

Published by the Arkansas Chapter of the Association of Legal Administrators

#### Summer Part 2 2017 Edition

### **MISSION**

**STATEMENT** 

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

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# The Legal Link

#### **President's Message**

Diversity. What do you think when you hear that word? Does it have a positive or negative connotation? Do you think of it in terms of a legal, EEO requirement or is it simply the way the world should operate? Is it something that requires thoughtful and purposeful effort, or should it happen automatically?

Since this is a business-related newsletter and, therefore, each of you reading this is involved in business operations in some way, I'm guessing you've thought about diversity in the workplace. Since you're also human, I'm guessing recent events in our nation have provoked thoughts about diversity on a more personal level. I wish diversity - and its cousin, "inclusion" - were automatic because they're the right thing to do and they make us stronger as organizations. . . and as people in general.

Being in HR and dealing with a lot of people challenges/opportunities, I know there are always at least two perspectives of any given situation. It's critically important for me to listen to and understand those perspectives. Diversity of race, ethnicity, gender, sexual orientation, generation, etc. compounds those perspectives. There is tremendous value in differing perspectives, as they make us think more – and often differently than we would otherwise. "Being around people who are different from us makes us more creative, more diligent and harder-working" (Phillips). Extensive research shows that diversity drives the search for and sharing of new information, opinions, and perspectives, and that leads to better decision making and problem solving. Who doesn't want to make better decisions?

Despite their many benefits, diversity and inclusion can seem challenging at times. By its very nature, "different" can create anxiety and conflict. Many people have a tendency to fear what they don't know or understand. On the flip side, however, sameness can lull us into a state of ignorance and complacency. "Emerging research suggests that homogeneity can lead individuals to underestimate the actual complexity of group tasks because they assume that others' behavior is more predictable than it actually is" (Apfelbaum). If we aren't exposed to diverse perspectives, we don't have to work as hard to think about alternative ideas and solutions. We aren't as open-minded, and we might be ok with settling for the status quo.

In the spirit of working better together, I challenge each of you to actively pursue and embrace diversity. Let's invite each other to the table, listen and value differing perspectives. Let's grow stronger together.

Apfelbaum, Evan. "What's the Business Case for Diversity in the Workplace?" MIT Sloan Experts, 27 Feb. 2013, www.mitsloanexperts.mit.edu/diversityin-the-workplace. Accessed 28 Aug. 2017.

Phillips, Katherine W. "How Diversity Makes Us Smarter." Scientific American, 1 Oct. 2014, p. 1, www.scientificamerican.com/article/how-diversitymakes-us-smarter. Accessed 28 Aug. 2017.



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#### THREE HIGHLY RATED SESSIONS WERE RECORDED FOR LATER VIEWING:



Marijuana in the Workplace



**Alternative Approaches to Secretarial Support** 



Financial Reporting Checklists Every Firm Should Be Doing



# Diversity: An Effective Talent Management and Business Development Tool

By: Deborah S. Froling Partner, Kutak Rock LLP, Washington, D.C. Image: Shutterstock

As the legal industry becomes increasingly global and serves companies whose offices and employees are far flung across the globe, it is no wonder that diversity is front and center in decision making at all levels. Just as companies look to serve an ever increasing diversity in their customer base, so too should the legal profession reflect its client base. Given that diversity is a core value of both global and domestic companies, the legal profession, and law firms in general, should be strategic and purposeful in trying to achieve diversity in all aspects of their organizations.



Diversity encompasses not only gender, but also, among others, culture, ethnicity, sexual orientation, differing abilities and religion. Better decisions are made when there are different perspectives around a table; while decisions made in an echo chamber where all perspectives are the same, rarely result in sound decisions.

As a former president of the National Association of Women Lawyers, I heard time and time again from in-house lawyers that they expected their legal teams to look like them, bring the required expertise to the table, show a willingness to innovate with respect to billing arrangements and give credit for the work to the lawyers chosen by the client. Law firms are loathe to have someone on the "outside" (even clients) telling them how to reward their lawyers or run their business. However, law firms rarely respond to calls for more diversity and/or change the way they do business just because it's the "right thing to do." With more clients demanding more diversity and showing a willingness to reward those who work to change the status quo, perhaps firms will begin to change their behavior and realize the significant talent management crisis and corresponding business issue they are facing.

