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LEGAL MANAGEMENT

THE MAGAZINE OF THE ASSOCIATION OF LEGAL ADMINISTRATORS

5 Tips for a Successful Tech Implementation

Get advice on how to make new tech operations run more smoothly.

LEGAL
MANAGEMENT

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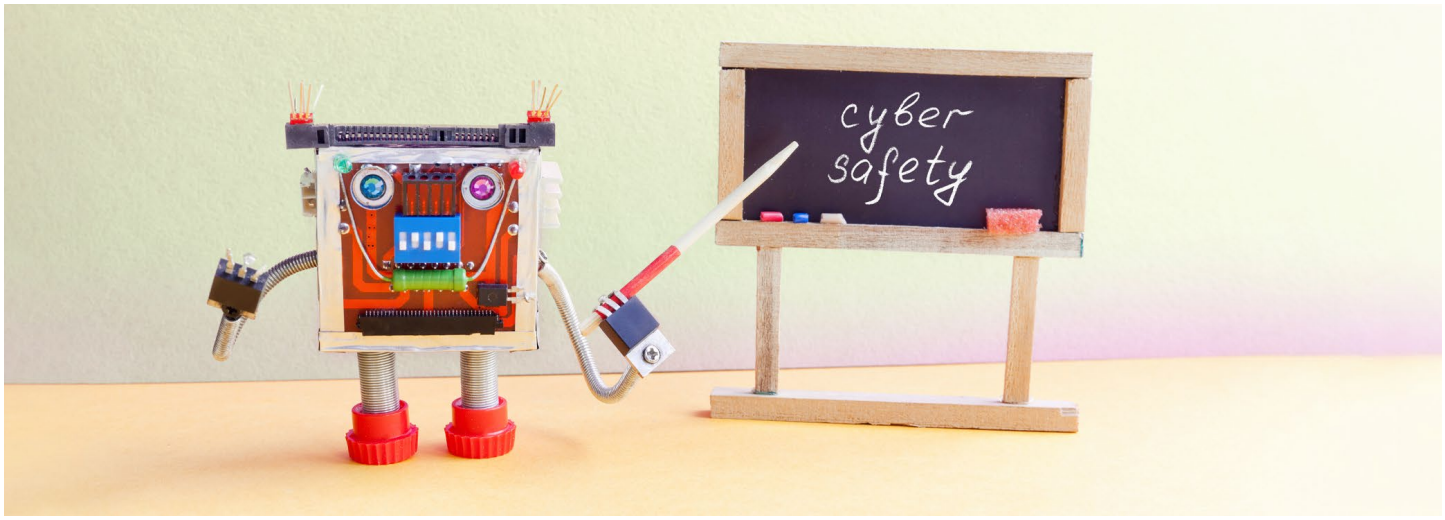

Keeping Your Firm Cyber Secure

With all the sensitive data law firms store, it's no surprise that law firm cybersecurity threats are at an all-time high. But while cyberattacks against law firms are not new, the rate of incidence and year-over-year growth is staggering.

JAMES HARRISON

Founder and Chief Executive Officer
INVISUS

In a report by Law360 Pulse, data breaches more than doubled last year for firms with fewer than 50 lawyers. And according to the American Bar Association (ABA)'s Cybersecurity Report, 42% of law firms with up to 100 employees have experienced a data breach. The odds are now about one in four that your firm will suffer a cyberattack or data breach.

Unfortunately, for many firms (particularly smaller ones), cybersecurity is not a top consideration until the firm is the victim of a cyberattack.

Law firms must begin to think differently about cybersecurity. It's not just an IT problem to be solved; it's a business and financial risk that must be proactively managed. Having a comprehensive cyber risk management game plan led from the top down is now more important than ever.

WHO'S IN CHARGE?

Virtually all cybersecurity regulations and industry standards require the appointment of a cyber risk manager, chief security officer or data privacy officer — someone in an executive-level position to oversee the implementation and maintenance of the firm's information security and compliance plan.

Because of their broad operational responsibilities, law firm administrators, directors, chief operating officers or chief information officers are ideally positioned to properly manage this cyber risk management effort for the firm and coordinate among the executive team, IT, human resources, finance, physical facilities and more.

> "Attorneys have ethical and common law duties to take competent and reasonable measures to safeguard client information. And increasingly, they also have client contractual and government regulatory obligations to protect confidential data."

Instead of going it alone, many firms are also working with outside cyber risk management providers to create and maintain a reasonable plan that keeps the firm compliant with the necessary security and privacy requirements.

OBLIGATIONS AND RESPONSIBILITIES FOR LAW FIRMS

Attorneys have ethical and common law duties to take competent and reasonable measures to safeguard client information. And increasingly, they also have client contractual and government regulatory obligations to protect confidential data.

1. ABA Resolutions and Model Rules

ABA Resolution 109 encourages all firms to develop, implement and maintain an appropriate cybersecurity program that complies with current best practices and legal obligations. Several ABA Model Rules — such as Rule 1.6 — also direct attention to safeguarding client data.

Additionally, there are currently three opinions from the ABA (as well as others from state bars) that you should be familiar with, including:

- **ABA Formal Opinion 477R,** Securing Communication of Protected Client Information
- **ABA Formal Opinion 483,** Lawyers' Obligations After an Electronic Data Breach or Cyberattack
- **ABA Formal Opinion 498,** "Virtual Practice"

2. Federal and State Regulations

Confidential and sensitive information collected by law firms must be protected under various federal cybersecurity laws, such as HIPAA-HITECH for medical and health-related information and the Gramm-Leach-Bliley Act for financial data. While law firms are not considered "covered entities" under these laws, they can be required to adhere to these standards as a service provider to their clients.

Be aware that all 50 states have enacted cybersecurity and/or data privacy laws that require the protection of personal and confidential information, although data security laws vary from state to state.

3. Client Contractual Requirements

Increasingly, law firms are being required to meet specific industry cybersecurity standards included in client contracts. These industry standards can be based on a variety of cybersecurity frameworks such as NIST, ISO 27001/2, and SOC2. Firms that have international clients or handle international consumer data may also be asked to prove compliance with various international regulations such as the European Union's GDPR data protection regulation.

Proof of compliance with these varying regulations and standards can be challenging for firms that do not have a formalized cyber risk management and compliance plan.

TAKE ACTION TO SAFEGUARD YOUR FIRM

Here's a high-level checklist you can use to assess how your firm is doing to manage cybersecurity and compliance responsibilities:

- **Management Commitment:** An executive or administrator should be appointed as cyber risk and compliance manager.
- **Cybersecurity Policies and Procedures:** Draft a complete set of best practices that defines how the firm protects data, trains employees, communicates with clients and responds to incidents.
- **Risk Assessment:** A cyber risk and compliance assessment and report must be conducted, at a minimum, annually.
- **Technical Safeguards:** Enact IT security policies and procedures ranging from antivirus, system patches and email security, to encryption, data backup and multifactor authentication.
- **Vulnerability Testing:** Conduct regular scans of the firm's firewalls, servers and website for new hacker exploits that need to be patched or fixed.
- **Remote Work Security:** Create a plan for cybersecurity and technical support for remote work.
- **Third-Party Risk Management:** Ensure outside service providers and business associates are secure and following minimum required data security standards.
- **Business Continuity:** Draft a plan for data security and availability during an adverse event such as a power outage, natural disaster or ransomware attack.

Cybersecurity Audit Readiness: Formalize a process to prepare and respond to audit requests.

Incident Response: Determine procedures for discovering, containing and recovering from a cybersecurity incident, including cyber insurance.

Reviews and Updates: Review and update all policies and procedures, at a minimum, annually.

Cybersecurity and compliance is not something you "set and forget;" it's an ongoing process that must be maintained, tested and updated. Fortunately, there is expert guidance and assistance here. Getting a full outside risk and compliance assessment done may take you a couple hours, but you'll quickly be able to identify critical security and compliance gaps that need to be addressed.

You don't have to go it alone. Guidance, assistance and oversight from outside experts is available to help take the bulk of this work off your desk in this critical area of the business of law.

Remember: You don't have to go it alone. Guidance, assistance and oversight from outside experts is available to help take the bulk of this work off your desk in this critical area of the business of law.

READ MORE ABOUT PREVENTING CYBER THREATS

For more info on IT disaster preparedness and business continuity planning, check out ALA's white paper, "Business Resiliency: 7 Steps to Successful Incident Management, Business Continuity and Disaster Recovery Planning." Download it at *alanet.org/whitepapers*.

ABOUT THE AUTHOR

James Harrison is the Founder and Chief Executive Officer (CEO) of the cyber risk management 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 program that protects law firms, 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. As the head of an ALA VIP business partner, Harrison has presented and trained at several national ALA conferences and chapter meetings.

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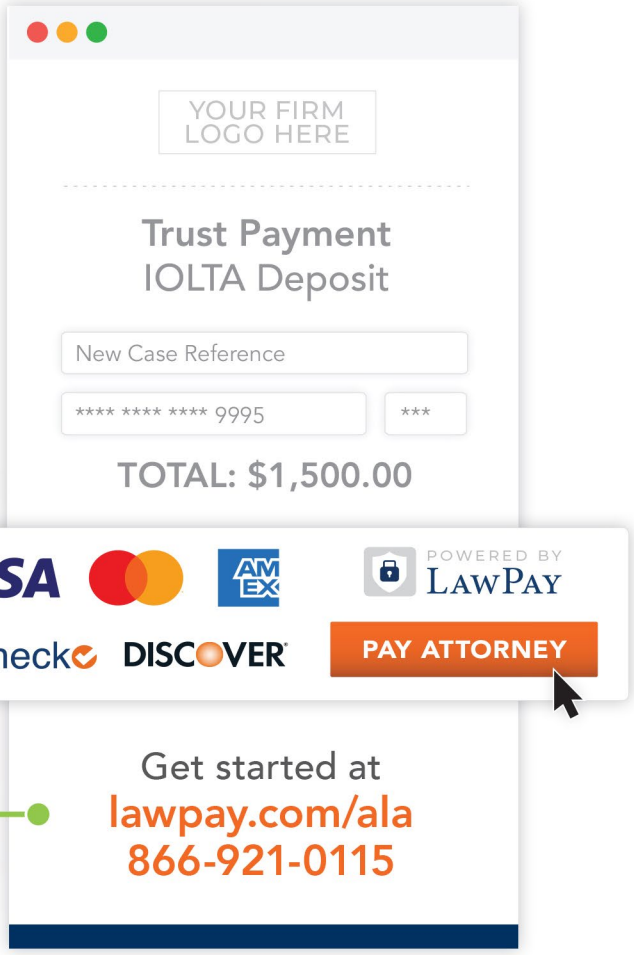

Data based on an average of firm accounts receivables increases using online billing solutions.

