

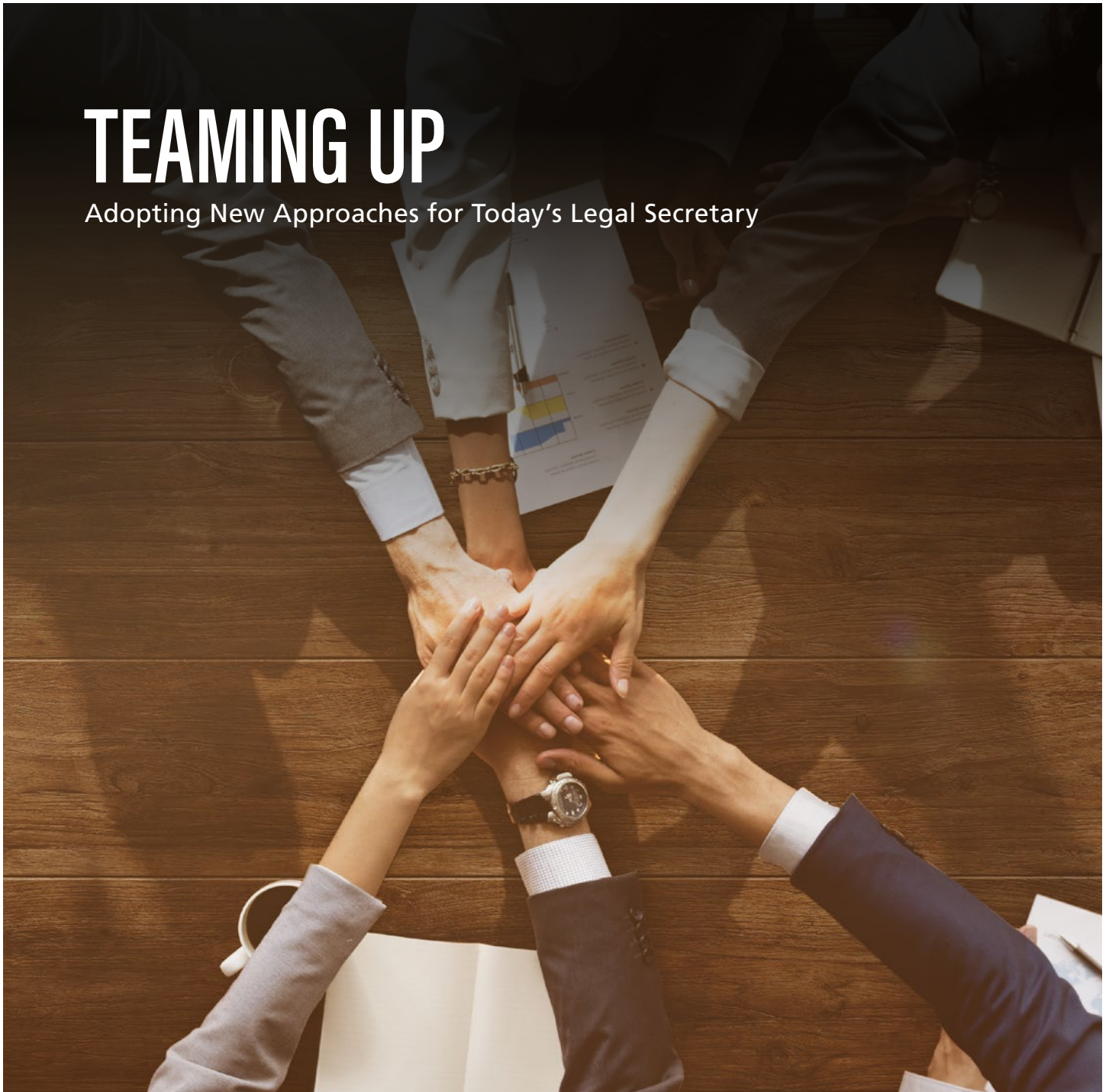
# LEGAL MANAGEMENT

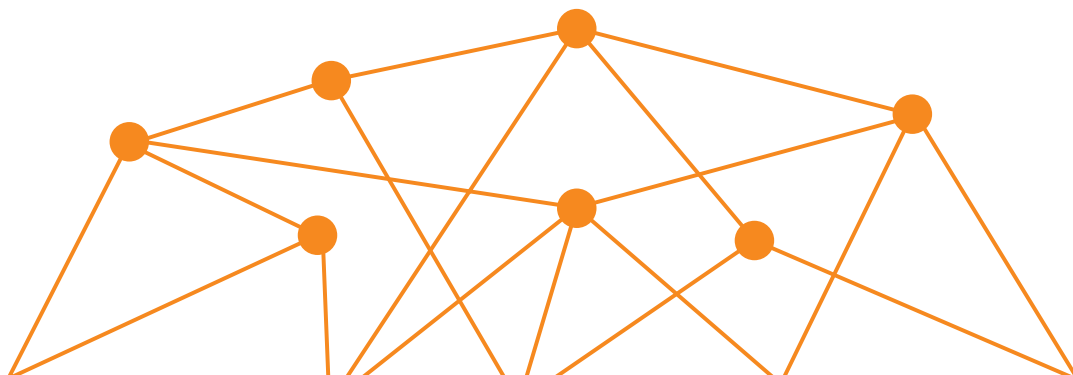
THE MAGAZINE OF THE ASSOCIATION OF LEGAL ADMINISTRATORS

JUNE 2018  
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## TEAMING UP

Adopting New Approaches for Today's Legal Secretary





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**OLIVER YANDLE, JD, CAE**  
*Executive Director, Association of  
Legal Administrators*

## Round-the-Globe Conversations About Change, Chicago-Based Solutions

“

Your willingness to give information, provide support and share insights with one another is unique in business. But it is common to legal management professionals across the globe.”

**I recently returned from Melbourne, Australia, where I was invited to lead a strategic planning retreat for the Australasian Legal Practice Management Association (ALPMA). While there, I had the opportunity to meet with legal operations leaders from a number of law firms to learn more about the challenges, changes and opportunities facing the industry in their part of the world.**

Not surprisingly, firms in Australia and Asia are experiencing many of the same issues as those in the Western Hemisphere — client pressures, increased competition and rapidly changing technology were common themes in my conversations. Legal management professionals have never been more essential to law firm success and their roles are growing increasingly more complex.

As this month's feature article notes, few roles have seen more transformation than that of the legal secretary. Advances in technology, changes in client and attorney needs and process improvements have had significant impacts on the work done by legal secretaries and the skills needed to succeed in the role. (See the web version of this article for the link.)

To help navigate this changing environment, ALA has produced a new white paper, “The Changing Role of the Legal Secretary,” which provides insight on how the position has changed and specific advice for managing this critical role.

But legal secretaries aren't the only ones facing transition. Virtually every legal management position has been affected, and many new roles have been created. One of our most common

requests from members is for sample job descriptions, but many that are available are no longer relevant to the current work environment. To address this challenge, ALA is creating a job description toolkit. In addition to sample position descriptions, the toolkit will provide step-by-step instructions for how to develop each role using ALA's Uniform Process Based Management System (UPBMS) taxonomy.

As the work in law firms changes, determining appropriate compensation levels becomes more challenging. Data collection for the 2018 Compensation and Benefits Survey has begun. Expected to cover more than 50 positions and include data from nearly 1,000 firms throughout the United States, the survey provides the most accurate and detailed compensation and benefit data available. If you haven't already done so, I urge you to contribute your organization's data. Final results

should be available in early September; you can preorder your copy now at [alanet.org/compsurvey](http://alanet.org/compsurvey).

Traveling home from the ALPMA retreat, I was struck by the universality of the challenges and opportunities our two organizations face. And I was reminded of how valuable this network of generous professionals is to the industry. Your willingness to give information, provide support and share insights with one another is unique in business. But it is common to legal management professionals across the globe. Thank you for sharing with us. ■



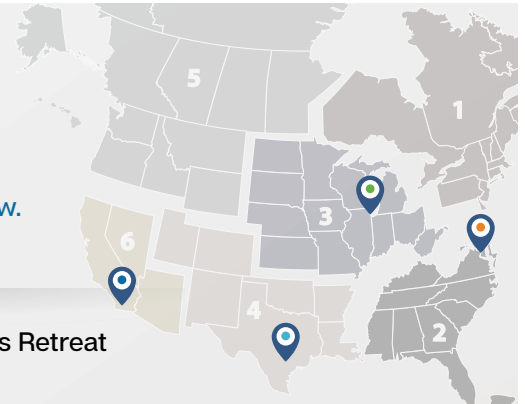
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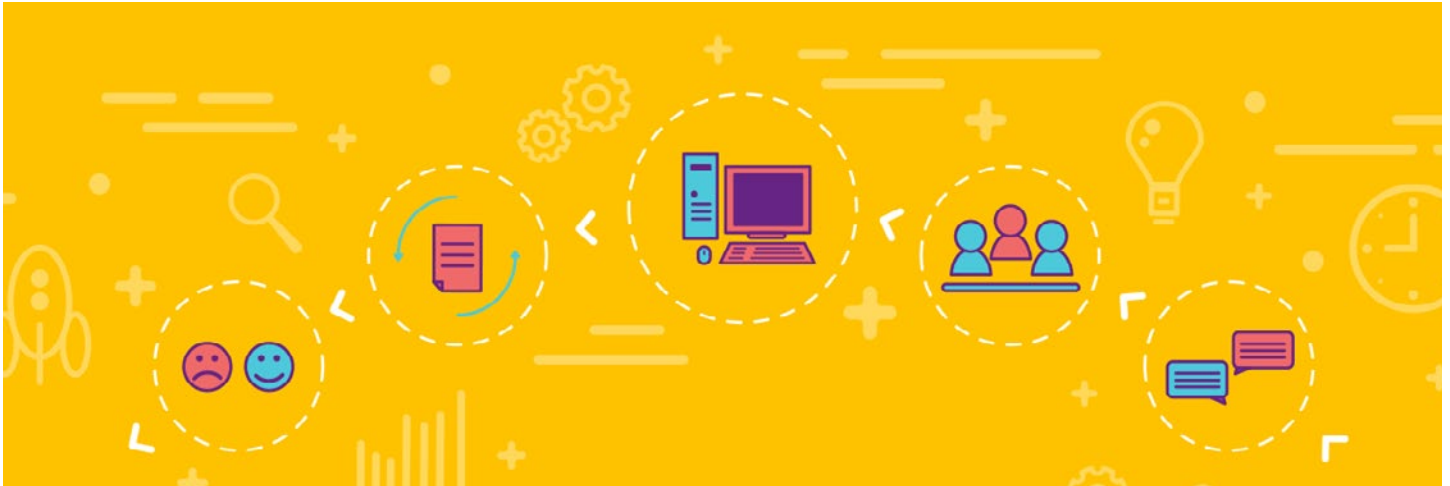
**Sep. 26** Legal Lean Sigma® and Project Management White Belt Certification Course  
**Sep. 27-28** Intellectual Property Conference for Legal Professionals

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**Oct. 17-18** Advanced Financial Administration for Legal Management Professionals  
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**REEM SAFFOURI**  
Head of Customer Enablement,  
Ringtail Software

# How to Ensure Successful Technology Onboarding

High-performing businesses combine people, process and technology to create unique and valuable products and services. With the rapid pace of innovation in today's technology sphere — everything from basic email and messaging to collaboration tools and cloud-based applications to the very networks that provide access and deliver these key business tools — the ability to “onboard” a new technology successfully has never been more critical.

