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When I was in high school we had a great new class. It was computer programming. I signed up for it and during the course of the year I probably key punched several hundred cards that you ran through the processor and solved your problem. What great mystery did I solve? I learned that at 125 pounds I would weigh 47.29 pounds on Mars. That was an amazing breakthrough. And it took a whole semester to produce this answer. So, did I save all of my notes and key punch cards from high school to give you this information? No. I googled it and had my answer in several seconds. Yep, this is the technology of the 21st century. Technology has come so far so quickly. Don’t blink or you will miss the next best thing. With this issue we hope to give you some fresh and new insight. For so many parents, work is not an option, it is a necessity. Our article on how technology does help give some work-life balance is very informative. Another big buzz word is cyber security. Please make sure to read up on that, as well as what we have to tell you about hackers becoming tech savvy and keeping your technology safe. Of the 6 critical tech mistakes discussed, can anybody confess to one or more going on in your firm? Luckily, we also tell you how to correct them.

I really like our Legal Levity section (and not because I wrote part of it). We have technology as the 20th century was evolving and technology of the future. Let’s see how many of Lisa’s predictions come true.

To our new members, I welcome you and hope you find our magazine entertaining as well as educational. I encourage feedback, so please feel free to reach out to me or any member of the newsletter committee. We have lots of upcoming events. Please plan to attend if at all possible whether on the local or national level.

Last of all, I want to wish Lisa Van Sant, the previous editor, our best wishes. She has taken a position closer to home and will no longer be the Administrator’s Advantage editor. She was amazing and taught me lots. We owe her a big thank you for all of her hard work on this amazing publication.

So please enjoy this edition. I would love your feedback, so please do not hesitate to send me any thoughts you have. We certainly have the technology to keep in touch.

Sue Burdett
UPCOMING EVENTS:

Tuesday, Sept. 13, 7:45-9:45 a.m. 

Wednesday, Sept. 14, 12-1:00 p.m. 
Small Firm Meeting (GCC Members Only) 
Where: Stradley Ronon Stevens & Young LLP, 191 N. Wacker Dr. Suite 1601

Wednesday, Sept. 21, 5:00 – 8:00 p.m. 
Business Partners Appreciation Event 
Where: Pearl Tavern, 180 N. Wacker Drive

Thursday, Oct. 6, 12:00 – 1:00 p.m. 
Lunch and Learn Webinar – Where: TBD

Thursday, Oct. 20, 12:00 – 1:00 p.m. 
Joint Small/Mid-Size Firm Meeting – Where: TBD

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My husband recently convinced me to watch the new Star Wars movie – The Force Awakens – which has now been out for over eight months. He had already seen the movie approximately 20 times, and this was my first viewing. He has always been fascinated with technology and is in the business of website design and maintenance. He is very talented and seems to easily figure out how to use new technology and software. For me, it takes some time to figure these things out.

Some years ago, I was put in charge of all of our firm’s technology due to the departure of the person who had previously handled those matters for our firm. The only tasks I performed prior to that point were changing the backup tapes and working with the billing software – I certainly knew nothing about how to maintain a network and the related firewalls, switches, routers, etc. It was a daunting task, but I was able to figure it out and eventually get an experienced IT consultant who could manage our network for us.

This is one of the main things I find especially rewarding about our field. When I was going through these challenging times, I had a network of administrators and functional specialists who provided much needed support and advice as I searched for someone to help our firm and learned a lot myself in the process.

It is important that those of us charged with overseeing the management of our firms know as much as possible about all aspects of the firm, including human resources, finance, records management, facilities management, and technology. This is where our association can assist all of us in these areas.

I am continually amazed by the level of skill and expertise that so many of our members have in not only the technology area, but every other area of law firm management. I am so grateful that we all share that knowledge with each other in a variety of ways. From the listserv to our various educational programs and ALA conferences, we continue to share that knowledge with each other.

