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In 2011, Baby Boomers began turning 65. From now until 2030, the 65-and-older crowd will add 10,000 people every day, more than a quarter million each month. Among current ALA members, 44% are 57 years old or older, meaning all of them will reach retirement age in 2027 — just eight years from now.

These statistics make tapping into the potential of younger generations all the more critical. By 2025, Millennials (generally defined as those born between 1981 and 1996) will make up to 75% of the workforce. So how can legal management professionals prepare their organizations for the coming “silver tsunami” of Baby Boomer retirements?

Despite the ominous statistics, recent data suggests that Baby Boomers plan to work beyond age 65, allowing for a little more time for succession planning. And despite common perceptions of Millennials as “job hoppers,” a recent Thomson Reuters survey of corporate legal management professionals showed that 47% of Millennial respondents intended to stay in their current jobs for more than five years.

Whether they do will depend a lot on the kind of environment that law firms and legal departments create to attract and retain talent. Millennials place a high value on developing meaningful relationships at work and want to feel that their contributions are making a real impact. That’s why it’s important for legal organizations to develop effective mentoring, training and succession planning programs.

In this month’s issue, Kylie Ora Lobell’s article “Grooming the Next Generation” offers some practical tips for how to train and engage younger employees. In addition to effective training programs, meaningful participation in the organization is key. The Thomson Reuters survey also showed that more than a third of the Millennial respondents said that cross-team collaboration, opportunities to influence the organization and mentoring were
among the most highly valued experiences influencing their job satisfaction.

To help, ALA’s Committee on Diversity and Inclusion has created a “Guide to Cross-Functional Mentoring.” In it, you can find a wealth of resources to assist you in building an effective mentoring program, including a mentor planning questionnaire, sample meeting agendas, mentoring partnership agreements, individual development plans, checklists and more.

And while mentoring and engagement rank very high on the list of satisfaction priorities for Millennials, salary and benefits remain critical as well. As the race for top talent heats up, providing competitive, meaningful compensation packages is key. To see how your organization measures up, look to ALA’s 2019 Compensation and Benefits Survey, which features findings related to more than 10,000 legal industry professionals, including 25 new positions in business development, knowledge management and technology.

For insight into comprehensive succession planning for your organization, ALA VIP business partner NextPath Legal offers a range of member-exclusive services designed to deliver comprehensive succession and contingency planning for your organization.

The presence of five generations currently in the workforce can certainly present its share of challenges. But with carefully crafted engagement, mentoring and succession plans, legal organizations can tap into the very best that each generation has to offer and prepare for a successful and sustainable future.

Have a wonderful holiday season, and here’s to a prosperous new year! ■
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How You Can Help Minimize Write-Offs and Maximize Revenues

Here are two statistics that will keep you up at night: The average law firm writes off 18% of its revenue. And, even if your firm is considered “above average,” law firm realization rates have fallen from 94% to 86%, according to Thomson Reuters’ 2019 State of the Legal Market report.

As if you didn’t have enough to worry about.

Fortunately, there are practical steps every legal management professional can take to minimize revenue loss. Here, we outline practices you can start today so you can sleep better tonight.

KEEP INVOICE DELIVERY ON TRACK AND ON TIME

Issuing a bill months after the matter closes sends the message that you’re not in a hurry to get paid. Even if your firm follows up with a phone call or late notice, it’s difficult for the client to take your payment demands seriously.

Late invoices also cause predicaments for corporate clients. Chances are, they’ve already entered the legal spend as an expense in their ledgers and reported it to their chief executive officer and corporate board. If they hadn’t received the final bill when they entered the expense, they would have made an educated guess about the total. That can work if everything goes according to plan, but it’s problematic if anything exceeded the original scope of the work.

If the bill exceeds that budget line item, expect pushback and negotiations.

Being methodical about billing and ensuring you send invoices as soon as services are completed helps reduce write-offs. Giving attorneys and paralegals firm deadlines to submit billable hours also helps ensure bills are ready in a timely manner.
Finally, if a client is late in making payments, follow up with them consistently. Call or write the client within a week after the due date so the matter stays top-of-mind for them.

**INCREASE TRANSPARENCY**

No one likes paying high legal bills, but what clients hate even more is being surprised by a higher-than-expected legal bill. Sticker shock is a sure path to payment delays.

Although it can be difficult and uncomfortable, it’s important to have candid conversations about costs and expenses before any work begins. Who within your firm should be deputized to have these conversations? The size of your organization and available personnel dictates the answer, but it’s important to remember that clients generally want their attorneys focused on their cases, not collections, if possible. That means the lucky person could be you, the firm administrator. An upfront billing conversation with a client will go far in eliminating any surprises down the road. And for that, the client will thank you.

The State of the Legal Market report shows that firms experience bottom-line benefits from keeping clients in the loop. The first benefit is that they are less likely to be forced into appeasing upset clients with discounts and prebill write-downs. The second benefit is that clients pay their bills more quickly.

Another component of transparency is establishing an up-front agreement with the client about your firm’s billing arrangements. After all, if a client’s preferred arrangement is available, they are more likely to pay promptly.

Most law firms offer billable hours and retainer arrangements. Alternative fee arrangements (AFAs) are also essential tools that firms use to meet clients’ needs.

If your firm questions the efficacy of AFAs, consider that, across the board, both high-performing firms and struggling ones draw about one-fourth of their annual revenue from AFAs, according to the State of the Legal Market. The key difference? High-performing firms initiate these arrangements, while the rest trigger them only upon request of the client. The takeaway here is law firms that want to lower their accounts receivable would benefit from a deep dive on AFAs.

Creating standards around AFAs also leads to improved budgeting and forecasting, which can in turn improve a firm’s overall billing realization rate.

**LEVERAGE TECHNOLOGY AS YOUR BILLING SYSTEM’S BEST FRIEND**

Whether your firm relies on billable hours, retainers, AFAs or other arrangements, if you’re still using a manual, paper check system for issuing and receiving payments, your firm is at risk of losing significant revenue. The hit to your bottom line comes from costs related to:

- Printing invoices
- Staff time for stuffing envelopes
- Postage
- Waiting for invoices to be delivered via the mail
- Waiting to receive payment
- Processing checks

The quickest and cheapest way to invoice your clients — and receive and process payment — is with digital tools. In other words, email, credit cards and online payment processing systems. Although these methods are widely accepted — and expected — in the majority of consumer and business transactions, law firms resist adopting the practice.

