.”

Continuing legal education courses, in tandem with entering into co-attorney agreements in which he partnered with another lawyer on matters, helped DiBella branch out.

“They have an investment in the case, but I’m also learning as I go,” he says. “I would use those to really build my experience because at different stages of my career, I wasn’t in a law firm where you would just go to the head partner and try to seek advice.”

ASKING FOR INPUT

Younger professionals may be hesitant to pose questions, Burnett says, because they think they should already know the answer. However, asking the attorney or senior paralegal you’re reporting to how long it should take you to draft a will or LLC operating agreement can give you a sense of whether you need more guidance in that area.

“That’s how you advance,” Burnett says. “There are attorneys who use different databases on a daily basis. Learning how to do searches appropriately could be really

“Setting targets are a good thing, but being open to change is, too, because you don’t know what life is going to throw at you,” he says. “I’ve never been shy as to what I’m looking for in my career.”

helpful; it cuts down on time. It shows initiative, that you’re trying to understand and process tasks that are given to you.”

Burnett is also a proponent of requesting a review from supervising partners.

“If you haven’t had one, ask ‘How am I doing? Is there anything I could improve?’ Or [say] ‘I was thinking I could do X,Y and Z,’” she says. “Share your interests. Don’t be afraid to engage them about it. There might be somewhere where you might be able to help out, and who knows where that will take your career.”

LEARNING FROM LEADERS

Early in his career, Morse appreciated a judge telling him not to feel like he had to try to fix errors he might make.

“Young attorneys have so much pressure to be perfect and do everything correctly — and young attorneys make mistakes,” he says. “The judge said to me, bring it to someone’s attention and let them help you because someone’s made that mistake before. And what you don’t want is it to grow or not be handled.”

Scola took courses and turned to experienced colleagues when looking to develop leadership skills he says have come in handy over the years.

“I learned from interaction with both upper levels and lower levels on the legal team that in addition to content, the presentation format and style, timing and your outlook — positivity and enthusiasm — were major contributors to leadership,” he says.

ESTABLISHING — AND BEING WILLING TO ADJUST — BENCHMARKS

For a number of industry members, goals can change — DiBella included. He says his main intent when launching his firm — surviving financially — later expanded to include wanting to work in additional practice areas.

Because guideposts can shift, Morse recommends clearly communicating your desired path to leadership, who may be trying to keep track of numerous employees’ ambitions and appreciate the update.



“Setting targets are a good thing, but being open to change is, too, because you don’t know what life is going to throw at you,” he says. “I’ve never been shy as to what I’m looking for in my career. I’ve always had good relationships with people I worked with or for, and I’ve let them know, here’s what I’m looking for in my position. Here’s how I’m going to try to go about this; what can I do?”

If, due to size or time constraints, industry members can’t obtain the career development guidance they need within their law firm or department, other resources, DiBella says, may ultimately prove beneficial.

“There’s a lot more help out there than you think,” he says. “There are a lot of bar associations and great people with a lot of experience that they’re very willing to share. The older half of the bar may actually be excited to talk about what’s worked and hasn’t and provide mentoring. I would encourage people to seek that out, because I think they’d be pleasantly surprised by the response they get.”

ABOUT THE AUTHOR

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

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JESSICA DAY

Senior Director, Marketing Strategy
Dialpad

7 Law Firm Website Design Tips to Attract More Clients

Gone are the days when firms can rely on a good reputation and word-of-mouth to attract clients. Clients want to research you first. Your website will be the first point of contact they have, so it needs to make a statement.

If you want to stay ahead in a competitive field, you have to demonstrate to clients that you offer what they're looking for. A good, well-designed website can help you do just that.

If you're thinking it's time for a website refresh, here are seven design tips to make your website stand out from the legal crowd.

“The user experience is incredibly important when it comes to a website. If it's too confusing or difficult to navigate, users will not stick around to try to figure it out.”

1. USE STRONG BRANDING

This may seem like an obvious one, but many websites focus too much on overloading with content rather than the aesthetics of the site. Of course, content and information are important elements. You should be touting your firm's expertise. But how your website is perceived by customers is important for your business.

If you use strong branding with your law firm logo design and brand colors displayed across the website, it gives a sense of unity and professionalism. A well-designed website will include branding at every opportunity.

2. FOCUS ON AN EASY USER EXPERIENCE

The user experience is incredibly important when it comes to a website. If it's too confusing or difficult to navigate, users will not stick around to try to figure it out — they'll move onto the next firm in their search results.

Help the user find what they need with as few clicks as possible.

3. SHARE YOUR ACHIEVEMENTS AT EVERY OPPORTUNITY

Include what sets you apart from other law firms that may specialize in the same area of practice as you. Do you have a paperless law firm? Write about it! You care about operating efficiently and not wasting paper — and these are things that clients love to see.