Our board is hard at work on many different programs that will benefit our members and allow us to take advantage of all that ALA has to offer. We have a great group of business partners as well, who help us with products and services for our firms. We are always looking to add to our many committees, a few of which are:

- Education
- Membership
- Newsletter
- Community Relations
- Business Partner Relations
- Website and Communications
- Surveys
- CLM Certification

Please consider signing up for one of our committees and providing your own unique talents and skills to help us improve all of these services for our members. The relationships built by involvement in our chapter, region and association are unparalleled.

I live by the following motto: “You never get it wrong and you never get it done.” Let’s keep learning and helping each other.

Life is all about balance and enjoying the journey along the way. Remember to enjoy your summer and time with your friends and family while we have this beautiful summer weather. I hope you are able to get out there and make some memories.

I look forward to connecting with many of you at an educational or social event in the near future. Be sure to check our weekly email updates of all that our chapter has to offer. Please feel free to contact me any time if you have any questions, suggestions or comments.

See you soon!

Mary Lynn Wilson, CLM
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Member Spotlight

Donna Johnson

MY NAME IS: Donna M. Johnson.

I WORK FOR: Fox Rothschild LLP.

THE FIRM & PRACTICE IS: A national law firm ranked in the AM Law 100 that delivers strategic and practical solutions for clients ranging from family-owned businesses to multinational corporations.

Home to over 750 attorneys in 23 offices coast to coast, Fox offers clients a team of accomplished professionals who have honed their legal skills in government and industry, who appreciate the fluctuating nature of today’s competitive business environment and who excel at crafting the legal solutions that match our clients’ goals.

Our Chicago attorneys advise on matters related to gaming, real estate, corporate and litigation services.

Among the highlights of this office’s practice are:

- Gaming attorneys named among the Top 30 Gaming Lawyers in the United States by Expert’s Guide: Best of the Best USA;

- A well-respected regulated cannabis practice with attorneys who currently represent four of the 20 licensed growers in Illinois;

- Attorneys who, prior to entering private legal practice, served as legal counsel in high-level government positions;

- Specific professional experience, at times multidisciplinary, enabling our attorneys to deliver enhanced legal services that are informed by their first-hand knowledge of corporate law, tax issues, commercial real estate and gaming.

MY TITLE IS: Office Administrator.

BEFORE BECOMING AN OFFICE ADMINISTRATOR: I was a law firm Administrative Manager.

I HAVE BEEN WORKING IN THE LEGAL FIELD FOR: Over 28 years.

I ATTENDED: South Suburban College and Western Illinois University. I have a degree in Business Administration.

ALA Chicago Chapter has been the perfect conduit for measuring and increasing my knowledge of legal administration. It provides numerous networking opportunities and connects me with an invaluable group of administrative professionals that have very similar goals: to help our firm maintain and sustain growth and success.

I JOINED ALA CHICAGO CHAPTER BECAUSE: A self-evaluation revealed that there were some tools that I needed to exceed my self-imposed limitations. I am an administrator that was brought up through the ranks. Several positions throughout my career were developed through need, opportunity and, of course, hard work. While my progression in administrative roles continued and there was no doubt that I was providing a valuable service to my firm, I personally did not know what I did not know, and I wanted to KNOW. A very good friend told me about ALA. She expressed how valuable the group has been in helping her make better decisions in her role as a Director of Administration for a law firm and how positively those decisions have impacted her firm. I knew then that ALA was exactly what I needed.
TO BE SUCCESSFUL IN LEGAL ADMINISTRATION:

1) Continue to seek learning/training opportunities and know that some of the best learning opportunities may come from those you manage.

2) Be open to change. We live in a world where a new way is developed before you fully understand the old way. Do not let it stress you out; embrace it and move forward!

3) Find a mentor. As much as knowledge is power, experience is invaluable. Partner with an administrator who has already put in the work – someone who has been where you want to go.

4) Learn to be comfortable with yourself and your decision-making. Be consistent, be fair and be willing to modify, if necessary.