If your firm needs convincing, consider the following benefits:

- **Digital tools eliminate delays** caused by mail and check float time, reducing time-consuming reconciliation processes and speeding up invoicing and recurring payment plans — all of which can increase cash flow.
• Digital tools give your firm access to funds faster, so monthly forecasting can be more accurate and reliable.

• Email-based billing systems make it easy to send friendly reminders before payments are due.

• Digital tools automate older processes, such as manual-based collections, including information gathering and account prioritization. This can tie up so much staff time that they spend only 20% of their collection activities in direct communication with the customer, according to PayStream Advisors.

• Recapture as much as one-third of your business’ write-offs by using online payments in a collections campaign.

• Digital payment options can increase client satisfaction. For example, although your firm may only be open during business hours, your website is available 24 hours a day. That means you have the ability to accept payments all day, every day. Setting up a secure online payment portal is the best way to make sure clients can pay you on their schedule.

Today’s law firms must adjust their business practices to address the new reality of doing more with less, thereby frequently finding themselves with less flexibility and narrower margins to absorb revenue loss. Taking steps to speed up the billing cycle and make it more efficient is one way to successfully reduce write-off rates from the industry average to the single-digit range. And legal management professionals can play a significant role in realizing that success.

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5 Innovative Legal Support Careers

Litigation is on the rise. Legal support services is a multibillion-dollar industry — one that often uses technology to enhance the practice of law.

Careers in this field are sometimes overlooked and not well-known, but they can play a vital role in supporting attorneys’ efforts when it comes to efficiency and winning cases. Not only can these careers be rewarding, they can also be a great opportunity for someone who is looking to join the legal industry, especially those who are technologically savvy and searching for a flexible schedule.

Let’s take a look at five of the most innovative legal support careers.

1. DIGITAL COURT REPORTER
   These keepers of the record use professional-quality recording equipment — often employed in other industries, such as film and TV — to capture the spoken record during depositions, examinations under oath, hearings and trials. While recording, they use specialized software to notate speaker changes, events, spellings and times. Some software uses speech recognition technology to help start the transcript. Ultimately, the recording is sent to a legal transcriptionist to create a certified legal transcript.

   Those seeking to enter this career path can get training online, in a classroom or on the job; they may need to obtain certification from the American Association of Electronic Reporters and Transcribers (AAERT), depending on the company and jurisdiction where they work. Generally, it only takes 6 to 12 weeks to complete the training required. Once employed, digital court reporters can expect to make between $30,000 and $60,000 with very flexible schedules and the bonus of meeting new people and constantly learning about the law.

2. LEGAL TRANSCRIPTIONIST
   If digital court reporters are the keepers of the record, legal transcriptionists are the creators of the record. Transcriptionists process audio recordings from any number of sources, including courthouses, law firms, court reporting agencies and state attorney offices, and
turn them into verbatim certified legal transcripts. Using a variety of playback programs, transcriptionists listen to every word being said and turn them into words on the page. To be more efficient, many of them employ text expansion software, a foot pedal and special templates to generate the transcript.

This job is normally done by independent contractors working from home and is very flexible. Full-time transcriptionists can expect to earn $55,000 or more. Certification, which may be required by some agencies, jurisdictions or federal agencies, is provided by AAERT — Certified Electronic Transcriber — or the National Verbatim Reporters Association (NVRA) — Certified Legal Transcriptionist.

**3. E-DISCOVERY SPECIALIST**

With technology a constant part of our daily life, virtually everything we do generates data — and that data can be important to winning a case. An e-discovery specialist collects, sorts and analyzes that data, often using metadata (data about data). Specialists in this field work with computer programs to cull, dedupe, interpret and convert that data into useful information for a case.

This rapidly growing field needs people who are technology savvy but does not require formal training to get started. Specialists can get certified by the Association of Certified E-Discovery Specialists (ACEDS) or seek training online if they want an additional knowledge base. Salaries in this field range from $45,000 to over $100,000, but it can be a high-demand and high-stress career.

**4. LEGAL VIDEOGRAPHER**

Using professional-grade cameras, microphones and recording equipment ensures that the footage legal videographers record can be used as a valuable tool for testimony review, witness prep and playback at trial. Videographers appear at depositions, inspections, medical exams and other legal proceedings where attorneys want body language, tone and movement captured. Often independent contractors, legal videographers make their own schedule, create their own pricing and can easily expand their business.

Generally, legal videographers have some type of background in video, film or TV before entering the field, but most of the specific training is done on the job, though online training is available. Those wanting to be certified can do so through the National Court Reporters Association (NCRA) — Certified Legal Video Specialist — or the American Guild of Court Videographers (AGCV) — Certified Deposition Video Specialist — and can expect to make between $40,000 and $70,000 a year.

**5. TRIAL TECHNICIAN**

Unlike on TV where evidence just magically appears on a nearby screen every time it is referenced, in real life, there is often a highly skilled trial technician making that magic happen. These technicians organize exhibits, design demonstratives, set up audiovisual equipment and ultimately facilitate the presentation of the exhibits in trial using specialized software and presentation equipment. The trial technician can also assist in the development of trial strategy utilizing their understanding of how to push the technology while influencing the viewer — in many cases, the judge and jury.

Trial technicians can work directly for a law firm, or for a legal support company or a company dedicated to trial technology. They often have an IT, digital media or video production background. Those interested in the career can expect to make between $40,000 and $70,000 a year but have the potential to make more if they own their own company or specialize in a niche area of the law. Much of a trial technician’s training comes from on-the-job experience and from the software manufacturers, but if someone wants to prove their abilities, they can get certified by the NCRA or AGCV.

Litigation as a field continues to grow and these are just a few of the job opportunities in high demand — some may be worth exploring for your firm, and who knows, others may be worth exploring for you!

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A Peek at Client Portals

These platforms can improve communication and security for your firm and your clients.

Your attorneys’ cellphones are chirping off the hook with notifications. Clients are calling, texting and emailing looking for answers now. But attorneys may be in court all day or otherwise unable to divide their attention. How do they balance the needs and expectations of the client, focus on the task at hand and keep their sanity?

