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Association News and Events
I really love to cook. I look forward to hosting big meal events like Thanksgiving and Easter each year. It’s a great way to relax, spend time with friends and family, and explore new dishes. But until recently, I wasn’t a huge fan of everyday weeknight cooking. For starters, my husband and I would inevitably have the same conversation every night:

Me: “What do you want for dinner?”

Jeff: “I don’t know, what do you want?”

Me: “I don’t know.”

And on and on. Eventually, we agree on one of about four go-to meals — safe bets, since we already had the ingredients on hand. I would dutifully follow the recipes, regardless of how much they would make. “Makes 10 servings” just meant we would have leftovers. One less decision to make — except that we would usually get tired of the dish before we’d eaten it all.

Over time, we got into quite a rut. You can only have baked chicken so many times.

If we wanted to try something new, we’d often have to buy ingredients that were specific to one dish that we would likely never use again. I still have a bottle of fennel pollen in my cupboard that dates back to the Bush administration. And why don’t they make teaspoon-sized packets of tomato paste? I have never had a recipe call for eight ounces of tomato paste.

So, about a year ago, Jeff suggested we try one of those home delivery meal kit programs. Each week, you receive a box containing all of the ingredients (proteins, produce, seasonings — the works) for three meals. The best part? All the stuff is perfectly proportioned. If you
need a teaspoon of tomato paste, that’s what you get. The kits come with simple recipe cards that walk you through each step. Every week you get three new meals. We’ve never had the same thing twice.

In addition to quite possibly saving our marriage, the meal kits have produced a number of other benefits. We eat healthier, spend less, waste less food, and have explored cuisines we probably never would have tried otherwise. It’s also made me a better, more efficient cook. In the past, I would grab a recipe and just dive in, chopping vegetables, measuring spices, and preparing meat as the ingredients were needed in the dish. The meal kits have you prepare the ingredients before you do anything else. Mise en place, or “things in place,” really does make a difference. No more kitchen chaos.

I thought I was a pretty good and reasonably creative cook, happy to stick with dishes I knew. But once I started using the meal kits, I discovered just how much better and more efficient I could be. I realized that I was wasting money, time and perfectly good ingredients and that making some adjustments to how I approached cooking could make a huge difference. I became neater and more efficient, had a lot less stress — and the food tasted better, too.

And who doesn’t want to be more efficient, have less stress and deliver a better product?

In today’s competitive legal environment, clients are demanding that their law firms have their mise en place — their things in place. They want transparency, predictability and value in the legal services they purchase. Meeting those demands requires firms to do a much better job of understanding the ingredients that go into delivering legal services and managing those ingredients effectively.

Like a well-written recipe, legal project management (LPM) is a key component to law firm success.

While much has been written about LPM, many firms continue to struggle with how to get started. In fact, a recent Altman Weil Law Firms in Transition survey noted that, while more than 93 percent of firms cited a focus on increased efficiency in delivering legal services is a permanent trend, less than 40 percent have actually implemented any kind of project management training. That slow pace of change presents a great opportunity for firms willing to adopt LPM strategies.

The good news is that ALA can help. We’ve got the recipes you need to improve your law firm’s mise en place.

The 2017 Annual Conference & Expo features a series of educational programs designed to give you practical tools and strategies to execute a successful LPM program. Sessions include programs on applying the Lean Six Sigma framework to legal operations, creating client profitability analyses, and integrating legal project management into performance. For more information on these programs and to register, visit alanet.org/conf17.

I look forward to seeing you in Denver and cooking up some exciting new strategies to deliver exceptional legal services and drive improved profitability.
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Why Rebrand? 7 Business Indicators That It’s Time

We all know how powerful brands can be. As consumers, when we choose a product or service, we’re not just looking at price. We often choose to do business with a company because of the company’s overall brand promise.

The same holds true for your firm. You’ve built a relationship with your clients, and your brand means something to them. That can be a valuable competitive advantage, but in certain circumstances, your brand may be holding you back. If that’s the case, it’s time to look at strategic rebranding.

Rebranding is more than redesigning your logo or website — it is a total makeover of your firm’s public persona. It can be expensive and complicated. So how do you know when it’s time?

Here are some of key business indicators that can help you decide if it’s time to consider rebranding.

1. **Your firm name has changed.**
   During a firm name change, you are already going to incur the expense of updating materials, including online assets, stationery and printed materials, office signs and more. As such, it is the perfect opportunity to conduct a brand audit. Many firms include their partners’ initials or names in their firm’s brand, so it is more than likely that a name change will cause a complete rebrand. The trend to shorten the firm name makes it easier to build brand recognition.

2. **Your firm’s brand is old or outdated versus your competitors.**
   When people talk about branding, a firm’s logo is the usually first thing that comes to mind. Branding, however, goes much deeper. It’s the voice of your website, press releases and social media interactions. It’s your office décor. It’s the way your employees, from the
receptionist to the partners, interact with clients. It’s your firm culture. As the first impression of your firm is formed, your logo is still one of the most important aspects of your firm’s brand, and it’s easy for the aesthetics to become dated.

With the proliferation of the internet and social media sites, it’s much easier for potential clients to view and learn about your firm and your competitors without ever stepping foot in an office or speaking with an associate. This has resulted in many law firms reevaluating their brands in order to stand out more prominently when they are conveyed over these new media channels.

3. **Your firm has changed significantly.**
Firms usually evolve over time, and often these evolutions require a fresh branding effort. Whether it is through new practice areas, new partners, new locations or even a change in your business model, any major change in your firm’s operations may require you to evaluate whether your current brand accurately represents your firm’s service and philosophy.

If your general practice firm acquires an IP boutique firm, will your brand attract new clients to this practice? What if your Chicago firm opens a new office in Houston? Will your brand convey the same message to both locations? As your firm grows and changes, your brand may need to be refreshed to keep one cohesive image.

4. **Your brand isn’t compatible with your firm’s identity.**
Your brand should give clients an idea of what to expect when they interact with you. If you have a modern and inviting persona online, but all of your printed materials are traditional and serious, you will confuse your potential clients.

Every part of your firm’s brand, from your color scheme to your messaging, should be consistent with your firm’s culture and identity. For example, does your logo reflect your firm’s message and identity? If it doesn’t, it might be time to rebrand.

5. **You want to appeal to a new client base.**
When entering new markets, your firm needs to assess whether your current brand will reach the correct audience and stand out competitively. Perhaps your firm is now targeting clients in a new region or country. Maybe your firm’s clients were typically individuals, but now the firm is trying to attract corporate clients. If such changes in your firm’s target client base occur, then it may be time to consider rebranding.

6. **Customers have developed a negative association with your brand.**
Typically, a long-standing brand is an advantage because of name recognition. But if your firm has been associated with a negative incident, it may prove too hard to overcome. The most obvious example is a when a firm experiences a major PR problem or controversy, though sometimes smaller missteps can lead clients to view your firm in a negative way.

Changing your firm name or at least the look and feel of your brand can reduce the association and allow the negative event to fade.

7. **Your revenue growth has diminished.**
If your firm has experienced stagnant growth or decreased profits over 24 to 48 months, a new brand can breathe new life into your business. With the right buzz surrounding it, a successful rebranding initiative should help generate new leads.

If your firm has experienced any of the above, it’s time to take a closer look at your brand to determine if it is an asset or a liability. If your firm isn’t prepared for a total rebrand, consider making strategic tweaks as part of your daily operations to gradually reposition your firm in the market.

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**ABOUT THE AUTHOR**

Rosemary Bashwiner began her career with All-State Legal in 1984 and is a member of the company’s executive team. She is now the Vice President of All-State Legal, headquartered in Cranford, New Jersey, and Division President of OTS Legal, an All-State Legal company located in southern Florida. As ALA’s first business partner, All-State Legal is proud to support ALA since 1971.

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Let’s Talk About Black Millennials

In my four and a half years of working at the Commission on Professionalism and speaking around the state and country, absolutely nothing has gotten my audience as engaged (read: riled up) as talking about Millennials in the workplace.

I talk and write a lot about those 16- to 36-year-olds who have so engaged our social narrative. And I typically begin with the same story that many speakers around the country do. I explain that Millennials generally are young, self-promoting, purpose-driven, team-oriented and job transient. They want more technology in their organizations. They seek leadership opportunities from day one. They want more control over the direction of the company. They live in cities, not suburbs. They’re not as religious as their parents. Money is not the driving force in their lives. Many in this “boomerang generation” can and do rely on their parents for support.

That’s the traditional narrative.

THE BRIEF MILLENNIAL CAVEAT

Now, when I talk about Millennials, I always briefly mention a caveat. And it is this: Not all Millennials are the same.

There are 76 million Millennials in the country. They are the most diverse American generation in history. And while they have shared experiences as an age cohort, those shared experiences are complicated by a number of factors, including income, geography, gender and race.