The American Bar Association (the "ABA") created the Diversity and Inclusion 360 Commission (the "Commission") to provide guidance and expectations regarding diversity in the legal profession. The ABA House of Delegates also adopted Resolution 113 urging law firms and corporations to "expand and create opportunities at all levels ... for diverse attorneys." In its report on Resolution 113, the ABA stated that clients "want to know that they are using law firms that reflect the diversity of their employees, customers, other stakeholders, and society as a whole."

The Commission's Executive Summary states that "law firms should ensure that the diverse attorneys working within their ranks receive meaningful opportunities to develop their skills, grow their client bases, contribute to the management and leadership of their firms, and ultimately reap the rewards that flow from that investment of time and talent." For clients, "[they] should use their buying power to incentivize firms to improve in the area of diversity and inclusion. The well-established business case for diversity posits that diverse teams provide better results." (quoting from Mark Roellig, "'WHY' Diversity and Inclusion Are Critical to the Success of Your Law Department" (paper presented at the PLI Corporate Counsel Institute, New York, NY October 2012).

### Diversity: An Effective Talent Management and Business Development Tool (contd.)

Many large corporations are paying close attention to who is getting the "credit" for the work they are sending to firms. They are also focused on the identity of the lawyers on the team handling their work. If there is a disconnect between pitch teams (more diverse) and the actual team doing the work (less diverse) or even the lead lawyer getting the credit, clients are going to start migrating away from the firms that are non-responsive to these concerns and lawyers will then leave based on lack of opportunity and lack of training and mentorship available at those firms. Those lawyers who left their firm to go in-house because they viewed the lack of opportunities or training as failures of the law firm will, in turn, not be inclined to reward their previous firm by providing new opportunities for work. As clients move away from these firms, these law firms will continue to suffer, by the exodus of lawyers, from a talent management perspective as well as by losing business and clients.

Perpetuating a system whereby significant legal talent continues to leave a firm is short-sighted, especially given the high replacement costs associated with recruiting and developing talented lawyers. Replacing a top female partner takes an average of 14 months compared to 11 months to replace a top male partner, and it costs approximately ten percent and twenty percent more to replace female senior associates and female partners, respectively, than their male counterparts ("What It Costs When Talent Walks Out the Door," The American Lawyer, February 1, 2017). Those replacement costs do not take into account the disruption to a client's relationship and business, along with the goodwill and historical client knowledge the departing attorney maintained. Given the high costs of turnover in attorneys, firms would be well advised to be more focused on retaining their top talent by providing those sought after growth and leadership opportunities as well as mentoring and training with respect to business development skills.

If firms continue to ignore this talent management issue, clients could be doing more walking than talking as the world continues to move towards globalization and firms do not continue to evolve to the same extent. This is an issue that law firms need to focus on, starting now. In another couple of years, it will be too late.

# !Attention Business Partners!

# Have you registered for the 2017 ALA "Networking After Hours"?

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Loft 1023 Streetside Room
(see registration form on next page)



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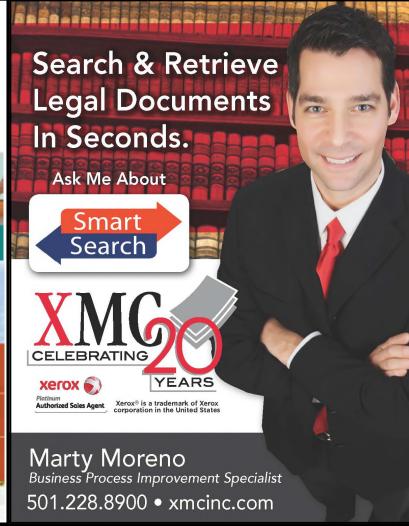
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2017 ALA Networking After Hours Reception Committee Members: Carolyn Owen, Michelle Tyree, Selina Wood, and Connie Straw

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# THE TOP 10 ECONOMIC FACTS OF DIVERSITY IN THE WORK-PLACE—A Diverse Workforce is Integral to a Strong Economy

By: Sophia Kerby and Crosby Burns

\*This article was published by the Center for American Progress (online 7.12.12); www.americanprogress.org

Our nation and our workforce are both becoming more diverse. The share of people of color in the United States is increasing; more women are entering the labor force; and gay\* and transgender individuals are making vital contributions to our economy, while being increasingly open about who they are. To that end, businesses that embrace diversity have a more solid footing in the marketplace than others.