You can do this through your website design. Include highlights on every page about your achievements. This can also help build your credibility and trust from clients. But don't stop there. Include achievements in the individual profiles of your team members so clients know about the credentials of the lawyers in the firm.

4. OPTIMIZE YOUR SITE WITH SEO CONTENT

It should be one of your main goals to optimize your website for search engine optimization (SEO). For example, if your firm deals in family law, you'll want to be high in the Google search when a prospective client types "divorce lawyer in my area." Include keywords throughout the text naturally, and only when it fits in with the narrative of what you're writing about. (You can harm your SEO if you try to awkwardly oversaturate your text with keywords.)

You could also look into SEO strategies for affiliate marketing, where you include your website as a link on other relevant websites.

5. SHARE SUCCESS STORIES

Testimonials are the holy grail, so include them wherever you can. Create a dedicated section on your website to client

success stories and ask some of your most loyal clients to say a few kind words about your firm and how you've helped them in the past.

If a customer sees that you already have experience in successfully dealing with a case similar to theirs, they may be more likely to contact you.

6. ENSURE IT'S MOBILE FRIENDLY

People aren't just accessing websites via computers anymore. They browse via iPads, smartphones, notebooks and just about anything where they can access the internet. Therefore, your website needs to be highly compatible with many different formats.

If it's not, a customer may be tempted to click onto a competitor's website that is easier to navigate on their device.

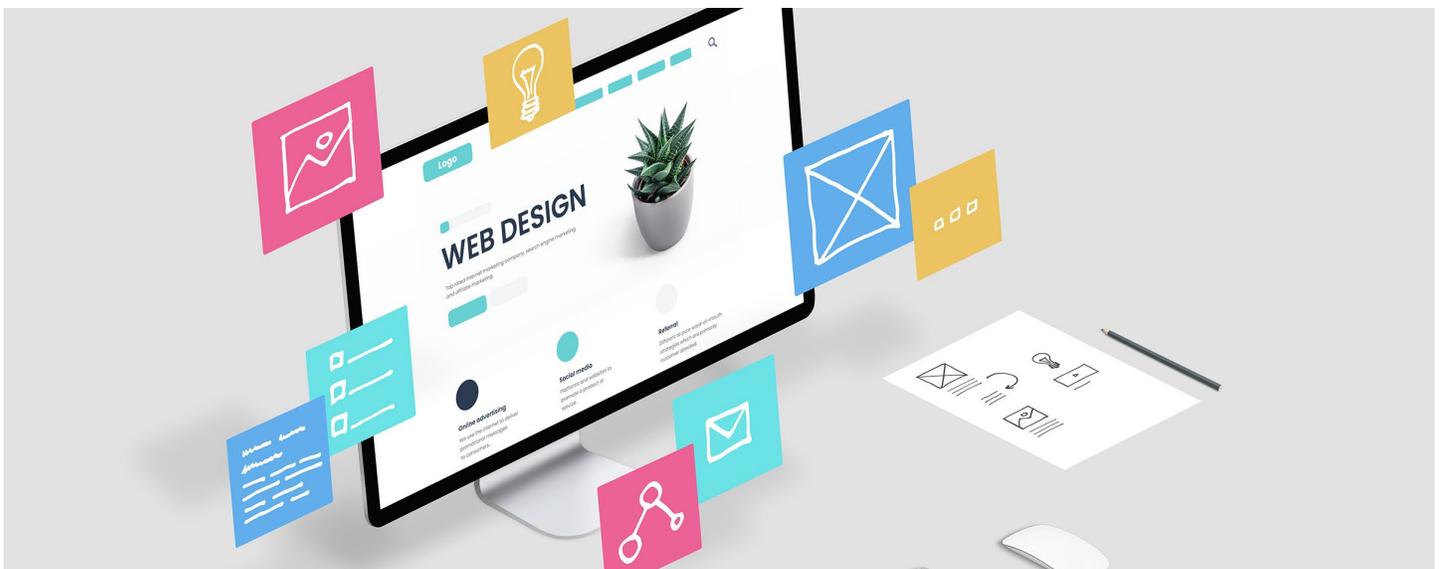
7. MAKE SURE YOUR WEBSITE IS RESPONSIVE AND FAST

Lastly, a fast, responsive website can make all the difference when it comes to attracting clients. If clients can't even click onto your website without it crashing or loading slowly, they certainly won't be interested in what services you can offer them. Even the best designs won't matter if your site isn't functioning properly.

ABOUT THE AUTHOR

Jessica Day is the Senior Director for Marketing Strategy at Dialpad, a modern business communications platform. She is an expert in collaborating with multifunctional teams to execute and optimize enterprise digital strategy and marketing efforts, for both company and client campaigns.