THE THING I LIKE BEST ABOUT BEING AN OFFICE ADMINISTRATOR: is the multiple roles required of the position. It is a dynamic and demanding responsibility, but, for the right person, it can be a rewarding experience. I enjoy working with staff, attorneys and management – all equally. My job is to support them all, working to ensure that the three “entities” work in harmony. Unfortunately, that does not always happen, but I’m a believer!

ONE OF THE CHALLENGES OF BEING IN LEGAL ADMINISTRATION IS:

MANAGING. Managing the office. Managing people. Managing supplies. Managing budgets. Managing expectations. Managing goals. I manage to do it all and maintain a positive attitude because it is all a part of what I do, and I love what I do.

THE BEST ADVICE I’VE EVER RECEIVED IS: Regarding dispute resolution between two individuals: Obtain both versions of the story, without commenting on either, then formulate an opinion. Do not allow your experience to override the facts.

THE BEST ADVICE I WOULD GIVE TO SOMEONE WHO IS JUST ENTERING THE LEGAL MANAGEMENT FIELD IS: Join a professional group like ALA. The legal industry is constantly changing. In order to make the best decisions for the firm that you represent you must always have your eyes and ears open. Why do it alone? The ALA is loaded with intelligent, personable, and very helpful legal professionals in all stages of their career. There is absolutely no down-side to joining this group.

I TRY TO MOTIVATE MY STAFF BY: Leading by example. You cannot expect from others what you are not willing to do yourself. For example, if I want to motivate my staff to perform tasks that are outside of the scope of their assigned responsibility, I have to be willing to do the same. While it is obvious that the job descriptions and expectations for a staff member versus a manager are different, our goals must be aligned. We must provide our firm and clients with the best service possible. I want everyone on my staff to be motivated to provide that service without hesitation. I believe that willingness to do so is enhanced by the fact that they know I will do the same.

IF I WERE NOT AN OFFICE ADMINISTRATOR, I would be working in some capacity in the legal field.

THE LAST GOOD BOOK I READ WAS: I have become addicted to the series, Game of Thrones. Since I have such a long wait before the next season begins, I decided to read the, “Song of Ice and Fire” by George R.R. Martin.

THE LAST GOOD MOVIE I SAW WAS: Race, The Jesse Owens’ Story

THE LAST VACATION I TOOK WAS: The Zoetry in Punta Cana, Dominican Republic

IN MY FREE TIME, I enjoy spending time with my grandchildren or just relaxing – however, it’s impossible to do both at the same time. 🎨
Goldberg Kohn hosted the August ALA Webinar, Innovating Legal Practice Through Talent Management, on Thursday, August 4, 2016. Terri Mottershead presented a full agenda of topics that covered collaboration, innovation, technology, and talent.

Mottershead believes collaboration and relationship building is everything, whether it be with clients or colleagues. It is important to have “seamless sharing of information” with clients because it supports more candid and regular conversations to make sure you are meeting the expectations of your clients. New service delivery is client centric and focuses on process (how clients interact with us), cost (are we adding value?), experience and product. Mottershead shared that it is very important to encourage, acknowledge and reward improvement, even when nothing is broken!

How does a law firm innovate? Mottershead stated that “people innovate, organizations do not,” so you must look to your leaders. There are several critical/new skills for leaders to have, which include being champions of change, being resilient, and embracing diversity and collaboration. She also believes it is time to “pop the hierarchy balloon,” meaning the biggest change if you wish to be innovative is to evolve into a flat leadership structure. It is easier for new ideas from all levels within the firm to bubble up to leadership when there are less tiers of hierarchy. When a firm is flat, there are more interactions with leadership so ideas are heard and taken seriously. The new catch phrase she shared with us is “intrapreneur.” This is a person within the firm who is given the freedom and resources to initiate projects and facilitate change by focusing on the inside of the organization. This skill set is more welcome and easier to find in a flatter structure.

Mottershead shared that there are some new skills we should look for when recruiting talent today. Those include the flexibility and adaptability to change, which is needed to encourage innovation and deal with uncertainty. Resilience is key, along with skills to manage a team and work effectively on a team. She also suggested that combining technology with legal knowledge is needed for the future law firm. Those attorneys that create apps and technology solutions for their clients’ needs are in high demand.

