

The Legal Link

Spring 2012



Arkansas
Chapter



Published by the Arkansas Chapter of the Association of Legal Administrators



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Is “Free Time” a Thing of the Past?

by

Arkansas ALA President,
Terri Dickinson



We all have the typical “TO-DO” list. The personal list of grocery shopping, household errands, children’s basketball or soccer games, church activities and the list goes on. The professional list is much more detailed including the burdens of deadlines. But, does your “TO-DO” list ever include “free time”? Free time is defined as time that you spend on yourself doing things you enjoy. Our schedules are stretched beyond belief. As a result, we become more stressed which strains our health and our professional and personal relationships. Do we ever tell our spouse or children, “I will get that done after I finish my free time”? In my personal life, I usually schedule my free time down at the bottom of the list and rarely get to it due to something unexpected, interruptions or just too tired. I don’t take time to refresh, recharge or relax. I am afraid to delegate those household duties to my spouse because I feel he wouldn’t share the enthusiasm for the task or perform it the way I want it done. (He is a lucky man! I love him!) Experts call this phenomenon “gate keeping,” in which women are in charge of a domain and won’t cede the power to someone else or refuse to outsource the work to someone else.

As legal administrators, I’ll bet you can identify with this description too. I know I do. Thanks to Bonnie Vickery’s leadership and insight, our upcoming year of business meetings and webinars are going to be an educational plethora of opportunities for recharging and refreshing our minds and spirits. I encourage you to take the time to attend our meetings and webinars. I have never left an ALA monthly meeting without some valuable tidbit of knowledge I have taken back to my firm. We have so many talented women in our organization who are willing to share their talents and knowledge with others. I am proud to accept the Arkansas Chapter Platinum Award for the Presidents’ Award of Excellence Program at the upcoming Annual Conference in Hawaii on behalf of Bonnie Vickery and her team of tireless ladies who have worked with her behind the scenes. Join me in congratulating Bonnie and all of you for an outstanding year of leadership!

Terri Dickinson

ALA Arkansas Chapter President 2012-2013

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Congratulations to the Arkansas Chapter!

For the third consecutive year, the Arkansas Chapter achieved Platinum Level status for the Presidents' Award of Excellence. Many thanks to Bonnie Vickery and her Board of Directors for guiding the chapter through another successful year! The Award of Excellence will be presented at the ALA Annual Conference in April.

ATTENTION

**DO YOU HAVE SOMETHING TO SAY? VOICE YOUR OPINIONS!
RECORD YOUR THOUGHTS AND WEIGH IN BOLDLY ON THE
ISSUES THAT MATTER TO LEGAL ADMINISTRATORS!**

What's in it for you? Legal administrators gain credit which could allow them an opportunity to win a full scholarship to an annual or regional conference. Business partners get more exposure before the legal community. Email articles to jstrickland@cgwg.com.

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ARKANSAS CHAPTER OFFICERS AND DIRECTORS APRIL 2012 - MARCH 2013



Terri Dickinson
President
Barber, McCaskill,
Jones & Hale
(501) 372-6175
tdickinson@barberlawfirm.com



Cathy Dille
Director
Dover Dixon Horne

(501) 375-9151
cdille@ddh-ar.com

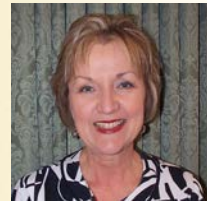


Paula Anderson, CLM
Vice President
Kutak Rock

(501) 975-3111
paula.anderson@kutakrock.com



Donna Blacklaw
Treasurer
Robinson, Staley,
Marshall & Duke
(501) 374-3818
Dblacklaw@rsmd.com



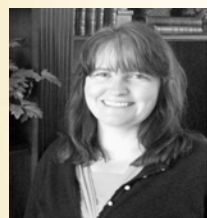
Vivian Koettel
Secretary
Williams & Anderson

