

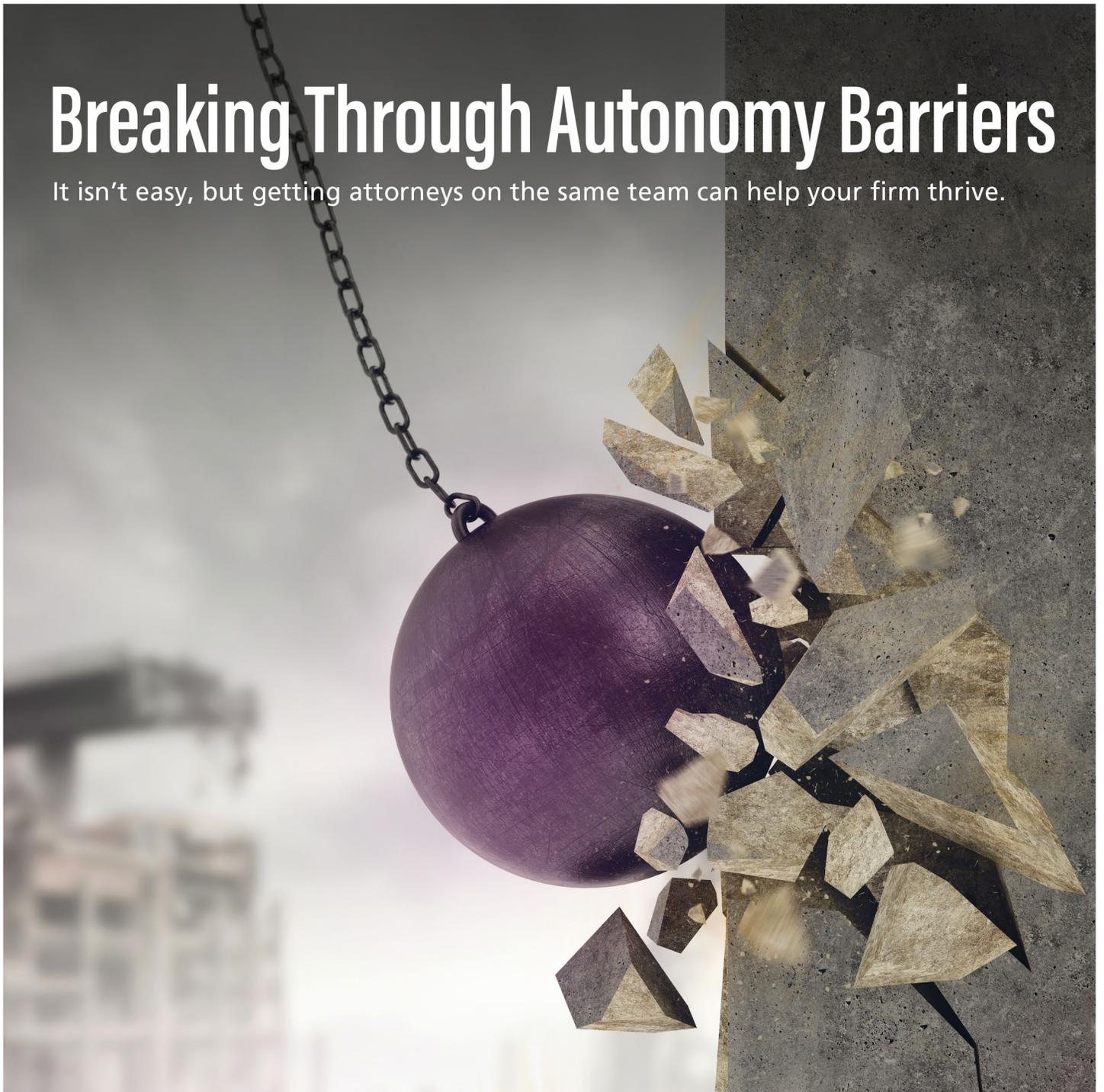
LEGAL MANAGEMENT

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It isn't easy, but getting attorneys on the same team can help your firm thrive.





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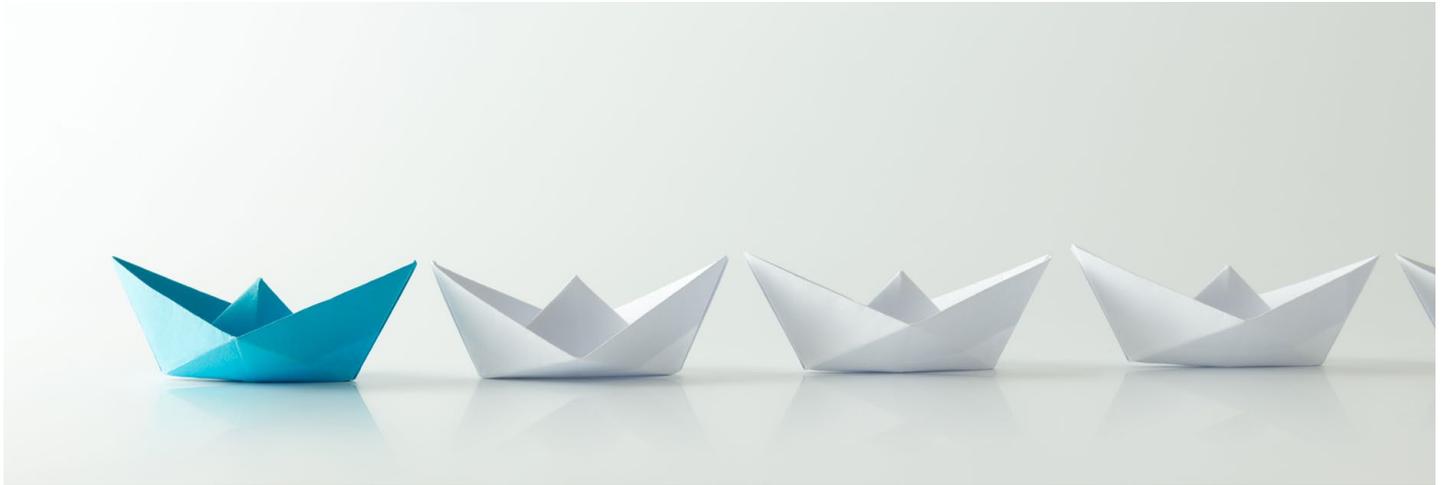
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“I encourage each and every one of you to appreciate the role you have played in bringing normalcy and the ability to do simple things like work to the people you lead and manage — that’s nothing short of amazing in itself!”

A Leadership Journey

“Life’s a journey, not a destination, and we just can’t tell what tomorrow brings.” Thank you very much, Steven Tyler, for those lyrics way back in 1993 in the song “Amazing.” That verse seems to pretty well sum up the world today as a result of COVID-19.

However, as I’ve reflected on this, I’m convinced that not knowing what tomorrow brings has been our reality all along, whether we knew it or not. We simply lived our lives with a greater sense of predictability and certainly a much stronger feeling of security about our jobs, our health and, yes, even the availability of toilet paper.

These are uncertain times, and I’m sure none of us thought we’d be dealing with a global pandemic when 2020 kicked off. Yet, when we take a moment to observe objectively how we’ve been able to adjust, it’s impressive and incredibly resilient. And more than anything it’s hopeful. I encourage each and every one of you to appreciate the role you have played in bringing normalcy and the ability to do simple things like work to the people you lead and manage — that’s nothing short of amazing in itself!