Mottershead concluded by stating “What got us here, will not get us there…” Our challenge as law firm leaders is to be innovative so we can service new and different clients, practices, processes, systems and workforce. Remember “people innovate, organizations do not.”

There is an expectation that all lawyers come with a law degree and some amount of business acumen in today’s market.

Sherry Gini of Goldberg Kohn Ltd.
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I came of age, professionally speaking, at a time in which I have always been connected to my job at all hours of every day. We in the legal profession are service providers and, whether by client demands or by our own self-imposed rules (and neuroses), we believe that we must be ready to respond to clients or colleagues anytime and anywhere. As a first year associate at a BigLaw firm in NYC in 2004, I was handed a BlackBerry on my first day of orientation, along with a key fob providing me with the ever-changing passcode to get remote access to the firm’s servers. I was expected to be on-call, all the time.

Now, on any given day, I am carrying around a backpack with a laptop, a tablet, and a smartphone all safely tucked inside. Over the past few years, I have read many articles decrying the explosion of the use of technology. There are claims that our reliance on electronic devices like smartphones and tablets can be harmful to our relationships with spouses, children, and friends. There are studies that demonstrate a trend of Americans, in general, working longer hours and taking less vacation. There are studies comparing American workers to those in other nations, finding the American workers to be more stressed and less healthy. There are numerous articles urging people to find time to disconnect from work in order to be more productive. But even with all the bad press, I cannot get behind the theory that increased use of and dependence on technology is a completely negative thing.

As a professional woman, I have read innumerable books, articles, studies, blogs, and Facebook posts on that elusive “work-life balance” we all hear about. I have at various times over my dozen years in the legal profession espoused nearly every one of them for at least a brief spell – leaning in, sitting back, going non-stop during trial, and disconnecting almost entirely during the vast majority of both of my maternity leaves. I have found that my balance is constantly shifting and priorities must be weighed and rearranged on a daily or even hourly basis.

Work-life balance for me requires blurring, or even erasing, the line between “work” and “life.” Being a lawyer sometimes takes long hours. There is simply no way around that. For me, finding any sort of balance between my personal and professional lives, between my career and my family and friends, would be impossible without technology.

Put simply, I need technology to provide me with flexibility. There have been numerous ways in which technology has allowed me to be more effective and spend more time with my family than I otherwise would be able to do if I were always sitting directly behind a desk at my office downtown. Technological advances in both hardware and software, as well as improvements in cloud computing functionality, allow me nearly seamless and unimpaired remote access to my firm’s network while in my home office, or while on the train, or while traveling. For example, I drafted the majority of this article while stuck in traffic in a car on the way from the airport to a family vacation at the New Jersey shore, using my phone as a secure wi-fi hotspot for my laptop.

With two young kids and a husband who also has a demanding career, flexibility is priceless. The ability to work remotely allows me to go home early enough to make dinner with my kids and put them to bed at night, knowing that I can work again from my home office once they are asleep. And it gives me much more flexibility to work from home more during the week as well. By working remotely one or two days each week, I can cut out two hours of daily commuting time, which gives me extra time for the gym (critical for me to maintain happiness levels) or to schedule doctors’ appointments during traditional workday hours. Yes, I am connected to my smart phone, and my tablet, and my laptop 24 hours a day, seven days a week. But, for me, that also means that I don’t have to be sitting in my office at any fixed time on any fixed day.

This does not mean that my reliance on technology in exchange for flexibility is without drawbacks. I do find myself checking my phone constantly; there have
been times when my six year old daughter has to remind me to put it down. Clients and colleagues have my cell phone number and know that they can use it. Work stays with me and creeps into my vacation time, and it is rare that I am ever fully “off.”

And that brings me to the most important part of finding and sustaining the balance – the part that I have to remind myself about on a regular basis: I am the only person who can control my personal and professional life balance.