To reduce the continuous stream of messages and phone tag, many law firms have adopted client portals to streamline client communication. Client portals are a secure, web-based gateway to case information such as digital files, calendars and invoices. Clients can ask and answer questions, download documents and upload relevant information. They can be an efficient way for law firms to share information with clients and have it available to them at their convenience. Portals expand clients’ access to information and reduce communication and workflow headaches for attorneys and firm staff.

SHARE INFORMATION SECURELY

The operative word here is secure. Client portals balance security needs with ease of use. According to Adriana Linares, President of LawTech Partners, a legal technology and training company, the three most common forms of communication for law firms — phone, email and text messages — are also the three most insecure ways to share information.

While email is secure if encrypted, Linares points out that the encryption process requires its own email-only portal, which adds friction, making it easy to not bother with it consistently.
Client portals give clients instant access to the information they want when they want it, saving attorneys the need to constantly monitor their phones and email for requests.

“Client portals are email encryption on steroids,” says Linares, a self-described “portal pusher.” To date, no reported breach has been associated with a popular legal-specific practice management program. Of course, portals are not bulletproof, and users need to use strong passwords and keep them confidential.

Beyond security concerns, email can get cumbersome. With discussion threads the size of Rhode Island, it can become frustrating for clients to sort through multiple threads to find what they need.

BETTER CLIENT RELATIONSHIPS
Client portals give clients instant access to the information they want when they want it, saving attorneys the need to constantly monitor their phones and email for requests. On the portal, discussions, documents, court dates and other calendar events are neatly organized for easy access. Clients and firm employees can quickly see the history of a discussion along with the documents generated as a result.

“Putting a portal into place can reduce a lot of back-and-forth and can minimize the aggravation a client might feel if they’re not getting the attention they need in the moment they need it,” Linares says. “I think it’s a great way to engage the client. It makes them feel good about their relationship.”

She adds that client portals can also improve workflows and can even be a marketing asset by assuring prospects their sensitive information is shared securely. While that by itself won’t seal the deal, it may tip the scales for prospects that are looking for a security-savvy firm. For established clients, portals can deepen client loyalty by making their lives easier through streamlined communication.

Clients want their information now, and portals deliver. Mobile apps and 24/7 access mean clients can get information anywhere there’s a signal or internet connection, on any device at any time. Additionally, portals give the firm a 24/7 online presence, expanding your firm’s reach, visibility and accessibility.

Another perk: you won’t have to pay a lot. They run in the cloud, so there are no infrastructure requirements. And if you have a practice management system like MyCase or Clio, a client portal is included, so you’re already paying for it.

MOTIVATING CLIENTS TO USE THE PORTAL
Portals essentially work in three steps:
1. For each new matter, simply create a new portal. Add case details and milestones, users and permissions, and existing materials.
2. Each registered user receives a link to the new portal along with login instructions.
3. As the case progresses, add more information. Post documents for the client to review, add court dates, schedule meetings, share contacts, and post invoices and billing information. The portal software automatically sends email alerts to each registered user whenever the portal is updated. Clients can easily click through to the updated information at their convenience — at work, at home or on the go.

For established clients, portals can deepen client loyalty by making their lives easier through streamlined communication.

But the key to client portal success is getting them to actually use it. Let’s face it — clients don’t like change, and neither do lawyers. In the past, law firms adopted new technology because their clients demanded it. But clients are not pushing portals. In a role reversal, it’s the firms that need to push the solution to clients. The only barrier to success is that some clients are unfamiliar with the platform.

In promoting portals, you have at least a few factors working in your favor:

• It’s not new technology. Accountants, doctors, hospitals, banks and mortgage companies are increasingly adopting portals to the point where they are becoming ubiquitous. Many clients are already using portals to communicate with these professionals.
Client portals are intuitive, well-designed and incredibly easy to use. There’s not much of a learning curve.

People actually like the convenience of portals once they get the hang of it.

Lawyers will get addicted to it, according to Linares, and will wish that every client would be open to it.

Of course, some established clients might push back. Clients who hesitate probably just need a bit of coaching. You can solve this by training a firm employee to work with clients and troubleshoot the portal over the phone. A 10-minute discussion will walk the client through the process; once they see how it works, they’re likely to get it and be on board.

“If they can upload a photo of their grandkids on Facebook, they can figure out how to log into the portal and download documents,” Linares says. She says that when you explain the business case and the security risks that are mitigated by using them, clients will warm up to the idea.

Linares suggests that it’s important to be clear that firm business is conducted through the firm portal for the secure sharing of information and to make it part of your engagement letter — noting that the security factor makes it in their best interest to comply.

You’ll likely get resistance from attorneys. Here again, firms can improve attorneys’ comfort level by doing a few minutes of practice on a dummy account, posting messages and adding documents and meetings. Once attorneys see how easy and intuitive these systems are, they can get downright enthusiastic about it.

In the end, some clients may refuse, but, Linares notes, if 8 of 10 clients opt for the portal, you’re still winning.

JOIN THE ALWAYS-ON WORLD
In today’s always-on world, the client portal is the firm’s 24/7 presence, serving information to clients on-demand and reducing demands on attorneys to answer every request. Client portals are cheap, easy and efficient, and open a new world of possibilities for streamlining the client relationship by improving communication and firm workflows.

The barrier to enjoying the benefits of better communication, better security and smoother workflow is pretty low: You simply need to show them how easy it is.

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Navigating the New Compliance and Ethics Landscape

Could internal and external knowledge resources guide your firm to safety?

Due to globalization, advancements in technology and other factors, attorneys today have arguably more ethics and compliance considerations to consider than in past decades.

Yet law firms’ focus on having attorneys obtain and support business can take precedence over keeping up with ethical and regulatory changes, according to Neil Wertlieb, former Chair of the State Bar of California’s Ethics Committee and the Los Angeles County Bar Association’s Professional Responsibility and Ethics Committee. He currently provides ethics consulting and other services to lawyers and law firms as Principal at Wertlieb Law Corp.

“There’s a lot of pressure on attorneys to generate revenue and bill hours,” Wertlieb says. “If you’re more focused on working on matters, less time is spent thinking about and ensuring compliance with professional responsibilities — there’s less time to take CLE courses on ethics and stay abreast of case law developments.”

