

# The Legal Link

2020 Spring, Summer, Fall Issue



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**Arkansas**  
Chapter



Published by the Arkansas Chapter of the Association of Legal Administrators

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

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Cover photo by Ann Norris.

# President's Message

By **Connie Straw**

## *Life is but a Meme*

Raise your hand if you feel like 2020 has rendered our lives a never-ending series of campy memes. Am I right?

I specifically enjoy the memes that compare 2020 to all things hideous and disturbing – the ones that say, "If 2020



were a [fill in the blank]". I've shared a few of my favorites below. And, while memes seem to hit

the mark and provide some much-needed levity, the reality of this virus and the impact it has had on us physically, financially and psychologically is nothing to laugh about. The madness just keeps circling



### **If 2020 were a math problem...**

**If you're going down a river at 2 MPH and your canoe loses a wheel, how much pancake mix would you need to re-shingle your roof?**

overhead, lobbing mayhem at us just when we think the coast is clear. We collectively scream, "Enough already!!", but the hits just keep coming. I am certainly not saying anything you don't already know all too well.



## *The light at the end of the tunnel may still be distant and faint, but we should take a minute to pat each other and ourselves on the back*

for the innovation, resiliency and camaraderie we have demonstrated personally and professionally during these last seven months. I see our members doing their best to remain connected and supportive. It hasn't been easy to go all of this time without some personal contact with each other, but I really feel we are making the best of it. We are staying strong and pressing forward to the benefit of our families, our friends and our firms.

Our Business Partners have been hit hard as well, but we continue to maintain contact and ensure they are relevant, valued and vital to our mission. I appreciate everyone who is involved with making the virtual Business Partner networking events a success. Our Business Partners are extremely loyal, and I am confident our

## President's Message (continued):

efforts will pay off in the long run.

I am also very pleased that ALA International has been at the forefront of providing critical resources to help members navigate this topsy turvy landscape. If ever you feel like you're facing something too daunting to tackle, just look to what ALA International has to offer. I feel truly supported by their efforts, and I rest assured knowing our Chapter is not in this alone.

As we round the corner into a new year, let's remain optimistic and hopeful that better days lie ahead. We possess all of the elements we need to continue to make a positive impact as we move forward.

*I am so very proud of our "small but mighty" Chapter and what we accomplish for each other and together for others.*

*Bring on 2021!!*



**Connie Straw**  
Arkansas Chapter  
President



### Social Discovery

Facebook. Twitter. Instagram. LinkedIn. Snapchat. These are just a few of the many social media platforms in use today. With nearly 70% of all Americans using some type of social media, data collected from these sites could mean the difference between winning and losing a case.

#### Comprehensive Capabilities – Valuable Benefits

Pivot Legal Services puts you in the driver's seat with the legal industry's most powerful social discovery engine. Aggregate social media content and web-based data. Collect vital metadata in a legally defensible manner while preserving chain of custody.

#### Social Media Collection

Collect individual Facebook user pages in their entirety, or group pages. Collect individual Twitter and Instagram accounts or utilize geo-fencing feature to collect a live stream of all posts in a target area. Collect entire YouTube channels or individual videos including comments.

Deleted items? You're in luck. In some cases, deleted accounts, pages, or posts can be accessed. Want to be strategic about jury selection? Pivot Legal Services makes it easy. Powerful analytics for social media accounts that uncovers jury candidates' post history can reveal important data about state of mind. Concerned about media or protests? Geo-fencing features within Instagram and Twitter can be beneficial for monitoring activity near a courthouse during trial.

### Mobile Device Collections

Chances are good that data from mobile devices will be a factor in upcoming cases. After all, more than 90 percent of Americans own a cell phone. The average user spends 16 hours a day with a mobile phone, checks it 150 times per day, and sends 743 text messages per month. Pivot Legal Service's turnkey solution simplifies mobile device data collection.

#### Multi-Platform Capability

Collect data from Android, Blackberry, IOS devices including iPads, as well as from drones, GPS devices and external storage media. Extract data from internal flash memory, SIM cards, or SD cards. Acquire targeted data on phones or collect entire file systems in their original folder structure, and then extract specific data.

#### Expansive Extraction

Mobile device data can reside in multiple formats, many of which may be irretrievable from anywhere but the device itself. Pivot's powerful collection engine gathers just about every kind of data from mobile devices, including text messages, pictures and other media, call logs, notes, calendar information, contacts, web history, search history, user-created app data, and GPS data.

#### Deleted Data? No Problem.

Deleted information can often be found still residing within the device's active storage space.

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*Thank you for participating in the  
2020 Presidents' Award of Excellence  
program.*

*We are happy to report that the  
Arkansas Chapter has met  
the necessary requirements  
to receive recognition this year.*

*Thank you for your continued  
leadership and efforts.  
Warm regards,  
Cheri Newey*





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# Spotlight on PCA Technology Solutions

**What a year we have had! It has been good for PCA to stretch our reach during these crazy times and confirm that our foundation is strong and ready. We thought it would be fun to take this spotlight space and make it interactive, so here we go:**

PCA Technology Solutions strives to be the trusted leader in all things IT. We provide outsourced managed services, vCIO consulting services, cybersecurity & VoIP solutions.