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BILL & PHIL

*William Ramsey, Partner,
Neal & Harwell*

*Phil Hampton, Consulting President,
LogicForce*

“MX Mechanical Mini still can last for 10 days on a fully charged battery. With backlighting turned off, the keyboard can operate for an astounding five months on a full charge.”

The New MX Mechanical Mini Is the Key(board) to Productivity

If you know us, you know that we have no shortage of smartphones, tablets, laptops, hybrids, PCs, MACs, etc. If it is labeled a computing device, we probably have it.

So it is nice to have a single input device (keyboard) that can be used with any of our devices. For this reason, we love Bluetooth keyboards that can pair alike with Windows, MacOS, iOS and Android. Logitech has long been a favorite of ours for portable Bluetooth keyboards, so when they came out recently with their latest model — the MX Mechanical Mini — we decided to give it a try.

There are two features that we noticed immediately on the MX Mechanical Mini that we love. First, this thing is very compact. The keyboard is just under a foot wide and weighs just over 17 ounces, so it is very convenient to take on the road and easy to use in tight spaces. Second, as the name suggests, this keyboard is mechanical, meaning that the keys move via switches with spring mechanisms. We find that we can type faster and with fewer errors when using a mechanical keyboard instead of a membrane keyboard (when keys are separated), which is a common built-in keyboard on many portable computing devices.

As the name suggests, the MX Mechanical Mini is not a full-sized keyboard. It is about 75% the size of a full-sized keyboard, and Logitech sells a full-sized MX Mechanical for a little extra cost. But we find the mini version is very similar in size to a laptop keyboard, and we love how compact it is — especially when using it on a small tray table on an airplane.

You can also use it in Bluetooth mode or connect it to a device with the included USB-A Logitech Bolt Receiver. We find operating in Bluetooth mode is fine. Furthermore, you can pair it to up to three separate devices via Bluetooth, meaning we can use this one keyboard to type on our iPhone or Galaxy phone, our iPad and our laptop. Bill can even use this new MX Mechanical Mini paired with his fancy new Samsung Galaxy Z Fold smartphone, which means his phone becomes a nice tablet where he can type and edit documents just like he was using a normal laptop.

We especially love the key backlighting on this model, which helps our old, aging eyes see the keyboard even in dim light. The keyboard even has sensors that can detect when your hands just get near it and turns the backlighting on without actually having to touch a key. (You can turn the backlighting feature off if you want to maximize its battery performance.) But, even with key backlighting on, Logitech says the MX Mechanical Mini still can last for 10 days on a fully charged battery. With backlighting turned off, the keyboard can operate for an astounding five months on a full charge. Recharging the keyboard is easy via the USB-C recharging port.

We're not sure why we love this little keyboard so much. Maybe it's a minimalist mindset that has captured our fancy, or maybe we just love the typing action on an old-fashioned mechanical keyboard. Whatever the reason may be, we just can't go anywhere without putting our MX Mechanical Mini in our travel bag.

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*.

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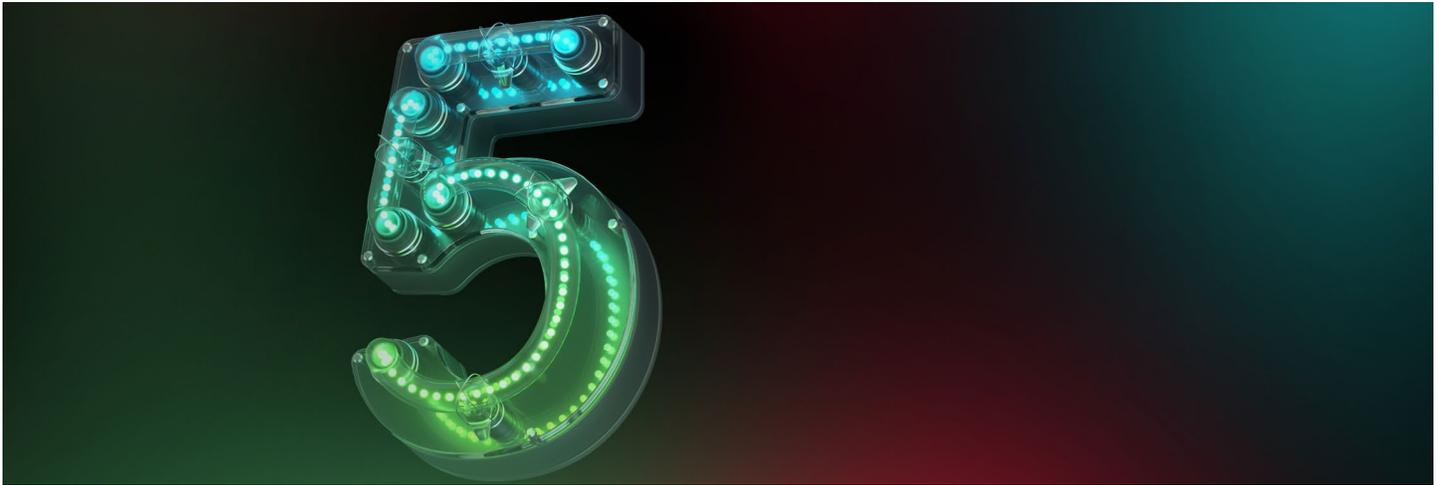
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**CHRISTINA FLOYD AND
KAREN LEASTMAN**