“

It is critical that organizations maintain the same proactive and collaborative spirit post-implementation to ensure that their teams continue to grow in both proficiency and confidence with the new technology.”

Change is best received when disruption to daily activities is minimized, the benefits of the change are clearly communicated and productivity is optimized. This is especially true in legal organizations, where ongoing case work and frequent court-ordered deadlines result in resistance to change. Therefore, onboarding new technology must be managed carefully with buy-in from the user community most affected by the change.

This starts with forming a stakeholder group composed of a cross-segment of functional roles, including technical teams and end users. Stakeholders should be organizational leaders, must embrace new and innovative technology, act as agents and promoters of change, and have the skills to communicate with and on behalf of their constituents. These are the members who directly influence the success of technology onboarding.

And while the length of a technology onboarding project can vary from weeks to months, an effective onboarding program should, at minimum, be comprised of the following components:

- **Project Management:** A well-defined and easily understood project plan and schedule ensures that all parties are working toward the same end goal. The project manager must keep at the forefront of all activities the end goal of gaining the user community's acceptance of the new technology.


- **Communication Plan:** A strong communication plan is key to keeping project team members and, just as importantly, senior management informed about project progress, status and any risks. The communication plan should include sessions, such as lunch-and-learns or brown-bag events, to evangelize the benefits of the new technology and ease the user community into the change.
- **Implementation:** Implementation is a pivotal phase of the project, as it determines when the software becomes available to the user community. A smooth implementation plan accounts for risks and includes time to address issues. Implementation starts with architecture scoping and sizing and culminates with software deployment and validation.
- **Process Optimization:** To ensure the user community is benefiting from the full capabilities of the new technology, the onboarding program should include a review of processes, workflows and best practices around optimum use of the software. The process optimization work must include a research phase where the user community's business needs — goals, existing processes and technology pain points — are reviewed and documented. Once the goals are clear, processes can be customized to best respond to the user community's needs and requirements.
- **Custom Education Program:** Training courses should be tailored to the different user roles and varying levels of comfort with technology. Sessions should be delivered in short, focused sessions at the time users will begin to leverage the technology for maximum knowledge retention. Live training can be complemented with e-learning modules that are available as post-training reference materials, pretraining self-study or just-in-time training.

- **Post-Training Assistance:** Following training it is critical to surround the user community with experts who are dedicated to responding to questions, troubleshooting issues and generally easing the transition. This is also an opportunity to work directly with users who might be resisting change to understand their needs and concerns and to help address them through training, one-on-one support or modifying the training programs.

Taken together, these steps will ensure that the implementation of the new technology will be successful and the promised benefits more quickly realized. However, it is important to note that while the rollout of the new technology may have a specific end-date, a user community's success is ongoing. Therefore, it is critical that organizations maintain the same proactive and collaborative spirit post-implementation to ensure that their teams continue to grow in both proficiency and confidence with the new technology. ■

#### ABOUT THE AUTHOR

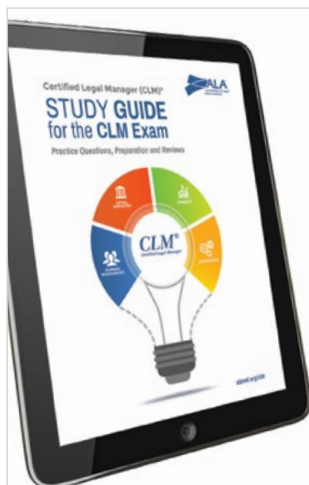
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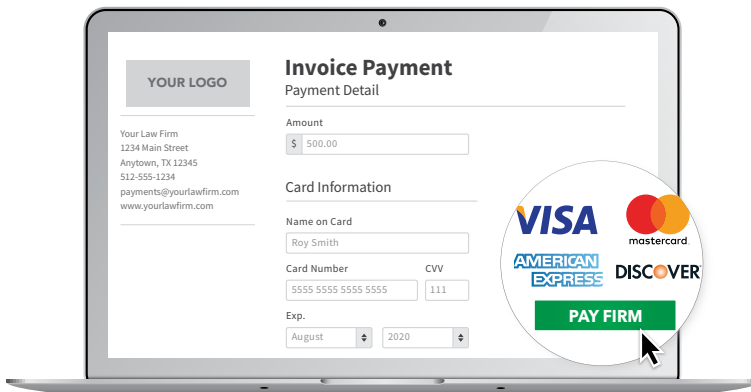
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**URI GUTFREUND**  
National Law Firm Practice Leader  
Risk Strategies Company

## The Devil Is in the Details: The Liability Insurance Fine Print You Need to Read

“

Assuming that all professional liability insurance policies (and their fine print) are identical can be a costly mistake.”

Your firm is not alone — no one reads the fine print. It's sometimes hard to believe that lawyers don't read their own insurance policies, but in my experience, that is usually the case. Even the summary pages are often skipped over by managing partners and their legal administrators.

There's a combination of reasons for this, ranging from being too busy to being overwhelmed by the task to the widely held but erroneous belief that all policies are the same anyway — why invest the few hours that it can take to review the policies?

Here's the scariest part — the fine print really does matter. It determines what is and what is not covered. For example, just because the policy is called a “professional liability policy,” it doesn't necessarily cover all professional liabilities that you are found liable for or that generally cost the firm money. So what should you do? While we do recommend you read your policy and ask your broker to review the parts written in insurance language, here are four fine-print details you need to read or at least understand.

- 1. Definitions.** All policies contain this section. Often overlooked, it's not meant to merely be a glossary of terms; the description actually “defines” the coverage, aka limits of the coverage. Your largest fine-print definition exposures are probably the definition for legal services in your professional liability policy and the definition of a claim in your cyber liability policy.

The legal services definition must be written to include all of the services that you provide. Firms with practice areas in real estate, trusts and estates, or tax must pay special attention

to this as those practice areas often include nonlegal services closely related to the delivery of the legal service and often done by the law firm. Some examples include paying fees and completing filings for clients during the course of your practice.

**2. Defense Costs.** All of your liability policies have two major components of the coverage: 1) it pays to reimburse you for actual liability from settlement or judgment, and 2) the defense costs defending the actual liabilities. These defense costs are mostly legal bills but also include other costs like experts and technology that would have to be contracted to defend your position. There is fine print that defines how these defense costs are covered by your insurance policies, and some of it allows for the entire amount of the insurance — aka the policy limits — to be reduced by the amount of money spent on the defense costs.

For example, if your fine print has that provision in your firm's policy, the amount left for settlement or judgment after expenses could be much less than you need and lead to a devastating loss to the firm. You might see these options covered in your insurance quotes by insurance geeks like me calling them "Defense Inside and Defense Outside the Limit."



**3. Firm Obligations.** The fine print in your policy details your firm's responsibilities in time of claims, like your requirement to cooperate with the insurance company and their representatives, not admitting to a liability without their approval, and your financial responsibilities in time of a claim. Your financial obligation in the form of your deductible is deceptively clear on the declarations page. The dollar amount of the deductible is presented clearly as a dollar figure, but the fine print will determine many important factors. Look for language that addresses when it applies (loss only versus defense and loss). There may

also be a capped multiple deductible (i.e., two or three times) and instances when it is actually reduced due to your participation in a risk management process to lower the cost of the claim, such as mediation/arbitration, or a quick settlement of the claim in a prespecified time limit.

**4. Exclusions.** The exclusion section changes everything. Ironically, even the regular policy readers are out of energy when they reach this most powerful section toward the end of the policy. So what should you look for here? Insurance companies have creatively reduced coverage in many areas, but there are two exclusions to focus on.

The first of these is any exclusions of certain practice areas like "securities" or "investments." Even if your firm doesn't think you practice in those areas, often the exclusions are written so broadly as to exclude all legal work even tangentially touching those areas. For example, a broad securities exclusion will exclude coverage for claims against your firm if the underlying litigation was based on any security holding.

The second powerful exclusion is one where the insurance company limits coverage when fraud is alleged — unless you are found not guilty by a court of the fraud. Since, practically speaking, most firms do not actually reach a court finding (let alone one of not guilty), this exclusion is a powerful limit on some of the most expensive types of claims — ones where malpractice and fraud are alleged.

In today's fast, overworked world, we all look for shortcuts to accomplish our daily tasks. Assuming that all professional liability insurance policies (and their fine print) are identical can be a costly mistake. Investigate these areas with your insurance broker before you buy or at the least before your costly claim. ■

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# Facts & Stats



## WHAT'S AN AMBITIOUS ASSOCIATE TO DO?

According to a 2017 Citi Private Bank and Hildebrandt Consulting Report, equity partner headcounts have remained relatively flat in recent years even as firms enjoy a state of modest demand growth. That poses a problem for associates waiting in the wings — and for firm retention and succession planning. Are the retiring Baby Boomers (more than a third of partners said they expected to retire within 10 years of 2016) enough the placate them, or is a different trajectory in store?

Read more in “Pursuing a Non-Partner Role” in this issue.

## WAYS TO MODERNIZE LEGAL SUPPORT STAFF

The tradition of one-legal-secretary-to-one-attorney is no longer ideal. Here are some alternative approaches:

- **Team model:** A group of legal secretaries supports a number of paralegals and attorneys, especially associates.
- **Differentiated teams model:** Each team is staffed with legal secretaries of differing specialties of experience levels, freeing senior secretaries from spending 20 to 40 percent of their time on lower-skilled tasks that don't required special training.
- **Hybrid models:** Some firms, especially those with senior partners or rainmakers who rely heavily on legal secretaries, blend the one-to-one model with the team approach.