#### **Technology in the world today:**

<https://www.littlerocksoiree.com/post/133432/why-now-is-the-perfect-time-to-up-your-cybersecurity-efforts>

#### **PCA's Vision and Mission:**

<https://www.youtube.com/watch?v=viI1RaUzHR0>

#### **And on a personal note:**

<https://www.aymag.com/stephanie-clouser-leading-light-it-industry/>

<https://www.aymag.com/sunday-supper-sit-down-ted-clouser>

I hope this gives you a little insight to who we are and what we do.

We consider it a privilege to support the ALA and it would be an honor to serve as your trusted IT provider.

**By Stephanie Clouser**

Chief Brand Officer

sclouser@pcatechsolutions.com



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# Legal Videoconferencing Best Practices

Due to the global COVID-19 pandemic, many of Alaris's clients are turning to **videoconferencing** to support their deposition and mediation schedules, and Alaris is prepared to help. With over 20 years of experience conducting videoconferences, we've collected many valuable tips so that you, too, can conduct a successful videoconference from the comfort of your place of choice.

## Internet Connection

We recommend a connection speed of 3mbs of upload and download speed. This will ensure a stable HD video and audio connection along with the ability to share documents throughout the course of the deposition/meeting. You can test your connection for free at [www.speedtest.net](http://www.speedtest.net).

## Background

Reduce as many distractions and as much clutter behind you as possible, as you want people focusing on you and not the Thin Lizzy poster you have hanging up in your office. The lighting in the room should be pointing toward you and not streaming in from behind you. This will reduce the amount of glare on the screen.

## Legal Factors

The question of how a witness can be sworn in remotely is front and center right now, so we're happy to report that many states have either temporarily or permanently waived the requirement that the court reporter be in physical attendance with the witness. If you're unsure if your state has waived this requirement, check with your court reporter or see if all parties will stipulate on the record that they're not objecting to the remote swearing in of the witness. Depositions should also be noticed as taking place by videoconference.

## Distractions and Interruptions

Working from home is now the new normal, but that also means it's the new normal for your spouse, your kids, your family pets or anyone else in your house, so you'll want to minimize as many of the distractions and interruptions as possible. We suggest you close all non-essential programs on your computer, mute your phone

and find a quiet spot within your working environment.

## Exhibits

There are several options available for exhibits, but you'll need to decide ahead of time which route to pursue.

Digital platforms such as Agile Law or eDepoze allow you to digitally show, mark and share digital exhibits.

Pre-mark the exhibits and share them via a secure file transfer program, like ShareFile, or via email with all the parties.

Use the screensharing function in the videoconference to show documents to all parties from your desktop.

## Practice

It's our suggestion that you test all your connections, your video camera, microphone and how you're going to use exhibits prior to the deposition. As the saying goes, practice makes perfect.



**By Adam Weaver**  
Alaris Managing Director



# Member Profile: Tina Merlo

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

I grew up in Central Arkansas. I attended Oak Grove High School and North Little Rock High. I worked at TCBY and a popcorn store after high school for several years. I started my first real office job at a heat and air company as a receptionist. I left that company and landed at a law firm in North Little Rock as a receptionist and then transitioned to a legal assistant for three attorneys.

***Tell us about your family.***

My husband and I have been married for 11 years. I have two brothers and one sister. I have two children and one step-daughter. I also have the most amazing little granddaughter, Sadie, who is 3.

***How did you begin your career in the legal field?***

I started out as a receptionist for a law firm and transitioned to a legal assistant. I then moved on to a family law firm, which I absolutely loved and worked for several attorneys for many years. I finally landed at my current firm where I moved into several positions for the past ten years and was promoted to Office Manager in 2018.

***What are your main responsibilities?***

My responsibilities vary from day to day but it's to ensure the office(s) are running efficiently and smoothly. I supervise staff and handle conflicts and/or concerns working closely with our COO and HR Director.

***How would your attorneys and staff describe you?***

I think they would say that I am committed, fair, honest and loyal.

***What is the best professional advice you ever received?***



Be clear, upfront and honest in your communication. If you can't meet a deadline communicate that. Accountability goes a long way!

***What do you like best about being a legal administrator?***

I like handling office and staff issues. I guess I like being challenged from day to day. I work better under pressure and when I am multitasking.

***If you weren't a legal administrator, what would you do?***

I would probably work in some sort of counseling field or mental health.

***What are your outside activities?***

Lounging in the pool, walking in my neighborhood, the gym when I have time and when I am not being lazy.

***What do you enjoy most about your affiliation with ALA?***

Learning about different topics that are brought up at the meetings.

***How has ALA benefitted you?***

It's given me information on situations that others may have had and how they handled them.

***My friends describe me as...*** caring.

***Someone I really admire is...*** My grandmother.

***My favorite quote is...*** "Do good and good will come to you".

***My favorite musical artist is...*** Chris Stapleton.

***What is your favorite word?*** Happy.

***What is a word you dislike?*** No.

(Continued on next page)



## Member Profile (continued): Tina Merlo

*A sound or noise I love is...* A child's laughter.