As the Millennial conversation has grown louder and more insistent, I often wonder if we’ve done a disservice by focusing so much on the similarities and less so on the differences. Mentioning a brief caveat and not fully exploring it leaves out an important piece of the narrative.

How Are Black Millennials Different?

Take money, for example. The traditional narrative says Millennials are less concerned with money and more concerned with purpose-driven work. Even those with substantial amounts
of debt (and there are a lot of us) can use their parents as fallback options.

But look closer. Black Millennials carry 68.2 percent more student debt than white Millennials. Moreover, while young adults from wealthy white families hold significantly less debt than their less affluent counterparts, in black families, not only is the debt higher, but there is no difference between wealthy black families and less affluent black families.

Partly because of that, white Millennials are more likely to be able to rely on parents for financial help, which leads to upward social mobility. Black Millennials, on the other hand, have the opposite problem. They often have to give money to their family members, rather than receive.

Moreover, the financial disparity can continue even after death. Across the board, white Americans are five times as likely to inherit money as black Americans. When both groups inherit money, white Americans received around 10 times more.

**Where Do Black Millennials Live?**

Millennials like to live in cities (for now). And yet, here again, a different perspective changes the dialogue. Due to the racial segregation in many cities, especially where I live in Chicago, black Millennial professionals might not have grown up or may not currently live in the same neighborhoods as white Millennial professionals, potentially including their bosses and supervisors.

And others’ opinions of their neighborhoods might lead them to be excluded from conversations and activities.

Consider this story about a Washington, DC, journalist who served on a criminal jury. All the jurors, save for him, were either white or black. The defendant was black, and the incident had taken place in a primarily black neighborhood. At one point, one white juror lamented that she would always lock her doors in that neighborhood because it was just so dangerous. Three of her fellow jurors lived in that neighborhood.

**Adding the Narrative of Black Millennials**

Religion is another narrative: Millennials are less religiously engaged than previous generations; black Millennials might be an exception.

And race, of course, isn’t the only way to break down the 76 million strong Millennial cohort. Women Millennials, for example, add a whole new perspective to the discussion. They are better educated than male Millennials and have a smaller pay gap than their predecessors. What different and challenging perspective do Millennial women bring to the workplace?

See, the reason we talk about Millennials in the workplace is because we want to ensure that employers and employees both understand the perspectives, perceptions and values...
each generation brings to the table. We want to share how
to successfully communicate across generations through
understanding those perspectives.

That discussion, however, doesn’t exist in a vacuum. For
black professionals, the workplace discussion almost always
turns to diversity and inclusion. And the considerations for
improving inclusion for black professionals in the workplace
— evaluating access to resources, feedback process,
compensation, work allocation, mentoring and sponsorship,
among a host of other issues — should include the
considerations for Millennials and other groups as well.

We shouldn’t consider being Millennial as separate from
being black in the workplace, nor should we consider being
black separate from being a Millennial.

For example, I’m a black female Millennial lawyer. I left my
large law firm in 2012. I was 29 years old. You could analyze
me leaving from a number of different perspectives — as a
Millennial, as a woman and as a black attorney. But if you
take each of those separately, then you miss out on a fuller
part of the story.

So let’s continue to fill out the narrative. Let’s remember that
we’re talking about the most diverse generation in history, on
multiple levels. No, we can’t talk about each of the 76 million,
but we can do better than mentioning the internal differences
as a caveat.

At the very least, it will give people even more to argue about
when someone mentions Millennials in the workplace.

ABOUT THE AUTHOR

Michelle Silverthorn is the Diversity and Education
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works with law schools, law students and other legal
groups, developing education courses and workshops.

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The Overworked Insurance Administrator: How to Stay Afloat

Law management professionals are busy with so many day-to-day responsibilities in running their firms’ insurance programs. It often seems like there is a never-ending parade of renewals, almost monthly, from the firm’s various brokers — health, disability, life, professional liability, property and casualty, EPLI, cyber, etc.

Even beyond renewals, there is always something going on with claims and administrative requirements. So how does a legal administrator stand a chance of beating this barrage of insurance responsibilities? Use these seven tips to win against the wave of insurance work:

1. **Lead the committee of two.** The most effective insurance committee is made up of one lead administrator and one other partner (managing partner or administrative partner). These two people need to have a big picture of what goes on the firm on a business level, as well as the pulse of the employees to better manage the employee benefit program. Many firms stack the committee too large or put a partner as the lead. The most efficient committee is two — with you as its leader.

2. **Change your renewal dates.** If your large key renewals always come at a bad time for your firm financial calendar, change the renewal dates. There isn’t always a simple or quick solution to get this done, but with enough planning with your broker, you can change most of these dates to a more convenient time for your calendar flow.

3. **Learn from others.** As unique as you think your law firm is (just ask your firm partners), law firms have very similar risks and insurance needs. And while it’s true that every firm is different in the details of their practice and in their view of retaining risk (think deductibles and limits), the basic mechanics of evaluating what insurance you need at your firm is similar across all firms. Learn from other firms and other experts. ALA chapter programs can be great for best practice-sharing from your peers. Conferences allow a more formal idea exchange.

“Before each renewal, have a deadline meeting scheduled. Last-minute insurance meetings lead to bad decisions because you feel like you have no choice but to proceed.”
from peers and experts. We will be providing a full session at the upcoming ALA Annual Conference of best insurance practices: “Everything You Need to Know in 60 Minutes about Insurance.”

4. **Prioritize the complex critical from the transactional.** Not all insurance policies need to be critically negotiated every single year. Where you have standard policies like excess professional liability insurance, dental insurance, ERISA bonds or any kind of state-mandated coverage, there are no differences in the coverage, so price shopping can be simplified. Even in the complex coverage items like long-term disability, if your policy language is consistent, transactional shopping can be done.

5. **Do the up-front renewal work.** Your two most consequential and expensive renewals are the health insurance and the professional liability insurance. For both of these policies, it is well worth the time to schedule a “strategy-only meeting” with your brokers three to four months before the renewal date. The time you spend planning will save many hours later of chasing and developing bad ideas.

6. **Plan the end of the renewal process.** Before each renewal, have a deadline meeting scheduled. Last-minute insurance meetings lead to bad decisions because you feel like you have no choice but to proceed. Schedule these meetings in advance for the best outcomes.

7. **Health Insurance 2.0.** Anticipate a big increase in your time to handle this year’s renewal. The past two years have been disruptive in the health insurance world. While there is no legal change in sight (as of this writing), costs and solutions continue to appear. New technology in the health data analytics world is becoming user-friendly and less expensive for even mid-size law firms. Budget extra time to fully explore these options.

Law firm leaders will always have a lot on their plate. By definition, running the show means running the show. The challenge with insurance is that many of the processes are multi-month projects that recur every year.

If you can institutionalize these tips in your firm, your insurance responsibilities will be a little bit more manageable.

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**About the Author**

**Uri Gutfreund** is the National Law Firm Practice Leader for Risk Strategies Company, a national top 25 insurance broker. He and his multidisciplinary team advise law firms on all types of insurance and benefits. Gutfreund is a frequent speaker at legal conferences, and a writer and blogger on insurance and risk management.

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DENVER FAST FACTS

You often hear Denver is the mile-high city, but did you know that it is exactly one mile high? There is a step on the State Capitol Building that is exactly 5,280 feet above sea level.

Other fun atmosphere-related facts:

• **Golf balls go 10% farther in the Denver air.**
• **You’ll feel the effects of alcohol more quickly.**
• **Water boils at 202 degrees rather than 212 degrees.**

Experience all that Denver has to offer at this year’s Annual Conference & Expo. There’s still time to register for ALA’s largest networking event: alanet.org/ac2017.

ATTORNEYS MORE PRONE TO DEPRESSION AND ANXIETY

A 2015-2016 study by Hazelden Betty Ford and the ABA’s Commission on Lawyer Assistance Programs revealed that attorneys were found to have a greatly heightened rate of depression (26%) — about four times the national average — and high rates of stress (23%) and anxiety (19%). It is also interesting to note that 46% of all the responding lawyers reported that they had experienced significant depression issues at some point in their careers.

Read more about the prevalence of the problem in this month’s CE course, “Confronting Addiction in the Law Firm” by Link Christin, JD, MA, LADC.
Hiring Trends to Watch

What can employers and employees expect while job-hunting this year? According to Careerbuilder’s recent hiring trends survey:

- **Higher pay:** 66% of employers are increasing pay on job offers
- **Soft skills:** 62% rate a candidate’s soft skills as “very important”
- **Text communications:** 41% plan to schedule an interview via text
- **Social media savviness:** 63% expect employees to have some experience with social media
- **Time for training:** 55% will train workers who don’t have experience in their field and hire them

DID YOU KNOW?

The market for virtualized workspaces will grow from $7.5 billion in 2014 up to $18 billion by 2022.

