

LEGAL MANAGEMENT

SEPTEMBER 2021
VOLUME 40 • ISSUE 8

THE MAGAZINE OF THE ASSOCIATION OF LEGAL ADMINISTRATORS

Finding Common Ground

We've got advice for managing conflict in your legal organization.





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“
The key is to take on
the responsibility of
purposefully managing
conflict, while bringing our
humility along with us.”

My Volunteerism Made Me a Better Conflict Manager

This month's feature article on conflict management got me reflecting on an annual activity we conduct at ALA that is happening now: our call for volunteers for the Board of Directors, Chapter Resource Team and our standing committees and project teams. What do the two have in common, you may ask? Well, for me, one helped me conquer my fears of the other.

I have been the biggest conflict avoider I know since I was very young. If I had a motto when I was asked my opinion, it would have been “I don't care.” After all, it was always easier to go along with what everyone else wanted than to state my opinion or come up with a better solution. I was good at going with the flow. I am not sure when it happened, but I eventually discovered the flow was not where I wanted to go.

The major issue I had in making this transition was that I wasn't used to speaking up. I had not practiced the most effective way to diplomatically state my opinion and occasionally engage in conflict. So I tried to quietly take part in constructive conflict as a way to make changes *without* making waves. At times, it could be borderline passive-aggressive. That was not the goal either, and it became a conundrum I struggled with for many years.

I eventually got unstuck when I began my volunteer journey with ALA. I would have never believed one of the benefits of saying “yes” to volunteerism would be how to get comfortable with and manage conflict.

It started out a little bumpy. I made the decision to “fire” a chapter volunteer when I was chapter president when other methods of conflict management were not achieving the desired outcome. (I still wonder if there were better resolutions

for that one.) As I found myself in volunteer roles of greater responsibility, the opportunities for conflict increased.

I decided to watch and learn from others — as with most things in my life, I like to observe a little bit before I engage in action. I watched others engage in and manage conflict before I took the plunge myself.

One important thing I learned from my observations: Sometimes the conflict was not agreeing on what the problem was in the first place. I gradually became able to anticipate when the task conflict bled into personal conflict and vice versa. I learned which conflicts were worth engaging in and which were better to just let go of. You can certainly put these lessons to use in your day job, but there is something less risky about it when you are in a volunteer role.

Before I knew it, I consistently found myself in situations where I was managing conflict, which led to an epiphany: Conflict is not a dirty word at all. In fact, if managed correctly, it can be quite productive. The key is keeping it focused on tasks to move a solution forward, rather than falling into the trap of assuming all conflict has to be of a personal nature. I love nothing more than a good debate about the right way to get to a desired outcome when it ends up with everyone in the discussion leaving with a feeling of being heard.

But I have learned that you cannot solve difficult problems without having difficult conversations. And through those uncomfortable discussions, it's possible to still respect everyone involved. The key is to take on the responsibility of purposefully managing conflict, while bringing our humility along with us.

It's why I believe the hardest problems are best solved when there is a group working together — and often through conflict — rather than a single person solving it on their own. How we choose to manage conflict has a great impact on the performance and cohesion of a team.

Managing conflict is just like everything else, in that as soon as you think you have it figured out, something else comes along to make you question it. That said, we do keep getting better at it, and without the ALA volunteer opportunities I had, I think it would have taken me a lot longer to learn all this. You never know what benefits you will get when you give of your time and talents!



THERE'S STILL TIME TO SIGN UP TO BE A VOLUNTEER

Did this article give you the final nudge to volunteer? Great! You can still apply: The deadline for applications to serve on the Board or the CRT is September 17; volunteer applications for the committees and project teams are due October 12. Learn more at alanet.org/volunteer.



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Submit Your ALA Story

The 50 Years, 50 Stories campaign invites members to share their ALA experiences in video form. To commemorate this milestone, we are looking for members to share their stories and pictures. Please take a moment to submit a short video testimonial telling us what ALA means to you.

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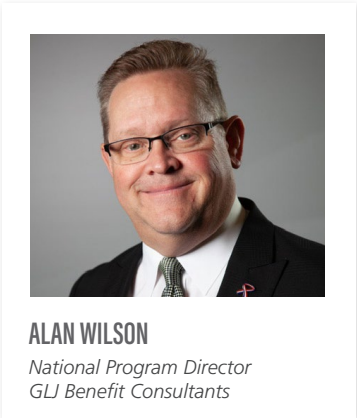
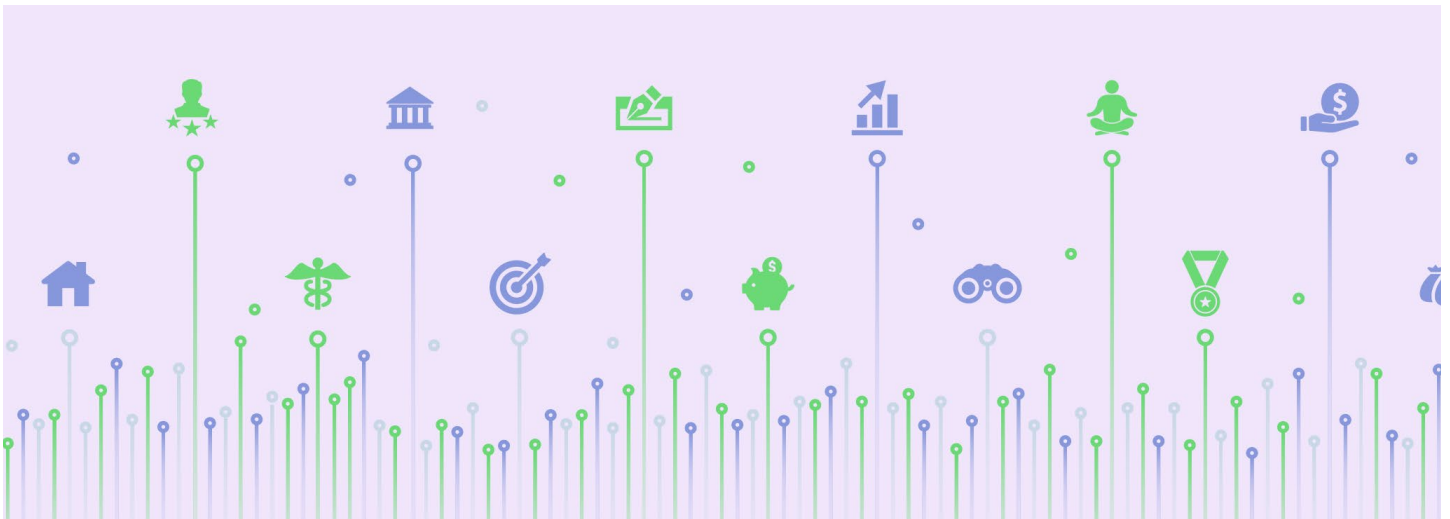


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Examining the Employee Benefits Landscape

Well, my friends, I think we can all agree the last 18+ months have been a whirlwind of uncertainty. While I am sure we all hope to never live through another year like the last, some of the changes and adjustments we've had to make have set the course for new opportunity.

Partially in response to meeting the needs of employees after a challenging 2020 — and partially due to advancements in technology and benefit options — it's clear that the employee benefit landscape inside law firms has shifted and continues to change. My goal with this article is to highlight many of the new and most prevalent updates and additions to firm-offered benefits that we are seeing around the country and even the international community.

EAP: EMPLOYEE ASSISTANCE PROGRAM

The pandemic amplified the need for a robust EAP program focused on behavioral health. Personal mental challenges and serious crises like deep depression, alcoholism, domestic abuse and suicide ideation are all real day-to-day issues that many of your firm partners, employees and their families face. When assistance is not readily available, not only do your employees and their families suffer, but these issues can also translate into the firm dealing with concerns of absenteeism and presenteeism.

Many medical plans have offered EAPs over the years. However, many of these plans stop at preset access and may not cover the types of mental health challenges that we are seeing today.

“Many medical plans have offered EAPs over the years. However, many of these plans stop at preset access and may not cover the types of mental health challenges that we are seeing today.”

That's why a stand-alone, robust EAP is necessary. Look for an EAP with the following elements:

- 24/7 online crisis access
- One low cost per employee per month that covers the whole household
- Unlimited online counseling
- Minimum of eight live visits per occurrence or instance with a counselor if determined it's needed



TELEMEDICINE

In the last year, telemedicine has gone from a “nice to have” benefit to a “have to have” one, elevating this method of phone and video care more firmly into the realm of standard health care.

Many medical insurance carriers have added some sort of telemedicine benefit to their plans. These embedded telemedicine offerings typically carry copays (ranging from \$10–\$50 per call) each time a patient uses the service. It's important to note that using a telemedicine benefit embedded in a medical plan does affect a group's experience or utilization numbers (the numbers used to determine whether there will be an increase to your medical plan at renewal).

Because of this, when looking for a telemedicine benefit, I suggest looking for:

- A stand-alone telemedicine service that will not affect your firm's medical plan utilization numbers
- A program that provides coverage to your employee and their whole household for one fee
- A \$0 copay program
- A program that provides unlimited, 24/7/365 access to medical assistance



Rx DISCOUNT CARDS

Paying for prescriptions can really break the bank. But savvy consumers are finding that free Rx discount cards — such as Clever RX and GoodRx — are helpful in keeping their prescription costs down. Savvy employers are learning about the availability of these no-cost cards and are providing employees information on how they can lower their prescription costs with one.

This one may seem simple, but sharing valuable, easy solutions like these can affect an employee's pocketbook, creating one more solid reason employees love to work for you!



PET INSURANCE

Pet Insurance is by far the fastest growing employee benefit offered in the marketplace today. Our furry friends need quality care, and employees are looking to their employers to lead the way in offering an option to buy pet insurance — especially as individual marketplace pet insurance can be a little pricey.

