The Legal Link

Summer/Fall 2018



Association of Legal Administrators Arkansas Chapter



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Summer/Fall 2018 Edition

The Legal Link

MISSION STATEMENT

President's Message

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

Why did *you* choose ALA? If you would have asked me that question three years ago when I joined, my answer would have been, "To be a part of an organization that would help me grow in my professional career." I knew I needed to join; after all, my predecessor had been a member, so obviously, I should be a member too… right? I did not understand at the time what it truly meant to be a part of this organization.

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

If you ask me now why I chose (and still choose) ALA, I could go on and on. The benefits of membership are numerous. Through my membership, I have had the opportunity to travel for educational opportunities, networked with peers, discovered discounts from the VIP program, and developed relationships with our Business Partners. It is through the support of our Business Partners that I contribute much of my growth in my position as a legal administrator. Their support has made it possible for me and other chapter members to attend educational conferences throughout the year, which, in turn, allows us to share that knowledge with other members and implement new ideas in our respective firms.

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

Our membership is one of the biggest assets our chapter has. The caliber of talented administrators coupled with the new-up-and-comers in the industry has been such a winning combination. We are able to share ALA knowledge with new members, and those new members bring a new perspective and experience to the chapter. With that being said, I am happy to announce that our chapter is growing! I would like to welcome the newest members of our Arkansas chapter: Ken Johnson (HR Director, Barber Law Firm), Pamela Darnold (HR Director, Mitchell Williams), and Tina Merlo (Office Manager, Mitchell Williams). I am honored that they made the same choice we all did to

Inside this issue:

I hope every member will help me extend our gratitude to our Business Partners by joining me at the upcoming Bowling Night. Mark your calendar and plan to attend this networking after hours event which will be held at Professor Bowl West on Monday, August 13, 2018, and begins at 5:30 p.m. I look forward to visiting with each of you there!

join our organization.



Michelle Stewart Arkansas Chapter President



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Member Spotlight: Angela Falco

Tell us about your background, where you grew up and then transition into your career. I was born in Bluffton, Indiana, and was raised in Nashville, Arkansas, where I graduated high school. After graduation, I attended Henderson State University in Arkadelphia, Arkansas, where I met the love of my life, John Falco. Hardee's, the fast food restaurant, was willing to work around my class schedule, so I worked there during the last three years of my college career. When I graduated from HSU with an accounting degree and additional emphasis in management, I could not find a job. I applied with every employment agency in and between Arkadelphia and Little Rock. I was told I was either overeducated or under qualified and was never sent on a job interview and had to continue working at Hardee's. Travis Mathis, Jr., one of my regular customers at Hardee's, is a lawyer, who felt sorry for me, and offered me a job since I knew how to type. I started out at Mathis & DeJanes, where I learned the ins and outs of a law firm. After a few years, my husband's job transferred him to Jacksonville, Arkansas, so I was again job hunting. Since I then had some experience in something other than being a fast food cashier, I tried the employment agency route again. I was interviewed immediately by Betty with Legal Careers and ultimately hired by Bev Eberle to work for Richard Watts at Laser, Wilson, Bufford & Watts. A few years later, we left and formed what is now known as Watts, Donovan & Tilley.

Tell us about your family. John and I met at HSU and married our junior year of college. We promptly started building our family with Anastasia, Catarena, and Alexander. Anastasia expanded our family when she married the love of her life, Drew, their sophomore year of college.

They have since had my two beautiful, smart, and funny grand-daughters, Annabelle and Abigail. Anastasia is an RN at UAMS, Drew is a stay-at-home dad with a growing, garage-based, furniture building business. Catarena is in her last year of nursing school, and Alexander is trying to figure out life. (I am confident he will.)

What are your main responsibilities? Simply stated my main responsibilities are to make certain everyone in the firm has the resources needed to perform their job duties efficiently, be productive, and make informed decisions. I have delegated many duties within the firm, but oversee them all.

How would your attorneys and staff describe you? I think my attorneys and staff would describe me as tough but fair and brutally honest.



(Continued on next page)

Member Spotlight: Angela Falco

What is the best professional advice you ever received? The best professional advice I have received will have to be one of the following:

- A. Leave it at the door, whether coming or going;
- B. Be careful that appreciation doesn't turn into expectation; or
- C. You do not do a person any favors by keeping them beyond their expiration date.