(501) 372-0800
vkoettel@williamsanderson.com



Bonnie Vickery
Immediate Past President
Mitchell Williams

(501) 688-8800
bvickery@mwlaw.com



Angela Falco
Director
Watts, Donovan & Tilley

(501) 372-1406
angela.falco@wdt-law.com



Carol Minor
Director
Lax, Vaughan, Fortson,
Jones & Rowe, P.A.
(501) 376-6565
cminor@laxvaughan.com



Steven D. Wingert, CLM
ALA National President
Marshall, Gerstein & Borun

(312) 423-3448
Swingert@marshallip.com



Greg Madden
Region 4 Director
Rhodes Hieronymus Jones
Tucker & Gable
(918) 582-1173
Gmadden@rhodesokla.com



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ARKANSAS CHAPTER STANDING COMMITTEES AND CHAIRS APRIL 2012 - MARCH 2013



Advertising

Diana Thomas
(501) 370-4207
dthomas@mwlaw.com



Benefits/Compensation

Angelia Hadden
(501) 370-1528
ahadden@fridayfirm.com



Community Connection

Nancy Collins
(501) 688-8847
ncollins@mwlaw.com



Membership

Carolyn Owen
(501) 801-3854
carolyn@gill-law.com



Newsletter

Julia Strickland, CLM
(501) 371-9999
jstrickland@cgwg.com



Roster

Kathy Cagle
(501) 370-4604
kathy.cagle@mrmlaw.com



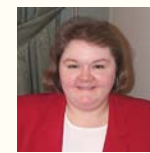
Business Partner Relations

Bonnie Vickery
(501) 688-8838
bvickery@mwlaw.com



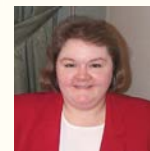
AR Bar Liaison

Carolyn Owen
(501) 801-3854
carolyn@gill-law.com



Bylaws/Standing Rules

Kathy Cagle
(501) 370-4604
kathy.cagle@mrmlaw.com



Hospitality

Kathy Cagle
(501) 370-4604
kathy.cagle@mrmlaw.com



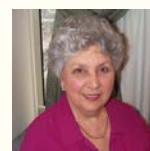
Programs/Education

Paula Anderson, CLM
(501) 975-3111
paula.anderson@kutakrock.com



Regional Council Representative

Terri Dickinson
(501) 707-6121
tdickinson@barberlawfirm.com



Business Partner Forum

Bev Eberle
(501) 376-2981
beveberle@laserlaw.com



Webmaster

Marie Ray
(501) 376-4531
mray@elhlaw.com



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Celebrating 35 Years as a Chapter

Standing (L-R): Terri Dickinson, Julia Strickland, Kathy Cagle, Carol Minor, Donna Blacklaw, Pat Campbell, Gina Richburg, Nancy Collins, Bonnie Vickery, Angelia Hadden, Cathy Dille, Angela Falco.
Sitting (L-R): Diane Smith, Carolyn Owen, Bev Eberle, Paula Anderson, Mary Coney.
Missing: Marie Ray, Vivian Koettel, Diana Thomas, Susan Burgess, Kristy Lowery, Barbara Bennett, Sandra Roth, Vickie Garlington, Ellen Simpson.

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Business Partner Recognition

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The Arkansas Chapter of the
Association of Legal Administrators
would like to thank its Business Partners for their Support.

*Silver Partnership and Friend & Supporter
opportunities are still available.*

Please contact Bonnie Vickery at bvickery@mwlaw.com for more information
on how your company can benefit from partnering with our chapter.



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Did You Know?

Question:

My firm is planning to hire several lateral partners in the next few months. Is there any guidance that will help us with the background checks and other assessments?

Answer:

A key consideration for law firm managers and administrators is making a realistic projection of a potential lateral partner's contribution to the firm's success. Critical to this process is risk management due diligence, discovering and assessing the attorney's habits that can affect profitability. A similar review should be carried out when hiring lateral associates; whether or not an associate brings a book of business, you'll want to ensure that he/she will be able to thrive and succeed.

