

# LEGAL MANAGEMENT

OCTOBER 2020  
VOLUME 39 • ISSUE 9

THE MAGAZINE OF THE ASSOCIATION OF LEGAL ADMINISTRATORS

## Communicating with Clients Via Today's Technology

Find out how tech tools are defining law firms' conversations.





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## Welcoming the Internet of Things to Our Legal Organizations

*Welcome to day 210, give or take, of our increased reliance on all things electronic. Whether the device is in our hand, on our wrist or sitting on our makeshift home-office desk — aka kitchen table — 2020 has changed the way we live and work.*



**DEBRA L. ELSBURY, CLM**

2020–2021 ALA President  
Firm Administrator, Threlkeld  
Stevenson

“Reach out to ALA in your time of need and question. #ALAIshere is more than just a slogan — it is a lifeline to members.”

Our behaviors shifted as the coronavirus spread and pushed us to our devices. We rely on VPNs to work outside our usual office without our usual desk. We rely on Zoom to meet without being physically present and without high-end video equipment. We rely on Microsoft Teams for internal meetings, replacing check-ins and phone calls with coworkers who used to be down the hall. We rely on the internet to conduct business, read the news and teach our children. We rely on apps that might not have excited you before, but now suddenly became a new priority — NextDoor to connect with our neighbors, Pinterest to connect to our hobbies, Yummly to feed our bodies and Headspace to feed our souls. We downloaded our local news sites as we tried to learn how the pandemic is affecting our hometowns and bookmarked the Centers for Disease Control and Prevention to learn how the pandemic is affecting our country. Our reliance on technology is off the charts.

The practical deployment of the Internet of Things (IoT) is hot. According to the international research firm Gartner, it is estimated that by the end of last year, there were 3.8 billion connected “things” out there — from thermostats, door locks and heart monitors to automatic store checkout, geofencing and smart cars. Gartner also estimates there will be 25 billion of these smart devices by the end of 2020. Many see this upsurge as the start of a fourth Industrial Revolution: first steam, then electricity, followed by wired computers to now, the IoT. Many see this as a bit of hot air. Your view depends on who you listen to. However, regardless of who you listen to, the impact is here, the impact is obvious and the impact will change our futures.

The legal profession is steeped in tradition, and we find that same tradition sometimes counters technical advancements. Attorneys typically prefer conventional tools and resources. However, legal organizations are no longer exempt from the changes happening around them. No longer will the “way we have always done things” be the way things get done. As clients demand representation in the most effective, efficient manner possible and the demands on our industry to lead in that effort are increasing, we as legal managers need to assist our organizations in that charge.

One of the biggest hurdles for technology is the fear of replacement. When artificial intelligence (AI) provides a draft contract to your home printer in a matter of minutes after answering a few questions instead of a few hours after a call, that is a twist of the knife directly in the heart and soul of attorneys. This is a valid concern when you view the practice of law solely from the billable hour context. When you bill by the hour, new and efficient processes could mean fewer billable hours. That could translate into fewer earnings, which could lead to a need for new revenue streams. And round and round we go.

In his book, *Tomorrow's Lawyer*, Richard Susskind predicts that in the next two decades, lawyers' work will drastically change and traditional businesses that fail to adapt will undoubtedly not survive. In 2012, the American Bar Association amended Comment 8 to *Model Rule 1.1* related to competence (emphasis added), adding that “to maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practices, including the benefits and risks associated with relevant technology.” This raises the question: If in a few years, will the nonuse of technology lead to malpractice liability? It is a question worth consideration.

As our clients evolve, the expectation of attorneys to step up to the technology plate with the most up-to-date tools available to them will continue to increase. But have no fear! Innovation can coexist with tradition within a profitable legal organization. Embrace the increased growth and advancement that comes with tech advances, such as legal research, document review and legal billing so your organization can embrace what makes lawyers indispensable — the human touch. Client interaction is a vital part of the profession, and no computer or program can replace that. Highly prized legal representation is personalized, and successful organizations recognize the power of forming professional bonds with their clients. It is what makes them repeat clients.

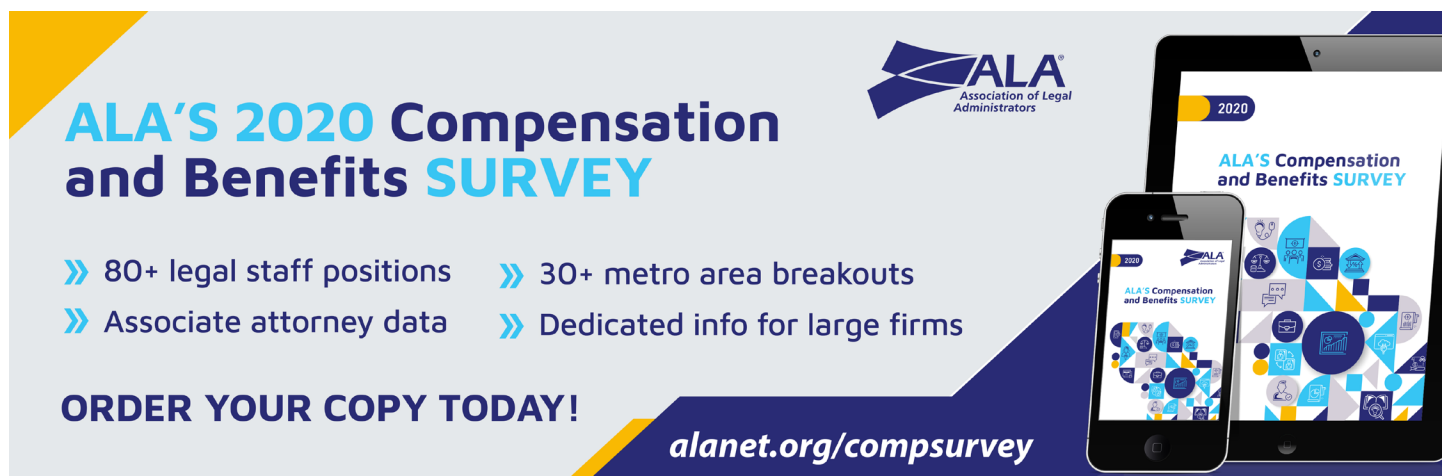
October is our technology issue, so you'll find some articles on how the latest innovations can help your firm be more efficient, including our cover story, which explores how to communicate with clients via today's technology. We also have a feature that highlights how AI can bring time savings to small and midsized firms.

So, while still working through the permanent impact of the pandemic and the way we conduct business, keep those bonds forefront. Maintain your connection with your staff, attorneys and clients. Maintain your connection to apps that fill your soul. Shut off your electronics and make time for your family and friends. Reach out to ALA in your time of need and question. #ALAIshere is more than just a slogan — it is a lifeline to members.

At the end of the day it is you looking back from the mirror. Be proud of that reflection. You are doing good work in a less than ideal situation.

As always, it is my pleasure to work for you and with you.

 [Debbie@threlkeld-legal.com](mailto:Debbie@threlkeld-legal.com)



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**JAMES HARRISON**  
Founder and CEO  
INVISUS

## Your Remote Workers: A Target for Cybercrime

*Work-from-home (WFH) is here to stay. COVID-19 accelerated the transition to remote working and has left many firms struggling to manage the ripple effects of cybersecurity and compliance.*

During times of chaos and change, cybercriminals capitalize on poor planning and uncertainty.

Hackers worldwide have stepped up their game, including targeting remote workers to gain easy backdoor access to corporate systems to then carry out ransomware attacks and steal client data.

In a recent Barracuda Networks study, 46% of businesses already had at least one cybersecurity incident within the first two months of shifting to remote work. Other reports show the number of data breaches skyrocketing by as much as 300% since COVID-19 and the surge in remote employees, with ransomware attacks up 90% alone. Many companies, including law firms, already have suffered data breaches.

At this crucial time, one successful cyberattack could deal a devastating financial and reputational blow to your firm, including liabilities and penalties for noncompliance with data breach laws. Unfortunately, it is not a matter of if but when a remote worker will inadvertently cause a cybersecurity incident. Employees will now have to play a much more active role in maintaining cybersecurity.

Now is the time to focus your firm's efforts on a secure and compliant remote workforce plan.

“Encourage or help employees set up a separate Wi-Fi connection for work, isolated from all other computers and devices such as smartphones, home security systems, smart TVs, gaming systems, smart thermostats and virtual assistants.”

## WFH RISK FACTORS

Here are some of the most common ways employees can be a security risk working from home.



**Phishing emails:** Remote workers tend to let their guard down in the comfort of their home. A fake email can trick the employee into clicking on malware-laden links or attachments, giving hackers access to or control of the computer and, ultimately, access to your firm's network.



**Home office insecurity:** Managing the security of employees who work from home can be a monumental task due to insecure home Wi-Fi networks that are connected to other computers and devices, not to mention the difficulty of keeping computers and work documents inaccessible from everyone else in the home.



**Bad security software:** Some remote workers use their personal computer for work. Without adequate security software, along with regular checkups and oversight, it can be a gaping security hole.



**Shadow IT:** Without easy access to expert technical support, employees may try to troubleshoot their own computer and network problems or ask a friend or family member for help, potentially creating big security risks and unauthorized access to confidential data.