If you're considering this benefit, we strongly recommend you look for a program that:

- Offers group discounts
- Provides various options to fit your employees' pet needs
- Allows for employer contribution flexibility



PERSONAL IDENTITY THEFT SECURITY

The ability to work from anywhere is great — but only if the security is great, too. Helping employees secure their personal assets and information is vital to the financial wellness of your workforce.

Let's face it: Cyber risks are part of our reality, and firms must find ways to help their staff and partners protect not only company assets and information but also personal information. There are many identity theft products on the market that help to secure personal and financial data. If your firm is considering this benefit, be sure to look for a program that includes:

- Social media protection
- Identity theft recovery service
- Credit and privacy protection resources
- Employee and family coverage options

ON THE HORIZON

These are just a few of the new and updated employee benefits that are becoming widely popular in firms around the globe. And there's more on the horizon ...

Everyday Discounts and Perks

Everyday consumer discounts and perks programs are an emerging trend in the employer marketplace. Just look around you — even McDonald's has a perks program now.

However, a solid perks program does not just accumulate points for future use or cashback; it also provides discounts at point of purchase with retailers, restaurants, and goods and services across the board at time of purchase. Keep your eye out for these "perks"-style programs coming to market soon.

Payroll Advancement

Watch for an influx of interest in payroll advancement options in the near future. The ability to access advance payroll funds through auto deposits and the ability to collect and exchange funds in the consumer marketplace are benefit offerings coming soon to the employer payroll world.

TAKE ADVANTAGE OF YOUR ALA MEMBER BENEFITS

As an ALA member firm, you have access to resources and programs mentioned in this article through the ALA VIP Program. I invite you to take advantage of the education and solutions at your fingertips. Don't hesitate to reach out to your business partners with questions throughout the year or stop by and say hi at one of the ALA conferences — we're here to help provide education and essential solutions!

ABOUT THE AUTHOR

Alan Wilson is the National Program Director at GLJ Benefit Consultants, where he started as an Employee Benefits Specialist in 2004. Since 2006, he has spearheaded the effort within GLJBC to reach out to law firms nationally regarding their benefits and how to use those benefits to help attract and retain quality personnel. Wilson has written articles for *Legal Management*, speaks frequently on benefits at conferences and consults with individual law firms nationally.

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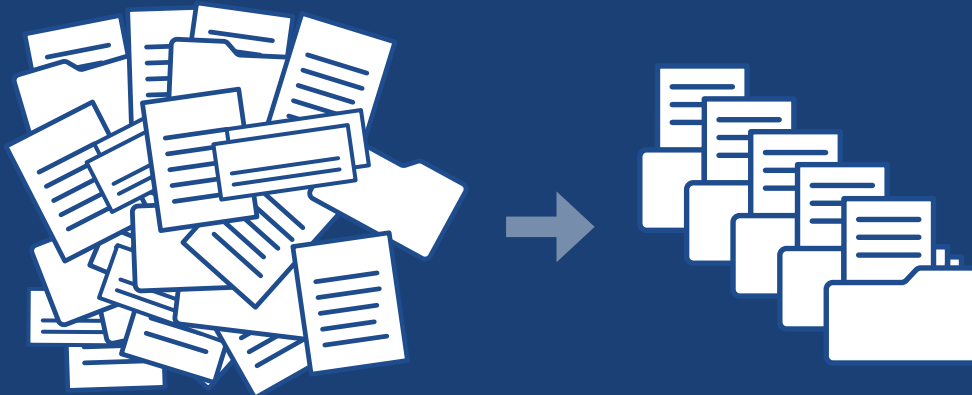


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SHARON MEIT ABRAHAMS, EdD
*President
Legal Talent Advisors, LLC*

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The most important
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be true to yourself, no
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at your firm.”

Tips from the Trenches: Women in Law Firm Leadership Share Their Wisdom

This past June, a group of women managing partners and legal thought leaders came together virtually to share their wisdom and experience. The pandemic has prevented many of these meetings from taking place in person; the online format did not deter participants and their willingness to share from their hearts.

I was privileged to cohost the conference and moderate the panel “Tips from the Trenches.” The most important lesson we all took away from the program is to be true to yourself, no matter what role you play at your firm. Along with this powerful message, we gained a few more insights.

Every woman leader comes to her role with a personal set of management skills. These skills might have been learned by watching other leaders or through the concerted effort of reading leadership books or attending management development programs. No matter how she honed her skills, they will be unique to her personal style. And one thing was clear from the conversation: not everyone is cut out to be a leader of lawyers.

WHAT IT TAKES TO LEAD IN LAW FIRMS

Many of us have heard the phrase “herding cats” when it comes to leading or managing lawyers. Many of the women leaders at this event shared the emotional investment they make to lead their firms. They talked about the time-consuming nature of building consensus. They even mentioned the time they take to get to know every lawyer and staff member. They want to do this.

Many women tend to adopt a nurturing style, as one of the panelists shared. They tend to be more empathetic, enjoy building effective teams and work toward everyone “getting along.” But for attorneys, dedicating so much time and energy to this style of leadership can contribute to their billable productivity taking a hit.

Of note for legal managers working with female attorneys: All the guest speakers shared the critical value of building a strong book of business before raising your hand for a leadership role. Establishing your credibility in a firm is foundational to success, and that credibility is always tied to rainmaking skills instead of leadership qualities. Most professional service firms have this quirk, but especially law firms. In fact, it’s common practice to take successful rainmakers and give them administrative leadership duties. But this is not always a recipe for success for men or women leaders.

BUILDING A SOLID SUPPORT SYSTEM

Women have a higher hurdle to achieve success in their firms beyond their revenue production. For example, the women on the panel called out the disproportionate responsibilities that fall on women outside their professional lives. One of the managing partners summed it up by saying: “Don’t do anything you can hire someone else to do for you.” She clarified that she abided by this rule at work as well as in her home life. This line of discussion concluded with an acknowledgement that, as a successful lawyer, she had the financial resources to build the support system she needed outside of work.

A support system inside the firm is also an important piece of the puzzle. Firm leaders need to create environments that assist women attorneys by having policies around flexible work schedules and systems that adjust to the needs of the women depending on the stage of their careers. Having the right tools and enough staff are also key factors for women to be successful at their firms. All the panelists shared how their firms have gone the extra mile to build firms that support women attorneys.

PRIORITIZING PERSONALLY AND PROFESSIONALLY

When the question was asked about setting personal priorities, it became clear that each leader achieved her success by creating their own path. One of the managing partners called herself “hard-core” and shared that though she encourages others to take advantage of flex time in her firm, she never did. It was reassuring to hear another panelist mention that she was a part-time partner when she was elected to manage the firm. Hearing both paths made it clear that individuals have to set their own boundaries and priorities as they manage their careers.



The final discussion was around life outside the law firm. The panelists shared, again, that each had their own unique needs. One panelist chooses to dedicate her time away from work to family, while another talked about going out with girlfriends.

One of the managing partners discussed the need to be a multidimensional person and approach life with curiosity; this also drives her activities away from the office. No matter what an individual enjoys when not at the office, the panelists all agreed that women need to let go of guilt so they can appreciate this time fully.

Moderating the conversation among this group of successful and powerful women was a great honor. They were all genuine, told wonderful stories and shared their wisdom freely. We need to create more of these types of programs so other women coming down the road have tips from those who have traveled before them.

ABOUT THE AUTHOR

Sharon Meit Abrahams, EdD, is a legal talent development expert with 30 years of experience coaching lawyers and advising firms on culture, DEI and the lawyer life cycle from new associate to retirement.

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Shaking Up the Law Firm Management Structure

Alternative business structures are allowing non-lawyers to share in law firm profits.

It's been one year since Arizona announced it was implementing a new way for law offices to "bring long overdue innovation to the legal field." That innovation? Licensing alternative business structures (ABS), which "opens the door for non-lawyer investment in law firms, and profit-sharing within firms with non-lawyers as incentives to bring in top talent."

That state's door officially opened on January 1, 2021, which means Arizona can join Utah as a place for non-lawyers to glean extra benefits from the firms they service. That does not mean, however, that these two states have exactly the same procedures.

What are the differences, and why have two states taken two different approaches? We interviewed leaders in both for insights within their geography and beyond.

WHAT'S NEW?

There are legal traditionalists who object to these developments, but Aaron Nash, a spokesperson for the Arizona Supreme Court, suggests legal gurus think of recent innovations in the health care industry. "You just didn't have enough doctors to go around, so you had registered nurses and [physician assistants] and different specialists who could do a lot of things," he says, while not totally replacing the practice's physician. And as they contribute more to the practice's overall success, these practitioners may choose to take an ownership stake.

In addition to the ABS rule change, Arizona will also allow legal paraprofessionals to represent clients in certain circumstances. This, too, is similar to how paraprofessionals

“
The way I look at it is this:
If you're the regulator and
your job is to regulate such
that there's affordable,
accessible legal services
for everyone, you're failing
if the lawyers are only
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representation in court.”

operate in medicine. “So you could get somebody, maybe a paralegal, with 10 or 20 years of experience, who could do a lot of the paperwork ... of the prep, but maybe not get in there and litigate,” Nash says. They would charge a bit less, but still provide a service.

LET’S SUPPORT THOSE ADMINS

Indeed, legal administrators are regularly mentioned as colleagues that law firms should recompense — in a way besides a year-end bonus.

“For the legal admins, who ... I truly refer to as the heart and soul of law firms, they’re the people actually running the firms,” says Lynda Shely, an ethics lawyer in Scottsdale, Arizona. Shely is a longtime adviser on how to comply with the Rules of Professional Conduct, and more recently she assisted the Arizona Supreme Court’s task force in drafting that state’s ABS rule change.

“Other states have task forces where they’re considering [ABS], and if their firms are interested in perhaps giving a trusted, seasoned firm administrator an ownership interest in the firm, that’s something that each state will have to adopt,” Shelby adds.

GOING BEYOND THE LAW FIRM’S DOORS

“With the alternative business structures, you could [also] have somebody who’s a technology expert, or [another expert], and maybe the lawyer wants to do some kind of profit sharing ... in thanks for helping build the business,” says Nash.