The ALA Management EncyclopediaSM includes two articles addressing the issues of hiring laterals, both partners/practice groups and associates. Look for "Lateral Partners and Groups: Setting the Stage for Success with Recruiting, Integrating and Marketing" and "Integrating Lateral Associates Effectively: The Administrator Can Foster Success." Both articles provide information and checklists on how to approach lateral hiring, and preparing a foundation that allows laterals to achieve success for themselves and the firm.

ALA's journal *Legal Management* published "Integrating Laterals" in the December 2008/January 2009 issue. Author Phyllis Weiss Haserot explains the steps necessary for successful integration, the components of welcoming new arrivals, communication challenges and focusing on clients.

NALP, the professional association for legal recruiters, offers a "Lateral Hiring Best Practices Guide," with information on all aspects of bringing a lateral attorney into the firm - from performing a pre-hiring needs assessment to integrating the attorney both professionally and socially.

Much of the material is presented in bullet point format, and can be used as a checklist. NALP also published *Leading the Legal Recruitment Team: A Recruitment Administrator's Handbook*. Part Four, "Lateral Hiring," provides guidance on strategic approaches to recruiting and hiring laterals.

A recent book from the American Bar Association, *Partner Departures and Lateral Moves: A Legal and Ethical Guide*, offers guidance for both a departing lateral partner and the acquiring firm to minimize risk and reduce potential liabilities.

Legal industry consultants can suggest lateral hiring strategies. Altman Weil's Eric Seeger outlines a four-phase program to improve the process and outcome of the firm's lateral hiring efforts, in "Do-It-Yourself Lateral Hiring."

Joel Rose's article "A Primer on Due Diligence for Acquiring/Merging with Lateral Hires" discusses ways to evaluate a lateral candidate. Also see "Good Lateral Hires Don't Just Happen By Accident" from Sheri Michaels and Margie Grossberg, of search consulting firm Major Lindsey & Africa.

Arnall Golden Gregory LLP reprinted a May 2008 article originally posted on Law.com, "A Blueprint for Successfully Bringing Lateral Attorneys On Board." This piece has many suggestions on how to ensure that both the firm and the attorney are fully aware of, and understand, each other.

The due diligence needed for lateral hiring is time-consuming, but necessary to ensure there will be no surprises down the road. Good luck!

The Editors' response in this [study](#) is not intended as legal advice. Readers are encouraged to seek appropriate legal and other professional advice.

Visit the [Question of the Month Archives](#) to read past articles!

ALA members have free access to the ALA Reference Desk. Send us your question on legal management. Staff will conduct personal research on each question.

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2012-2013 ALA Arkansas Chapter President, Terri Dickinson, presents 2011-2012 Newsletter Editor, Diane Smith, with an award for 1st Place for Newsletter Excellence. Awards will be announced at the ALA Annual Conference in Honolulu, Hawaii.
Congratulations, Diane!

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Come Join Us!

Membership in ALA offers opportunities for:

- Knowledge sharing and networking opportunities (locally, regionally, nationally, and internationally);
- Professional recognition;
- Chapter and leadership support (substantial educational tools, idea exchanges, and workshops to educate the chapter leaders); and
- A whole host of resources and opportunities for professional development.

For more information, check out ALA's website at www.alanet.org or contact Carolyn Owen at Carolyn@gill-law.com.



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ASKING FOR EMPLOYEES' FACEBOOK PASSWORDS COULD GAIN YOU ACCESS TO MORE THAN YOU EXPECTED

by
Greg J. Northen

A growing number of employers are taking advantage of the wealth of information available on their employees' social media "profiles" by requesting all pre- and post-hire employees to divulge any password(s) preventing the employer from having full access to those sites. The most common sites include Facebook, Twitter, MySpace and even limited-access weblogs. At first glance, mining this free source of highly-informative, insightful content on a potential and/or current employee certainly seems like a "no-brainer." Undoubtedly, that information is a perk for employers during the hiring process, yet many potential issues - namely privacy rights - remain unknown.