In order to make the best use of technology, without allowing work to completely dominate my life, I have to impose rules and boundaries on that technology. That means that between the hours of 6:00-8:30 PM I am generally unreachable, and it means that my husband and I don’t bring our phones to the dinner table. Although sometimes unavoidable, I try to avoid working or responding to emails over the weekend. And when I go on vacation, I always make sure to have at least one colleague fully informed regarding each of my matters, someone who can handle the vast majority of issues that may arise while I am out of the office. They know they can reach me, but they also know that they should not disturb me unless there is an issue only I can address.

In my opinion, this boundary-setting is one of the most important things that we can teach to our colleagues and train our junior professionals to develop.

Embracing technology does not have to mean that one has to be enslaved by it. By setting appropriate and reasonable boundaries, we can use technology to achieve greater flexibility and greater balance between personal and professional demands.

Elizabeth (Lisa) Vandesteeg is a partner at Sugar Felsenthal Grais & Hammer LLP. Lisa concentrates her practices in the areas of bankruptcy, commercial litigation, and data security and privacy. She works extensively in the area of creditors’ rights, representing secured creditors, unsecured creditors, creditors’ committees, landlords, and shareholders in chapter 11 and chapter 7 cases throughout the U.S. She has also worked on all aspects of civil litigation in federal and state courts.
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Data security breaches – and data security breach litigation – dominated the headlines in 2015 and continue to do so in 2016. Continuous widely publicized breaches have led to 30,000 articles a month being published that reference data breach litigation. Law firms have collectively published more than 156,000 articles on the topic.

While data breach litigation is an important topic for the general public, and remains one of the top concerns of general counsel, CEOs, and boards alike, there remains a great deal of misinformation reported by the media, the legal press, and law firms. At best, this is due to a lack of knowledge and understanding concerning data breach litigation; at worst, some reports border on sensationalism or fearmongering.

Our firm began its survey of data breach class action litigation four years ago to rectify the information gap and to provide our clients, as well as the broader legal, forensic, insurance, and security communities, with reliable and accurate information concerning data breach litigation risk.

Our 2016 report covers litigation initiated over a 15-month period from October 1, 2014 through December 31, 2015 (the “Period”). Our key findings are:

**Data Breach Lawsuits Were Down From the Previous Study**
83 federal lawsuits were filed during the Period, representing a nearly 25% decline in the number of cases filed as compared to the 2015 Data Breach Litigation Report (the “2015 Report”), which found that approximately 110 separate federal lawsuits were filed as a result of data breaches. The overall volume of class action filings during both periods is significantly less than the media implies.

**Multiple Lawsuits Were Against the Same Defendant**
When multiple filings against single defendants are removed, there were only 21 unique defendants during the Period. This indicates a continuation of the “lightning rod” effect, where plaintiffs’ attorneys are filing multiple cases against companies connected to the largest and most publicized breaches and are not filing cases against the vast majority of other companies that experience data breaches. As with the overall quantity of cases filed, the quantity of unique defendants also declined as compared to the 2015 Report, which found only 25 unique defendants were sued after publicly reporting a data breach.

**Very Few Publicly Reported Breaches Lead to Class Action Lawsuits**
Only approximately 5% of publicly reported data breaches led to class action litigation, as compared to 4% during the prior period. These numbers are similar because, although the number of lawsuits filed decreased, so did the number of publicly reported breaches. At this point, there is no evidence to suggest that the decline in litigation is attributable to other causes (e.g., disinterest by the plaintiffs’ bar, lack of success of previous litigation, etc.).

**Where Breach Lawsuits Are Brought Depends on Where the Company-Victims are Headquartered**
The Northern District of Georgia, the Central District of California, the Northern District of California, and the Northern District of Illinois are the most popular jurisdictions in which to bring suit. Choice of forum, however, continues to be primarily motivated by the states in which the company-victims of data breaches are based.

