

The Legal Link

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Arkansas
Chapter



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The Legal Link

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

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President's Message

Happy New Year, my friends! I hope your holiday season was safe, happy, and festive. As every year rolls around, I tend to feel hopeful for the things the New Year will bring. I look back at how far I have come and the lessons I learned that will serve me well in the future. I look at what I can presently do in order to make life and career better. I look forward to advancing the needs and wants of my family, friends, and career.

Looking back, I hope that our scholarships for our ALA members were as beneficial as they could have been. Education is so vital to our field. I'm proud that we were able to provide \$3,200 in scholarship money to the Single Parent Scholarship Fund. They were truly inspirational to me.

Looking presently, I hope to be able to fulfill the remaining months of my presidency and make my chapter proud of their choice. I strived to assist every committee, attend as many meetings and events as possible, provide resumes and recommendations to those seeking them, and still juggle the day to day beautiful chaos of my firm.

Looking forward, I hope my presidency of the Arkansas Chapter will have had a positive impact on future administrators. With the Bev Eberle Educational Scholarship being introduced this year, I will always look back on that moment with pride and awe. Bev was an inspiration to everyone, even those of us who didn't know her that well. She deserves a legacy.

My membership in this chapter makes me better at my career. My connections and friendships from this chapter make me better in my life. So thank you, Arkansas Chapter. I love you all.



*Arkansas Chapter
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Member Spotlight: Carol Minor

Tell us about your background, where you grew up and then transition into your career. I grew up in Dumas, Arkansas on a large farm family. I was number 8 of 10 siblings. I moved to Little Rock in the early 70's. I worked in the hospitality industry for 20 years, moving from city to city in Arkansas, Louisiana, and Texas.

Tell us about your family. My son, Scott, is the manager of a Car Color Center in Little Rock.

How did you begin your career in the legal field? The hospitality business is/was a lot of long hours and uncertainty. A friend was the administrator at Horne, Hollingsworth & Parker. She was resigning and called me. I was with Horne Hollingsworth & Parker and Dover Dixon Horne for 9 years. I have been with Lax Vaughan for almost 11 years.

What are your main responsibilities? Managing the office – accounting, HR, and anything else that does not require the practice of law.

How would your attorneys and staff describe you? Depends on the day.....

What is the best professional advice you ever received? Write it down.....

What is the most interesting job you ever had? Bartender in a hotel bar.

If you weren't a legal administrator, what would you do? If I were younger, I would say a bartender in a tiki bar on the beach. But now, I am just looking forward to retiring and spending as much time on the beach as I can.

What are your outside activities? I enjoy reading, junking, and road trips (or any other activity) with friends and family.

What do you enjoy most about your affiliation with ALA? Networking and friendships that have formed both locally and nationally.

How has ALA benefitted you? Educational opportunities and leadership training.

My favorite daydream or fantasy is... Lying on the beach and/or traveling to any place that I haven't been.

My friends describe me as... Bossy.



My favorite quote is... A couple of my favorites are:

Live as if you were to die tomorrow. Learn as if you were to live forever. – *Mahatma Gandhi*

You only live once, but if you do it right, once is enough. – *Mae West*

My favorite musical artist are... Alan Jackson, George Strait, and Jimmy Buffet

A sound or noise I love is... The waves of the ocean.

What is a word you dislike? Can't.

Happy Retirement to Carol Minor



Arkansas Bar Convention, June 11, 2009



Texas State Fair, Region 4 Conference, Oct. 2010



Business Partner After Hours, October 13, 2015



ALA, Arkansas Chapter's 31 year Celebration (2012)



Arkansas Foodbank Network, October 8, 2010

Happy Retirement to Carol Minor



Chili/Hot Dog Lunch & Silent Auction 2007



June 12, 2013



**ALA National Conference, Awards Dinner
May 18, 2009**

It's hard to say goodbye to you, Carol, because you've been less of a colleague and more of a friend. We are not always lucky to find a good friend among colleagues. You are always honest, reliable, and dependable. Your guidance and encouragement have helped me thrive in the world of legal administration, and I have been so fortunate to know you. Though your retirement is sad, I will try to look upon it with happiness because you are pursuing a brighter path. It has been an honor and a great pleasure to work with you, my dear. You will be missed, but never forgotten. May God bless you in your retirement years! ~ Julia Strickland



Membership Drive Luncheon, November 13, 2012



**ALA Arkansas Chapter, Carol Minor—front row, center
Photo taken in the '90's**

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Business Partner Profile: Deborah Weaver, Midwest Litigation Services

Tell us about your background, where you grew up and then transition into your career.