"Social media is a continuously evolving area of the law, and the 'system,' including courts, judges and various government agencies, are still determining how and where to set the boundaries," says CGWG Managing Director Rick Roderick. "I would recommend that HR professionals and employers avoid any social media interference that could lead to them becoming a test case in an unknown and virtually untested legal arena. The penalties and liabilities may be potentially severe."

Recently, United States Senators Charles Schumer (D-NY) and Richard Blumenthal (D-CT) petitioned both the Equal Employment Opportunity Commission and the Department of Justice to begin investigations into the legality of employers requiring employees to divulge their passwords. On March 23, 2012, Facebook issued a statement, citing privacy concerns, which warned employers of possible legal action for violating its long-standing policy against sharing passwords.

All this activity in Washington D.C. is coming right on the heels of the National Labor Relations Board's issuing of two memorandums discussing how interfering with employees' social media communications could result in unfair labor practice charges. Moreover, employers gaining access to password-protected information on a social media site could uncover information about an applicant's medical information. If that applicant is not hired, the employer has set the groundwork for a potential disability discrimination claim.

Due to the broad array of potential liabilities created by asking for employees' and applicants' passwords, our firm recommends that employers avoid the practice.

In closing, the following Q & A offers a glimpse into our Firm's stance on this as-yet undecided issue:

Due to the broad array of potential liabilities created...avoid the practice.

Q: What's the big deal? Isn't a "slap-on-the-wrist" fine worth all that valuable information?

A: Of course, the likelihood of finding enlightening information within an applicant's social media profile is high; however, so are the potential penalties. The NLRB has recently taken a strong stance against employers' decisions to discipline an employee based

on information gleaned from sites such as Facebook. Additionally, the potential for inviting a discrimination suit against your company is very high due to the sensitive information on those sites, which could easily be the basis for an age, gender, disability or civil rights lawsuit. The recent attention from Congressmen highlights the interest in protecting employees' privacy.

Q: What should I do if an employee attempts to "friend," "follow" or "connect" with me on social media sites?

A: Don't do it! While it may feel as though you are being insensitive to someone you have to work with on a daily basis, the potential problems justify denying those requests. This is where an Employment Handbook or Social Media policy is so critical - establishing procedures for supervisors or managers ahead of time will allow you to avoid having to repeatedly address the subject. Moreover, a well-drafted policy will justify a supervisor having to uncomfortably deny their subordinates' requests!



About the author:

Greg J. Northen is an attorney with Cross, Gunter, Witherspoon & Galchus, P.C. He can be reached at gnorthen@cgwg.com

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ALA Member Profile

Steve D. Wingert, CLM 2012-2013 ALA President



What about the position of ALA President attracted you to this challenge?

Knowing I had the support and encouragement of many of my peers helped push me to make this commitment. As I became more involved in leadership roles within the Association, I felt I could help facilitate and lead the efforts to keep the Association moving forward, particularly during a period when we are seeing a great deal of flux in the legal industry. There is a tremendous amount of opportunity for us as a profession, and I feel I have some ideas and talents that can help take on those challenges. I like a challenge, and really enjoy the camaraderie of the other committed ALA leaders, which makes this role fun.

How do you feel that your style of leadership will fit into the ALA national organization?

I believe in leveraging my leadership through relationships. As you build relationships, it makes it easier to facilitate discussions, ideas and action. I also believe demonstrating a passion for what I do, helps to excite and motivate others. My thoughtful, strategic nature, and my ability to make what I do as a leader fun, helps to show others the time committed as a volunteer does not have to be all work, but rather can lead to a balanced and satisfying experience.

Membership in the ALA organization has been decreasing. What do you and your board hope to accomplish in that area?

We already realize part of the decline was a result of lost positions and cut backs by firms and legal departments during the recession. However, we also want to understand if there are other reasons, so one of the things we anticipate our headquarters staff doing, is a member needs assessment to identify the issues facing

our administrators today, and to determine if we are delivering the knowledge and resources to meet those needs. This also will help identify the value ALA provides our members, and how we can better articulate this as a part of our marketing efforts. Another component is understanding how firms are changing, how administrator roles are changing, how and from where new administrators are coming to the profession, and where potential new markets for membership might be found. ALA's Membership and Marketing departments have already begun work in these areas.