Source: “HR Market Growth Opportunities for IT Service Providers” by HPE SLMS
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Modern Mentoring

How to Create Effective Mentoring Programs for Today’s Law Firm

Lunch, small talk, repeat: This recipe for formal mentoring has been the mainstay at many law firms. But with Millennials now claiming the majority of associate positions, it is time for law firms to up the mentoring ante.

As Thomson Reuters’ Legal Department 2025 survey indicates: “Mentors, as well as work/life balance, are strongly valued by Millennials. The importance they ascribe to both mentorship and work/life balance reflects the emphasis Millennials place on relationships.” In fact, the 2016 Deloitte Millennial Survey found that Millennials would like to receive more than three hours of coaching and mentoring in an ideal work week.

Given the current focus on mentoring, firms should assess the effectiveness of their programs or consider creating a mentoring strategy if one is not in place. Simply making mentoring matches is not enough — administrators must carefully plan, customize and engage to create successful mentoring programs.

“I think people underestimate what it takes to make mentoring happen,” says Rik Nemanick, PhD, Co-Founder and Principal of the consulting firm The Leadership Effect. “Recognize that it looks easy on the surface but it’s one of those things that you really have to put time and thought into to get it right.”
As with any initiative, mentoring programs require concrete goals. But establishing objectives is twofold, as both the firm-wide program and the individual mentoring relationship require specific aims.

This article will offer advice on developing an effective mentoring program, including establishing clear objectives, providing guidance and structure, and shaping the program in innovative ways to meet your attorneys' needs.

CREATE CLEAR OBJECTIVES
As with any initiative, mentoring programs require concrete goals. But establishing objectives is twofold, as both the firm-wide program and the individual mentoring relationship require specific aims. Failing to have well-planned objectives is the biggest downfall to a mentoring program, according to Ida Abbott, Founder and Principal of Ida Abbott Consulting.

“Even with the best of intentions people are busy and distracted in so many ways that without clear instructions and some method of accountability, it is difficult to follow through,” says Abbott.

When determining the goals on the program level, Abbott suggests that administrators consider the following three questions:

• What do we want to achieve?
• Can mentoring help the firm achieve this objective?
• How can we implement the mentoring process to achieve that objective?

Ultimately the program goals will depend on what the firm is hoping to accomplish through its mentoring program, which may include retaining associates, promoting career development, boosting associate confidence, leadership grooming, coaching on business development, etc. Whatever the objectives, firms should take time to clearly specify them and use them to shape the program.

Similarly, each mentoring pair should create its own plan and goals. “It needs to be written down somewhere, and then a year later you can go back and see if you’ve achieved it,” says Abbott “If you don’t have any desired outcome, how are you going to know if you succeeded?”

The key question that Abbott suggests each team ask is: What will be different for the mentee and mentor at the conclusion of the program?

OFFER GUIDANCE AND SUPPORT
Once a firm has established clear goals for its mentoring program, administrators should provide training and resources to help attorneys optimize the relationship. Below are some ways in which the firm can support mentoring relationships.

1. Teach attorneys how to be mentors and mentees
Through training, attorneys can learn how to harvest the mentoring relationship to its full potential. Nemanick recommends preparing mentors in four key areas: 1) How to initiate a mentorship; 2) How to approach the role; 3) How set goals; and 4) How to launch the mentoring partnership.

But it is not just the mentors who need training; Nemanick also suggests preparing mentees to develop their career goals and to focus on this larger picture within the mentoring relationship rather than concentrating on how to be a lawyer.

Also useful is to share best practices in mentoring with both the mentor and mentee, says Kristy Weathers, Professional Development Partner at Eversheds Sutherland (US) LLP. From big-picture items — like successfully forging the relationship — to small behaviors — like being thankful and mindful of each other’s time — these best practices can help attorneys shape their relationship from the start. At Eversheds Sutherland (US), attorneys use these best practices to create an agreement on how the mentoring relationship will operate and move forward.

2. Provide structure
Another valuable tool in fostering successful mentoring relationships is offering guidance to the mentoring teams.
“Administrative oversight is helpful,” says Weathers. “We give [mentors] a cheat sheet for different [approaches] to check in [with the mentees] and a list of activities they can do with that mentee.”

Similarly, at Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, the professional development department prepares plans with suggested discussion topics and activities for mentoring pairs to use. “Once a month, I send out an email to mentors and mentees with a topic of the month,” says Susan S. Wagner, Director of Professional Development and of Counsel at Baker Donelson.

This kind of structure is useful for time-strapped attorneys who may not have an extra hour to plan a worthwhile meeting but can add a lot of value to a mentoring relationship. Such guidance also enables the mentees’ voices to be heard when they may otherwise be hesitant to suggest points of interest.

For example, Eversheds Sutherland’s (US) professional development committee seeks out topics of interest from associates and then frames the mentoring meetings with those topics. The committee seeks to make the topics engaging and relevant. “It really doesn’t take that much effort and it makes a huge difference,” says Weathers.

3. Check in with each pair
Finally, when it comes to managing an effective mentoring program, legal management professionals should check in with both the mentor and the mentee separately to gauge how the relationship is working.

“We do [a] check in after each quarterly meeting to make sure everything is going okay,” says Weathers. By following up with the associates, Weathers can determine if there are any gaps in the mentoring relationship, and if need be, assist the associate in making additional mentoring connections within the firm.

INNOVATE YOUR MENTORING APPROACH
Once a firm has determined its goals and how it will manage a mentoring program, it then must decide what kind of mentoring program will best advance its associates. Firms may consider the following innovative approaches when developing or revamping their program.

OFFER MENTORING BY APPLICATION ONLY
A fresh way to think about a formal mentoring program is only to offer it to those associates who are truly ready for it.

“One of the things I try to teach people is to think of a mentor’s time as a precious resource. How do you want to spend it?” says Nemanick.

Rather than pushing some associates into mentoring relationships that they won’t value or maximize, firms can offer mentoring through a formal application process, says Nemanick. Through a program like this, associates who want a mentor would submit an application, and a committee would determine which of the applicants are best suited for the mentoring program at that time.

“If you’re not willing to fill out an application, you’re probably not going to make good use of a mentor’s time,” says Nemanick. “The return on mentoring is going to go up a lot.”
According to Nemanick, an application process may encourage associates to ruminate on their goals and take ownership over their careers. Potential topics for the application may include career goals, general career trajectory, and how a mentor could help an associate reach his or her goals.

**FOCUS ON CAREER DEVELOPMENT**

Firms use mentoring for a variety of reasons — including skill building, networking, providing an open door for questions and more. But one way to approach mentoring is to tailor it specifically to career development.

A mentor is a valuable resource for “sitting down with someone and helping them really understand what they want out of a career and what is going to make them feel fulfilled,” says Nemanick.

At Eversheds Sutherland (US), associates engage in the Career Planning Program after their first year at the firm. Each associate is assigned a partner mentor with whom they develop a career plan and meet quarterly, says Weathers. The firm provides career planning guidelines, which are tailored to each practice group, as well as firmwide guidelines, which delineate areas that associates should strive to develop. “It’s not intended to be a checklist, but it gives you a framework,” says Weathers. She further indicates that topics like business development, committee development and pro bono are among the areas included.

**MENTOR ASSOCIATES IN GROUPS**

Group mentoring offers an interesting dynamic through which mentors work with several or more associates. Through this type of mentoring, a group may meet to discuss a particular topic, engage in a dialogue together on a variety of issues, or work on the same type of assignment, says Abbott.

Another way to implement group mentoring is to assign the same mentor or adviser to a group of associates. Baker Donelson operates a unique type of group mentoring through its “Adviser” program. In addition to individual mentors, associates in their first three and a half years of practice are assigned to an adviser to provide a second level of mentoring. Advisers are shareholders who are responsible for up to about eight associates in their offices. They are open to answering associates’ questions, provide an informal midyear evaluation and solicit feedback on how the associates are doing. Additionally, some advisers gather their group of associates to meet together.

“The Adviser program has worked so well,” says Wagner. “It [has] been a huge success on so many levels.” Not only does the Adviser program provide an extra form of mentoring to associates, but it has served as a useful “incubator” for future leaders within the firm, says Wagner.

According to Wagner, the key to ensuring that this type of program works is to “look for someone who is very firm-minded — [someone] who is keenly interested in helping the firm and helping the associates to be successful.”

**MAKING IT WORK**

An effective mentoring program requires clear objectives, meticulous planning and consistent support. Also important is that the firm chooses an approach that is tailored to its needs, which may require thinking outside of the box.

Ultimately, the formal mentoring program should provide associates with the foundation and connections to forge additional mentoring opportunities as they continue in their career.

“Ideally you want the mentoring support they get in the program and the experience they get in the firm [to] allow them to build a team of mentors who can help them in different ways,” says Abbott.

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**ABOUT THE AUTHOR**

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Confronting Addiction in the Law Firm

A recent study reveals the extent of substance abuse and mental health concerns within the legal profession. Here’s what you can do about it.