Still doubtful? Then form another medical image: doctors who want to focus on the medicine, not the financial and administrative side. As Nash puts it: “A lot of the discussion was that a lot of lawyers are ... good legal minds [but don’t] necessarily want to be businesspeople. Right? They just want to practice law.”

MEET THE NEWBIE

Arizona’s door opening is “not intended to require traditional law firms to have to apply to be an ABS Entity, just because they have a firm administrator who’s a non-lawyer. It’s intended to apply only to firms that are giving an equity or ownership interest to a non-lawyer,” says Shely.

“I know the concern was that there would be huge accounting firms, or Walmart, or Amazon, coming in and buying up law firms. And we’re not seeing that at all,” she says.

“Other states have task forces where they’re considering [ABS], and if their firms are interested in perhaps giving a trusted, seasoned firm administrator an ownership interest in the firm, that’s something that each state will have to adopt.”

Opening things up doesn’t mean Arizona firms can start dispensing equities. First, it’s not as if the doors just flew upon on midnight December 31, 2020. “There was a task force that looked into legal services reforms, I think starting around 2018, throughout 2019,” says Nash. “Then their recommendation of the rule changes, the code section changes, that had to happen.”

In January 2021, Arizona first started reviewing applications. “The Arizona Supreme Court’s committee so far has only approved three ABS Entities to be certified,” says Shely, noting that (as of this spring interview) the committee does have “another 11 applications pending.”

Shely points out two major differences between Arizona and Utah programs: “ABS Entities in Arizona that are certified [are required] to have an Arizona lawyer. And Arizona may be a desert, but we are not a ‘sandbox,’” she says, laughing. “Our rule changes are permanent. They’re not on a temporary basis.”

LET’S GET MOVING — SAFELY

That brings us to that “regulatory Sandbox.” It’s the Utah program that has been enrolling lawyers into ABS for about two years so far — and it’s far from a playground.

Utah leaders felt inspiring innovation needed a more long-term perspective. “[Lawyers] have [business structures] that are very traditional, that must distribute all capital every year, because that’s what the partners expect. It’s very difficult for them to invest in some other way of providing legal services,” says John Lund, Chair of the Utah Supreme Court’s Office of Legal Services Innovation, a role he assumed in August 2020. (He also serves as Of Counsel at Parsons Behle & Latimer.)

“Fundamentally lawyers are a pretty cautious and careful crowd. So there’s really not been much meaningful innovation from the lawyers,” Lund says.

“The key element of difference between us and Arizona [is] we really have ... set this up as an experimental arena,” he says.

“It’s a Sandbox in the sense that we’re willing to let a lot of different things be tried to see if they work — to see if they are improving the situations we’re talking about.”

That’s why Utah’s approach is a seven-year program, he notes. “None of the changes in Utah have been permanently embedded in the rules yet. Arizona ... just decided to let [Rule] 5.4 go away and do [alternative] business services permanently.”

IT’S NOT JUST ABOUT MONEY

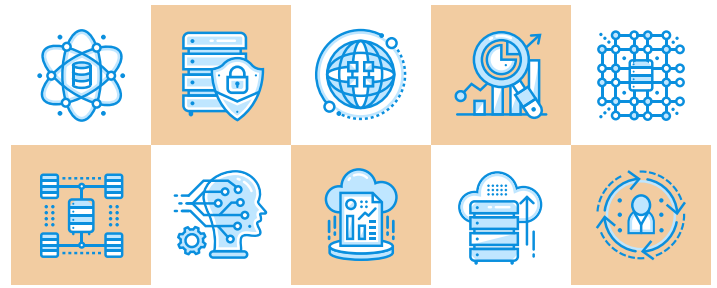
In Utah, the experts explored something beyond dollars: under-representation among poorer defendants. “Just like any other state, the need for legal services [in Utah] is obvious,” says Lund. “There are lots of people that don’t get a lawyer, can’t afford a lawyer, and they aren’t necessarily just people below the poverty line. There are people up and down the income scale who just do not engage with a lawyer.”

One theory of what’s causing this obstruction is how regulations force law firms to be entirely owned by lawyers. “No other owners, no multidisciplinary practice, no capital investors [and so on]. All of that, we believe, may be constraining the ability of the market to really provide legal services,” Lund says.

“Fundamentally lawyers are a pretty cautious and careful crowd. So there’s really not been much meaningful innovation from the lawyers.”

ABS essentially show some interest and understanding of economics and expanding outreach. “Obviously, the well-funded corporations don’t have trouble finding lawyers to represent them,” he adds. “[But] there’s either not affordable [or] not accessible legal services for a huge number of people. Not to mention the people that don’t bother to hire a lawyer for something as simple as a will because they don’t think they can afford it.

“The critical thing from our perspective is to collect data about what happens with these providers of legal services,” says Lund. “How many instances of the service did they provide? Were they successful? What is the cost? Were there complaints? All of the things that would tell you if there’s actually any benefit. And relatedly, if there’s any harm being caused by letting non-lawyers provide some of these services.”



THE OUTSIDE PERSPECTIVE

Rocket Lawyer has been playing in Utah’s Sandbox since September 2020. “We believe everyone deserves affordable and simple legal services,” says Charley Moore, the company’s Founder and Chief Executive Officer. “[We have] experience running a similar program in the United Kingdom with a combination of staff and independent lawyers, [so] it’s been ... impressive to see how quickly and thoughtfully Utah officials responded to the needs of [its] citizens with sensible application of innovative regulations. As a direct result of their efforts, we’ve already helped over a thousand people get access to affordable legal help.”

Moore specifies: “We’ve supported Utahns with a range of legal needs, from landlord-tenant issues and estate planning to contracts and business formation.”

WHAT’S YOUR STATE’S NEED?

“The way I look at it is this: If you’re the regulator and your job is to regulate such that there’s affordable, accessible legal services for everyone, you’re failing if the lawyers are only providing for 15% of the representation in court,” says Lund.

Ultimately, Lund urges naysayers to truly review their current situations. “Look at how dissatisfied lots of lawyers in large firms are and how challenged they are with their rate structures ... to attract clients,” he says. “It may just be that embracing some of these different approaches — utilizing technology, non-lawyers and having partners who are not lawyers, so they have a multidisciplinary service for clients — those may be ultimately much more successful models for them going forward.”

ABOUT THE AUTHOR

Wendy J. Meyeroff, the Ghostwriter Who Grabs Attention, has been a reporter for numerous trade magazines for over 20 years, as well as a marketing consultant for numerous industry leaders.

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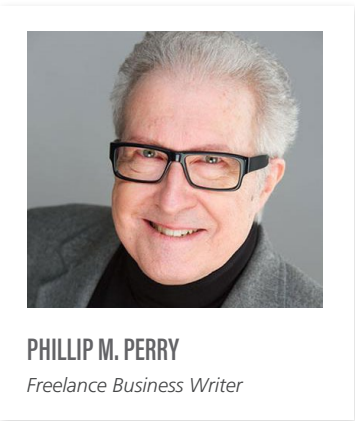
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Balancing Tradition with Progress

Law firms juggle digital efficiencies with the human touch.

Summer Jurrells, PHR, SHRM-CP, arrived as Administrator of Husch Blackwell LLP's Austin, Texas, office in March 2020 — one week before the entire staff was sent home to work remotely in response to the COVID-19 pandemic.

If that kind of shock to the professional environment would challenge the equanimity of anyone, Jurrells characterizes the long-term result as favorable. “The pandemic made us all realize we can do more work in a decentralized way,” she says. “We don’t have to see each other face-to-face to be productive and get things done.”

As the year went by, Jurrells felt her team was often communicating better because of the ease of jumping onto Zoom or Microsoft Teams. “We didn’t have to figure out how to get everybody in the same room,” she says. “That can be as hard as herding cats.”

Husch Blackwell’s long history of experimentation with remote working arrangements allowed it to more easily adjust to the new normal created by the pandemic. Indeed, a few months after the crisis hit, the firm launched a completely virtual office called The Link. Dispensing entirely with a traditional brick-and-mortar environment, the new structure allowed attorneys, office administrators and support staff to work from their homes or locations of their choosing.

“I don’t know that the pandemic made us do The Link, but it definitely sped up the timeline,” says Jurrells. “The arrangement allowed us to hire attorneys located and licensed in states where we do not presently have brick-and-mortar offices.” The result, she feels, has been a more flexible enterprise. “We can now help clients who might not necessarily look outside of their state.”

“The arrangement allowed us to hire attorneys located and licensed in states where we do not presently have brick-and-mortar offices. We can now help clients who might not necessarily look outside of their state.”

EXTERNAL FORCES

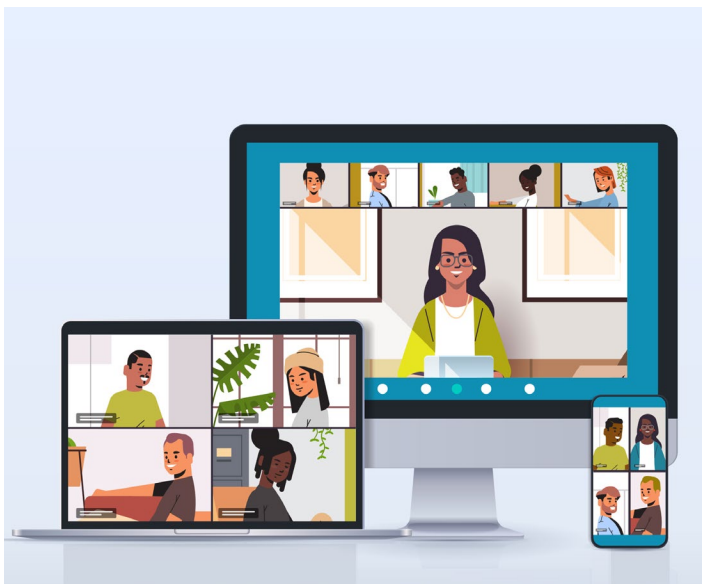
The Husch Blackwell experience reflects a larger force pushing for technological change across the entire legal spectrum: Law firms are using lessons learned from the pandemic to retool their operations. Deference to the powerful personal touch of traditional office interactions is being counterbalanced by a greater respect for the efficiencies of remote working arrangements. Reports of rapid revenue growth at cloud-based firms such as Culhane Meadows PLLC, FisherBroyles LLP, Potomac Law Group and Rimon PC further advance the move toward this arrangement.