Read more in this issue's cover story, “Teaming Up: Adopting New Approaches for Today's Legal Secretary,” and be sure to download ALA's newest white paper, “The Changing Role of the Legal Secretary.” (For link, visit the web version of this article.)



## THE STATE OF THE LEGAL INDUSTRY

Altman Weil has released the 2018 *Law Firms in Transition Survey*, which queried about half of the United States' law firms with 50 or more attorneys. Here are some of the key statistics:

### Competition

- **70 percent** of law firms reported losing business to in-house legal departments.
- **26 percent** of law firms have lost business to improved technology tools.
- **16 percent** of law firms have lost business to alternative legal service providers.
- **9 percent** of law firms reported losing business to the Big Four accounting firms.

### Change

- **69 percent** of firms have partners who resist most change efforts.
- **85 percent** of firms are talking with clients about pricing.
- Nearly **80 percent** of respondents believe nonhourly billing is a permanent trend.

### Work

- **49 percent** of firms failed to meet their annual billable hour targets in 2017.
- **51 percent** of firms say their equity partners are not busy enough.
- **45 percent** of firms reported their revenue per lawyer rose in each of the last three years.



# Pursuing a Non-Partner Role

A number of attorneys are choosing to forgo the partner track. Find out why — and what it could mean for law firms.



**ERIN BRERETON**  
*Owner, Chicago Journalist Media*

**With law firms hovering in a state of modest demand growth, a number have kept their equity partner headcount at a relatively flat level in recent years, according to a 2017 Citi Private Bank and Hildebrandt Consulting report.**

With eager, often highly skilled associates anxiously waiting in the wings, having fewer available partner positions to dole out could have presented a huge succession planning and talent retention problem.

Two factors, however, have helped prevent a massive staffing meltdown. Even though some firms are creating very few new net equity partnerships, an increased amount of Baby Boomers are reaching retirement age, vacating partner roles younger firm members can fill. More than a third of partners said in a 2016 Major, Lindsey & Africa survey that they expected to retire within the next 10 years.

Firms' second saving grace — a number of associates who do not want to pursue the traditional partner path, but still want to remain within their current firm — is a scenario that's been building for some time, according to Jamy Sullivan, Executive Director of recruiting service provider Robert Half Legal.

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“There’s such a shortage in today’s legal talent market. Why wouldn’t employers sit down and have a conversation about moving an employee?”

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At least one report, from Valeo Partners, suggests the amount of nonequity and non-partner-track attorneys grew at law firms in the five years prior to 2016 — a trend the legal consulting provider predicted would continue.

“Nontraditional career track opportunities available to lawyers have increased over the last several years,” Sullivan says. “They may not be interested in the partnership track, but having meaningful, challenging work is still important to those individuals. It really is a different work style and [level of] involvement.”

#### **WHY ATTORNEYS ARE AVOIDING PARTNERSHIPS**

Associates are choosing a non-partner career trajectory for a variety of reasons. For some, it can serve as a way to avoid work they’re not particularly interested in.

Being able to provide the career experience employees want was one of global law firm Orrick’s incentives to begin offering career associate positions 10 years ago, according to the firm’s Chief Talent Officer Siobhan Handley.

“We were motivated by several factors, all of which continue to be factors today: the opportunities to disaggregate tasks and deliver work more efficiently ... the opportunity to offer different career paths to keep top quality talent in the game, and of course, client demand for both quality and efficiency,” Handley says. “There are many talented lawyers [whose] passion is the legal work, and they prefer to focus there, rather than on [the] pressures of management, client development [or] travel.”

Relationship building responsibilities, for example, can be significant. Nearly half (49 percent) of new partners say their contact with clients and business development duties increased after they were promoted, according to a 2017 survey conducted by *The American Lawyer*.

After witnessing the economic downturn, some associates, according to Gerry Riskin, Founder of law firm strategy and consulting provider Edge International, may also be wary of the costs involved in transitioning to a partner role —

potentially having to pay for your own health insurance, for instance, and financially contributing to the partnership.

“The investment is not trivial to buy-in in some situations, and even if it’s not, there’s a great deal of liability in uncertain times,” Riskin says. “[The question may be], do you want to have a personal guarantee riding on the high rent of the whole firm? It’s an investment and a financial liability.”

For others, the decision not to pursue a partner position may simply be a question of time. Attorneys typically express an interest in pursuing a non-partnership-based path soon after law school or within the first few years working at a firm, according to Sullivan.

“If they’re disillusioned that the partner track is 80-plus hours a week, it might be partially inspired by work-life balance,” she says. “[Or] it can be more about the work — they may like the idea of being able to be a chameleon assigned to different projects. On the partner track, you have a very specific area.”

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“This is not a second-class team by any standard; many have joined us from leading Am Law 100 firms.”

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#### **HOW FIRMS CAN MANAGE NON-PARTNER PLANNING**

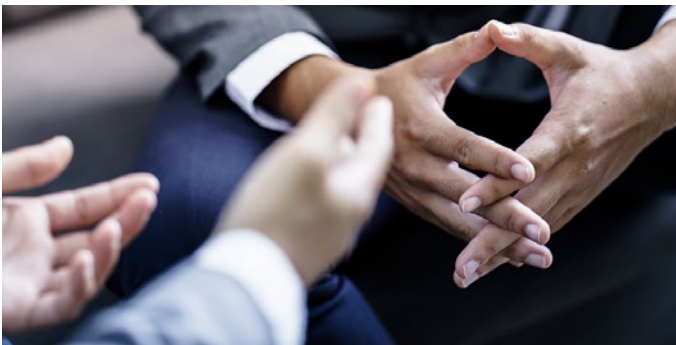
While associate track positions may be so new at some firms that leadership has yet to fully define what they entail, or how candidates formally commit to them, Sullivan advises that firms proactively bring career goals up with associates to help ensure they’re given the ideal opportunities and resources.

“No matter what level employee, everyone is looking for some type of career progression,” she says. “Some of the law firms that are very much in the know as to what new employees are seeking are having annual or biannual reviews; they’re probably also having newer midlevel employees participate in a mentorship program, so they’re uncovering individuals [who want to] go on this track, or another track.”

“The most promising development is seeing lawyers stay in the profession because they have these options ... there is more time and flexibility to develop skills and expertise. For some, it is also means a more flexible schedule. It’s an opportunity to focus on the practice of law, without responsibility for the business of law.”

Firms, according to Sullivan, should be open to letting associates who approach them about non-partner options transition into a new role because it can potentially benefit both parties.

“I definitely encourage [associates] to talk with the internal team they work with; you’d be surprised at how those conversations can go,” she says. “There’s such a shortage in today’s legal talent market. Why wouldn’t employers sit down and have a conversation about moving an employee?”



There are a few aspects firms may want to make sure associates considering a non-partner position understand and are comfortable with — pay, for one, which is usually around a quarter to half of what their partner-track colleagues will make, according to Sullivan.

“You have to [factor in] the entire compensation package,” she says. “[Non-partner associates] may be paid well from a salary perspective, but what are they eligible for from a bonus perspective is different.”

Career associates are also often less likely to be thought of for leadership opportunities, Riskin says.

“Whether it be a practice group or a marketing committee, those roles probably are not going to go to people who are not on the partnership track,” he says.

In addition, should the associate have a change of heart, returning to the partner track may prove challenging.

“That’s not to say it couldn’t happen,” Sullivan says. “But with the influx of lateral senior associate hiring to benefit the firm’s revenue stream, it might be a little harder to go back and be at the same place your colleagues are once you’ve made the decision.”

However, for employees who find the less demanding hours and other benefits irresistible, a career associate path can offer valuable development opportunities, milestones to work toward and other types of career progression — just as a partnership-oriented track would.

Since the inception of Orrick’s career associate option, the program has grown to involve 14 practice groups, with career associates working in eight of Orrick’s more than 25 offices.

Compared to its other attorneys, there’s little difference in how the firm invests in its career associates, according to Handley.

“They participate in most of the same training and attend practice retreats ... this is not a second-class team by any standard; many have joined us from leading Am Law 100 firms,” she says. “The most promising development is seeing lawyers stay in the profession because they have these options ... there is more time and flexibility to develop skills and expertise. For some, it is also means a more flexible schedule. It’s an opportunity to focus on the practice of law, without responsibility for the business of law.” ■

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# Teaming Up

## Adopting New Approaches for Today's Legal Secretary



**MARY KATE SHERIDAN**  
*Writer, Editor and Attorney*

**The role of the legal secretary has changed dramatically in recent years. As attorneys have become more self-sufficient and client demands for efficiency have increased, firms have adopted alternative secretarial models.**

“Legal secretaries remain a very important part of the client-support process,” says Petrice Ryan, Director of Business Operations at Paul Hastings LLP. “The role has evolved as attorney needs — and frankly attorney technology skills — have evolved. A successful legal secretary must demonstrate the ability to adapt, be flexible, continuously meet the demands of practice-specific and technology knowledge and skills and the ability to navigate firm culture.”

With the changing needs of the modern lawyer, law firms should consider the best ways to optimize their support professionals. This article will discuss some reasons behind the evolving legal secretary role, potential alternative approaches, and advice for successfully implementing a new model.

### **FACTORS BEHIND THE EVOLVING LEGAL SECRETARY ROLE**

Among the areas that have influenced the role of the legal secretary are technology, a changing workforce, and cost savings.

#### ***Technology***

Without a doubt, technology has been the biggest influence on the reshaping of the legal secretary role.

"[Technology] has completely changed the dynamic. It started in 2007 with the invention of the smartphone or the iPhone .... Up until that point you didn't have round-the-clock availability. ... All of a sudden, everyone was accessible at the touch of the button. Then skills began to shift."

"It has completely changed the dynamic," says Jennifer Hill, President at JHill's Staffing Services, a division of Marcum Search. "It started in 2007 with the invention of the smartphone or the iPhone. ... Up until that point you didn't have round-the-clock availability. ... All of a sudden, everyone was accessible at the touch of the button. Then skills began to shift."

With an array of technological tools at their fingertips and proficiency to boot, the new generation of lawyers is far more self-sufficient and willing to handle tasks that previously would have been delegated to a secretary.

"The role has changed so dramatically over the past, at least, four to five years with the onset of all of the technology that's being introduced," says Gera Vaz, Consultant at SB2 Consultants LLC. "You have really tech-savvy associates coming into the workforce, and what we're finding is a lot of the work legal secretaries are doing now is really more administrative in nature."