## BEST PRACTICES

As employees are getting used to the new reality of working from home, firms are under pressure to make sure they can continue to work safely while maintaining compliance with federal, state and industry data security requirements. Here are a few best practices to consider:

### Network Vulnerability Testing

Setting up remote employee access to your firm's systems can introduce a number of security risks. If you open remote access on your firewall or server, ensure it's configured properly to prevent hackers from using known vulnerabilities like Remote Desktop Protocol (RDP). Now is a good time to have your firewall or network server tested by a qualified third party to look for remote access security risks and other known exploits.

### Computer and Home Wi-Fi Security

Make sure the employee's computer (whether personal or corporate-provided) is locked down with approved antivirus and regularly maintained with security checkups including software

updates and patches. The same applies to mobile devices. If you don't have the means to easily do this type of maintenance across a distributed workforce, consider sourcing external help. Be sure to secure the employee's home Wi-Fi network with proper levels of encryption and password strength. Encourage or help employees set up a separate Wi-Fi connection for work, isolated from all other computers and devices such as smartphones, home security systems, smart TVs, gaming systems, smart thermostats and virtual assistants.

### Data Access Protection

Limit access to confidential and sensitive information with strong passwords and, where possible, multifactor authentication (MFA) for accessing the computer, cloud services and the firm's network. Using approved or firm-provided virtual private networks (VPNs) should be mandatory for remote network access.

If an employee's computer is compromised by a hacker, a VPN can essentially turn into a direct backdoor channel for cybercriminals to access the firm's network — because the attack is coming via a known, trusted connection. It is vital to ensure every employee's computer, mobile device and home network are all secured, patched and checked regularly.

### Security Awareness Training

In addition to regular cybersecurity awareness training for all employees, anyone given authorization to work remotely for any amount of time should complete training on your company's WFH security best practices. Employees should also sign appropriate information security and nondisclosure agreements that include details of your firm's WFH policies.

Consider providing all personnel with continuous security awareness updates and alerts about the current known threats they should watch out for.

### On-Demand Technical Support

Be sure to provide employees with access to remote technical support services to troubleshoot and resolve any tech or security issues with their computer or home network. Employees should be prohibited from fixing problems themselves or asking a friend or family member for help with a computer being used for work purposes.

If your firm does not have the capacity to provide this level of on-demand remote tech support, there are expert solutions available that work together with your current IT infrastructure to save your firm time and money — as well as keep your workforce productive and secure.



### Incident Response

WFH employees should be reminded of their responsibility to report any potential cybersecurity or data breach incident, no matter how small. Failure to report incidents in a timely manner can increase the costs of a data breach and impact compliance with data breach disclosure laws.

Breach response, containment and investigation now may involve looking at an employee's personal computer or setups in their home environment. Your WFH plan should include policies and procedures that allow your firm to conduct necessary and timely breach response activities through a remote workforce setup.

It is also advisable that you review your cyber insurance policy for any exclusions or special conditions for incidents related to remote employees.

## COMPLIANCE

Ensuring data breach compliance for law firms has never been more critical with the dramatic increase in cybercrime, the targeting of remote employees, and the rapid convergence of our personal and professional lives.

By adopting these best practices and taking steps toward improving your firm's security, your firm can mitigate the cyber risks with this new normal.

### ABOUT THE AUTHOR

**James Harrison** is the Founder and Chief Executive Officer of the cyber defense solutions company INVISUS. As chief strategist and product visionary for INVISUS, he led the development of the company's cybersecurity, identity theft, and InfoSafe® data breach compliance and breach response lineup that protects businesses and organizations throughout the United States and internationally. Harrison frequently writes for, speaks and trains in a wide variety of industries and trade groups, including speaking at several ALA conferences and chapter meetings in association with ALA VIP business partner BreachPro.

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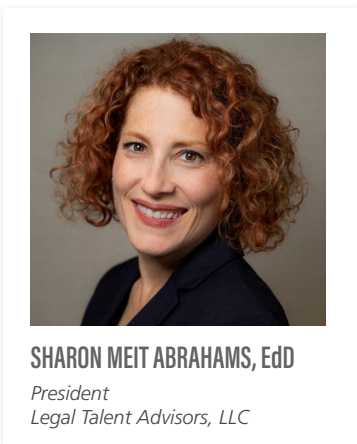
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SHARON MEIT ABRAHAMS, EdD  
President  
Legal Talent Advisors, LLC

## Thinking About De-equitizing a Partner? Consider This First

*Dealing with underperforming partners is one of those topics firm leaders avoid. It's an uncomfortable but often necessary conversation: Altman Weil reports in their 2019 Law Firms in Transition Survey that 84.2% of firm leaders say they have "chronically underperforming lawyers."*

The firm may turn to you to have "the talk" with the underperformer. But where should you start?

Firms think of the underperformer as affecting the bottom line, which is true, but there are other costs to consider. Think of how clients are impacted. If a partner is failing to provide the quality of service your firm is known for, client confidence declines and work will begin to disappear.

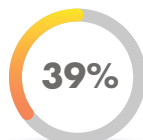
Thinking internally, a poor performer impacts inter-partner relationships as well. When a partner sees another partner drawing income from the firm but not doing their share, tension begins to build. If allowed to continue, unaddressed partners will begin to resent the firm leaders for not managing the situation.

Many firms handle the underperformer in a punitive fashion. The Law Firms in Transition Survey points out that 90% of firms will reduce compensation; 39% will de-equitize the partner to address the issue. Further, the survey reports that 61% of firms end up removing the partner from the firm in the end.

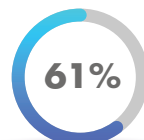
But there is another way to address this issue which is where you can take the lead.

“When a partner sees another partner drawing income from the firm but not doing their share, tension begins to build. If allowed to continue unaddressed, partners will begin to resent the firm leaders for not managing the situation.”

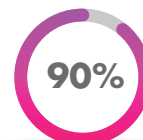
FIRMS WILL DE-EQUITIZE THE PARTNER



FIRMS WILL END UP REMOVING THE PARTNER



FIRMS WILL REDUCE COMPENSATION



## DO YOUR HOMEWORK

Start with identifying what makes the firm think this partner is underperforming. Are they billing less than expected hours at their level of the partnership? Are they failing to manage engagements that are profitable? You must start with examining your firm's expectations of a partner. Do all the partners know what it means to be a partner in your firm? How do they know?

It's hard to hold partners accountable to an intangible idea of what it means to be a partner if it's not written down. Your firm might or might not have written expectations around these categories:

- Hours
- Business development
- Case/matter/team management
- Practice/department/office leader
- Firm leadership roles
- Civic/association involvement
- Collegiality

It would be wise to research the percentage of partners who meet the expectations before speaking to the underperformer. It will put you in a bind if an underperformer points to another partner with the same issue who has not been addressed as an underperformer.

## BE A COACH

There is a lot of talk about coaching in the workplace and this is one of the circumstances that it is a best practice. If the firm has asked you to get involved, then you can coach the partner instead of executing the punishment. The firm may still want to reduce compensation, but you will be offering a solution — a way back on track that might lead to their compensation eventually being restored.

Begin with gathering information from the partner's colleagues, direct reports and, if appropriate, clients. Obtaining financial data is next, followed by learning about any prior communications the partner may have received about performance. Be sure you know and understand the firm's expectations, so you can speak authoritatively about what needs to be achieved. Finally, identify resources that you will be able to offer giving the partner support in making improvements.



Once you have a dossier, the coaching can begin. The first step is to take personal feelings and emotions out of the equation. The partner might be someone you have known a long time and have a personal relationship with, so this task will be uncomfortable. But stay focused on the goal and remember you are helping the partner. That will keep emotions in check.

Ask the partner to share issues and concerns they are having at work. There might be some simple solutions like training or tools that can help them. It is possible that there are circumstances outside of work that are affecting their performance that they have not shared with the firm. If you approach the conversation with success in mind, the attorney will be more open to sharing.

Embracing the philosophy around the old adage that says "If you teach a man to fish ...," ask the partner to determine their own course of action to improve performance. You can offer resources once they have stated what they need to do to repair the situation. And finally, you will need to hold the partner accountable for their commitment to change.

It can be stressful to coach your own partners, but it can also be rewarding. Once a partner has successfully turned around their practice, they will be invigorated. You might see them begin to excel and have more energy to put back into the firm. This is how to move an underperforming partner to a productive one.

### ABOUT THE AUTHOR

**Sharon Meit Abrahams, EdD**, is a legal talent expert who has coached hundreds of attorneys over the past 25 years some of which used to be underperformers. She coaches firm administrators on how to coach their own attorneys.



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Inclusion Nation

“  
‘If you knew their hearts,  
you’d know’ is the excuse  
I’ll hear. Well, I can’t know  
their hearts. Their actions  
are all I have to go by.”