A diverse workforce combines workers from different backgrounds and experiences that together breed a more creative, innovative, and productive workforce. And businesses have learned that they can draw upon our nation's diversity to strengthen their bottom line. In this way, diversity is a key ingredient to growing a strong and inclusive economy that's built to last.

Let's look at the top 10 economic benefits of workplace diversity.

- 1. A diverse workforce drives economic growth. Our nation's human capital substantially grows as more women, racial and ethnic minorities, and gay and transgender individuals enter the workforce. A McKinsey & Company study, for example, found that the increase in women's overall share of labor in the United States—women went from holding 37 percent of all jobs to 47 percent over the past 40 years—has accounted for about a quarter of current GDP.
- 2. A diverse workforce can capture a greater share of the consumer market. By bringing together individuals from different backgrounds and experiences, businesses can more effectively market to consumers from different racial and ethnic backgrounds, women, and consumers who are gay or transgender. It is no surprise, then, that studies show diversifying the workplace helps businesses increase their market share.



3. Recruiting from a diverse pool of candidates means a more qualified workforce. When companies recruit from a diverse set of potential employees, they are more likely to hire the best and the brightest in the labor market. In an increasingly competitive economy where talent is crucial to improving the bottom line, pooling from the largest and most diverse set of candidates is increasingly necessary to succeed in the market.

# THE TOP 10 ECONOMIC FACTS OF DIVERSITY IN THE WORK-PLACE—A Diverse Workforce is Integral to a Strong Economy (contd.)

- 4. A diverse and inclusive workforce helps businesses avoid employee turnover costs. Businesses that fail to foster inclusive workplaces see higher turnover rates than businesses that value a diverse workforce because they foster a hostile work environment that forces employees to leave. The failure to retain qualified employees results in avoidable turnover-related costs at the expense of a company's profits. Having a diverse and discrimination-free work environment helps businesses avoid these costs.
- 5. **Diversity fosters a more creative and innovative workforce.** Bringing together workers with different qualifications, backgrounds, and experiences are all key to effective problem-solving on the job. Similarly, diversity breeds creativity and innovation. Of 321 large global enterprises—companies with at least \$500 million in annual revenue—surveyed in a *Forbes* study in 2011, 85 percent agreed or strongly agreed that diversity is crucial to fostering innovation in the workplace.
- 6. Businesses need to adapt to our changing nation to be competitive in the economic market. Census data tell us that by 2050 there will be no racial or ethnic majority in our country. Further, between 2000 and 2050 new immigrants and their children will account for 83 percent of the growth in the working-age population. Our economy will grow and benefit from these changing demographics if businesses commit to meeting the needs of diverse communities as workers and consumers.
- 7. **Diversity is a key aspect of entrepreneurialism.** Our nation's entrepreneurs are a diverse set of people of color, women, gay, and transgender individuals. According to the Census Bureau, people of color own 22.1 percent of U.S. businesses. Moreover, women own 28.8 percent of U.S. businesses, and Latina-owned businesses in particular are the fastest-growing segment of the women-owned business market. According to the National Gay and Lesbian Chamber of Commerce, gay or transgender individuals own approximately 1.4 million (or approximately 5 percent) of U.S. businesses.
- 8. Diversity in business ownership, particularly among women of color, is key to moving our economy forward. The diversity of our nation's business owners helps boost employment and grow our economy. For example, women of color own 1.9 million firms. These businesses generate \$165 billion in revenue annually and employ 1.2 million people. Latina-owned businesses in particular have total receipts of \$55.7 billion since 2002.

# THE TOP 10 ECONOMIC FACTS OF DIVERSITY IN THE WORKPLACE—A Diverse Workforce is Integral to a Strong Economy (contd.)

- 9. **Diversity in the workplace is necessary to create a competitive economy in a globalized world.** As communities continue to grow, it's important to harness the talent of all Americans. Businesses should continue to capitalize on the growth of women, people of color, and gay and transgender people in the labor force. Our increasing diversity is a great opportunity for the United States to become more competitive in the global economy by capitalizing on the unique talents and contributions that diverse communities bring to the table.
- 10. Diversity in the boardroom is needed to leverage a company's full potential. By 2050 there will be no racial or ethnic majority in the United States, and our nation's boardrooms need to represent these changing demographics. Currently people of color and women only represent about 14.5 percent and 18 percent, respectively, of corporate boards among the senior management of Fortune 500 companies. Recruiting board directors with a breadth of expertise and varied experiences will make companies more proficient.