Being selected to serve as ALA’s 45th President has been an enormous honor, and something that still catches me by surprise on occasion. I joined our Board of Directors in 2015, and since that time I have thought a lot about what I could contribute to ALA and how I could positively impact the Association through my service. The reality of becoming President of the Association didn’t really hit me until I stepped on stage last year at our Annual Conference and accepted the gavel from April Campbell. What an emotional moment that was for me to share with my family, friends, colleagues and fellow members. I realized the opportunity I’d only previously imagined had now arrived — I’d be contributing to ALA in all the ways I had been thinking about over the years.

But my leadership journey involves so much more than me. Our Association moves forward based on what we as members need, where the industry is going and what best serves the legal organizations that we work for. The duty of the Board and the President is to guide the Association along, occasionally course-correcting or adjusting to new conditions. There's not a lot of room in that for pet presidential projects; however, there is plenty of room for leadership growth, culture-building, professional development and performance improvement.

There was also room for a bylaws amendment that equalized membership and gave voting rights to all our members. It expanded membership opportunities to a broader group of legal industry professionals. We worked through the implementation of the Organizational Pricing Model pilot program and the formation of a search committee charged with identifying and hiring ALA's next Executive Director, who will lead us into our 50th year as an Association. And now we'll work to create new and meaningful ways for our members to network, learn and connect to the resources we all rely on while not having an Annual Conference to attend until 2021 in Chicago.

These were definitely not the things I envisioned last year. However, each one has been an unexpected opportunity for me to grow as a leader and as a person. The biggest blessing of all has been working shoulder to shoulder with members of the Board of Directors and ALA HQ staff. I respect, admire, love and am grateful for each and every one of them, and I hope they know the positive impact they have made in my life.

Eleanor Roosevelt, First Lady and wife of Franklin Roosevelt, believed that *"the purpose of life after all, is to live it, to taste the experience to the utmost, to reach out eagerly and without fear for new, richer experiences."* Serving as ALA President this past year has been a rich experience beyond measure.

In looking ahead at our collective journey, I'm excited for ALA as Debbie Elsbury, CLM, prepares to take the gavel and become the Association's 46th President. Debbie brings a wealth of talent, leadership, understanding and humor with her, and she is the perfect leader to guide us during these uncertain times. She's also a thoughtful planner. While no one can know what the future holds, I am certain that if the path zigs where we think it should zag, she'll deftly keep us moving forward toward our destination of being the premier professional association connecting leaders and managers within the legal industry.

Last and certainly not least, I would like to thank my employer, Shook Hardy & Bacon, LLP, for their support, understanding, encouragement and flexibility. My journey over the last year has at times been challenging, yet they have been with me every step of the way.

Until I see you all again, be safe, stay healthy, care for your loved ones, remember the wonderful discoveries you have made as a result of this abrupt change in our lives, and keep your hope strong as this portion of our journey too will soon pass.

With heartfelt gratitude,

James

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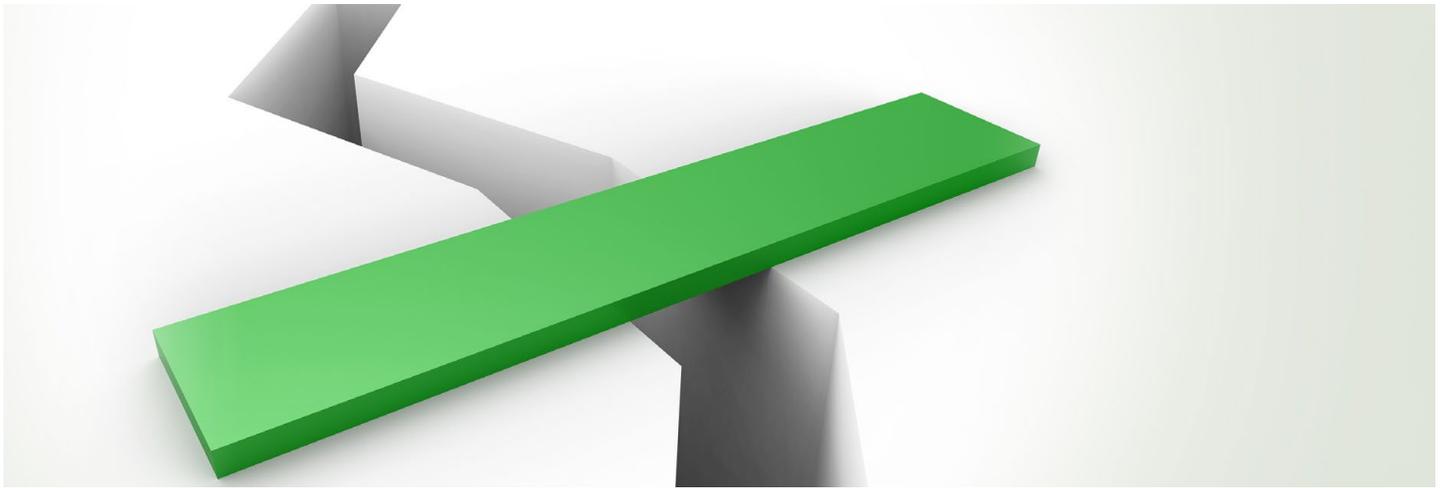
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ALAN WILSON
National Program Director
GLJ Benefit Consultants

Are We Really Prepared? The Critical Nature of Contingency Planning

Current news events, from the COVID-19 pandemic to the recent helicopter crash outside of Los Angeles that took the lives of Kobe Bryant, his daughter and seven others, remind us that one's life can be abruptly altered in a moment. In the wake of these life-changing events — whether due to unexpected death or disability — many questions inevitably arise.

“A contingency plan's purpose is to take stock of possible future events or circumstances and then provide solutions that will allow those affected to continue to thrive in the aftermath.”

For the managing partners, the equity partners and other attorneys, a life-altering disability can lead to questions of how to sustain a standard of living when the ability to perform one's duties is no longer feasible.

For the firm, the unexpected loss of an individual due to death or disability can be professionally and financially damaging. Who will fill the shoes of the missing individual? What clients may disappear due to the unexpected loss of that cultivated relationship? What happens if more than one partner is involved in a tragic incident? How will such a loss affect the firm?

When faced with these potential questions, one query frequently rises to the top: Are we really prepared? Over the years as I've worked with individuals on this topic, my response is usually another question, “When was the last time you took a look at your current contingency plan?”

A contingency plan's purpose is to take stock of possible future events or circumstances and then provide solutions that will allow those affected to continue to thrive in the aftermath. Does your firm's current contingency plan provide the protection both needed *and* wanted? If you are uncertain, the first and most important recommendation I can give is to start the contingency planning process. Although these discussions may not be easy or comfortable, contingency conversations are essential in creating a solid plan for the "what ifs" of life. Your firm's contingency plan may well define your firm's future.

Let's take a quick look at a few key items that should be considered as you make your contingency plan.

PARTNERSHIP AGREEMENTS, BUY-SELL AGREEMENTS AND BUSINESS OVERHEAD POLICY

A firm can find itself in a challenging situation if the partners have not taken the time to set forth a solid partnership agreement. This agreement should be coupled with a very specific buy-sell agreement that will provide clear direction for the firm on how to recover partnership assets and ownership from surviving heirs. As your firm works through the partnership and buy-sell agreements, I would strongly recommend that you consider utilizing life and disability insurance vehicles as solutions for funding the recapture of assets in the case of a partner death or disability.

In regard to disability, a business overhead expense policy on each owner can cover the disabled owner's portion of expenses for two years. These policies are powerful in helping to literally buy time for the firm to take a breath and address immediate expense needs, which allows the firm to formulate next steps in a likely emotionally charged situation.