What is the most interesting job you ever had? This is definitely the most interesting job I have ever had. I like the variety each day brings. I also feel good about being a part of a firm that provides a stable, healthy, working environment for so many people to be able to make the money required to support their family's lifestyle while making spending time with that family priority.

If you weren't a legal administrator, what would you do? What would I do if I weren't a legal administrator? Hmm... Depends. Is there money involved? If I do not need to worry about money, I would read, hang out all the time with my best friend, John, play pool, and at every opportunity, hang with my kids and grandkids.

What is the hardest situation you have had to deal with in your career? The hardest situation I have had to deal with in my career has been the death of two employees.

What are your outside activities? When not playing at being a legal administrator, I enjoy playing pool and table tennis.

What do you enjoy most about your affiliation with ALA? I enjoy the relationships made with the administrators and BPs, and I really like learning at the monthly meetings without having to do all of the research on my own to figure out all of the many topics required to manage a law firm.

How has ALA benefitted you? ALA benefits me with education. Our fabulous Business Partners sponsor scholarships which allow us to attend seminars to learn and/or keep up-to-date on the ever changing laws that govern how we manage our law firms.







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ALARIS



'DON'T SAY IT!'

7 Costly Manager Responses to Harassment Claims

If there are any guarantees for HR for the remainder of 2018, they are:

- sexual harassment claims will rise driven by the #MeToo movement, and
- front-line managers will be uneasy, and uncertain, when employees complain about harassment.

Where it gets dicey

Some troubling new stats: 7 in 10 HR pros said in an HR Certification Institute Survey that sexual harassment complains at their workplaces in 2018 will be "higher" or "much higher."

Even more troubling is 30% of HR pros said sexual harassment "frequently" occurs in their workplaces.

This creates a tricky legal landscape. HR pros are training managers how to handle complaints—and managers want to do the right thing—but even the best training may not account for the visceral response managers will have when they hear "sexual harassment."

And a slip of the tongue can create misunderstanding—and fuel a lawsuit.

Reactions to avoid

So it pays to remind your managers not only what to do, but also what to say—<u>and not say</u>—to workers who broach the subject of harassment.

Seven dangerous responses:

1. "Keep this quiet."

This is asking workers for confidentiality and the National Labor Relations Board (NLRB) has something to say about that.

Unless the "need for confidentiality ... outweighs the employees' Section 7 rights" under the Nation Labor Relations Act, the NLRB says you can't ask for confidentiality. And proving your need for confidentiality outweighs those rights won't be easy.

2. "Tell me when it happens again."

This is the equivalent of delaying an investigation, which increases the odds of the behavior in question becoming more severe or pervasive.

And while you've likely trained managers to take action immediately, they may not think this

DON'T SAY IT! (cont.)

kind of request is a delay. They may view it as asking an employee to wait until they know for sure something's wrong.

But either way, it's bad news.

3. "Put it in writing."

The fact that an employee didn't submit a formal, written complaint isn't a good enough reason to delay an investigation. Again, it allows potentially inappropriate behavior to fester.

4. "He/She needs to complain to me."

One thing that leads to a lot of problems is managers delaying investigations because they didn't hear the words "sexual harassment" straight from the victim's mouth.

But bystanders can file complaints on behalf of their co-workers as well. It doesn't matter who does the complaining, companies can be held liable for harassment if they know, or should have known, harassment is taking place and they do nothing.

5. "OK. Let's move you."

Even if a manager has the best of intentions, removing the potential victim off a team or project to keep them away from their harasser could be viewed as retaliation—especially if the move could be viewed in any way as a demotion or adverse action.

6. "He's/She's just..."

Managers mustn't make assumptions about what they think an alleged harasser's intentions were.

This leads to delaying appropriate action—like initiating an investigation.

7. "We'll reassign the accused."

If, after an investigation, you determine an employee did harass someone, it can be a natural reaction to want to reassign the harasser to a different area of the company.

But having that person remain in the building can still make the victim uncomfortable—and it may not stop the harassment.

As a result, it can be wise to run potential remedies by the victim to see what would satisfy them long term.