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MATT SPENCER
Co-founder, Chief Executive Officer and Chairman
Suited

AI Can Make Your Hiring Process More Inclusive

Law firms often lack clarity around which candidates to hire, relying on intuition, resume data and preconceived notions about what makes someone successful. Attrition and burnout persist while efforts to promote diversity remain slow to progress — all of which cost firms cash and drag down morale and efficiency.

As a result, many hiring teams wish they had a more scientific method for choosing the right candidates. This desire for a more data-driven approach has caused many firms to turn to AI-powered tools to help support these critical talent decisions.

When used properly, artificial intelligence (AI) can enable law firms to create high-performing, happy and diverse teams. But very few products offer a solution that is efficient, effective and ethical. Here are some ways firms can effectively and responsibly approach this valuable technology.

> “AI can be the perfect tool for scaling up your hiring process. When used in an inclusive (versus exclusive) manner, this technology can help recruiting teams consider more candidates on a deeper, more comprehensive basis.”

AI SHOULDN’T “SCALE DOWN” TALENT PIPELINES

Reviewing candidate applications is a time-consuming task that can be made more efficient with the right kind of tool. Resume scanners are one solution that many companies apply to the problem of large candidate pools. In fact, according to a Harvard Business School study, resume scanning tools are used by 75% of U.S. employers and 99% of Fortune 500 companies.

However, such software can lead to missed opportunities. The same Harvard Business School study confirms that automated Applicant Tracking Systems (ATS) take an all-too-simplistic view of who are good or bad candidates, thereby rejecting those who would otherwise become high-performing and well-suited additions to an organization.

Resume scanners have also been flagged by the U.S. Justice Department and the Equal Employment Opportunity Commission (EEOC) as tools that could violate civil rights laws and already established EEOC guidelines.

The EEOC states that if the selection rate for a certain demographic group is less than 80% of that of the group with the highest selection rate, then adverse impact is present and measures should be taken to resolve the disparity. In the legal industry, many firms use grade point average (GPA) requirements as a way to narrow down the hiring funnel. However, our legal industry data shows that deploying a GPA cutoff of 3.5, for example, results in selection rates of 52% and 74% against Black and Hispanic candidates, respectively (compared to White candidates), making it an inequitable means for determining selection.

For these reasons and more, using AI to screen resumes and scale down talent pipelines is not a particularly effective or equitable method of streamlining or democratizing the hiring process. **Instead, use AI to "scale up" your candidate consideration capabilities.** In fact, AI can be the perfect tool for scaling up your hiring process. When used in an inclusive (versus exclusive) manner, this technology can help recruiting teams consider more candidates on a deeper, more comprehensive basis.

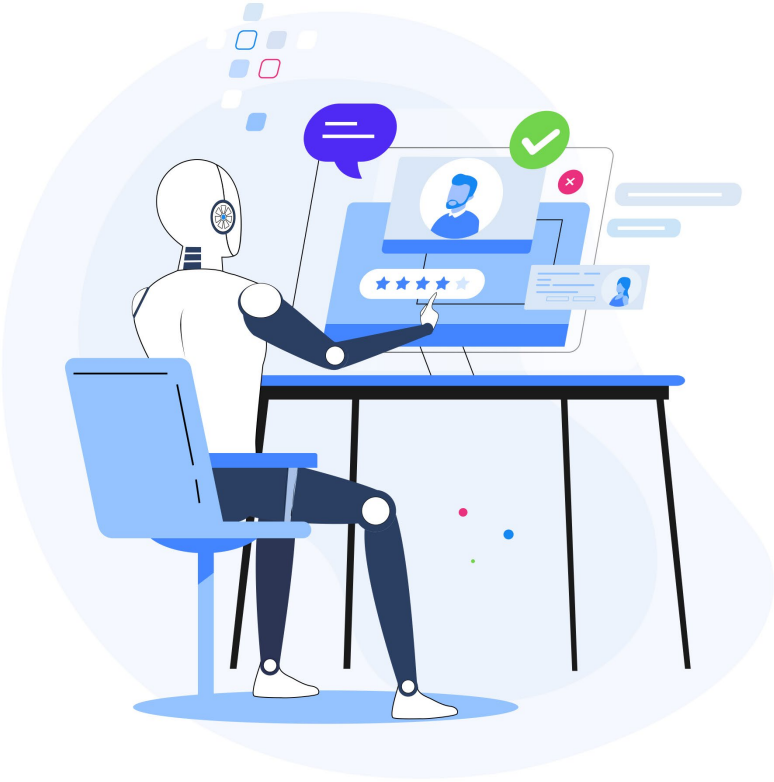
To do so, firms must collect and assess additional candidate information. This can include personality, aptitude or skills-based data. AI is able to detect patterns between your current attorneys and the candidate pool to make predictions about their potential for success, resulting in dramatically improved hiring outcomes.

This includes improvements in diversity. For the legal industry to achieve adequate demographic representation, firms should be recruiting from schools outside of their historical targets. Currently, only 3.6% of attorneys identify as Black/African American. In order for the number of Black law students in the 2L Summer Program across all of Big Law to reach parity with the U.S. population (12.4%), firms have to consider students from the top 110 law schools — a dramatic increase considering most firms typically focus their efforts on a set of 10 to 20 target schools.

Ultimately, any AI-powered hiring tool you deploy should provide explainable and supplemental insights that allow you to consider more, not fewer, candidates. These insights should be used in conjunction with all the other data collected and evaluated in your hiring process to arrive at AI-informed — but human-led — decisions.

TESTING AND REGULATION SHOULD BE WELCOMED

Because of its potential to exclude candidates on inequitable bases, regulations surrounding this technology are cropping up.



For example, a law goes into effect January 2023 in New York City that requires employers to conduct an independent audit of the AI hiring tools they use. It's only a matter of time before more widespread regulations will require thorough, documented, ongoing and third-party testing for any AI-powered hiring tools.

To be prepared, every AI model used in the hiring process should be tested against a large candidate pool across a range of demographics to ensure all outputs meet or exceed EEOC guidelines. Ultimately, this increased oversight will ensure that candidates are not discounted because of biased factors. However, AI companies and the firms who employ them should not wait for the regulations to require it, but rather take it upon themselves to proactively ensure all candidates are given a fair shot in the hiring process.

ABOUT THE AUTHOR

Matt Spencer is the Co-founder, Chief Executive Officer and Chairman of the Board of Suited, an AI-powered, assessment-driven recruiting network designed to help candidates from all backgrounds access opportunities in the professional services industries.

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MICHAEL PAUL
Chief Technology Officer
Innovative Computing Systems

Be Prepared for When the Cloud Goes Down

Today more than ever, legal organizations are relying on applications that live in the cloud for many of their day-to-day business functions. And while these cloud-based applications are often more secure than on-premises servers, even the largest providers are not immune to occasional outages. As a result, many law firms will experience a rare outage, so it is important to expect them and be prepared.

> “No single law firm can prevent a PaaS or SaaS outage, but a firm’s technology infrastructure design is critical to reducing the adverse effects.”

An outage at a cloud provider can be caused by different sources, including loss of power, connectivity issues, maintenance and even software bugs — all similar to the problems for internal data centers. Usually, however, cloud providers have added redundant capabilities that are not available in traditional data centers. Cloud providers rely on infrastructure, network and system design to keep their services running.

If public cloud providers have an outage, any service that relies on them will be unavailable. Many software as a service (SaaS) offerings, such as Salesforce, Facebook, QuickBooks, Microsoft 365 and others, use the public cloud. These SaaS providers supply the software and need the public cloud to function to supply the law firm with access.

Public cloud providers, including big names like Amazon Web Services and other platform as a service (PaaS) providers, are the foundation for many SaaS offerings. Thus, when a PaaS goes down, it impacts many SaaS platforms. Additionally, a behind-the-scenes service that helps accelerate network traffic to the various providers can experience downtime. An outage of these services will greatly slow performance. While the cloud provider may still be running, your SaaS’s particular network layer may be affected, making it seem like the entire provider environment is down.

Cloud providers are so interconnected — as is the internet itself — that one outage can cascade and impact other services.

DAMAGES CREATED BY CLOUD OUTAGES

Generally, a cloud outage can affect business functions for an extended period, resulting in loss of productivity. At the most extreme, data can be lost if data recovery mechanisms are not configured properly. During an outage, emails will not be sent but will usually queue up and deliver when the service comes back online. Likewise, if your law firm uses cloud telephony services, phone connectivity may be affected and make it impossible for clients to contact your firm. The above alone or in combination leads to unhappy workers, dissatisfied clients and the possibility of lost revenue.

Cloud outages happen daily, but fortunately, most of the time the impact is relatively limited. The providers know where most of their users are located and will engineer these locations to be as robust as possible. Good cloud providers supply status pages for service interruptions and often offer a document analyzing the root cause of the outage. Thus, design of the applications, networking and infrastructure are key to mitigating outages.

HOW TO PREPARE AND REDUCE CLOUD OUTAGE IMPACTS

It's important to have superior design of your systems upfront, including a proper mix of complementary cloud services that cover each other. For example, if Microsoft Office 365 is unavailable for email, having Outlook set up with cached mode helps mitigate email disruption. Adding a secondary service such as Mimecast, which handles email filtering/archiving, allows those users to continue to access their email and reply to clients directly during the outage.

Putting all services in one bucket is extremely risky. Making sure the key business communications have a primary and secondary medium available is key for the organization. If email is unavailable, then having SMS/mobile phone contacts in the employee phones can help mitigate internal communication challenges.

While no single law firm can prevent a PaaS or SaaS outage, a firm's technology infrastructure design is critical to reducing the adverse effects. Understanding where your outages occur and performing root cause analyses after any outage are important to minimize the impact future outages have on your firm.