I grew up in St. Louis. My father was an attorney and always suggested I go into the court reporting field. Instead, I went to college to become a teacher. After a few years in college, I changed my course in life and began studying court reporting. I went to work for the firm I eventually purchased, and the rest is history. After being in the industry as a working reporter for many years, I soon realized the other services that could be offered to the legal community, which then launched my trial and mediation companies.

Give us some background history about your company. What your company's mission is? What makes your company unique? Why should ALA members select your company over your competition? Provide your contact information.

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Deborah Weaver, President
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How did you begin your career?

I graduated from Brown's Business College with a degree in court reporting. After graduation, I began working as a court reporter, and in 1985, I became president of Midwest Litigation Services. Since then, I have worked hard to continually grow and expand the company.

What is your main role with the company?

I'm the President of the company and maintain an active role in our daily activities.



BP Profile (contd.)

Tell us about the work accomplishment you are most proud of.

When I first founded the company, my goal was – and always has been – to grow in order to meet my clients' needs. However, I never imagined how much Midwest Litigation Services would develop and expand. By working hard to continuously accomplish this goal, we have become a company with a global reach. I also believe that we have developed a staff of highly responsive employees throughout all our locations who all support the vision of Midwest.

What trends or areas of focus do you see that are important to your clients?

There are two key things that I believe are important to our clients, beyond the quality services that they come to us for. First, we have developed a concierge approach to our business. We aim to make our clients' lives as easy as possible, whatever their needs: lunch service, local transportation, or anything else that we can do for them. Secondly, we use cutting-edge technology and are continually expanding our product and service offerings so our clients can get everything they need by making just one call.

How would your employees/staff describe you?

Isn't that a question for them? I would say "driven." It's not uncommon for an idea to hit me at 3:00 in the morning. When that happens, I run with it. I have to because I'm still excited and passionate about what I do, and that passion is something that I believe our entire team possesses.

What is the best professional advice you ever received?

To trust my gut and follow my instincts. The other is to take time to hire your staff and make sure that you hire individuals who are much better at what they are expected to do than you are and then give them freedom to perform.

What do you like best about your career?

There are many things that I like about my career. First, there is never a dull moment. There is always room for improvement and growth within my company to better serve the legal community. Second, as an entrepreneur, I am always challenged, and I need that. I also get to work with great people, not only speaking of my clients, the attorneys, and their support staff, but the Midwest people as well. I firmly believe our people are our biggest asset.

What is the hardest situation you have had to deal with in your career?

I lost my business partner 12 years ago to breast cancer. We had a partnership that was based on a handshake, and it worked. We shared a vision of where we wanted to take the company, and I am proud that I, along with the help of my staff, have been able to realize that vision.

The other thing I would have to say is that I never get to leave work at the doorstep. It's a 24-hour-per-day job, every day, making sure my employees and clients are satisfied and constantly envisioning the possibilities for new growth and change in building an even better and more successful company.

BP Profile (contd.)

Tell us about your family or your personal life.

We have a blended family: my husband, four children of my own, two bonus kids, and I can't forget the two Labs. I would describe my life as ever-changing, hectic at times, and loving. I enjoy exercise, sailing trips with my husband and friends, poolside fun, and reading.

What are your outside activities?

I really enjoy being active, especially with friends and family. One of my favorite events is the Hood to Coast race, which is a 199-mile relay race through Oregon and is one of the longest and oldest relay races in the world. Sailing is also a big part of my life, whether it be locally at our lake or in the islands.

Are there charitable entities that you are involved with or that you feel strongly about?

Supporting many charitable organizations is part and parcel of the MLS culture, but my favorites are the ones that give back to children. For example, every year the Motion for Kids Holiday Party provides thousands of less privileged kids with gifts, food, the chance to meet Santa, and so much more. For over 20 years, Midwest Litigation Services has hosted the "Santa Station" with volunteer "Santas" recruited from the legal community. Other organizations that we support include the Let's Start Foundation, Read Across America, Forest ReLeaf, the Women in the Legal Profession Suit Drive, and many more.

What do you enjoy most about your affiliation with ALA?

I truly enjoy having the opportunity to meet so many people within the legal field. They are amazing, talented people who have inspirational ideas of how we can help them as our clients. Meeting new people and building relationships is a huge reason why my business has been so successful.

How has your involvement in ALA benefitted you/your company?

We are involved in ALA in our other markets and are looking forward to our involvement with the Arkansas ALA. I would say we have benefited from the relationships that have come out of this partnership and the various educational opportunities that we have been able to be a part of.