*A sound or noise I hate is...* Someone coughing.

*Outside of my family, my most treasured belonging is...* my grandmother's ring.

*My favorite daydream or fantasy is...* to live on the beach.

***Thank you, Tina!  
We are so happy you are one of us!***



### Arkansas Times IS PROUD TO PUBLISH THE BEST LAWYERS IN ARKANSAS EVERY YEAR.

The November *Arkansas Times* magazine will announce the 2021 Best Lawyers in Arkansas! Arkansas's list includes 1,107 lawyers in 148 specialties along with 61 Lawyer of the Year honorees. And a new topic of great interest: Lawyers to Watch, 156 made this prestigious list.



Excerpted from the 2021 Edition of the *The Best Lawyers in America*®, the preeminent referral guide to the legal profession in the United States.



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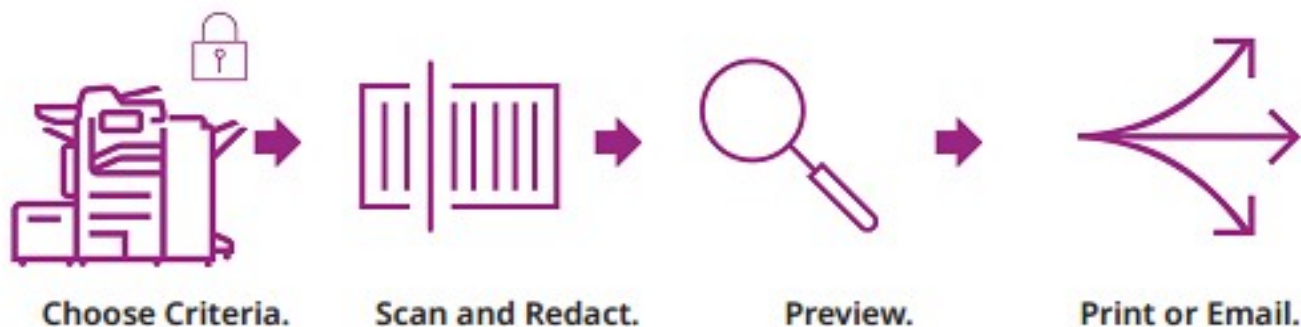
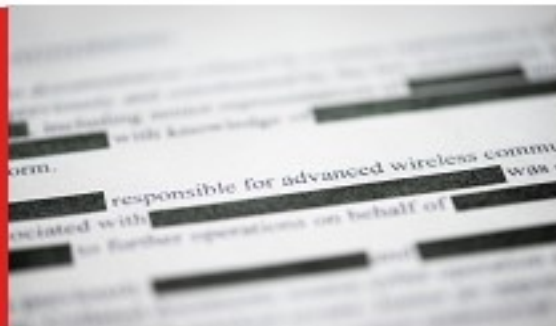
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# CHANGE IS HEALTHY

By Jerry Carlisle,  
 Founder and Chairman of the Board at Business World

*“Progress is impossible without change; and those who cannot change their minds cannot change anything.” George Bernard Shaw*

A few weeks ago, we showed a valued legal partner how to save time, money, and make their practice better for their partners and employees. Like many firms, they were wasting hours of time redacting documents and were buried in searching for lost documents. With a quick assessment, we showed them how they could implement a few changes and speed up their routine business processes. They wanted to get it right and make work a little less work.

Several years ago, we became the leading Total Document Solutions provider for XEROX in the state of Arkansas. XEROX founded the document industry and is the leader at the intersection of paper and digital documents. Being the best in the industry, they are changing the working world. What’s more, by being partnered with a local dealer, your legal firm will realize the benefit of XEROX products with fast service from a local dealer and competitive prices.

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*This is the gorgeous item we got from the James Hayes family for the Annual Meeting Auction.*



Thanks to  
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The success of any business relies upon its ability to match the **right opportunities** with the **right resources** and most importantly, the **right people**.

**The right resources:** professional liability coverage | risk management | claims analysis and advocacy | life, employee benefits, and continuity plans

**The right people:** Brendan Monaghan, JD/AVP  
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# Joseph Burns: Bev Eberle Scholarship Recipient

Essay by Michelle Stewart

As an office administrator, the biggest challenge I face in my job is hiring. You search tirelessly for the best applicant, interview numerous candidates and hope that you've selected the best fit for the job. It's rare that you find someone that "checks" all the boxes and even more rare that they continue to "check" all the boxes once they are on the job. Joseph "Joe" Burns is my employee that marks all those boxes.

Joe started with Kutak Rock on May 7, 2018, and since then, he has given 110% every day. He treats all his co-workers and our firm's clients with the utmost respect. There is no one more reliable, more willing to lend a hand, or step up and volunteer without being asked. What's even better is that he does every task with a positive attitude and smile. He approaches everything he does with a service-minded attitude.