## Excerpt from *Authentic Diversity: How to Change the Workplace for Good*

*The following is an excerpt from Michelle’s new best-selling book, Authentic Diversity: How to Change the Workplace for Good. Reprinted with permission.*

### REALITY CHECK #1: THIS ISN’T A COMFORTABLE BOOK

If you are a White workplace leader, then this book is likely to make you feel very uncomfortable. I’m not going to pat you on the back and say what a great job you’ve done. We have become far too comfortable failing at equity. Too many leaders are OK with saying, “Well, that’s just the way it is!” Or we make the following excuses:

*“There aren’t enough qualified people!”*

*“We don’t have the time to train them!”*

*“They aren’t applying for the job!”*

*“We have to hire and hire fast!”*

*“They wouldn’t have cut it here anyway!”*

Let me repeat: those are excuses. They are rationalizations to avoid putting in the hard, self-reflective and often painful work of diversity, equity and inclusion. Leveling the playing field means incurring the wrath of those who have been winning on that uneven playing field all this time. Are you ready for that anger? That resentment? I want you to be honest.

Are you ready to get uncomfortable? Are you ready to be challenged? Are you ready to do more than pay lip service to diversity? Are you ready to be held accountable? Are you ready to put your money where your convictions are? Are you ready to be bold? Be brave? Are you ready to think about the world differently? If you’re not ready then get ready because I want you to change the workplace, and changing the workplace takes hard work. It takes courageous leaders standing up to say, “This may be the way we’ve always done it, but here is the way we are going to change it.”

## REALITY CHECK #2: "THEY'RE SO WELL-INTENTIONED"

Do you know how many times I have heard people say that their leadership, their managers or their employees are all "well-intentioned"? I know we do it because we think words like "racism," "discrimination," "sexism" and "transphobia" apply only to bad people. They do not apply to good, "well-intentioned" folks. "If you just knew their hearts, you'd know" is the excuse I'll hear. Well, I can't know their hearts. Their actions are all I have to go by. Show me the proof of good intentions — because that person who just sent the email excoriating your organization for its lack of gender diversity doesn't care if your leaders were well-intentioned; she cares about what they did.

Simply put, assuming everyone is well-intentioned prioritizes one person's comfort over another person's pain. The focus has to be on the impact of the actions: the homogeneity that results from well-intentioned choices that you and your recruiters have made; the inequity that results from well-intentioned policies that you and your managers have put into place; the exclusion that results from well-intentioned actions that you and your employees have performed.

Look at the data. Look at the numbers. Look at the exit interviews. Look at who is staying and who is leaving. And realize this: falling back on "well-intentioned" will leave you right where you started — focused on the successful majority and how well-intentioned they are, rather than on the marginalized minority and how excluded they have become.

## REALITY CHECK #3: I AM BLACK, BLACK, BLACK

This book is written by a Black woman in the American workplace. I will tell a lot of stories about being Black. I will talk about anti-Black racism in America. I will talk about my own journey to antiracism. I will tell my story. That story is from the perspective of a marginalized identity in today's society, a Black woman in America.

But there are many other marginalized identities. I use terms such as "marginalized" (those who have been historically excluded due to their identity from power structures in their society), "minority" (those who are disadvantaged in relation to the dominant social group, the "majority"), and "person of color" (a person who is not considered White), "BIPOC" (Black, Indigenous and people of color, to acknowledge the unique experiences of discrimination faced by Indigenous people and Black people), knowing that they are messy, imperfect terms that encapsulate millions of people in America at the intersection of particular cultures, races, ethnicities, genders, orientations, beliefs, families, histories and stories.

I want to confess this at the beginning because much of the challenge I see with diversity is that we are so nonspecific in our efforts, often deliberately because it is harder to be specific. We speak as if every marginalized professional has the same challenges. It's also why we use the term "diverse" so we can be broader rather than specific. It is comfortable to be broader; it's much more uncomfortable to be specific. That's why terms continue to evolve — for example, using anti-Blackness rather than racism — to ensure that we are specific in what actions we are discussing and what solutions we are putting into place.

I will try to be specific. I am a Black, straight, cisgender 37-year-old immigrant woman without a disability speaking from a Black, straight, cisgender 37-year-old immigrant woman without a disability's perspective. I constantly work to be inclusive in my examples and in my language, so I want to be honest about my lived experiences from the start. I am writing a book about diversity, but I will speak a great deal about race, specifically about Blackness. I will not wave my hands in the air to distract you while I pretend that my particular lens does not exist. I might not always succeed. That's why you're here to hold me accountable.

But I called this book *Authentic Diversity* for two reasons. First, because "diversity" is still the language of the workplace — for now — and my focus is the workplace. Second, because I get



calls from leadership and, to a person, those calls have similar complaints and concerns. Then I talk to their marginalized employees. And, to a person, those calls have similar complaints and concerns — across organizations, across industries, across cultures, across countries, across identities. Their stories about being excluded, overlooked and ignored; about the assumptions made about their competence or lack thereof; about accommodations that cannot be made for them but magically appear for others; about the in-groups that they are not a part of; about the jokes that they have seen sent in emails; about the extra unpaid work they have to do; about the hurtful statements made about them; about the belief that they should be “this” because they look like “that”; about the rules that are never explained to them but that they are expected to compete with; about the competition that is already stacked against them before they even come in the door; about the constant, unending, emotional toll of being a marginalized employee in the workplace.

So no, I cannot and will not speak for everyone. ... It’s time to learn the old rules of diversity, the rules that can no longer stand.

Are you ready to change the workplace? Good. So am I. Let’s begin.



### Tune In for More

Michelle Silverthorn recently sat down for an episode of ALA’s podcast, *Legal Management Talk*. She discusses the current state of diversity, inclusion and equity and whether a permanent shift is coming to the workplace. Listen at [alanet.org/podcast](http://alanet.org/podcast).

### ABOUT THE AUTHOR

**Michelle Silverthorn** is the Founder and Chief Executive Officer of Inclusion Nation, a diversity consulting firm that partners with forward-thinking organizations to design authentic, inclusive workplaces built for success. She’s the author of *Authentic Diversity: How to Change the Workplace for Good*, and a graduate of Princeton University and the University of Michigan Law School. She lives in Chicago with her husband and two daughters.

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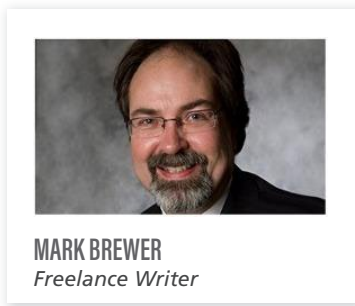
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**MARK BREWER**  
Freelance Writer

“AI has matured to the point where many software companies are now offering AI-based solutions to remove the tedium from interacting with technology, and many of these tools can help small and midsize firms cover more ground with less effort.”

## The Gift of Time

*Small and midsize firms and departments can recapture more time and money with AI.*

Technology has made a lot possible for law offices, but people still play a huge role in making it deliver on its promise. While technology helps manage the office, matters and documents, people still need to interact with it to do the filing, organizing and retrieval. Many of these microprocesses are repetitive, tedious, time-consuming and prone to error.

What if you could remove the common day-to-day friction required to make technology work and, in the process, free up precious time that can be put to better use building the firm? Artificial intelligence (AI) is beginning to come of age, and the right tool applied to the right process can provide tangible benefits.

AI has matured to the point where many software companies are now offering AI-based solutions to remove the tedium from interacting with technology, and many of these tools can help small and midsize firms cover more ground with less effort.

### HOW SMART IS AI?

AI is a broad category that includes natural language processing — where a computer reads and writes text as part of a larger process, such as analyzing a mountain of documents quickly or drafting routine documents — and machine learning, where an AI application is trained to program itself.

So the question is, who does the training? “Law firms expect AI to be smart right from the start. Many AI solutions require significant setup efforts at the very beginning of the engagement to teach it,” says Trevor Bell, Chief Customer Officer at ZERØ, a software development company that focuses on solving operational challenges for law offices. “AI should come in pretty smart already and it gets smarter as it grows.”

Law firms have common processes, which gives software developers an incentive to solve problems across the industry. Many of these targeted AI applications are designed specifically to remove friction from processes, what Bell calls administrative and cognitive drag.

“Cognitive drag happens when you’re attending to small administrative tasks — the little things that drag down the critical thinking you’re already doing for your legal work,” says Bell. “Anything AI can do to reduce the administrative and cognitive drag for a lawyer essentially allows them to focus on the practice of law.”

The low-hanging fruit for AI in law offices is the ability to automate tedious, repetitive and error-prone tasks. The gray area is the amount of customization required by law firm personnel to get value from the tool, and the amount of special expertise required to do the customization.

Bell says there are complex, data-driven AI applications that do require special expertise. “[However,] there are so many variations of AI and machine learning that you can find the sweet spot that doesn’t require you to be a computer programmer in order to take advantage of it.” He says that while IT support is required for any new office technology, you don’t have to be a wizard to take advantage of AI.

Plus, today’s AI can help firms in several ways:

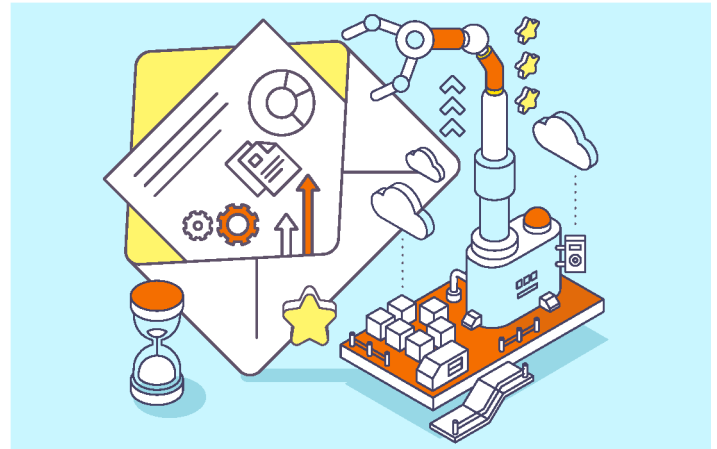
**1. Find the Needle in the Haystack: Automated Document Review**

Automated document review, also called predictive coding or technology assisted review, can be a real time-saver for smaller offices and can put your firm on a more equal footing with larger firms with more human resources for document review.