My friends describe me as...

Passionate, loving, gracious, laid-back, strong, and risk-taker.

Someone I really admire is...

This has to be my kids. I admire them for what they have all become in life and for the independent decisions they have made in becoming the young professionals they are today.

BP Profile (contd.)

My favorite quote is...

That's a hard one because there are so many. One that stands out is, "No one can make you feel inferior without your consent." This is attributed to Eleanor Roosevelt. The reason I like it is because I think that often people come to feel inferior to others, in particular when they are teens, and this is a way to remind us we have control over this sort of feeling.

My favorite book is...

I honestly don't have one. There are so many great ones to choose from.

My favorite musical artist is...

Anything of the "oldies" genre.

My favorite movies are...

Ones that I don't fall asleep watching.

What is your favorite word?

Not sure that some of my favorite words can be printed in this article. Having said that, I would say any word whose definition is a happy one is fun to say. Let's go with "effervescent."

What is a word you dislike?

A word that I dislike is "can't."

A sound or noise I love is...

The sound I love the most is when I hear clients tell me about something our team did that completely exceeded their expectations. I know that isn't a singular sound, but it's the sound that I love the most. It's not uncommon for an attorney or client to stop by the office when they aren't there for a deposition. They know that Midwest will always have coffee, snacks, and Wi-Fi for them to use. This relationship is invaluable.

The other sound I love is the sound of family and friends being together. That's a great sound.

A sound or noise I hate is...

The sound of negativity. It brings no good to anyone.

BP Profile (contd.)

My favorite trivia fact is...

My favorite trivia fact is that – I don't do trivia. I always volunteer to bring the snacks.

Outside of my family, my most treasured belonging is...

My mother was a "stewardess" for Delta, and I have her original hat and wings. Her career was a big part of her life back in the day when women didn't really have careers, and she truly enjoyed doing this job. It is a reminder to me of her support of my career as I was finding my way.

My favorite dream or fantasy is...

That I have answered all these questions correctly, or is there really a way to do that? Seriously, I would have to say to complete my pilot's license. I started it years ago and, for various reasons, never finished it. That's definitely on my bucket list.

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 (501) 370-4207
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 (501) 370-4239
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Director
 Bonnie Vickery
 Mitchell Williams
 (501) 688-8838
 bvickery@mwlaw.com



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



ALA National President
 Laura Broomell, CLM
 Greene Espel, PLLP
 (612) 373-8395
 lbroomell@greeneespel.com



Region 4 Director
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(501) 212-1219
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Kathy Cagle
Munson, Rowlett, Moore & Boone, P.A.
(501) 370-4604
kathy.cagle@mrmlaw.com



Membership

Diane Smith
Anderson, Murphy & Hopkins, L.L.P.
(501) 210-3631
smith@amhfirm.com



Diversity

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



**Newsletter Photographer/
Regional Council Representative**

Michelle Tyree
The Brad Hendricks Law Firm
(501) 221-0444
mtyree@bradhendricks.com



Newsletter Editor/Scholarship

Michelle Stewart
Kutak Rock, LLP
(501) 975-3144
Michelle.Stewart@kutakrock.com



**Business Partner Relations &
Sponsorships Co-Chair**

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



Webmaster

Marie Ray
Eichenbaum Liles, P.A.
(501) 376-4531
mray@elhlaw.com



Community Connection

Diana Thomas
Mitchell Williams
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INSURANCE PREDICTIONS FOR 2017

Featured in ALA's Legal Management, Vol. 36, Issue 1

Happy New Year! The parties are over, the books are closed on last year, and it's time to look forward to 2017. What is going to happen this year, and what can you do about it?

By: Uri Gutfreund

Let's explore three key insurance predictions and what they might mean for your firm.

1. HEALTH INSURANCE

My first less-than-bold prediction is that something will happen in a huge way in 2017 regarding the Affordable Care Act (ACA). While the implementation of any changes or repeals may not all happen this year, it is likely that there will be changes in the regulatory and plan design environment. So what can you do about it?

Dig deep into your data. Get as much information as you can about how your firm employees use health care. Depending on the size of your firm, you can get some information from your current insurer, but most firms will need to create their own data set. Lots of experienced health brokers can help you with that process. Then, you will be in a much better position to evaluate the options from insurers and other vendors (health reimbursement accounts, health savings accounts, etc.).

Evaluate your team. Some brokers and insurance agents are too small to always be up-to-date on rules and regulations regarding your options and benefit rules. It's a good time to re-interview them to determine if they are ready for 2017 changes.