LIFE INSURANCE

Planning for an unanticipated death is a hard conversation. Having this discussion and putting in place the resulting plan can provide peace of mind for all those who may be affected by the passing of an individual. Appropriately integrating life insurance into your contingency plan will help provide funds for the transition of ownership of business in the wake of a tragedy.

If you have been thinking about investing in life insurance, whether on a personal or firm basis, I urge you to take a moment to watch this video of a dear friend of mine sharing his personal experience regarding the importance of contingency planning and life insurance: bit.ly/34mgyce.

DISABILITY INSURANCE

Did you know that more than one in four of today's 20-year-olds will become disabled before reaching retirement age? Being prepared is key, and that preparation starts with investing in a quality disability insurance plan. As you consider purchasing a disability plan, be sure to pay special attention to the following items:

1. The definition of disability in the contract
2. The coverage offered for specialized areas of practice
3. The need for a business protection provision to help cover the overhead expenses should a partner or key shareholder become disabled

Further — especially for partners — explore the opportunities available to add significant amounts of additional individual disability insurance on top of the firm provided group disability plan. This individual coverage can be purchased on a guaranteed issue basis when partners combine to be quoted together as a group of partners, and it can provide, in most instances, enough additional coverage to recoup 75%-80% of pre-disability earnings. Many firms look into this solution as they address the importance of having a firm succession plan in place.



ARE WE PREPARED?

Life is full of the expected and the unexpected. Planning for those contingencies will help you and your firm face the future with confidence. Where do you start? Every good plan begins with an explorative, action-minded conversation. Don't know how to begin that conversation? As an ALA member, you have vetted resources at your fingertips. Don't be afraid to use them!

Most importantly, as the old adage says, don't put off until tomorrow what you can do today. Take action while you can control the outcome. Action now will help prevent being acted upon later.

ALA Member Resources to Help You Plan

ALA members have access to exclusive benefits that can help them with the many intricate details of contingency planning. Learn more at bit.ly/2xXNXhn.

ABOUT THE AUTHOR

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

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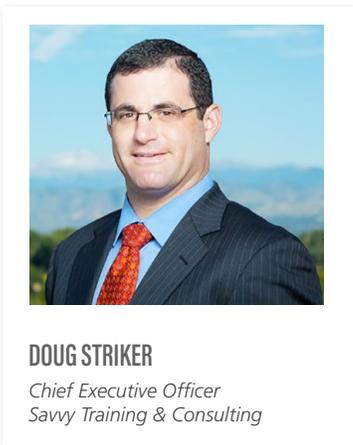
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Prove Your Technological Competence to Your Clients

I was recently speaking with an IT director at a midsize law firm, and he said that clients are starting to demand proof of their legal team’s technological competence. Because of this shift in client expectations, the firm’s attorneys are starting to seek training so they can prove that they are tech-savvy.

HAPPY CLIENTS = EFFICIENCY + SECURITY + INCREASED PROFITS

Today, tech competency is considered fundamental to ethical law practice for two main reasons:



Efficiency: If you know how to use technological tools, then you won’t spin hours and bill for time you wasted by doing things the old, inefficient way.



Security: If you know how to protect your clients’ sensitive data through secure email practices and other hacker-resistant protocols, then you won’t lose or disclose client confidential information — and trust.

Bonus: Not only do these two skills lead to happier client relationships and better legal work, but they also contribute to a positive bottom line.

STEPS TO TECH COMPETENCY AT YOUR FIRM

To prove your firm’s tech competency to clients, you actually need to achieve tech competency. You need a step-by-step process to assess where your users stand now, ways to train them to the next level(s), and then use the data you collect to prove that you are tech competent.

“You need a step-by-step process to assess where your users stand now, ways to train them to the next level(s), and then use the data you collect to prove that you are tech competent.”

Here are the steps you must follow.

UNDERSTAND THE PROBLEM

Ivy Grey, Vice President of Strategy for WordRake, recently published a list that highlights the problem we face.

Do you know anyone in your firm who ...

- Manually numbers paragraphs or manually adds line numbers?
- Does not know how to use templates (or is unaware that they exist)?
- Struggles against formatting, consistently redoing work rather than resetting or automating formatting?
- Retypes information because they do not know how to cut-and-paste with or without the original formatting?
- Ignores the Bluebook rules and preferences for section and paragraph symbols because they do not know where to find them or how to insert them?
- Manually creates the table of contents and table of authorities, and redoes it manually every time the document changes?

Each of these mistakes and clunky processes slows down the attorney's entire team and leads to errors.

Additionally, law firms are increasingly being targeted by hackers. A *Law.com* investigation found that law firms are falling victim to data breaches at an alarming rate, exposing sensitive client and attorney information. The new mantra is: It's not *if* you'll be phished, but *when*.

But it's not only hackers. A recent study proved that employees are worse than hackers when it comes to putting law firms at risk. SolarWinds reported that 80% of data breaches are caused by internal user mistakes.

You need to train every single person at your firm to use technology properly.

1. Assessments and Benchmarks

The fastest way to kill a training program is to make people sit through material they already know. Therefore, you need to assess each of your employees' skills. How can you do this? Use assessments that directly correlate to technology skills that attorneys and staff must master. Once you assess each learner's skills, you can craft customized learning paths for each individual.

If you're thinking, "There's no way! I can't assess each person and create learning paths for each employee in my firm!" then you also need to educate yourself about a handy new technology called a learning management system, or LMS. A good LMS can make the assessment, learning path and benchmarking process a snap.

Once you've assessed them, give them goals or benchmarks. Essentially, when you've assessed each learner's skillset, you then give them learning goals to achieve in the next quarter, the next six months or annually.

2. Create a Dynamic Learning Environment

Once people understand the benchmarks they must hit, you must deliver technology training in ways that your employees can actually use — mobile, easily digestible, targeted, in-person, online and more.

Additionally, your training content must be legal-specific. There is a specific workflow and products that attorneys use in their daily professional lives, and they will want their training to reflect something they are already used to.

3. Engage Employees in Learning

Give your attorneys and staff a reason to learn! This is where your HR department comes in. They can help you incentivize learning. For example, one firm I work with made a portion of users' annual salary increase dependent on successfully passing the baseline assessment.

4. Market Your Achievements

Brag about yourself! Imagine this headline: "Firm XYZ Demands Technological Competency from All Employees, Delivering More Value and Safer Processes." Your marketing department can spread the word in all their marketing efforts, including:

- Requests for proposals (don't wait for clients to ask if you're tech-competent — make it part of your boilerplate language)
- Local trade journals
- Business journals
- Conference presentations
- Attorney/employee bios

GET AHEAD OF YOUR COMPETITION

Clients are increasingly demanding proof that their law firms are secure and that their legal teams are tech-savvy. Differentiate yourself from the competition now by launching a training program that delivers results, safer processes, client trust and bottom-line lift.

ABOUT THE AUTHOR

Doug Striker is Chief Executive Officer of Savvy Training & Consulting. As a former Chief Operating Officer of a prominent law firm, Striker specializes in helping firms acquire the software platforms they need, training staff for maximum workflow efficiency, and enhancing continuity and bottom-line results.

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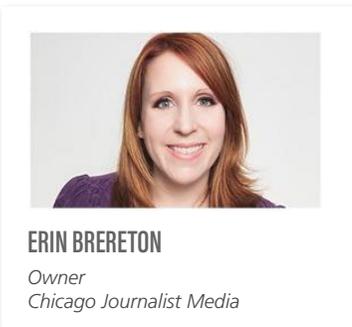
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Role Model

Could novel law firm positions help take operations to the next level?