ALA's 2018 Compensation and Benefits Survey

Participation is now open!

New job titles and levels of responsibility crop up every year as the legal industry evolves. ALA's Compensation and Benefits Survey helps define these new positions and their value to firms. Your participation helps make the data comprehensive, and even more impactful to your firm's annual planning!







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(501) 371-9999
jstrickland@cgwg.com



Co-Webmaster Angela Falco Watts, Donovan, & Tilley P.A. (501) 372-1402 Angela.Falco@wdt-law.com



Co-Webmaster Anna Wakeling Kristin Riggan, Atty at Law (501) 249-1289 frontdesk@rigganlaw.com



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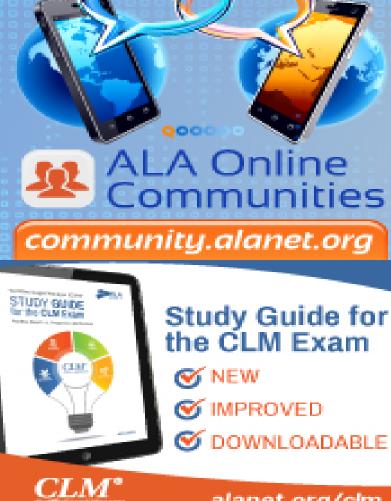
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BUDGETING BASICS

How to Get Staff Buy-in—and Participation in—the Budgeting Process

Let's face it — in the world of things people enjoy doing, budgeting likely isn't at the top of the list. And engaging attorneys and non-finance staff in the process isn't exactly an easy sell.

While it's not the most exciting process, it is an essential one for any business. The key is to use the budget as a management tool, not just as an internal control. When done correctly and collaboratively, it can keep everyone on the same page throughout the year.

"Unless it is your birthday, nobody really likes surprises," says Travis Armstrong, CLM, CPA, Firm Administrator at English Lucas Priest & Owsley, LLP. "Putting the time and energy into the budget cycle should lessen both the frequency and severity of surprises in your firm."

Aside from monitoring overall firm profitability, a budget can also help you check in month-to-month to make sure you're on the right track. The Small Business Association (SBA) notes you can think of your budget as a method of providing control.

The budgeting process doesn't have to be overwhelming or stressful to staff.

"A budget can be extremely simple or very complex, depending on the size of the firm; but all firms, even solo practitioners, should have, at a minimum, a list of recurring monthly expenses and should make an attempt to budget cash flow," says Laura Calloway, Director of Service Programs at the Alabama State Bar.

You can start by answering big picture issues: What is the total anticipated annual revenue, less total anticipated expenses? What's left over for the bonus pool? Are there any extraordinary expenses or projects? From there, you engage staff to drill it down so it's useful to each department as a management tool.

With that in mind, it's time to start planning.

GATHER THE TROOPS

Get the right people at the table to start the process. The more, the better. In addition to administrative department heads, firm management and partners ideally should participate.

"Everyone needs to be invested in the process and take ownership," says Armstrong. "Many firms fail to involve the right people, and those left out of the process assume the attitude that the budget is a function of the finance group and just disengage. Attorneys who have input in setting their own budget are generally much more interested in managing it compared to those whose budgets are set, sometimes arbitrarily, by others."

To make critical budget information easy to understand and accessible — even for the budget-averse — it may help to break it down. Gary Swisher, II, CLM, Chief Financial and Information Officer at Clark Partington Hart Larry Bond & Stackhouse, finds summaries helpful.

BUDGETING BASICS (cont.)

"We lose the focus of many attorneys when we dwell on miniscule expense details," says Swisher. Stephen Wolf, Chief Operating Officer at Deutsch, Kerrigan & Stiles, LLP, also suggests having a meeting with all directors after initial department budgets are outlined. That way, everyone can hear and discuss each department's projected plans and make adjustments when necessary.

"For example, HR may be budgeting for three new positions, so IT will need to make sure to budget the right hardware and software for those new hires," Wolf says.

The other benefit of having staff plan together is it can help shift the focus from cost containment to revenue enhancement — something Swisher says is a lesson he's taken to heart over the years.

"My first few budgets focused heavily on expense and expense reduction," says Swisher. "It became clear to me over the years that when I paid more attention to revenue and anticipated revenue, that the budget process became more of a management tool. It was better to focus on gaining a dollar than saving a few percentage points here and there."