### **Talent Pool**

Another reason for the changing legal secretary role is the pool of available secretaries has diminished.

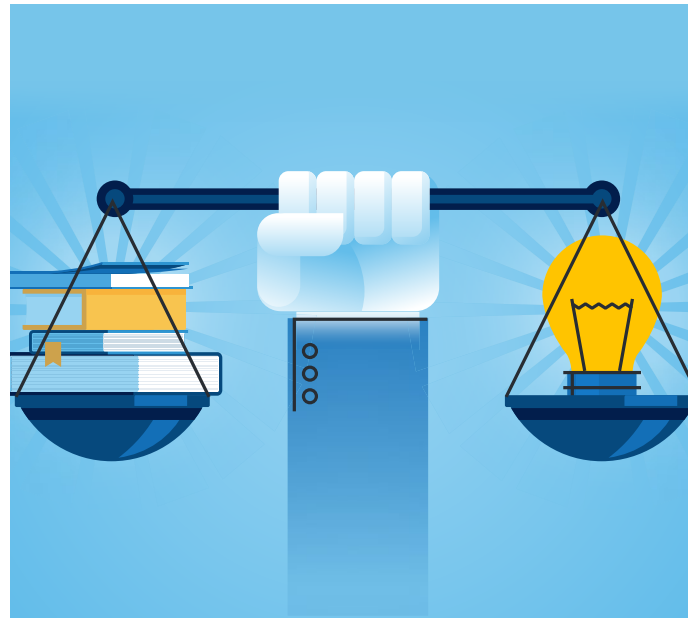
"Finding qualified people for these jobs can be difficult," says Ryan. "For whatever reason, these particular jobs are not viewed in the way they used to be. In truth, these are great, challenging jobs that pay well, but finding the right people for these jobs is challenging."

### **Cost Savings**

With clients being even more conscious of billable hours, the need to create systems that promote greater efficiency and cost effectiveness has permeated the legal world.

"There was certainly an effort 10 years ago to do a reduction in force as a cost-saving measure," says Joe Buser, Vice President of Strategic Accounts at Traveling Coaches.

And given that attorneys are no longer using legal secretaries in the same ways, their time may be better maximized



through an alternative model that provides a steady workflow of appropriate assignments.

"The old economics just don't work anymore," says J. Mark Santiago, Partner at SB2 Consultants LLC. "You can't have a secretary sitting there to waste 10 to 20 to 30 percent of time doing things that are better done by others. Clients won't allow it; the economic squeeze on law firms continues, and it doesn't serve the firm either."

### **MODERN APPROACHES TO THE LEGAL SECRETARY ROLE**

Due to the above factors, the traditional one-to-one legal secretary model is no longer ideal. Below are some alternative approaches.

#### **Team Model**

In modifying the legal secretary role, many firms have embraced a team model through which a group of legal secretaries supports a number of attorneys.

Paul Hastings has found success with its teaming model, which is staffed with what that the firm calls "Client Service Specialists" or "CSS." While partners at the firm are still assigned to a specific CSS, associates and paralegals are

“The old economics just don’t work anymore. You can’t have a secretary sitting there to waste 10 to 20 to 30 percent of time doing things that are better done by others. Clients won’t allow it; the economic squeeze on law firms continues, and it doesn’t serve the firm either.”

supported by the entire CSS team. According to Ryan, attorneys can request assistance via email, via telephone, or in person, and any available CSS on the team can take the assignment.

“We’re just looking for the easiest and best way to get the work done and support the attorneys and clients the best way we can,” says Ryan.

Critical to the success of this model is having the CSS team sit together to encourage team communication.

“Much of teaming is dependent on the teams being together so they can communicate effectively,” says Ryan. “Collaboration is key. So we try to sit our CSS teams together so they can continuously communicate with each other and collaborate on projects and assignments. Direct communication to one another and with the attorneys is key to the team’s success.”

Additionally, resource team leads provide oversight to the CSS teams. Responsibilities include assisting with resource allocation, workflow coordination, managing coverage, and coordinating time off among the team members.



Another firm that has executed a successful secretarial team model is Irell & Manella LLP. The firm tackled the new approach by starting with its most junior attorneys.

“On the attorney side, we found that the absolute best thing to do was take a strategic and not a tactical view of this and make the change with our youngest attorneys,” says Robert Cramer, a Consultant and former Director of Human Resources at Irell. “They’re digitally proficient in most cases. They’ve never had a secretary before. You take those folks when they walk through the door, and [as] they graduate up, that’s the model they’ve known and understood.”

The firm has found that the desire to use the centers has occurred organically, but Irell partners who prefer working with a designated secretary still can.

“It’s transitional and something all firms have to work through,” says Cramer.

### ***Differentiated Teams***

One variation to the team model is to staff each team with secretaries of differing specialties or experience levels.

For example, firms may establish secretarial service with legal secretaries of varying levels of expertise, including entry-level assistants who will focus on more administrative tasks and experienced legal secretaries who can focus on more intensive tasks like e-filing, says Vaz.

Indeed, a more specialized assignment system for legal secretaries can enhance efficiency.

“Anywhere from 20 to 40 percent of legal-secretary time is spent on things that you don’t need their experience and training to do,” says Santiago. “If you can pull that out, you enable the senior legal secretaries — who are highly skilled people — to do that highly skilled work.”

### ***Hybrid Models***

While the team method may work for most attorneys, it isn’t necessarily the best model for all, especially senior partners who

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“People are very different. They have different skills. Just putting them together and calling them a team doesn’t mean it’s going to work. There needs to be a lot of preparation. And you have to prepare the lawyers to accept a new model.”

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heavily rely on a secretary. Some firms use a hybrid approach that institutes a team secretarial model, while allowing direct secretary assignments for the most senior attorneys who heavily rely on them.

“There are some partners who can keep an individual secretary busy, and it’s integral to their practice,” says Santiago. “The program needs to be flexible enough to recognize that but also move the firm towards this new model.”

### **TIPS FOR SUCCESSFULLY MANAGING THE CHANGING LEGAL SECRETARY ROLE**

Before a firm moves forward with a new secretarial model, it must create a plan.

“Consistency and communication: those are probably the two things that would be my advice for anyone looking at change management and entering this new frontier in the legal industry,” says Hill.

Planning the new model, considering the firm’s specific needs, obtaining buy-in, being transparent, and providing support to the secretaries are critical to a firm’s success.

#### **Have a Plan**

A plan offers secretaries and attorneys a roadmap of what they can expect.

“People are very different,” says Buser. “They have different skills. Just putting them together and calling them a team doesn’t mean it’s going to work. There needs to be a lot of preparation. And you have to prepare the lawyers to accept a new model.” Buser recommends crafting communication that excites lawyers about the new approach and promotes the idea of gaining a team rather than losing a personal secretary.

#### **Be Attuned to Your Culture**

Critical in developing such a plan is focusing on your firm’s needs.

“I think the downfall comes from the lack of really defining what the firm’s goal is, based upon the area of law that they’re in,” says Cynthia Thomas, Founder and President of PLMC & Associates. “It’s not a one solution fits all.”

Indeed, focusing on your firm’s culture and goals can be helpful in crafting the secretarial solution that will work best for your attorneys and how they work.

“Each firm has a different culture, so they have to think about their own culture and what it is they want to accomplish,” says Ryan. “What’s the goal with teaming? What are you trying to do? What problem are you trying to solve? Are you trying to do more with less? Are you trying to improve the substance of the support you give to attorneys?”

#### **Get Buy-In**

Garnering buy-in is important to having a successful new secretarial model.

“You absolutely must have a key partner jump into these centers,” says Vaz. “Everyone goes along with it until it’s their secretary. So there needs to be leadership buy-in.”

Part of getting this buy-in is to fully understand the needs of the attorneys and the skills of the secretaries. By communicating how the teams will satisfy both parties, the firm can obtain greater support.

“Our experience is that firms don’t go about it in a systematic way, and they just put these groups together and say ‘now go out and do it,’” says Santiago. “They haven’t talked to the stakeholders to see what they need, and they haven’t talked to the secretaries.”

And firms shouldn’t make the mistake of focusing solely on the partners and associates; they must focus on the secretaries themselves, who will be the face of this change.

“It’s really crucial to get the buy-in from the legal secretaries,” says Thomas. “I think before any implementation of change, it should be discussed within a meeting or open-type forum to make this a team effort and make their voices heard.”

#### **Be Transparent**

Another tool that is essential for a successful roll out of a new secretary model is transparency.

"It's really crucial to get the buy-in from the legal secretaries. I think before any implementation of change, it should be discussed within a meeting or open-type forum to make this a team effort and make their voices heard."

"Any time you're dealing with change management, transparency is key," says Hill. "Otherwise you're going to set people up for failure."

Firms should endeavor to be open and frank with legal secretaries about their new roles. Many secretaries have devoted their entire careers to the firm, and they're nervous about the cultural change, says Cramer.

### **Provide Training and Coaching**

The unfortunate aspect of new models is that they may not work for all people, and some secretaries may find that their skills or preferences do not align with a team approach. In these cases, firms may need to innovate and consider additional training, especially in the area of utilizing technology, says Vaz.

Secretaries who are resistant to change can consider whether they'd prefer to transfer to another job or consider a separation

package. An effective approach is to provide a coach who can help secretaries consider whether retirement is a better option and what that means financially, emotionally and socially for them, says Vaz. ■

### **ABOUT THE AUTHOR**

**Mary Kate Sheridan** is a writer and attorney with JD from Columbia Law School, MFA in Creative Writing from The New School, and BA in English from Mary Washington College.



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## **READ MORE IN ALA'S LATEST WHITE PAPER**

If your firm is looking for more insight regarding this topic, check out ALA's latest white paper, "The Changing Role of the Legal Secretary." (For the link, visit the web version of this article.) Author Jennifer Hill, President at JHill's Staffing Services, a division of Marcum Search, outlines the issues surrounding the changing roles of the traditional legal secretary and offers a definitive role-based solution that can be applied across the entire legal community, resulting in a more efficient and successful workforce that can be recruited across firms.





# How to Get Senior-Level Buy-In for New Technology

Convincing firm leadership to upgrade can be an uphill climb. These tips can help.