Sophia Kerby is Special Assistant for Progress 2050, and Crosby Burns is Research Associate for the LGBT Research and Communications Project at the Center for American Progress.

\*In this column, the term "gay" is used as an umbrella term for people who identify as lesbian, gay, or bisexual.



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"As a 20-year member of ALA, I can honestly say ALA was my lifeline as the firm grew from a very small 10-person firm to the current 135-person firm. I still rely on ALA to meet my needs for information. It is the first source I turn to."

Brenda A. Majewski Director of Operations, Kohn Law Firm S.C.

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### Why Should You Become an ALA Member? (contd.)

# What can ALA membership do for you?

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- Find answers to your toughest questions and challenges



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### Why Should You Become an ALA Member? (contd.)

### The Power of Membership

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- Annual Conference & Expo
- Regional Legal Management Conferences
- Large Firm Principal Administrators Retreat
- Specialty Conferences for IP, HR, and Finance specialists

#### KNOWLEDGE

- eLearning Center
- Certified Legal Manager (CLM)® program
- Annual Compensation and Benefits Survey
- Legal Management digital magazine
- Legal Management Talk podcasts
- BOLD Bites weekly e-newsletter and monthly print newsletter
- Monthly specialty and general topic webinars
- Online Reference Library

#### RESOURCES

- Career Center and Job Bank
- Online Member Directory and Chapter Search Tool
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# Association of Legal Administrators

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# **Chapter Leadership Institute 2017**

July 20—23, Minneapolis, MN

A sincere thanks to our business partners. With your sponsorship, I was given the opportunity through scholarship to attend ALA's Chapter Leadership Institute ("CLI") this summer. CLI is vital to the leadership within ALA. CLI attendees are given the knowledge and skills necessary to emerge as leaders in their local chapter.

This year's CLI conference was in Minneapolis, MN. I was very excited to explore a city I had never been to while getting to know other ALA leaders outside of my chapter. The conference speakers and breakout sessions provided new ideas for me to bring back and share with my chapter members.

ALA supplied many talented speakers on topics relevant to our local chapter's needs and duties. Thanks again to our business partners for affording me this opportunity!

~Michelle Stewart, President-Elect

To the right: ALA President, Gary Swisher, II, gives opening remarks to guests. Also pictured, James Cornell, Region 4 Director (bottom left of picture) and DeAnna Lopez, Region 4 Liaison (bottom right of picture)



Bottom Left: Paul Axtell, author of Meetings Matter—8 Powerful Strategies for Remarkable Conversations

Bottom Right: Dan Negroni, author of Chasing Relevance—6 Steps to Understand, Engage & Maximize Next-Generation Leaders in the Workplace





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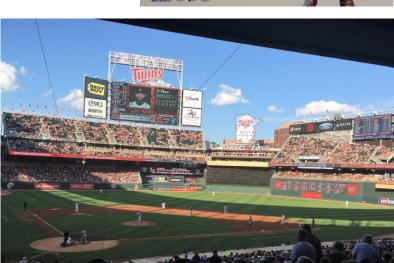
# Chapter Leadership Institute (contd.)

To the Right: Pictures of Mary Taylor Moore holding a hardhat could be found all over windows and buildings in downtown Minneapolis due to heavy construction as the city prepares to host Super Bowl LII.



<u>Bottom Right</u>: A group of us ALA members dined at the local's favorite, 'The News Room,' with ALA's President-Elect, April Campbell.

<u>Bottom Left</u>: Several ALA members were able to take in a game of baseball at Target Field. The Minnesota Twins defeated the Detroit Tigers 6-5.









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## Diversity and Inclusion Scorecard for Law Office Administrators

-a message from ALA

#### A Roadmap for Change

One of the essential skills of leadership is the ability to create an environment in which everyone who wants to succeed has the opportunity to do so. And in today's environment, businesses that fail to actively promote and develop cultural competence and work to advance the principles of diversity and inclusion risk undermining the health and success of the organization itself. Clients and vendors demand it, and attracting top talent requires it. Beyond race, gender and physical ability, the promise of diversity and inclusion encompasses a much broader and more complex vision of acceptance and appreciation of the differences between us on so many levels, including cultural, socio-economic, political beliefs, sexual orientation, and more.