The forces pushing for a cloud-based future are not all internal ones. The legal system itself can require that law firms become more adept at negotiating digital networks.

“During the pandemic, the Miami state courts used Zoom and other virtual platforms to accomplish a lot of day-to-day work,” says Don Hayden, a Founding Partner at Mark Migdal & Hayden, a Miami-based firm with 17 attorneys. “One resulting benefit was the realization — not just by my firm but by the Miami legal community — that we can accomplish many routine pretrial court appearances more efficiently through virtual court proceedings.”

Rather than sitting one or two hours in a crowded courtroom for a five-minute status hearing, says Hayden, attorneys were able to attend calendar calls and routine motions from their desks, waiting in queue while dealing with other matters. And depositions lent themselves to virtual engagements with programs such as Zoom.

“At first, there was a concern that you wouldn’t be able to really test the credibility of a witness virtually,” says Hayden.



“The fact that attorneys don’t have to travel to a remote location translates into a cost savings for clients.”

“But the clarity of the pictures was pretty good and you could see the speakers’ facial expressions.”

Like live depositions, virtual depositions can be recorded so juries can be shown how a witness responded. The limited number of participants also helps the process, notes Hayden. “You have the person asking the questions, the deponent and the deponent’s attorney. So it’s not like a witness can get sidetracked.”

Cloud computing has other advantages. “For attorneys who have become comfortable with the technology, it’s sometimes easier to go through a stack of documents on your screen rather than in a conference room,” says Hayden. “And the fact that attorneys don’t have to travel to a remote location translates into a cost savings for clients.”

Hayden’s conclusion? He doesn’t see the virtual trend disappearing any time soon. “I think the courts saw a benefit, so many routine hearings are going to continue virtually.”

FACING CHALLENGES

In-person communications will not disappear completely. Live depositions will be required in some cases, especially when there are issues of credibility. And virtual trials? Not any time soon.

“It’s difficult to conduct a virtual proceeding for a complex legal matter where you have to be sure the jury’s paying attention,” says Hayden. “We’ve seen situations where people get distracted or diverted while they’re on a Zoom call and might not think they’re being watched. So it would be difficult for a judge to evaluate whether a jury member is paying attention and not looking at another screen and doing things on the side.”

Cloud computing has allowed firms to use technology to undertake the requisite transformation of their systems from paper to digital. Yet getting up to speed on an integrated computerized system can be a formidable challenge even for firms with a talented IT department. Husch Blackwell, for example, found it had to learn to do some things differently even though it had long been partially decentralized. For starters, there was the challenge of perfecting the requisite communications technologies.

“We’ve learned everyone has their own way of working and their own comfort levels with remote work. Some may feel they never need to go back to the office, while others feel better coming in and seeing people.”

“Our IT team was very responsive when we encountered problems,” says Jurrells. “That’s probably one reason we decentralized so well.”

Any law firm moving into the cloud must also deal with the attendant issues, such as a reduction in face-to-face client contacts and awkward attorney collaborations. The pandemic environment has given many firms the opportunity to hone their skills in those areas. Even so, most law firms will probably opt for a hybrid model that combines physical locations with cloud communications.

HYBRID MODELS

Such is the case at Mark Migdal & Hayden. “During the pandemic we saw that remote work was not the ideal setting for the teamwork, collaboration and mentorship which are important to our firm culture,” says Hayden. When paralegals need to interact with attorneys on cases, for example, it is more efficient to have them in the office for direct communications. “There’s real value in being able to walk down the hall to discuss your cases in person with your colleagues.”

As a result, says Hayden, the firm is gradually bringing staff back into the office. “At the same time, we’re mindful of the needs of some staff to work remotely on occasions, such as when they have childcare issues. And we will continue to use remote technology where it makes us nimble.”

And how about Husch Blackwell? The Link continues to grow: An initiative that began with 50 attorneys and paralegals has

grown to 80. Even so, the firm is likely to expand its brick-and-mortar operations as well. “I don’t know that the firm will ever move completely away from a traditional office setup,” says Jurrells.

Efficient as virtual operations are, it seems sometimes there’s no substitute for the traditional one-on-one. “We’ve learned everyone has their own way of working and their own comfort levels with remote work,” says Jurrells. “Some may feel they never need to go back to the office, while others feel better coming in and seeing people. There’s a lot to be said for face-to-face communication.”



TUNE IN FOR MORE ABOUT THE VIRTUAL EFFECTS ON FIRMS

Etan Mark, founding partner of Mark Migdal & Hayden, recently sat down with the *Legal Management Talk* podcast to discuss why a hybrid option of both in-person and virtual is the best of both worlds for attorneys, staff and clients. Listen to “The Virtual Effect on Law Firms” with Etan Mark at alanet.org/podcasts.

ABOUT THE AUTHOR

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

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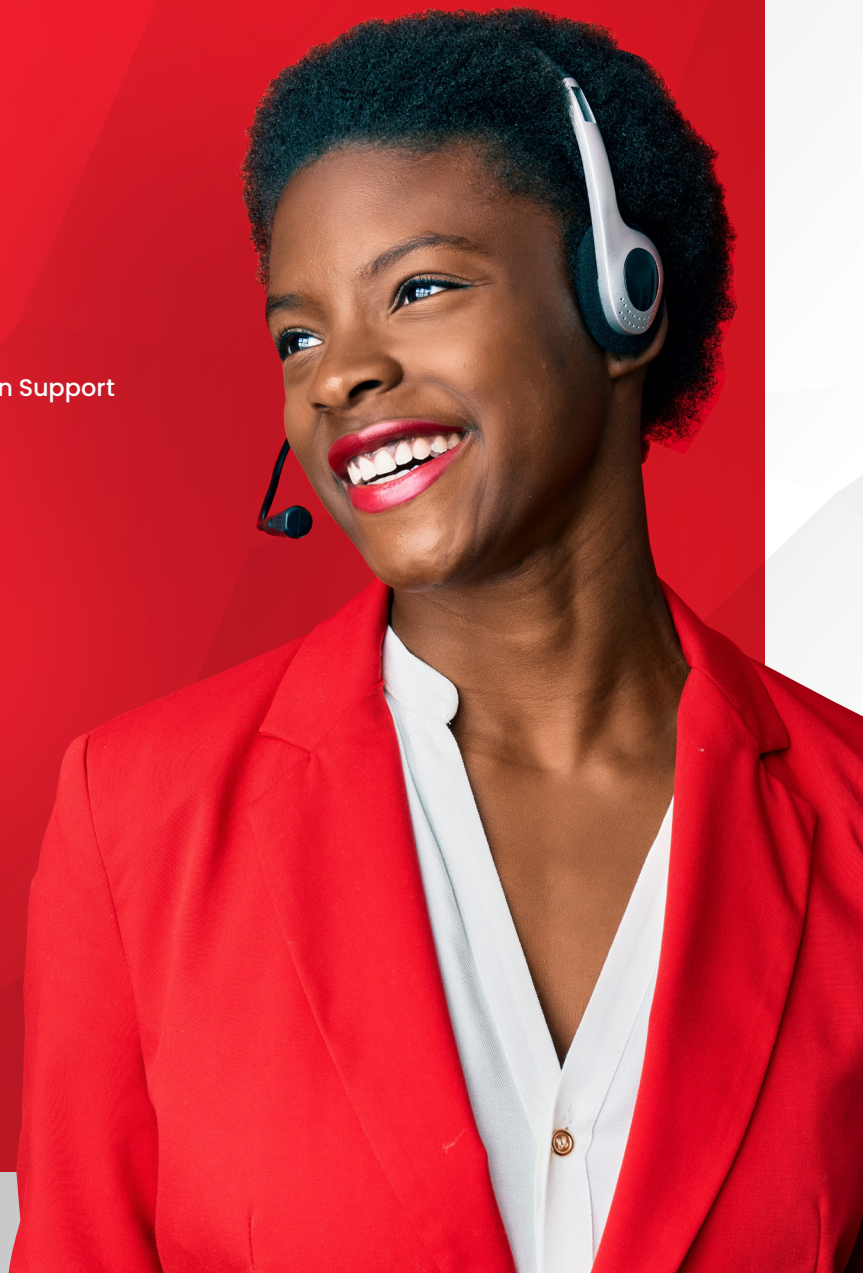
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MARY KATE SHERIDAN, Esq.
Writer, Editor and Lawyer

“When you talk about common conflicts, often they can have their genesis in behavioral differences. Sometimes, they can have their genesis in differences in values, or they can stem from the level of EQ, or emotional intelligence, in the firm.”

Finding Common Ground

We've got advice for managing conflict in your legal organization.

Conflict in the workplace is inevitable — including within legal organizations. Failing to address such discord can negatively affect firm morale and potentially drive away valued lawyers and staff.

Indeed, Emtrain's 2020 Workplace Culture Report found that “almost 30% of employees have left an organization because of workplace conflict.” Further, recent research by Randstad US indicates that more than half of respondents “have left jobs, or are considering leaving, because of negative office politics.”

Properly managing conflict within your firm is essential for retaining talent and maintaining a positive culture. This article will discuss strategies for addressing conflict within law firms, including the role of the administrator, tools to implement and tips for handling different power dynamics.

WHY DO CONFLICTS ARISE?

Conflicts can arise for a variety of reasons, but there are some key areas to consider. “When you talk about common conflicts, often they can have their genesis in behavioral differences,” says Nora Riva Bergman, Esq., a certified Atticus Practice Advisor and author. “Sometimes, they can have their genesis in differences in values, or they can stem from the level of EQ, or emotional intelligence, in the firm.”