**MARK BREWER**  
Freelance Writer

**The pace of innovation in technology is always on the march. Is your firm at the back of the parade? If so, getting change where change isn't embraced can be an uphill climb. To reach the summit without breaking a sweat, make a strong business case to senior leaders about the benefits and opportunities that modernized technology can bring.**

Change can be borne of necessity, which generally boils down to a list of pain points. Outdated hardware is expensive to maintain and will eventually fail. Outdated software can accumulate security issues and eventually become unsupported.

It can also come from opportunity. The desire for secure mobility is growing, allowing attorneys to work from anywhere with access to every asset relevant to their work. The emergence of cloud-based systems, applications and data allows firms to reduce hardware investments, while improving the ability to scale up or down quickly — if, for example, you want the ability to open another office quickly without a big technology investment.

And if natural disaster strikes your firm, the ability to quickly move operations can also motivate change.

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“It’s hard to get [lawyers] to stop and do anything because they’re so focused on billing hours. They need to understand that it can be worth their time to make a change.”

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### MARCHING TO SUCCESS

All that sounds exciting until you realize that the excitement for change is minimal. For many firms, everything is working fine the way it is. And there are risks changing, such as disrupting established processes, changing how people interact with technology, or buying the wrong solution.

But as technology marches forward, change is inevitable. Getting buy-in from senior leaders is about managing the natural skepticism that comes with a proposed technology upgrade. To convince skeptical executives, build a convincing evidence-based case for change. For success, avoid these common mistakes:

- Not being aware of current technology options and opportunities
- Not enlisting broad support early in the process
- Not understanding, at a detailed level, how each practice group works
- Not fully knowing the technology



Study and understand your options. Online research is a good place to start. Even better, according to Adriana Linares, President of LawTech Partners, a legal technology

and training company, attend legal technology and ALA conferences, which give you easy access to representatives from a variety of technology companies that specialize in solutions for the legal industry. Conferences also allow you to network with other legal management professionals to learn how they use technology to keep their firms running profitably. She says that knowing what other firms are using and why they use it is good ammunition for getting buy-in from senior leaders.

If attending a conference isn’t practical, consider reaching out to business partners by phone and email. Explain your requirements and evaluate their responses. They understand that you need high-level buy-in, so they’ll be able and eager to offer advice.

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“Get a team together from each practice area and get into the nitty-gritty of what their daily needs are. Pick a good solution based on that.”

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Finally, articles will help you make a case — lawyers like evidence, so scour the web for resources and white papers to support your situation. And don’t forget the ALA Online Community. Your peers will often share what worked and what didn’t work for their firms.

### KNOW YOUR OFFICE

While each of your practice groups may use the same technology, they may use it differently. “You can’t configure a tool the same way for all groups,” says Linares. “The main thing is to understand what they need at a very detailed level. If administrators aren’t buried deep in how each practice group actually works, they may not get a process right. We get this problem all the time.”

To know your office better, Linares suggests including attorneys, paralegals and support staff from each practice group. “Get a team together from each practice area and get into the nitty-gritty of what their daily needs are. Pick a good solution based on that.”

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“Show how the new technology will make their lives easier and how it will impact the bottom line. These are the best ways to show decision makers the benefits.”

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Getting attorneys on board may take some selling. “It’s hard to get them to stop and do anything because they’re so focused on billing hours,” says Joe Kelly, Founder and Chief Executive Officer of Legal Workspace, a legal technology consulting firm. “They need to understand that it can be worth their time to make a change.” If a change will help them bill more hours, they will be very interested.

If you have an IT department that is engaged with how your people use technology and understands the business of law, including them early can be critical. “They’re great at setting up demos and talking with salespeople if you have someone who’s truly loyal to the firm and wants to help the firm,” Linares says.

### EXPERIENCE THE SOLUTION

Your team will need to experience the solution in order to make a strong case to senior leaders. Ask each business partner to show how your workflow will work with their solution. Have them give you access to a test environment to give their products a trial run. Encourage everyone on the team to connect at work and at home to put each solution through a stress test.

### INCLUDE IMPLEMENTATION AND TRAINING

Include an implementation plan with your proposal. “We’ve seen projects spearheaded by a firm manager where the change message wasn’t communicated through the organization,” Kelly says. “In the cutover, you get half of the people using the old system and half using the new system. The data gets out of sync and it becomes a huge mess.”

Linares suggests having a senior leader communicate the change — what’s happening, the benefits and why the change is important. “Then it typically goes smoothly.”

She also advises to cut off access to the old system during the changeover. “Overdo support in the first week so everyone gets their questions answered quickly. That seems to make a real difference in everybody adopting it. Training is also incredibly important. It’s almost a make-it-or-break it factor in upgrading and modernizing technology,” says Linares.

### PITCH YOUR CASE

Bring all your evidence together and pitch your case for change to senior leaders. Explain the pain points and how they hold the firm back.

“Show how the new technology will make their lives easier and how it will impact the bottom line,” says Chris Lukauskas, Director of Engineering and Support at Legal Workspace. “These are the best ways to show decision-makers the benefits.”

Quantify, as much as possible, how the firm will save money. For example, if you’re implementing a new cloud-based system, show how the firm will save money by moving to an operating expense and away from annual capital expenditures and equipment depreciation. Or, if you can show that a new solution will save attorneys two hours per week doing administrative tasks, that’s compelling evidence. As much as possible, show how the solution is more efficient and allows the firm to bill more.

“The business case for modernizing is an easy sell to law firms,” says Linares. “When we do a technology audit and see what they pay monthly for an outsourced IT company, what they pay for hardware, what they’re going to pay if they want a new server, including the maintenance and the security that surrounds that, it’s a no-brainer when you do a dollars-to-dollars comparison.”

So your march to the summit of success may not be too steep — if you do your homework. ■

### ABOUT THE AUTHOR

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

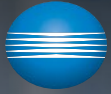


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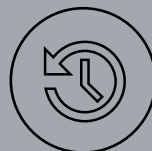
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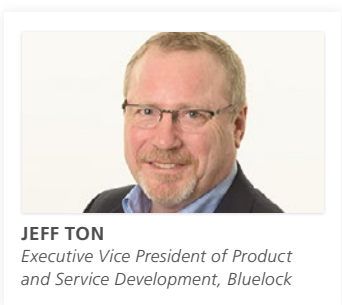
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## 3 Tips for Understanding Your Risk Profile in the Age of the Cloud

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The best way to draw the line of responsibility is to do testing, not just on your cloud environment but also on all third-party applications. This gives your firm and third parties the chance to coordinate a range of scenarios and know with complete certainty how things will pan out.”

The growth of cloud computing has upped the expectations for how available law firms should be to client needs, but firms looking to make the move to cloud should not do so without a sound strategy to get there. First, ask why you want to leverage the cloud. The answer to this question will point your firm toward key objectives to accomplish during and after the move.

For those already using cloud for hosting, data storage, applications or email, understand that your data is dispersed a lot more than it used to be. Many firms don't truly comprehend the extent to which the cloud can present security risks — and that can leave them vulnerable to breaches or downtime. To fortify your IT stance in the cloud, assess these key risk areas.

### 1. KNOW WHO HAS ACCESS

Having any amount of data in the cloud means that you are using a third party. Any software as a service (SaaS) application your firm is using accesses the cloud, too. It's important to know what a vendor's IT stance is and how they intend to handle your data and mitigate security threats.

With the rollout of GDPR data guidelines in the European Union, knowing who has access to your data is more important than ever. Firms with clients under regulatory requirements must also meet strict standards of data control. Who can share information, and how is it shared? If there's a breach or disruption, who has access to recover your IT systems? All unwarranted avenues of data sharing should be closed because they represent vulnerabilities. Better safe than sorry — the resounding effects of data loss and exposure are similar to other disasters now.

## 2. KNOW WHO CAN MAKE CHANGES

Who owns what responsibilities and capabilities? You want to understand if your cloud provider will or will not be able to make changes to your cloud environment on your behalf, such as adding security controls, making firewall updates or executing a recovery plan. Even though changes should only occur with your permission, this can still be a sensitive area to delineate.

The best way to draw the line of responsibility is to do testing, not just on your cloud environment but also on all third-party applications. This gives your firm and third parties the chance to coordinate a range of scenarios and know with complete certainty how things will pan out. It's also crucial to see your third party's testing results. If they go down, you probably will too.

## 3. KNOW WHAT DATA IS KEPT WHERE

Data is much more dispersed in the cloud by nature of its availability benefits. On-premises environments may look different from a private cloud; likewise, a hosted cloud in a SaaS provider's data center has its own set of risks. For this reason, it's important to note who can retain data from your firm and in what circumstances. Lay it out in your contract with the cloud provider. Make sure that they can't limit your use of your data if there's a dispute and that you know what will happen if they go out of business.

It's also important to know where your data is stored and how many of your SaaS-based applications are storing data in the same place. For example, you firm may be using a dozen or more different SaaS applications. If all these applications store their data in the same cloud data center, what happens when that cloud vendor has an issue? You don't lose access to just one application; you lose access to dozens.

## PREPARING FOR THE CLOUD JOURNEY

There will always be shared responsibilities around data handling and processing, no matter the technology setup. So it's important for firms to be clear on who within the firm is responsible for what, what vendors are responsible for and what shared responsibilities exist between the firm and third parties. Even firms that manage the cloud in their own data centers encounter risks. Any cloud usage involves shared responsibilities and security gaps.

Yet, despite the downsides of the cloud, it still tends to be more secure than most physical infrastructure in use at law firms. Why? Law firms are under intense scrutiny and possess a lot of sensitive data, which often contributes to an overburdened and underfunded IT team. As a result, law firms are often a dream target for cybercriminals.