Law firms have good reason, however, to try to ensure attorneys and staff members are prepared to handle any potential ethics and compliance issues that may arise — because,
even if accidental, they can put an attorney or firm at risk for professional negligence or malpractice claims, being reprimanded or receiving other sanctions.

COMMON CHALLENGES
While the specific ethics and compliance concerns attorneys encounter can vary depending on the type of practice and work involved, some tend to be more prevalent, such as conflict of interest, according to Wertlieb.

“Issues relating to conflict pop up all the time, no matter how big or small a firm is,” he says. “There are potential conflicts that arise from all kinds of things in terms of current or former clients, personal relationships with parties, other connections with people involved in the matter — and sometimes it takes more than just checking a box or running a computer search to figure out whether there’s an issue.”

Increased job mobility has resulted in a number of attorneys working with more attorneys and clients than their predecessors did, according to Wertlieb.

“It used to be my experience lawyers would tend to stay in firms for years — maybe their entire career,” he says. “These days, they change jobs more often, which complicates things in terms of conflict of interest.”

Other ethics concerns can revolve around how attorneys promote their services or where they perform work, according to Janis Meyer, a Partner who is part of national law firm Hinshaw & Culbertson’s Lawyers for the Profession practice group, which represents and advises lawyers and law firms on legal malpractice, ethics and professional responsibility, and other matters.

“Lawyers are concerned about regulatory requirements — for example, the unauthorized practice of law, the fact you need to be admitted in a state you’re practicing in unless you are able to find exception to that rule — or attorney advertising rules,” Meyer says. “Particularly smaller firms and firms that are advertising in each state sometimes don’t realize there are differences in the rules.”

Lawyers can also find themselves in a tricky situation if they take on projects they don’t possess the appropriate experience and know-how to handle.

According to research published in the American Bar Association’s Law Practice magazine, substantive errors comprise more than 46% of reported malpractice claims — with data indicating lawyers acting outside of their usual practice area are much more likely to fail to comprehend or correctly apply the law.

“Like all of us, attorneys don’t necessarily know what they don’t know. If they’re not knowledgeable about a particular subject area, they may not even realize a tax issue arises for a particular transaction,” Wertlieb says. “It takes a certain level of self-awareness to recognize perhaps I should take the advice of an expert in the area and maybe try to associate with another attorney who is experienced.”

Cybersecurity has become more of a concern for firms. In fact, close to a quarter (23%) of the respondents in ABA’s most recent annual technology survey reported their firm had experienced a data breach at some point, an increase from 2017 and 2016. As a result, firms’ efforts to protect client and other data has also come into focus.

“In addition to cybersecurity, the rise of technology in general has changed legal practice,” Meyer says. “For example, more lawyers are working from home: What are the ethical rules for that? How do you ensure lawyers are not engaging in the unauthorized practice of law? There are also employment law issues related to working remotely.”

Local regulations could also come into play in regard to various issues. A recent California State Bar report, for instance, identified misuse of client funds as a component in as many as half of the state’s disciplinary cases, according to Wertlieb.

Since November 2018, California attorneys and firms that ask for an upfront retainer to cover legal fees when taking on new business have been required to put the money into
a trust account that’s kept separate from the firm’s own operating funds, as the retainer is technically money that will be earned in the future.

Wertlieb suspects the regulation could cause confusion for some legal industry members in the state.

“There was no obligation [to do that] before,” he says. “I have no doubt there are well-meaning, otherwise ethical and responsible attorneys who don’t even have trust accounts because they didn’t need them. And now, it’s a requirement, and attorneys can be disciplined.”

ETHICAL APPROACHES
Establishing thorough policies — outlining the way new matters should be opened, for example — can help firms identify and avoid ethical problems such as conflicts of interest.

For the practices to be effective, though, firms need to confirm that employees are aware such policies exist and understand them.

“It takes a certain level of self-awareness to recognize perhaps I should take the advice of an expert in the area and maybe try to associate with another attorney who is experienced.”

“Law firms need to be sure people are getting proper training and that they know there is someone to come to and ask questions,” Meyer says. “In addition to a firm’s in-house programs, bar associations and other organizations offer training programs in particular subject areas [and] ethics and professional responsibility, as well as substantive law.”

According to Meyer, some insurance carriers also provide access to a hotline where lawyers can get answers to questions or other resources to help them navigate ethical and compliance-related conditions — if, for example, they realize they missed the statute of limitations relating to a matter.

“In some cases, the insurance policy will include a provision for the firm to have an allowance for a risk management program,” Meyer says. “I speak at firms on a fairly regular basis on ethics issues, and they get CLE credit for it. [Sometimes], the insurance company will pay for it as part of a policy. Insurers want their lawyers to be acting ethically because it’s certainly within their interest.”

Given the amount of detail that can be involved in ensuring compliance requirements are met, some firms have established an internal role — potentially a general counsel, risk manager or other position — that’s dedicated to oversight and enforcement.

When the Dodd-Frank Wall Street Reform and Consumer Protection Act passed in 2010, vendors that work with banks were required to comply with consumer protection rules and laws. Firm Smith Debnam, which has locations in both Carolinas, knew, according to Managing Partner Jerry T. Myers, that its debt collection practice would need to review some of its practices to ensure they were compliant.

After initially trying to split up the work, the senior team members quickly realized they would benefit from bringing someone on board who was trained in regulatory compliance and auditing. As a result, the firm hired its first chief compliance officer.

“Over the course of probably a year, with a lot of hard work and input from a number of people, she put a good compliance management system in place,” Myers says. “She helped us take what we had, make it more comprehensive and put it in an organizational structure so it became part of our institutional approach and part of our culture.”

The system, Myers says, has helped the firm not only meet regulatory needs but also enhance how it serves clients.

“Nearly all our clients in the consumer collections practice group audit their files with us on some sort of recurring basis — some yearly, some several times a year,” says Myers. “We are constantly having our work reviewed by clients. They’re looking for fiscal security, data security, processes we follow, to make sure our communications with their customers meet all regulatory requirements — as well as the institution’s own requirements, making sure customers are treated in respectful fashion and we’re doing what we can to protect their brand.”
Some firms may be hesitant to add a similar role because it’ll likely be a nonrevenue-generating expense. But Myers says some could benefit from incorporating the position for more than just debt collection case-related needs.