*First American Legal Finance
Vice Presidents*

“Leasing technology equipment allows law firms to avoid obsolescence by matching the lease term to the equipment’s useful life.”

The IT Refresh Imperative

IT spending across all industries is expected to reach \$4.5 trillion this year. As our reliance on technology grows, rethinking traditional IT asset management is imperative to outpace the competition. Finding room in the budget for large IT purchases can be difficult but holding on to older technology that slows down staff and drains resources with maintenance and upkeep is no better.

Leading legal organizations recognize the strategic opportunities of a lease-based technology refresh program, including operational efficiencies, cost savings and sustainability goals. Leasing technology equipment allows law firms to avoid obsolescence by matching the lease term to the equipment’s useful life, then returning the equipment at lease-end to upgrade to new technology.

TOP REASONS FOR A TECH REFRESH PROGRAM

- 1. Establish a disciplined upgrade process.**
Keep your IT infrastructure up to date with leading-edge technology that boosts performance and puts you ahead of competition.
- 2. Lessen security vulnerabilities**
Protect your data from security breaches with the latest upgrades.
- 3. Reduce indirect costs of owning IT equipment**
Avoid the ongoing maintenance, repairs and downtime associated with equipment obsolescence.
- 4. Gain budget predictability**
Replace the budget spikes of cash-based financing with fixed, predictable payments.
- 5. Advance sustainability initiatives**
Responsibly reuse, refresh and recycle outdated equipment.

TRENDING LEGAL INVESTMENTS

So what are some of the legal tech investments firms are making? Here's what we're seeing:

Laptop Refreshes: With the migration to a hybrid work model, investments in laptops continue to surge within the legal industry.

Global Office IT Upgrades: As firms expand to new regions, they are making larger investments in international technology platforms by setting up global data centers, disaster recovery (DR) sites and other infrastructure equipment.

Data Security Solutions: As attention to data protection and security grows, firms are increasing measures and systems designed to securely protect and safeguard information by investing in improved data storage equipment.

Legal executives can leverage flexible financing and asset lifecycle solutions to get the tech they need today and drive innovation tomorrow.

ABOUT THE AUTHORS

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

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

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ALA's 2022
COMPENSATION AND BENEFITS SURVEY

This comprehensive report with more than 375 pages of information is an essential tool for determining compensation and benefits for your firm's staff. Gain insight into the types of benefits becoming increasingly popular, standard billable hours goals for associates and paralegals, and more.

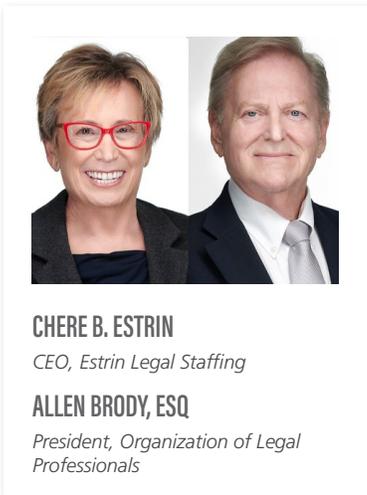
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 ALA
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 ALA's 2022
COMPENSATION AND BENEFITS SURVEY

 ALA's 2022
LARGE FIRM KEY STAFF COMPENSATION SURVEY



8 Strategies for Climbing the Law Firm Leadership Ladder

Last night, I plumb ran out of sleep. Here I was, snoozing away, not particularly dreaming about anything, when I woke right up. I found myself worrying about a legal professional who had come to me to find ways to get promoted in her firm.

I went over our conversation. She was at her firm 14 years and hadn't had a raise in several years. Other professionals were being brought in at a higher salary than she was getting. To compound the problem, she wanted to move into a higher position but nothing seemed to be happening. A key part of her story was that she believed she was doing all the right things: working hard, being a great team player, offering up quality work but was unable to get the attention of her supervisors. What was wrong?