How would you advise a member who was considering taking a more active role on the regional or national level?

Being involved at the chapter level provides a great foundation for continuing on to leadership roles at other levels. ALA has a host of committees, for which volunteers are always sought, as well as the regional leadership teams and board of directors, and these are advertised in ALA's publications and on the website, so it is important to watch for these "Calls for Volunteers." Getting to know leaders in the association, and expressing an interest in new opportunities is a good start as well, as is finding an opportunity which matches your interest and experiences. I think it is important to also not get discouraged. ALA always has more qualified volunteers than opportunities, which is a good thing, but can make it challenging to land a spot. And, don't hesitate to throw your hat in the ring versus waiting to be nominated or encouraged. There is nothing wrong with stepping forward!

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(Continued from page 12)

What trends or challenges do you foresee for legal administrators across the U.S.?

I see tremendous opportunity for administrators to continue to become stronger and more visible leaders in law firms and legal departments. As the need for increased business practices and efficiency in firms is driven by our clients, I believe attorneys will more and more turn to those who have the skills to help develop the business practice of the legal industry. One of our great challenges is also our aging demographics as the baby boomers begin to retire. While this might have been delayed for a bit given the economic downturn the last couple of years, it is inevitable, and we will need to identify and ensure we have a strong contingent of knowledgeable and experienced professionals to replace this group.

Anything you would like to share with us regarding your biography? Family, education, etc.

I have been an ALA member since 1995, and served Region 3 Director, At-Large Director, Region 3 Communications Officer, and in 2008 served as Chair of the Annual Conference Committee, after first serving as a member of the Committee for the previous two years. I also served as a Trustee to Foundation of the Association of Legal Administrators, and I am the Past-President of the Wisconsin Chapter, and held a variety of officer positions

since 2002. I earned my Certified Legal Manager (CLM)SM designation in 2005, and in 2008 received ALA's Outstanding Association Volunteer Award. I have a BA in psychology from Creighton University, a MA in human resources management from Truman State University, an MBA from Our Lady of the Lake University in San Antonio, and completed coursework and exams in the educational leadership PhD program at Marquette University. I grew up on a farm in Iowa, and have for the most part always been a Midwesterner. I did live in San Antonio for six years, and both of my children are native Texans. I now live near Racine, Wisconsin with my partner Mark Bridgeman and our four-legged kids - Jake and Mattie, a chocolate lab and wheaten terrier respectively, and the twins, Stella and Miller (yes, named for beers) who are an orange and gray, sister and brother tabbies. I commute about 60 miles to my law firm in Chicago, and have worked as a legal administrator for the past 17 years in the Milwaukee and Chicago markets (Racine is located midway between the two). I like to do yard work and have a garden (the farmer in me), and I am a Green Bay Packers and Milwaukee Brewers fan (see Stella and Miller beer reference above).




Steven Wingert, 2012-2013 ALA President, presenting at the ALA Chapter Awards ceremony during the 2012 Annual Conference in Honolulu, Hawaii.



Steven Wingert with 2011-2012 ALA President, Karen Griggs, at the ALA Association Luncheon during the annual conference.

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Wellness, Fitness and You

Thoughts for your well-being



by Marie Ray



Wellness should be fun – after all, it’s a lifelong process, which means you’ve got plenty of time to get it right, AND, you should be able to enjoy yourself along the way.

What is a calorie? One calorie equals the amount of energy it takes to raise the temperature of one gram of water to 1° Celsius. Most women require 1,600-2,000 calories a day, while most men require 2,000-3,000. The actual amount you may require usually depends on a number of factors including your age, lifestyle and activity level.

Did you know? *If you take in 100 fewer calories a day, you can lose up to ten pounds in one year?!*



Little changes can make a difference. Sometimes, it’s easier to tackle small steps instead of trying to make a lot of big changes all at once. Here are 5 quick suggestions to help start you cut back on calories.