**The Medical Industry Was a Big Target for Lawsuits**
Unlike in previous years, the medical industry was disproportionately targeted by the plaintiffs’ bar. While only 24% of publicly reported breaches related to the medical industry, nearly 33% of data breach class actions targeted medical or insurance providers. The overweighting of the medical industry was due, however, to multiple lawsuits filed in connection with two large scale breaches. As a
result, we do not expect the overweigh-
ing of the medical professions for breach litigation to necessarily continue into the coming year.

In the 2015 Report, 80% of the defend-
ants in breach litigation were in the retail industry. However, we also saw a 76% decline in the percentage of class actions involving the breach of credit cards – which typically impacts the retail industry – as compared to the 2015 Report. The decline most likely reflects a reduction in the quantity of high profile credit card breaches, difficulties by plaintiffs’ attorneys to prove economic harm following such breaches, and relatively small awards and settlements in previous credit card-related breach litigation.

Class Action Plaintiffs’ Primarily Assert Negligence as the Leading Cause of Action

Although 47 states have adopted data breach notification laws, some of which expressly provide individuals with the right to sue, these statutes are less prevalent in the context of class action lawsuits. Violation of data breach notification statutes was not the primary legal theory (the first count alleged in a complaint), with just 4% of plaintiffs alleging a violation of a data breach notification law as their first count. In addition, while plaintiffs continue to allege that companies failed to timely notify impacted consumers of a data breach, as a factual matter, most cases relate to breaches that were, in fact, announced by a company shortly after the company identified the breach.

The predominant theory used by plaintiffs’ counsel, however, is negligence. More than one-third of all class action lawsuits allege negligence as the primary theory of recovery, and nearly three-fourths of cases now include some count of negligence. Most plaintiffs chose to allege more than one theory of recovery, and many plaintiffs’ attorneys included theories sounding in contract, tort, and statute. In total, however, we uncovered 20 different legal theories of recovery. “Bailment,” or the idea that plaintiffs delivered their private information to defendants and therefore defendants owed them a duty to safeguard the information, emerged as a new, popular theory and was alleged in 21% of complaints. This can likely be explained by the spike in data breaches involving highly sensitive personal information (e.g., social security numbers) that was entrusted to a company and the decline in breaches involving credit card information, where this theory would have little application.

Breach of Social Security Numbers Were More Likely to Give Rise to Litigation

Unlike in previous years in which plaintiffs’ attorneys focused on breaches of information that was arguably of a less sensitive variety (e.g., credit card numbers), plaintiffs’ attorneys overwhelmingly focused on breaches in this period that involved information that is traditionally considered “sensitive” such as social security numbers. However, this may have more to do with a massive high-profile breach of one company in particular than a trend towards plaintiffs’ lawyers targeting breaches involving social security numbers.

While it is clear that neither data security breaches nor breach litigation is going away anytime soon, our review of the data itself reveals that the likelihood of being sued after publicly reporting a data breach is far less than media coverage implies. Moreover, for those companies who are unfortunate enough to be on the receiving end of a breach lawsuit, they are likely to face multiple lawsuits filed by multiple plaintiffs concerning the same breach. These lawsuits are generally consolidated so that the company is left to defend itself in what is essentially one primary lawsuit brought on behalf of the affected consumers. Whether breach lawsuits will increase in the future depends on a number of factors, including whether case law involving breaches evolves in a way that makes it easier for plaintiffs to survive motions attacking their ability to bring the lawsuit in the first place and their ability to establish that they were damaged as a result of the breach.
Are You As Ready for the Hackers As They Are for You?

By Marco Maggio

Ready or not, as the hacking community continues to evolve, law firms have become a definitive target. The legal industry has typically struggled to stay in front of the technology curve and many still do not have formal controls in place to adequately address the rapidly growing demand of cybersecurity. Usually security is at the top of the list of concerns for a firm’s IT Staff; however, many are still challenged to get the necessary budgets approved within their firms. Most firms operate in more of a reactive mode than they would prefer, and budgets are approved as needed when things “break.” This behavior enhances the risk of an unwanted intrusion resulting in lost revenue to the firm, as well as potential for triggering the loss of clients. Although security is quickly evolving into a higher priority for law firms, many still have a long way to go to catch up to the level of protection that is expected from their clients or their insurance carriers.