I mapped out a plan for her when I realized she was making the biggest, most common mistake you can make when seeking a raise or promotion: Sitting and waiting for the firm to notice that you are doing a good job. Few promotions are given when the employee puts in long hours, is a good team player, is always on-hand for whoever needs them and turns in big billables. Why? Because putting in long hours, being a good team player, the always available person **is exactly what is expected of you.**

To succeed, you must take charge of your own development. Here are some strategies to get you where you want to go in your career.

STRATEGY NO. 1: INVEST IN YOURSELF

The more knowledge you have; skills you develop; strategies, tactics and techniques you have up your sleeve; the faster you can drive bigger amounts of dollars into your bank account. Succeeding has a nonnegotiable rule: Take 100% control of your learning and you can take 100% control of how valuable you are. The more valuable you are, the more choices you have about where you want to work, how you want to work and how much you get paid. There's almost no downside.

“Cultivate a strong professional and personal network that can give you guidance and advice.”

STRATEGY NO. 2: SET ATTAINABLE GOALS

One way to make your goals come to fruition is to use the SMART strategy:

- » **Specific:** Make your goal as precise as possible. If you aspire to be in the C-suite, look at CLE courses and webinars that might apply. Or look into getting certified with the Certified Legal Manager (CLM)[®].
- » **Measurable:** Quantify your progress. Set benchmarks such as applying to 10 jobs that meet your requirements.
- » **Attainable:** Set goals that you can achieve. To confirm that your goal is attainable, think about the individual steps and consider how realistic they are.
- » **Relevant:** Any goals you set should genuinely matter. How important is this goal? Will you reach where you want to go?
- » **Time-based:** Give your goals deadlines. That way, you will have an easier time reaching the end result and motivating yourself.

STRATEGY NO. 3: CREATE A ROADMAP

Set career goals, as they give you a framework to achieve milestones and provide a path for you to actually do them. Lay out a step-by-step strategy with long and short-term goals. Short-term goals are stepping-stones to reach your long-term goal. For example: Your long-term goals may mean becoming a legal operations manager. Your short-term goal could be to take courses in accounting and technology.

STRATEGY NO. 4: CREATE A STRONG PROFESSIONAL NETWORK

Cultivate a strong professional and personal network that can give you guidance and advice. Your network might include colleagues, supervisors, former classmates, members of ALA and social network friends. Think in terms of creating a board of directors. These people can be a key element in promoting your skills and abilities to the right people.

STRATEGY NO. 5: GET TO THE DECISION-MAKERS

If they don't know you, how will you ever move up? Be aware of who is making the promotion decisions: Is it a partnership committee? Managing partner? A vote of equity partners? Find out if they are likely to support and promote your candidacy.

Decision makers will be less inclined to back you if they are not familiar with you or your work. Become better acquainted with these individuals. Work on a matter supervised by a decision maker. Use the opportunity to show them your best work.

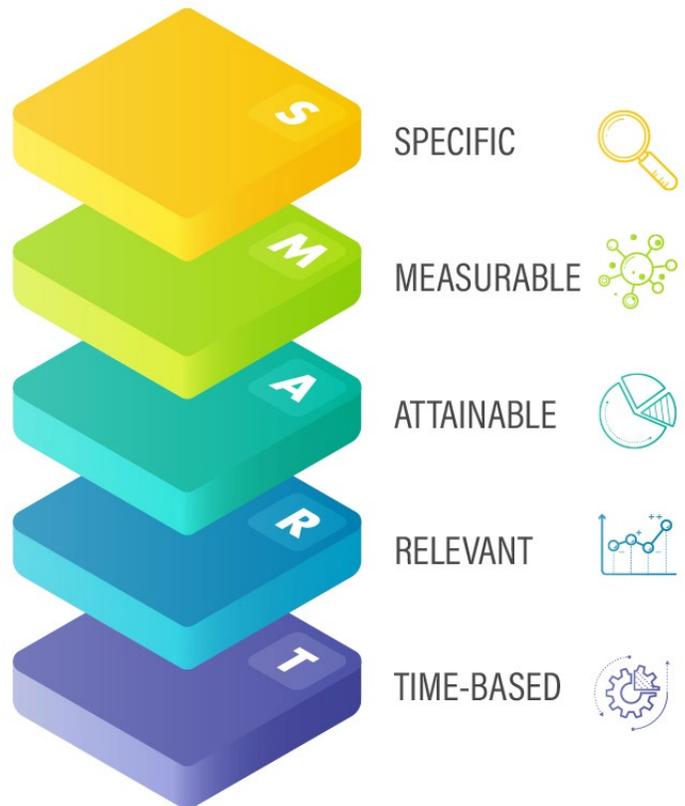
STRATEGY NO. 6: DON'T BECOME OVERZEALOUS

Do not be overzealous in efforts to move up. Employees are not well received if they're being disingenuous and self-promoting — colleagues and managers can tell.