To ensure rapid recovery from outages, review your service level agreements from your suppliers. Often, contracts include service level agreements with acceptable outage time, along with remediation that a law firm can use to offset costs incurred because of the outage.

After any outage, reassess the design of your critical systems to figure out where systems can be made more redundant. Frequently in the cloud/hybrid environment many law firms run today, there is a way to add redundancies to limit the impact of outages. For example, your primary office site may only have one internet connection. If that goes offline, then cloud resources are unavailable. Building in redundant internet links with SD-WANs or having a policy to send people home to work remotely can mitigate the disruption.

ABOUT THE AUTHOR

Michael Paul is Chief Technology Officer at Innovative Computing Systems and has over 25 years of experience in the legal field. In his current role, along with evaluating new technologies and designing systems to deliver new technology solutions to the legal community, he also keeps the glue together on the internal technology that Innovative Computing Systems uses.

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All Hands on Tech

Find out how industry members are utilizing instruments that incorporate emerging technologies — ranging from natural language processing to machine learning.

While tech solutions that provide internal communication, time tracking and other efficiencies have become relatively common within the legal industry, some law firms and departments are starting to adopt tools that use intuitive smart technologies to offer capabilities like document creation and management.

The e-discovery process, for instance, today increasingly includes solutions that are powered by artificial intelligence (AI), according to Daniel Linna, Senior Lecturer and Director of Law and Technology Initiatives at Northwestern University's Pritzker School of Law and McCormick School of Engineering.

"It's become the standard — such that if you were to use human attorneys for a large document review, there would be some questions about whether that's permissible under the Rules of Professional [Conduct], if there's a way of doing it now with technology," Linna says.

As in-house departments and law firms continue to face a growing need to reduce legal service expenses, efficiency-enhancing technologies are likely to come into sharper view.

Cost pressure is currently law departments' top challenge and priority, according to a Thomson Reuters report; a recent BigHand survey found North American law firms have seen a 28% increase in demand for alternative fee arrangements (AFA).

By 2024, 91% of law departments, according to a Wolters Kluwer projection, will be asking firms they're considering hiring about their legal tech use — which could help shift the perception of smart technology tools from an added value proposition to a necessity.

> "Firms that are the best at employing technology and data analytics see the ways they can use it to be more profitable and ensure they retain clients — because they're giving them better service."

"When you're using a machine learning tool that uses contextual natural language processing, you're more likely to find all of the relevant things than a really tired associate who's been working for 12 hours and reviewing 600 leases over the course of two weeks."

TYPES OF TECH

Firms are using smart technology — loosely defined as systems involving networked components, such as sensors and software, that can collectively communicate and automatically react to data — in a number of ways.

A recent survey from legal industry advisory firm Baretz+Brunelle NewLaw found that out of 10 emerging tech initiatives, tech-enabled document drafting and assembly was the most popular at law firms. Conversely, smart contract and blockchain-related capabilities were implemented least often.

A smattering of organizations are using blockchain systems. Global law firm Hogan Lovells, for instance, which employs more than 2,500 attorneys, launched a blockchain-enabled document management platform in April. It's designed for commercial transactions involving clients.

The platform creates smart versions of PDFs and Microsoft Word documents, allowing their data to be extracted quickly and automatically — data that would otherwise need to be located and exported manually before being entered into enterprise software systems or used to generate reports.

Earlier this year, Holland & Knight served anonymous defendants with a temporary restraining order via a nonfungible token, also known as an NFT, that contained a hyperlink to an order to show cause. As Law.com's article on the groundbreaking tech use suggests, that delivery method could potentially offer future service advantages when elements like a defendant's location are unclear.

Global law firm Cleary Gottlieb Steen & Hamilton LLP launched a separate business unit, ClearyX, within the firm in June to develop solutions featuring machine learning and other technology that will support clients, the firm and potentially smaller law firms that wouldn't be considered a competitor, says ClearyX Chief Executive Officer Carla Swansburg.

Initially, the unit — which has invested in a platform designed by a Cleary associate that automates capital market disclosure-related drafting work — focused on transactional services.

"We have started over the first year to really build models of M&A [mergers and acquisitions] transactional support for due diligence and other contract analysis," Swansburg says. "We built a portal, which leverages document and process automation and a database, that is going to be pushed back into the firm as well as out to different clients who need it. It allows you to essentially automate nondisclosure and confidentiality agreements — keep them in a database, search them."

Smart tech automation tools, Swansburg says, can help firms that are either understaffed or hope to shift associates to doing more valuable work.

"During the pandemic, one of the major constraints was it was really hard to keep associates [and] have enough to keep up with the work," she says. "There's a lot of work that is nicely enabled by technology — and there are intractable problems. Whether it's constantly dealing with low-value, nondisclosure agreements [or] after M&A activity, how do you integrate the contracts you've acquired? We can essentially make [clients'] lives easier in ways typical big law business models don't really enable."

THE SMART TECH EFFECT

California-based business litigation firm Chatow Law uses an automated workflow option to generate complaints. Principal Mark Chatow also has looked at legal analytics, but opted to hold off on those offerings that predict how a judge is likely to rule based on certain arguments made in briefs.

Chatow says one such tool has saved the firm hours of prep work: It's an AI tool that automatically performs optical character recognition (OCR) and analyzes a PDF-style discovery request, creating perfectly formatted shell responses with appropriate draft objections in place in under two minutes.

"I noticed I kept doing more and more repetitive work, reinventing the wheel every time," he says. "Even if we used a template complaint and started dropping things in, doing that in Word still takes time; it's inaccurate, you miss things. You do have to obviously manually double-check the documents [from the AI tool] to make sure they're properly formatted; sometimes it'll miss something, but it still saves so much time."

Chatow hired someone to help build document workflows, which has helped him address needs relating to multiple cases he handles for a Fortune 500 client that involve a lot of similar facts, but different dollar amounts or dates.

"Make sure you're really thinking about what you want the interface to look like and what sort of questions are going to get asked to generate that product," he says. "It's a process, and you've got to have a tech mind. If you don't have the time to do it yourself, there are people who do that."

As a solo practitioner without an associate to assign work to for a lower hourly rate, Chatow says automation has helped him reduce expenses and respond quickly to document requests — in one instance, within a day to counsel who sent him 300 queries.

"It gives you a lot of power; it certainly showed I wasn't going to be pushed around," he says. "My pitch to clients is always it's extremely effective and efficient. That money can either just be put in the client's pocket, or they can use it for other aspects of the case they might want to put more money into."

Although hourly billing-based firms may not have quite the same incentive as AFA organizations to test out increasing efficiency with smart tech, enhanced quality can also be a benefit.

"When you're using a machine learning tool that uses contextual natural language processing, you're more likely to find all of the relevant things than a really tired associate who's been working for 12 hours and reviewing 600 leases over the course of two weeks," Swansburg says. "You get lower cost, efficiency, accuracy — and offload less glamorous work from high-value associates."

As of 2019, a third of legal departments' corporate transaction work was automated, according to a Gartner survey; yet respondents indicated 55% of it actually could be. Law firms also have a fair amount to gain from automating processes. Lawyers frequently spend a sizable chunk of their time on administrative and other nonlegal work — as much as 40% at small firms, according to a 2020 Thomson Reuters report.

In a recent tech satisfaction survey, attorneys ranked the automation of repeatable tasks as one of their firm's top three unaddressed technology needs. As M&A work increases, Gartner estimates half of legal departments' major corporate transaction work will be automated by 2024.

"Firms that are the best at employing technology and data analytics see the ways they can use it to be more profitable and ensure they retain clients — because they're giving them better service," Linna says. "It's only a matter of time before more and more of those clients tell their outside firms, 'You need to be using technology like this if you want to keep getting our business.'"

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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5 Tips for a Successful Tech Implementation

Get advice on how to make new tech operations run more smoothly.

During the peak of the pandemic when many physical workplaces shut down, the leaders at Pirkey Barber saw an opportunity to implement new technology into their law firm. In those days, nobody knew how long COVID-19 — and the subsequent lockdowns — would last. As a result, everything didn't go as planned.

KYLIE ORA LOBELL
Freelance Writer

> "Technology can drive a law firm forward by increasing efficiency and productivity. Additionally, it can attract young, talented workers, who are going to be the future of the firm."

"We converted three major systems during the pandemic — financial/time and billing, document management and the 401(k) plan," says Chris Sims, Director of Finance at Pirkey Barber and member of the Austin Chapter. "The latter two went OK. Where we really saw an issue was in the financial/time and billing conversion."

Because of the pandemic, the firm had a hard time finding software support on-site to assist in the first few days of the cutover. Employees couldn't attend in-person training on the software, either. Nearly two years after conversion, the firm is still experiencing some hardship and hasn't implemented every piece of the system.

"The delay is reflective of the pandemic environment," says Sims. "While it seems obvious now, I don't think we would have moved forward knowing how long the pandemic lasted. We were bold, to say the least."

While the pandemic affected everyone, there is another challenge to tech implementation that is specific to legal: Historically, many firms resist technological change.

"The industry in general is very conservative when it comes to switching to paperless systems," says Daniel Cook, head of business development and HR Consultant at Mullen & Mullen, Texas. "Part of this is the difficulty in convincing most clients that

"Getting a new tech product to do what you need it to do for your company requires you to conduct a lot of front-end work and training to make going live as effective as possible."

legal documents can be safely stored in the cloud. Another contributing factor is the resistance of practices themselves, which are often led by older lawyers who are so steeped in how things 'have always been done.'"

Today, though, technology can drive a law firm forward by increasing efficiency and productivity. Additionally, it can attract young, talented workers, who are going to be the future of the firm.

It's clear that new legal tech implementation is crucial, but it has to be done the right way. When going through this process at your law firm, make sure you have a realistic plan in place and bring in the professionals as needed.

The following are useful tips on tech implementations from the experienced pros who have successfully done it themselves.

1. INCLUDE EVERYONE IN YOUR IMPLEMENTATION

Thompson & Horton had used the same technology provider for years. But, according to Director of Office Operations Stacey J. Ransleben, CLM, the firm outgrew them. When it came time to introduce new technology, they hired an outside IT provider. One of the lessons that Ransleben learned early on in the process was that she needed to include everyone in the implementation.