The service-minded attitude that he exudes comes from his upbringing. His grandfather was instrumental in molding him into the man he has become today. He once told him, "Everyone can live a life but in order to live a truly fulfilling life, one has to live a life of service to others".

Joe has tried to live up to those words in every aspect of his

life. To date, he has given over 1,000 hours of volunteer time with Potters House Ministries in Fayetteville (<https://www.pottershousekids.com/>). He works with troubled youth from poverty-stricken families in Northwest Arkansas. He has mentored a group of young men within the organization, teaching biblical lessons and establishing long-term relationships with them to improve their personal life choices. He has helped them find employment and a purpose. He has provided these young men with

opportunities to better themselves.

Joe is also trying to better his own life. He started back to college this past fall to pursue his undergraduate degree. Eventually, Joe would like to attend law school. It has been a dream of his to obtain a law degree. A scholarship would help him with the cost of his tuition. I know he would be grateful. No one is more deserving than this young man. His grandfather would certainly be proud of the service-minded man he is today.




---

Michelle Stewart  
presenting the award  
for the Bev Eberle  
Scholarship to  
Joseph Burns on  
January 21, 2020.

It was a check for  
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## PROFESSIONAL COUNSEL<sup>SM</sup>

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### Best Practices for Law Firms During a Pandemic

The COVID-19 pandemic continues to disrupt all aspects of everyday life. As the virus spreads throughout the United States and around the globe, the number of those infected will rise, as will the death rate. Governments have issued quarantines and shelter-in-place orders in an effort to combat the pandemic, and, as a result, several businesses, including law firms, have closed offices temporarily and instituted work from home measures for lawyers and support staff.

In this challenging environment with circumstances changing on a continuous basis, law firms must remember the fiduciary duties owed to clients and their ethical duties as defined by rules of professional conduct in the relevant jurisdiction. Law firms may limit their exposure to professional liability and other claims by identifying and responding to key issues that may arise during this crisis.

#### Client Communications

During these stressful times, clients may require more reassurance from their lawyers than usual, which may lead to an increased need for communication between lawyers and clients. In addition to promptly complying with reasonable requests for information, lawyers also must keep clients reasonably informed about the status of their matters. If law firms have closed their physical law offices on a temporary basis, such information should be communicated to clients, including any updated contact information for the law firm. Law firms may be required to ensure that phone numbers and voicemail messages are routed to the appropriate law firm personnel working remotely. The same concern applies to regular and certified mail as well as packages sent to the law firm's office.

#### Security in Remote Working Situations

Attorneys must be vigilant in maintaining the security and confidentiality of data/client files while telecommuting. Working remotely presents certain cybersecurity risks such as accessing/sending information through unsecure WIFI networks, use of unsecure personal devices, phishing attacks, and many others. Recent media reports indicate a surge in cybercrimes against law firms as criminals attempt to exploit any cyber security vulnerabilities with so many lawyers working remotely. It is important to follow firm security guidelines and policies, and review data breach response plans to ensure that each practice setting is prepared and able to respond quickly to any incident. For more information on best practices and how to handle a cyber event, please see CNA's [\*For Your Eyes Only: Securing Lawyer-Client Communications\*](#) and [\*Safe and Secure: Cyber Security Practices for Law Firms\*](#). Moreover, law firms that lack cyber insurance should consider obtaining such coverage. Finally, while working remotely, a lawyer may be surrounded by family and friends who are in close proximity to the lawyer's work computer and client files. Lawyers must establish and implement safeguards to protect any unauthorized or inadvertent disclosure of client information, whether in electronic or physical form.

#### Keeping Abreast of Changing Rules, Regulations & Laws

COVID-19 has temporarily modified how we practice – from courthouse closures, to the extension of certain filing deadlines, and to changes in various regulations in certain practice areas. During this time, it is important to keep abreast of changes to local, state, federal and international rules that may have an impact upon client matters and legal rights. Lawyers also should inform clients regarding changes to a law or a temporary court closure that may affect their case or matter and provide guidance on how the clients may best achieve their objectives in view of these changes.

### Calendaring/Docketing/E-Filing

Law firm leadership must ensure that the firm's calendaring system is current and can be updated from remote work locations. Maintaining a back-up hard copy calendaring system is recommended. Leadership should assess all upcoming jurisdictional deadlines for the next 60 days and either make or confirm assignments in writing to comply with such deadlines.

Many federal and state courts have closed temporarily, leading to confusion about filing deadlines, statutes of limitation and repose, service of process, and other issues. Lawyers should continuously check emails from and websites of relevant courts and bar associations for the most recent updates and instructions.

Most courts have mandatory e-filing requirements. Law firm leadership must ensure that all relevant personnel have the ability to e-file from their remote work locations. Subordinate lawyers and support staff members should test their computer systems to confirm their ability to e-file.

### Financial Concerns for Law Firms

The pandemic's disruption to the business community may potentially lead to reduced work and less revenue for many law firms. Some law firms may be tempted to sue clients for outstanding fees and legal expenses to increase their accounts receivable during these harsh economic times. Lawyers should weigh the financial benefits against the risks of any collection action resulting in a complaint of legal malpractice against the law firm. Please see CNA's [Taking Stock of a Potential Fee Collection Suit](#).