Automated systems can review stacks of documents in a fraction of the time of human reviewers with the potential of superhuman accuracy. Nontechnical personnel train the system for each matter to be reviewed by seeding the system with known relevant documents. The system writes its own algorithm based on your input. Humans do more back and forth with the system until it is flagging documents accurately.

**2. Get the Money: Recapture Lost Billable Time**

Most attorneys are fanatic about billing all their time, but some time can still slip through the cracks. For example, emails must be filed with the correct matter, something Bell calls “a required inconvenience.”



But if your lawyers are fielding hundreds of emails a day, the administrative drag can be significant and the time invested in responding to emails may not be fully documented. Some AI tools automatically file emails and capture the associated billable time.

**3. Pleading for Time: Automatically Draft Routine Documents**

Pleadings and other routine court documents can be drafted automatically. The more mundane the document, the better the results. A firm employee enters jurisdictional requirements, and the software provides standard answers and responses, reducing the time commitment from hours to minutes.

**4. Dot All the I’s: Automated Contract Review and Due Diligence**

AI tools developed specifically for contract review can analyze contracts for consistency and completeness. AI can quickly sort through a large volume of contracts and flag individual documents based on firm-specified criteria. It doesn’t take the human element out of the picture, but it makes the humans faster and more effective. AI contract review can recognize patterns and identify core concepts within a set of contracts. AI tools help identify potential issues and, in the process, may help the client get a better deal. These tools also help lawyers stay compliant with laws, regulations and deadlines. Contract review tools can also assess risk by identifying terms and clauses that don’t meet requirements and can reduce risk of human error in drafting contracts.

**SELECTING A PRACTICAL SOLUTION FOR YOUR FIRM**

If you’re considering AI for your office, there are some criteria to consider for selecting an AI tool that’s effective and practical for offices with limited resources for new technology:



“The low-hanging fruit for AI in law offices is the ability to automate tedious, repetitive and error-prone tasks. The gray area is the amount of customization required by law firm personnel to get value from the tool, and the amount of special expertise required to do the customization.”

**Is It Easy to Learn?**

Select tools that are smart out of the box with automated training. If the tool requires significant time and effort to configure, be sure that the expected ROI exceeds the resources to customize and that you have the resources to do it.

**Are There Infrastructure Requirements?**

Do you need to provide your own servers, storage or compute resources to run? If so, quantify these requirements to ensure the solution is practical for your office.

**Is It Secure and Compliant?**

Too many law firms have been burned by vendors with inadequate security. Many AI tools are cloud-based, add-on

widgets that are not native to your IT system. If the AI is a big brain sitting on a server somewhere, you may need to open access from the application to your network or host the application’s work on the vendor’s system. Make sure that any tool you consider makes it easy to comply with data legislation, ethics requirements, client-specific and firm-specific requirements, and doesn’t expose sensitive information outside of the tight circle of those who need access to it.


**DON'T GO BLINDLY INTO THE NIGHT**

It’s possible, perhaps likely, that lawyers will ask for an AI tool to be added to the firm toolbox. Bell says it’s important for IT professionals not to automatically say yes to these requests, only to find out it’s fraught with complexity and compliance issues. Make sure it meets your requirements first.

**ABOUT THE AUTHOR**

**Mark Brewer** is a freelance writer who helps decision makers understand technology, trends and ideas to make them more effective in their work.

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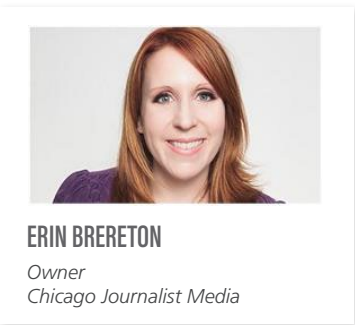
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# Communicating with Clients Via Today's Technology

*Find out how tech tools are defining law firm conversations.*

“If the firm allows for communication via text and it's secure from their standpoint, I can see that working. But I would imagine most are probably directing clients to more secure channels like email because it's administered by the firm.”

Decades ago, law firms had fewer ways to interact with clients: in-person meetings, primarily, coupled with phone calls and written correspondence.

Major technological advances in recent years — ranging from the advent of email to high-quality videoconferencing capabilities — have introduced numerous ways to reach out and respond to clients.

Many have provided additional convenience. But given the sheer number that are available, determining the ideal client contact method can be a daunting task.

A formal communications policy is a good place for firms to start, says Robin Zaleski, a former law firm Relationships Director and current Owner of Hello Consulting, which advises law and other professional firms on communication practices.

“If the way you communicate with clients is something you feel is part of your brand, the best way to communicate that to employees is by documenting it — because that means it's not a suggestion,” Zaleski says. “If that's part of the vibe of the firm, it needs to be part of the internal structure of how it works.”

To ensure communication expectations are clearly defined, firms may want to address specific types of tech-related interaction in their communications policy. The following are some suggestions.

“Clients can find answers to lots of their questions, especially since they can read the notes we have left directly on their cases. This saves our attorneys time to tackle some of the bigger parts of the cases. When we speak to clients directly, we can spend more time speaking about the case rather than the process.”

## THE TEXTING OPTION

Given texting’s popularity — 79% of wireless phone service subscribers solely used text messaging as of 2015, according to Nielsen research — it’s certainly feasible some clients may want to contact their attorney via text.

However, firms may try to steer clients away from that practice, says Jay Harrington, Attorney and President of Harrington Communications, which advises law firms on marketing and communications.

“If the firm allows for communication via text and it’s secure from their standpoint, I can see that working,” Harrington says. “But I would imagine most are probably directing clients to more secure channels like email because it’s administered by the firm.”

Even if firms aren’t concerned about the security aspect, texting can be problematic if a law firm has no way to tie content from text messages to its time tracking or other systems.

If no secondary solution is available to help firm members input texts into the firm’s client file storage system, firm members could, Zaleski says, take a manual approach and create a more traditional paper trail.

“If you don’t have the means to capture that in CRM software, there’s always space for notes — ‘Texted XYZ with a client; this was the gist of the conversation,’” she says. “That way, you have it for tracking purposes. There can also be reminders to make sure the hours [are logged]. It creates an extra step, but if you’re trying to capture all case information and make sure you aren’t leaving billing time on the table, staff has to get into the mindset of making a note of that.”

Firms may, of course, be able to avoid the need to manually enter information by simply not giving out attorney or staff cellphone numbers.

“It differs for every firm,” Zaleski says. “[Some] don’t want to go down that road, teaching clients [that] members of the firm are available by text 24 hours a day.”

## VIA VIDEOCONFERENCING

With numerous states issuing shelter-in-place and social-distancing guidelines in early spring, many law firms — 80%, according to an April survey conducted by software provider MyCase — shifted to a remote work model. Some opted to stay in touch with one another and clients through videoconferencing.

Videoconferencing tools were, in fact, the most popular type of technology law firms adopted in response to COVID-19-related needs. Sixty-four percent of law firms implemented them in the period between March and early April.

Like phone calls, videoconferencing solutions can offer a more personal touch than email, with the added benefit of visual conversation cues and being able to offer a more dynamic introduction to new clients.

However, Zaleski says offering another conversational contact option, such as an on-site chat function, may make clients who aren’t able to speak freely more comfortable — for example, someone who’s contacting a law firm from a workplace to schedule a divorce consultation appointment.

A number of firms, such as law firms with a significant personal injury or criminal offense practice, have also added chat functions to their website due to the nature of their work, Zaleski says.

“People don’t only get arrested between 9-5,” she says. “Some firms use a third-party service for a chat [feature] that’s installed on their website. Depending on how the service is being run, the agents have the discretion to determine whether or not [the conversation should prompt] a phone call or other communication from someone at the law firm.”

The chat feature on 15-attorney firm Herrman & Herrman P.L.L.C.’s website serves as a way for potential new clients to reach out to the Texas-based personal injury firm, according to attorney Jonathan Garza.

“It’s a format we use to communicate with clients initially,” Garza says. “Former clients, too — if [our specific contact information] was lost and they remember the name and log on to the website, they can re-establish communication.”

Through the chat feature individuals speak with a live person, who sends an email containing a transcript of the conversation to a group within the firm specifically tasked with taking action.

“During the chats, [people are asked] standard questions,” says the firm’s Marketing Director, Eric Holguin. “That’s sent over via email to the intake department, made up of nearly a dozen people, which follows up with the potential new client. There is also a form on the website people can fill out, and it’s sent to the intake department, so the time to follow up [on inquiries] is really quick.”

## COMMUNICATING WITH CLIENT PORTAL SYSTEMS

While a third of attorneys work at firms that use collaboration-oriented extranet sites, those communication tools are primarily reserved for internal lawyer and staff use, according to the most recent ABA TECHREPORT findings. Only 36% of clients are given access to the tools.