Engage benefits technology. Human resource tools have come a long way to help you organize and roll out your plans. From open enrollment to timely communication, these HR tools will help you quickly react, comply and communicate changes with your firm employees.

2. PROFESSIONAL LIABILITY INSURANCE

In most states, competition continues to drive down premiums. Even in states where some insurance companies are leaving completely or becoming very selective about which firms they insure, the market still remains very competitive.

So what can you do about it?



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INSURANCE PREDICTIONS FOR 2017

CONTD.

Start early. It sounds so simple; yet, firms often don't prioritize getting the application done early. There is no immediate tangible consequence to delaying the completion of the application. Rule of thumb: 60 days prior to expiration, send it to your broker for review; 45 days prior to expiration, the final version of the application should be sent out to the insurance companies for the shopping process.

Explore more coverage. Excess coverage (defined as amounts of coverage above \$2 million) is particularly inexpensive compared to past years' pricing. When evaluating the excess options, your broker should evaluate increasing the amount of coverage with your primary company compared with a standalone excess policy.

Some primary insurance companies will offer embedded higher limits, and other primary insurance companies are better priced only for the primary layer — in which case a standalone excess policy will make more sense.

3. CYBER COMPLIANCE AND CYBER INSURANCE

Demands from clients for cyber indemnity, insurance, and infrastructure will grow exponentially in the coming year. Your clients are overwhelmed by regulatory demands and the fear of being the next Target (pun intended). They will continue to push the liability downstream to their vendors — and to their law firms, too — by obtaining contractual indemnification from your firms, requiring you to complete technology and procedure audits, and specify that you must buy a cyber liability insurance policy.

So what can you do about it?

Get ahead of the request. Start evaluating a cyber liability insurance policy before you actually need one. Scrambling to put a policy in place when a new engagement requires one is not a good plan of action. It can take up to two weeks to apply and implement a full-blown cyber policy, so plan ahead.

Catch up to your clients' technology. Make sure that your IT defenses and systems are up-to-date. There are now many companies that provide affordable assessments and are experienced with law firm environments.

Have one of your partners become an expert in this new practice area. The first benefit is that they can be a key resource to you in your firm policies. Second, all companies are grappling with these issues, so being an expert in a hot and growing area of law will be rewarding.

While no one has a crystal ball, start your year off right by prioritizing these three key areas for focus in 2017.

About the Author

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

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HOW TO KEEP POLITICS FROM FRACTURING THE WORKPLACE

A Law360 publication
by Braden Campbell, Feb. 7, 2017, 8:41 pm EST

Judging from the nightly news, social media feeds, and family gatherings, America is about as divided now as at any time in recent memory.

The 2016 election polarized the country along political lines, and those divisions have only deepened since Donald Trump took office as president and began turning his slate of controversial campaign promises — a U.S.-Mexico border wall, an immigration ban, a Dodd-Frank rollback — into reality. His supporters and detractors clash daily, online, and in the streets, leading some employers to wonder how they can keep the conflict out of the office.

But while America itself is divided, workplaces don't have to be, experts say. Here, attorneys provide tips on how employers can keep political disagreements from driving wedges between employees — without running afoul of the law.

Don't Go Too Far

Political beliefs, alone, are not protected, at least not federally. An employer who fires a worker because of his race would face an unwinnable lawsuit almost before that worker is out the door, but there's no legislation at the national level that can stop a Democratic supervisor from terminating a Republican worker simply because of her political beliefs. The former worker would have a clear-cut race discrimination case under Title VII of the Civil Rights Act, but there are no federal laws forbidding employers from discriminating against people with a particular political view.

Nobody wants a dispute about politics to escalate to the point where an employee would get fired. One thing employers need to recognize — and plan for — is that there's nothing, short of an outright ban on nonwork talk during working hours, that they can do to stop political speech. An employer can't ban political discussion, as long as it's nondiscriminatory and nonharassing, without also banning discussion of other nonwork topics.

"It's kind of ridiculous to say, 'Everything you talk about at the office has to be work related.' It's a policy you'd be unable to enforce," Paul Hastings LLP attorney Marc E. Bernstein said. "Someone comes in and says, 'That's a beautiful handbag,' 'You didn't talk about work!' ... It's impossible. You'd be firing everybody."

Target Disruptions Instead of Politics

That said, employers don't have to give carte blanche to political speech.

HOW TO KEEP POLITICS FROM FRACTURING THE WORKPLACE (CONTD.)