Therefore, most law firms are moving to the cloud in some form; some are even offloading data center management entirely. The cloud is usually better positioned to deal with new security threats: The crux of a cloud provider's business model is to deliver a secure environment for crucial assets, so experts are constantly in the cloud and have resources to continually monitor, test and shore up a good security position. ■

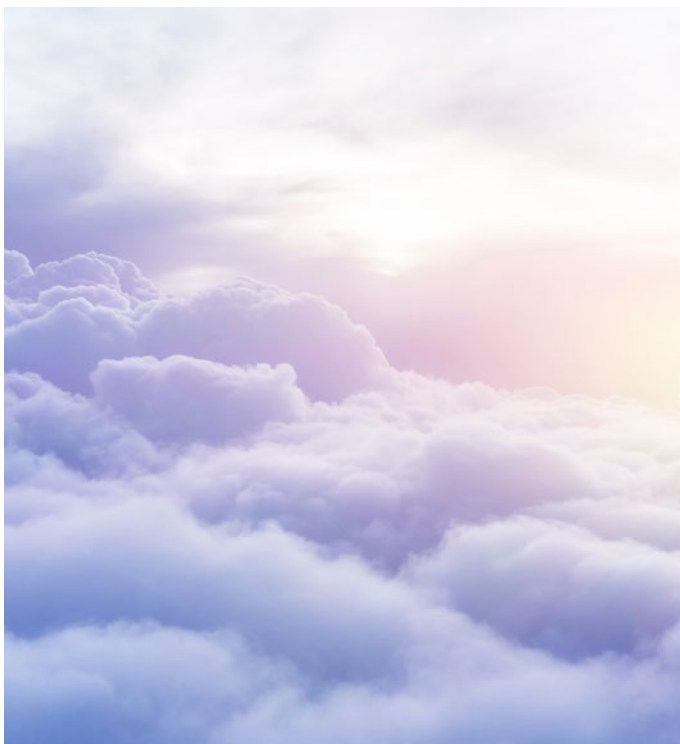
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Phil Hampton, Consulting President,  
LogicForce

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For a high-end conferencing experience, you need a better microphone and speaker that works with Zoom or other services like Skype, GoToMeeting, etc.”

## Videoconference Speakers: Which Ones Are Your Best Investment?

Last month we reviewed Zoom, a free conferencing service you can use on your computer, smartphone or tablet. To videoconference with Zoom, you can use the built-in camera on your device or, like us, buy a high-definition webcam if you want to display your ugly mug in HD. But no matter how you conference, you'll experience the same problem: the built-in microphones and speakers on your devices are usually not that great, especially if you have several people speaking on your end.

For a high-end conferencing experience, you need a better microphone and speaker that works with Zoom or other services like Skype, GoToMeeting, etc. The eMeet OfficeCore M1 (\$180 on Amazon) and the Bose SoundLink Micro (\$99 on Amazon) are two good options for improving your audio experience for what we will collectively call “e-conferences.” Both have advantages and disadvantages.

### THE eMEET OFFICECORE M1 CONFERENCE SPEAKER

The eMeet OfficeCore M1 is specifically designed for e-conferences. Its multiple microphone array will pick up sound from any direction. Any person sitting within 6 feet of the microphone will be heard clearly during the conference, making it perfect for meetings of 10 people or fewer. The blue light around the edge of the device lights up in the direction of the person who is speaking, so it's easy to follow the conversation. There is no echo for the person on the receiving end of the e-conference, as is the case with most conference speakers (including the Bose SoundLink Micro).

The OfficeCore M1 can be connected via Bluetooth, but our best results came when we tethered it with a micro USB cable. It was very easy to set up, and it has amazing battery life (about 12 hours). It can also charge your devices via a USB connection. That feature comes in very handy when you are using a smartphone or tablet. It is compatible with every device we have — which is just about everything on the market today.

It also doubles as a Bluetooth speaker to play music or audio from your phone or tablet. But playback on the OfficeCore M1 is clearly inferior to most Bluetooth speakers.

Its compact design — about the size of a hockey puck — makes it an excellent travel companion when you anticipate joining conference calls from the road. It even comes with its own carrying case. When used for its intended purpose (e-conferences), the OfficeCore M1 provides a great experience, but it does come with a hefty price tag.

### THE BOSE SOUNDLINK MICRO

As our readers know, we love Bluetooth speakers. I am certain we own more than 20 between us. So when the SoundLink Micro went on sale for \$99, we both ordered one immediately. We were not disappointed.

The quality of the sound when playing music is incredible for its size. We could not believe the bass response and the loudness and clarity, even outdoors. Speaking of the outdoors, this rugged speaker is waterproof and resists scratches and nicks. It has a neat strap that allows you to clip it to most anything, including a briefcase or a backpack.

We liked it so much, we decided to see if it could compare to the OfficeCore M1. As a speakerphone device, though, the SoundLink is clearly inferior. The recipient of the e-conference will hear a slight echo in the speaker's voice, and the microphone is not nearly as sensitive as the OfficeCore M1's array, so you have to be much closer to the SoundLink to

be heard. In addition, the SoundLink's battery only lasts about six hours — but isn't that long enough for any e-conference?

As a playback speaker, it blows the OfficeCore away as we expected. And, for most small e-conferences, the SoundLink is more than adequate for the job. So if you are traveling and want a good speaker to kick out the jams in your hotel room or on the beach, the SoundLink is a perfect traveling companion.

### THE BOTTOM LINE

Both devices work great for their intended purpose and reasonably well for their add-on features. When combined with a good camera and a service like Zoom, the OfficeCore M1 offers a videoconferencing solution that would have cost thousands of dollars a few years ago. Meanwhile, the SoundLink Micro is a great addition to the Bill and Phil Bluetooth collection because of its size, durability and audio quality. No surprises here — just good products. ■

#### ABOUT THE AUTHOR

**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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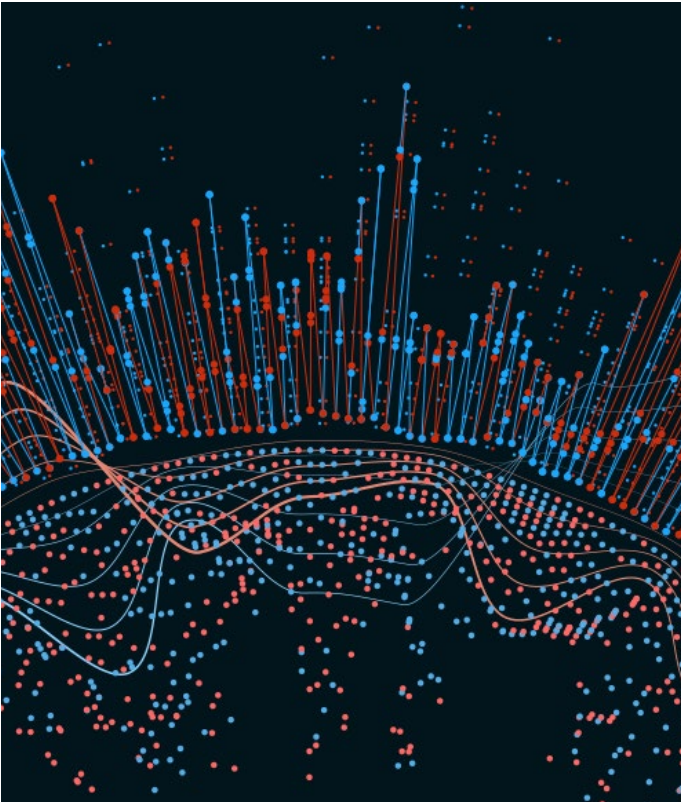
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# How to Better Manage Discovery and Save Costs in the Era of Expanding Data

By Mike Lieberman, Shelley Rosenberg and Leigh Colihan



**Ninety percent of data in the world has been created in the past two years, according to some scientific estimates. We are confronted daily with this reality. Overflowing email inboxes, growing company databases and expanding use of mobile devices and social media present a range of challenges for companies and counsel trying to manage risk and costs, especially in litigation. The good news is that recent federal rule changes may help mitigate these risks and costs, and relatively simple steps to improve data management now can prevent significant headaches down the road.**

## KEY RULE CHANGES

### Proportionality

In 2015, Federal Rule of Civil Procedure 26(b)(1) was amended to expressly state that to be discoverable, information must be

relevant to a claim or defense and “proportional” to the needs of the case. In weighing proportionality, courts are directed to consider the following:

- The importance of the issues at stake
- The amount in controversy
- The parties’ relative access to the information
- The parties’ resources
- The importance of the discovery in resolving the issues
- Whether the burden of expense of the proposed discovery outweighs its likely benefit

While proportionality is not a new concept, this rule change sharpens the focus on it. In essence, courts are asked to determine how much discovery makes sense in the context of each case, and to serve as gatekeeper to prevent burdensome and expensive forays into a growing sea of company data.

### Spoliation

Also in 2015, Federal Rule of Civil Procedure 37(e) was amended to clarify that spoliation sanctions are only permitted for loss of electronically stored information when a party failed to take reasonable steps to preserve it. If a party suffered prejudice from the loss of information, the court may order measures no greater than necessary to cure the prejudice. More severe sanctions are reserved for when the party acted with intent to deprive the other party of the information’s use in litigation.

The Advisory Committee’s note to this rule makes clear that these changes are intended to address the “ever-increasing volume of electronically stored information and the multitude of devices that generate such information.” Faced with this challenge, the committee recognized “perfection in preserving all relevant electronically stored information is often impossible.” Rather, a litigant must take “reasonable steps” to preserve evidence, measured in part by whether preservation efforts are proportional to the needs of the case.



Faced with these new rules and the growing volume of data, legal managers can take steps now to significantly mitigate risks and costs.

**WHAT CAN LEGAL MANAGERS DO NOW?**

Faced with these new rules and the growing volume of data, legal managers can take steps now to significantly mitigate risks and costs. A few simple examples include:

**1. Adopt and enforce a record retention policy.**

A company need only retain information in existence at the time the duty to preserve arises i.e., when the company reasonably anticipates litigation. This means that if data is no longer in the company’s possession when the duty to preserve arises, there is no need to produce that data in discovery. If a company adopts a record retention policy and then appoints an officer to rigorously enforce it, the company can get rid of large amounts of data before the duty to preserve arises. This not only decreases the cost of data storage but also limits the amount of data that must be held, searched and reviewed in the event of a lawsuit.

**2. Adopt policies limiting use of mobile devices, instant messaging and company work outside the office.**

If an employer has policies that prevent substantive work communications in text messages, via instant messaging or via home computers, that can significantly strengthen the company’s argument that review of these media in discovery is not proportional or necessary.

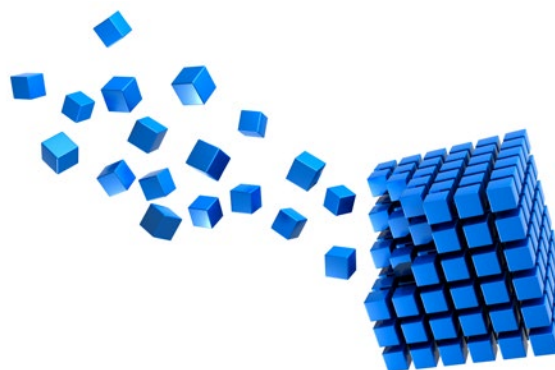
**3. Improve searchability of document systems.**

If a company deploys software that allows targeted retrieval of records, the company can use this software in discovery to home in on the documents at issue in litigation and argue that broader searches are not proportional. This thereby limits the amount of data the company needs to collect and decreases the costs of review.