“If we were handling cases for them, they wouldn’t have to worry about compliance issues. It can provide a distinguishing feature for marketing and advertising, if you’re talking to clients in regulated industries.”

Meyer says that in the past two decades, the general counsel role at large firms has become a full-time job. However, she’s also seen 20-person firms employ a general counsel who practices but is also the person lawyers can go to with ethical and other questions. At large firms, there can be an office of the general counsel that involves a number of people working internally to handle ethics and risk management issues.

“As firms have gotten bigger, attorneys have realized that even though they are lawyers, they may need someone to advise them in respect to what their ethical responsibilities are,” she says.

If a team or dedicated individual in an oversight role isn’t an option, firms might be able to seek ethics and compliance advice from an external consultant — who, Meyer says, may have experience with the issue and can approach the situation impartially.

“Let’s say it’s a conflict of interest question and the general counsel or risk manager of the firm is being hounded because one partner really wants to take on a particular new matter,” she says. “If the general counsel thinks there’s a conflict, she can go to outside counsel — we don’t have any stake if they take on that business or not. That enables the firm to get objective advice.”

**ABOUT THE AUTHOR**

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

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Grooming the Next Generation

Setting up a successful transition starts early.

Your role is critical to ensuring the day-to-day operations of the firm run smoothly. As your colleagues — or perhaps yourself — near retirement age, there is another essential function you should add to your list: grooming the next generation of legal managers.

Even if retirement is still several years off for you, the time to start mentoring is now. But if this sounds a bit intimidating or not something you’re particularly excited about doing, we’ve got some tips on how to work it into your daily work priorities to ensure a successful transition to your successor.

IT STARTS WITH A PLAN

Don’t wait until you’re a few months, or even a year, away from retirement to begin training. Instead, plan as far ahead as possible and come up with training strategies so that succession goes as smoothly as possible.

“The commitment to succession and ascension is the critical piece,” says Judy Hissong, CLM, PCC, President of Nesso Strategies and Principal of the Legal Leadership Institute. “Identifying the next generation as early as a decade in advance means you can begin transfer of knowledge at a slow and steady pace.”

This training, Hissong says, could include the basic, day-to-day information your legal managers will need to know and transform into more significant information overtime.
Don’t wait until you’re a few months, or even a year, away from retirement to begin training. Instead, plan as far ahead as possible and come up with training strategies so that succession goes as smoothly as possible.

“One specific idea is to schedule frequent casual conversations that offer guidance, discuss nuances and ask lots of good questions of the less seasoned folks that help them identify their style around decision-making and strategic thinking.”

**ENCOURAGE PARTICIPATION**

Whether you’re completing administrative tasks or having important meetings with law firm partners and clients, you need to include the younger legal managers so they can learn from you, according to Andrew R. Taylor, Founder, Director and Chief Executive of Net Lawman.

“The most important aspect of the grooming process is participation,” Taylor says. “Senior employees shouldn’t exclude young blood from being present and participating in various ways. Of course, the level of involvement should be mirrored by the experience of the recruits. Even so, they should have a solid foundation to build from, and their senior colleagues should help with that.”

**OUTSIDERS CAN HELP**

For years, you’ve been concentrating on your continuing education and career trajectory. Suddenly, you’re responsible for the career growth of younger legal managers as well, which you might not be entirely comfortable with. You may want to suggest to your manager that you’d like to take some training or bring in outside help to assist you. (Don’t forget, ALA has a variety of resources to help: alanet.org/elearning.)

“We often expect seasoned professionals to develop as mentors without [paying] any real attention to it,” says Hissong. “It’s like expecting leaders to be good listeners without attending to their development of that skill. Mentors that are strategic thinkers with a high emotional intelligence will have an easier time of transitioning knowledge. Consider hiring a coach for a couple sessions to focus/hone your succession plan.”

And don’t shy away from suggesting other training for your mentee. Let’s say a younger legal manager is very strong in one area of business management but lacks skills in another. You should help them identify where they can strengthen their knowledge and provide them with tools for development.

“High potentials with a specific focus in one area of business management might benefit from rounding out their knowledge of other areas — an HR specialist could benefit from finance, technology and marketing knowledge, for instance,” says Hissong.

Another important part of training, according to Hissong, is making sure that younger legal managers are skilled in relationship awareness. Training could involve “reading books on leadership, taking a course (or courses) rooted in self-awareness and other-awareness and choosing a mentor to discuss the challenges they face and how they overcome them,” she says.

**SPEAK TO FUTURE LEGAL MANAGERS ON THEIR LEVEL**

Baby Boomer and younger legal managers may have the same jobs, but there are differences in how they were trained and how they learn. Krystal Champlin, Law Firm Management Consultant with RJH Consulting, says that the upcoming generation of legal managers has more tech knowledge and less real-world experience than their seasoned counterparts. As a legal manager, it’s up to you to promote the younger generations’ strengths and build upon their weaknesses.

“Identifying the next generation as early as a decade in advance means you can begin transfer of knowledge at a slow and steady pace.”

“By understanding [these generations], seasoned legal managers can use that tech knowledge to carve out creative ways to mentor and groom them into a manager that will fit their firm’s culture,” says Champlin. “To do so, current legal managers should involve them in parts of decision-making and meetings to build their managerial skillset. We can build upon their tech knowledge by teaching them about data-centric management. Additionally, new managers should be trained on the organization’s managerial philosophy and emotional intelligence.”
MAKE SURE IT’S A POSITIVE EXPERIENCE
Your law firm should be focused on ensuring that employees are having a positive experience on a daily basis. This will make them want to stick around and lead the firm in the years ahead.

“It is important [that] we as legal managers create an environment that promotes personal and professional success and a healthy work culture,” says Champlin. “Studies have shown the happier an employee is, the more productive they are, and it is a direct reflection of the leadership and management within the firm. Remember, leadership starts at the top, and employees, including new managers, will mimic what is modeled.”

LOOK TO THE FUTURE
Along with starting training early, you have to be concerned about the future of your firm and what lies ahead — especially when it comes to your incoming crop of legal managers.

Hissong says that means looking around and seeing what other firms are doing, while at the same time using your strategic lens to consider how your business has (and can create) competitive advantage.