To realize your organization's diversity and inclusion goals as well as the Association's broader goal of creating a more diverse and inclusive profession, the ALA Committee on Diversity and Inclusion has identified best practices for law office administrators and placed them into seven categories: 1) formal firm leadership; 2) firm culture; 3) firm policies and workplace inclusion; 4) professional development; 5) organizational diversity and inclusion competency; 6) community involvement; and 7) supplier diversity. In each of these areas, administrators have the ability to find and eliminate organizational barriers that limit opportunities to succeed.

Review each best practice within each category, and identify those your law firm currently performs, as well as those that still can be pursued. Examples are provided, where available, for each best practice to show how it can be incorporated into the firm's operations.

Additional questions, comments and feedback on the Scoreboard should be directed to diversity@alanet.org.

Get the **Scorecard for Law Firm Administrators** at www.alanet.org/about/diversity/scorecard-for-law-office-administrators.





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# The Benefits & Challenges of Hiring from Outside the Legal Industry

By: Mike Lymer

Director, Client Services—IQ PARTNERS Inc.

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Firms face a more competitive market than ever. Can pulling from a more diverse candidate pool give you the edge?

The legal industry is very committed — we all know this. Once professionals dedicate their career to law, they tend to remain in the legal field for the duration of their career.

In general, it has been rare for someone outside the legal industry to enter midcareer from another industry. This is one of the big reasons why the legal industry is unique — there is extensive specialized knowledge, skills and a specific way of doing things.

But things are changing. Now, more than ever, law firms are operating like businesses. Having a "this is how we always did things in the past" approach could prevent your firm from evolving and competing in a changing landscape.

Your talent acquisition strategy is vital to your firm's growth. Your firm could be missing out on a more diverse talent pool — one that can breathe some new life into your firm.

Lack of innovation has created a talent management gap, according to a Heidrick & Struggles report called <u>Bridging the Gap</u>. The report indicates a number of notable gaps between a firm's aspirations and performance, particularly with talent management issues, firm strategies and people management practices, the recruitment process, and with assessing and rewarding staff.

In interviewing 158 of the leading global law firms, Heidrick & Struggles found that 95 percent see their firm as below "very good" in managing talent. Furthermore, only 29 percent say their firm is good at delivering commercial acumen, and only 19 percent felt their firm did a good job of developing innovation capabilities in their people.

#### THE SOLUTION

Hiring from outside of the legal industry can help firms rectify some of their talent management shortcomings. Very few, however, have started to explore this path even though it provides many potential benefits.

Firms are comfortable with past experience. They have an ingrained belief system, culture and values. They may have concerns about outsiders being able to adapt to law culture. Even the firms that are starting to look outside the industry to hire talent are doing so with reservations. But why?

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# The Benefits & Challenges of Hiring from Outside the Legal Industry (contd.)

The hesitation to hire from outside is more about the industry itself than the individual.

"The legal industry has the 'this is the way we have always done it' approach," says Grace Langford, Chief Administrative Officer at Borden Ladner Gervais, LLP. "The hesitation is that the legal industry has uniqueness about it, and there is a fear that if a firm hires from outside the industry, it's not going to be the right fit because law firms have historically operated very differently than other industries."

Reta Coburn, Chief Operating Officer at WeirFoulds, LLP, was actually hired from outside the legal industry. She says there are certain attributes that need to be looked for in someone from a business or corporate environment coming into the legal field.

"It is important that we ensure that an individual making this transition be adaptable, collaborative and consultative to set them up for success," she says.

#### THE BENEFITS

Even though many firms are slow to consider hiring from outside the industry, the companies that have hired externally have benefitted.

#### Innovation

Perhaps the biggest benefit to taking a new approach to hiring is innovation. When a firm brings in an experienced professional, you will gain access and exposure to a variety of new business tools, best practices, metrics and analytics, and the opportunity to see progressive practices that are implemented in business. Adding these elements to your toolkit can help your firm look at things from a new perspective and focus on continuously improving, says Coburn.

A new business approach can help drive efficiency, reduce costs, improve client services and introduce new options for operations, helping to create an openness to change and build credibility.

#### Challenges to the Status Quo

Every new hire is an opportunity to see things in a new way and challenge the status quo. "Our experience is that people often bring interesting and fresh ways of thinking and new best practices. Outside perspectives offer insight into improved ways of doing things," says Langford.

#### More Diverse Talent Pool

Considering other industries significantly opens the door to a more diverse talent pool. Restricting your hiring to the legal industry alone limits your ability to hire the best talent possible.