COURSE DESCRIPTION

In 2016, The Journal of Addiction Medicine published a groundbreaking study by Hazelden Betty Ford and the American Bar Association Commission on Lawyer Assistance Programs: “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys.” Although it has been commonly presumed that the legal profession had a heightened rate of these problems as compared to the general public and other professions, nobody expected the numbers — reported by only active, practicing attorneys — to rise to the level that they did. It has now been clearly revealed as a full-blown crisis that cannot be ignored. This course will detail the findings of the study and its potential consequences, while providing insight into the disease of addiction itself and how it presents itself in a law firm setting. Further, it will provide strategies and tools for handling both present-day concerns as well as suggestions for prevention of these problems and a necessary shift in law firm culture. Indeed, the best strategy for confronting addiction is to prevent it in the first place.
COURSE OBJECTIVES

• Review the Journal of Addiction Medicine study and describe the current extent of substance abuse and other mental health concerns among licensed attorneys.
• Identify the potential damaging consequences when a law firm does not confront these issues.
• Define addiction and how it typically manifests itself within a law firm.
• Explain the process of recovery from addiction, as well as the obstacles and rewards of the addict’s return to work as a sober employee.
• Break down what constitutes “high-functioning” addicts and why they so often elude detection.
• Examine strategies for confronting an employee’s behavioral health crisis when it occurs at the law firm.
• Discuss new strategies for building a culture of prevention, wellness and support.

THE STUDY EXPLAINED

Although it’s been commonly accepted knowledge for decades that attorneys have a high rate of alcoholism, little data and research had been generated since the 1990s. The research conducted at that time was limited in scope, but it did conclude that lawyers had approximately twice the rate of alcoholism and at least three times the rate of depression than the general population. The authors of those findings called for additional research about the extent of alcoholism and depression among practicing U.S. attorneys; however, until now, none had been forthcoming.1

In 2014, Hazelden Betty Ford (HBF) and the American Bar Association (ABA) Commission on Lawyer Assistance Programs funded and initiated an evidence-based study to ascertain rates of substance abuse and other mental health concerns among attorneys, the prevalence of these concerns among licensed attorneys, their utilization of treatment services, and what barriers existed between them and the services they may need. The study was published in The Journal of Addiction Medicine in the January/February 2016 issue.2

A total of 12,825 licensed, employed attorneys from 19 states returned a number of questionnaires specific to alcohol use, drug abuse, depression, anxiety and stress. All of them completed the Alcohol Use Disorders Identification Test (AUDIT). The first three questions of that test are objective questions that concern how much and how often an individual drinks. The remaining seven questions are more subjective and address whether the individual has failed — as a result of drinking — to meet individual expectations, caused any injury, had periods of drinking more than intended, has needed a drink in the morning to function, has failed to remember a specific drinking episode, has felt guilty about drinking, or had friends or family express concern about alcohol use. Based on the answers to the first three questions alone, an astounding 36.4 percent of the responding attorneys could be characterized as hazardous drinkers — more than 3.5 out of every 10. In a similar test given to doctors, only 15 percent who answered the first three questions were characterized in such a manner.

When all 10 questions are considered, 20.6 percent of all the attorneys were still determined to be problem, potentially dependent drinkers. Significantly, this compares to a rate of 11.8 percent for a broad, highly educated workforce screened with the same measure.

Not enough attorneys responded to the drug-use questionnaire to permit any scientific conclusions in that respect. However, this is meaningful because the anecdotal knowledge of the profession underscores systemic use of opioids, sedatives and stimulants, often in conjunction with alcohol. These either constitute separate instances of addicted impairment or, when used with alcohol, dangerous and medically counter-indicated use.
Attorneys were found to have a greatly heightened rate of depression (26 percent) — about four times the national average — and high rates of stress (23 percent) and anxiety (19 percent). It is also interesting to note that 46 percent of all the responding lawyers reported that they had experienced significant depression issues at some point in their careers. Likewise, 61 percent revealed experiencing high levels of anxiety at some career juncture.

Other findings were equally provocative. The study concluded that younger age predicted higher frequencies of drinking and quantities consumed. Attorneys in their first 10 years of practice experience the highest level of problematic use, as do attorneys under the age of 30. Law firms — along with bar associations — have the highest level of use; within a firm, the junior associates have the highest, followed by senior associates, junior partners and then senior partners.

Of the responders who acknowledged problematic alcoholic use, more than 40 percent indicated that such use began either prior to or during law school.

THE CONSEQUENCES

The Journal of Addiction Medicine study concluded that “although the consequences of attorney impairment may seem less direct or urgent than the threat posed by impaired physicians, they are nonetheless profound and far-reaching. As a licensed profession that influences all aspects of society, economy, and government, levels of impairment among attorneys are of great importance…”

In respect to the anticipated readers of this article, the consequences are exponential in terms of actual and potential damage. Clients approach law firm personnel with problems that can be life-or-death (capital defense). And others can certainly feel that way when related to business, estates, families, custody, health, finances, physical safety, civil rights, employment and property. And lawyers are paid by clients for their clear and robust judgment — the first attribute to desert an impaired attorney.

Although the damage lawyers may do is not as visceral as an impaired doctor botching a surgery or a pilot crashing a plane, it is nonetheless life-altering for most, if not all, of their clients.

And the law firm itself is at risk the moment one of its lawyers or staff perform services while impaired. Client relationships and trust are jeopardized. There is an enhanced potential for malpractice. The team or practice group of which that individual is a member is compromised. Productivity and quality of work decreases rapidly. Ethical issues are raised and rules of professional conduct often breached. The investment in that employee is potentially lost.

The loss in productivity due to alcoholism alone — in law offices as well as the floors of industrial plants — is calculated to be in the billions of dollars.3

Up to this point, law firms have typically not proactively addressed this issue. Unlike doctors and pilots, who are provided a structured and lengthy path back to work, lawyers are often discarded when their addiction issues become unacceptable. They may be terminated, bought out, make a lateral move to another firm or even die. But unless the lawyer is a key rainmaker in the firm, it is rare that an attorney will admit their disease and be provided a secure path to return to the firm.
Attorneys routinely hide their addiction or mental health issues — often for decades — rather than admit and treat a problem. There is still a stigma in this field about these conditions, and often one does not know what is really going on with the partner next door.

The most profound impact of this study is that it reveals why attorneys will not ask for help and treat their conditions, while highlighting the actual numbers of lawyers hiding, in pain and isolation, behind the curtain. The two common barriers to treatment reported by the respondents were 1) not wanting others to find out they needed help, and 2) concerns regarding privacy and confidentiality.

In addition, employees of law firms are competitive, concerned for their reputations, and used to being the problem-solvers. They do not want to show weakness, and they tend to have strong egos. Add this to the overall “normalized” drinking culture of law firms — from client dinners to retreats to bar events — and a toxic breeding ground emerges.

UNDERSTANDING ADDICTION
In order to understand the study and the behavior of impaired peers in a law firm, it is essential to know what addiction is and how it is typically manifested in that environment. An understanding of this misunderstood disease is also critical to make necessary changes in firm culture and to appropriately confront the attendant stigma, behaviors and dangers.

Addiction is a primary, chronic and progressive disease of the brain’s reward, motivation, memory and related circuitry. It causes compulsive alcohol or drug-seeking and use, despite harmful consequences to the addict and those in proximity. Over time, the brain continues to change, and self-control and the ability to resist substances is further eroded. Genetics and biology are now understood to account for at least 50 percent of the cause, with factors such as environment, development and mental health playing additional roles.

Although addiction is a chronic disease in a class with others such as cancer, diabetes and hypertension, its symptoms manifest as behavioral in contrast to the more objective symptoms of those other conditions (often identified through blood work, X-rays, biopsies, etc.). The behaviors associated with addiction also tend to be negative and antisocial, further complicating not only the diagnosis but the perception of peers. It is not uncommon for both the addict and his or her family and friends to moralize when these symptoms appear, and feel frustration and contempt due to a perceived “lack of willpower” or a loss of moral direction.

The brain of the addict is often referred to as having been “hijacked,” and the result is often systematic denial of any problem by the addict and the creation of a “private logic” telling the addict that everything is fine. Often this presents with addicts comparing themselves to others at a more advanced stage and believing they are not a “real addict,” or blaming their drinking on other factors, such as: “You would drink too if…”

A simple example is a cancer diagnosis. People are told by the doctor what the test results were, begin treatment, and have the support of family, friends and perhaps even a CaringBridge. In contrast, alcoholics who finally begin treatment (if they even do) have often angered their family, employer and friends, and are virtually alone and isolated. During a speech, I once asked all 200 patients at Hazelden Betty Ford if any of them had a CaringBridge for their condition. The audience was silent.

Addiction cannot be cured, but it can be successfully treated, typically with the assistance of professional help or support organizations. Clinical resources can range from residential treatment to outpatient groups and sober houses. Support groups can include abstinence-based programs such as Alcoholics Anonymous, less spiritually based organizations, and harm-reduction frameworks. When alcoholics accept treatment, they are said to be in recovery — the process of change through which an individual achieves abstinence and improved health, wellness and quality of life. As with other chronic diseases, it is essential to receive help and support from others, make fundamental lifestyle changes and alter many core values.