“And that’s beyond the day-to-day management of billing, collections and people,” she says. “The most effective legal managers are concerned about three to five years from now — what will challenge our firm, how are we planning for it today and what do I need to learn to be ready for it — in addition to the tasks and challenges that exist today.”

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

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Rethink Fixed Costs with Remote Legal Document Review

Legal document review is often regarded as expensive, time-consuming and tedious. While a law firm might be hard-pressed to find a passion for it, every legal professional knows it’s essential.

No firm wants to be responsible for accidentally turning over a privileged document to the opposing counsel or for the inadvertent exposure of a client’s sensitive confidential information. These scary “what-if” scenarios are one of the many reasons a thorough legal document review process performed inside legal office space has been absolutely nonnegotiable. Firms have been asked to pass through the cost of this expensive process with little or no markup for years. Finally, technology has made it so they can take new approaches to add value to the process.

Even though technology for remotely accessing legal document review databases has been gaining traction over the last several decades, it’s still common for firms to hesitate to allow the document review attorneys to work remotely. Legal e-discovery leaders are often highlighting concerns like privacy and confidentiality, and they often have little idea of what to expect from veering away from the tried-and-true methods of having the reviewers do the work inside a physical office space.

As technology reshapes the world of work to be faster and more agile, law firms should have a plan in place to make remote workforce technology work in their favor. By doing so, firms can anticipate cost savings of thousands of dollars per year and position themselves with more flexibility in the face of work that is variable.

EVALUATING ON-SITE LEGAL DOCUMENT REVIEW
Implementing remote legal document review technology gives attorneys the power to work from home, helping eliminate fixed overhead costs. Using in-house or vendor reviewers in...
physical office space means managing the cost of that physical presence, office space, IT support, utilities, parking and more — which can add up quickly, depending on the length of the project and the number of reviewers needed. Not only is the cost of overhead expensive, but the needs of the legal document review project can also be subject to change at any time. What may begin as a project with 15 reviewers and two conference rooms might require three people and one room a week later. Despite the decrease in project needs, the overhead costs continue and are unable to be billed.

In addition to managing fixed overhead costs, firms also need to consider the labor market for legal document review. When firms choose not to use remote workforce technology solutions, they’re limited to the document review attorneys available in their area, which often forces them to compete with other local firms for the highest qualified reviewers. Additionally, sought-after skills might not be available in certain areas. For example, if a law firm needs a reviewer who understands Japanese or can translate complex technical jargon, that firm may be forced to fly someone in from another market. By using remote workforce technology, law firms gain broader access to the market, allowing them to quickly filter through document reviewers who meet their desired availability, skill set and budget.

CLOUD DOCUMENT REVIEW CENTER TECHNOLOGY
Remote verification technology is generally similar to online test-taking software used in schools. The verification software works like a web browser, but it accesses the legal document review database instead of webpages. Once the verification software is launched and the identity and system are checked, the legal document reviewer logs into the secure document database while their system and webcam verify workspace policy compliance. The verification software is configured to suit the work policy decided by the law firm and its client. The home work environment is verified for policy compliance, so law firms gain peace of mind by having complete control over the document review workspace policy and the ability to verify compliance with their needs. These tools are also designed to be easy for firms to implement and for document reviewers to access, thus eliminating the learning curve commonly associated with technology. The result is the creation of a cloud document review center.

DEBUNKING PRIVACY CONCERNS
Concerns over confidentiality and accountability are always top-of-mind issues that deter legal services firms from choosing to use a remote workforce. While these are valid concerns, the reality is that cloud review center technology and workplace policy verification can be used to manage these issues. The cloud review center tools of 2019 are a far cry from a blurry webcam and low-quality microphone set up in someone’s bedroom. Instead, they’re high-security, locked-down portals, and law firms and their clients can set the standards. Firms can set policy as they need to, which can even help address concerns better than a team of in-person supervisors.

With cloud review center technology, law firms can add additional rigor to timekeeping. And even though firms might be accustomed to employing supervisors to ensure the integrity of the review process, supervisors are still humans who are subject to the tedium of the process. If a supervisor looks away for even half a second, there’s no telling whether a reviewer captured confidential information for their social media followers to see. Client privacy isn’t something that can be left to chance, and technology that doesn’t sleep, get bored or look away can provide firms the security they need.

Additionally, even though all activity done inside the software is recorded, law firms don’t need to employ someone to sift through the raw footage. These tools are equipped with features that flag all activity not approved by the firm. So if a reviewer is taking personal phone calls, leaving their workstation or having in-person conversations, they’ll be flagged for review and possible action. The only difference is that it doesn’t take a team of supervisors to determine if reviewers are following procedure — the technology does it on an exception basis, saving time and money throughout the review process.

Technology and litigation aren’t two words that are usually associated with one another. But as technology solutions continue to advance, legal professionals can greatly benefit from using cloud review center technology to their advantage. ■

ABOUT THE AUTHOR
Scott Delaney is the Principal of Tiburon Cloud Partners, which specializes in innovation and technology adoption in the legal, security and corporate compliance services markets. Delaney has extensive expertise working with early adopters of technology to develop innovative services, especially when it comes to finding new ways to help law firms and legal service companies deliver outstanding results. 

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Mentorship Leads the Firm to Success

By Kevin Harris

Law firm employees are so busy that it may seem impossible to find time to be a mentor or to be mentored by someone else. However, squeezing mentorship duties into a packed calendar can be rewarding and helpful in many ways.

The best way to embed mentorship in the DNA of the law firm is to get buy-in from the firm’s leadership so that participation is heavily encouraged if not required. The firm’s leaders taking mentorship seriously paves the way for lawyers and staff to follow. And because of their central management role in a firm, legal managers are in an ideal position to gain executive support for mentorship, advocate for it and foster those relationships.

Mentorship creates opportunity for greater employee retention, skill-building and company engagement. Brian P. Gilman, CLM, is Chief Operating Officer at Smith Debnam and also serves on the ALA Board of Directors. “The growth and development of those around you strengthens their individual capabilities, which strengthens the entire organization,” Gilman says. “The positive impact [that mentorship has] on retention is also widely understood, further benefiting the organization.”

REFRAMING THE RELATIONSHIP

The stereotypical mentor-mentee arrangement is between an older boss and younger, direct report employee. Presumably, this model is the cultural “norm” because the more experienced executive is guiding the less experienced junior person. However, in today’s world, the picture of a successful mentor-mentee relationship must be reframed. There is no right or wrong way to mentor, and promoting flexibility is crucial to success of mentorships at the firm.