Some firms, such as the Los Angeles-based MKP Law Group, comprised of three attorneys, have opened the functionality up to clients with positive results.

Much of the firm’s client contact before this spring often involved phone calls and in-person appointments. However, when the pandemic prompted MKP to pivot to working remotely, Partner and Cofounder Jordan Peagler says the firm began using a client portal feature in its case management software that hadn’t been used before.

MKP found using the portal has helped keep clients informed — and also increased efficiency, according to Peagler.

“[It] gives our clients the ability to see claim updates and the status of their files easily via the internet,” he says. “Clients can find answers to lots of their questions, especially since they can read the notes we have left directly on their cases. This saves our attorneys time to tackle some of the bigger parts of the cases. When we speak to clients directly, we can spend more time speaking about the case rather than the process.”

With so many messages flying back and forth about cases, firm news and other topics, law firms may also benefit from using internal communication software for matter-specific or all messages, Zaleski says.

“It’s a good way for teams to keep track of conversations and keep their email inboxes uncluttered with internal communication,” she says. “That way, the inbox isn’t daunting. With [some tools], you can set a reminder to reach out again if a person didn’t respond, and it gets it back on your radar.”

## EFFECTIVE EMAIL COMMUNICATIONS

Email has been a widely used client contact method for years. Yet firm members still can — and do — insufficiently communicate information through it.

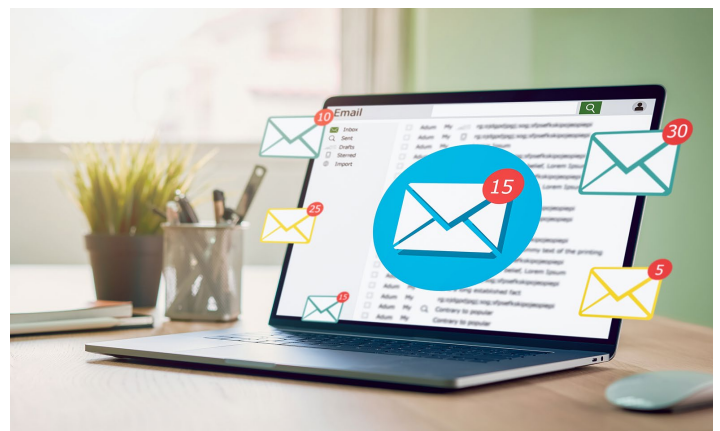
Some issues can be avoided by using the firm’s secure email system instead of personal email — for example, paying attention to who messages are being sent to and avoiding copying nonclients in emails that would otherwise be subject to attorney-client privilege. But Harrington says message regularity can present some challenges.

Clients who may be anxious because they’re unfamiliar with the legal process and don’t know what to expect could prefer more frequent touchpoints, Harrington says. That may be especially true in the current legal climate, with cases moving slowly due to courts closing over COVID-19 concerns.

Conversely, attorneys can also overwhelm clients with too much communication — sending lengthy, bloated email messages too often.

“It’s a big pain point for clients,” Harrington says. “They don’t feel like they have time to sift through tons of information. They just want to know the implications.”

Louisiana-based Spera Law Group switched to a system last October that uses data from email records, calendars, phone logs and other sources, along with automation. This helps facilitate communication, according to the firm’s Founder Andrew Legrand.



Spera feels reaching out to clients every couple of weeks is best. Reminders triggered by email and call log activity let an attorney know it's time to reach out to a client because it's been two weeks since they last sent an update.

The response, Legrand says, has been encouraging.

"We haven't gotten any complaints that we don't communicate enough or that we overcommunicate," Legrand says. "One of the metrics we've tried to track is how many times clients have asked for an update on what we're working on. We've brought that down in the past four months pretty close to zero because the system is prompting us to look at things more often. That number definitely has trended down."

Some firms, according to Harrington, survey clients at the beginning of engagements to determine the ideal contact frequency. "More firms are seeking client feedback," he says. "Some clients like being communicated to every day via email; others like once a week with a status report. It [gives firms] a better understanding of client preferences."

## MAKING MESSAGES SUCCEED

Client contact frequency, however, is just part of the equation. For a firm's communication efforts to be truly effective, the messages firm members send need to be informative, concise and clear — whether the content is delivered via email, text or in person.

That isn't always the easiest proposition for professionals who are used to crafting legal briefs and persuasive arguments, according to Legrand.

"For lawyers, that can be a challenging — really getting out of the muck of 'Well, maybe this and that' and 'I recommend this,'" he says. "Clients want the practical answer, not the law school answer, and those are often not the same."

After researching copywriting techniques, originally with more of a marketing intent in mind, Legrand realized he might be able to apply the principles to client communications. He says the knowledge has been tremendously beneficial.

"Learning the basics has helped me understand how to better communicate with people, especially clients," Legrand says. "Constantly revising emails, getting to the point quickly, making emails interesting and valuable — it really is that part of client communications that isn't taught in law school. Legal research and writing [are] great when you're making an argument. That's not how clients want to receive things."

### ABOUT THE AUTHOR

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

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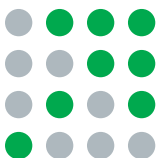


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**ERIC BUTTERMAN**  
Freelance Writer

“So often firms, their attorneys and staff, aren’t trained properly. They have click risk. Employees receive emails from known or unknown individuals that contain malicious links or attachments. These links or attachments, when clicked on, can cause a cyberattack resulting in data being stolen and firm being extorted.”

## Protection Under the Law

*You owe clients more than strong representation — you owe them strong security for their data.*

Early on, anyone interested in the law learns about client-lawyer confidentiality. But it isn’t just an overly friendly staff member’s loose lips that are cause for worry — it’s also loose security.

Tucked away within the hard drives and servers of law firms throughout the world is something as valuable as currency: information. So how do you protect your client beyond your professional obligation to keep a secret? How do you make your firm as tech-savvy as it is trustworthy?

### GETTING DEFENSIVE

Gary Salman, Chief Executive Officer of Black Talon Security, LLC, has worked with his share of firms from mergers and acquisitions to intellectual property. He knows how vulnerable and valuable a firm’s data can be.

“Hackers are adapting a relatively new methodology for extorting data and networks,” he says. “We call it Ransomware 2.0. In this scenario, hackers gain access to your network (often without you knowing), steal your data and then encrypt it. They then typically make two ransomware demands. The first demand is to pay them to turn over the decryption keys so you can unlock your encrypted files. The second is to prevent them from publicly publishing the data for everyone to see. Basically, they are holding you hostage twice.”

But there are things you can do to protect sensitive data. First, implement a multilayer approach when it comes to potential vulnerabilities.

“So often firms, their attorneys and staff, aren’t trained properly,” he says. “They have click risk. Employees receive emails from known or unknown individuals that contain malicious links or attachments. These links or attachments, when clicked on, can cause a cyberattack resulting in data being stolen and firm being extorted. Having a comprehensive



“We measure to make sure that our employees are being responsible from a security standpoint and that includes everything from password management and access to downloading applications. You need to have a clear policy, and it must be taken seriously.”

cybersecurity awareness training program is an almost must.” Salman says you must educate and empower everyone in your firm so they can make good decisions when it comes to using the internet and email.

“Vulnerability management and knowing what vulnerabilities exist within a computer or network are key. Usually it’s out-of-date software and software and/or improperly configured protocols. At its core, it’s a lack of being prepared.”

Melissa Ventrone, an attorney and Leader of the Cybersecurity, Data Protection & Privacy team at law firm Clark Hill, says her firm often has a different training program around every month or every other month. “Most incidents or exposure of data have some kind of personnel interaction in it, whether reaction to a phishing email, giving their credentials or some other kind of response. Law firms work so much with email and data and are responding to people all the time. We see even the tech-savvy falling for these scams.”

Vulnerability management on devices and firewalls is critical, Salman says, noting that if you don’t configure firewalls properly, you may be exposing your network and data to threat actors.

“When we test firewalls, about 60% of them are not properly configured,” he says. “We utilize sophisticated testing, vulnerability management and penetration testing to see if we can get at the data.” He says this type of analysis, called a penetration test, is designed to simulate a hacker trying to break into your network. Once this testing is complete, they can turn the findings over to the firm’s IT company or internal tech support department so they can mitigate the findings.

For vulnerability management, you install a piece of software on everyone’s device, and it mines the computer for known vulnerabilities. Salman notes there are approximately 20,000 document vulnerabilities.

The patch management end of a data policy plan should be managed by the server. “Don’t allow individuals such as an attorney or an assistant to make those decisions,” Salman



says. “What if they don’t want to do this update tonight and they want to do it next week or maybe a month from now? Now your computers potentially are vulnerable and could be weeks out of date.”

Multifactor authentication is also an important factor. This means using a minimum of two ways to identify yourself in order to get into something, such as email or your firm’s cloud service. This can be done with a password and a number from a device on your keychain. Or the second authentication could come over your phone. The key is to make it a difficult hack.

“Taking that next step for it means having it in place when it comes to any kind of vendor, IT support, help desk, any employee and any staff,” Ventrone says.

## WHEN A BREACH OCCURS

But a data policy isn’t just about preventing a breach but also having a plan for if it happens — because even a well-thought-out policy isn’t a 100% guarantee.