Armstrong also suggests asking such questions as: How can we expand services for XYZ company? What additional resources may be needed to meet the needs of client XYZ and prospect ABC?

"It also encourages management to think more carefully about additional resources that may be required for projected client development and marketing activities," Armstrong says.

KEEPING IT RELEVANT ALL YEAR

A budget can be an important lever in helping the firm think more strategically about its existing client services, growth and capabilities. For example, Armstrong says management and partners should use the budget to review both existing and prospective clients.

Having incentives is one way to help your staff pay attention to — and get on board with — the budget. Armstrong says budgets can assess individual attorney performance in terms of profitability and value to the firm.

"They may be used to monitor and motivate poor performers, as well as establish an objective way to reward top performers who meet or exceed certain thresholds," he says.

The SBA also suggests having management revisit and, if necessary, update the budget every month. Check in on your expenses: Are they accurately projecting? Or are there areas where you can pull spending in a bit? Are you bringing in as much business as you anticipated? Or do you need to direct more money to extra marketing?

Giving the budget some flexibility can help keep it on track. In fact, it's a key element for Suzanne Lawler, Accounting Manager at Lubin Olson & Niewiadomski LLP. Budgets are viewed as flexible tools — not rigid doctrines.

BUDGETING BASICS (cont.)

"The goal of establishing our budget is for guidance purposes, and to establish a best guess of profitability per partner," says Lawler. "We are not married to our budget. We don't adjust our budget during the year to align with actuals, and we don't refuse to approve unbudgeted but necessary expenses."

Swisher agrees. Rather than stressing over every single line item, he encourages flexibility.

"Things happen, and if a budget is not flexible, then it is nothing but white noise halfway through the year," he says. "A budget is a guide or an acceptable range that helps you get to year-end. It should provide realistic expectations, even if those expectations are different than the original adopted budget."

Budgets, like any other law firm tool, are living documents.

"The business of law is changing fast," says Clara Onderdonk, Office Manager at Ernstrom & Dreste, LLP. "Some items may be irrelevant in a year's time if the document remains stagnant. You need to be mindful of your clients' needs and be willing to change as well during the year."

ABOUT THE AUTHOR

Paula Tsurutani is a marketing communications writer, focusing on issues in professional service firms, association and arts organizations.

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			1	2 Webinar: Advanced Excel Tips and Tricks Large Firm Principal Adm's Retreat Julia's Birthday	3 Large Firm Principal Adm's Retreat	4 Large Firm Principal Adm's Retreat
5	6	7	8 Business Meeting: Toby Burkett (401k/ Retirement)	9	10	11
12 Angela's Birthday	13 Business Partner Bowling Event; Professor Bowl	14 Webinar: It's No Fun If You Can't Negotiate	15 Webinar: Evolution of Law Firm Business Analytics	16	17	18
19	20 Webinar: Creating a Culturally Competent Law Firm	21	22 Terri's Birthday	23	24	25
26	27	28	29	30	31	

September 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5 CLM Application Deadline	6	7 Kim's Birthday	8
9	10	11	12 Business Meeting: CLI Briefing (Diane Smith) Law Firm Mgt. Essentials Certificate Program / Finance Workshop	13 Regional Conference Regions 1,2,3 Law Firm Mgt. Essentials Certificate Program / Finance Workshop Diane's Birthday	14 Regional Conference Regions 1,2,3	15 Regional Conference Regions 1,2,3
16	17	18	19 Tonya's Birthday	20	21	22 Michelle T.'s Birthday
23	24 Michelle S.'s Birthday	25	26 The Legal Lean Sigma® and Project Management White Belt Certification	27 Intellectual Property Conference	28 Intellectual Property Conference	29
30						

October 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10 Business Meeting: Data Max Lunch and Learn, 7400 Kanis Rd.	11	12 Carol's Birthday	13
14	15	16	17 Finance Workshop	18 Finance Workshop Regional Conference Regions 4,5,6	19 Regional Conference Regions 4,5,6	20 Regional Conference Regions 4,5,6
21	22	23	24	25	26	27
28	29	30	31			

HATE CONFRONTATION? 6 Tips to Handle it Like a Pro

Dealing with confrontation isn't fun, and a lot of people prefer to avoid it at all costs.