Now, it’s possible that the mentor may be younger than the mentee. Or perhaps the mentor and mentee are periodically switching roles for dynamic reciprocal learning. (For example, Millennials may not have years of tenure as lawyers or paralegals, but they have grown up in the age of technology and social media and therefore have some skills that older employees do not.) The mentor relationship only needs to make sense and be beneficial to the two people participating in it. Rigidity can extinguish the spark of mentorship, so creating an atmosphere of inclusion, not exclusion, is key to helping mentorships thrive.

If you are the mentor, one of the greatest challenges you’ll face is to remember that the mentee is not you and is not supposed to be just like you. Individuals have integrity and dignity just as they are, even if they have some rough edges that need polishing. The mentor must identify and check in with the mentee to understand where help is needed, while also avoiding the temptation to create a clone of themselves.

As mentors observe their mentees, they can carefully assess which strengths and energies can be harnessed and communicate their observations to the mentee. This keen level of attention will help mentees realize their full potential. At the same time, it’s important for mentors to note challenge points such as naiveté, impulsivity, impatience and ambition (or lack thereof), which may lead mentees down the wrong path. When discussing flaws or weaknesses with mentees, mentors must do so constructively to maintain trust.
If you are the mentor, one of the greatest challenges you’ll face is to remember that the mentee is not you and is not supposed to be just like you.

Mentors generously provide their time and expertise, and they will expect proactivity and appreciation in exchange. The mentee must play an active role in the mentorship. Mentees should be receptive and humble. At the same time, the mentee should be willing to take initiative and calculated risks to show that they are committed to developing themselves and taking responsibility. The mentee should also be candid with the mentor, even pushing back when a suggestion is unhelpful.

“A mentor must possess credibility in the eyes of the mentee and be able to establish a context of trust and openness,” Gilman says. “Mentors should avoid a sense of superiority and avoid using condescending or judgmental language. Instead, they need the ability to break down and communicate ideas simply.

“In turn, a mentee must bring openness, humility and self-awareness that allows a sense of their need to learn and grow and a desire to do so. Neither should fall into the trap of thinking that their relationship and exchange of ideas is absolute. We all learn best when we consider multiple perspectives and sources,” he says.

Open communication is important to building a strong mentoring relationship. The mentor must feel free to share recommendations to guide the mentee toward improvement. However, if the mentor is too intimidating or overly judgmental, the mentee will feel diminished rather than motivated. The mentee must work hard to avoid taking constructive suggestions or criticism personally, which may shut down receptivity and progress. Good mentorship bolsters the mentee’s confidence; the mentee must feel empowered to ask questions and take chances to promote personal growth.

INVEST NOW FOR A STRONGER WORKPLACE
Legal management professionals are big thinkers, and they are concerned with the overall success of a law firm. They understand the concept of investing time and money for future gain, and they understand how to promote quality relationships among people. Promoting mentorship is the ultimate investment in the future of the firm, as it creates a voluntary network of people helping others to attain their personal best.

As busy as people are, they have all experienced someone showing them the ropes, taking a stand for them and caring about their success — in other words, a mentor. Think big when it comes to nurturing mentorship at your firm. The benefits will far outweigh the investment.

ABOUT THE AUTHOR
Kevin Harris is Senior Project Manager at Orion Law Management, Inc., a provider of financial and practice management software for law firms founded in 1985. Harris has been at Orion for over 20 years, actively working to bring efficiency and automation to lawyers and legal staff.

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Calendar and docket management is an organizational hurdle for law firms of any size and requires a sophisticated platform capable of processing, tracking and disseminating vast quantities of information to multiple users.

To implement such a platform requires collaboration on three distinct phases — the planning phase, the development phase and the production phase. But what are the key benefits of having a common calendaring system in place? Let’s look at the benefits of implementing and maintaining such a system.

THREE PHASES OF A CALENDARING PROJECT

Planning Phase: Your first step is to prepare a requirements document that explains the scope of the project and clearly outlines the necessary parameters. Some elements you may wish to consider include:

- Client reporting is a balancing act between sharing important information without overwhelming clients. Be sure to discuss this thoroughly with your clients and send sample reports that highlight different reporting conventions.
- Review data management requirements carefully to ensure continuity of operations as well as compliance with all applicable laws and regulations.
- Decide who will have access and define their roles. You should limit access to only those who need it.
- Use common terminology to eliminate confusion among the users.
- The system layout should be user-friendly and compatible across multiple practice groups because this will reduce training time, reduce data management errors and increase employee efficiency.

This requirements document is your blueprint for success, so be meticulous when preparing it.

Development Phase: With the requirements document complete, you can now move on to developing the common calendaring system. The examples below highlight the soft side of the development phase:

- Be in constant communication with the technology professionals who are building the system. Make sure you are an excellent communicator and ask for clarification if you do not understand a question or process.
- Be in constant communication with all stakeholders to address any issues that arise, send out frequent updates to all stakeholders and continue to ask for feedback.
- Run tests using a pilot group to ensure the system is working properly. The individuals charged with this task must have superior understanding of the system.

Remember that your primary concerns during this phase are stakeholder communication and system testing.

Production Phase: Now it’s time to launch the new system. The following elements merit significant consideration during production:

- Identify any data that needs to be migrated into the new system. You should consider archiving older data if you do not need regular access to it.
- Distribute credentials to all users, create login information and make sure each user has a unique password. All users should change their password after their initial login.
- Provide training and development to all users. Consider one-on-one appointments with your users, or hold group training sessions if you work for a large organization.
There are three key benefits to implementing a common calendaring system in your organization — risk management, collaboration opportunities and cost savings.

- Survey and monitor the system for any bugs and make improvements as needed. There is always room for process improvement, so make it point to check in regularly with the users and share their feedback with the appropriate people.

Do not make the mistake of thinking that your work is complete. Technology is constantly evolving, and a successful project manager needs to keep pace with these changes.

**THREE KEY BENEFITS**

There are three key benefits to implementing a common calendaring system in your organization — risk management, collaboration opportunities and cost savings. Let’s examine each.