“For every breach response we’ve been involved in, it seems hardly anyone has had a plan in place for dealing with this type of loss,” Salman says. “Whatever your plan, it can’t involve a person who won’t deal with it until Monday morning if it happens on a weekend. You have to have a plan that deals with many aspects of an attack, such as legal, PR, business continuity, recovery, etc.”

Ventrone, who is also a Certified Informational Privacy Professional, recommends having a cyber insurance policy in case of a breach.

Andrea Markstrom, Chief Information Officer at Taft Stettinius & Hollister, says her firm takes a proactive and responsive philosophy, with a managed service provider in place to help monitor 24/7.

“On the security policy side, we made sure to have an information security policy in place that meet our clients’ requirements — along with our outside counsel guidelines — where we could know our clients’ data is constantly being monitored. We measure to make sure that our employees are being responsible from a security standpoint and that includes everything from password management and access to downloading applications. You need to have a clear policy, and it must be taken seriously.”

The bottom line is that if a firm is going to have a strong data policy, it comes down to having one before disaster strikes, not after.

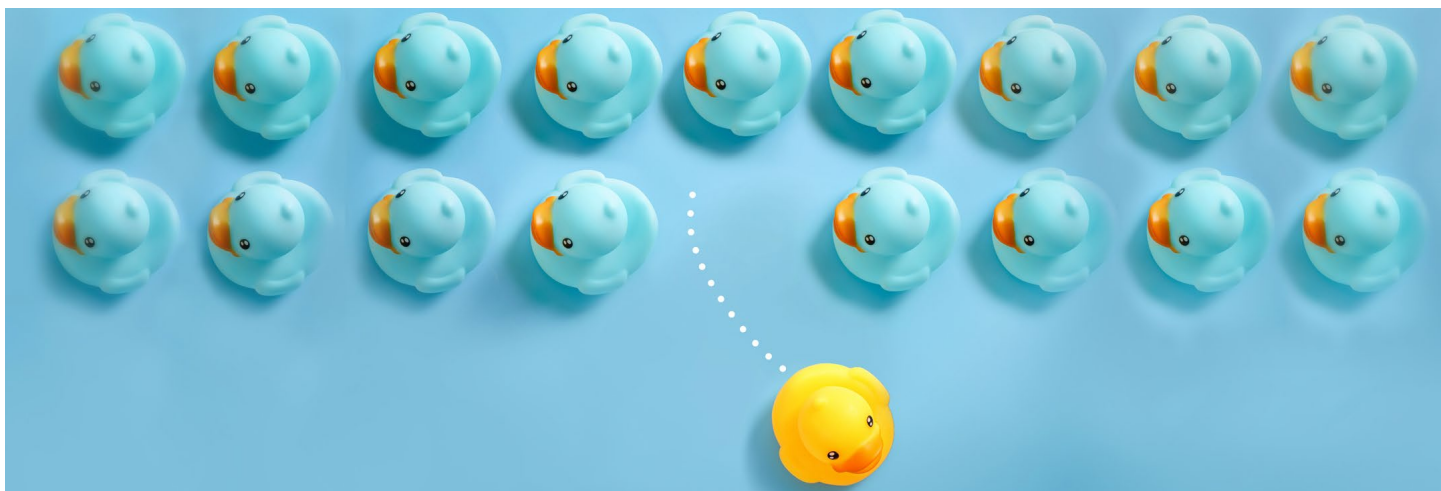
“Everyone sees the importance of it after the fact,” Salman says. “But the reality is, with a little due diligence beforehand, you have a much better chance of saving yourself from a nightmare later on.”

**ABOUT THE AUTHOR**

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

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**MICHAEL BRENNER, EdD**  
 Founder and Chief Executive Officer  
 Right Chord Leadership

## Amp Up Your Innovation: How to “Think Different” About Your Firm’s Business

*A few years ago, I was asked to lead an Innovation Task Force (ITF) at a major Philadelphia law firm. Our mission was to generate ideas for improving internal processes, leveraging new technology and producing higher-quality marketing materials. To prepare myself for this challenge, I drew from my experience as a professional jazz musician for over 35 years.*

“Simplicity is not something commonly associated with the practice of law. When it comes to innovation, though, being simple has its advantages.”

In a jazz band, players continually navigate the tension between the freedom to play virtually anything they wish “in the moment” and the well-defined structures that underpin the song being performed, i.e., its chord changes. I believe it’s an apt metaphor for law firms seeking to amp up their innovation.

The ITF and I started with four creativity-boosting principles drawn from jazz that help uncover new possibilities without requiring a drastic renovation of the existing business:

- » Audacity
- » Curiosity
- » Simplicity
- » Spontaneity

Audacity is the willingness to take bold risks and challenge the way things have always been done. My favorite jazz musicians embrace audacity by pushing the music in new directions; they possess little desire to repeat what they’ve already done. While law firms are not jazz bands, the need for audacious thinking within the limits of what is permissible is still paramount.

Many law firms (including my client) are introducing new models that change the way work has historically been accomplished: opening legal tech and consulting subsidiaries, alternative fee arrangements, lean and agile multidisciplinary teams, and the increasing use of high-tech tools and social media. If your firm is stuck in a “we’ve always done it this way” mindset, it runs the risk of getting left behind. Consider creating your own ITF and giving members free rein to question every process and practice.

## CURIOSITY

By remaining open and receptive to the ever-changing dynamics of the music, jazz musicians invigorate it with a sense of energy and animation. The opposite is true for those who react to new ideas with so-called “killer phrases” — statements that stifle creativity rather than fuel it. Such sentiments originate from our comfort with the status quo and ambivalence about change. But as the late American composer John Cage said, “I can’t understand why people are frightened of new ideas. I’m frightened of the old ones.”

Innovative law firms create an environment that fosters exploration, encourage dialogue and stimulate creative thinking. I saw firsthand with the ITF how avoiding the impulse to shoot down ideas can yield truly inventive solutions — so much so that I now urge my clients to eliminate killer phrases entirely. Consider instituting a similar ban within your team. Of course, not every idea will be implemented, but one great suggestion can make a huge difference.

## SIMPLICITY

Legendary jazz bassist Charles Mingus said, “Making the simple complicated is commonplace; making the complicated simple, awesomely simple — that’s creativity.” By simple, Mingus didn’t mean dumbed-down; rather, he meant succinct, laser-focused and easily understood. Simple concepts stripped of excess cut through mental clutter and “stick” with us. I’m reminded of the brilliant three-word phrase “*Jaws* in space” used to describe the 1979 blockbuster *Alien* to studio execs. Now that’s awesomely simple!

The ITF and I focused on simple ideas that could be implemented with relative ease and potentially yield outsized results. We also recognized that making these ideas stick with senior leadership would require precision in our messaging. Consequently, the team created a PowerPoint deck that only utilized bullet points and simple graphics. While I did not attend the final presentation, I later learned the firm’s leaders were impressed. I attribute this favorable outcome both to the quality of the ideas and their elegant simplicity.

Simplicity is not something commonly associated with the practice of law. When it comes to innovation, though, being simple has its advantages.

## SPONTANEITY

Jazz musicians revel in the act of improvisation because the joy of spontaneous creative expression is exhilarating. While familiar patterns and routine behaviors bring order and structure to our daily lives, they can also quash innovation. Creativity involves making unusual connections and seeing things from different angles. Habitual positions and viewpoints, though comforting, can stifle those processes.

The meticulous nature of legal work may seem antithetical to spontaneous creative thinking. To be clear, I’m not suggesting you turn your firm into an unruly free-for-all. But experiencing moments of spontaneity can be beneficial and enjoyable. Start small — a brief innovation challenge to kick off your next meeting or off-site, for instance. Explain its purpose, encourage everyone to participate (there will be a few cynics), and discuss how the activity connects to the firm’s core operations. I think you’ll find the lessons that emerge worth the time investment.

Steve Jobs once said, “Innovation is the ability to see change as an opportunity — not a threat.” As the legal landscape continues to evolve, now is the time for law firms to heed Apple’s iconic ad campaign — think different.

### ABOUT THE AUTHORS

**Michael Brenner, EdD**, is the Founder and Chief Executive Officer of Right Chord Leadership. He works with leaders and teams to strengthen the essential skills needed for peak performance. Brenner draws on two decades of experience as an international consultant, executive coach, keynote speaker author, as well as more than 35 years as a professional musician. He is currently on the faculty at Temple University, Penn State University, Immaculata University and American University.



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## Legal Managers: The Invaluable Dot-Connectors Within Law Firms

*The challenges we all currently face make managing more difficult. But now, and even on the best of days, law firm managers are vital assets of law firm operations. For marketing and business development (M&BD) professionals like ourselves, legal managers are indispensable resources and allies for our profession and daily work. Your efforts play a meaningful role in our mutual goals to build the business, foster meaningful connections with clients and align work streams.*

One of the commonalities we see between legal managers and M&BD professionals is we are inherent dot-connectors who ensure the right people and resources are aligned for success. Aligning this shared “superpower” can benefit a law firm’s bottom line immensely by:

- ✓ Thinking creatively and working together to charter new territory.
- ✓ Extending invitations to hear others’ points of view.
- ✓ Slowing down to consider if the procedures in place today are the right ones for tomorrow.
- ✓ Staying engaged and pushing the development of and adherence to best practices.
- ✓ Stitching the strengths of your people together to form the highest efficiencies.