The best tool for avoiding political arguments has little to do with political speech specifically. Strong policies covering all conduct in the office should keep workplaces mostly free from disruptive arguments and provide a fair blueprint for discipline when arguments arise, attorneys say.

"A lot of that is dealt with under companies' existing policies about discrimination and harassment and some type of policy ... [that says] employees are expected to treat each other with dignity and respect in the workplace," Ford & Harrison LLP's Rick Warren said. "A lot of employers already have some type of mechanism in place to address those types of issues."

Even if they're in the handbook; however, these policies are effective only when they are widely known and enforced. An employer worried about political conflicts between employees would do well to send out an office memo reminding employees that company policy requires they not lob personal insults at co-workers, for example. This advice applies doubly when a political discussion has already turned into an argument.

It's just as important for managers to know how to conduct themselves as it is for workers. As such, attorneys recommend employers remind supervisors that they should be an example for those working beneath them.

"Let them know, 'You are the company. You reflect us in what you say ... You should not be the one instigating political discussions,'" Epstein Becker Green attorney Susan Gross Sholinsky said.

She said that employers should say to their managers, "To the extent you see political discussions getting heated, don't jump in and take one side, [but say], 'Hey guys, get your work done. This is something you can discuss at another time.'"

Be Careful of Implicating Protected Classes

Political comments are not inherently protected except in jurisdictions where they're covered by local law. But because politics — current politics, especially — so often involve issues of race, religion, and sexual orientation, political discussions often touch on these protected categories.

"The bigger issue is just the other protected classes that could be implicated here," Sholinsky said. "When people are talking about the Mexico wall or the immigration ban or a Supreme Court nomination, other protected classes like LGBT, sexual orientation, ethnicity, citizenship status, religion, race, I mean, pretty much all of them can be implicated here."

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Because of this, stopping a member of a protected class from discussing an issue relevant to them personally could run afoul of discrimination laws. This overlap between politics and protected classes can also obligate employers to stop speech that contributes to discrimination against or harassment of members of protected classes. Employers must also take care to apply their rules on conduct equally to all protected classes: If an employer fires a female worker who supported Trump but not a male worker who did the same, that could invite a discrimination claim.

Trump may be seen as a symbol of bias to opponents of his border wall or immigration ban, but simply mentioning him does not implicate racial or religious protections. This overlap comes into play only in discussions specifically centered on those areas.

"A general statement of 'I think he's a great president' or 'I think he's a terrible president' wouldn't necessarily get into the kind of larger issues around protection," said attorney Sarah Riskin of Minneapolis-area firm Nilan Johnson Lewis. "When you start talking about building that wall or banning all the Muslims ... or the 'pussy' comments, start talking about how you don't have a problem with that or you do — once you start getting into specific comments or conduct that could touch a protected class, that's when you start having risk mitigation issues."

Mind the NLRB

Employers must also be mindful of the National Labor Relations Board when fashioning policies, to avoid issues with political speech. Section 7 of the National Labor Relations Act bars employers from infringing their employees' rights to engage in protected concerted activity, even in non-union workplaces. Lately, the NLRB has construed this broadly to cover any discussion between two or more workers about conditions of employment, ranging from treatment by a supervisor to a company's pay schedule.

Political discussion in itself isn't protected under the NLRA. But politics often pulls in workplace concerns.

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"To the extent somebody says, 'We need to be behind this political party because they're the ones who are going to raise our wages,' or 'The other party is going to do something bad so our employment is negatively impacted,' employers do want to be careful about quashing that kind of speech," Sholinsky said.

Employers must also be mindful of the NLRA when attempting to rein in speech on social media, attorneys say.

The NLRB has put out a series of memoranda in recent years stressing that concerted activity is protected, whether it's undertaken in the office or online, so employers must take care that their social media policies do not affect workers' rights, whether by explicitly curtailing them or implicitly chilling them.

--Editing by Pamela Wilkinson and Edrienne Su.

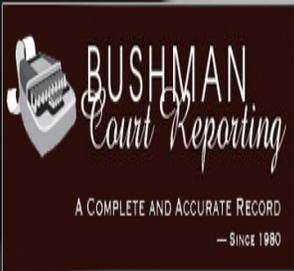
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Meet the 2017 Newsletter editor, Michelle Stewart

As we start this new year, I'm excited about taking over as Editor of our Arkansas Chapter newsletter, Legal Link. I will continue to consult with Michelle Tyree as we make this transition, and I'm thankful to her for her many years of dedication to this newsletter. Thank you for your patience on this first Winter Newsletter. Feedback and ideas for upcoming newsletters are always welcomed. You can email me at michelle.stewart@kutakrock.com.



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