But for HR pros, this isn't always possible, since dealing with conflict is a big part of the job. But the way you approach it can drastically change the outcome.

The communication experts at *ResourcefulManager.com* have six tips for the next time you find yourself in a disagreement:

- **1. Assume Positive Intent.** Usually confrontational people are just trying to be helpful—it's their tone that's unpleasant. Recognizing their good intentions can make them feel like their opinion matters. Try saying, "I know you're trying to be helpful by saying that, but ..."
- **2. Be polite, to an extent.** Keeping a calm tone can help cut the tension. But don't be too polite or you could come across as timid. The goal is to sound firm and assured without being aggressive. Try, "Allow me the opportunity to address your complaints."
- **3. Explain your point.** This will help prevent misunderstandings from the beginning. But the right tone is crucial so they're not offended. Say something like, "I just want to make my point clear so we're on the same page."
- **4. Clarify their goal.** Once you explain what you mean, make sure you grasp what <u>they</u> want. Ask them to share what their goal is. This will put it all on the table and make it easier to come to a solution.
- **5. Understand their perspective.** Flat out disagreeing with someone— and not looking at the argument from their side—will only lead to more frustration and anger. Ask, "What's your take on this?"
 - **6. Thank them for speaking up.** Combative people are valuable. They force everyone to consider all possibilities in any situation. Thank them for contributing their opinion.

Info: www.bit.ly/confront508

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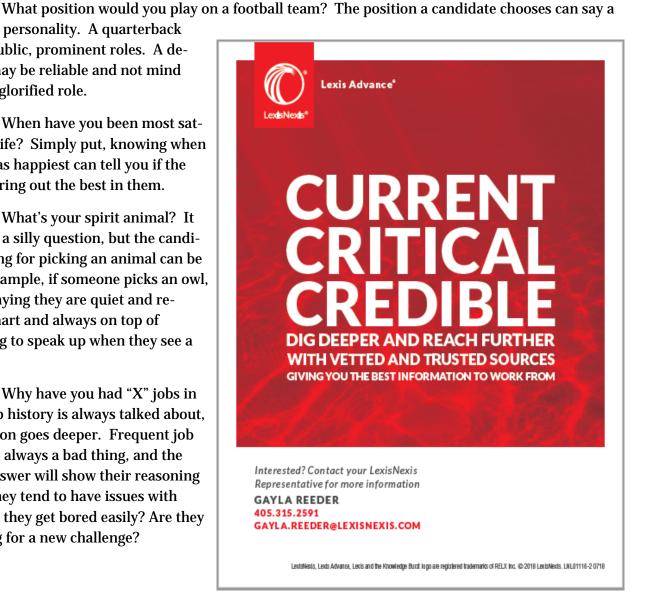


FIVE OUTSIDE-THE-BOX INTERVIEW **QUESTIONS TO START ASKING NOW**

Of course, there are those tried-and-true interview questions that candidates should always be asked. But asking some creative ones can be very revealing too.

After scouring the internet, we've created a list of the most interesting and helpful interview questions we've seen in 2018 so far-from sources like Inc.com, LinkedIn, and other media outlets and top hiring professionals:

- 1. What is the hardest thing you've ever done? Whether candidates give a personal or professional example, the response provides insight into what the person considers hard, and whether they'd be able to tackle challenges your company usually faces.
- 2. lot about their personality. A quarterback might enjoy public, prominent roles. A defense player may be reliable and not mind playing a less-glorified role.
- When have you been most satisfied in your life? Simply put, knowing when a candidate was happiest can tell you if the position will bring out the best in them.
- 4. What's your spirit animal? It may seem like a silly question, but the candidate's reasoning for picking an animal can be telling. For example, if someone picks an owl, they may be saying they are quiet and reserved, but smart and always on top of things... willing to speak up when they see a need to do so.
- Why have you had "X" jobs in "Y" years? Job history is always talked about, but this question goes deeper. Frequent job changes aren't always a bad thing, and the candidate's answer will show their reasoning process—do they tend to have issues with managers? Do they get bored easily? Are they always looking for a new challenge?



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Michelle Tyree