When it comes to law firms, the unique management and ownership structure may provide insight into potential conflicts.

“Equity partners are all owners in their organization, so they feel as though they have not only a stake but permission to throw their hat in the ring on any given topic,” says Naomi Beard Nelson, Esq., PCC, Founder and Chief Executive Officer of Naomi Beard & Associates. “It's unique by virtue of a law firm's structure and having so many stakeholders.”

“When there’s adversity, difficulty or conflict — even if it’s not something that can be immediately resolved — an acknowledgment of there being a challenge seems to be so important.”

ROLE OF THE ADMINISTRATOR

As an administrator, conflicts may cross your desk regularly. That said, “the administrator should not feel their entire role is dedicated to resolving conflict,” says Beard Nelson. Below are three approaches administrators should embrace when confronted with conflict.

Stay Neutral

You want to remain a trusted colleague to everyone at the firm, which is why it is imperative that you don’t align with either party in a firm conflict.

“Be careful because as a firm administrator, you have a neutral role in the firm that you have to maintain past this conflict, and you have to command the respect of the individuals in the firm past this conflict,” says Gerry Riskin, Founding Principal and Chairman of Edge International. “This doesn’t mean the administrator shouldn’t be aware, but don’t submit to the temptation to parent the situation because you may end up losing some of your credibility and power going forward.”

Listen

Being an engaged and empathetic listener is key to understanding the issue at hand. Your job as an administrator is not to resolve the conflict. Instead, strive to understand the friction through active listening and help the parties determine the next best steps.

“In really listening to someone, there’s a difference in showing them you really understand and empathize with them versus agreeing with them, and that’s really important for a great listener,” says Riskin.

Know When to Elevate or Seek Outside Assistance

Conflicts are not all made the same, and administrators may face issues that they don’t know how to handle or that seem better suited for a more senior member of the firm.

“There are going to be conflicts that are above an administrator’s pay grade, or [that] are just new territory and the administrator doesn’t know how to handle them,” says Beard Nelson. “It’s appropriate to go to someone who is known for their skills in this area and learn by example how someone senior handles this conflict.”

Administrators may also seek help outside of the firm to assist the parties as they work toward a resolution. In doing so, it’s important to consult with those involved in the conflict.

“They’re going to have to have the opportunity to interview the third party and make the decision as to whether they’ll work with the person or not,” says Riskin. “Do not impose an expert on your folks who are dealing with a conflict.”

TOOLS TO HELP MANAGE CONFLICT

Administrators can draw upon myriad tools in managing conflict, including being transparent, establishing core values, modeling proper behavior, incorporating assessments to understand behavioral styles, and building emotional intelligence.

Be Transparent

Transparency can go a long way in building trust and maintaining firm morale when a conflict arises. This doesn’t mean that management or the administrator needs to have a solution to the conflict — recognizing the issue and addressing any progress that has been made can bolster morale.

“From the top down, you want the chairs of the firms and all other leaders to be committed to communicating and to be transparent in doing so,” says Beard Nelson. “When there’s adversity, difficulty or conflict — even if it’s not something that can be immediately resolved — an acknowledgment of there being a challenge seems to be so important.”

Establish Core Values

Part of a firm’s strategy should be to establish core values — and make sure these values are clearly outlined and well disseminated throughout the firm. The firm must garner buy-in for these values from leadership, and they should be integrated in all aspects of the firm’s practice and operations.

“Once you have core values that everyone in the firm agrees to, those values drive the behaviors that you want to see, and once you have identified the values your firm wants to live by, those values become the DNA of your firm,” says Bergman. “In order for them to be meaningful, they need to be more than words on paper. They need to be lived every day.”

“Those in leadership have a responsibility to develop their level of emotional intelligence so they can have the self-awareness to manage their emotions and set the tone for others in the firm.”

Model Behavior

Outlining core values is one step toward managing conflict. To make the biggest impact, however, these values need to be modeled by administrators and others at the top.

“I think, bottom line, senior leadership has to set the tone and has to model how difficult issues are going to be addressed, and others will follow suit,” says Beard Nelson.

Leadership and administrators can exhibit how they want the rest of the firm to behave and should be aware of the “contagiousness” of their emotions.

“Your ability to infect people with your emotions and moods elevates when you are a leader,” says Bergman. “If you’re a leader, your emotions are super contagious. People are watching you all the time. Being aware of the contagiousness of our emotions and being able to manage our emotions is really important.”

Understand Behavioral Styles

Differences in behavioral style can be a prime source for conflict. Notably, the Emtrain report indicates that less than half of employees believe their coworkers “understand the impact that their words and behaviors have on those around them.”

“I find that very often the conflicts that arise in law firms grow out of differences in how we prefer to behave, and how we prefer to behave is also part of how we prefer to communicate,” says Bergman.

Gaining better insight of each team member’s behavioral preferences can be useful for conflict management. “For example, if everyone on the team has an understanding how they prefer to communicate and how everyone else on the team prefers to communicate, and if everyone adapts their communication style just a little bit, conflict in the firm can be greatly reduced,” says Bergman.

One tool to help build this awareness is to have individuals take a DiSC assessment, which provides insight into a person’s behavioral style across four areas: dominance, influence, steadiness and conscientiousness.

Build Emotional Intelligence

Administrators can also prepare those in the firm for handling conflict by providing resources to build emotional intelligence and better understand their emotions.

“The most important component of emotional intelligence is our own level of self-awareness and our ability to manage our emotions,” says Bergman. “Those in leadership have a responsibility to develop their level of emotional intelligence so they can have the self-awareness to manage their emotions and set the tone for others in the firm.”

TROUBLESHOOTING SPECIFIC TYPES OF CONFLICT

Conflict Among Peers

When faced with discord between two parties of equal authority, the administrator should be available to help determine the best processes for resolution — including any outside resources the parties feel would be useful — and allow the parties to use these processes and tools to reach their own resolution. As Riskin notes: “Beware of getting drawn into a situation where you become the parent, the counselor, the therapist, the facilitator, the arbitrator, etc.”

Conflict with an Imbalance of Power

According to SHRM’s recent research on workplace cultures, “58 percent of American employees who quit a job due to workplace culture say their managers are the main reason they left.” Further, the Emtrain report indicates that “nearly one-third of employees identify power disparity as causing the greatest level of conflict at work.” Calling upon senior leaders to encourage professional behavior can result in a better balance of power, thereby allowing healthier resolution to conflicts. In some instances, this may include asking a powerful member of the firm to speak directly to the senior person involved in the conflict.



“What we need to balance that power is to make sure the senior power team is drawn back into what the values of the firms are,” says Riskin.

The firm should also strive to have trusted mentors and colleagues in place who staff and lawyers can turn to if they have concerns or need advice.

“I think law firms have bent over backwards to provide multiple pathways for expressing concerns: practice group leaders, office heads, any of your local liaisons from talent development, HR leaders — all of these people have been tasked with fielding expressions of concerns from associates as part of their core role,” says Beard Nelson. “The people who play those roles are often super invested in the associates and their happiness, and the firm should encourage these relationships.”

Conflict with Clients

Another difficult conflict administrators may encounter is that between a client and one of the firm’s lawyers. The same core values that apply to the firm should apply to its interactions with clients. In an instance where a client is being abusive toward one of the firm’s lawyers, an administrator should enlist help from the senior lawyer connected to the client.

“Great client relations and communications with clients is indeed an art form,” says Riskin, who notes that a senior lawyer who has a strong rapport with the client can sometimes speak directly to the client about the discord and seek resolution. The senior lawyer can also be on hand to support the team when it comes to difficult clients.

MAKING IT WORK

Conflicts are unavoidable, but by understanding their role in the process, establishing effective tools to build communication and understanding, and preparing for different power dynamics, administrators can assist those in their firms along the path to resolution.

ABOUT THE AUTHOR

Mary Kate Sheridan, Esq., is a lawyer, writer and editor. She received her JD from Columbia Law School, MFA in Creative Writing from The New School, and bachelor’s in English from Mary Washington College. She previously worked as a litigator at a Vault100 firm.

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Zero Touch Is Just as Important as Zero Trust for a Secure Cloud

Law firms and corporate legal departments have been turning to the cloud in droves in recent years. This shift has been particularly pronounced in the past year, as legal professionals retreated from the office in the face of COVID-19 to fire up their laptops and desktops and work remotely from home.

“Zero touch is crucial. It uses new forms of automation to remove the human from the equation and create a hands-free environment so that there is physically no way to access sensitive customer data.”

Having a new set of endpoints to protect might seem like an IT nightmare. But one of the most compelling aspects of a cloud-based platform is that, from a security perspective, it makes the endpoint accessing the service — whether it’s an office desktop, a home laptop or some other device entirely — somewhat irrelevant because of the inherent protection that the cloud provides.

Correction: Change that last sentence to “because of the inherent protection that a modern cloud platform provides.” Not all clouds are created equal, and not all have been built with the same security principles in mind.

One of the fundamental frameworks for modern cloud design has been the principle of zero trust. As the name suggests, zero trust challenges the idea of trust in any form, whether that’s trust of networks, trust between host and applications or even trust of super users or administrators.

The best way to secure a network, according to this line of thinking, is to assume absolutely no level of trust. This approach is essential to providing the highest level of protection for critical assets and confidential or sensitive data.

Zero trust can only work properly, though, if zero touch is at the center of it. So what does that entail — and how is it best achieved?

PROTECTING AGAINST BAD INTENT AND HUMAN ERROR ALIKE

Zero touch means ensuring that nobody — not even a small number of trusted resources, which is what most cloud vendors typically allow for — is allowed access to the customer data.

Think about it: If a legal organization is storing privileged client documents and communications in the cloud — even if it's a zero-trust cloud — all it takes is an admin with bad intent for that data to be breached. That admin can easily get their hands on the information through direct access to the server that's storing the data, perhaps when they're installing a patch or performing some other bit of routine maintenance.

