The Legal Link

Summer 2012

ALA® Association of Legal Administrators | Arkansas Chapter | ALA Platinum Level Chapter 2012

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Summer 2012

Is "Free Time" a Thing of the Past?

by

Arkansas ALA President,

Terri Dickinson

Have A Great Day!

We have heard this greeting all of our life. But, what really makes a day great? You finish that quarterly spreadsheet report on time before the meeting? That always makes me smile. Add in a few Birdies on the golf scorecard and I am very pleased. It is said that golf is 90% mental and 10% talent. I think initially a great day begins with a positive attitude and self confidence. Striving for a positive outlook to stay focused not allowing negativity to steal our momentum on the long-term goal. Finish the race. The first time I reviewed the ALA's President's Award of Excellence criteria, I was a bit overwhelmed. I have realized this challenge for our chapter can't be accomplished by one person. I had to re-focus and view this challenge from a different perspective. Our chapter has an exceptionally talented group of ladies who are focused, positive leaders in their respective firms. We can build an exceptional chapter by focusing on the goal and uniting our talents. The result will enrich our chapter. This is the function and design of the President's Award of Excellence.

Our business partners contribute to the success of our chapter by renewing sponsorships in the categories of Diamond, Platinum, Gold, Silver and Friends. We are grateful for their monetary support to our chapter. Their support enables us to offer educational scholarships to each eligible member of our chapter. Each member's participation in the upcoming Business Partner Forum on Thursday, August 23rd, from 8:30 to 12:00 at the Double Tree Hotel is crucial to the continued success of our chapter. Please mark your calendar and plan to attend this event.

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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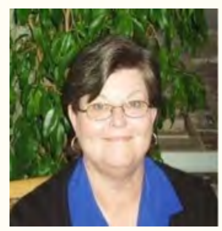

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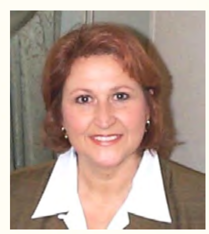

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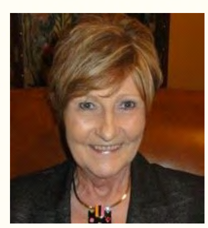

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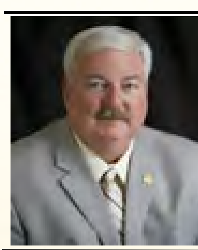

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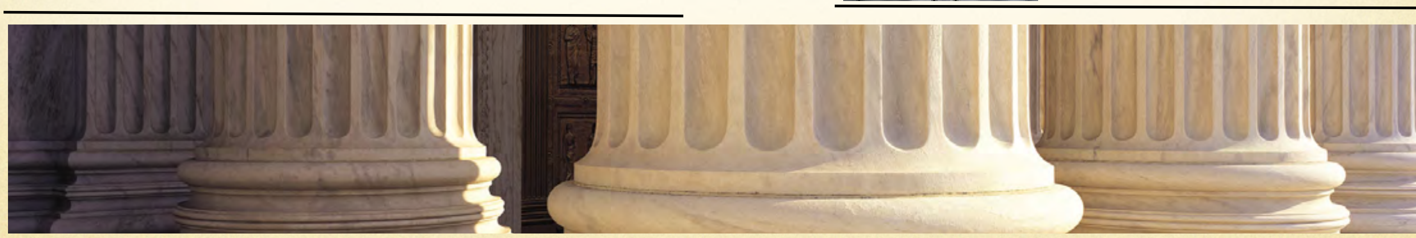

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APRIL 2012 - MARCH 2013

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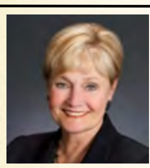

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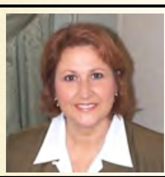

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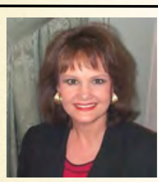

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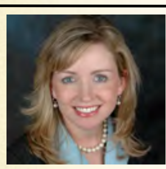

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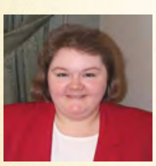

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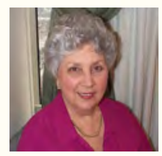

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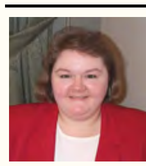

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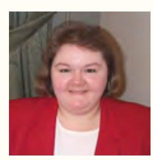

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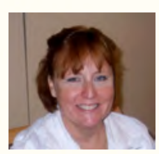

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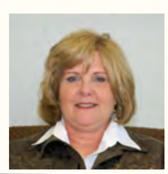

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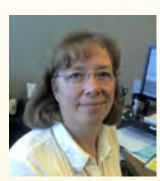

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ALA Association of Legal Administrators | Arkansas Chapter

Celebrating 31 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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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.