Nearly a decade ago, chief executive officers without a legal background were an anomaly in law firms — that is, until firms began incorporating them to provide operational insight. Today, a number of firms are again adding inventive new roles to their roster — functions that often focus on improving client relations, efficiency and, ultimately, profitability.

With firm revenues rising — on average, by 8% in 2018, according to AmLaw 100 data — it's only natural firms would place an increased emphasis on management, says Melissa Frederickson, Division Director for Law Firm Management at Special Counsel. Frederickson was hired last year to run the new division, which the consultant created to recruit candidates for law firm business positions.

"The huge money firms are seeing has prompted them to realize while they may be the experts at litigation, they're not the expert at bringing in business, running the firm or the financials," she says. "The focus now is on finding people who can assist and further the business. We're seeing a lot of new positions; that's a huge shift we'll continue to see."

DIFFERENT DESIGNATIONS

Changing client needs have inspired a number of new technology- and legal-oriented industry roles, according to Joe Palermo, Chief Operating Officer (COO) at 350-attorney national law firm Lowenstein Sandler — which in recent years has added a chief marketing officer, pricing director and director of knowledge management.

"Clients are looking for more value, and we're looking for ways to add that to our suite of services so we feel we understand their business and challenges," Palermo says. "The business of law has become more and more complex, and investing in professionals who know how to manage these systems will continue to be a focus for us and should be for other firms."

“As the tech leadership role — once seen as having more of a system management focus — has expanded to encompass heightened security, application development and other needs, its title has also evolved.”

Clients may be eager to have someone help oversee pricing and other engagement elements. Legal departments ranked better project management as the second highest innovation priority they'd like to see from law firms. More than a quarter viewed it as a high priority.

While some positions firms incorporate, such as benefits manager, may center on tasks one or more firm members previously handled, others — risk and compliance manager, for example — often address primarily new or escalating operational necessities.

Some of the functions that are cropping up within law firms include:

Technology/Innovation Officers

Aside from the chief executive officer, chief operating officer and chief administrative officer roles, chief information (CIO) or technology officer (CTO) is the most popular C-suite position within AmLaw firms, according to research from Colliers Law Firm Services Group. The research also found firms with a CIO or CTO experienced higher profits per equity partner on average — more than \$209,000 — than firms without one.

As the tech leadership role — once seen as having more of a system management focus — has expanded to encompass heightened security, application development and other needs, its title has also evolved.

Last year, Lowenstein Sandler brought on ALA member Victor Barkalov, a former firm CIO and Chief Digital Officer, as its first Chief Innovation and Information Officer, supervising technology, data security, knowledge management and legal research strategy and execution, in addition to driving innovation throughout the firm.

“We kicked around whether or not we wanted to call him Chief Information Officer,” Palermo says. “The firm wanted to convey in his title that he not only has to come up with innovative ways of using technology with clients, but also needs to do the traditional stuff, in terms of managing infrastructure, making sure his internal clients have what they need to service external clients.”

The firm also recently added a director of physical and cybersecurity to help prepare it to respond to both cyberthreats and client security inquiries, according to Palermo.

“Client surveys are certainly getting more specific, and client requests are getting more serious in terms of what they’re looking for us to do [when] managing their data,” he says. “We want to be able to satisfy whatever the requests are.”

Legal Operations, Project Management and Pricing Jobs

Roughly a year ago, Jared Applegate, who’d been serving as 600-attorney firm Barnes & Thornburg’s Pricing Director, began heading up the firm’s new Legal Operations Department as Chief Legal Operations Officer.

Applegate says the role was created to address common client challenges and internal process needs. These can range from using technological tools to help provide clients with alternative fee arrangement pricing predictability to the firm’s use of document automation to increase efficiency.

“Four to five years ago, you started to see RFP questions like, ‘Do you have somebody in pricing? How often do you use AFAs [alternative fee arrangements]?’” he says. “Creation of fee arrangements and client service-driven activities had fallen on attorneys to manage; for us, [that’s] a natural fit.”

While years ago it may have been unheard of to have a business professional leading client discussions, firms are seeing the value in that type of role, Applegate says.

“The way we address and talk to clients is different,” he says. “We’re asking a lot of questions to understand their business issues or processes and then fix those with legal solutions. That’s been a powerful shift that’s happened over the last couple of years in the legal market.”

A 2019 Corporate Legal Operations Consortium survey suggests that clients may be eager to have someone help oversee pricing and other engagement elements. Legal departments ranked better project management as the second highest innovation priority they'd like to see from law firms. More than a quarter viewed it as a high priority.

A number are also still interested in alternative fee arrangements; 55% said they use them to lower external costs.

AFAs’ popularity prompted multiservice law firm Goulston & Storrs to add a Chief Value Officer role, according to Co-Managing Director Bill Dillon. In 2018, the firm appointed Christopher Ende, a former in-house legal operations leader, to oversee strategic initiatives relating to pricing structures, legal project management, practice innovation and profitability analysis.

In addition to working constructively with clients on tailored pricing solutions and service delivery models, Ende's role has provided additional benefits, according to Dillon.

"I've realized how interconnected the value role is with almost all other business operation areas," he says. "Folks [are] creating connections between things like professional development, how we staff [engagements], how that plays into pitches, what analytics we run to support all of the above. On one level, that's not a revelation. On the other, it's still hard for people to connect those dots."

Chief Talent Officers

Neha Shah Nissen, a former practicing attorney and practice management director, developed Fenwick & West's new chief talent officer position with the firm's chairman and COO while working as an adviser to the firm. She stepped into the role herself in February 2020.

"Fenwick structured the position basically to oversee recruiting, legal personnel and development, diversity and inclusion, and corporate social responsibility and pro bono [work]," she says. "It's a unique position that allows me to take a holistic view of the life cycle of attorneys at the firm."

Nissen says Fenwick recognized that, with the changes the legal profession has undergone in the past decade in addition to a COO leading the firm's functions, it needed someone to be looking at talent across the board.

"Ten years ago, a lot of talent positions played more of an administrative type of role," she says. "Clients are looking to their law firms to be not just legal advisers, but business advisers, as well. The business of law requires our talent to be at their very best to respond to clients' needs and expectations."

ACQUIRING AN IDEAL FIT

New roles in the emerging legal jobs space don't always feature as much standardization as the industry's more traditional titles; as a result, the names can vary, Frederickson says.

"You have to really have an independent conversation with the client to see what they're really getting at," she says. "Sometimes you have to search for the right person with a title that is more common."

Further complicating talent searches, candidates may sport the right skills for a newly created role — but never have worked for a law firm. Organizations that are willing to expand what they're looking for and potentially invest in training will have more options, Frederickson says.

"[Law firms'] preference is law firm experience, but sometimes you just can't find that," she says. "We can be creative about thinking about what transferrable skill set [allows someone] to move to the next level. Sometimes it's a stretch position, taking someone from office manager to director of administration, [or] a younger rock star in the making [who], even with a lack of experience, is going to be great."

Further complicating talent searches, candidates may sport the right skills for a newly created role — but never have worked for a law firm. Organizations that are willing to expand what they're looking for and potentially invest in training will have more options.

Given that today's tight talent market can mean employees have the option to make 25% to 100% more at another legal job, Frederickson says, expect to see firms also focus on adding positions that relate to the employee experience — not just employee management — to bolster retention.

Nearly 8 in 10 (76%) lawyers said they were concerned about losing legal talent to other job opportunities in the first half of 2020, according to a Robert Half Legal survey.