A breach doesn't even necessarily require bad intent from the admin, just human error. For example, an admin can accidentally leave a setting unsecured or click on something they shouldn't have clicked on, unknowingly letting a small mistake snowball into something much more damaging.

Zero touch is crucial. It uses new forms of automation to remove the human from the equation and create a hands-free environment so that there is physically no way to access sensitive customer data. Common maintenance scenarios like server patching or troubleshooting can be performed in an automated way, where the vendor never has hands-on access to the data.

Likewise, if a customer presents the vendor with an information request to gather some details about their data, the vendor should be able to carry that task out by pushing an application into the production environment to collect the information. There's no need to have an admin manually type on a keyboard to run queries against the customer data; they simply don't require that hands-on access.

Ultimately, no one person or account should be able to solely execute a change to the system that can affect the security of the system — and automating out human vulnerabilities helps make that a reality.

FINDING THE RIGHT PARTNER

In many ways, the move to the cloud is about transferring risk out of the organization and to the cloud vendor. While the organization will still have responsibilities around identity and access management — essentially, controlling who has access to the services — the actual physical infrastructure that the data is hosted on will become a vendor responsibility.



But as legal organizations are looking to make this move, they are getting asked more questions by their clients about the cloud services they utilize. Clients want to ensure that legal organizations have really done their due diligence on those service partners that they've entrusted with hosting sensitive client data.

For legal organizations trying to make an informed decision about who to partner with — or for clients trying to determine if their law firm has made a wise choice — the key is to partner with cloud vendors that have a mature security and compliance function. Among other things, that means that they've embraced not just a zero-trust model, but zero-touch as well.

Increasingly, savvy law firms and their customers will not only know to look for this criterion from their cloud vendors moving forward — they will use it to decide which partners take security as seriously as they do and are worthy of earning their business.

ABOUT THE AUTHOR

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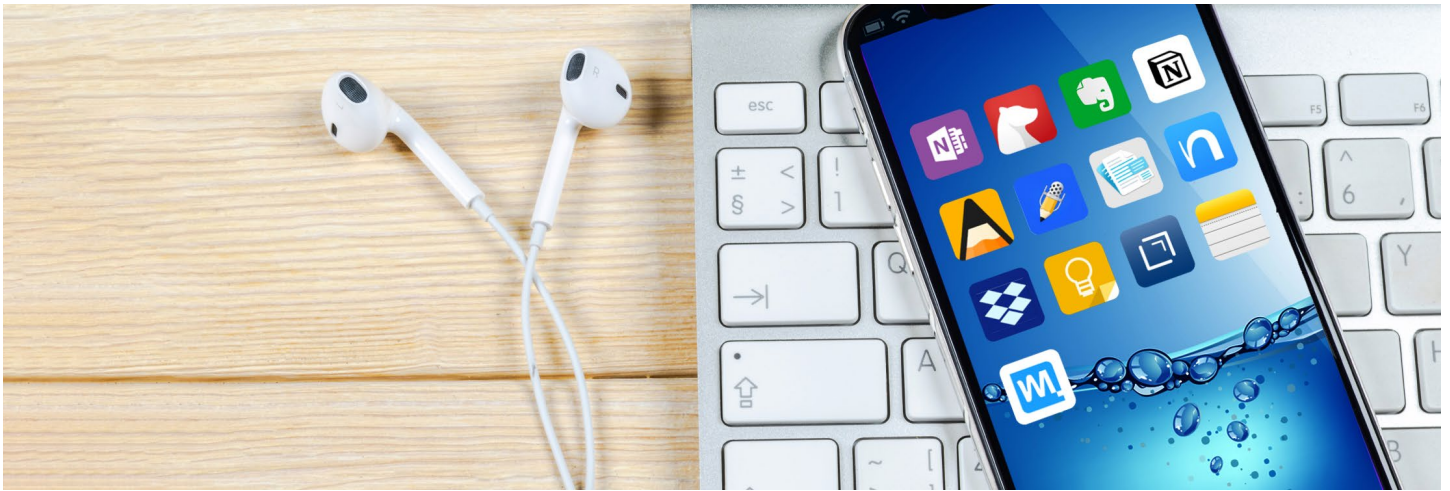
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“
There are so many
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from diligent and
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Note-Taking Apps: So Many Choices — Which Is Best for You?

We are obsessive note-takers. There are so many benefits to be gained from diligent and effective note-taking.

Of course, we all make notes for a variety of reasons. We can take notes to organize our thoughts, to save important information that we might forget. We may take notes in the form of a to-do list or even for witness interviews or witness testimony.

There’s no shortage of ways to do this. There are stand-alone devices, such as the reMarkable 2 (which we previously reviewed), Rocketbook’s smart products, and legal pads. In this article, we’ll discuss our favorite apps that are designed specifically to take notes (either handwritten or typed), store them digitally and organize them.

First, we had to narrow the field and pick our favorites. Here is a by-no-means-exhaustive list of some of the most popular note-taking apps: Evernote, OneNote, Google Keep, Drafts, Apple Notes, Notability, Notion, Standard Notes, Nebo, GoodNotes, Simplenote, LiquidText, Bear, Note Taker HD, Agenda and Dropbox Paper.

We decided to pick six of these apps — Evernote, OneNote, Google Keep, Notability, Nebo and Notion — to review the various types of note-taking solutions. Each of these apps are among our favorites. (Bill has all of them — and more.)

Evernote: evernote.com (free; \$7.99 per month for personal)

Evernote was one of the first apps in this category, and it remains a leader in this area. The Personal version has most everything you will need, but its many features and its flexibility can be daunting.

As you move up the learning curve, however, you will see how useful and valuable it is. You can store anything in Evernote: typed notes, handwritten notes made with a stylus, pictures, voice memos and webpages. You can organize the notes with tags, geolocations, notebooks and so on. It really can be your filing cabinet. Some attorneys use it as a filing system for all their cases. (We do not recommend using it that extensively — there are better options.)

Evernote runs on every platform: Windows, MacOS, Android, iOS, and as a web app. The web app is especially handy — you can access your notes wherever you can find a browser. You can run a full-text search on all your notes, even in images. (Evernote makes text in images fully searchable.) The web clipper is also very useful. You can save webpages of interest, turn them into notes and save them to read or review later. If you have a paid account, you can use your unique Evernote address to send emails to the account and turn them into notes. There are also ways to connect most any other app to Evernote.

If you can imagine a note-taking scenario, Evernote can handle it.

OneNote: onenote.com (part of Microsoft Office; there is a free version)

Like Evernote, OneNote is filled with useful features. (That's why it's Phil's favorite.) In our opinion, it's easier to use than Evernote but not quite as versatile. The free version provides 5GB of free storage, but if you have Microsoft Office 365, you have the full-blown version and 1TB of storage with OneDrive. Like Evernote, there are apps for Windows, macOS, iOS and Android, as well as a browser version.

If you are familiar with Microsoft Office, you will find it easy to navigate in OneNote, especially the Windows version. It is not nearly as complex as Evernote but almost as powerful. You store your notes in Notebooks, which have Sections; Sections have Pages. The Page is actually the note.

It uses a "ribbon" for a menu of commands, like all Office applications. There are many formatting tools and options. You can insert images, tables, webpages, recordings and more into your notes. The search function in OneNote is powerful as well. You can search all your notes at once, and you can turn words into a "tag" just by putting the # symbol in front of the word. You can share your OneNote notes with others and collaborate with them.

If you already have paid for Microsoft Office, then OneNote is likely your best note-taking option.

Google Keep: keep.google.com (free)

If you use a note-taking app to jot down thoughts and ideas — and memorialize items you do not want to forget — then Google Keep is for you. It's not as versatile and feature-rich as OneNote or Evernote, but it's perfect for jotting things down quickly and easily.

You get 15GB of storage for free and can get more space by buying storage on Google Drive. (Other Google apps, such as Gmail, will use that storage as well.)

You can put your notes into categories by adding "tags" to the notes, but there is no real filing system for organizing them. If you have Google Docs, however, you can convert a note into a Google Doc, and then you can store and organize from there. Google Keep also has a very powerful optical character recognition (OCR) function, allowing you to capture text from an image, extract that text and paste it into other documents.

If you just need something to quickly capture information, then Google Keep is for you, especially if you use Gmail, Google Calendar and Google Docs.

Notability: gingerlabs.com (\$8.99; available for a limited time at \$3.99)

Notability and its main competitor, GoodNotes, are specialized note-taking apps, but they are only useful on an iPad. Both are primarily made for taking handwritten notes.

Notability provides an excellent handwritten note experience. You get a wide choice of pens, highlighters and an easy-to-use eraser. If you use an Apple Pencil with your iPad, it capably mimics writing on a sheet of paper. Plus, the handwriting recognition is excellent. It can quickly turn your scribbles into text and is amazingly accurate. But if you want to write directly on the screen, using iOS's Scribble function, Notability is clunky. You have to create a text box before you can use the function.

It also has most of the features that are available in other note-taking apps, but it has one feature that makes it uniquely attractive to trial lawyers: It allows you to record while you take notes. If you record while in court or a deposition, for example, your notes will be synced to the recording, so you can go to a specific place in your notes and listen to exactly what was said while you were writing. The recordings are clear and very useful. This feature is what sets Notability apart.

Nebo: *nebo.app* (\$9.99; it works better with a cloud storage account)

Nebo by MyScript is the best app for handwriting recognition. In fact, other apps and operating systems use MyScript's technology for this purpose. While it's available for iOS, macOS, Windows and Android, it works best with iOS on an iPad. To take full advantage of Nebo's strengths, you'll need a device that uses an active stylus.

Nebo uses the notebook and page metaphor for organizing notes, which is intuitive and easy to use. Additionally, it supports 66 languages, should you need such a feature. You have the option to write or type your notes, and you can convert your handwritten notes to text, if you wish. And it does a great job of recognizing equations. Like most note-taking apps, it supports photos, lists and drawings. You can also import PDFs into Nebo and annotate them.