On the other hand, when someone takes action for the betterment of the firm, the community or the overall practice — that's when an individual is noticed in a positive light. Your boss may not pat you on the back to say you're doing a good job, but understand that your efforts are being recognized, and your actions are reflecting positively — always a good thing.

STRATEGY NO. 7: LEVERAGE YOUR NEW SKILLS

Strategize to learn a new assignment. Send an email to the appropriate party, noting why you can get it done. Have you just taken a course to learn budgeting strategies? Now is the time to advertise that. For example, say something like "I noticed the creation of the new budget for the HR Department coming up. I would like to be included in this process, as I've just taken a course that I think can help us make the process more efficient. Can we Zoom on Tuesday or would Wednesday be better to chat?"



STRATEGY NO. 8: NEGOTIATE YOUR WAY UP

Negotiators too often start focused on the opportunity in front of them rather than on ultimate work and life aspirations. Think strategically about not just what you might negotiate but how.

The best negotiators generate mutually beneficial solutions through joint problem-solving and creative trade-offs, along with compromise. Negotiating the direction of your career typically involves multiple stakeholders — including those in your personal life as well as those at work. Making compensation the deciding factor can be a mistake. It may be more important to get the role, learn more and leverage that knowledge in another bump up.

Getting noticed in order to get promoted is not easy. It takes hard work and perseverance. You may even be trying to create a brand new position within the firm or simply get higher-level assignments. Bottom line? You can get what you want. It just depends on how you do it.

ABOUT THE AUTHORS

Chere Estrin is the Chief Executive Officer of Estrin Legal Staffing and its medical records summarizing division, MediSums. She is also President and Co-Founding Member of the Organization of Legal Professionals, an online legal technology training organization. She has been in the staffing arena for over 20 years, placing high-level associates and legal professionals at AmLaw 100 law firms and Fortune 1000 in-house legal departments. She has appeared in interviews for The Wall Street Journal and Fortune magazine, and was recognized as one of Women We Admire's Top 50 Women Leaders in Los Angeles.

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Allen Brody, Esq., is a licensed California attorney and President of the Organization of Legal Professionals, an organization dedicated to providing online legal technology training to attorneys and legal professionals. He is also President of MediSums, an international medical records summarizing service for attorneys. A long-time Independent member of ALA, he has authored several articles and has been the guest speaker for many webinars.

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David Jacobs

Senior Client Advisor

Kelly Waffle

Managing Director, Hinge
Research Institute

A Blueprint to Brace for a Recession

It appears that a recession is coming. Even if the Federal Reserve manages to engineer a “soft landing” to reduce inflation without causing a recession in the near future, these periods of prolonged significant economic decline over months or even years are an inevitable part of the business timeline. They will continue to happen from time to time. Even if we manage to escape it now, economies run on cycles — sooner or later that cycle will return to recession. It seems prudent to prepare for it.

The latest Marketing & Business Development Report for law firms and legal practices from LexisNexis® InterAction® and the Hinge Research Institute (HRI) showed that, of the functions surveyed, business development and sales were hit hardest during the COVID-19 downturn. So when the next recession comes, what can a firm do to protect — and even grow — its business development and sales pipelines in a slowing economy? Learn from the firms that have been surviving and growing during the recent pandemic-driven turmoil.

The High Growth Study 2022: Law Firm and Legal Services Edition examines the most important challenges facing law firms today and examines the steps that high-growth firms have taken to address them. The strategies that have made them successful during the economic uncertainty of the last few years can provide a roadmap for any practice to maintain and grow in economic downturns.

In a recession, the key to survival is to continue getting new clients in the front door, while keeping existing clients from slipping out the back door. That’s not significantly different from the everyday challenges of client management, but the stakes get higher as clients and potential clients are under greater pressure to reduce amounts spent on professional services. One of the most important tools to meet this challenge is a client relationship management (CRM) system.

“With so many indicators pointing toward a recession, it’s a critical time for all firms to look at the factors that have helped high-growth firms outperform their competition in recent years.”

MEETING THE CHALLENGE — CLIENT RELATIONSHIP MANAGEMENT

In fact, the aforementioned study showed that effective use of CRM is a key differentiator between high-growth and low-growth firms: High-growth firms have a 100% greater reliance on CRM systems compared to their no-growth counterparts.

While effective CRM strategy is supported by information technology, it's not enough just to buy CRM software and roll it out. Rather, CRM is a client-centric business strategy that combines internal processes and external networks to create and deliver value, resulting in more business opportunities with new and existing clients. It relies on high-quality, prioritized data, and it's enabled by information technology.