In some cases, law firms may be required to cease some or all operations for a protracted time period while responding to complications related to this pandemic. Such a scenario raises more issues than can be addressed in this article. For further information, please see CNA's [The Big Picture: Enterprise Risk Management for Law Firms](#). Law firms that lack business interruption coverage also should consider obtaining such coverage.

Finally, some lawyers may be tempted to dabble in practice areas in which they have no experience. A lawyer's failure to know the law may lead to claims and disciplinary complaints. Lawyers should decline representations for matters in unfamiliar areas of practice unless they are committed to dedicating the time and resources necessary to develop the expertise required to provide competent representation.

### Attorney and Support Staff Well-Being

The anxiety of a public health crisis, the isolation and lack of time boundaries that come with working remotely, and the juggling of increased family obligations, only serves to heighten the already existing mental health and substance use problems facing the legal profession. There are many resources to help attorneys navigate through and cope with the stress and demands of this challenging time. Please see CNA's [Making Lawyer Well-Being a Priority in the Daily Practice of Law](#) and [Mental Health Resources for the Legal Profession During COVID-19](#). If the law firm has an affiliation with an Employee Assistance Program, it should remind its lawyers and support staff of that resource. Law firm leadership should instruct all lawyers and employees to follow all Centers for Disease Control and Prevention guidelines with respect to the pandemic, and to seek medical attention when needed.

### Conclusion

The altered business environment caused by the COVID-19 pandemic presents new challenges for law firms. By adopting the guidance noted above, law firms may manage the professional liability risks and emerge in a better position to serve their clients and maintain their law practices.

This article was authored for the benefit of CNA by:

#### Sean Ginty and Tracy L. Kepler

Sean Ginty is a Risk Control Director for CNA's Lawyers Professional Liability Program. In this role, he manages a team of highly qualified attorneys who are responsible for the design, content and distribution of risk control content relevant to the practice of law. He also collaborates with executive leadership from CNA's underwriting and claims teams to develop and execute strategies for profitable growth of the program.

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# Chapter Community Connection Service Project: Elmcroft Nursing Home in Maumelle

**On Thursday, August 20, 2020, at 5:30 nine of us gathered at Elmcroft Nursing Home in Maumelle for our first Community Connection event this year.**

The CC team, Selina Wood, Tina Merlo and Tonya Wallace, did an excellent job gathering and assembling the Gift Package items for the 18 residents of the Nursing Home.

Wrapped within a warm, soft throw blanket and tied with a happy face balloon, the packages contained:

- pair of socks
- fragrant soap
- notepad
- ALA pen and clip

We were not able to see the residents after all because it was their dinner time. So we sent the packages in with the staff to be delivered to each person.

Terri Dickinson's mother is there and we were very happy to hopefully give her and the others a little joy and love with our gifts.





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## Product Spotlight



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### USER-FRIENDLY LAYOUT

One of the first things attorneys notice about Lexis+ is the simple interface and clutter-free design. The legal research service boasts a clean visual aesthetic, and its simplicity helps legal professionals navigate all of the powerful tools and capabilities available.

But Lexis+ goes beyond a simple, elegant display and presentation. When it's time to go to work, legal professionals are given basic prompts like “What would you like to research today?” From there, each step along the research path was designed with user experience in mind. Colors, icons, text arrangement, overall layout—every aspect of Lexis+ has been tested to ensure that this online legal research service is easy and intuitive.

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The data revolution is here. Savvy attorneys are already incorporating big data into their decision-making processes to help make informed choices on their legal strategies. So, of course, Lexis+ boasts powerful data and legal analytics tools too.

This data is fueled by both case law and analysis from [Shepard's® Citations Service](#), all cultivated to help lawyers practice with confidence. Equipped with comprehensive research tools, attorneys are able to draw data-driven insights into their legal work.

That's a fancy way of saying that data-fueled search power and legal analytics within Lexis+ can reveal some pretty amazing details—things you may have overlooked or not explored deeply enough with a more traditional research service.

## PRODUCT SPOTLIGHT—LEXIS+ (CONTINUED)

### NEW & ENHANCED FEATURES

While the Lexis+ service may be groundbreaking, you'll find several familiar tools built in as well. But rest assured, these tools have been augmented and enhanced to deliver more capabilities, speed and insight.

For instance, lawyers may be used to seeing the Lexis Answers™ feature in the Lexis service, but Lexis+ cranks it up to 11. Search algorithms have been fine-tuned to allow attorneys to type nuanced legal questions into the Lexis+ search box and receive better-targeted answers.

Same deal with the Search Term Maps function—in Lexis+ you can now use it across ALL content types to speed-up your research and quickly spot the documents that'll help the most.

Even a simple tweak has a big impact. The Ravel™ View visualization tool now boasts a bolder color scheme to help you pinpoint vital cases and track key citing trends more easily.