Additionally, Nebo also allows you to export your notes to other platforms and even to publish them by creating a shareable link. The link can be public or private. Additionally, you can sync your notes across all platforms — though sometimes this function can be a bit eccentric. Make sure the note you are syncing is the latest version. Otherwise, syncing will overwrite a later version with an earlier version.

If you really like the handwriting conversion feature, Nebo is the app for you.

Notion: *notion.so* (free, but \$4 per month is best for an individual)

Notion is more than a note-taking app. It is also a task manager and productivity app. It is available for macOS, iOS, Windows and Android. You can also access your Notion account via a browser.

Notion is very powerful; consequently, there is a learning curve. For example, unlike most note-taking apps, you do not start out with a blank page to create a note. You have to deal with filling in (or deleting) multiple fields, such as title, tags, create date, update date, comment, etc.

Once you learn how to use Notion, it can replace tools like Todoist (for to-do lists), calendar apps, a cloud storage account and other note-taking apps like OneNote. Notion has numerous suggested templates that will help you get organized and be productive. Unfortunately, the biggest drawback for us is lack of handwriting support (except in the iPad app).

You may want to give the free version of Notion a try to see if it fits your needs.



See Bill & Phil in Person in Austin

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

ABOUT THE AUTHORS

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

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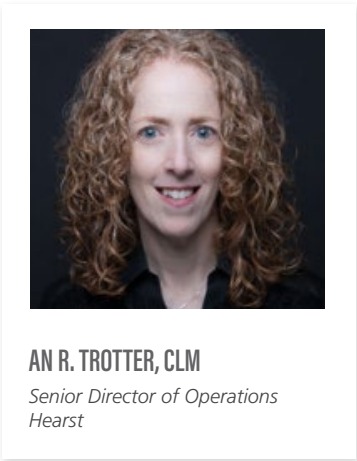
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Prepping for the CLM Exam? *Ops in a Box* Can Help

When I first started out in legal management in 2007, ALA was my first home in the legal operations profession.

Having worked as a program manager in the not-for-profit arena, I had decided to go back to school — the NYU Stern School of Business — which is how I landed in legal operations. Immediately, ALA was an invaluable resource, both in terms of services offered and generous colleagues.

Soon after, I learned of ALA’s Certified Legal Manager (CLM)[®] program. I decided to take the exam to complement skills I learned in business school and supplement the practical knowledge I accumulated on the job. Today, the exam remains the respected and sole credentialing certification of the profession.

The knowledge set — focused on finance, human resources, operations, business management and the legal industry — is essential to anyone running a business. While some information is specific to the practice of law, what business does not need to set expectations for its counsel, or to protect itself from legal risk?

Completing the course prerequisites and studying does take a considerable commitment above and beyond your typical already full work schedule. And the exam was difficult — while ALA does not publish the success percentage, research from the New York City Chapter’s education committee suggested that the year I qualified, it was around 30%. But that investment of preparation was well worth the effort, and the very fact that the exam was challenging made passing it and earning my CLM credential that much more rewarding.

Earning my CLM has been invaluable. Working in a corporate law department, I benefit from drawing upon subject area experts for every area my job touches. My primary responsibility is to be an informed subject area generalist. I’m also a process specialist

“Earning my CLM has been invaluable. Working in a corporate law department, I benefit from drawing upon subject area experts for every area my job touches.”

focused on fostering cross-functional collaboration, business planning, and managing projects and budgets.

My preparation for the exam sharpened my ability to know when to raise questions, to be more specific in inquiries and improved my subject area vocabulary. The syllabus also broadened the resources I draw upon in areas familiar to me.

PAYING IT FORWARD

Fast-forward to October 2017: I was on the faculty of a Legal Operations Boot Camp. Almost 50% of the participants were from small departments with a handful of lawyers with full-time jobs offering advice and counsel. This group did not envision budget approval for a full-time legal operations hire and were seeking solutions to do both jobs in the same workday.

Reflecting on the faculty experience before moving to my present employer, I realized that I had refined documents brought from my previous job and that I would be building on that work at my next job. I was not starting from scratch, so why should anyone else reinvent the wheel? Why not have a standardized toolkit to jump-start legal operations?

I harked back to my initial experience in the New York City Chapter and the help I had received from many generous colleagues — particularly Bronya Vygodskaya, CLM, Janet Fraka-Casiano and Mimi DeMars, CLM, who led the education committee and steered my studies for the CLM exam. They had provided a number of study aids, including a CD-ROM with study notes from colleagues who had passed the CLM exam before me.

Inspired by that experience, I pulled together over 30 key templates from my first 10 years leading corporate legal operations teams into a kit on a flash drive, and packaged it with hard copies and magic. The result was *Ops in a Box, Legal Edition*.



This magical kit is meant to help set up and manage legal operations for corporate law departments and law firms. It's the first essential toolkit for legal ops with multiple uses: for those seeking to launch their strategic plan, for seasoned operations teams seeking to fine-tune existing tools, and for small departments that need operations help but do not have the budget for a full-time operations professional.

The materials cover everything from legal operations history and timeline to strategic planning, financial management, human resources, vendor management, technology management and project and change management — with an added dose of magic, obviously. Not coincidentally, these subject areas mirror topics in the CLM Body of Knowledge. I hope it encourages more ALA members to dive into this very worthwhile certification process.

It's my way of paying it forward for all the help I received to become established in my chosen profession!

**GET OPS IN A BOX
(AND SUPPORT THE
FOUNDATION OF ALA)**

As you may have heard, 2021 is ALA's 50th Anniversary! In honor of the occasion, from September to December of this year, if you purchase *Ops in a Box, Legal Edition*, Pure Magic Productions will donate \$19.71 to the

Foundation of the Association of Legal Administrators and give you 5% off the purchase price. Just use code **ALA50** at checkout. Take advantage of this offer at alanet.org/resources/publications/legal-management-bookstore/#ops.

ABOUT THE AUTHOR

An R. Trotter, CLM, is Senior Director of Operations, Hearst. She has pioneered an operations role in legal departments since 2007 at three Fortune 500-sized companies ranging from \$9–\$14 billion in annual revenues. She is also producer of *Ops in a Box, Legal Edition*, a magical template kit with 245 pages of content to help jump-start and set standards for legal operations. She was inspired to enter the field by her father, a managing partner at several law firms, who argued convincingly that the legal industry would be transformed in the 21st century by operations professionals.

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ANTHONY DAVIES

Chief Revenue Officer
Forrest Solutions

“For firms that can leverage the benefits of hoteling stand to gain significantly from real estate reduction strategies — and elevate the experience of being in the office for a new kind of client and workforce.”

Hoteling 2.0: It's Like Working in an Office, But Better

The office and the law firm brand are intertwined: It's a significant tool in the arsenal for recruitment and retention as well as business development and client relations. This has not and will not change. However, exactly how these activities are leveraged as an extension of the physical office have and will change.

Ninety percent of firms across the top 400 are executing a hybrid return-to-office plan. It's not a question of whether the law firm of the future will be decentralized. It's happening now. The question is, how will law firms make it all happen — the branding, the culture and client relations — when everything has changed?

A big part of the answer is hoteling. In law firms, hoteling is a bad word. However, for the Big Four consultancies — PwC, KPMG, Deloitte and Ernst & Young — hoteling has been a positive operational construct for over a decade, or in some cases longer. I'd argue that the success of the decentralized law firm depends in some part on how well firms can shift hoteling from the negative connotation of “losing my desk” to the positive connotation of “having a hotel-like experience,” as is the case in the Big Four.

Hoteling is like working in the office full time, but better. Here is how it may look for law firms.

THE BUSINESS CASE FOR HOTELING

The number 90% comes from the Return-to-Office Readiness Survey conducted by Forrest Solutions this past May and June, where we specifically wanted to understand how firms were going to operate a hybrid workforce.

What we found surprised us. Among myriad issues, firms were much more concerned about how they were going to manage their meeting rooms and office spaces moving

forward than they were about, say, vaccination policies. Specifically, 82.75% of firms' documented return plans included meeting room management and visitor screening, and only 27.59% included vaccination policies.

The widespread interest in meeting room management indicated a culture-wide shift toward hoteling concepts. Hoteling has long been successfully deployed in professional services firms where "clean desk" policies have long supplanted desk "ownership" and "private" office spaces. Technologies and solutions such as wayfinding, meeting room and desk booking platforms, virtual reception and brand ambassadors have been embraced to create seamless experiences for staff and visitors alike.

Based on use studies from UnWork — prior to the pandemic — the highest in-office desk utilization was 72%. This, in combination with a hybrid workforce, could result in more than 40% of office space being unoccupied at any given time. Emptiness is a very large motivator for firms to act on the second largest overhead cost at any law firm: real estate.

According to the 2021 Report on the State of the Legal Market from Georgetown University Law Center and the Thomson Reuters Institute, real estate comprises about \$30,000 per lawyer per year. Firms stand to gain substantial savings through real estate reduction and increasing their desk utilization — as much as 3.5% of revenue by renegotiating leases or downsizing real estate needs anywhere between 10% to 30%.

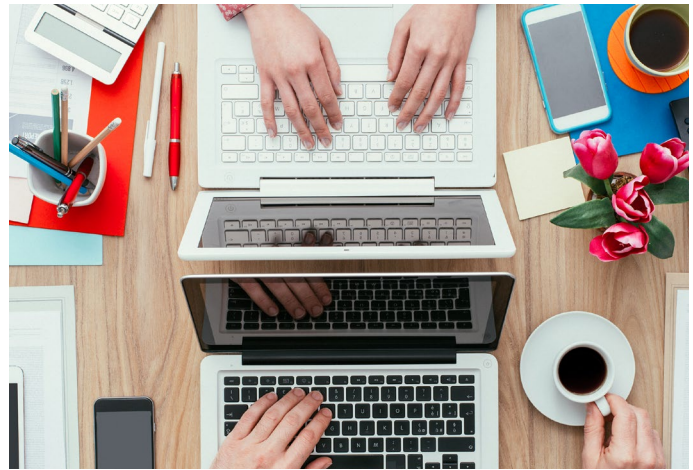
But emptiness impacts another aspect of the firm: culture. So what is the cultural impact of emptiness?