"As a director, I do not use our technology the same way an attorney, assistant, paralegal or billing person would use it," says Ransleben, a member of the Houston Chapter. "Get their input and keep them involved."

She says it's also crucial to keep the entire firm informed about what is happening, why and when. "While a lot goes on behind the scenes and may not impact the daily work of most, people want to know. Change can be scary, and if people are not told what is happening, they will fill in the blanks — and often wrongly. Get ahead of the message and help people feel at ease with the changes," Ransleben says.

2. ANTICIPATE A LONGER TIMELINE THAN EXPECTED

Pandemic or not, tech implementations take a long time. According to estimates from ArcherPoint, the average timeline is six months to two years — but it will vary depending on factors like the size of your firm, expected concurrent users and the complexity of systems being installed.

Thomas Pivnicny, Managing Partner at Kitay Law Offices, says his firm prepared for their case management software switch for about one year, and they've been successfully using their new software since July 2021.

"Always plan on the build-out and implementation process taking much longer than you initially expect," says Pivnicny. "When doing demos and talking to sales representatives, the new product always sounds super easy to use and like it will magically solve all of your problems overnight. In reality, getting a new tech product to do what you need it to do for your company requires you to conduct a lot of front-end work and training to make going live as effective as possible."

3. IDENTIFY LEADERS TO HELP WITH THE PROCESS AND TRAINING

When taking on a large-scale project that affects the core of your operations as a law firm, Pivnicny suggests it's important to have at least one or two in-house staff members who can be an integral part of the process when you're building out as well as implementing new software.

"It sounds really great when a vendor says that their product is super easy to learn, use and roll out to your staff, but the reality is that you need to have a couple of people in-house who can ensure the product is tailored to your company as best as possible from the beginning," he says. "Also, this is increasingly important as you and your staff learn that you need to make incremental changes to the software."

If you're constantly reaching out to a support person at the vendor, you're going to likely need to wait for attention and service. On the other hand, if you can make all or most of your changes in-house, you can adapt more quickly and improve your experience with the new product, says Pivnicny. "Doing so also increases the chances you will be able to squeeze out all possible performance improvements and increased efficiencies the product can provide."

Software only works if people know how to use it, so once you've implemented the changes, catch everyone up by holding trainings on how to use it. Host training sessions either in person or remotely, like the team at Pirkey Barber did.

"We held 'office hours' on Teams and Zoom to help folks pop in with quick questions or additional help, which seemed to work well in lieu of face-to-face training and support," says Sims.

4. DO YOUR DUE DILIGENCE

When Hillary Vaillancourt started her practice, The Vaillancourt Law Firm, she was keeping track of her cases in a spreadsheet. But she soon realized that tracking cases was much more complicated than she anticipated.

"I quickly learned the details of the cases are critically important to managing clients, and I needed a better solution for keeping up with those details," she says.

Vaillancourt tried one solution, but it ended up not working out. One valuable lesson she learned from this? Make a decision based on more than price alone.

"While I completely understand about keeping overhead low, a good client management system will do wonders for your practice and mental health," she says. "Don't skimp on this or choose the cheapest option."

Inevitably, you'll need to contact customer service, so vetting how they treat clients can save headaches, too. "My firm started with one program, but the customer service was horrible," says Vaillancourt. "We ended up switching programs a year later and having to go through the process all over again."

5. ABOVE ALL, LISTEN TO EMPLOYEES

When FBR Law in New York started operating as a hybrid workplace, they also implemented a tech overhaul. According to partner Richard J. Brandenstein, his firm focused on using new communication technology like Slack and Zoom. The downside was that all the employees weren't on board with the change — which is why it's critical to hear them out and try to find a solution.

"If you are implementing technology within your company, you have to be prepared for compromise, and constantly be reviewing the effectiveness of the tech," says Brandenstein. "Not everyone will enjoy the tech overhaul, and there can certainly be some hiccups."

By taking the time to listen to everyone, you are showing that you hear their concerns and you're willing to work with them to ensure your new tech implementation is a success.

"When workers voice their opinions about certain bits of tech making their job harder, we should seek to understand it to make the business run more efficiently," says Brandenstein. "It's important you are open with your employees about this, and they will reciprocate your care and effort."

ABOUT THE AUTHOR

Kylie Ora Lobell is a freelance writer living in Los Angeles. She covers legal issues, blogs about content marketing, and reports on Jewish topics. She's been published in *Tablet Magazine, NewsCred, The Jewish Journal of Los Angeles* and *CMO.com.*

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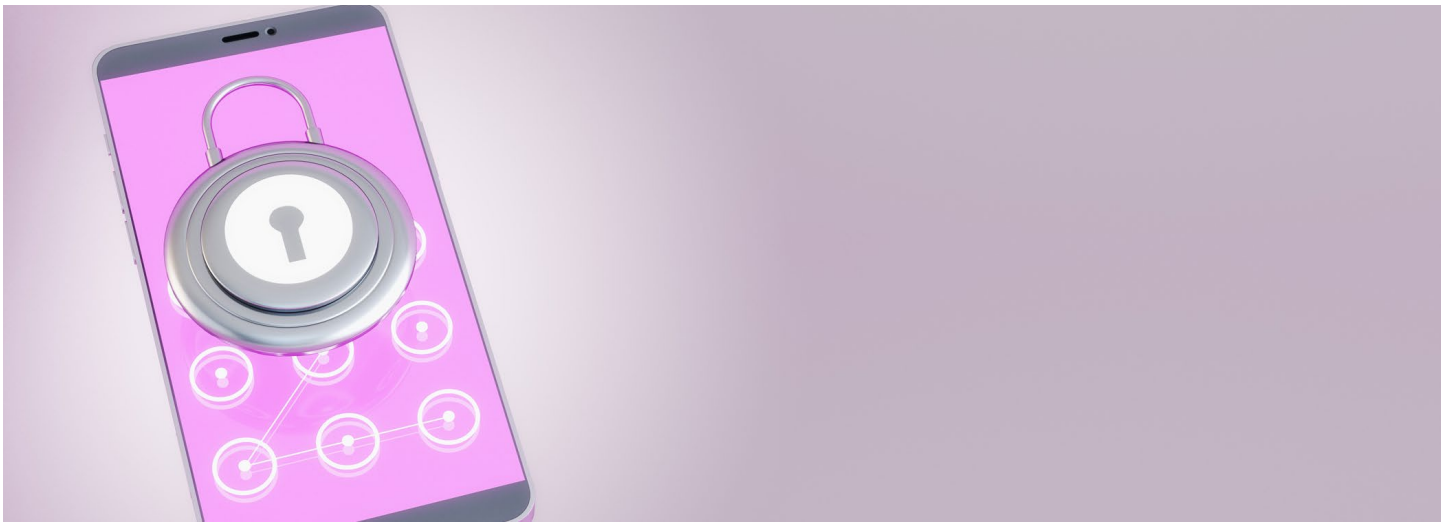

MARK BREWER
Freelance Writer

7 Ways to Get Ahead of Hackers Targeting Personal Devices

Accessing work info from personal devices on the go is a perk, but firms should make sure they have security measures in place.

Mobile computing is now the new normal for much of the workforce. Especially since the pandemic, more workers are spending more time doing company business on their personal devices, a phenomenon known as "bring your own device," or BYOD.

Legal professionals love the convenience of accessing the same information they would use in the office, when and where needed. Employees can be more productive, and firms can shift the cost of computing devices to users, which saves money.

But like many technological conveniences, personal devices can be risky. Since law firms are a treasury of confidential client information and data, actors with ill intentions are always finding new and creative ways to get to it. By breaching a personal device, a hacker's intention is to use it as an ingress point to wreak havoc in your network.

"A simple cyber attack on an employee through an insecure personal device can result in a full-blown data breach," James Harrison, Chief Executive Officer of INVISUS, a cyber risk management company and ALA VIP Business Partner. And along with that comes all the financial and reputational damage that could cost the firm, even small firms, millions of dollars to recover from." Harrison notes that during the pandemic especially, a significant percentage of data breaches can be traced to attacks on employees working from home with personal devices.

"Personal devices are outside the oversight of the firm or IT department, so settings and maintenance for security are often overlooked — which is exactly why law firms should be paying attention."

Personal devices are outside the oversight of the firm or IT department, so settings and maintenance for security are often overlooked — which is exactly why law firms should be paying attention. While it's possible to get more control over personal device security by issuing firm-owned devices to employees, it's not always feasible.

> "The idea of going home to an insecure environment and using a personal device that may not be safe is riddled with problems."

"The smaller the firm, the more likely they are to allow the use of personal devices for work," says Harrison. "Not every firm can or should provide corporate-owned devices, such as a cell phone or laptop, for employees who primarily work from home. There are things you can do to mitigate the potential risks."

7 TIPS FOR A SAFER PERSONAL DEVICE EXPERIENCE

Everyone wants to avoid a ransomware attack or other breaches, so let's not make it easy to do from a personal device. Here are some simple steps firms can take to mitigate the risks posed by using personal devices for client and firm work, and you can use these steps as a basis for a BYOD policy for your firm.

1. Enable Encryption and Two-Factor Authentication

While locked screens and strong passwords are essential security steps, these measures won't protect your data if someone gets ahold of your password. If bad actors get just one of your passwords to any account — including commonly used services like DocuSign and Box — it's possible that they could gain access to your client data. A common best practice is to ensure that files and emails are encrypted on all devices. Even better: Access files and email from the cloud so that confidential information is never stored on a personal device.

In addition, two-factor authentication provides an added level of security: The first factor is a strong password; the second factor is a temporary code sent to another device, usually a smartphone. This makes it more difficult to breach a network when a hacker has a password. By now, most mobile device users are familiar with two-factor authentication, so adoption shouldn't be a big issue.

2. Have a Breach Response Plan

Don't wait for something to happen and then figure it out as you go — have a plan ready.

"You need a plan to detect and report a breach on personal devices, respond to it quickly and resolve the issues that led to the breach," says Harrison.

In addition, it's best to have encrypted, easily restorable backups of all firm data in a secure location. In a ransomware attack, hackers lock your systems and demand a ransom to restore access. By having a handy backup always ready to go, you can skip the ransom payment and go straight to service restoration, minimizing downtime.

3. Keep Work and Family Activity Separate

Many people use personal accounts for work, and vice versa, but this complicates cybersecurity.

