

The Legal Link

Winter 2012



Arkansas
Chapter



Published by the Arkansas Chapter of the Association of Legal Administrators



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Chapter

The Legal Link

Winter 2012

President's Message *by* Arkansas ALA President, Terri Dickinson



Merry Christmas!

From your 2012 ALA President desk, I want to wish everyone a Merry Christmas and a prosperous 2013 New Year!

I am honored to work with an awesome group of ALA members! We have rounded the corner of this quarter with an outstanding list of accomplishments. I want to recognize several of our members for their hard work this quarter.

First thanks to our Community Connection Project chairperson, Nancy Collins, along with Carolyn Owen, Bonnie Vickery, and Diana Thomas for your work this year to support the American Heart Association. Thanks to all our members who sold a record of \$4,700 in raffle tickets for benefit of American Heart Association.

Second to our Membership chairperson, Carolyn Owen, for our membership drive and a successful membership campaign during our "A Night Out With ALA" social event held at Loca Luna Restaurant Party Room on November 13, 2012. We are pleased to welcome new member, Michelle Tyree with Brad Hendricks Law Firm, who joined after attending the social. Congratulations to Erica Nordon with Hosto & Buchan who won the first prize drawing of a \$300 membership reimbursement.

Our 2013 ALA annual conference is scheduled Sunday, April 14, 2013 thru Wednesday, April 17, 2013 at the Gaylord National Resort & Convention Center in National Harbor, Maryland (Washington D.C. Area). The early bird registration deadline is February 4, 2013. The full registration cost is \$795. The resort offers a discounted group rate of \$265 per night for Conference attendees who make their reservations before Monday, March 11, 2013.

Mark your calendars for the ALA Region 4 Conference & Expo which will be held **October 3-5, 2013, at the Hyatt Regency Albuquerque, Albuquerque, NM.**

Our December meeting will be held on Wednesday, December 12th at 11:30 at the Little Rock Club. We will not have a regular business meeting but will gather to celebrate Christmas with lunch and our Dirty Santa gift exchange. Please bring your gift consisting of any item related to Christmas. The dollar limit is \$20. See you at the meeting.

Terri Dickinson

ALA Arkansas Chapter President 2012-2013

The Legal Link

Table of Contents

Officers and Directors	4
Committees and Chairs	5
Arkansas Chapter	6
Business Partners	7
Question of the Quarter.....	8
Membership Opportunities.....	9
Spotlight Article.....	12
Legal Marketplace.....	14
Wellness, Fitness & You.....	16
Test Your Knowledge.....	20
Calendar of Events.....	23
ALA's Mission and Goals and Editorial Policy.....	26



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.

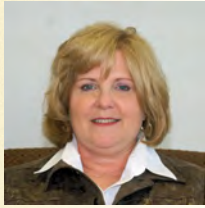
ATTENTION

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



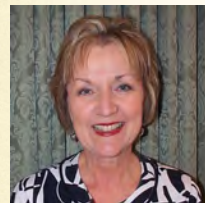
Cathy Dille
President-Elect
Dover Dixon Horne
(501) 375-9151
cdille@ddh-ar.com



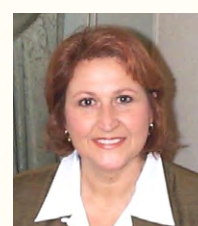
Paula Anderson, CLM
Vice President
Kutak Rock
(501) 975-3111
paula.anderson@kutakrock.com



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



Vivian Koettel
Secretary
Williams & Anderson
(501) 372-0800
vkoettel@williamsanderson.com



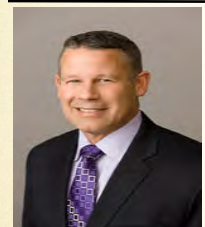
Bonnie Vickery
Immediate Past President
Mitchell Williams
(501) 688-8800
bvickery@mwlaw.com



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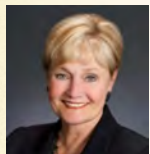
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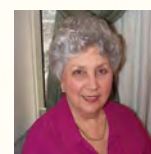
Advertising
Diana Thomas
(501) 370-4207
dthomas@mwlaw.com



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



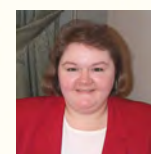
Benefits/Compensation
Angelia Hadden
(501) 370-1528
ahadden@fridayfirm.com



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



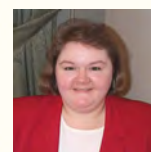
Business Partner Relations
Bonnie Vickery
(501) 688-8838
bvickery@mwlaw.com