- Use two tablespoons of light whipped butter instead of two tablespoons of regular butter.
- Substitute two tablespoons of oil when sautéing or stir-frying.
- Eat fresh fruit instead of dried fruit or fruit juice.
- Choose thin-crust instead of thick-crust pizza.
- Order coffee with skim or two percent milk instead of cream or regular milk.

Marie Ray is the Legal Administrator for Eichenbaum Liles P.A. for more than 6 years. She also has a great deal of knowledge about mental health so we appreciate her contribution to this newsletter.

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Mark Your Calendars!

2012 ALA Business Partner Forum

Thursday, August 23, 2012

We are excited about this event! The ALA membership depends on our business partners to help make our firms successful. The relationships we build with the business partners who work with us are invaluable in making our job go more smoothly and making our firms more efficient and profitable. Your financial support helps to make us more successful through educational opportunities and networking.



Community Connection

ALA encourages chapters, its members, firms, business partners, relatives and friends to come together to contribute time, energy and resources toward improving their own communities.

Join us in 2012 - Details coming soon!

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 Find us on Facebook at
www.alanet.org/facebook



2012 Region 4
Conference & Expo



Join us in Denver for the ALA 2012 Region 4 Conference & Expo!

This year's ALA Region 4 Conference & Expo will take place at the Sheraton Denver Downtown Hotel, located on the 16th Street Pedestrian Mall — Denver's mile-long tree-lined promenade featuring outdoor bistros, microbreweries, shopping and entertainment.

The Sheraton Denver Downtown Hotel is approximately 23 miles from Denver International Airport (DEN).

Sheraton Denver Downtown
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Hotel Rate: \$189 plus 14.85% tax
Visit www.alanet.org/region4/hotel to make your reservation.

Important Dates

- June 6** Deadline to commit — Conference Brochure Ad (only four available)
Contact Robert Leighton,
rleighton@alanet.org or 847.237.1379
- June 28** Artwork deadline for conference brochure ads
- July 12** Deadline for exhibitor name to appear in pre-conference materials
- August 9** Exhibitor "information kit" distributed electronically
- August 30** Deadline for exhibitor name and description to appear in the on-site materials
- October 4** Exhibitor registration and tabletop set up
- October 5** Exhibit Hall open

Questions? Contact:

Jackie Stasch, CEM
Manager of Exhibits & Sponsorships
847.267.1374 | jstasch@alanet.org

Tentative Schedule of Events

(Subject to change)

Thursday, October 4

- 5:15–6:30 p.m. Opening Remarks and Keynote
- 6:30–8:00 p.m. Welcome Reception
(Business partners included!)
- After 8:00 p.m. Feel free to entertain!

Friday, October 5

- 7:00–9:00 a.m. Exhibitor registration and set up
- 8:00–9:15 a.m. Concurrent sessions
- 8:30 a.m. All exhibits should be set
- 9:15–10:45 a.m. Break in Exhibit Hall
- 10:45 a.m.–Noon Concurrent sessions
- Noon–1:30 p.m. Lunch in Exhibit Hall
- 12:45–1:15 p.m. Three *Business Matters!* Sessions
- 1:30–2:45 p.m. Concurrent Sessions
- 3:00–4:00 p.m. Break in Exhibit Hall
- 4:00–5:15 p.m. Concurrent sessions
- 4:00–6:00 p.m. Exhibitor tear down
- After 5:15 p.m. Feel free to entertain!

Saturday, October 6

- 8:15–9:30 a.m. General session
- 9:45–11:00 a.m. Concurrent sessions
- 11:15 a.m.–12:30 p.m. Concurrent session

Education

TEST YOUR KNOWLEDGE IN PREPARATION FOR ALA'S CERTIFIED LEGAL MANAGER (CLM) EXAM



The CLM provides the opportunity to demonstrate you have mastered the **knowledge**, **skills**, and **abilities** to operate at a high level of expertise in the field of legal management.