The first year of recovery is the most demanding for the addict. Often, he or she must make accommodations in career or life in order to make recovery the first priority. This is why the treatment of the disease and the return to work — or
the continuation of work while now sober — is often key to building a foundation of sustained recovery.

Alcoholics are told that in their first year of abstinence their recovery must come first, above anything else. Relapse during that year is not uncommon, but it does not indicate that things are hopeless. Rather, it is a message that the addict must get back on track with treatment and recovery resources. The same is true with all chronic diseases, where only 50 to 60 percent of patients typically comply fully with their treatment protocol.

If the law firm can support its employee in recovery, the benefits can be breathtaking. Not only will the employee no longer be performing at a diminished and erratic rate, but also they can become better than ever. It is likely that this employee's attention and judgment has been compromised for some time, and it can be exhilarating for both the impaired individual as well as the firm to heal cognitively and physically and return to the level of competence for which they were hired.

**THE ALCOHOLIC IN THE LAW FIRM**

This study tells us about the stark reality of impairment and mental health discord behind the closed doors of our law offices. But as discussed earlier, the attorney or staff member will often conceal or deny any problem, even in the face of overwhelming evidence to the contrary. How can you identify somebody at your firm (including yourself) with a problem? And what does a “high-functioning” alcoholic look like? Why are they often invisible to their colleagues?

Numerous warning signs are consistent with an impaired employee who has a drinking problem. Before listing many of these typical signs, a word of caution: Many of these can be due to reasons besides a substance use issue. They can be due to mental health issues, situational life matters (divorce, money problems, family situation), physical challenges and various other reasons. It is important not to “diagnose” any particular situation, but to help yourself or another by addressing the matter openly, and then, if appropriate, seeking expert consultation or assessment.

The goal is simply for you and your coworkers to be healthy and productive and to provide (or access) support to help treat the temporary or chronic condition. The key is that further consequences and damage — to all concerned — do not occur, and that the individual can begin to get better and heal. If you or the individual refuse to be treated accordingly, then at least the law firm has assisted to the extent possible. Decisions can then be made as to the current and anticipated job performance.

Some specific possible warning signs of a drinking problem at the firm:

1. Isolation
2. Change in regular patterns
3. Disappearing at unexpected times
4. Lots of excuses for unexplained issues
5. Change in physical appearance
6. Significant weight gain or loss
7. Red eyes
8. Lots of breath mints or mouthwash
9. Becoming defensive when not appropriate
10. Change in behavior — advent of fast talking, loud talking, loud laughter, extended periods of silence
11. Mood swings
12. Lateness
13. Decrease in productivity
14. Confused thinking
15. Forgetfulness
16. Being tired all the time
17. Looking tired
18. Extended breaks, lunches
19. Leaving early, working from home
20. Strained relationships with coworkers
21. Increased irritation
22. Borrowing money
23. Unplanned “emergencies”
24. Missed deadlines
25. Unsteady gait
26. Strange breath; smell of alcohol or something different
27. Lack of concentration
28. Misses work on Mondays or leaves early on Fridays
29. Avoids interactions
30. Door that was always open is now always closed
31. Inappropriate episodes of sweating
32. Unexplained bruises, injuries
But what if the addicted staff member is a high-functioning alcoholic and does not change routine or behavior? Up to 50 percent of all alcoholics are described in this manner, and lawyers and those in a law firm are especially skilled at concealing and manipulating the reality of their lives. Those individuals are adept at hiding their addiction and presenting as fully functional people for up to decades, while secretly engaging in addictive behavior.

In fact, lawyers in particular will hold onto their careers for dear life because often it is how they identify themselves — addiction often takes away family, friends and health before the surrender of the career.

Because the disease is progressive, “hiding” it is not sustainable. Often the worst consequences and damage are suffered at this moment. Further, by that point, the individual has often reached a pinnacle of authority and autonomy that permits even greater isolation and less accountability — and enhanced danger to all involved, including the law firm.

I have gathered together a list of certain traits of a high-functioning alcoholic that may be helpful in viewing yourself or others at the firm:

- Does not appear as prototypical stereotype
- Has very high tolerance and seldom, if ever, appears intoxicated
- Drinks expensive wines or liquors
- Shows up for work, has a family, fulfills obligations
- Does not drink more than others at public functions but privately drinks to excess — often before and after such functions
- Still looks terrific
- Overachiever in most areas and uses this skill set to sell others that there is not a problem
- Often very successful
- Able to compartmentalize easily
- Has tried to quit (privately) on numerous occasions, but has never succeeded
- Has not had a driving under the influence (DUI) infraction, been arrested, exhibited inappropriate behavior, engaged in any public display or shown significant obvious physical infirmity
- Often can work alone without accountability to others
- Blends into a firm culture of drinking and a “work hard, play hard” mentality
- Always finishes a drink
- Secretly craves and obsesses over use and next drinking opportunity, but does not verbalize this to others

Once again, this is not an invitation to play Sherlock Holmes, but rather to gain some insight into how this powerful brain disease can transform the best of us into strangers. We try to hide the disease because we are more afraid of the stigma than we are of the disease itself (and its eventual fatal progression). This, of course, is not logical, but explains both the mystery and power of addiction.

**HOW TO CONFRONT ADDICTION IN A LAW FIRM**

What do you do if you believe a colleague is impaired to the point where the work product and behavior are negatively affected? This person may not even drink at work or during the day, but it is clear to you that their drinking (or drug use) has compromised their professional performance.

If there is not a crisis, you may wish to approach the individual in a relaxed and compassionate manner and express concern, or ask questions. Based on the response, you can consider the next step. Remember, you are not diagnosing — only trying to ascertain if the behavior is temporary and being appropriately treated, or, if more serious, that resources can be accessed to address the issue.

Your law firm might consider putting a series of protocols into place that make it safe and comfortable for you or the impaired individual to confront the situation and receive expert assistance. The firm may wish to consult ahead of time.
with any variety of experts: human resources, the employee assistance program (EAP), interventionists, treatment centers, recovery coaches, addictionologists, detoxification facilities, therapists or other counsel. Ethical rules and responsibilities may come into play, and counsel should be consulted.

The only thing you can do wrong is to do nothing at all. Ignoring the situation only permits the individual’s disease to worsen and assures far more damage to the individual, the family, the law firm, the client and your professional standing.

This is an entirely different matter than detecting an issue with a friend or relative: In this case, you are the professional peer of the impaired person, with fiduciary duties to your firm and client and ethical obligations to your profession. On a personal note, this is your colleague, often your friend, and whether your firm is 6 employees or 600, a member of your team.

A couple of other observations: First, do not enable or hide anything in order to assist the impaired individual in covering up any matter. This is likely an ethical violation, and it is certainly a clinical misstep. Alcoholics will only get worse if their behavior is enabled (there are hundreds of books about this codependency). Second, do not gossip about situations such as these. As a member of law firms for more than 20 years, I am not naïve about the steady flow of juicy gossip in any firm. However, this is truly a matter of life and death, and there can be unintended consequences of such gossip that are unpredictable.

Finally, if there is an actual crisis in the workplace with the impaired lawyer or staff member — in the office, in court or with a client while under the influence — it is helpful to have a basic emergency template to guide the firm in how to proceed. The same is true for fire or weather or health emergencies, and should be in place for these types of matters. A few suggestions as to content:

- Get the employee to a safe and secure place.
- Have at least two people present.
- Make sure the individual is mentally, physically and psychologically safe — utilize professionals at this point who are part of this protocol.
- Know who to involve and notify at this point and to whom to release any information about this event.
- Make sure confidentiality remains paramount.
- Document everything.

- Have a plan for what to do if the individual will not cooperate and leaves.
- Create at least a short-term strategy with the assistance of necessary experts.
- Safety is essential for all concerned — do not permit the individual to drive home.
- Suspend the employee with pay if appropriate.

BUILDING A CULTURE OF PREVENTION, WELLNESS AND SUPPORT

The staggering numbers in this study, which suggest that as many as 500,000 practicing lawyers are problem drinkers and close to 400,000 suffer from depression, will not be decreased with a tweak here or there. And the study does not even include those employees and staff of law firms subjected to many of the same stresses and demands. Many of the qualities that reward today’s attorney — a competitive spirit, high self-esteem, emotional detachment, an analytical skill set, high verbal skills, a win-at-all-costs mentality — are precisely the same ones that block the road to recovery.

What is required is a seismic shift in culture. More than just a refusal to toss the sick aside, we need a realization that it is in the best interests of the law firm to promote and sustain a culture of wellness and balance.