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.

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.

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!

The Legal Link

2012-2013 ALA Arkansas Chapter President-Elect, Cathy Dille, hosts the August ALA chapter meeting and educational webinar at the offices of Dover Dixon Horne.
Thank you, Cathy, for your hospitality!

Arkansas Chapter

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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WAVING THE "PREDICTIVE CODING" MAGIC WAND

by

Dr. Gavin W. Manes

There has been much discussion about predictive coding amongst e-discovery circles in the past year. The Wall Street Journal recently published an article on this very subject entitled "Why Hire a Lawyer? Computers are Cheaper."

Overview of the Process

First, what exactly is predictive coding? Given a large set of documents, attorneys review a small sample set to their specifications and their pattern of review is applied to the larger document set using a "content clustering" or "find similar" calculation. This represents a way to review a large volume of documents without attorneys spending thousands of hours putting eyes on each page. Predictive coding is used as a supplement to traditional e-discovery filtering methods such as keyword searching.

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

The variables in this process include the selection of documents for the sample set, user response to the sample set, and the computer algorithms applied. These algorithms may learn "on the fly" or may be pre-calculated depending on the software and process. For instance, poor user input will result in poor sample set results which would then be propagated to the remainder of the document set.

There are several different ways that a user can be led through a set of documents in predictive coding: "choose your own adventure," spokes on a wheel, purely random, or secret black box. "Choose your own adventure" is a style where the computer algorithm adjusts to your responses on the fly, changing the next document that might appear based on your previous input. Spokes on a wheel is a pre-defined set that covers all document clusters and users can dive deep into whatever interests them. Purely random selection, while statistically relevant, does not generate the most useful set. Secret black box is where only the developer of the computer algorithm knows what functions are being performed.

Product vs. Process

The WSJ article highlights one of the main problems that arises when discussing predictive coding – that it is presented as a product. In truth, predictive coding isn't just a piece of software that can be layered over other e-discovery processes. It is actually a process that includes a combination of attorneys and technology. At its core, predictive coding is about workflow.

In fact, keyword searches, sampling, and early culling could be considered a type of predictive coding since they help pare down the document set. This is particularly true in the early stages of e-discovery.

Because predictive coding is a methodology and not just a piece of software, any review tool can be used – some modern software like Xera, iConect, Recommind and Relativity have integrated predictive coding. However predictive coding can be employed in heritage review tools like Concordance or Summation and even other tools like LAW, CaseLogistix with the right clustering data and methodology. There are a number of different predictive coding engines and algorithms available, and many have been around before being called predictive coding. In fact, near-dupe technology, otherwise known as "find similar," is heavily used in predictive coding to calculate the logical clusters and groups in the remainder of the set.

Benefits

Predictive coding can be an excellent way to reduce the number of documents that attorneys need to review. This is increasingly necessary as document sets grow concurrent with client unwillingness to pay for review.

One of the attractions of predictive coding is the ability to streamline first pass review. The processes listed above, in combination with the efficient use of technology, gives similar results to those described in predictive coding. Attorneys are a critical part of this equation along with use of the right technology.

Cost

In a project where predictive coding is used, processing costs will increase but there will be substantial savings in the review phase. This assumes the project was well-planned and managed from the outset and that the process and technology were used appropriately.

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ALA Member Profile

Andrea Denise Everage, MHR, PHR
Region 4 Education Officer

How has the position of Educational Officer benefited you in your career and as an individual?
The opportunity to serve on the Regional Leadership Team (RLT) has allowed me to see, do and experience things I may not have otherwise encountered. The post is for two years, and for most incoming Officers attending Regional Leadership Institute (RLI) for the first time can be a "deer in the headlights" experience! You're not quite sure what you are doing in the company of all of these folks who, obviously, know more about everything in the universe than you do. After all, they have already served the Association for at least one year. They are pros, right?! The truth is, no one is more capable than you. Own it.

How do you feel that your style of leadership will fit into the ALA national organization?
My style is "collaborate and empower." In my personal and work lives I appreciate working with folks who understand and execute their duties and responsibilities, and who know how to put their hand up when they need help. I like a safe, collaborative environment where everyone can lay their cards on the table (read: I don't quite get this, can you help me to empower myself with some cues and clues). I firmly believe we get more done together than any one of us can do alone.