But there are plenty of things that are all-new to the Lexis+ platform too, like the *Shepard's*® At Risk feature. Kicking traditional *Shepard's* analysis up a notch, the *Shepard's* At Risk notification helps you identify cases at risk of being overruled, where underlying points of law have been negatively treated by other decisions in the jurisdiction. It's pretty helpful reassurance that your strategy is built on solid legal footing.

If you do a lot of research (paralegals and law librarians, we're looking at you), then you'll probably appreciate the Search Tree feature as well. LexisNexis is essentially letting you look behind its algorithm curtain to give you customization and control over your searches. This handy visualization tool breaks down your search to show you why certain terms are missing from the results set. It even lets you select specific terms from your search to refresh/refine your search results.

You'll also want to check out the Missing and Must Include feature. It gives you greater control over your search by highlighting terms from your search query that are missing from a specific document in the results set. That means you'll be able to see whether all your terms are present in a document—without having to open it.

### PRACTICAL GUIDANCE

Lawyers spoke, LexisNexis® listened. The demand for a seamless integration between online legal research and practical guidance was overwhelming. So overwhelming in fact, that it was one of the core catalysts for the development of the Lexis+ research platform.

Starting with the question “What task would you like to accomplish today?”, lawyers are able to jumpstart their research with a trove of data-driven practice resources, including annotated forms, practice notes, checklists and more. Similar to how the standalone [Lexis™ Practical Guidance](#) service operates, the Practical Guidance experience within Lexis+ helps you quickly build knowledge on new or unfamiliar legal matters by leveraging the combined expertise of thousands of practicing attorneys.

Better still, since it's all part of the same, interconnected research experience within Lexis+, you're able to cover more ground with blazing-fast speed.

## PRODUCT SPOTLIGHT—LEXIS+ (CONTINUED)

### BRIEF ANALYSIS

One of the most popular features built into Lexis+ is the new Brief Analysis tool. This is where you can upload a document and have Lexis+ extract concepts, determine key facts, spot similar briefs and much more. That way, you'll be able to build stronger legal arguments, thanks to targeted research recommendations and *Shepard's* analysis that's based on the citation patterns and legal concepts found in your document.

Plus, it's adaptive and smart. As an example, the Brief Analysis tool will automatically narrow by jurisdiction based on the jurisdiction used in your document. Yep, it will infer your jurisdiction from cites in your document—it may even include more than one if you have cited cases from multiple jurisdictions.

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## In Memory of Charles “Charlie” Owen

### Beloved husband of our Carolyn

**Carolyn Owen’s husband, Charlie, passed away March 7th, 2020.** I asked her if I could include a memorial to him in the newsletter and she was pleased. She told me, *“Charlie was a very big fan of our group. He was a speaker several times at our chapter meetings and went on many ALA conference trips with me.”*

**Nancy Collins shared her own special memories of Charlie.** *“I only knew Charlie Owen not as a lawyer but as Carolyn’s husband. Carolyn was the love of his life.*

*He would do anything for her. Charlie was known far and wide for his tamales. We cajoled him into teaching a group of us how to make his blue ribbon specialty. No doubt Carolyn was instrumental in making that happen.*

*We spent a wonderful evening taking turns cooking the meat, making the cornmeal exterior, wrapping the tamales and steaming them. While the group cooked, I spent the evening committing the process to a recipe which was carefully edited by Charlie. Several bottles of good wine were consumed. Charlie loved a fine bottle of wine. As we cooked, he regaled us with his stories as only he could tell them.*

*We all went home with tamales and ‘Charlie stories’ that unforgettable evening. I think of him every time I make Charlie’s tamales.”*

**The funeral was held March 12, 2020 at St. James United Methodist Church.** Several of our members attended the service. The Chapter donated \$100 to the church in his memory.

Following is his full obituary.



**Jun 5, 1943 - Mar 7th, 2020**

Birth Date: Jun 5, 1943

Death Date: Mar 7, 2020

**Biography:** Charles Callis "Charlie" Owen, 76, passed away March 7th at home. Charlie was born on June 5, 1943 to John Thomas and Alma Duckett Owen in DeQueen, Arkansas. Charlie was the baby of seven and was preceded in death by his parents and six siblings, Lavelle, Anita, J.T., Leroy, Dick and Kenny.

Charlie graduated from the University of Arkansas at Fayetteville with an accounting degree in 1965 and earned a law degree from UA in 1968. He was a Certified Public Accountant and was a tax lawyer for over 50 years.

Charlie was a director and shareholder of Gill Ragon Owen, P.A. and served as President of the firm from 2000-2014. In addition to practicing law, Charlie enjoyed teaching and has written and spoken nationally on tax planning, legal ethics and wealth preservation and was recognized on multiple occasions for his excellence as a public speaker by the AR Society of CPAs and was an eight-time recipient of the Arkansas Bar Association's The Best of CLE. Charlie received the James McKenzie Professionalism Award in 2017, which recognized "sustained excellence through integrity, character and leadership to the profession and community which garners the highest honor to the legal profession".