**Risk Management:** A common calendaring system allows for uniformity throughout the organization. By moving dates and deadlines off an individual’s personal calendar and onto a common platform, an organization ensures that work can continue without interruption in the event of an individual’s prolonged absence or if someone leaves or is terminated.

Such a system can also safeguard against malpractice claims because of its built-in redundancies, organization-wide access and ease of use (it makes data management easier and reduces the likelihood of administrative error).

Additionally, a common calendaring system allows for automation of the reporting and notification elements associated with the calendaring process. For example, a common calendaring system can generate reports automatically and alert stakeholders of scheduling changes.

**Collaboration Opportunities:** Implementing a common calendaring system creates a culture of situational awareness within an organization. Everyone has access to the same information and can quickly articulate the important facts of a case. For example, an attorney can conference with a client and report how many depositions took place in a specific case with just a few mouse clicks.

A common calendaring system enhances the communication process because multiple parties — both within and outside of the organization — can share and store information in the platform. This reduces the chance of the “I was not aware of this” scenario.

Additionally, it provides real-time data that allows organizations to be flexible with their human resources and increases efficiency.

**Cost Savings:** Real-time data creates cost savings because everyone in the organization will know when deadlines are adjourned and when depositions and conferences are rescheduled. This reduces the amount of unnecessary travel and unnecessary office work.

It also prevents redundant coverage for depositions and court conferences because all stakeholders monitor the common calendaring system and can easily identify a double-book situation. Plus, there’s an overall decrease in time spent by calendaring professionals because of process improvements one paralegal can handle the schedules of 20 lawyers due to system automation.

The hectic pace of firms means organization is key. And a common calendaring system allows organizations to mitigate risks, improve their workplace culture through collaboration, and reduce overhead by implementing cost saving measures.

**ABOUT THE AUTHOR**

Joseph Pastino is a Litigation Paralegal who oversees calendaring and docket management matters at Tanenbaum Keale LLP. He leads efforts to support the firm’s mass tort litigation team, which includes scheduling attorneys for depositions and court conferences along with using case management technologies to organize and maintain client data.

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We’ve covered hot topics and law firm challenges like:

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Anniversaries, Awards and Appointments

MEMBERS ON THE MOVE

Tibisay Boggio-Turner, a member of the Silicon Valley Chapter, is now Assistant Office Administrator at Davis Polk & Wardwell, LLP, in Menlo Park, California.

Elizabeth Christman, SHRM-CP, a member of the Philadelphia Chapter, is now Director of Human Capital and Resources at Royer Cooper Cohen Braunfeld, LLC, in Conshohocken, Pennsylvania.

Pamela Y. Diggs, a member of the Atlanta Chapter, is now Office Administrator at Baker Donelson Bearman Caldwell & Berkowitz, PC, in Atlanta, Georgia.

John M. Jakovenko, CLM, SPHR, a member of the Atlanta Chapter, is now Firm Administrator at Sparks Law, LLC, in Alpharetta, Georgia.

Jennifer Lau, a member of the Silicon Valley Chapter, is now West Coast Legal Recruiting Manager at Nixon Peabody, LLP, in San Francisco, California.

Debra A. Reeves, CLM, SHRM-CP, a member of the Dallas Chapter, is now Office Administrator at Husch Blackwell LLP in Dallas, Texas.

Lindsey Staples, an independent member, is now Office Administrator at McDermott Will & Emery, LLP, in San Francisco, California.

SENDING OUR CONDOLENCES

• ALA headquarters recently learned of the passing of member Sandra L. McCarrick. She was the Legal Administrator at Colombo & Colombo, PC, in Bloomfield Hills, Michigan, and she also belonged to the Metropolitan Detroit Chapter. Contributions in her memory can be made to the Michigan Humane Society. Our thoughts are with her family, friends and colleagues.

• Former member Catherine S. Barron passed away in October. She was most recently the Washington, D.C., Office Administrator for Proskauer Rose, LLP. Barron held several leadership positions in the Capital Chapter of ALA, according to Executive Director Paula Serratore, and she was named the Hyattsville, Maryland, Volunteer of the Year in 2016. Donations can be made in her memory to Guiding Eyes for the Blind.
RENEW YOUR MEMBERSHIP!

The time has come to renew your ALA membership for the January 1-December 31, 2020, term. Current members should have received an email with a personalized auto-login link that will direct them to where they can securely pay their dues online.

To show our gratitude for your continued membership, if you renew before January 1, 2020, you’ll receive one complimentary webinar of your choice, valued at $109! Renewing members will receive email instructions on how to redeem this special reward. The 2020 webinar schedule is up, so you can browse it to choose which webinar will get your free registration. Learn more at alanet.org/webinars.

NEW ADDITIONS TO THE RESOURCE HUB

The last time we covered the Legal Management Resource Hub, it covered four topic areas: human resources, financial management, the C-suite and law firm management essentials. Now, however, you’ll also find portals to relevant education and resources for the rest of ALA’s main knowledge areas: communications management, the legal industry/business management and operations management/IT. Learn more alanet.org/resource-hub.

In search of a solution to a particular problem? Want to inform yourself about an area of legal management that you’re less familiar with? Studying for the Certified Legal Manager (CLM®) exam? Recently promoted to firm administrator, executive director or chief operating officer? All of these are good reasons to visit the portals, which tend to contain the following:

- Bundles of Annual Conference session recordings from 2019 and 2018
- Links to relevant continuing education courses
- Links to relevant webinars
- Links to relevant *Legal Management* articles
- Links to relevant *Legal Management Talk* podcast episodes
CHANGES TO THE 2020 AWARDS PROGRAM

The Board of Directors has made several enhancements to the awards program for 2020 (alanet.org/awards). Now, instead of disparate project teams and the Board itself deciding on the recipients, a single volunteer body will determine who receives the following awards:

- Elevate ALA Award
- IDEA Awards
- NextGen Leader Award (formerly the Quest Award)
- Outstanding Association Volunteer Award
- Spirit of ALA Award

The Board has also retired the Founders Award and made slight changes to the submission criteria for certain awards. Award submissions will be accepted through January 2, except for Presidents’ Award of Excellence entries, which are due February 29. Recipients will be announced at the Association Awards Gala at the 2020 Annual Conference & Expo (ALAannualconf.org). Questions may be directed to awards@alanet.org.