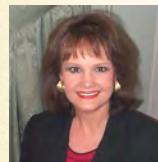
Bylaws/Standing Rules
Kathy Cagle
(501) 370-4604
kathy.cagle@mrmlaw.com



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



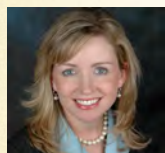
Hospitality
Kathy Cagle
(501) 370-4604
kathy.cagle@mrmlaw.com



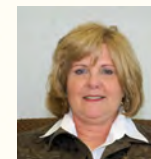
Membership
Carolyn Owen
(501) 801-3854
carolyn@gill-law.com



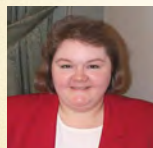
Programs/Education
Paula Anderson, CLM
(501) 975-3111
paula.anderson@kutakrock.com



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



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



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



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



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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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Silver Partnership and Friend & Supporter opportunities are available.

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



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Did You Know?

Question of the Quarter:

I am planning a technology training initiative for my office, and am looking for a list of core technology competencies for legal professionals. I could also use advice on providing technology training to all firm personnel. Can you help?

Answer:

We've been able to find a number of resources that should help you with this project; any single source won't be definitive, but taken together they provide a good overview of technology needs in the legal industry.

The New York State Bar Association offers a Report of the Task Force on the Future of the Legal Profession. The Report includes a segment on "Technology and the Practice of Law," with observations on trends and tools applicable to current practice.

This is actually a PowerPoint presentation from Traveling Coaches: "The Today and Tomorrow of Legal Technology Training." The slides offer quite a few tips on what skills need to be attained and how to help legal personnel (all staff, not just lawyers) acquire those skills.

The July/August 2011 issue of Legal Management included the article "Your Tech-Training Guide." Author Adriana Linares states, "Training is the #1 reason for successful software implementations. Lack of training is the #1 reason for failed implementations."

Earlier this year the State Bar of California offered an ethics symposium at Hastings College of the Law. You may wish to look into obtaining copies of the material, as it looks like technology was a major focus of the event.

ILTA, the International Legal Technology Association, offers an extensive collection of white papers on technology matters in the legal industry. While many of the papers discuss trends and current issues, you might want to start with the December 2009 paper, "Firm University." (Note: Everything on this page is listed in reverse chronological order.)

See this very recent blog posting from consultant Pamela Woldow on client demands for lawyers with technology skills.

Here is a summary of the latest AmLaw tech survey, outlining the current tech issues in law firms. These same concerns may be applicable to law departments as well, particularly the issues surrounding mobile devices and other consumer-friendly gadgets.

For firms with corporate practices, or corporate legal departments: If any of your attorneys are members of the Association of Corporate Counsel, ask if they'd be willing to obtain relevant publications for you — almost everything on the ACC website is restricted to members but their materials on practice management are top-notch.

Law.com's Law Technology News is a good source for staying current on technology designed for the legal industry; you may want to visit the site occasionally to review the latest hardware and software available.

We hope this will get you started — best of luck with your project!

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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ALA Members enjoying each other during a recent networking luncheon.

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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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Your connection
to knowledge, resources and networking



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There's a Policy for That: Smartphone Use in Innovative Workplaces

by
Russell A. Gunter

Mobile phones with internet capability (a.k.a. Smartphones) have become tools of efficiency in the modern workplace. In their most basic form, mobile phones facilitate a wide-range of communication between employers, employees and clients. Beyond simply making calls, and sending e-mails and text messages, Smartphones now allow employees to remotely access entire computer networks. With the increased use of Smartphones in the workplace – however beneficial to an employer – companies inevitably assume more risk. Here is a mere sampling of the potential issues to address as you craft or update the Smartphone Policy in your employee handbook.

Smartphones Behind the Wheel: A Recipe for Disaster

Many states have laws that prohibit the use of handheld cell phones while driving, and your company policy should do the same. Whether you have company drivers or just employees who travel occasionally, such a policy may limit company liability in the event of an accident – and it will hopefully dissuade your employees from potentially dangerous situations.

In an effort to quell distracted driving, the Department of Transportation (DOT) issued a final rule in late 2011 prohibiting commercial interstate truck and bus drivers from using handheld mobile devices while driving. Penalties for violations of the rule may include:

- Federal civil penalties of up to \$2,750 for each offense;
- Disqualification from operating a commercial motor vehicle for multiple offenses;
- State suspension of driver's commercial driver's license after two or more serious traffic violations; and
- A maximum penalty of \$11,000 for commercial truck and bus companies that allow drivers to use such devices while driving.