Charlie was an active member of St. James United Methodist Church and served on various committees including Stewardship and Community of Hope. He was also involved in the community and most recently served on the Board of Trustees of

## Charlie Owen (continued)

Pulaski Technical College Foundation.

In his early years, Charlie enjoyed playing golf at PVCC, duck hunting and fishing. He later became an excellent chef and enjoyed attending cooking classes with his wife and daughter. One of his favorite things was making tamales while listening to Johnny Cash. Charlie also loved the Razorbacks.

Left to cherish his memory are his wife of almost 18 years, Carolyn Dickinson Owen; his daughter, Andrea Nicole "Nikki" Hudsmith and her husband Scotte; his son Charles Callis Owen, Jr. and his wife Ella and his precious grandsons, Tucker Owen Duggan and David Wilhelm Owen. Also surviving Charlie is his step-son, Dickinson Gates Smith and a host of nieces and nephews. Charlie

also enjoyed making memories with his in-laws, Carlice, Marilyn, Walt, DeeDee, Terry and the entire Dickinson family.

The family would like to thank Dr. Andrew Kumpuris for his excellent medical care of Charlie and to Theresa Carmichael at Lonnie's Dream and her caregivers who pampered Charlie and made him feel special.

I wish I'd known Charlie.

Sincerely,  
Ann Norris, Editor



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# 2021 Chapter Member Scholarship Eligibility Criteria



Members must meet the eligibility criteria in the year preceding the scholarship year. For this reason, the Board is recommending eligibility criteria for 2021 so that chapter members may take the necessary steps in 2020 to be eligible for a scholarship in 2021. Typically, the Board will recommend scholarship eligibility criteria one year in advance of the awarding of scholarships.

### 2021 Scholarship Eligibility

- Attend at least six chapter meetings during 2020
- Participate in at least one 2020 Business Partner Event
- Participate on the Board or a Committee
- Attempt to recruit one new member
- Write an article for the newsletter during 2020
- Other services deemed beneficial to the Chapter by the Board

All chapter members in good standing will be entered into each scholarship drawing in 2021. **To be eligible for a full scholarship, a chapter member must have performed two of the six criteria listed above.**

If a chapter member does not meet the 2021 scholarship criteria as stated above, the member will be eligible for 50% of the 2021 scholarship amount.

### General Scholarship Rules

Chapter members are only eligible for one scholarship per calendar year. Additionally, scholarship recipients from the prior year are not eligible for a scholarship the next year unless all eligible members for the current year have been given an opportunity to accept a scholarship.

Each scholarship recipient should report to the Chapter President within two weeks of the drawing indicating if they plan to use the scholarship, whether they are eligible for a full scholarship, and whether they plan to attend an ALA conference or some other conference. The Chapter will continue to draw for scholarships from the remaining pool of member names until all scholarships are awarded.

### Bev Eberle Educational Scholarship Eligibility Criteria

Beverly “Bev” Sanford Eberle was a long time member of the Arkansas Legal Administrators Association and retired Office Manager of Laser Law Firm for over 30 years. She was active in her community and volunteered her time and energy without question. Bev set an incredible example of being positive in the face of adversity. We should all continue to strive to BE LIKE BEV! Her strong spirit, determination for life, and her incredible love and devotion for her family and many friends was never-ending.

She will ALWAYS be remembered for her beautiful, sweet loving smile, and never tiring efforts for her many special projects in so many areas. She consistently gave of herself tirelessly and endlessly for others. She fund-




## 2021 Chapter Member Scholarship Eligibility Criteria (cont)

raised for the Arkansas Chapter long after her retirement and still attended the special events that were held.

Recipients of the Bev Eberle Educational Scholarship must meet the eligibility criteria to be eligible for a scholarship by December 1st for the following calendar year. All chapter members in good standing can apply for themselves, a colleague, or a law student. The Board will review the applications for scholarship eligibility criteria and announce the recipient at the January meeting. The scholarship can be a reimbursement for a direct payment.

To apply, please write a one-page essay on why the recipient is deserving of the scholarship money. Please include all community involvement, volunteer activities, and charity work, along with why they inspire those around them. It can be used for ALA conferences, ALA on-line courses, an approved non-ALA conference, local conferences, professional courses, specialized training, certifications, or even college tuition.

The Board will review the essays and choose the one that exhibits the traits and characteristics most similar to those hallmarks of Bev's life.

Recipients from the prior year are not eligible for this scholarship the next year. 