"The idea of going home to an insecure environment and using a personal device that may not be safe is riddled with problems," says Harrison. Firms should be proactive in ensuring an employee's home office environment is secure. He recommends that personal devices used for work connect through a secure home WiFi router using a separate network and login so that your work is always logged in through a unique segregated network on the WiFi router. Another best practice is to connect to firm resources using a virtual private network (VPN).

4. Use Secure Network Connections When on the Go

Mobility is awesome. You can get work done at a cafe or the beach. The downside is that public Wi-Fi access points can be hazardous to your data. Hackers can eavesdrop on unsecured networks or use unsecured connections to distribute malware. However, if you use a VPN or a secure "SSL" connection, you can nearly ensure online safety no matter where you're working.

5. Have a Plan for Lost or Stolen Devices

It happens — smartphones, laptops and other devices get lost or stolen. What happens next? Your written BYOD policy should include the procedure employees should follow in the event of a lost or stolen device, such as a policy for promptly reporting and wiping lost or stolen devices, even after hours.

Among the options is to use a service like Apple's Find My iPhone or Google's Find My Phone to locate missing devices. If that fails, firms can remotely disable and wipe lost or stolen devices.

6. Keep Devices Updated with Current Software

Hackers love old versions of software and operating systems. While upgrades are regularly delivered by software companies to fix bugs and improve performance, they also come with necessary security upgrades to fix known vulnerabilities. To reduce the number of vulnerabilities in your environment, employees should always keep apps and operating systems up to date with the latest version.

7. Schedule Regular Security Checkups

On a regular basis, personal devices used for work should be checked by the firm to ensure security settings and features comply with firm and client requirements.

HAVE A WRITTEN POLICY

Once you have these tips in place, follow it up with a written BYOD policy. By formalizing established best practices for your firm, you get employees on the page regarding the safe use of their personal devices.

The policy should outline required minimum security standards, such as who has access to specific systems and data through a personal device, answer questions like what data is allowed to be stored on the device, if any, and enable the firm to wipe personal devices in the event of a cyber emergency. (Harrison recommends prohibiting the storage of any confidential data on a personal device.) In addition, the policy should include a written agreement signed by each employee stating that they've read the policy and agree to it.

By taking the steps above to help ensure personal device security, staff can still enjoy the conveniences of their personal devices, while minimizing the risk of exposing firm or client data to the wrong people.

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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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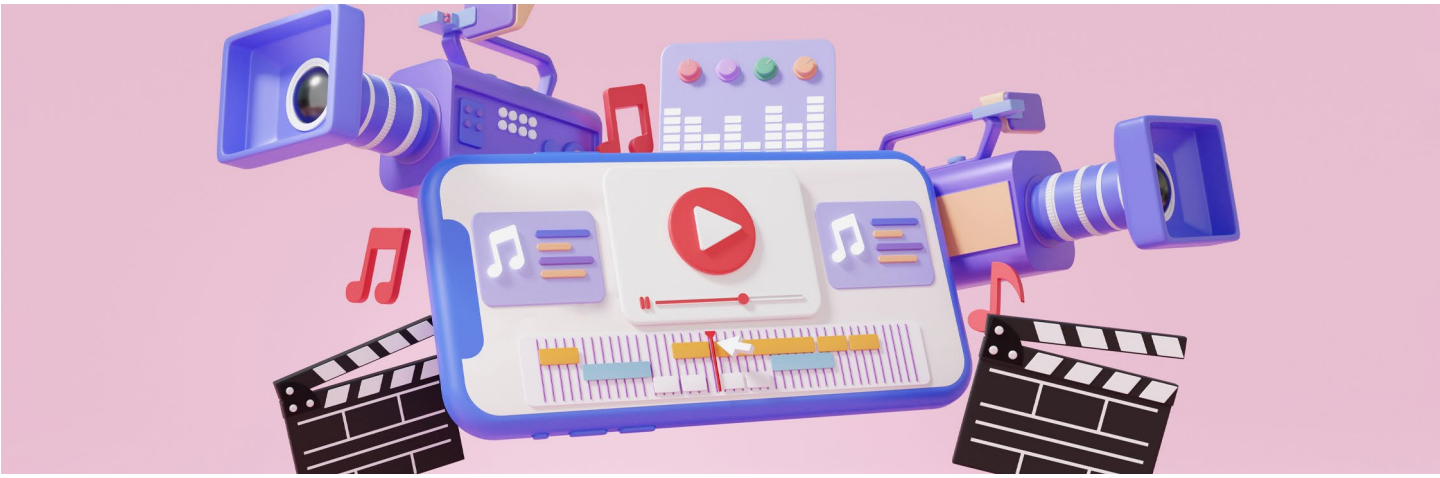

TAYLOR WELLMAN
Co-Owner
Financial Potion

The Power of the Smartphone for Video Marketing

Video marketing is perhaps today's most beneficial way to increase awareness and grow your business. But instead of splurging for fancy cameras and audio equipment, you may be holding the key to successful video marketing in the palm of your hand — your smartphone!

Nowadays, every smartphone contains powerful tools to help you shoot and edit your video — as well as post it to be seen by your target audience. Given the advanced state of smartphone cameras and lenses, it's now possible to shoot professional quality videos and edit directly on your phone using apps. Here's how.

> "Nowadays, every smartphone contains powerful tools to help you shoot and edit your video — as well as post it to be seen by your target audience. Given the advanced state of smartphone cameras and lenses, it's now possible to shoot professional quality videos and edit directly on your phone using apps."

1. Start with a Plan

Just like any other marketing scenario, it's best to set up a plan of action. It's not only important to storyboard and notate an outline for how you want the shoot to progress, but it's also useful to plan the types of videos you'll need for each platform you want to post it on. This step is a must whether your video is 90 seconds or 90 minutes.

2. Determine Your Audience and Platform

Who is your audience? Some social media platforms skew younger like TikTok or Instagram, while others have a broader audience, such as YouTube, Facebook and even LinkedIn. Do you want to make a short and sweet (but effective) advertisement in less than a minute in length? Your best places to post that might be an Instagram Reel, on TikTok or even as a YouTube short. These will be filmed vertically or in portrait mode with your phone. This vertical style is quickly becoming more the norm for online videos and can really drive engagement and views on all sorts of platforms.

Perhaps you're more interested a long-form video that takes time to detail your service. YouTube, Facebook and LinkedIn are great options for more in depth videos. This is recorded horizontally or in landscape.

3. Assemble Your Equipment

After you have a plan, you'll just need a few affordable accessories to help your production: a tripod, maybe even a gimbal (a stabilizing tool that keeps the shot steady if you plan on moving around), a wireless lapel microphone and lighting so your face can be evenly lit without awkward shadows. Adding lighting to your scene will also allow your camera to work to its highest potential and eliminate any fuzziness you may see in the video. You can get this equipment online for as little as $100-$200.

Check your video settings on your phone to ensure that you're shooting at the highest resolution. These settings are right inside the camera app on most smartphones and are easily adjusted. Recording in 4K is an industry standard at this point, and 30fps (frames per second) is a good baseline for any video where you're speaking. These videos will be a larger file size — which will take more space on your phone — but cranking the quality up to the highest level will generally help your videos look sharper on any platform. Make sure to regularly transfer the files off your phone to a computer to give you memory space.

If you're planning on capturing b-roll — secondary footage that goes on top of dialogue — it's best to record in 60fps, as it will give it a smoother look. Including b-roll is especially helpful in longer videos to break up the format, add visuals and keep viewers engaged.

4. Time for Editing and Uploading

Another useful aspect of producing videos through your smartphone are editing apps. Depending on what you want to do with your footage, you can use mostly free apps to cut, rearrange or even add effects and text to your video! If you're looking for the highest-rated or most-used apps, a quick online search will point you toward some of the best ones available.

Lastly, once you're finished with the recording and editing of your video, you'll want to upload it so everyone can see it! Each platform will have a link or a button that you can use to upload your video. The video itself has to be on your phone, usually in the camera roll, and you can follow the platform's upload steps to find the specific video you're looking to upload.

Many platforms have advanced tools so you can retrieve dashboard information about who watches your video and when. If someone leaves a comment, comment back to build on the conversation and create engagement. Platforms rank your content based on engagements, not just number of views your video received.

The biggest investment, the camera, is already in your pocket. With just a few small accessories, some free editing tools and your calendar, you'll be well on your way to promoting your firm.

ABOUT THE AUTHOR

Taylor Wellman has been working in the field of video marketing since 2009. Through her company, Financial Potion, she helps business owners communicate in a more authentic and engaging way with custom video marketing solutions in the form of production, editing, social media distribution and training. Located in Arizona, Financial Potion provides full-service video marketing solutions that can help business owners share their message in a more effective way.

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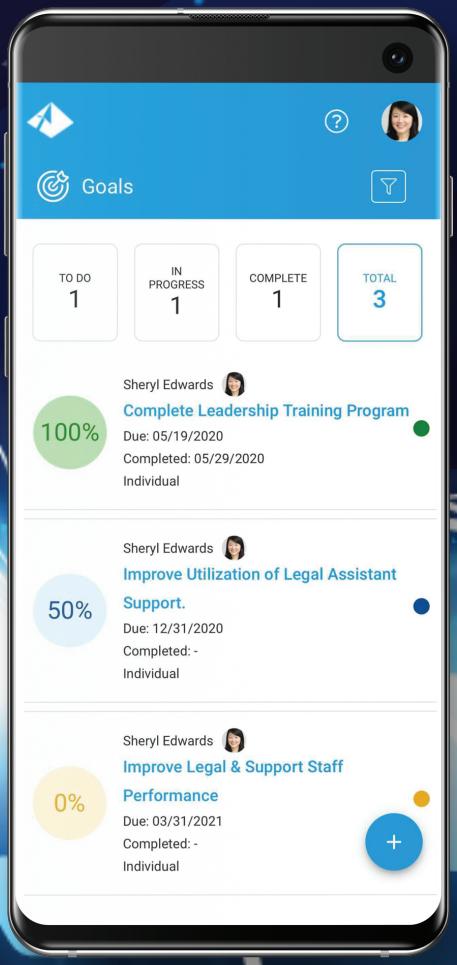

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BILL & PHIL
William Ramsey, Partner, Neal & Harwell

Phil Hampton, Consulting President, LogicForce

The Fabulous, Foldable ZFlip Smartphone

We love our smartphones. Phil always has the latest Samsung Ultra phone. Bill always has the latest iPhone and an Android model, but now he's found a "new phone in town."