Firms that successfully implement CRM integrate and align it with their strategic goals and business plan. They use a documented CRM strategy that's tied to the business plan by supporting the firm's marketing and business development initiatives, and they regularly review results and update the strategy. The change management process for CRM should focus on three areas:

- » **Communication:** Everyone expected to use the CRM system should understand how the system benefits themselves and the firm. Most importantly, the firm should answer the following two questions for each user: "What does this change (CRM) mean to me?" and "What's in it for me?" Use a variety of communication mediums that provide a feedback loop. Email is the least preferred as most professionals receive 50 to 60 emails every day.
- » **Training:** All participants need the opportunity to develop their skills, behavior and attitude to achieve maximum benefit from the system. CRM by itself does not create new business processes, but rather is integrated into existing business processes to make tasks easier and more effective.
- » **Motivation:** Those implementing the system need to provide users with incentives to learn and improve their skills within the CRM system. Motivate users by communicating success stories. For example, if a lawyer successfully cross-marketed a client by using CRM relationship intelligence, describe how she achieved that so other users can replicate her success.

Another area where high-growth firms show a significant difference from their no-growth counterparts is the use of outside experts and automation platforms to make sure that



billable professionals can focus on client service. The same survey showed the high-growth group was 43% more likely to rely on marketing automation platforms; they also showed a significantly greater reliance on email marketing platforms and experience platforms to do some of the most important marketing tasks more efficiently. Platforms like these also provide more effective data on how the clients respond to the campaigns.

With so many indicators pointing toward a recession, it's a critical time for all firms to look at the factors that have helped high-growth firms outperform their competition in recent years. The results show clearly that this group has:

- » Doubled down on strategic investments in marketing and business development technologies like CRM.
- » Relied on third-party expertise for valuable outside opinions in specialized areas.
- » Followed the advice of those consultants to deliver clear messages to the market about brand differentiation.
- » Listened to their clients through the use of marketing analytics.

If the economy does slow down, it's likely that these practices will further distance the leading firms from those that are reluctant to adopt them.

ABOUT THE AUTHORS

David Jacobs is the Senior Client Advisor, and **Kelly Waffle** is the Managing Director at Hinge Research Institute.

 hingemarketing.com/research-institute

Anniversaries, Awards and Appointments

ALA Member Honored with 2022 Woman of Achievement Award

Greater Los Angeles Chapter member Kameelah Hakeem was recently honored with the 2022 Woman of Achievement Award from the Century City Chamber of Commerce (CCC). She was among seven recipients, including women in leaders in real estate, partners at national law firms, the medical field, and the entertainment industry.

“This was a very exciting time for me. I have enjoyed working in Century City (Los Angeles, California) for most of my career, mentoring others in the legal community, and volunteering my time to the underserved,” says Kameelah, who is the Administrative Director at Sullivan & Cromwell, LLP. “I’m truly grateful to the Century City Chamber of Commerce (CCC) for their recognition of the work I am so passionate about.”

She follows in the footsteps of another ALA member in the Greater Los Angeles Chapter: Tanya Russell, who sadly passed away in 2020. Tanya was also a recipient of the CCC award, someone Kameelah considers to be a great mentor of hers. But Tanya’s presence was still felt at the ceremony. “Tanya’s former colleague, Shelley Wissot, wrote a letter to the CCC about my contributions to the community. You might say that Shelley — also an ALA member — picked up where Tanya left off in supporting my efforts in the legal community. There was an empty seat at my table at the banquet and Shelley commented that Tanya was occupying that seat in spirit,” says Kameelah.



She also notes how vital ALA has been. “I have gained so much from my relationships through ALA. It makes me feel like anything is possible.”

Kameelah received a crystal trophy and certificates signed by Los Angeles Mayor Eric Garcetti and City Councilmember Paul Koretz. You can watch the video that was played during the ceremony to learn more about the work Kameelah does.

Congrats, Kameelah!

Announcing the Speaker Faculty!



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Registration Code: B00-690-690AX10

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Anniversaries, Awards and Appointments

Members on the Move »



Melissa Aasen, a member of the New Orleans Chapter, is now Billing Coordinator at The Kullman Firm, PLC in New Orleans, Louisiana.



Eileen Africa-Nocom, a member of the Las Vegas Chapter, is now Office Administrator at Lewis Brisbois in Las Vegas, Nevada.



Anna Thea Bridge, an independent member, is now Chief Operating Officer at Outten & Golden, LLP in New York, New York.



Derian D'Andrade, an independent member, is now Financial Controller at Pryor Cashman LLP in New York, New York.



Joanne DiFrancesco (not pictured), a member of the Independence Chapter, is now Executive Director at Riley Riper Hollin & Colagrecio, PC, in Exton, Pennsylvania.