**4. Consult with an e-discovery expert.** Not surprisingly, increasing data volumes are also driving development of new technology to more efficiently process and cull large data sets. Beyond traditional search terms, new tools such as predictive coding, email threading, email clustering and concept searching can significantly limit a review universe. Consulting an e-discovery expert early and employing these

new tools can save significant time, effort and money in litigation, and help counsel reach a review universe more proportional to the needs of the case.

In the era of expanding data, the key is to be proactive. We encourage legal managers to consult with counsel now to analyze their options and to develop a data management and discovery response plan that makes sense for them. ■

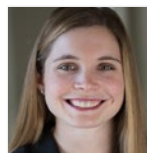


**ABOUT THE AUTHORS**



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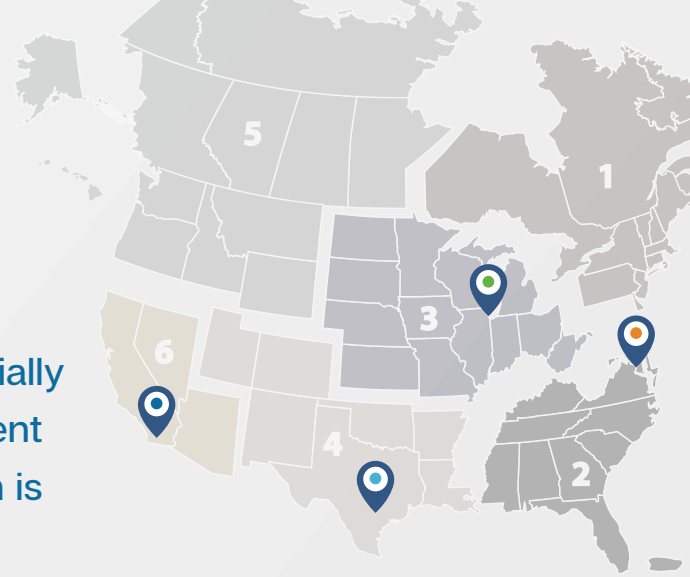


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**Sep. 12-13** Advanced Financial Administration for Legal Management Professionals

**Sep. 13-15** Regional Legal Management Conference – **EAST**

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**Sep. 26** Legal Lean Sigma® and Project Management White Belt Certification Course

**Sep. 27-28** Intellectual Property Conference for Legal Professionals

## AUSTIN



**Oct. 17-18** Advanced Financial Administration for Legal Management Professionals

**Oct. 18-20** Regional Legal Management Conference – **WEST**



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# How to Be a Rainmaker

By Tom McMakin and Doug Fletcher



**Courtney gazed out her office window, wondering. A 36-year-old legal whiz in her 500-attorney firm had just stopped by with a request. Focused on moving up, she had asked, “Can you give me some advice on business development? I need to make it rain if I want to make partner.”**

The question of how to sell professional services is an enduring one. It wouldn't matter if Courtney's "client" was an accountant, web designer or freelance architect — her challenge would be the same. Services are sold differently than products. Whereas a laptop salesperson sells features and attributes, a professional services provider wins new business on reputation, referral and relationships. What advice should Courtney give her rising star?

Here are seven tips from professional rainmakers.

## SHRINK THE POND

If Courtney's charge can't be a big fish in a big pond, then she should make the pond smaller. Successful professional service providers define niches they can own.

**Good:** I work with retailers on merchandising.

**Better:** I am the city's No. 1 coffee shop merchandiser. On average, I increase per store sale by 23 percent.

**Good:** I am an immigration attorney.

**Better:** I specialize in helping West African asylum seekers navigate immigration law.

Technology has made markets broader. An attorney is just as likely to have clients internationally as they are locally. This ability to access potential buyers makes it more important than ever to narrow one's focus. Specificity attracts. Who would a client rather represent them in a divorce: the best divorce attorney in the area or a "we do it all" legal storefront?

## NARROWCAST

Technology allows us to communicate with large amounts of people because it automates repetitive tasks. With the click of a mouse, you can flood the zone with white papers, LinkedIn posts and email offers. There are also software suites that let you track such outbound pushes and then the resultant inbound "demand." Here is the truth, however: Increasingly, customers think of such broadcast efforts as the output of spam machines. It is better to realize that there are 200 individual buyers who could make all the difference in one's professional services practice and then narrowcast to them.

## KNOW THYSELF

Courtney's colleague might be overwhelmed by the size of the market, so she'd do better to focus on where she has already seen success. Did she end up doing IP work with pre-IPO firms that were looking to manufacture in China? Her first job should be to compile a list of pre-IPO technology firms in her area. Then, she should vow to meet with each one over the course of a year, sharing case studies of previous success with them.

## UNDERWRITE A CONVERSATION

One of the quickest ways for an attorney to meet their "group of 200 [potential buyers]" is to underwrite a conversation among them. Let's face it, these would-be clients are more interested in their peers' experience than they are in being pitched by a law firm. The young attorney should give them

One the quickest ways for an attorney to meet their “group of 200 [potential buyers]” is to underwrite a conversation among them.

what they want — a sponsored lunch or conference call where she can facilitate a best practices conversation. The executives will get to know the attorney by her first name and appreciate the value she has given them in advance of any sort of sale.

### STAY PROXIMATE

By underwriting regular conversations among the people the attorney most wants to serve, the attorney will also be waiting around opportunistically. No one needs expert help until they do, and then they are in a hurry. This is the time to be top of mind.

For example, when a firm acquires another, who do they call for mergers and acquisitions help? Maybe the person they met three years ago at a conference, but more likely the law firm partner who sponsors the quarterly roundtable they find useful.

### UNDERSTAND THE BUYER'S JOURNEY

Every potential client goes through the same steps in getting to know and hiring an attorney. They need to do the following:

- Know your name (Awareness)
- Know what you do specifically (Understanding)
- Feel like it is relevant to their job and business (Interest)
- Know you can do the job (Track Record)
- Feel like you have their best interests at heart (Trust)
- Have the resources to hire you (Ability)
- Be ready to pull the trigger (Readiness)



The absence of any one of these elements can block an attorney from engaging with someone they can help. Courtney's best advice would be to tell her attorney to go to market with a balanced approach. All billboards (Awareness) and no case studies (Respect) will keep her from connecting with potential clients.

We buy services from people who we know, respect and trust or who are recommended by someone we know, respect or trust. Courtney's young star shouldn't be defeated by the enormity of a potential market. She should pick her niche and farm it diligently. In time, she will reap the harvest. ■

### ABOUT THE AUTHORS



**Tom McMakin** is Chief Executive Officer (CEO) of Profitable Ideas Exchange (PIE), a leading provider of business development services for consulting and professional services firms. McMakin is also a two-time author; his latest — cowritten with Doug Fletcher — is *How Clients Buy: A Practical Guide to Business Development for Consulting and Professional Services*.



**Doug Fletcher** currently splits his time between speaking, writing and coaching on the topic of business development in consulting and professional services and teaching at the Jake Jobs College of Business & Entrepreneurship at Montana State University. He is a co-author of *How Clients Buy: A Practical Guide to Business Development for Consulting and Professional Services*.

 [www.howclientsbuy.net](http://www.howclientsbuy.net)

# Anniversaries, Awards and Appointments

A big thank you to the more than 950 attendees and more than 162 exhibiting companies representing nearly 200 booths at the 2018 Annual Conference & Expo in National Harbor, Maryland. We hope you walked away with plenty of inspiration, new connections and cutting-edge solutions that you can put into practice right now at your law office.

With the close of the conference, new volunteer members officially join ALA's standing committees, regional representative positions and Board of Directors seats — ALA President April Campbell, JD, and the 2018–19 ALA Board of Directors took office. For a complete list, visit the web version of this article.



## The 2018–19 ALA Board of Directors

*Front row, left to right:* Deborah Piker Sanders, CLM, Region 6 Director; Joseph A. Samarco, MBA, Region 1 Director; Lori A. Hughes, Region 5 Director; April L. Campbell, JD, President; Debra L. Elsbury, CLM, Region 3 Director; Kimberly A. Ess, Region 3 Director; Gary T. Swisher II, CLM, Immediate Past President. *Second row, left to right:* Michael T. Bumgarner, CLM, CPA, CGMA, At-Large Director; Geoffrey M. Williams, CLM, M.Div., Region 2 Director; James L. Cornell, III, President-Elect; Candace K. Childress, SHRM-CP, Region 4 Director; Brian P. Gilman, CLM, At-Large Director; Oliver Yandle, JD, CAE, Executive Director.



## 2018 Annual Conference Planning Committee (from left to right):

Beth Fowler, CLM; Shirley Mitchell; Laura T. Sears, CLM; Ruth V. Fry; Gloria E. Hernandez, CLM; Karen Turner; Karen Godfrey; Rose Jaworecki; Travis C. Armstrong, CLM, CPA; Richard J. Nigon, CLM.

## THE CAPITAL CHAPTER EKES OUT ANOTHER 60 SECONDS OF FAME WIN

ALA tasked its chapters to get creative and create a 60-second video to illustrate their love of ALA. For the third year in a row, the Capital Chapter delivered and took home the crown, but not without some tough competition. Atlanta came in a close second. To view all the entries, visit the web version of this article.



## WHAT'S YOUR BEST 'ELEVATE ALA' ELEVATOR PITCH?

ALA's Elevator Pitch video aired during this year's Association Lunch. Watch as Oliver Yandle, JD, CAE, and several ALA members take elevator rides and share their statements on ALA and the value organization brings to them. (To view, visit the web version of this article.)

## CONGRATS TO OUR 2018 AWARD RECIPIENTS

On May 5, conference attendees donned their cocktail attire to attend the closing festivities, which included the presentation of our 2018 Awards Program recipients. Below, is a recap of all the 2018 winners. Congrats to all!

### ELEVATE ALA AWARD

The Elevate ALA Award recognizes up to three chapters whose efforts in professional development, networking and visibility demonstrate advancement in the areas of educational content, member-to-member and member-to-business partner relationships, and ALA's prominence in the legal community.