Much of the corporate world has come to this realization. Working hours of employees have been limited. Access to company emails on weekends has been denied. Company cafeterias have become nutritionally balanced. Gyms have been built, and yoga classes offered. Seminars on health topics have been provided, and incentives for good health have been offered. Working from home has been restricted. Additional leave has been created. Sabbaticals have been implemented. Counseling services have been supplemented. These corporations (and their insurers) have recognized that a lack of balance results in both physical and mental states that impair employees and often shorten their tenure.

By way of example, here some initial suggestions on how law firms might begin this process:

- Invest in resources and services to enhance the wellness of all employees.
- Provide speakers and materials about balance and wellness.
- Educate all personnel about stress, anxiety, depression, opioids, sedatives, alcohol, burnout and addiction and tools...
with which to confront or prevent problems in connection with them (with CLE credits).

- Host nonalcoholic professional events and gatherings.
- Create a retreat that focuses on learning balance, relaxation, stress-reduction, meditation, team-building and breathing techniques.
- Partner on healthy initiatives with your HR department, Employee Assistance Program (EAP), health care and malpractice providers, state lawyers’ assistance program and other industry experts.
- Lower the minimum billable hours requirement and set a maximum.
- Create specific policies that permit employees to seek help for addiction or mental health issues without concern for their job security.
- Provide a back-to-work plan and path for any employee who has received help for such a problem and is treating that condition. The plan can include monitoring and accountability so that all parties can be assured there is no danger to the client or the firm, and specific conditions can be set in the event of a relapse by that employee or a failure to improve job performance.
- Use this model as a recruiting tool for law students and other lawyers and staff.

Certainly the best minds in our country — our most talented problem-solvers — can crack the stigma that prevents them from asking for help while at the same time building a business model that sustains productivity and personal satisfaction.

REFERENCES

ABOUT THE AUTHOR

Link Christin, JD, MA, LADC, is the first Executive Director of the Legal Professionals Program at Caron Treatment Centers. He is currently launching and managing this national program, which will provide pre-entry, residential, and post-residential educational and clinical services to lawyers, judges, law students, and paralegals admitted to Caron. Part of these services will include coordination with law firms, disciplinary boards, licensing and admission agencies, and state lawyer assistance programs (when agreed to by the patient). Most recently he served as the Chief Executive Officer of Heightened Performance LLC, a behavioral health consulting firm serving the legal community. After decades of practice as a trial attorney Christin obtained his master’s degree in Addiction Counseling and founded and directed the Legal Professionals Program at Hazelden Betty Ford.

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Everything You’ve Always Wanted to Know About Migrating to the Cloud (But Didn’t Know Who to Ask)

We’ve got helpful answers to your most pressing cloud questions.

With cloud technology, firm members can create, review and share files from virtually any location with a Wi-Fi connection — their living room, for example. A conference center. A plane.

Documents and voicemails that, years ago, would have been stored on computers and answering machines can now be more safely backed up in the cloud. Employees in new, remote offices can get access to firm materials in a matter of minutes.

Cloud computing offers a mobile, efficient way to manage data; yet the concept can seem overwhelming, according to Jay Patel, Product Portfolio Vice President at cloud communications provider Vonage.

More than half — 53 percent — of attorneys said they hadn’t used web-based software or solutions when surveyed for the American Bar Association’s 2016 Legal Technology Survey Report.
For some people, it’s scary,” Patel says. “But once companies realize, from an application use standpoint, it can be used on a day-to-day basis to improve overall productivity, they start seeing the benefits of the cloud.”

CLOUD COMPREHENSION
In the two and a half years since Associate Attorney Steven Ayr joined Fort Point Legal, powered by Casner & Edwards, after working as a cloud-focused solo practitioner, he’s helped the three-attorney Boston firm increase its cloud-based systems use.

“Part of what made me attractive to the firm was I had a certain amount of this figured out,” Ayr says. “A small firm doesn’t have the budget to hire someone to do IT. I had an ability to come in and create efficiencies without it costing more money.”

Fort Point, which had previously used some cloud-centric Google applications, vetted a number of companies to find the providers it now uses to handle operations ranging from document storage to case and task management.

For many firms, determining the ideal cloud scenario often isn’t an easy, or immediate, decision — particularly if they don’t have anyone on staff with significant cloud experience to oversee the process.

If your firm is considering implementing cloud technology or increasing its use — but isn’t sure where to start — we’ve got answers to some of the most common cloud questions below:

Should my firm store everything in the cloud?
Some firms opt to host all applications and information in the cloud. Others feel more comfortable housing some things locally.

Storing extremely sensitive intellectual property documents, for example, on a firm’s in-house server doesn’t guarantee they’ll be safe. However, giving the information to a third-party can pose an additional risk, according to Andres Hernandez, Chief Executive Officer and Co-Founder of IT consulting company Wingman Legal Tech.

“If it’s stored digitally, nothing is 100 percent secure — in-house, in the cloud or anywhere,” Hernandez says. “[But] certain firms, if something gets out, can be in really deep trouble; they may want to be especially cautious about where they put things.”

A number of firms choose a cloud model comprised of multiple solutions and some storage managed in-house, according to Adam Citron, Senior Cloud Computing Strategist at IT provider Adar Inc.

“If you have a private cloud, with the advent of Microsoft 365 or Google, basically, your email would be off-premise, apart from everything else,” he says.

How can we ensure the system is secure?
Citron suggests using a platform that allows access to most items through a portal users log in to, and potentially providing employees with a device that only stores files in the cloud, such as a Chromebook.

“If it’s a secure portal, there shouldn’t be an issue,” he says “However, having anything local is a concern.”

If an attorney pulls any data up on his home computer, that data could be stored locally once he disconnects — and might be at risk of being accessed by a hacker.

If an attorney pulls any data up on his home computer, that data could be stored locally once he disconnects — and might be at risk of being accessed by a hacker.

Hernandez advises looking for a cloud provider that encrypts data when it’s in transit, such as when it’s being emailed, and at rest, when it’s stored on a disc, hard drive or server.

Finding out which of the company’s employees will have access to the firm’s stored data, is also a good idea — generally, the fewer, the better.
“You want to make sure the company has security controls in place and not just anyone can look at data whenever they want to,” Hernandez says.

**How much downtime will we experience migrating to the cloud?**

Ideally, essentially none. Providers should be able to move data before turning off the old system and completely switching over to the cloud, according to Citron.

“The company should say there’ll be a minimum impact to production, even if that means them working overnight or on the weekend to move data,” he says. “If they aren’t willing to, that’s a major red flag.”

Cloud-based offerings can potentially increase efficiency by making files easily accessible.

**What happens if the cloud service and my firm part ways?**

“The truth is, when you go to the cloud, you’re marrying that provider,” Citron says. “And a prenup makes a divorce easier. You want to emphasize that you don’t think the contact should be just contractual; you’ll let me go if I want to leave.”

Ask, if you decided to stop using the provider, how you’d export application-related content.

“It’s really about data: How can I get out and where can I take it?” Citron says. “Will I be able to move into another system and make sure it’s usable? That’s important to find out.”

**Are there any other questions I should ask potential service cloud providers?**

Find out if the company is hosting its own servers in its office or using an external data center.

“A lot of companies, even though they don’t own the infrastructure, own the software [they’re offering],” he says. “It’s just hosted on something like Amazon Web Services, or Microsoft.”

A company that uses hosting services from a large supplier may be able to provide more reliable, secure access if an earthquake, flood or other major event strikes, according to Hernandez.

A company with one office could be knocked offline; one with multiple locations, however, might offer safety in numbers.

“If there’s a disaster in California, the East Coast data center will pick up where the West Coast left off,” Hernandez says.

In addition, ask what type of support the company offers on a regular basis.
“Some companies don’t offer 24/7 support, and you have lawyers consistently working until midnight,” Citron says.

“You want someone to call when you have an issue.”

**DOING DUE DILIGENCE**
Before deciding on a service provider, Ayr recommends testing out a number of products.

“Sit down for those 20-minute webinars with salespeople,” he says. “The vendor should also allow you to use it for a bit of time prior to signing contracts to make sure you understand how it works. Talk to other clients and see how their experience is.”

Clarify exactly how each service provider operates.

“Is it someone who’s been selling hardware, software and labor for a long time?” Citron says. “There are some start-ups doing incredible work; however, to put your whole business in some sort of portal, is that company experienced enough? Those are good questions to ask.”

Cloud-based offerings can potentially increase efficiency by making files easily accessible. They can also decrease costs by reducing IT staffing needs and, by offering mobile access to let employees work remotely when they need to, help encourage work-life balance and provide a more positive employee experience.

Some firms may have shied away from the technology because they feel they don’t fully understand how it works. The concept, however, may be less complicated — and, given the potential benefits, more helpful to implement — than they think.

“Any firm that doesn’t have a cloud strategy today, even if that strategy is to not move to the cloud for three years, is doing itself a big disservice,” Citron says. “It’s becoming a bigger and bigger part of companies’ infrastructure — cloud technology is here to stay.”