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## HR: Employee fired for stacking his intermittent FMLA leave with vacation days loses retaliation claim

REPRINTED WITH PERMISSION FROM OHIO EMPLOYER LAW  
BLOG BY JON HYMAN  
MONDAY, SEPTEMBER 16, 2019

Kevin LaBelle, a lab technician for Cleveland Cliffs, took occasional days off from work for approved intermittent FMLA leave for flare-ups related to a shoulder injury. **His employer noticed that LaBelle seems to always take his FMLA leave by combining it with scheduled days off and vacation days.**

Noticing the pattern of suspected abuse, the company hired a private investigator to watch LaBelle during his FMLA leave, and twice found him playing golf. The employer concluded that if LaBelle was experiencing a shoulder flare-up that prevented him from working, he would not be able to golf, and that if he could golf, he could work. Accordingly, **it fired him for FMLA fraud and abuse.**

The **6th Circuit affirmed** the trial court's dismissal of LaBelle's FMLA retaliation claim:

There is no evidence in the record to show that Cliffs' proffered reason lacked a basis in fact. Cliffs approved LaBelle's request for intermittent FMLA leave for two reasons: (1) attending medical appointments and (2)

taking three days off per month for a "flare-up." Even crediting LaBelle's explanation of why it was ok for him to golf, or why he "stacked" his leave, LaBelle did not take FMLA leave for "flare-ups" or medical appointments. He took FMLA leave because he was in constant pain and would take leave around vacations or weekends to give himself as much rest as possible. But occasional rest to alleviate low-level background pain is not what his FMLA leave was for.... If LaBelle had constant pain that required occasional long weekends to mitigate, he should have requested FMLA leave for that purpose.

**Intermittent leave is (one of) the biggest FMLA-management problems for employers.** And the

"stacking" of intermittent leave against other scheduled days off is one of the biggest intermittent-leave management problems.

**This case gives employers a great tool to combat this form of FMLA abuse.**



*Written by Jon Hyman,  
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# Arkansas Chapter

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# Arkansas Chapter

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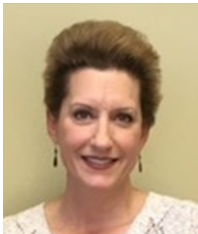
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# November 2020

| Sun | Mon | Tue               | Wed                              | Thu  | Fri                                      | Sat                        |
|-----|-----|-------------------|----------------------------------|--|--|----------------------------|
| 1   | 2   | 3<br>Election Day | 4<br>Selina Wood's<br>Birthday   | 5  | 6<br>Birth of<br>Bahá'u'lláh<br>(Bahá'i) | 7                          |
| 8   | 9   | 10                | 11<br>Chapter Mtg:<br>PPP by BDK | 12   | 13                                       | 14<br>Diwali<br>(Hinduism) |
| 15  | 16  | 17                | 18                               | 19<br>Kathy Cagle's<br>Birthday<br><br>Webinar 2:00:<br>Managing 20-<br>Somethings | 20                                       | 21                         |
| 22  | 23  | 24                | 25                               | 26<br>Thanksgiving Day   | 27                                       | 28                         |
| 29  | 30  |                   |                                  |  |  |                            |

# December 2020

| Sun | Mon                                     | Tue   | Wed  | Thu  | Fri   | Sat   |
|-----|---|---|--|--|---|---|
|     |   | 1   | 2<br>Webinar 2:00:<br>The Addicted<br>Lawyer   | 3  | 4   | 5   |
| 6   | 7<br>Pearl Harbor<br>Remembrance<br>Day | 8<br>ALA Right<br>Now: Virtual<br>Conference 2020<br><br>Webinar 2:00:<br>Communicate<br>with Clarity | 9<br>ALA Right<br>Now: Virtual<br>Conference 2020<br><br>Chapter Mtg:<br>Zoom Topic<br>TBD | 10<br>ALA Right<br>Now: Virtual<br>Conference 2020 | 11<br>First Day of<br>Hanukkah<br>(Judaism) | 12  |
| 13  | 14                                      | 15  | 16<br>Webinar 2:00:<br>What Legal<br>Managers Need<br>to Know                              | 17   | 18  | 19  |
| 20  | 21<br>Ann Norris's<br>Birthday          | 22  | 23   | 24<br>Christmas Eve                                | 25<br>Christmas Day<br>(Christian)          | 26<br>Kwanzaa begins<br>(African<br>American) |
| 27  | 28                                      | 29<br>DeDe Govia's<br>Birthday  | 30   | 31<br>New Year's Eve                               |   |   |



# January 2021

| Sun                              | Mon | Tue | Wed                                      | Thu   | Fri                         | Sat |
|----------------------------------|-----|-----|--|---|-----------------------------|-----|
|                                  |     |     |  |   | 1<br>Gantan-sai<br>(Shinto) | 2   |
| 3                                | 4   | 5   | 6  | 7<br>Feast of Nativity<br>(Orthodox<br>Christian) | 8                           | 9   |
| 10                               | 11  | 12  | 13<br>Chapter Mtg:<br>Zoom: Topic<br>TBD | 14  | 15                          | 16  |
| 17<br>Connie Straw's<br>Birthday | 18  | 19  | 20                                       | 21  | 22                          | 23  |
| 24/ 31                           | 25  | 26  | 27                                       | 28  | 29                          | 30  |



**Arkansas**  
Chapter

### Do you have something to say?

Voice your opinions! Record your thoughts and weigh in on the issues that matter to you.

### What's in it for you?

Legal administrators gain credit which could allow them an opportunity to win a full scholarship to an annual, regional, or Business of Law conference.

Business partners get more exposure before the legal community.

Email articles to:  
[anorris@beaconlegalgroup.com](mailto:anorris@beaconlegalgroup.com)



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