"The next roles we'll see an area of explosive growth will be in relation to making people happy," Frederickson says. "Realistically, happy people lead to dedication and, ultimately, more money. Law firms are realizing people are the firm's biggest asset. If you can't obtain and maintain new talent, you're going to go out of business."

Get More on This Trend

For a more in-depth read on this, ALA recently published a white paper "*The Changing Role of Law Firm Leadership*." Find it here: alanet.org/whitepapers.

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KYLIE ORA LOBELL
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Breaking Through Autonomy Barriers

It isn't easy but getting attorneys on the same team can help your firm thrive.

Here's something you likely already know: Lawyers are notoriously independent. They dive deep into their cases, work hard to make their billable hours quota and spend much of their time interacting with clients instead of their teams.

“Without teamwork, one attorney 'owns' a relationship with a client. ... That means if that attorney retires or leaves the firm, the client won't have a comfort level or familiarity with anyone else, and they may sign with another law firm.”

While lawyers are driven and industrious people, it's sometimes to a fault. Too much autonomy can end up hurting a law firm's productivity and effectiveness by encouraging competition and spite instead.

“Lawyers tend to be inherently self-reliant and autonomous,” says Grant Walsh, Founder and Managing Partner at Culhane Meadows. “Plus, most law firms tend to reward individuals with financial recognition based on personal billable hours rather than looking at the benefits of team efforts. That's why there are so many stories about lawyers clawing over each other's backs in BigLaw to gain origination credit for new business development.”

The kind of people who get into law are typically Type A individuals, which means they're proactive, organized and ambitious. “[They were] rewarded for their individual achievements, many of which were on a bell curve and there was only so much room at the top of the curve,” says Sheila Murphy, President and Chief Executive Officer (CEO) of Focus Forward Consulting.

This idea of lawyers vying for the top spot starts in law school, which Lin McCraw, Owner of McCraw Law Group, says is “a dog-eat-dog, zero-sum-gain approach that requires a winner and a loser individually. With a good team, the whole team wins. At law school, we are not taught to foster information sharing or teamwork, so it is little wonder that many brilliant lawyers are so poor at it when it is required when actually practicing law.”

[Teamwork] reduces risk. When only one attorney is assigned to a case, what happens if they mess up? Who will be there to catch their mistakes if they're working independently?

CHANGING THE AUTONOMOUS CULTURE IN YOUR FIRM

The benefits of teamwork seem to be endless, but how exactly can you break down autonomy in your law firm? These are some ways you can start to encourage your attorneys and staff to work together.

1. Change how you compensate. If you're only doing billable hours at your firm, you may want to reconsider that model in order to promote teamwork.

"It is easier to encourage teamwork for firms that have moved to flat fees or value billing but much more challenging for firms that are focused on the billable hour," says Debbie Foster, Partner at Affinity Consulting Group, an ALA VIP business partner.

According to Walsh, the point-based compensation system that most law firms use is fundamentally flawed, and it works directly against team-based client services. Also, he says it's a major contributing factor to the well-documented gender pay gap among lawyers.

These subjective compensation systems — which involve a closed-door compensation committee reviewing attorneys — convince attorneys to be in a survival mindset of scarcity, as opposed to one of abundance, adds Walsh. Since attorneys are only looking out for themselves, because they have to, "the natural result is heightened internal conflict and office politics about client originations, not to mention that lawyers may carelessly stretch their abilities rather than referring work to a more qualified colleague," he says.

At his law firm, Walsh has a transparent and objective formula-based compensation system, which puts every lawyer on a level playing field. When this type of system is properly managed, it can incentivize cross-selling, make men and women more equal, and incentivize originating and other partners to work together on client matters.

"In a formula-based system, partners know exactly how much they will earn from other partners working on their client matters," says Walsh. "This is very different from conventional compensation models, where partners are incentivized to make their own practices look bigger by holding all engagements close to their vests."

2. Reward teamwork. If you're going to instruct your team to work together, then you have to recognize when they're doing a great job. That way, they'll be encouraged to keep it up.

"Positive and negative feedback related to teamwork needs to be given promptly," says Murphy. "The firm may also want to consider recognition for great teamwork. Perhaps an associate who exhibits it has a mentoring lunch with the managing partner."

3. Invest in the right technology. In today's modern world, law firms need the technology to work on teams, especially if anyone is working remotely or out of the office. Safi says you could use technology like encrypted email as well as cloud storage to share information, work as a group and ensure that ethical duties are not breached.

"In addition, law firms can utilize certain project management software to work on large and complex cases. By doing so, lawyers can supervise the actions of support staff to ensure that no errors are made," Safi says.

4. Switch up the office design. Not all changes have to do with the team itself. By designing collaborative offices, law firms can promote teamwork much more easily. Perhaps this means having informal meeting spaces, like team rooms or coffee bars. "I see a lot of firms that have [made] changes [to] their physical environment in an effort to encourage more collaboration," says Pickett.

Succession planning ensures that a law firm will thrive even after attorneys and partners leave. Putting teamwork on a pedestal is critical for succession planning.

5. Share the spotlight. Though McCraw pointed out that attorneys have that “hero urge” to intervene, if they want to truly break down autonomy barriers, they should not give their team members all of the answers. Rather, they should answer a question with a question to support growth and development of the entire team.

“It is hard for a person accustomed to being the hero to step back ... to share the spotlight,” he says. “But if you want to encourage teamwork, it is necessary.”

CHANGING THE AUTONOMOUS CULTURE IN YOUR FIRM

Autonomy has its moments, like when an attorney is having a tough talk with a client or concentrating hard on a case. But overall, when everyone works together in unity, everyone benefits as well.

“In the end, a team-based approach is good for the lawyers, the firm and most importantly, the client,” says Walsh.

ABOUT THE AUTHOR

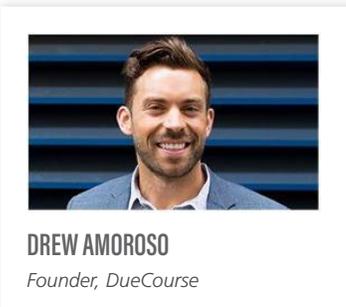
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10 Tips for Engaging in Successful Negotiations

These ideas can help make your next round of negotiations go smoothly.

For many of us, the first thing that comes to mind when we hear the word negotiation is classic hardball tactics that we’ve read about in books or seen in movies: the “take it or leave it” approach, bluffing and puffing, the “first one to flinch loses,” and the good-cop, bad-cop routine, among many others.

But despite the familiarity we have with such strategies, it turns out that these kinds of hardline tactics often lead to distrust among the parties and can cause negotiations to deteriorate quickly.

The next time you’re faced with an opportunity to negotiate — whether it’s a new business contract or simply resolving a minor disagreement — consider using some of the strategies below.

1. Break the negotiation into smaller parts.

In most negotiations, there are several components that must be addressed and resolved in order to reach a final agreement — some of which are easier to settle than others. Consider breaking the negotiation into separate, distinct parts where you can reach an agreement on each part individually. This allows both sides to experience small, incremental wins and avoid the pressure of having to reach an agreement on every issue in one fell swoop.

“It’s tempting to want to respond to a demand with a demand or by taking a hard line. Instead, consider asking questions to get at the root of the demand and open up a discussion or dialogue.”