After Bill noticed Phil's Samsung Galaxy ZFlip phone with a foldable screen, he immediately got a bad case of phone envy. So when Samsung announced the release of the ZFold 4, Bill had to have one because it has a giant screen when it unfolds, much larger than the ZFlip.

Bill immediately began shopping for his ZFold. The retail price for the phone ($1,800) gave Bill a temporary case of sticker shock, but he soon discovered he could get $900 off when he traded in his old phone. He bought it and immediately fell in love. Here is why.

The ZFold actually has three screens — a front screen and a foldable inner "double" screen that converts into a 7.6-inch display. It is almost as large as the screen on an iPad Mini, which means you get a regular smartphone and a nice tablet that doubles as a smartphone — all in one phone. In fact, when you use it as a tablet, it is practically a minicomputer.

> "The ZFold excels when you are reviewing Word documents, Excel spreadsheets or emails ... the large on-screen keyboard makes it easy to respond to emails or edit documents."

You can connect it to a keyboard and a mouse, and it serves well as an Android computer. It even has a taskbar at the bottom of the screen, like a Windows computer or an iPad.

And that is just the beginning. You can open up to three apps simultaneously on the inner screen and copy and paste information from one app to another. You can open an app in "Flex Mode' and fold the upper part of the screen at an angle, then control the app with a trackpad pointer and use the phone as a mini laptop. The large screen is also ideal for gaming.

The ZFold excels when you are reviewing Word documents, Excel spreadsheets or emails. When you are old like Bill and your eyesight is failing, the large screen does wonders for your ability to review complicated documents or lengthy emails. The large on-screen keyboard makes it easy to respond to emails or edit documents. You can place the screen at most any angle for your comfort and convenience, but we really like using the screen fully open to take advantage of the very bright and sharp OLED screen. There is a "fold" in the center of the screen, but you barely notice it once you begin using the ZFold as a tablet.

There have been rumors that the camera is not up to the standard of the cameras on iPhones or the other Samsung Galaxy phones. We have found that not to be the case. The telephoto camera shots were amazing. The front-facing camera on the foldable screen took great pictures and it makes for a great camera to use for Zoom calls. The screen is large enough to accommodate a Zoom session easily. The speakers on the phone are loud enough to provide clear conversations in a Zoom session or a speakerphone call.

There are a few drawbacks. The phone is a bit bulky — certainly thicker and heavier than an iPhone or a regular Samsung Galaxy phone. The outside screen is a bit small, making typing and texting a bit awkward. But all of this is overshadowed by the cool factor of the large screen when the phone is folded out. Bill walks around to everyone — even strangers on the street — and makes them stop to watch him fold out the screen and play a YouTube video.

Yes, Bill is in love with "the new phone in town."

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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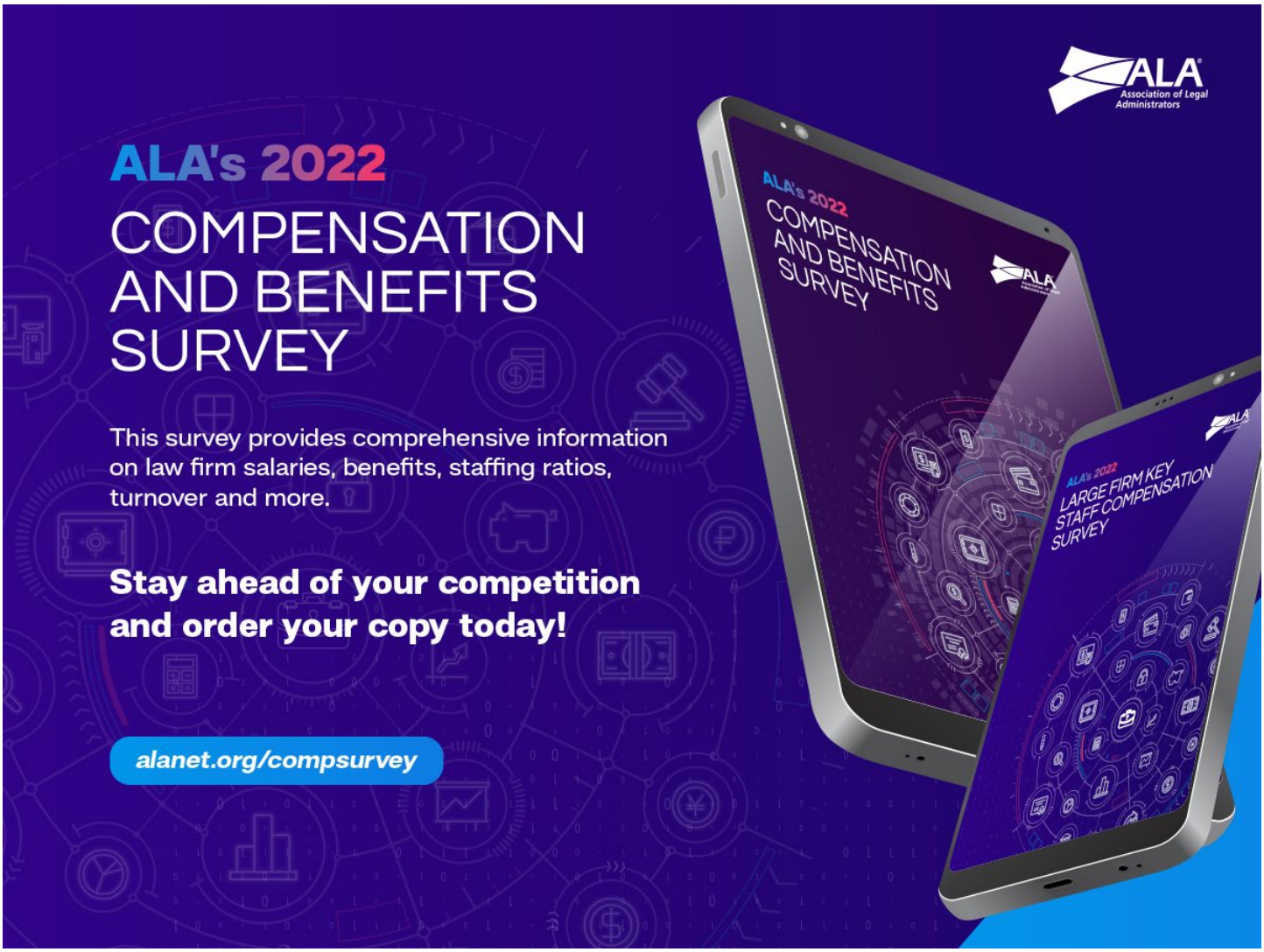

2023 HIPAA Privacy Rule Changes Will Impact Medical Record Retrieval

JARED VISHNEY
Founder
Arctrieval

The Achilles' heel for plaintiff litigation and personal injury cases is obtaining medical and billing records. Attorneys and the clients they serve wait too long, expend too much effort and pay too much for records, denying justice and delaying restoring an injured person's life. Now for the good news: Changes to the HIPAA Privacy Rule in 2023 will address these issues.

> "Providers will not be able to drag out their reply for months. It will force health care providers to manage their release of information process and address inefficiencies."

Before 1996, no uniform standard existed in the United States to obtain records. Many states and local governments had unique request requirements and fee schedules.

In 1996, Congress passed the Health Insurance Portability and Accountability Act (HIPAA), outlining uniform rights and responsibilities for accessing, managing and securing protected health information (PHI). HIPAA was a significant step forward, but over time, deficiencies of HIPAA became apparent. Various congressional responses since then have aimed at alleviating some of these issues, the most recent of which was due this year, but has been delayed until March 2023.

WHAT IS CHANGING?

Fundamental changes to the HIPAA privacy rule normalize the electronic health record definition, clarify privacy practices, provide transparency for access fees and reaffirm an individual's access rights. Most importantly, a new section, §164.524(d), clearly describes the individual's right to direct PHI in an electronic format to a third party and imposes a reasonable, cost-based fee for the record production. The section is critical for the legal community to get records from health care providers promptly and at a reasonable cost.

The access granted through Section §164.524(d) only applies to an electronic health record. The new definition covers the same scope as the "individually identified information" defined in Section §160.103. It removes previous ambiguity and includes everything about the individual's past, present and future health care, provisioning of care, and all payments related to the individual's care. However, if the information is not stored electronically, it will not be subject to the rule. In the event a provider still relies on paper records or has information stored outside the electronic health record system, access is granted with a standard third-party authorization form.

A health care provider may require a written request to access PHI. Still, it cannot create an unreasonable measure that impedes access to PHI. Requiring an individual to complete an extensive third-party authorization form in lieu of a proper individual right of access request is an unreasonable measure. Other unreasonable measures include requiring a notarization, only accepting paper submissions, only accepting in-person requests or only accepting requests through the provider's online portal.

Under the new rule, a health care provider's time to respond is reduced. Once it goes into effect, providers must act upon the request as soon as practical, but not later than 15 calendar days. However, providers are entitled to one 15-calendar-day extension if they explain the delay and commit to a response date. In other words, providers will not be able to drag out their reply for months. It will force health care providers to manage their release of information process and address inefficiencies.

The most significant change aligns the cost of electronic records with the effort required to produce an electronic copy. If an individual requests a copy of their records delivered to them electronically, the new rule dictates that the reasonable, cost-based fee is limited to labor. Even if a provider sends it to them on a CD through the postal service, the provider can only charge for the labor component. The provider cannot charge for the media, envelope, mailer, labels or other miscellaneous items.

The cost-based fee, limited to labor, will also apply to an electronic copy in an electronic health record directed to a third party. Providers and release of information vendors should not be profiteering by being PHI gatekeepers and charging hundreds or thousands of dollars for a PDF file.

WHAT CAN YOU START DOING NOW?

Stop using third-party HIPAA Authorization forms. Authorizations issued under HIPAA 45 CFR §164.508 are permission slips that leave the provider in control and do not hold them accountable. The HIPAA Privacy Rule and most states' revised statutes do not have a specific timeframe for a provider to respond, thus there is no recourse for noncompliance.