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**ABOUT THE AUTHOR**
Erin Brereton is a legal industry marketing consultant and freelance journalist who has written about the legal industry, finance, business and other topics for more than 50 legal associations, magazines, websites and other publications.

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**A SUCCESSFUL MIGRATION TO THE CLOUD:**
**PREPARING FOR SUCCESS**

Join Adam Citron, Senior Cloud Computing Strategist at IT provider Adar Inc., at our Annual Conference & Expo in Denver as he tells you what you need to know to prepare for a successful cloud migration. You’ll gain practical, helpful information in this interactive session.

Learn more at alanet.org/ac2017.
Each month brings news of great leaps forward in the fields of artificial intelligence, machine learning, self-driving vehicles, advanced robotics, virtual reality, blockchain databases and conversational interfaces — so it’s easy to believe that innovation belongs exclusively to the world’s technologists.

But leaders across disciplines are increasingly investing in a different strand of innovation, one that’s simpler, cheaper and, compared to our bleeding-edge technological breakthroughs, downright ancient: storytelling.

In an age defined by rapid change, increasing complexity and information overload, you’d be hard-pressed to find a technology more suited to solve your most immediate challenges than narrative. Stories make order from chaos, deliver memorable messages in noisy environments, motivate effectively in volatile times, and connect efficiently across distributed networks. The collection of sense-making skills we know as storytelling has never been a more powerful or necessary capability.

And that’s why executives in firms across sectors and functions — professional services, human resources, consumer goods, energy management, information systems — are investing in building narrative intelligence, teaching storytelling skills and establishing story networks across their teams.

Here are five use cases that suggest you should join them.

• **Myths and Motivation**
  The last few years of research into employee engagement and motivation has surfaced an unmistakable trend: Talent is far more likely to join, stick and lead if the mission of your company is clear. Not surprisingly, the research also reveals that your mission better be more than a statement; employees want evidence of the mission brought to life, lived out by leadership and colleagues. In short, they want stories of how your company is benefitting the community, the industry and the world. Companies able to tell their “impact stories” are winning the race for world-class talent, building flywheels of enthusiasm and productivity.

• **Connective Tissue**
  Anthropologists, ethnographers and other practitioners of applied science have known for a very long time what organizations are just now discovering: Cultural norms are created by the stories a community celebrates or condemns. Want to know why a team or an office behaves a certain way? They’ll almost always have a story — or a handful — to explain their habits and actions. Want to inspire them to behave differently? Start sharing and celebrating the stories that reward and reinforce those new habits.

We’re born storytellers; we just spend most of our educational energy unlearning that native language.

• **Narrative Economies**
  Storytelling has long been thought to be an art, but it’s a science, too. One of storytelling’s primary contributions to organizations is its effective fight against the second law of thermodynamics. Seriously. All systems tend toward
entropy, losing their energy and heat over time — and that includes your organization and team. Leadership wages a constant battle against this deterioration, and story is your secret weapon. An organizational storytelling economy recirculates success, multiplies the impact of good ideas, and preserves best practices. Think of stories as the kinetic energy recovery system of your organization, retaining the energy and extending the momentum of your victories.

- **Storytelling = Storyselling**
The sales teams of the future won’t hawk products; they’ll deliver provocative insights. Consultative partnership, proactive solutions, product knowledge augmented by creative problem-solving techniques — these are the new sales essentials. Your sales team will have to be capable of understanding the customer story, identifying their location in a larger narrative, and naming the right role and entrance for your firm in that story. Customer journey mapping will only become more essential to this process, and story is its natural and intuitive framework.

- **Legacy**
Wherever you are on your leadership journey, you’ve already witnessed the power of story in the lives of your mentors and models. Those most able to motivate stakeholders, garner support and resources, stimulate buy-in upstream and down, and build a track record of success are the leaders who have shaped and sold the best stories — of themselves and their agendas. Your personal brand inside your company and within your industry is the product of the stories you’ve intentionally collected and advanced. Whether you’ve got a future to shape or a legacy to ensure, your challenge is fundamentally a storytelling one.

Unlike the world-shaking new technologies produced in Silicon Valley labs, innovation in storytelling requires little in the way of capital investment or deep specialization. We’re born storytellers; we just spend most of our educational energy unlearning that native language.

The unique challenges of our global, diverse and ambiguous moment call for a rapid narrative upskilling that will return our teams to fluency.

**ABOUT THE AUTHORS**

Jason Allen Ashlock is a Partner at the consulting firm The Frontier Project, where he leads the publishing and communications practice. He speaks widely on topics within innovation, negotiation and storytelling.

twitter.com/jasonashlock

**THE STORY TELLER’S SECRET**

Join Jason Allen Ashlock, Partner at The Frontier Project, at our Annual Conference & Expo in Denver as he unlocks the story teller’s secret. You’ll learn how to tell stories that work, how they’re built and discover why they stick.

Learn more at alanet.org/ac2017.
Expert Interviews: Cloud Security and Ethics

This month we interview James Gast, Chief Executive Officer (CEO) of legal IT consultancy SpliceNet and educational tech blog Legaltech180.com.

Gast is an experienced and well-regarded speaker, author and university lecturer in all things law office technology, including cloud computing, networks, web applications, and cybersecurity due diligence and best practices. In addition, he will speak on the cloud, related ethics, security and cybersecurity at ALA’s Annual Conference & Expo in Denver next month.

Here’s the highlight reel of our chat:

ON DUE DILIGENCE

LM: Little guidance exists on the definition of due diligence with regard to cloud computing. What are the right questions to ask? Who should we be asking? And what should we do with the answers?

JG: First, as most attorneys should be aware, the American Bar Association (ABA) added Comment 8 to Model Rule 1.1 to include technology competency, and at this point, 26 states have adopted it. This no longer makes it “the IT guy’s responsibility” to protect the digital assets of a firm’s client data. It also means that an attorney must understand the risks and benefits of the technology they employ, including cloud application and services.

There are many right questions to ask; however, the simplest ones focus on the cloud provider’s security credentials and how reputable and stable their business is. It’s one thing if you’re dealing with a small IT company and they’re hosting a server, backup or application for you versus trusting Microsoft, Amazon, Rackspace or Google. In either case, you need to know they have privacy policies, security policies and breach response plans. The range...
of requirements for your assessment will differ greatly depending on your area of practice, since you may be further governed by other regulatory bodies like HIPAA or PCI DSS. However, all should start with a foundational understanding of what services the cloud company is providing. If you can’t get a clear answer on this from your cloud partner, then red flags should go up immediately.

In fact, traditional IT support providers are typically not fully equipped to help firms assess their security risks, since their business model only deals with providing support and/or selling third party cloud solutions. Law firm leadership should seek the guidance of technology and cybersecurity risk specialists whose core competence is focused on security and related best practices.

ON “CLOUD FIRST”

LM: Increasingly, law firms are prescribing to a “cloud first” approach when it comes to application and technology solution purchases. In legal, much of it is being fueled by Microsoft’s aggressive Office 365 ecosystem strategy, as well as the security-as-a-service advantage provided by native cloud providers. What are your pros and cons for a cloud first approach?

JG: We think the cloud has a place in the legal industry, but not all firms fit the profile for cloud first. This approach ignores the true needs of the firm, how they desire to work, their budgets and level of comfort with the cloud. A true business partner that consults for a law firm should not have a preconceived notion for their customers, so they don’t become merely vendor reps rather than business solution consultants. An attorney should ask themselves, “Are they trying to sell me a product, or are they endeavoring to understand the business needs of my firm in an effort to recommend a solution?” This simple litmus test will help the firm determine if the person they’re dealing with is the right one or not. The same stands true for internal staff that has been assigned the role of evaluator.

STAPLE LAW FIRM CLOUD SERVICES

LM: What are some of your favorite law firm–appropriate cloud services and products?

JG: “Appropriate” differs from firm to firm and specific needs, regulations and client demands. With that said, we often roll out Microsoft Office 365 and Microsoft Azure solution stacks. Within these stacks, hosted email, calendaring, contact management, intra/extranet firm communications via Skype and SharePoint, and OneDrive for data storage are very popular.

LM: What is the number-one cloud-related issue law firms need help with or think they need help with?

JG: The phrase “we want to go to the cloud” should be stricken from their lexicon. Firm owners should search first for what they are trying to accomplish rather than the platform or technology they should use. “What” could include financials, efficiency, availability or cross-platform access. After these have been defined, then the “how” questions can be investigated and considered. Too many times firm owners, their evaluators and their IT staff (both internal and consultants) put the cloud cart before the horse.

LM: Lastly, in a tweet, why should folks attend your ALA Annual Conference sessions?

JG: Cybersecurity requirements aren’t going away. Leave with solid KM of how to start a cyber eval/plan + get actual tools our customers use.