2. Build momentum by starting with the easiest terms first.

In line with the aforementioned tip, start the negotiation by discussing the easiest terms first. By reaching an agreement on some of the smaller issues, both sides will feel like they have momentum and it will make tackling the harder issues much easier. Additionally, the more time both sides invest in the negotiation and make progress, the easier it will be to remain committed to seeing the negotiation through to its end. In other words, the more time you spend working on reaching an agreement, the more likely the other side is to continue to stay at the table.

3. Consider the benefits of talking in person or over the phone.

Written communications, while effective in communicating a position, can sometimes leave room for ambiguity about the sender's intention. There's an emotional and human element to having a conversation with someone or being in the same room with them that can help both sides understand one another better. If you find yourself in a "battle of the emails," consider picking up the phone or suggesting an in-person or video meeting to help move the negotiation forward.

4. Think about "What's in it for them?"

In order to effectively negotiate, we have to spend time putting ourselves in the other person's shoes and ask ourselves, "What's in it for them?" What are their motivations and what is it that they're really seeking through this negotiation? Although the answer to this question might seem obvious — "They just want more money!" — often there are other motivations that may be less apparent.

Additionally, the more time both sides invest in the negotiation and make progress, the easier it will be to remain committed to seeing the negotiation through to its end. In other words, the more time you spend working on reaching an agreement, the more likely the other side is to continue to stay at the table.

The other side might want finality, a representative gesture or simply to be heard. Be sure to ask as many questions as you need to get a sense of what the other party is really looking for and use that information to help you craft your approach.

5. Make sure the other side is heard.

Negotiations can be emotionally charged, so it's important that you make sure you give your counterparts an opportunity to be heard. By letting them express their emotional state, you help clear the way for discussion and remove feelings from the equation. Additionally, when people feel like they've been heard, they're more likely to listen and be actively engaged in working on the problem rather than being consumed by their emotional state.

6. Respond with questions rather than demands.

It's tempting to want to respond to a demand with a demand or by taking a hard line. Instead, consider asking questions to get at the root of the demand and open up a discussion or dialogue. This is particularly effective when the other side has identified a certain issue as a sticking point. Ask open-ended questions that will help you gain more information about why it's a sticking point and see if there's a way to gather more information that will help you address the situation.

For example, if someone effectively says, "We will not budge on this point," ask questions that will help you uncover what's really at the root of their position.

"The potential to maximize, and ultimately walk away with the best negotiated outcome, can trace its origin to creative brainstorming," says Simon Boehme, a San Francisco-based mediator and entrepreneur. "When parties, collectively or individually, think without judgment and examine new interests and positions, the ability to find common ground and resolution increases significantly."

7. Research your counterparts and look for commonalities.

The more information you bring to a negotiation, the more leverage you have. Showing up with facts related to the subject matter of the negotiation is of course important, but this same principle applies to information about the party with whom you're negotiating. See if you can find commonalities about your counterpart that might help you find common ground before and during the negotiation. For example, spend some reading the bio on their website or their LinkedIn profile to get a sense of what matters to them and how you might establish some commonalities from the outset.

When people feel like they've been heard, they're more likely to listen and be actively engaged in working on the problem rather than being consumed by their emotional state.

8. Take an inventory of your own mindset and attitude.

Consider taking a "self-inventory" of the attitude you're bringing to the negotiation. If you show up feeling optimistic about reaching a positive outcome, that mindset is likely to influence the other side. Focusing on collaboration, staying loose, maintaining a good sense of humor and keeping things light are important.

9. Focus on interests, not positions.

In their seminal book *Getting to Yes*, Roger Fisher and William Ury suggest that parties to a negotiation focus on interests, not positions. Many negotiations begin with both sides digging in and communicating where they stand — which immediately puts the parties at odds.

Instead, a negotiation should focus on each side's interests and the concerns and motivations that underlie their respective positions. "By understanding the other party's motivations and sharing your own, each side gets a better view of how they can find middle ground that will help them get to yes," says Boehme.

10. Remember that there are real people on the other end of the negotiation.

At the end of the day, remember that there are real people on both sides who have an interest in reaching an agreement. Everyone shows up with different personalities, emotions, styles and temperaments — and the negotiators who show up ready to consider and be empathetic to those variables are the ones who have a better chance of achieving a successful outcome.

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Drew Amoroso is an attorney, public speaker and founder of the legal tech company DueCourse. DueCourse is an online platform that specializes in mindset training and situational skill building.

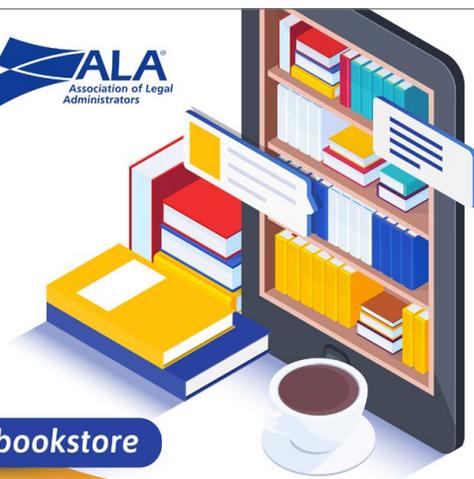
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ROSS FISHMAN, JD
Chief Executive Officer
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“It can take years of hard work to establish a sufficiently visible presence in a network to generate a steady flow of referrals. It’d be marketing malpractice to squander all that effort in the interest of short-term cash flow.”

The Top 5 Budget Items Law Firms Will Try to Slash in Response to COVID-19

Are you getting pressured to cut expenses? The COVID-19 pandemic has put a halt to the economy, and with it comes much uncertainty about 2020. When business is declining or the marketplace is starting to panic, firms start making decisions they hope will protect them.

Months or years later, some analyze the efficacy of these choices to see what went right or wrong. We have been through enough natural and manmade disasters and recessions that we can look back and find some trends.

WHAT DO PROFESSIONAL-SERVICES FIRMS TEND TO CUT?

Payroll: we’re already starting to see law and accounting firms lay off personnel, and we’ll certainly see lower raises and bonuses at year end. Other firms are renegotiating their steep rent payments with landlords to defer or reduce near-term payments.

Charitable contributions and sponsorships will be drastically scaled back. At a time when less money will be given to those in need, please try to find a way to spend as generously and *strategically* as possible to create the most benefit for the people who truly need it.

Travel will be slashed while lawyers are on COVID-19 lockdown, but it’s likely to stay low after we return to our workplaces. Once we all finally figure out Zoom and other videoconferencing technology, it will be harder to return to unrestrained spending on costly airfare, hotels and related entertainment expenses. We may eventually find that this is a mistake — video lacks the impact of sitting down face-to-face with clients and prospects.

Another category of expenditure on the chopping block is membership dues. Let's analyze that. Some of this cutting is appropriate, actually. It's easy for lawyers to fill out a short form, spend firm dollars to join a local bar association or industry group, add those bullets to their résumés, and then never give them a second thought. *Cancel those memberships* — those are a waste of precious marketing dollars. The same goes for most of those "anyone can join" organizations.

Scrutinize other professional groups and memberships, too. If they're not helping you do your job better *right now* or you're not an active participant (i.e., the chair of a committee or attending regularly for networking purposes and seeing results from them in terms of clients or referrals), then I'd ask why you're giving them your money. No one's impressed, they're not legitimate "honors" and you're not deriving any value from them. These are the types of groups that firms might well consider cutting.