Currently, handheld mobile phones are permissible only when the driver is parked or in an emergency. Drivers are allowed to use "push-to-talk" mobile communication equipment so long as the driver is able to operate the push-to-talk feature from a normal seated position with the seat belt fastened.

Employers beware! It may not be enough to merely have a Smartphone policy in place. Recently, a Corpus Christi, Texas, jury awarded \$24 million to a victim who was hit by a Coca-Cola truck while the truck driver was chatting on her cell phone. Coca-Cola had a policy requiring drivers to use a hands-free device when using a cell phone while driving company trucks.

The victim's attorneys claim the issue is not the existence of a policy, but its enforcement. In other words, Coca-Cola did not ensure that their drivers understood the risks associated with using a cell phone while driving. They argued that company-wide training exercises or demonstrations may be necessary to adequately enforce the hands-free device policy.

Privacy Concerns for Mobile Devices: How Smartphones Can Destroy Company Security

Employers should do everything in their power to dispel employees' expectations of privacy when using company-provided Smartphones. Employers should notify their employees that the company can access electronic communications such as emails, text messages and voicemails for legitimate business reasons. Likewise, employees who use their Smartphones to access email or remote workstations should be required to use a password and, in the event that the

phone is lost or stolen, the employee should know to immediately report the missing phone to management. A Smartphone that falls into the wrong hands is a security breach waiting to happen. In fact, many employers choose to prohibit Smartphone use in certain areas of their businesses to prevent confidential or proprietary information from ending up on an employee's phone.

However, there is a slippery slope employers should beware of when it comes to privacy rights in the world of Smartphones and social media. A growing number of employers are requesting all employees to divulge social media password(s). While these social media profiles undoubtedly offer a wealth of information, it is unclear how the "system" – courts, judges and various government agencies – will respond. In fact, 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 such actions by employers, and Facebook issued a statement, citing privacy concerns, which warned employers of possible legal action for violating its long-standing policy against sharing passwords.

Meanwhile, the National Labor Relations Board has issued three memorandums and two recent Board decisions discussing how limiting employees' social media communications could result in unfair labor practice charges. It remains unclear where the line will ultimately be drawn in the battle of public vs. private, but one thing is certain – you probably can't afford to be made an "example" of because of your over-broad communications policies.

It may not be enough to merely have a Smartphone policy in place.

(Continued on page 13)

The Legal Link

(Continued from page 12)

"Textual" Harassment: The New Work Environment

As you craft your Smartphone policy, be sure to emphasize other handbook policies that are affected. For example, the use of Smartphones has provided even more outlets for sexual and other types of harassment. Sending lewd emails, making harassing phone calls and texting inappropriate images are all made easier by the advent of Smartphones. Make sure that your employees understand that the same rules apply regardless of the medium. Harassment is no less harassing or disturbing via Smartphone than face-to-face and, in fact, may be more pervasive.

Likewise, a Smartphone provides access to the Internet and social media outlets, such as Facebook and Twitter. Not only does this compromise productivity, if left unchecked, but your policy should also clearly reference any existing social media, Internet and/or other internet-related policies. Or, if those policies don't exist, now is the time to craft them!

A well-honed Smartphone policy is your opportunity to provide employees with explicit expectations for Smartphone use in addition to outlining potential misuse. In the ever-widening realm of communications, it is critical that employers and HR professionals stay ahead of the curve and avoid becoming a test case in legal battles that have yet to be fought. Take the time to ensure that your employees understand the nuances of your policies, as well as repercussions for noncompliance – not only by acknowledging the handbook, but also by participating in training demonstrations for proper Smartphone use. Doing so may be the lifeline your company needs to avoid legal pitfalls down the road.



About the author:

Russell A. Gunter is a Director with Cross, Gunter, Witherspoon & Galchus, P.C. He can be reached at rgunter@cgwg.com

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Business Partners:

A Chapter's Most Valuable Assets By Nancy Collins



Over the years, I have come to recognize the value of my relationship with our firm's business partners. It is more than the business partner providing the product or service and us paying for it. It is being able to count on the business partner when the going gets rough...and the business partner being able to count on us to help him/her expand their business.

I have needed a business partner to help work through a sticky phone problem one Friday night as a result of a desperate call from one of our lawyers. I have needed a business partner to get us a special supply for an unexpected client/attorney demand.