Another commonality is that M&BD professionals and legal managers have a bird’s-eye view of the firm, its capabilities (both from a practice and capacity standpoint), and the nuances and preferences of the individual attorneys. It’s paramount in today’s climate that business services teams work to strengthen their relationships internally to fortify the firm’s success for the future. Together, M&BD professionals and legal managers can benefit by connecting the following dots.

“  
Together, we can collaborate to conduct and distill industry research and competitive intelligence to support lawyers in their efforts to stay abreast of topics that directly affect client business.”

## DOT 1: IN-PERSON/OFFICE EVENTS AS RESTRICTIONS EASE

As physical spaces begin to reopen, some discussions are taking place regarding what will and will not be permitted in the office. Legal managers are shaping what new parameters will exist, and marketing can play a role to communicate them internally and externally. Developing the protocols and corresponding messaging through teamwork is key so that the voice of the client is among those at the table. Legal M&BD teams can provide this critical point of view.

One of the key responsibilities of M&BD professionals is to help unearth the client's voice and translate which overarching issues keep a firm's clients up at night. Working alongside legal administrators, the team only gets stronger in shaping the advice ultimately given to clients beyond the legal details of the matter.

Together, we can collaborate to conduct and distill industry research and competitive intelligence to support lawyers in their efforts to stay abreast of topics that directly affect client business. In cases where lawyers have the opportunity to target clients and prospects via industry organizations and gatherings, legal managers and M&BD teams can relay knowledge that helps identify which groups may garner the desired audience and assist with tips and tricks for navigating the networking process therein.

## DOT 2: COMMUNICATING INTERNALLY AND EXTERNALLY

During the COVID-19 pandemic, we have all learned the importance of striking the right balance of voice and tone in your firm's internal and external communications. M&BD teams can work side-by-side legal managers to develop messaging for internal and external audiences on behalf of firm leaders. Legal managers offer valuable input regarding guidelines and best practices for reopening, while M&BD professionals lend communications expertise to ensure the messages resonate.

This group can team up to deliver instructive messaging internally regarding how to keep talent engaged and part of the team when working remotely, how things will change in the office when things reopen, and essential health and wellness actions that need to be taken.

Great things can happen when M&BD is connected to the training team, whether it resides with HR, professional development or IT. Herein lies a tremendous opportunity to make an impact on all aspects of firm communication that requires consistent knowledge sharing and processes.



## DOT 3: FINANCE AND ACCOUNTING

Bridging gaps between finance/accounting and M&BD is a great and welcomed service facilitated by operational leaders. Together, these departments can most effectively assess new business that has come in and based on that data recommend resources and tools to develop new clientele, as well as provide guidance on opportunities, challenges and other considerations that are unearthed. In terms of the client experience, M&BD can provide assistance in tailoring messaging to ensure that the communications with clients are consistent with the overarching brand as it relates to billing and collections.

## DOT 4: NEW FRONTIERS OF DIGITAL COMMUNICATIONS

In the shift to working from home, it became clear to many of us just how important the connection is between M&BD and IT. Zoom meetings, webinars and other virtual events may become the norm or preferred tools to reach and meet with clients. As digital procedures and technologies evolve, together we can strengthen the use of tech-oriented tools and the effectiveness of the professionals who use them (think Microsoft Teams, Zoom Breakout Rooms, ON24 Platform). For example, M&BD teams can create guidelines for conducting online events and meetings, provide tips for etiquette, and advise participants about headshots, virtual backgrounds and proper attire. If clients have preferred tech tools, we can assist by developing and implementing training resources in collaboration with IT.

Also, as firm management of intranets and websites evolves and more remote work is on the horizon, IT may appreciate input from our teams regarding guidelines for use. M&BD can add value to discussions surrounding *ABA Model Rules* and other best practices for communication. And documents that may be crafted on personal devices during remote work will need to be merged with the firm’s systems appropriately. M&BD can review instructions for tone and clarity, assisting the governance or record-keeping department in their need for compliance.

At the end of the day, whether you are a lawyer or in IT, HR, finance, administration, marketing or any other department, every action rolls up to the firm’s reputation. Together, taking the time to collectively shore up these actions will help ensure positive branding for the firm.

**ABOUT THE AUTHORS**

**Despina Kartson** is the Chief Marketing Officer for BakerHostetler. Active in the Legal Marketing Association, Kartson is the Co-Chair of its New York Chief Marketing Officer Shared Interest Group, a past member of its International Board of Directors, and a Past President of its Metro New York Chapter.

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**Get Hiring Data on M&BD Positions**

ALA’s 2020 Compensation and Benefits Survey is now available. It includes data for marketing and business development positions. Order your copy today at [alanet.org/compsurvey](http://alanet.org/compsurvey).

2020

Order your copy now!

# ALA’S Compensation and Benefits SURVEY

New job titles and responsibilities crop up every year as the legal industry evolves. ALA’s Compensation and Benefits Survey helps define these new positions and their value to firms. This year’s comprehensive report includes information from 850 firms in 7 regions.

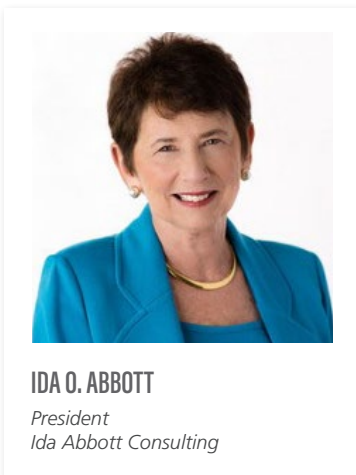
**PLUS:** An Executive Summary contextualizes the report and a supplementary white paper discusses the COVID-19 pandemic’s effect on compensation and more.

Survey participants have access to a dashboard that allows them to compare their firm to the competition — locally and nationally.



Get your copy today!  
[alanet.org/compsurvey](http://alanet.org/compsurvey)





IDA O. ABBOTT

President  
Ida Abbott Consulting

“Asking these questions ad hoc makes many partners feel defensive ... but discussing future practice plans with every partner at the same career point can make these conversations less fraught and more constructive.”

## Making Retirement Discussions with Your Senior Partners More Productive and Succession More Effective

*Discussing retirement with senior partners can be difficult under the best of circumstances, and the uncertainty caused by the pandemic won't make those discussions any easier. Several months of isolation and working from home might cause some partners to rethink their future plans and either accelerate or delay retirement. To anticipate and plan for the future, especially regarding leadership changes and client transitions, firms need to know what their senior partners are thinking and doing about their practice.*

Firms can make these discussions easier — and enjoy more constructive outcomes — by addressing emotional and practical concerns of senior partners. Emotional issues involve the unique difficulty of leaving practice and entering retirement. Practical concerns center on trust and money.

### EMOTIONAL CONCERNS

Most people do not appreciate that retirement is one of the hardest transitions in a lawyer's life. Retirement evokes a sense of loss, of leaving behind what you have built and achieved over a lifetime, and a fear of becoming irrelevant. Even lawyers who approach retirement as a time of joy and liberation find the reality of being “retired” unsettling. The pandemic has further intensified the gloom associated with retirement by labeling people at age 60 as old and “high risk,” forcing them to face their mortality.



Deciding to retire and the transition into retirement are easier if you have something to look forward to. Some lawyers resist retirement because they don't know what else they might do. Their lives and activities have been so tied to law practice that they have not explored or developed outside interests.

Firms can address these emotional concerns for senior partners and prepare all partners for retiring someday. Here are some suggestions.

**For senior partners:**

- In retirement discussions, make them feel respected for their contributions and success, and not as if other partners are devaluing them, writing them off or pushing them out. Teach firm leaders how to have those discussions.
- Offer access to retirement coaches with whom partners can discuss their concerns and develop their plans confidentially.
- Invite retired partners to serve as mentors to senior partners, as well as to discuss their retirement transitions and current activities with all interested lawyers.

**For all partners:**

- Have periodic programs and conversations about retirement. Topics can include:
  - How to design a meaningful retirement.
  - Envisioning what a fulfilling retirement might look like.
  - Keeping “personal interest lists” of subjects and activities they might learn about or pursue when they retire and have the time.
- Encourage lawyers to engage in outside interests through pro bono work, non-legal volunteer work or nonprofit boards in areas that appeal to them, such as arts or education groups.
- Start a “retirement portal” on the firm intranet. Post information and resources about the multitude of possibilities available in retirement.