#### Solidifying Partnerships

Hiring professionals from outside the industry who have experience with marketing, technology and business operations allows lawyers to focus on what they do best — practicing law.

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# The Benefits & Challenges of Hiring from Outside the Legal Industry (contd.)

#### Competitive Edge

"Hiring a professional brings a different perspective and allows you to look at things with a different lens," says Kristin Oliveri, Firmwide Human Resource Manager at Baker & Hostetler, LLP. It gives a firm the chance to consider things that could have otherwise been overlooked because of their proximity to an issue or way of doing things. It will also bring a new network to the table, opening the door for future strategic partnerships and resources.

#### HIRING CHALLENGES REMAIN

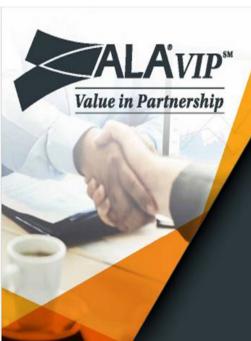
Hiring from outside the legal industry does not come without its challenges. The industry operates very differently from a traditional corporate environment, something that could take some getting used to. There is a huge learning curve not only in terms of best practices, but also in terms of developing legal acumen.

"Operations and client services is paramount to everything in law," says Oliveri. This is a huge adjustment.

"You either get it or you don't, and the particular nuance that usually exists with these roles in a law firm is understanding that the lawyers are *our* clients so we must deliver with a view to add value to their practice so that they can in turn enhance their service to the firm's end clients," adds Coburn.

Effective talent management provides firms with access to superior performance and superior talent — something they need to ward off competitors, gain a competitive advantage and better serve their clients. It is also a powerful way to improve organizational culture and approach operations in a new and innovative manner.

People are a firm's best resource. Expand your hiring practices to find the best talent possible — regardless of industry.



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# September 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 Marie Ray's Birthday	2
3	4	5	6	7 ALA Webinar (2:00 pm): Finding the Balance Between Technology and Real Estate Region 4, 5, 6 Legal Management Conference (Las Vegas) Kim Bennefeld's	Region 4, 5, 6 Legal Management Conference (Las Vegas)	Region 4, 5, 6 Legal Manage- ment Conference (Las Vegas)
10	11	12	Business Meeting  Diane Smith's Birthday	14	15	16
17	18	Tonya Wallace's Birthday	ALA Webinar (2:00 pm): The Mindful Law Office: Strategies for Reducing Attorney Stress and Improving Productivity	21	Michelle Tyree's Birthday	23
24 Michelle Stewart's Birthday	25	26	27	28	29	30

# October 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4  ALA Webinar (2:00 pm): 8 Ways Technology Managed Services Can Benefit Your Firm	5 ALA Webinar (2:00 pm): Communication Strategies That Build Trust in the Workplace  Specialty Conferences: Intellectual Property; Human Resources; Finance — Chicago, IL	6 Specialty Conferences: Intellectual Property; Human Resources; Finance — Chicago, IL	7 Specialty Conferences: Intellectual Property; Hu- man Resources; Finance — Chicago, IL
8	9	10	Business Meeting  Diana Thomas' Birthday	Region 1, 2, 3 Legal Management Conference— Nashville, TN	Region 1, 2, 3 Legal Management Conference— Nashville, TN	Region 1, 2, 3 Legal Management Conference— Nashville, TN
15	16	17  ALA Webinar (2:00 pm): Practicing Law in the Cloud	ALA Webinar (2:00 pm): 5 Principles of Productive Emails	19	20	21
22	23	24	25	26 ALA Webinar (2:00 pm): What You Need to Know About Cyber Liability Insurance	27	28
29	30	31				

# November 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Nancy Collins' Birthday  ALA Webinar (2:00 pm): Workplace Violence: How to Keep Your Organization Safe	3	4
5	6	7	8 Business Meeting	9 Jeannie's Birthday	10	11
12	13	14	ALA Webinar (2:00 pm): How to Build a Budget You Can Count On !!NETWORKING AFTER HOURS!! - 5-7 pm @ Loft 1023 (Streetside Room)	16 ALA Webinar (2:00 pm): Reality-Based Accountability: Hardwiring Accountability into Your Workforce and Coaching for Great Performance	17	18
19 Kathy Cagle's Birthday	20	21	22	23	24	25
26	27	28	29	30		



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