From the ALA perspective, we couldn't provide anywhere close to the level of member education that we have been able to do. Without the support of our business partners, members in small firms wouldn't be able to go to conferences and bring valuable information back to their firms. Our business partners really came through for us with our Community Connection project this year. Standard Business Systems donated \$500 toward our Community Connection raffle item and all it took was a phone call.

Conversely, business partners have needed me to give a good reference to a prospective client. I am always glad to do this. The more successful the business partner, the more likely that they will continue to be in business.

From a business partner perspective, Richard Gully with Standard Business Systems views his ALA sponsorship as "an investment in ALA and his business. It is a symbiotic relationship. Both his business and ALA benefit from the relationship!"

ALA's Legal Marketplace is a venue where Business Partners may purchase a vendor listing in its directory. The directory allows ALA members to quickly find a nationwide list of vendors for specific products. Additional information about Legal Marketplace can be found on ALA's website at <http://www.alanet.org>.

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Wellness, Fitness and You

Thoughts for your well-being brought to you 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.

We love the holidays, but sometimes the hectic pace, all the parties, the planning, the food, food, food – you get tired, your back hurts, your shoulders tense, and you feel grouchy. You’re stressed out. Try this relaxing technique to help relieve the stress: Take a minute, close your eyes and breathe in slowly. Breathe out while you count 5 to 10 seconds. Do 10 of this super-relaxer any time you feel tense.

Did you know? **Goal-setting is common in business and sports, but it’s a concept that really applies to anything in life.**

People who set and regularly re-evaluate their goals tend to be more successful. You’ve probably decided to lose weight and exercise more on many occasions. So what’s stopping you? (I know what’s stopping me.) Maybe it’s NOT your willpower, your scheduled or your lifestyle. It may actually come down to setting firm, achievable goals.



Setting specific goals – for eating and physical activity can lead to more success. It is usually best to set goals that are challenging but reasonable. If your goals are out of reach you’ll likely end up frustrated, angry and filled with self doubt.

A weight-loss goal of reducing your body weight by 5 to 10 percent is sensible if you are overweight. So is losing half a pound to two pounds per week. Dr. Oz states that 1 pound per week is very reasonable. If you think about the fact that there are 52 weeks in a year, and your goal is 1 pound per week. That’s 52 pounds by the end of the year. If you further think that there are holidays in there, and you are going to screw up at least twice – then 50 pounds in one year is a fantastic amount.

Here is to making goals in 2013. May your life be long and your goals attainable.



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.

The Legal Link



Arkansas
Chapter

A Night Out with ALA - A Success!

ALA members invited business partners and potential members to join them for a fun night of cocktails, hors d'oeuvres, and door prizes including a \$300 dues reimbursement to a potential member and a free chapter membership until April 2013 renewal. The event was held at Loca Luna Banquet Room on Tuesday, November 13 from 5:30-7:00 p.m.

Check out these photos of our event!





WEBINAR Wednesdays



Mark your calendar for the 3rd Wednesday of the month for ALA Webinars!

- **CONVENIENT** — Listen and participate from the comfort and convenience of your desk.
- **EASY** — A telephone and Internet access is all you need.
- **IDEAL FOR MULTIPLE LISTENERS** — Use a speakerphone and invite as many people as you want – for no extra cost.
- **AFFORDABLE** — Priced at a fraction of the cost of travel and attendance fees for a live conference or seminar.

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January 16, 2013
Microsoft Office ®
Tips & Tricks for Law Firms (OM)

February 20, 2013
Profitable Law Firms:
There's no APP for that (FM)

March 20, 2013
Initiating Alternative Fee
Arrangements (FM)

April 17, 2013
Mentoring: It's Déjà Vu
All Over Again (HR)

May 15, 2013
Marketing (Mis)Alignment: Closing
the Gap Between Marketing and
Law Firm Leadership (LI)

June 19, 2013
Leveraging Technology for Small
Firms (OM)

July 17, 2013
Negotiate the Lease: Manuever the Maze of
Real Estate Options (OM)

August 21, 2013
Financial Reporting Methods that Allow Intelligent
Business Decisions (FM)

September 18, 2013
Forecasting the Realistic Budget (FM)

October 16, 2013
Saying the Hard Thing with Aloha (CM)

November 13, 2013
The Ethics of Email and Social Media (LI)