1. An asset placed in service today would be most commonly depreciated for U. S. reporting purposes using which of the following methods?
 - (a) Alternative Minimum Tax
 - (b) Accelerated Cost Recovery System
 - (c) Double Declining Balance
 - (d) Modified Accelerated Recovery System

2. According to the Americans with Disabilities Act (ADA), when are medical examinations for potential new hires allowed?
 - (a) Once a job has been offered but prior to the commencement of employment
 - (b) Within 30 days of commencement of employment
 - (c) Prior to position being offered
 - (d) When the employer doubts the applicant's ability to perform

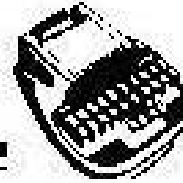
3. The term "selection procedure" as used by the Equal Employment Opportunity Commission (EEOC) includes:
 - (a) Standardized tests only
 - (b) Interviews only
 - (c) Physical examinations only
 - (d) Any procedure used as a basis for selection decisions

ANSWERS TO TEST YOUR KNOWLEDGE:

1) d; 2) a; 3) d

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Arkansas Chapter Calendar of Events

April 11, 2012

General Business Meeting
Educational Program: Healthcare Reform, Debbie Nye, Esq.

Location: The Little Rock Club

April 22-26, 2012

ALA National Annual Conference

Location: Honolulu, HI

May 9, 2012

General Business Meeting
Educational Program: Regional Council report and highlights of annual conference sessions

Location: The Little Rock Club

May 16, 2012

Webinar: Safe Stress! (CM)
You are evaluating a new billing system, working under a tight deadline for an attorney, a good employee quits, and suddenly the road you drive every day closes for construction. How does an administrator handle all of the stress? Discover tools to identify the factors that cause stress and effective coping mechanisms.

June 13, 2012

General Business Meeting
Educational Program: **Advanced Excel Functions**

Location: The Little Rock Club

June 22-33, 2012

Chapter Leadership Institute

Location: Snowbird, UT

June 20, 2012

Webinar: Technology Management: The Good, the Bad and the Ugly (OM)

Managing technology is a challenge in every law office. In this session, we will cover a wide variety of topics related to technology, including:

Technology Audits: Is your firm a candidate for an Audit?

Technology Plans: How to create and manage them

Technology Investments: How to Obtain Return on Investment

Technology Tips and Tricks

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**My Managing Partner
just walked into my office
and needs:**



*Information on
"green" office
practices*

*Sample
telecommuting
policies*

*An attorney
withdrawal
checklist*

Where do you begin? Put your ALA membership to work for you!

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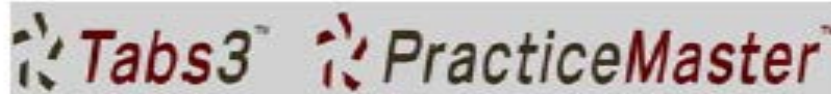


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ALA'S MISSION

The Association of Legal Administrators' mission is to:

Promote and enhance the competence and professionalism of all members of the legal management team;

Improve the quality of management in law firms and other legal service organizations; and

Represent professional legal management and managers to the legal community and to the community at large.

ALA'S GOALS

The Association of Legal Administrators' goals are to:

Develop and deliver programs and products that will provide high-quality, competency-based education to members of the legal management team.

Improve and strengthen the flow of information to and from the members.

Enhance the services and benefits available to members.

Increase the visibility and credibility of the Association of Legal Administrators and its members in the legal community through effective marketing and communications and through partnering efforts with the bar and other law-related associations.

Retain and recruit members from all components of the legal management team.

Maintain the Association's strong economic base.

Increase diversity in the Association, in the legal management community, and in all legal service organizations.

Promote and continue an organizational structure which clearly and effectively allocates the policy and operational roles and responsibilities of volunteers and staff through Governance Policies that ensure that organizational resources are best used to achieve the Association's Mission and Goals.



EDITORIAL POLICY

Editor: Julia Strickland

Photographers: Paula Anderson

Editorial Board: Terri Dickinson, Diane Smith, and Cathy Dille

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