ORGANIZATIONS YOU SHOULD CONTINUE TO SUPPORT

Many of my law firm clients are members of either the Legal Marketing Association (LMA) or the Association of Legal Administrators (ALA). It can feel easy for firms to cancel those, feeling that they don't contribute sufficiently to the firm's bottom line. I'd urge you to maintain those memberships — they're both excellent at keeping your administrative professionals educated about what they need to know right now. Members receive candid advice (via teleconferences, webinars, listservs, alerts and networking) from a dedicated cadre of consultants, vendors and professionals at similar firms who are dealing with the same issues. It's a way to ensure you don't miss anything important, keeping your firm informed and flexible during a time of rapid change.

There are other groups that also require monthly or annual dues, like the associations that bestow a credible honor or accreditation upon the recipient. For example, I've worked closely with the Federation of Defense and Corporate Counsel (FDCC) and Litigation Counsel of America (LCA) and have seen their vigorous vetting process from the inside. I'd hire any of their litigators straight out of the member directories because I thoroughly trust the screening process. And anyone else who's made aware of the rigor of their processes would feel similarly.

These types of honors help validate the quality of these lawyers, which enhances their business development. These accolades set the lawyers apart from their competitors. I'd suggest *maintaining* your membership in these groups, particularly at a time when there's less business out there. Do nothing now that can make it less likely that your rainmakers will get hired.

MAINTAIN YOUR FIRM NETWORKS

Another expenditure that gets scrutinized is memberships in professional firm networks, those that seek to refer work among its member firms. These operate under a variety of structures. For example, they can be collections of full-service law or accounting firms (e.g., Mackrell International or Meritas), or mixed law/accounting groups (e.g., Abacus Worldwide, Alliot Group or MSI Global Alliance), or single-practice networks like The Trial Network.

The annual dues and other costs associated with these groups can be quite high. Over the years, I have worked closely with literally dozens of these networks all over the world, including most of those mentioned in this post. It can take years of hard work to establish a sufficiently visible presence in a network to generate a steady flow of referrals. It'd be marketing malpractice to squander all that effort in the interest of short-term cash flow. And of course, an invaluable but intangible aspect of these networks is having a close-knit collection of trusted firms or professionals that you can safely refer your clients to. Don't let those looking to cut budgets understate the value of that component.

This year, of course, it will be more difficult for all these organizations to prove their value, with conferences being canceled and less business to refer around the networks. But I'd urge member firms to do their best to maintain select memberships while working aggressively to build their visibility — after all, research shows that firms that continue marketing aggressively in a recession exit in much stronger position than their competitors.

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Ross Fishman, JD, specializes in branding, websites and marketing training for law firms. A former litigator, marketing director and marketing partner, he has helped hundreds of firms dominate their markets. Fishman was the first inductee into the Legal Marketing Association's "Hall of Fame." He's written two books on branding and associate marketing both available on Amazon.

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“
Rather than merely training employees in resiliency to help them cope with what’s viewed as the natural toxicity of the workplace, strive to be a law firm that rejects toxicity in favor of gratitude, support, collaboration and kindness.”

Building a Kinder, Healthier Firm

As the son of an attorney, I grew up surrounded by lawyers, paralegals and legal administrators along with the stench of cigar smoke, scotch and stress. Perhaps these early experiences drew me to my current career in industrial/organizational psychology as a consultant and researcher focused on burnout and meaningful work.

The truth is that burnout has become a worldwide epidemic, recently recognized by the World Health Organization as an “occupational phenomenon.” Additionally, voluntary turnover for American employees is at its highest levels in history — one of burnout’s many costly symptoms. Other byproducts of burnout include depression, addiction and even impaired physical health. Even those who are overworked, yet avoid clinical burnout because of their passion, often contend with what the research refers to as “the dark side of meaningful work.” This includes an inability to set boundaries between one’s work and family, which can often lead to extremely strained or failed relationships.

Law firms often pride themselves on tradition and structure, and perhaps that has made it more difficult to change. However, burnout and its symptoms are unfortunately common within law firms, where it does not seem to affect all groups equally. For instance, female attorneys, perhaps unable to find healthy balance within the established industry framework, have been found to exit the legal field at alarming rates between the ages of 40 and 50.

This all paints a gloomy picture of the legal industry and raises the question: How can you prevent this burned-out reality in your firm?

BREAKING THE PATTERN

First, individuals with greater resiliency tend to be less susceptible to burnout. This is why many experts will tell you to change your mindset, to practice mindfulness and to take time to care for yourself, both physically and emotionally. These practices seem to work at varying degrees in combatting burnout when it’s knocking at your door.

However, what if we could prevent burnout from ever surfacing in the first place?

In order to accomplish this, we must first define burnout. Burnout has three elements: emotional exhaustion, depersonalization and feelings of a lack of personal accomplishment. The key to preventing these elements begins with the words “thank you.” Building a kinder kind of law firm with less burnout must have gratitude as its foundation.

This gratitude should be shared by everyone, as both supervisory support and coworker support have been found to have significant effects on reducing burnout. When we feel that our boss and coworkers notice and appreciate the job we are doing, we feel accomplished and valued. Many law firms pay hefty salaries, yet their employees still feel undervalued. This gap can easily be filled (for free!) by showing gratitude.

Furthermore, there is strong evidence that our core work tasks, regardless of how taxing they are, do not cause emotional exhaustion. Rather, emotional exhaustion comes from bureaucracy, interpersonal conflict and other barriers that distract us from the work that we are there to do. Most of us started our careers wide-eyed, wanting to make a difference in our clients’ lives — until the paperwork and daily tasks got in our way. It is essential to consistently remind ourselves, our employees and our coworkers of our organizational mission and to recognize how the seemingly trivial tasks that make up our day help us accomplish that mission. Taking opportunities to celebrate individual, team and firm wins and to highlight client success stories goes a long way toward creating a kinder, more focused organization with less burnout.

While we need to celebrate one another’s wins, it is equally important to be there for one another when things are tough. In our first year of marriage, my wife and I would turn on each other every time life got difficult (and in a first year of marriage, things tend to get tough often). One day we came to the realization — when the world turns on us, we shouldn’t be turning on each other! Those tough times are the most important times to have each other’s backs.

This is true within organizations as well. It is important to resist the urge to point fingers and engage in conflict when challenges arise. Instead, make your organization a safe place to fail. Show support at those toughest moments; collaborate with one another; go to battle together for the benefit of your organization and your client.



If you hope to remain viable as an employer, if you hope to avoid high turnover, stress, psychological distress and even physical ailments, the time has come to build a kinder kind of law firm. Rather than merely training employees in resiliency to help them cope with what’s viewed as the natural toxicity of the workplace, strive to be a law firm that rejects toxicity in favor of gratitude, support, collaboration and kindness.

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Your Law Firm Should Jump Into, Not Test, the Waters of AR Management Strategy

When it comes to managing accounts receivables (AR), your firm, like many others, may have one foot in and one foot out of the water. It has not wholly committed to jumping in. You may be cutting corners without fully embracing all the accounts receivable management efforts you should.

Too often, firms get to December 31 and breathe a sigh of relief that they made it to year-end safely. Yes, they may have made budget, but they probably left too many unpaid receivables on the table, which will continue to age and become increasingly difficult to collect. They choose to ignore the amount they have failed to collect during the year so they could perform better.

Throughout the year, it is essential to evaluate how your firm can better manage and collect its receivables. While the year is still young, we can recommend five steps to help you fully commit to managing your receivables in order to improve your firm's bottom line.

1. CONNECT THE DOTS, MANAGE EACH STEP AND ADHERE TO THE PROCESS

Stop throwing spaghetti against the wall to see what sticks! Take appropriate steps to build a program to manage AR all the way until invoices are paid in full. Manage it all year long; do not wait until the last month of the year to pay attention.