What has been your biggest challenge as an officer and how have you managed that?
I was probably my biggest challenge! I had some health challenges in 2011 (two foot surgeries) and 2012 (broken ankle) that made traveling difficult. However, as with most things, you figure out how to get things done and keep moving forward. For example, I was invited to speak before the Houston and Oklahoma City Chapters this year. Both Chapter visits were scheduled before I broke my ankle. Fortunately, Greg Madden was able to pick up those presentations. There is great comfort in being able to rely upon your fellow Officers, Director and At-Large Director.

How would you advise a member who was considering taking a more active role on the regional or national level?
Get the support of your firm and dive in head first! Understand the related time and financial commitments. Do not worry about whether you have the skills to make a meaningful contribution. ALA carefully selects each volunteer for the time and season. . However, you do want to be real with yourself and your team. Carefully consider your strengths, and how you can best contribute and grow. Do not get discouraged if you are not selected the first time you allow your name to be considered for a position: It may not be your season. Keep planting the seed and looking for the harvest.

Anything you would like to mention about what the Region 4 Leadership Team hopes to achieve in the 2012-2013 year?
We would like the opportunity to visit with more Chapters in Region 4. If your Chapter has not had a Regional Officer visit within the last two years, it is time! Work with your Focus Chapter Representative to schedule a date and to decide upon a presentation topic timely for your members. However, you can request a visit from any member of the Team (Greg Madden, Steve Dempsey, Shari Doidge, Brenda Holman or Andrea Everage).

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

I have far too many interests and not enough time to pursue them all! However, I do enjoy exercising and am a certified fitness instructor. I am a Chihuahua-mama. My husband and I have three Chi's: Sergio Mendez; Jojo and Bigg Blu (no "e"). *"Life is good!"*

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2012-2013 Focus Chapter Assignments			
Steve Dempsey	**Shari Doidge**	**Brenda Holman**	**Andrea Everage**
New Orleans	Mile High	Oklahoma City	Austin
Dallas	Alamo	Houston	Fort Worth
New Mexico	Utah	Tulsa	Arkansas

Andrea preparing to ride her bike in the MS150, a fundraising event to support people with MS and their families.

(Continued from page 11)

Of course, predictive coding can become more expensive than necessary if the sample sets are poorly developed, if the data set includes documents that do not have natural language (graphics), or if the pricing model includes per-month gigabyte charges for hosting. In a predictive coding set, there will always be more data hosted in a review platform versus keyword-based review. Project management of predictive coding is critical, since it is a process and not just an “easy button.” There may be several run-throughs of the sample set in order to achieve the desired results so it is important to set appropriate expectations.

There is a substantial cost difference based on whether the data is processed in advance or on-the-fly. Processing and clustering in advance results in lower costs and a fixed error rate but requires multiple passes at the sample set. Allowing the adjustment of the error rate or heuristic in real time requires a large amount of processing power and a more complex algorithm; this results in higher costs and requires “middleware” between review technology and the predictive coding engine.

Technology and Efficiency

The thought behind predictive coding – that technology can help reduce the cost of e-discovery – is a great one. Figuring out what pieces of technology to apply at what point in the workflow may not be as easy. Consultants or other attorneys seasoned in e-discovery analyzing your workflow or case (particularly for large projects) can save enormous amounts of time and money. Ultimately, predictive coding is not just about using technology, but about using it well and using it at the right time.

About the Author

Dr. Gavin W. Manes Dr. Gavin Manes is a nationally recognized expert in e-discovery and digital forensics. He is currently the President and CEO of Avansic, a firm that provides ESI processing, e-discovery, and digital forensics services to law firms and companies across the nation. Dr. Manes founded this Tulsa-based company in 2004 after graduating with his Doctorate in Computer Science from the University of Tulsa.

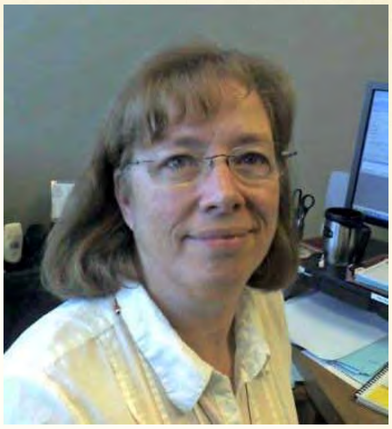
Manes has published over fifty papers on computer security and digital forensics, and has given hundreds of presentations to attorneys, executives, students, professors, law enforcement, schools, and professional groups on topics ranging from digital forensics issues to cyber law. He has also briefed the White House, Department of the Interior, the National Security Council, and the Pentagon on computer security and forensics issues.