Learn more and register
www.alanet.org/webinars

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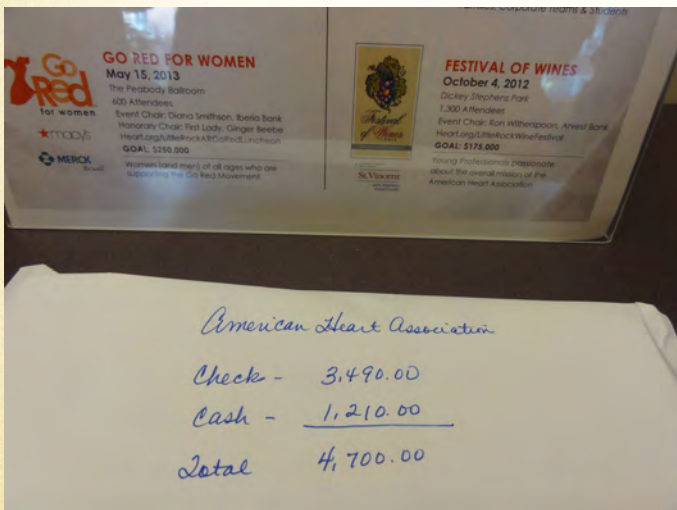


Community Connection Benefits Arkansas Heart Association

Since this event began in 1999, ALA members, their firms, friends and families have come together to contribute time, energy and resources toward improving their communities. The Arkansas ALA chapter helped support the American Heart Association by having a jeans day in our firms on October 26. For a \$10 donation, an employee can wear jeans to work and help fund ground-breaking scientific research and education.

The American Heart Association is pursuing an aggressive goal to save hundreds of thousands of lives from heart disease and stroke. It's an urgent need because heart disease and stroke touches all of us.

Check out these photos of our event!



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. According to the contingency theory of leadership, a manager will be most effective when (s)he
 - (a) Consistently initiates structure.
 - (b) Adapts his/her style to specific circumstances.
 - (c) Is task-oriented.
 - (d) Is relationship-oriented.

2. Jordan, Inc. is a profitable company with the goal to maximize cash flow. A valid reason for Jordan not to adopt the last-in, first-out (LIFO) method of inventory valuation is
 - (a) Prices are rising.
 - (b) Prices are falling.
 - (c) The company has high administrative costs.
 - (d) The reduction effect on inventory.
 - (e) The difficulty in segregating goods in the warehouse.

3. A weakness in the internal rate of return (IRR) approach for determining the acceptability of investments is that it
 - (a) Does not consider the time value of money.
 - (b) Is not a straightforward decision criterion.
 - (c) Implicitly assumes that the firm is able to reinvest project cash flows at the firm's cost of capital.
 - (d) Implicitly assumes that the firm is able to reinvest project cash flows at the project's internal rate of return.
 - (e) Does not consider the annual timing of the projected cash flows.

ANSWERS TO TEST YOUR KNOWLEDGE:

1) b; 2) b; 3) d

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- ◆ Demonstrates your dedication and commitment to the profession.
- ◆ Enhances your value to your organization.
- ◆ Saves your firm money on its professional liability risk insurance.*

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.

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Arkansas Chapter Calendar of Events

January 9, 2013

General Business Meeting

Program: Estate Planning 101-New Law Updates

Adam Reid, Barber Law Firm

Location: The Little Rock Club

January 31, 2013

ALA National Dues Renewal Deadline

February 13, 2013

General Business Meeting

Program: Interviewing to Make the Match

Chris Samuel, Employment Solutions

Location: The Little Rock Club

March 13, 2013

General Business Meeting

Program: Healthcare Reform-One Year Later

Debby Nye, Kutak Rock

Location: The Little Rock Club

The Legal Link

**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!

At the Association of Legal Administrators (ALA) we understand that when you need information, you want it quickly and from a reliable source.

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HAPPY BIRTHDAY

Mary Coney
Angelia Hadden
Bonnie Vickery

January 9
February 22
February 24



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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

This newsletter is published quarterly by the Arkansas Chapter of the Association of Legal Administrators for the education and benefit of its members. Opinions expressed in articles and advertisements contained herein are strictly those of the contributors and advertisers, and do not necessarily reflect the opinions of the Arkansas Chapter or its members. Reprinting of any portion of this newsletter by any means including photocopying, recording or any information storage and retrieval system, is prohibited without permission of the Editor and Authors.

Special thanks to Steve Brooks of Fox Images for photographing the Arkansas River and the Little Rock skyline and permitting us to use the cover photo for our newsletter. Clip art located in this newsletter furnished by www.fotosearch.com or Art Explosion Publisher.



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