Northern Virginia Chapter, Elevate ALA Award

The first recipient was the **Northern Virginia Chapter of ALA (NOVA)**. NOVA, a chapter with approximately 40 members, sent three members to Annual Conference this year on scholarship and another 15 to the Virginia Statewide Retreat. That's almost half of the chapter! They are focused on promoting professional development and attendance at meetings, so these scholarships were issued at chapter events. They use "membership ambassadors" to promote interaction between members and nonmembers and to encourage event attendance. The chapter often invites business partners to submit white papers and blog posts, which can be shared through the chapter's *Friday Fast Five* newsletter, and to submit session proposals for consideration. NOVA teamed up with Fairfax Bar Foundation for a community service activity and with *Virginia Lawyers Weekly* to create a bi-monthly insert that will reach law firms across Virginia. They are proud of their efforts to increase visibility of the chapter and ALA within their local community, state and region — and so are we.

The next recipient was the **Puget Sound Chapter**. PSALA's theme for the year was "how to get, and keep, a seat at the table." They focused on understanding the big picture and leveraging peers and business partners to bring new ideas to their firms. The chapter revolutionized their former section meetings by stripping away the labels around functional specialties and focusing on engaging topics in the form of Meetups. They used Facebook Live as a way for members in outlying areas to attend meetings. They reserved nearly 11 percent of their annual revenue to fund education for their members and, in June, they held a diversity and inclusion event that was open to the wider legal community and heavily attended by practicing lawyers in the area. This chapter is home to many volunteers at the international level, our current President included, and should be proud of their accomplishments.



**Puget Sound Chapter, Elevate ALA Award**

## **OUTSTANDING ASSOCIATION VOLUNTEER AWARD**

Each year the Board of Directors identifies members who have made significant contributions to the association.



**Richard Nigon, CLM,  
Outstanding Association Volunteer Award**

This year's first Outstanding Association Volunteer Award went to **Richard Nigon, CLM**, of Robins Kaplan LLP, in Minneapolis, Minnesota. Dick joined ALA in 1989 and has since served in a variety of volunteer roles. He began at the chapter level in the late '90s, became a Regional Officer in 2001, joined the ALA Board of Directors in 2003 and served as ALA President from 2006 to 2007. He was the recipient of the Spirit of ALA Award in 2009, and he has also served on the Foundation Board of Trustees and on the Annual Conference Planning Committees since 2016. Dick's contributions to ALA are too numerous to count and all are greatly appreciated.



**Eric Hightower, CLM, SPHR,  
Outstanding Association Volunteer Award**

The second Outstanding Association Volunteer Award went to **Eric Hightower, CLM, SPHR**, of Davis Agnor Rapaport & Skalny, LLC in Columbia, Maryland. Eric joined ALA in late 2001. Not long after, he joined the Maryland Chapter's Board and became Chapter President in 2010. From there, he served as Regional Representative, on the Professional Development Advisory Committee ... and this week marks the beginning of his role as Vice Chair of the Standards Review Committee. Eric has worked tirelessly — and energetically — on behalf of ALA, and this recognition is well deserved.

## QUEST AWARD

The Quest Award recognizes a new member of ALA for his or her conviction, dedication and relentless pursuit of personal and professional excellence. There were more than 800 eligible candidates this year, 13 of whom were nominated by their chapters for this recognition.



Megan Pfeifle, Quest Award

This year's Quest Award winner was **Megan Pfeifle** of Cook Craig & Francuzenko in Fairfax, Virginia. A newer member of the legal management profession, Megan joined ALA in late 2015. Within the first year of her membership, she stepped up to serve as the chapter's website chair and soon thereafter proudly accepted a nomination to serve as Chapter President. She has attended nearly every chapter-sponsored event and actively promotes chapter involvement to both members and business partners. She has coordinated business partner events, planned education sessions and is an active participant in a statewide retreat planning committee. Fellow members commend her leadership skills as well as her unwavering support of ALA at all levels.

## SPIRIT OF ALA AWARD

The traits and qualities that this award recognizes are leadership, commitment, tenacity and dedication. ALA's Board felt this award should be the Association's highest honor and given only to those whose leadership and contributions are extraordinary. In fact, the Spirit of ALA Award is not an annual event but rather an honor that is given on occasions as rare as the individuals who receive them. In 1998, ALA President Rachel Schaming presented the Spirit of ALA Award to the first-ever recipient: David Brezina. This year's Spirit of ALA recipient has served ALA tirelessly at the chapter level, through committee service, as a Regional Officer and on our Board of Directors. Congratulations to this year's Spirit of ALA Award to International Relations Committee member, **Kathy Scourby**.



Kathy Scourby, Spirit of ALA Award



## PRESIDENTS' AWARD OF EXCELLENCE

The Presidents' Award of Excellence is a performance guideline used to encourage chapters to take effective and collaborative action in support of ALA's mission to promote and enhance the competence of legal management professionals; improve the quality of management in law firms and other legal service organizations; and represent professional legal management and managers to the legal community and to the community at large. This recognition was specifically designed to honor our Past Presidents. ALA recognized 60 chapters who have achieved this honor by their work throughout the past year. They and their chapter leaders deserve a tremendous amount of credit and respect.

### CONGRATS TO THE FOLLOWING CHAPTERS:

Alamo	Columbus	Greater Kansas City	Metropolitan Detroit	Nutmeg	
Alaska	Cyber	Greater Los Angeles	Middle Tennessee	Oklahoma City	
Arizona	Dallas	Hawaii	Mile High	Orange County	
Arkansas	Downeast	Houston	Minnesota	Oregon	Silicon Valley
Atlanta	East Bay	Independence	Mississippi	Palm Beach County	South Florida
Austin	First State	Indiana	Mobile	Philadelphia	Tulsa
Boston	Fort Worth	Jacksonville	New Jersey	Pittsburgh	Western and Central New York
Calgary	Gateway	Kentucky	New Mexico	Puget Sound	Wisconsin
Capital	Golden Gate	Knoxville	New Orleans	Raleigh/Durham	
Central Florida	Greater Chicago	Las Vegas	New York City	Richmond	
Cleveland	Greater Cincinnati	Maryland	Northern Virginia	San Diego	

## SILENT AUCTION RAISES MORE THAN \$25,000 FOR THE FOUNDATION OF ALA

At this year's 2018 ALA Annual Conference in National Harbor, the Foundation continued its Silent Auction to benefit the programs it supports throughout the year. Because participants were so very generous with your donations, Silent Auction bids and raffle ticket purchases, the Foundation raised more than \$25,000 this year! These funds will be used to provide quality inspirational speakers at future David Brezina Memorial General Sessions, scholarships for CLI through the Susan L. French Scholarship Fund, among other initiatives.

And congrats to Chong Lee, Senior Manager, Systems Compliance & Records Management with Fish & Richardson PC in Minneapolis. She won the raffle, which was an airline voucher for two round-trip tickets anywhere in the continental United States *and* a three-night stay including breakfast for two at *any* Gaylord Resort & Convention Center.



### The Foundation's Board of Trustees:

*Front row, left to right:* April L. Campbell, JD (outgoing Trustee); Wendy Rice-Isaacs, CLM; Patricia L. Groff, CLM; Grace C. Lopez; Stephanie Hood (outgoing Foundation President). *Back row, left to right:* Kyle A. Weigand; Foundation President Stephen G. Dempsey, CLM; James L. Cornell, III; Timothy R. Blevins. *Not pictured:* Oliver Yandle, JD, CAE.

To learn more about the Foundation, visit [alanet.org/about/about-ala/foundation](http://alanet.org/about/about-ala/foundation).

## IDEA AWARDS

ALA's IDEA Awards program, now in its fifth year, seeks to recognize initiatives that model innovation, development, engagement and advancement in the legal community. Awards are presented to ALA chapters, committees, regions, individuals, firms or organizations (including business partners) that create unique and innovative programs, services and events. This year's recipients are:



Wisconsin Chapter, IDEA Award



ALA Minnesota Chapter, IDEA Award



Northern Virginia Chapter, IDEA Award

- The **Wisconsin Chapter of ALA** started the WALA East vs. West Big Hearts Campaign. The Big Hearts Campaign was born out of a need to make over the Wisconsin Chapter's annual main event, for which attendance was dwindling. An organizing committee composed of chapter members and business partners conceived the competition, which pitted the East (Milwaukee) against the West (Madison). Each team was headed by a premier-level WALA business partner and raised money for its respective honor-flight charity, which sends veterans to Washington, D.C., to visit memorials.
- The **ALA Minnesota Chapter** (ALAMN) found that many of its members could not articulate the chapter's mission. To improve awareness of the mission and boost recognition of those who help fulfill it, the chapter created a simple, meaningful and tangible item: the ALAMN Challenge Coin. Challenge coins are commonly used in military and law-enforcement communities to identify membership and recognize achievements. Once the coins were manufactured, chapter board members were entitled to hand them out to members and business partners who the board determined have helped improve, promote or represent ALAMN.
- Inspired by ALA headquarters' *BOLD Bites* newsletter, the **Northern Virginia Chapter** created a customizable weekly educational platform. Known as the *Friday Fast Five*, it delivers chapter-relevant industry news and professional tips in a quickly digestible format. The mission for the *Friday Fast Five* is simple: the newsletter delivers relevant educational content to our members that could help them with their specific day-to-day firm challenges without taking up too much of their time.

Complete details regarding ALA's IDEA Awards program can be found at [alanet.org/awards](http://alanet.org/awards).



### COULDN'T JOIN US IN NATIONAL HARBOR?

Virtual Conference recordings from three sessions at Annual Conference are now available. If you didn't get a chance to join us for CM20: Building Trust and Respect in the Law Firm Through Understanding Behavior Styles, OM22: Why Today's Impatient, Impulsive and Intolerant Clients Are Leaving Your Firm, or HR26: Accommodations and Leaves of Absence: Law Firms Confronting the FMLA and ADA, you can purchase the recordings to view at your convenience. (To purchase, visit the web version of this article.)



### ON THE ROAD TO TEXAS IN 2019!

The 2019 Annual Conference Planning Committee is already hard at work to ensure that next year's conference is a great success. Be sure to save date for next year's Annual Conference & Expo, April 14-17, at the Gaylord Texan Resort & Convention Center in Grapevine, Texas!

**The 2019 Annual Conference Planning Committee (from left to right):**

Patricia L. Barbachem, CLM; Lisa A. Waligorski, CLM; Elizabeth Danforth; Travis C. Armstrong, CLM, CPA; Laura T. Sears, CLM; Clara E. Onderdonk; Becca Miller Stutsman; Andrea L. Myers, CLM. (Not pictured: Robin L. Weis and Robert Williams)