**PRACTICAL CONCERNS**

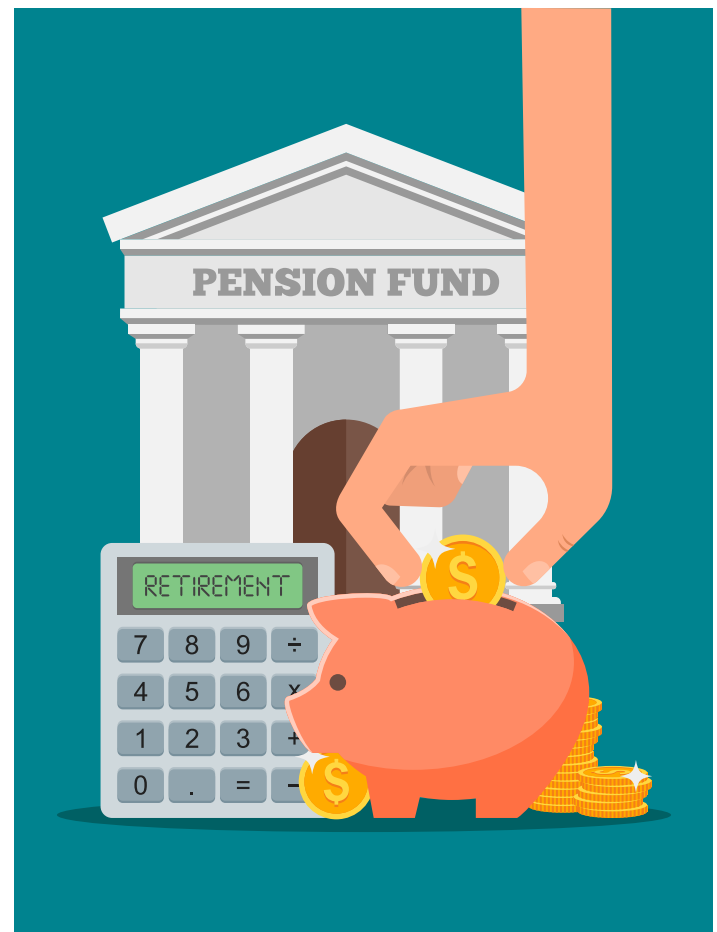
Discussions about succession and retirement must be based on mutual trust and loyalty. Partners need to know they are being treated fairly, not being singled out because of their age or because other partners want to take or exploit what they have built over a lifetime of practice.

One way to demonstrate fairness and engender trust is to have uniform processes and transparent guidelines for all partners concerning retirement and succession. Uniform processes should

include discussions with every partner who reaches a certain milestone (e.g., a specific age or number of years in practice) about future plans for their practice, including the people they are grooming as successors for client matters and leadership roles. Asking these questions ad hoc makes many partners feel defensive, threatened and resentful, but discussing future practice plans with every partner at the same career point can make these conversations less fraught and more constructive.

Whenever a partner decides to start the transition toward retirement, transparent guidelines for retiring should set forth the procedures to follow and the factors for consideration and negotiation. Among the topics to include in guidelines are:

- Options available (e.g., phased retirement, of counsel or other status)
- Incentives and qualifications for retirement at different ages or career points
- How and with whom discussions should take place
- Elements of transition plans
- The impact of retirement on things like insurance, technology and tech support



Because compensation is often the thorniest issue, guidelines should spell out as clearly as possible how compensation will be determined during the transition period and in retirement, including:


1. If, how and for how long origination credit will be shared during the transition of a client relationship to a successor
2. Any financial incentives for successful client transitions

Other financial issues include return of capital, client collections (including contingency fees), payment for nonbillable and pro bono work, and extra work done at the firm’s request.

Actions like these can facilitate retirement discussions and succession planning to the mutual benefit of the firm and its retiring partners.

**ABOUT THE AUTHOR**

**Ida O. Abbott**, President of Ida Abbott Consulting, promotes and supports career development and advancement from the beginning of a lawyer’s career through retirement. Her new book, *Retirement by Design*, applies design principles for creative retirement planning. Abbott has long been a leader in the field of talent management, and she is an elected Fellow of both the American Bar Foundation and the College of Law Practice Management.

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## Online Learning Hub

**You may know webinars well – but did you know ALA offers other avenues for dynamic, digital education? Choose the learning style that best suits you and your goals:**



E-learning is self-paced instruction that can help you complete education and training objectives with greater ease and flexibility than traditional classroom-based or web-based learning. Content is delivered via text and graphics, animation, audio and video, quizzes, surveys, and games.

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Traditional web-based courses are led by an expert instructor and meet online once a week for six weeks. All content becomes available on-demand after the digital classroom session. They provide thorough, in-depth legal management education in a flexible, convenient format.

**The courses cover human resources and financial management.**



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# Anniversaries, Awards and Appointments

## Members on the Move »



**Joshua Alecknavage**, a member of the Capital Chapter, is now Facilities Manager at White & Case, LLP, in Washington, D.C.



**Freshta Maftoon**, a member of the Golden Gate Chapter, is now Law Office Administrator at Van Der Hout LLP in San Francisco, California.



**Scott R. Popp**, a member of the Chicago Chapter, is now Office Administrator at Akerman LLP in Chicago, Illinois.



**Penimah C. Silva**, President of the New Mexico Chapter, is now Firm Administrator at Keleher & McLeod, PA, in Albuquerque, New Mexico.




## ALA's LOGO SHOP



We are excited to launch our brand-new merchandise store, the ALA Logo Shop. This online storefront offers you a way to show your ALA spirit whenever you like. Wear your ALA pride and buy some extra goodies for your chapter members and ALA cohorts.



### WHAT'S AVAILABLE?

-  ALA-branded apparel including hats, shirts, sweatshirts and socks
-  Pens, mugs, journals and tumblers
-  Certified Legal Manager (CLM)<sup>®</sup> certificates and frames



Get your ALA gear here: [alanet.org/logoshop](http://alanet.org/logoshop)

# 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.



## Register Now: ALA Virtual Master Class

There are just a few weeks left to register for the ALA Virtual Master Class: Critical Skills for Legal Management Success, happening October 29. It's designed to help professionals master complex executive leadership and management skills that are vital to the growth of the individual and the success of their business.

Visit [alanet.org/master-class-critical-skills](http://alanet.org/master-class-critical-skills) to check out the education and engagement that will take place right at your own desk in your home or office, like:

- CM10: Welcome and Opening Session: Conquer Your Stress: Go from Worrier to Warrior
- CM11: Emotional Intelligence: Why It Matters
- CM12: How to Get Anything Done with Anyone
- CM13: Embracing the Challenge of Change

## ALA Needs Your Feedback!

ALA members have intimate knowledge of the ways the Association currently serves you and how other benefits could address the professional challenges you encounter. The biannual Member Needs Assessment is dedicated to quantifying and describing how ALA impacts its members.

This year, to make the Member Needs Assessment even easier to complete, it's been divided into three sections. The first of those, the Core section, should only take about 20 minutes to complete. Responses are due November 23. Take the survey at [surveymonkey.com/ralamn2020](http://surveymonkey.com/ralamn2020). If you provide your contact information, you will be entered into a drawing for prizes. We appreciate your feedback.

The two other sections of the Member Needs Assessment — each a brief online survey — will be distributed in the coming weeks.



## Last Chance to Apply

ALA is seeking volunteers for some of our most critical roles. Please consider applying to boost your leadership bona fides, expand your professional network and help devise programming and strategy for the Association.

For those interested in a position on a committee or project team, applications are due October 30. Service is open to ALA members, business partners or other interested parties whose knowledge, skills and expertise are deemed useful to a specific project. Apply at [alanet.org/volunteer](http://alanet.org/volunteer).

You can also recommend a colleague for one or more of these roles. They're not obligated to volunteer, but ALA staff will follow up with more information that may persuade them to take the leap.

## 2019 ALA Financial Statement

At ALA, we continue to work to make the most efficient and impactful use of our financial and human resources. ALA's Board of Directors and staff are continuously exploring and identifying opportunities to improve efficiencies and optimize results. In 2019, our overall revenue was \$7.18 million and expenses were \$7.05 million, resulting in a net gain of \$131,373. To read the full statement. You can read the full financial statement below.

As we head into the second half of 2020, the world continues to change. Like most organizations, the COVID-19 pandemic is forcing us to reevaluate our financial landscape for 2020 and beyond. We remain focused on elevating your membership experience and refocusing our efforts to meet the new challenges our members face.

The Board of Directors is currently working on the Strategic Plan, which begins in 2021. This will set the goals we will be working toward. We look forward to working with the entire ALA community — members, business partners, chapters and other leaders in the business of law — to achieve these goals and navigate this new landscape together.

For the Years Ended December 31	2019	2018
<b>REVENUES AND GAINS (LOSSES)</b>		
Dues	\$ 3,147,583	\$ 3,242,839
Annual Conference	2,084,072	2,108,118
Advertising	168,885	219,694
Education	626,866	755,554
Publications and Other Materials	310,621	295,234
Business of Law Conferences Revenue	399,921	691,092
Contributions	25,596	37,903
Other	413,385	414,185
Interest and Dividend Income	66,823	54,777
Realized Loss on Investments	(229)	(1,783)
Unrealized Gain on Investments	1,564	1,363
Loss on Disposal of Property	(60,610)	—
Total Revenues and Gains (Losses)	<b>7,184,477</b>	7,818,976
<b>EXPENSES</b>		
Program Expenses	4,635,204	5,295,407
Management and General	2,413,994	2,457,322
Fundraising	3,906	14,492
Total Expenses	<b>7,053,104</b>	7,767,221
<b>CHANGE IN NET ASSETS WITHOUT DONOR RESTRICTIONS</b>	<b>131,373</b>	51,755
Net Assets without Donor Restrictions, Beginning of Year	1,293,290	1,241,535
<b>NET ASSETS WITHOUT DONOR RESTRICTIONS, END OF YEAR</b>	<b>\$ 1,424,663</b>	\$ 1,293,290