Too often, firms want the results of a strong accounts receivable management program without putting in the time and effort needed to make it happen. Recognize that the collection process is long, sometimes tedious and requires daily attention. You need to have a plan of attack, clear expectations and assignment of responsibilities, and ramifications if those involved in the process do not take ownership of their responsibilities.

“
Receivables must be actively pursued until they are paid or determined to be uncollectable. And don't kid yourself into thinking that older receivables are going to be paid without effort.”

2. UNDERSTAND AND MANAGE THE AUTONOMY YOU GIVE ATTORNEYS

Many firms give their attorneys too much control over collecting receivables from clients without making sure that the attorneys are spending the necessary time to collect their aging AR. The culture of forgiveness needs to be replaced with a culture of high expectations to increase revenue through better collection efforts throughout the year — not just in the year-end sprint.

Identify attorneys who need help getting paid, practice areas that need consistent AR management support and problem clients who don't pay on time. If attorneys cannot make the time to monitor payment status, the firm must have AR professionals to do it for them. Attorneys are vital to assess the clients' ability and inclination to pay, but they do not have to be the ones getting them to do so.

3. RECOGNIZE THAT THE EFFORT IS YEAR-ROUND

Too many law firms continue to think collections is an easy process — all you have to do is remind clients to pay and they will. In reality, firms must stop tolerating "good clients" who just don't pay their bills throughout the year.

Although waiting until the end of year may work for some institutional clients, that's not a workable standard for many others, which will require much more effort year-round. Be realistic about whether the firm is underachieving in its collection efforts and assess whether the firm has developed bad collection habits. Taking a hard look at the firm (and its attorneys) can put it on the right path to improving cash flow and profitability.

4. MAP OUT A STRATEGY TO OVERCOME THE BACKLOG OF OLDER, DIFFICULT AR

Receivables must be actively pursued until they are paid or determined to be uncollectable. And don't kid yourself into thinking that older receivables are going to be paid without effort. There must be dedicated, consistent efforts — with status reports going to the management of the firm — to ensure progress is being made. Appropriate follow-up efforts are key to resolving these types of accounts.

5. UNDERSTAND WHY CLIENTS ARE NOT PAYING BY MANAGING THE RIGHT INFORMATION

While past performance should not be ignored, it may not be useful for predicting if your firm will have a successful year. Use AR reports to give firm leadership real, actionable information about whether collection activity is moving forward on each aging account. Detailed analysis should provide information on whether accounts are actively being pursued, what the payment status is, who is pursuing collections, what success they are having, why clients are not paying, and what steps are being taken to get them to pay.

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Victor Barkalov, CPA, MBA, an independent member, is now Chief Innovation and Information Officer at Lowenstein Sandler LLP in Roseland, New Jersey.



Kenneth R. Beaver, a member of the Capital Chapter, is now Chief Operating Officer at Price Benowitz LLP in Washington, D.C.



Andrea D. Everage, MHR, PHR, SHRM-CP, a member of the East Bay Chapter, is now Manager-HR Business Partner at Baker McKenzie in San Francisco, California.



Barbara H. McCarthy-Tobin, a member of the Boston Chapter, is now Firm Administrator at Kotin Crabtree & Strong, LLP, in Boston, Massachusetts.



Nicole A. Nowak, a member of the Minnesota Chapter, is now Executive Director of Adduci Mastriani & Schaumberg, LLP, in Washington, D.C.



Frederick B. O'Malley, an independent member, is now Chief Operating Officer at Carlton Fields in Tampa, Florida.



Pamela S. Villarin, a member of the Golden Gate Chapter, is now Office Manager for the San Francisco, California, location of Wilson Sonsini Goodrich & Rosati, PC.



Sending Our Condolences

Former ALA member Charles “Chuck” Coulter died last month, according to the College of Law Practice Management, which he helped found in 1994. Coulter served as a President of that organization, and he also served in volunteer leadership roles for ALA and the American Bar Association. He was a longtime attorney with Stanley, Lande & Hunter in Muscatine, Iowa. He earned such accolades as the ABA’s Samuel S. Smith Award for outstanding lifetime achievement in law practice management, the University of Iowa College of Law’s Alumni Service Award, and the Iowa State Bar Association’s Community Service Award. Contributions in his memory can be made to Iowa City Hospice or New Song Episcopal Church, which his wife cofounded.

Congratulations!

The Foundation of the Association of Legal Administrators is excited to announce the first recipient of its Student Legal Career Scholarship. Congratulations to Monique Mahler, who is the HR Manager at BakerHostetler in Houston, Texas, and the Director of Education for the Houston Chapter of ALA. She is currently pursuing a master’s degree in legal administration from the University of Denver’s Sturm College of Law.

ALA’s own Patricia Carrera, Senior Director of Member Experience, and Peggy Siems, Senior Manager of Professional Development, were recognized in Nonprofit Resources’ “Thirty Years and Thirty Women” article, which marked 30 years of the United States celebrating National Women’s History Month (March).

What's Happening at Headquarters

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



Free Coronavirus Resources

ALA is here for you during an uncertain time. Our coronavirus response webpage was recently revamped to make it easier to browse, and now it has even more resources than ever. Don't miss the following:

- Three free webinars about COVID-19-related topics
- New ALA Roundtables and ALA Hangouts, which are virtual meetings designed to bring members together and share what's been working for their organizations
- COVID-19 discussion topic in the member-exclusive Online Community
- *Legal Management* articles and *Legal Management Talk* podcast episodes
- Helpful articles, videos and other resources from around the web — curated by ALA staff

Check out our resource page at alanet.org/covid-19.

The Silent Auction Will Not Take Place This Year

The Foundation of the Association of Legal Administrators will not be able to host its annual Silent Auction this year. The Board of Trustees explored many possibilities, including hosting the auction online. Unfortunately, the state of Illinois — where ALA and the Foundation are headquartered — has been under a stay-at-home order since March 21. As a result, no packages have been able to be received or processed. We also know that many of you are facing similar orders in your states, making it difficult to donate items and have them shipped.

This decision was not taken lightly, as the auction is the major fundraiser for the Foundation. The Board understands that there is a lot of economic uncertainty at this time, but if you are still interested in supporting their mission, you can make a donation to the Foundation or send a Tribute Card to honor someone.

For those who have already donated an item, the Foundation hopes you will support its goal of holding onto these items for use in the 2021 Silent Auction to help make ALA's 50th anniversary celebration even bigger! If you have not received an email confirmation that ALA headquarters has received your item, rest assured we have been in touch with all major shipping companies to hold our packages until we are able to return to the office. Please reach out to foundation@alanet.org with any questions.

Apply for the Susan French Fellowship

The Susan L. French Emerging Leader Fellowship Program was developed to assist up to two ALA members annually who have a strong desire to enhance their personal and professional leadership skills. The one-year fellowship program provides a full scholarship to ALA's 2020 Chapter Leadership Institute and a personalized series of leadership-focused coaching sessions with Judy Hissong, CLM, a distinguished leadership consultant. If they meet all program requirements, the recipients may receive a complimentary registration and travel stipend to ALA's 2021 Annual Conference & Expo.

Read more about the fellowship alanet.org/french-fellowship. Applications are due May 13.



Enter the 60 Seconds of Fame Contest

The deadline to enter the annual *60 Seconds of Fame!* contest is May 11. Members and business partners are encouraged to share how much they value ALA and the relationships they've gained from it — in video form. For inspiration, view submissions from previous years on ALA's YouTube channel.

Online voting will open May 15 and close May 20. The winning entry will be announced soon afterward.