Andrea Glover, a member of the Dallas Chapter, is now Professional Development and Recruiting Manager at Gray Reed & McGraw, LLP, in Dallas, Texas.



Cameron Gowan, JD, MPS, MLIS, a member of the Capital Chapter, is now Firm Administrator at The Geller Law Group PLLC in Fairfax, Virginia.



Debbie Hayes, a member of the Boston Chapter, is now Firm Administrator at Bass Doherty & Finks, PC, in Boston, Massachusetts.



Denny Krantz, a member of the Puget Sound Chapter, is now Director of Administration at Stritmatter Kessler Koehler Moore in Seattle, Washington.



Patty Williams Mears, a member of the Arizona Chapter, is now Office Administrator at Jackson Lewis PC in Phoenix, Arizona.



Elaine Nielsen, a member of the Austin Chapter, is now Chief Financial Officer at McGinnis Lochridge in Austin, Texas.



Lisa O'Connor, a member of the Oregon Chapter, is now Executive Director at Lynn Jackson Shultz & Lebrun, PC, in Rapid City, South Dakota.



Beverley O'Reilly, a member of the Boston Chapter, is now Executive Director at Klein Hornig LLP in Boston, Massachusetts.



Donald Osborne, a member of the Richmond Chapter, is now Chief Executive Officer at Fayad Law, PC, in Henrico, Virginia.



Kirk Rossi, an independent member, is now Chief Operating Officer at Phillips Lytle LLP in New York, New York.



Jennifer Rubin, an independent member, is now Operations Manager at Goulston & Storrs, PC, in Boston Massachusetts.



Rebecca Schulte, a member of the Central Florida Chapter, is now HR Manager at Dean Mead, PA, in Orlando, Florida.



Agatha Welch, a member of the Chicago Chapter, is now Chicago Office Administrator at Roetzel & Andress, LPA, in Chicago, Illinois.



Sharon Williams, a member of the Arizona Chapter, is now Regional Recruiter at Lewis Brisbois in Phoenix, Arizona.

What's Happening at Headquarters



Calling All Volunteers: Welcome New Members with a Thank You Note

We all know that feeling of getting something “fun” in the mail. Now you have the opportunity to put some joy in someone’s snail-mail box.

The ALA New Member Welcome Notecard Program was created to welcome and thank new members and provide them with an introduction to ALA and the deep connections and relationships that members can build. That’s where you come in: We need volunteers to handwrite these “welcome and thank you” notecards for new members. ALA provides everything you need to get started, including some sample messages for inspiration!

Get the full details on this microvolunteer opportunity by visiting alanet.org/welcome-notecard.

Announcing ALA's Newest VIP Business Partner

ALA and GLJ Benefit Consultants are excited to share with you details on ALA’s newest VIP Business Partner: Aflac, your VIP Business Partner for Supplemental Benefits. This new ALA Aflac offering is for firms of all sizes and offers accident, hospital and critical illness insurance. Whether you already offer Aflac at your firm or not, be sure to check out the special offerings available to you through your ALA membership. Check out the details online at ALAducksinarow.com.



Mental Health First Aid Is Back: Sign Up for Winter Sessions

Our popular Mental Health First Aid Certification Program is back! The program is an interactive training course comprised of 2 hours of self-paced content (to be completed online independently prior to the live session) and one 6.5-hour instructor-led session over Zoom. The one-day training program will be offered on four separate Fridays in January and February 2023.

Don’t hesitate! Register now at alanet.org/mhfa. Those who complete the program are eligible to receive 7.5 credit hours toward their CLM certification.

What's Happening at Headquarters

Check Out These Upcoming ALA Webinars

This time of year gets crazy but be sure to carve out a couple of hours to continue your professional development with these two upcoming webinars:

 **Using Data Analytics in the In-House Legal Department: November 30 at 2 p.m. Central**

Join us for an interactive discussion on how to use data analytics in the legal department. The presentation will go deep into why data analytics matters, how to gather data, and — most importantly — how to use it to pull useful insights and prepare KPIs/dashboards that can be used with the department or with the C-Suite.

 **How To Build A Killer Brand: December 7 at 2 p.m. Central**

Great branding is all about putting your best face forward. It's about standing out and being noticed as one consistent voice. It's about easily conveying what you do as a business. If your brand is not exhibiting these three major components... then it's time to do something different.

Head over to alanet.org/upcoming-webinars to register today!



Join Us in Seattle for ALA's 2023 Annual Conference and Expo!

Registration is open for ALA's 2023 Annual Conference, taking place May 7–10 in Seattle, Washington. Don't miss the chance to join thought-provoking educational sessions, network with your fellow administrators and learn about the products and services business partners offer. Visit alanet.org/conf23 for more info and to sign up.