ABOUT THE AUTHOR

Jobst Elster is InsideLegal’s Head of Content and Legal Market Strategy. He has served as a legal market strategist for the last 17 years, advising companies entering the legal market, involved in mergers and acquisitions, and expanding strategic operations overseas. Elster regularly writes and speaks on legal technology, market research and leveraging market data, technology innovations and futures, legal marketing and big data.

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Cybersecurity is without a doubt the biggest burden of being an active user of gadgets and technology.

Every email account, bank account, employee benefits portal, travel site, shopping profile, smartphone, smart home device, and, yes — even some of our cookware and cleaning tools — require a login ID and password.

The default (and very dangerous) reaction to this deluge of portals and devices that require authentication is to simply use the same user name and password combination that we use for all our accounts. Even more reckless are those who choose the least resistant path to online security with such stellar passwords as “password,” “12345,” or the default manufacturer’s password.

You get the point. Cybersecurity is really important, but it can be a pain to enforce. The solution is, of course, more technology.

Software password managers take the hard part out of maintaining complex access codes. They have been around for a while, but maybe you have tried one of these programs in the past and found it clunky, incomplete, or just too burdensome to use. Perhaps it’s time to take a fresh look. We did, and we were pleasantly surprised.

BACK FROM THE DEAD
We resurrected LastPass (www.lastpass.com), which we had taken for a trial run several years ago. This time we ponied up for the premium version, which set us back $12. Believe me, Bill spends more on coffee over the weekend than it costs to bolster our cybersecurity for an entire year.

The idea behind LastPass (and all password management programs) is to have one master login and password to the password manager, and let the manager maintain all your individual account credentials. Therefore, it is imperative that the master password you choose is very strong. Of
course, as the software name suggests, this is the last password that you will need to remember.

But LastPass goes a step further than just requiring this master password. It also uses two-factor authentication, which means an imposter would need both your master password and your smartphone to gain access to your password vault.

We found it was very easy to set up access to secure portals within our LastPass vault. As you log into a secure site, you can click the LastPass icon in the credentials box, and the application asks if you would like to save the site and login credentials to your vault.

We like the way you can organize your various sites in the vault into custom folders, like travel, email, banking, cloud storage, etc. When we want to log into Southwest.com, for example, we simply go to LastPass and click the Southwest card in our vault. LastPass takes us to the site and logs in automatically.

Yes, it is that easy.

You can even specify folders where you share access to certain sites with other individuals (such as family members) but keep other sites private to yourself.

KEEPING SCORE
LastPass has a great feature called Security Challenge, which will go through all your accounts, analyze the passwords and give you a security score. If you find out, like we did, that some of your passwords are duplicative or are not sufficiently complex, LastPass will let you auto-generate new passwords that are highly unlikely to be guessed by a hacker.

This security review is highly recommended, as it would make no sense to deploy a password manager to manage very weak passwords. We chose to let LastPass generate 16-character passwords for all the sites we kept in our vault.

SYNC IT UP
Once you begin using a password manager and the system-generated passwords, it is important that you can utilize it on all devices and that your site credentials automatically sync across all devices. LastPass has apps on Windows, iOS and Android, which allows you to use it across all platforms.

After adding a couple dozen sites into the LastPass vault and then accessing those sites from our PC, tablet and smartphone, we knew this was an incredible step forward for both our personal cybersecurity defense as well as convenience. Some may chafe at having to set up the password vault in the beginning and commit to using the password manager on all devices, but once the initial setup is done, LastPass is a very convenient way to access all our secure content.

We can’t believe we waited so long to commit.

We know it is a scary world out there, with so much of our personal data sitting behind numerous password-protected security gates. Rather than being lazy and putting out a welcome mat to cybercriminals, we choose to reinforce the defenses with a sound password strategy. LastPass helped us do that at a very low cost and just a little bit of commitment.

We sleep better knowing it’s in the vault.

ABOUT THE AUTHOR
William Ramsey, Partner at Neal & Harwell, and LogicForce Consulting President Phil Hampton are best known for The Bill and Phil Show. The duo tours often and provides technology news and reviews on their website, www.thebillandphilshow.com.

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Don’t forget that all 2016 and 2017 webinars are available on-demand for you to watch at your convenience.

Learn More: alonet.org/webinars
Anniversaries, Awards and Appointments

MEMBERS ON THE MOVE >>>

Tina Carey, member of the Oregon Chapter, is now Marketing and PR Manager for Stoll Berne in Portland, Oregon.

Soledad Hasan, member of the Central Florida Chapter, is now Orlando/Tampa Office Administrator at Dean Mead, PA, in Orlando, Florida.

Beverli Linn, member of the Greater Los Angeles Chapter, is now at Executive Director Harder Mirell & Abrams in Beverly Hills, California.

IN MEMORY...

ALA extends its condolences to the family, friends and peers of Jenae Burbank, an ALA member and the Chief Administrative Officer at Miller Nash Graham & Dunn LLP in Portland Oregon. Burbank passed away February 9 in the presence of her family after a period of illness. She will be greatly missed.

TIPS FOR FIRST-TIME ANNUAL CONFERENCE ATTENDEES

ALA members Ruth V. Fry and Eric L. Hightower, CLM, SPHR, share some great advice for first-time Annual Conference attendees. They discuss what to do before, during and after conference.

Check out their great tips at alanet.org/ac2017.

DID YOU KNOW?

ALA President Laura Broomell was recently interviewed about what’s ahead for the legal industry this year. Read the full article from ABA Journal here: https://tinyurl.com/gttahxa.
What’s Happening at Headquarters?

LEGAL PROJECT MANAGEMENT TRACK HELPS NAVIGATE CHANGING LANDSCAPE

Sweeping changes in today’s legal marketplace have created incentives for law firms to manage legal matters more efficiently and effectively. Legal Project Management (LPM), a task-based approach to work process, provides the tools to better respond to client demands. To help legal management professionals navigate this new landscape, ALA’s Annual Conference will feature an education track dedicated to LPM, including sessions on process improvement, profitability analysis and action steps and practical tips to launch an LPM initiative. Learn more about these and all 80 educational sessions: alanet.org/ac2017.

DID YOU KNOW?

ALA’s Job Bank is way more than a list of open positions. It’s a resource for both job seekers and employers to post openings and resumes, read articles about recruitment and job hunting, and download additional resources. Check out the Job Bank and Career Center.

CAN’T ATTEND ANNUAL CONFERENCE IN DENVER? JOIN US VIRTUALLY!

Did you know ALA is offering its second Virtual Conference during the Annual Conference & Expo in Denver, Colorado? Virtual attendees can watch and chat live during sessions from any location on any device. Three of our highly anticipated sessions on Wednesday, April 5, will be a part of this virtual event where participants can interact with speakers, business partners and other attendees.

PREVIEW OUR CE COURSE ON SUBSTANCE ABUSE ON OUR PODCAST

Annual Conference speaker and Legal Management author Link Christin recently joined ALA’s podcast this week to discuss the topic of attorney substance abuse and the various ethical and liability concerns that accompany this crisis. Listen to the interview online and be sure to read the article and take the course in this issue.
CALENDAR

MARCH 15 | 2 P.M. CENTRAL
COMMUNICATING WITH IMPACT — WOMEN IN THE WORKPLACE
This program will address the challenges of communicating in a high-paced environments, and be a refresher for those beginning to leverage relationships across the firm. You will learn how to use your influence in situations ranging from verbal and written communications and understand how you can harness your own integrity, while developing your personal and professional relationships.

Questions about this event? Contact psiems@alanet.org.

MARCH 20
FIRST DAY OF SPRING

MARCH 21 | 2 P.M. CENTRAL
SURVIVAL AND BEST PRACTICES FOR A PERSONAL INJURY PLAINTIFF FIRM
Many personal injury plaintiff law firms are struggling and facing challenging times. Over the last few years, many firms have had to deal with the impact of tort reform, increased competition from other law firms doing extensive advertising, and weathering the last recession. As a result, personal injury plaintiff firms must reexamine their strategic options and refocus their firms.

Questions about this event? Contact psiems@alanet.org.

APRIL 1 and 6
BOARD OF DIRECTORS MEETING
Denver, Colorado

APRIL 2–5
ALA ANNUAL CONFERENCE & EXPO
Denver, Colorado

APRIL 9 | 2 P.M. CENTRAL
BUILDING REVENUE: UNLEASHING THE POWER OF WOMEN TO DEVELOP BUSINESS
Given increased competition and shrinking demand for services, only the firms that adopt new approaches to originating business will thrive. One promising yet rarely used strategy is to proactively support women to generate new business. Currently, female partners are credited with originations at only 50 percent of the numbers men report. Furthermore, only 16 percent of firms have two or more women on the top 10 rainmaker list. This webinar, grounded in the latest research, will help identify the strengths women bring as rainmakers, as well as the challenges they may face. With a focus on not only what to do but on how to do it, leaders will leave with actionable next steps (and a white paper documenting these) they can take to unleash the latent business generation power women can deliver.

Questions about this event? Contact psiems@alanet.org.