Start using an individual right of access request issued under HIPAA 45 CFR §164.508. It is a directive that puts attorneys in control of the process. The provider must release the information or respond to the access request within 30 calendar days. Non-compliance is a potential HIPAA Privacy Rule violation and is subject to an investigation, fines and penalties from the Office of Civil Rights (OCR).

There will always be some follow-up because providers do not always do what they are supposed to do. However, the law is on your side. Any conversation with a provider will no longer be about the request status but rather the potential HIPAA Privacy Rule violation and what the provider will do to fix it. It puts the responsibility for providing timely access to protected health information where it belongs — with the provider.

Until the final action for the HIPAA Privacy Rule modification is taken, consider using the individual right of access request. It will reduce the time and effort to get medical and billing records for your cases today and prepare you for the future.

ABOUT THE AUTHOR

Jared Vishney is the Founder of Arctrieval and is an entrepreneur with more than 30 years' domestic and international experience with Fortune 500 enterprises and small-to-medium sized companies. He holds a dual Economics and Business degree from UCLA. His involvement in the health care and legal industry began 12 years ago when he founded Arctrieval, a business providing health information management services to hospitals and doctor's offices. Using knowledge and experience gained from delivering records, he built Arctrieval Legal to solve medical record challenges for legal professionals.

arctrieval.com

Absolute Interoperability Can Make Your Firm More Efficient

TONY PULLMAN
Chief Operating Officer
Pinnacle

It's now common practice for law firms to have a number of different systems for various business functions. However, there's a disparity between firms that have integrated the art of systems and the data they hold — otherwise known as absolute interoperability — and those that haven't. Those that haven't either work in siloed systems or only use their business information in isolation despite the applications themselves being integrated.

> "Interoperability gives law firms an unmatched power. It allows them to leverage integrations and data, giving them a greater business advantage and a higher level of business intelligence."

The bottom line is interoperability is complex, but it can be broken down into two key components: technical interoperability through working integrations and data interoperability. The former means connecting technology systems so that they seamlessly transmit information; the latter means ensuring that data can be accessed and used across systems and departments without losing its meaning. Most law firms have had considerable success technically joining systems up, but to achieve the real potential of interoperability, they need to take further steps to have good data interoperability. Those that fail to consider absolute interoperability risk exposure to costly business problems and bad decisions.

So why should you care about interoperability? For starters, absolute interoperability gives law firms an unmatched power. It allows them to combine integrations and data, giving them a greater business advantage and a higher level of business intelligence.

Firms that do it well have better knowledge about the business overall, and more importantly, can trust that the data they have before them is correct. It also means that teams across all departments can increase efficiency rather than logging in and out of various systems trying to find the data they're looking for.

WHERE IT CAN GO WRONG

Due to the nature of having intelligence across each system, the main area where interoperability can go wrong is when only the first, technical component is addressed.

Stopping here instead of progressing toward absolute interoperability means law firms risk failing to consider the most effective ways around how and where data is captured, passed on and kept up to date in their application ecosystem and how it can work together.

This exposes them to being in a place where the data is different system to system. However, because of the integrations being in place, they are under a false assumption that it is the same. For example, if your risk system — which typically feeds into your finance system — holds different clients, your firm might miss a conflict even through an otherwise thorough clearing process. The list of consequent problems is long but most importantly, the financial and reputational risk is enormous.

Data issues like this can have an incremental impact on the business and its finances. Even the culture of a firm can be impacted if the data can't be trusted and decisions are made more by gut instinct.

THE BENEFITS ARE MANY

In business, data is king. When a law firm has access to good quality cross-departmental data, they can do so much with it: strategically and operationally plan for growth, improve efficiencies and ultimately enjoy better financial performance.

Seamless interoperability also opens firms up to a range of positive opportunities and outcomes. Not only are they able to generate a greater return on the investment for the applications they're using, but they are able to build stronger relationships with clients. It allows firms to access information across all departmental systems easily so that they can have more productive conversations with clients, showing them that they truly understand what they need today, tomorrow and beyond.

Plus, at an operational level, firms can understand the basis behind management decisions internally, and how efficient the firm is across different departments. With this information, they can make the business more efficient, strengthen their teams and make good business decisions.

How can you make your system integrations ready for data interoperability?

Many firms will spend time building a case for a Microsoft-first strategy because they have seen another firm use it, or they assume it will be what's best for them because it's the core technology they rely on.

But the most important thing to consider is how to join data from disparate systems in a way that creates insights that would otherwise be unavailable through a single system. Another factor to consider is whether the firm's existing applications are the right ones to go forward with. This can bring with it challenges for interoperability, especially when a law firm has a number of different applications in the cloud and on-premises.

BUILDING FOR INTEROPERABLE SOLUTIONS

To figure out what they need and what needs to be done, firms need to reverse the planning process. Instead of approaching it from a technical point of view, look at the end result that they want and go from there. Your desired business outcome will help to illuminate the steps you need to take to get interoperability right for your firm.

Having powerful systems is great, and joining systems is even better. That said, law firms also have to establish the quality of their data and how to surface that data. Interoperability of systems through integrations needs to allow you to use the power of your data better than you could through a standalone application. You need an effective data strategy to understand how you're going to use the data joined together from multiple systems.

When working on a data strategy, ask yourself, "What's the information I want to surface to my lawyers, and what's the information I want to surface to the business stakeholders?" Work out your knowledge performance indicators (KPIs) and management information needs for both internal and external reporting. Once you've done that, you can understand how your systems need to interoperate to deliver the information.

ABOUT THE AUTHOR

Tony Pullman is Chief Operating Officer at Pinnacle. With over 20 years of experience specializing in change and project implementation within the legal sector, he has implemented a number of systems across firms ranging from global magic circle firms to mid-size and smaller-sized firms. He also has extensive experience working with senior management and teams at all levels to plan, implement and prepare firms for changes from technology change to organizational restructure and business process change.

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E-A-Ting Up Search Engine Optimization

BERT SAPER
Web Application Developer
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Here's a random test: Use a search engine (Google, Bing, etc.) and look for a practice area. Now look at the top organic results (the ones beneath the ads). If you click on any of the top links, you will most likely see one common feature: most or all will have a blog or a news section. Further, each of these blog or news sections probably will have entries created within the last month.

The top results are all examples of companies who are engaging in good search engine optimization (SEO) practices. And if you are a legal organization hoping clients find your name on the first page of a Google search, SEO matters.

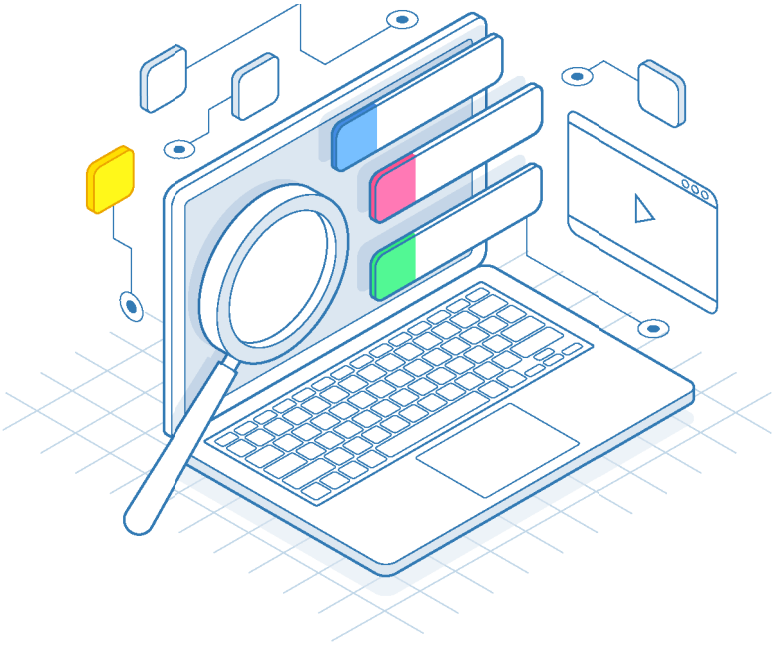
While the exact factors that go into a search rating are closely held, some general guidelines that never go out of SEO fashion include:

- The copy has strong keywords, which are phrases you might expect visitors to enter when searching for your services. (But don't try to fool search engines by blanketing your content repeatedly with the same keywords — search engines don't like that.)
- Each page has a brief "Description" tag that summarizes the content.
- The copy is logically ordered and employs heading tags that indicate main topics (H1) and subtopics (H2, H3).
- Page URLs and titles reflect the content of the page. For example, an area about employment law has a web address like "*www.yoursite/employment-law*" and a title like "Employment Law Experts."
- The site:
  - Loads swiftly and avoids overly large media elements.
  - Is easy to navigate and has a good user experience.
  - Is mobile-friendly.
  - Is accessible — meaning it is friendly to assistive technologies, such as screen-reading software and large print.

> "Providing consistent and compelling content allows you to rise above your competitors and truly demonstrate your trustworthiness and reliability on a particular subject area."

An SEO primer from Google states that "A site with a good reputation is trustworthy. Cultivate a reputation for expertise and trustworthiness in a specific area. … Expertise and authoritativeness of a site increases its quality. Be sure that content on your site is created or edited by people with expertise in the topic. For example, providing expert or experienced sources can help users understand articles' expertise."

These practices, in turn, help build the site's expertise, authority and trust, or E-A-T score.



BUILDING AN E-A-T SCORE

To build a strong E-A-T score, many experts suggest regularly adding content that demonstrates the site's expertise.

How does a busy firm do this? It takes a little thought and planning, but once a workflow is set up, it can be as easy as posting to Facebook.

"The content that you showcase on your website through your blog is one of the most critical ways that the Google bots, and potential clients, make a determination regarding whether or not you have the authority or expertise to be placed at the top of the Google search engine results, or get hired," says Annette Choti, author of *Click Magnet: The Ultimate Digital Marketing Guide for Law Firms*. "Providing consistent and compelling content allows you to rise above your competitors and truly demonstrate your trustworthiness and reliability on a particular subject area."

Posts can be on subjects beyond the legal arena. For example, if your practice focuses on estate planning, and you want to show in searches for high-net-worth communities, write about dining or shopping experiences there. Does the community have a farmers' market? Create a post about the quality of the produce and how much the office enjoyed it.