THE WORK CULTURE CASE FOR HOTELING

It's important to note that the purpose of office life is collaboration. But with fewer individuals in the office at any given time, collaboration is diluted — unless it is intentional. Hoteling is a better conceptual support for intentional collaboration in a hybrid office.

Law firms need to create new, robust processes for first-year associates up through the senior ranks that focus on intentionally creating collaborative spaces and environments. They need to offer times and spaces for social interaction, and this does not happen without meeting room management.

This also entails proactively changing the connotation of hoteling for lawyers. Law firms should pivot to an enhanced range of services like individuals can expect from a concierge — i.e., shifting "hoteling" to a "hotel-like experience." That includes reimagined reception spaces and service offerings, including dry cleaning, shoe polishing and help with local arrangements.



It also means more support in getting individuals settled in meeting spaces, including attention to their needs for food and drinks, IT support, and ensuring space for those who want to work after their meetings are complete.

As the office's purpose shifts to collaboration and socially focused activities, companies should aim to create these balanced offices that blend comfort, collaboration and productivity to heighten — not lessen — what the office experience offers.

In a hybrid environment, do lawyers who work from home need to replicate their isolation in office? Office space needs have changed, and firms need to strike a balance between collaboration and focus spaces, incorporating elements for social interaction.

HOW IT'S WORKED IN PROFESSIONAL SERVICES

Professional services have already moved in this direction. Since many of their personnel were working entirely remotely before the pandemic, that shift in vision for the office is an established fact.

The professional services model de-emphasizes ownership and individuation and emphasizes team over the individual. As a result, this makes the hoteling approach to office space more accepted in these firms as the real estate is fit for purpose. Most of their employees are mobile, so this model provides better office space management, maximizing office space and delivering major savings for the company. Not only is unnecessary real estate eliminated, the organization also saves money on overhead costs.

If an employee works the majority of time at home or on the road, there's no point in assigning them a seat and renting space. If you know that specific rooms are frequently left empty, you can turn those spaces into lounges or collaboration spaces for employees that drive

improved productivity and teamwork. Employees become more productive, deliver higher-quality work and higher value to their clients.

And it's not enough for firms just to turn to technology like booking systems to manage their meeting spaces. Firms need more people managing meeting rooms. Professional services firms have an army of people around the country helping them manage meetings and meeting rooms. Firms should be looking at these added expenses in the context of attorney retention and reduced real estate spending.

The future of law firm operations is already here. Lawyers (and their staff) like working from home. Firms are engaged in talent wars at every level with remote work capabilities as one of the

pivotal benefits. The great news is, firms that can leverage the benefits of hoteling stand to gain significantly from real estate reduction strategies — and elevate the experience of being in the office for a new kind of client and workforce.

ABOUT THE AUTHOR

Anthony Davies is the Chief Revenue Officer for Forrest Solutions. Forrest Solutions helps law firms improve business processes, services and operational and cost efficiencies through exceptional outsourcing and staffing solutions.

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Anniversaries, Awards and Appointments

Members on the Move »



John D. Bowers, a member of the Nebraska Chapter, is now Chief Operating Officer at Vandenack Weaver LLC in Omaha, Nebraska.



Audrey N. Dellinger, a member of the Dallas Chapter, is now Office Manager at Squire Patton Boggs (US) LLP in Dallas, Texas.



DeQuan A. Everett, a member of the Greater Los Angeles Chapter, is now Regional Human Resources Manager at Alston & Bird LLP in Los Angeles, California.



Lisa A. Furlong, SPHR, SHRM-SCP, a member of the Capital Chapter, is now HR Manager at EWTN Global Catholic Network in Washington, D.C.



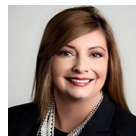
Cameron Gowan, JD, MPS, MLIS, BA, a member of the Capital Chapter, is now Regional Administrative Manager at Kutak Rock LLP in Washington, D.C.



Eric L. Hightower, CLM, SPHR, a member of the Maryland Chapter, is now Director of Operations at Wright Constable & Skeen, LLP, in Baltimore, Maryland.



Sharina P. Nath, a member of the Oregon Chapter, is now Legal Talent Coordinator at Lane Powell PC in Portland, Oregon.



Emily C. Spehar, a member of the Gateway Chapter, is now Practice Support Team Manager at Husch Blackwell LLP in St. Louis, Missouri.



Sending Our Condolences

ALA is saddened to report the passing of member Lori Gibson, 56. She worked as the Chief Operating Officer for Michigan's Smith Haughey Rice & Roegge since 2012, which was the same year she joined ALA. (Gibson was also a member of the West Michigan Chapter.) Before that, she was a Director of Human Resources and Vice President of Operations for Spectrum Health, as well as an attorney at Warner Norcross & Judd, where she practiced employment law and served on the firm's career development and recruiting committees. Contributions in her memory may be made to the Scarves of Hope Metastatic Breast Cancer Research Fund. Our thoughts are with her friends, family and colleagues.

ALA was also saddened to learn of the passing of member Bonnie King, 52. She was employed by O'Brien Tanski & Young, LLP, in Rocky Hill, Connecticut, for 30 years, spending the last 16 years as the Office Administrator. She was also a member of the Nutmeg Chapter of ALA. Contributions in her memory may be made to the Connecticut Chapter of the American Cancer Society. (As coordinator for her firm's Making Strides Against Breast Cancer team, King helped raise over \$26,000 for cancer research.) Our sympathies are with those who knew her.

What's Happening at Headquarters

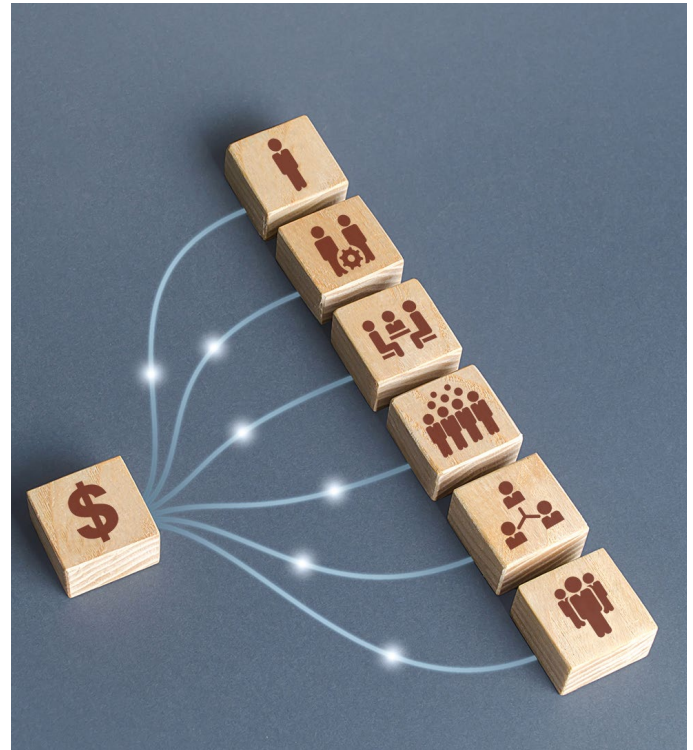
There's always a lot going on at ALA headquarters in Chicago. Here's a snapshot of what's in store for the coming weeks.

Organizational Pricing Available Through September 30

Enrollment in Organizational Pricing for the 2022 membership term is open through September 30. This pricing model allows firms, legal departments and other institutions to pay for membership on an organization-wide basis, expanding access to ALA's services and resources to every eligible employee (each of whom is entitled to individual benefits). If your organization is already paying for multiple memberships across multiple office locations, this model may very well save your organization money. If your organization is only paying for one membership but wants to expand professional development opportunities for staff, this is a cost-effective way to do so.

Learn more about how this model works and how your organization can sign up. If your workplace was enrolled in Organizational Pricing for the 2021 term, it will need to renew for 2022. A message has been sent to your organization's designated primary contact by ALA's membership team.

Visit alanet.org/organizational-membership for more details.



Silent Auction Opens at the End of the Month

This year's silent auction is totally virtual, which means all ALA members and business partners can participate, not just those attending the 2021 Annual Conference & Expo in Austin, Texas. Between September 27 and October 6, you can bid online on items donated by chapters, business partners and individual members. In the past, the catalog has included gift baskets, artwork, high-end purses and jewelry, vacation packages, gift certificates to hotels and restaurants, signed sports memorabilia and personal development courses and subscriptions. The proceeds of the auction will benefit the initiatives of the Foundation of the Association of Legal Administrators.

Visit alanet.org/auction for more information.

Last Chance for Web-Based Courses This Year

Although the deadlines have passed to enroll in the two-course FM and HR packages, you still have until October 8 to sign up for FM 2: Financial Information and Analysis and HR 2: Performance Management and Compensation. These individual courses begin the following week.

Participants get access to six live online sessions led by the same instructor, who will intersperse different educational methods to satisfy various learning styles. (The sessions are recorded for on-demand viewing.) In FM 2, for instance, you will be guided to apply the skills gained in the course by interpreting financial statements, calculating and interpreting various financial ratios, conducting profit analyses, and analyzing comparative financial information across fiscal years. In HR 2, you will learn how to developing strategic and operational goals among law firm personnel. You should become able to anticipate and resolve a variety of human resource concerns, including motivational techniques, training, employee handbooks, termination procedures and more.

Get started at alanet.org/elearning.



Check Out the ALA Education Hub App

ALA recently introduced the ALA Education Hub app, a central repository for educational content created by ALA headquarters as well as by ALA chapters. It gives users access to:

- ▶ Diverse programming uploaded by ALA chapters
- ▶ *Legal Management* articles and audio clips
- ▶ *Legal Management Talk* podcast episodes

Chapter leaders get access to administrative tools for sharing their education. Follow the directions on this webpage alanet.org/app to install the app on your desktop or mobile device.