The Legal Link

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 SPF? The SPF number tells you how much longer you can stay in the sun without burning if you apply the sunscreen. For example, if you normally burn after 20 minutes of unprotected sun exposure, applying a sunscreen with an SPF of 15 gives you 15 times the protection and will protect you for as long as five hours.

Did you know? *Spending some time in the sun is actually good for us, within limits. The sun has many healing properties and can also help prevent several diseases.*

Exposure or Overexposure?

Exposure to the sun's ultraviolet B rays helps your skin cells produce vitamin D, which is essential for healthy bones and a healthy heart. It is also believed to protect against breast cancer, colon cancer, and prostate cancer. Exposure to the sun also helps combat certain forms of depression and can even help with insomnia. Sunlight can increase your risk of skin cancer and certain eye conditions. Yes, eye conditions. Here are some tips to help protect your skin:

- Select a broad spectrum sunscreen – SPF of 15 or higher. Dr. Oz recommends SPF 30 or higher and at least a shot glass full is a good amount to apply.
- Suntan lotion does expire. If it's from last year, throw it away.
- Don't forget your sunglasses – the same rays that can damage your skin, can damage your eyesight.
- Seek shade whenever possible, especially between 10 a.m. and 3 p.m.
- Don't tan – that means both – sun and tanning beds. Instead consult your physician about topical tanning agents.

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.

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!

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

ALA Association of Legal Administrators | 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
1550 Court Place | Denver,Colorado 80202
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. Why is it necessary to prepare comprehensive budgets?

(a) To predict the level of client work in the year.
(b) To plan, analyze, and control operations.
(c) To understand how funds are used in operations.
(d) To ensure that funds are used for the purposes intended.

2. A candidate for a computer data entry position has an obvious vision impairment as he is wearing a patch over one eye. Under the Americans With Disabilities Act of 1990, which question can be asked during an interview?

(a) Did the candidate file a workers compensation claim over the injury?
(b) How many days of work did the candidate miss the previous year?
(c) Will an accommodation be necessary?
(d) How much time off will be required for treatment?

3. What is one of the significant financial differences between a law firm organized as a partnership and one which is organized as a professional corporation?:

(a) The capital contributions in a professional corporation are made on a pre-tax basis and those in a partnership are made on an after-tax basis.
(b) Shareholders pay federal and state corporate income tax rates on their monthly compensation and partners pay individual income tax rates.
(c) In a professional corporation, the entity is responsible for withholding taxes for shareholders; in partnerships each partner is personally responsible for filing employment taxes.
(d) Income of the professional corporation is not subject to taxation until withdrawn from the corporation, whereas undistributed income in a partnership is fully taxed to the partner.

ANSWERS TO TEST YOUR KNOWLEDGE:

1) b; 2) c; 3) c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Add a valuable dimension to your professional development by becoming a Certified Legal Manager (CLM)SM!
Earning the CLM designation:
Validates your knowledge and expertise in all areas of legal management.
Expands your résumé and opens the door for new career choices.
Demonstrates your dedication and commitment to the profession.
Enhances your value to your organization.
Saves your firm money on its professional liability risk insurance.*
Certified Legal Manager
CLM
ALA
For more information about the CLM program, visit www.alanet.org/clm
*Visit www.alanet.org/clminsurance.html for a complete list of participating states

Arkansas Chapter
Calendar of Events

July 20, 2012
General Business Meeting
Webinar: Finance for the Non-Financial Administrator (FM)

Location: Mitchell Williams Law Firm

August 15, 2012
General Business Meeting
Webinar: Records Management: The Bermuda Triangle (LI)

Location: Dover Dixon Horne Law Firm

August 23, 2012
Business Partner Forum

Location: Doubletree Hotel

September 19, 2012
General Business Meeting
Webinar: Of Foxes, Hedgehogs and Law Firm Profitability (FM)

Location: Kutak Rock Law Firm


My Managing Partner just walked into my office and needs:
ALA® Management Solutions℠
Information on "green" office practices
Sample telecommuting policies
An attorney withdrawal checklist
Where do you begin?
Put your ALA membership to work for you!
At the Association of Legal Administrators (ALA) we understand that when you need information, you want it quickly and from a reliable source.
ALA Management Solutions℠ offers you access to a competent, experienced team of researchers — and it's FREE to ALA members! Just tell us what you need; we'll respond quickly with the best information available. Send your questions to infocentral@alanet.org, or call 847.267.1385.
Contact the ALA Reference Desk at infocentral@alanet.org 847.267.1385
Your connection to knowledge, resources and networking

HAPPY BIRTHDAY

Barbara Bennett	July 17
Cathy Dille	July 19
Julia Strickland	August 2
Vivian Koettel	August 8
Angela Falco	August 12

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

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