Another common tactic: Write about major cases making national news. Offering the firm's commentary is a great way to build authority. For example, a qui tam practice could comment on the recent whistleblower filing with the Securities and Exchange Commission (SEC) by Twitter's former head of security. This will help establish the firm as subject matter experts.

Good writing matters, too. Keeping the copy conversational will improve readability. Legal phrases are fine as long as they are defined and made understandable. It might be tempting to insert a lot of keywords into the post, but that is neither wise nor necessary. Keyword stuffing — as it's known — will punish results. Doing so often makes the copy less readable or even unreadable.

Search engines will also try to determine if your content is useful. That is, does it offer general advice (with the usual "this does not constitute legal advice" disclaimer) that might help a reader make a good decision? For example, when seeking personal injury representation, outline possible resolutions and explain the pros and cons of each.

While posts can be placed without an author's name, adding the name can help establish expertise and trust. Adding a brief bio will further establish authority.

Of course, these posts will not write themselves and it's easy to move this down on an already busy to-do list. But establishing a weekly workflow — story idea, writing, editing, posting — can become as routine as making coffee.

While there are no guarantees, there is a possibility that these regular posts — over time — will improve your results. If nothing else, they will add personality to your site, which is always good.

ABOUT THE AUTHOR

Bert Saper is the Web Application Developer at the Association of Legal Administrators.

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Anniversaries, Awards and Appointments

Members on the Move

David Astramecki, a member of the Minnesota Chapter, is now Director of Finance at Larkin Hoffman in Minneapolis, Minnesota.

Antoinette Brinson, a member of the New York City Chapter, is now Director of Administration at Jenner & Block, LLP, in New York, New York..

Salvatore Castorina, a member of the South Florida Chapter, is now Office Manager at MG+M The Law Firm in Miami, Florida.

Laura Connelly, a member of the Calgary Chapter, is now Marketing Manager at Bennett Jones LLP, in Calgary, Alberta, Canada.

John Dunn, a member of the New York City Chapter, is now Chief Financial Officer at Anderson Kill PC, in New York, New York.

Amy Ignowski (not pictured), a member of the Greater Kansas City Chapter, is now Office Administrator at Lewis Brisbois in Kansas City, Missouri.

Francine Lahm, a member of the New York City Chapter, is now New York Office Administrator at Pallas Partners, LLP, in New York, New York.

Rachel Nuzzi, a member of the First State Chapter, is now Chief Human Resources Officer at Morris Nichols Arsht & Tunnell, LLP, in Wilmington, Delaware.

Bill Wiggins, Jr., CLM, a member of the Raleigh/Durham Chapter, is now Executive Director for Smith Anderson in Raleigh, North Carolina.

Katie Bien, a member of the Arizona Chapter, is now Director of Marketing and Business Development at Jennings Strouss & Salmon, PLC, in Phoenix, Arizona.

Ronnie DeCesare, an independent member, is now Executive Director at Liebert Cassidy Whitmore in Los Angeles, California.

Donald Dunn, an independent member, is now Office Administrator at Parker Poe in Raleigh, North Carolina.

John Gosnell, a member of the Granite State Chapter, is now Chief Operating Officer at Sulloway & Hollis in Concord, New Hampshire.

Anne Jenkins, a member of the Oregon Chapter, is now Office Administrator at Foster Garvey, PC, in Portland, Oregon.

Stephanie Magdaleno, a member of the Greater Los Angeles Chapter, is now Human Resources Manager at Milbank LLP, in Los Angeles, California.

Melissa Poole-Knight, a member of the Mile High Chapter, is now Director of Administration at Brownstein Hyatt Farber Schreck, LLP, in Denver, Colorado.

Jennifer Thiel (not pictured), a member of the Chicago Chapter, is now Recruiting and Marketing Manager at Leydig Voit & Mayer, Ltd., in Chicago, Illinois.

Jamaine Yarborough, MBA, a member of the Capital Chapter, is now Business Director at Greenberg Traurig, LLP, in Mclean, Virginia.

Sending Our Condolences

ALA is saddened by the passing in May of **Katherine Hollander,** a member of the Golden Gate Chapter for nearly 20 years. Katherine was Office Manager at Friedman & Springwater LLP in San Francisco, California, before becoming sick in 2020. We send our condolences to her family, friends and colleagues.

ALA also regrets the passing of **Rose Tesauro.** Rose was a member of ALA and the Philadelphia Chapter for five years. We send our condolences to her family and friends. You can read her obituary at *legacy.com/us/obituaries/name/rosaria-tesauro-obituary?id=36293027*.

What's Happening at Headquarters

Welcome to ALA's New Executive Director

ALA is excited to welcome **Eryn Carter, CAE,** as the next Executive Director of ALA. She officially joined the staff on October 11. Eryn has more than 25 years of Association leadership experience — most recently as the Senior Director of Global Markets for the Million Dollar Roundtable.

Eryn is a graduate of Carleton College in Northfield, Minnesota, and has been a Certified Association Executive (CAE) since 2010. She is also a member of the Association Forum of Chicagoland and is a founding member of CHIEF Chicago, which is a think tank and network for women executives.

We congratulate Eryn on her new role as Executive Director. We are confident that under her leadership the Association will continue to excel in its vision and mission.

Welcome, Eryn!

Make Plans to Zoom Over to ALA's Virtual Conference

Join industry professionals, colleagues and friends on November 2–3, 2022, for a dynamic virtual educational event — all from the comfort of your own home or office! ALA's 2022 Virtual Conference: Trending Topics in Legal Administration will offer exciting sessions (two mornings and two afternoons each day) that will cover applicable knowledge to fine-tune your professional skillset in the following categories: information technology, human resources skills, legal industry trends and business ethics.

In addition to obtaining CLM® credits through invaluable educational sessions and presentations, you will be able to network virtually with others in the ALA community and valued business partners. Visit *alanet.org/vc22* for complete details and to register.

There's Still Time to Register for ALA's Legal Management Fundamentals Conference

ALA's Legal Management Fundamentals is a must-attend program for those in the first five years of their legal management careers. Join like-minded industry peers from across the country for engaging and dynamic sessions led by industry veterans. This comprehensive program focuses on the core competencies and best practices of legal management, broken out into four distinct modules:

- Legal Trends and Operations Management
- Financial Management
- Human Resources Management
- Leadership

You'll walk away with invaluable advice and practical tools and skills that you can apply immediately — plus, a new network of industry colleagues! Sign up now at *alanet.org/lmf* to join us November 4–5 in Denver, Colorado!

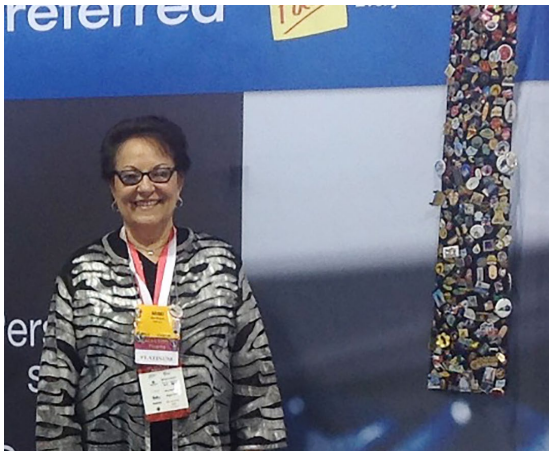
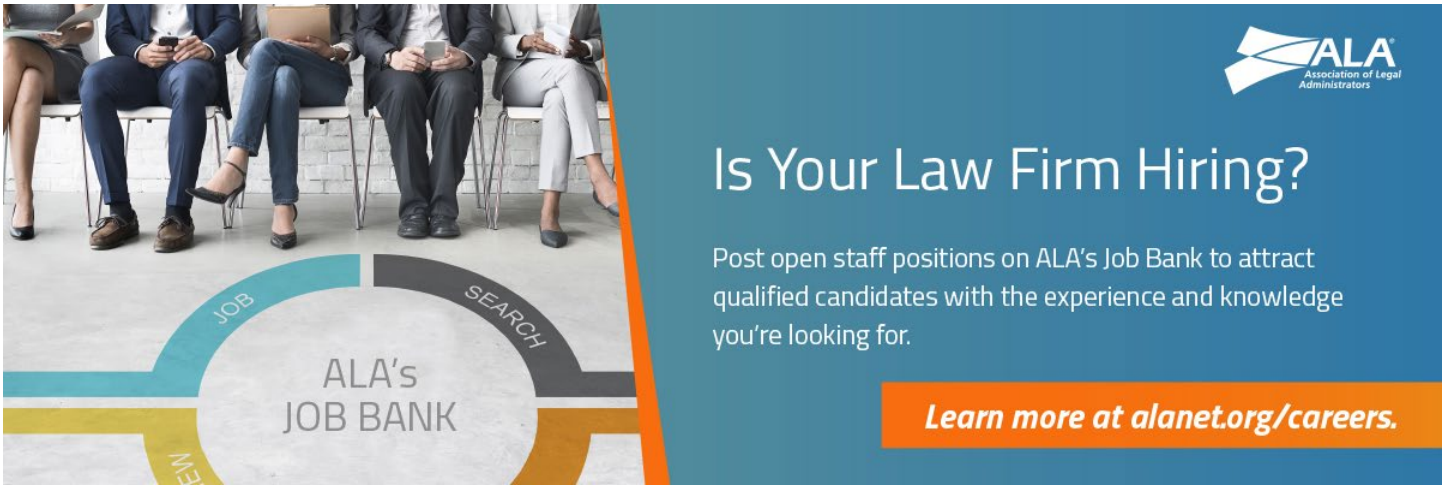
What's Happening at Headquarters

Act Quickly: Fall's Mental Health First Aid Program Nearly Sold Out

Our popular Mental Health First Aid Certification Program is back! This one-day training program is an interactive 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. October dates are already sold out, but you can still snag one of the few left in November.

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.

A Pin for All ALA Occasions

For those of you who have ever been to an ALA Annual Conference, you know how much fun the badge flair can be — you can amass quite a collection over the years!

Nobody knows that more than Mimi Boysen, a longtime ALA supporter who worked with many of you while she was with Quill. She recently dropped off ALA pins from conferences over the years for historical memorabilia. Thank you, Mimi!