Hackers have now long discovered that the law firms and accounting firms are easier to penetrate than their clients for access to sensitive data. In fact, they have both been deemed as “treasure troves” for hackers as the least defended paths to the most valuable data. The priority of cybersecurity within all law firms needs to be escalated. The legal industry continues to establish standards for what “reasonable efforts” should be maintained to protect their clients’ data, but the onus of reasonable effort must be driven from the ground level. It is important to note that there are a handful of firms throughout the industry that are setting themselves apart by setting the protection of their clients’ data as their number one priority.

Prevention: What you need to know to prevent a cyber incident from becoming a cyber crisis.

We are constantly surprised at how many firms have corporate clients which have not set any security or compliance standards for the law firms handling their matters. Nor have they ever inspected how their data is being managed within a law firm. Contractual agreements may be put into place, but there is very little inspection, auditing or security compliance certifications required from the firm. However, that is quickly changing. Corporate executives are now clearly communicating and documenting their expectations of their outside counsel. They discuss the regulations that their organization must adhere to, and expect the law firm to also adhere to them. They may even explore a law firm’s attestation plan/strategy and may require third-party attestation. Your law firm should consider mapping to a security controls framework such as ISO 27001 or the NIST framework in order to be prepared when your current or potential clients approach you about security within your firm.

Although these frameworks do not guarantee hacks from occurring, they are certainly a much more pragmatic means to ensure that firms are executing industry best practices. Your firm should also educate employees about potential risks and threats. The firm should partition and limit access to data to only those who truly need access to it. Access should be limited down to the department or practice levels and in most cases by matter. Firewalls and other security devices should be maintained with current updates. Security Information and Event Management (SIEM) should be considered to provide a holistic view of an organization’s IT security platform. A firm should engage a third party to perform information security management system (ISMS) gap assessments, vulnerability assessments and penetration tests on a regular basis to ensure that the clients’ information is adequately protected. A firm should also have network and security policies, as well as breach response and incident response plans in place and they should be monitored for effectiveness. A firm should also have suitable cyber-risk insurance policies for both first-party loss and third-party liability coverage.

Some of these suggestions may seem overly obvious, but the obvious is commonly overlooked. The bottom line is that you need to ensure that your firm is prepared
for a cybersecurity event and that there is a plan in place on how to respond to that event long before it occurs.

**Responding: What you need to do when a cyber incident occurs.**

Once a firm’s network is believed to have been hacked, they should confirm that an actual hack has occurred and assess the impact. They should use a previously developed incident response form to document the incident throughout the investigation and remediation. Preservation of evidence is key, once attacked so the system(s) should be isolated and taken offline immediately to prevent further leaks or damage. At this point, information exchanges should be limited to only those who need to know about the incident. A digital forensics expert should begin an investigation, continuing to document everything as the analysis proceeds. Once a determination is made regarding the full impact of the hack they should disclose to their clients and any other governing bodies that the scenario deems necessary, including law enforcement if determined appropriate. They should know what their clients expect in regards to disclosure processes, content and timing and they should prepare a communication for impacted employees as well. They should also notify their insurance carrier if needed. Further mitigation can be provided with the engagement of protection services or credit monitoring for those who are impacted, and a determination should be made as to whether the situation calls for public awareness. Communication lines should remain open with affected clients, the point of hack should be closed and affected systems should be scrubbed. The security team should then convene to develop a plan to prevent a similar attack from happening again.

Again, this really comes down to having a comprehensive plan before you need one. Firms should develop and implement the right policies for their practice areas and continually educate the entire staff of potential threats and ensure they understand their responsibility for protecting data. Most importantly, if a law firm needs help they should get outside help. There are many qualified vendors in the legal technology industry that can share and implement best practices and help a firm develop, execute and manage a plan before they experience any type of unwanted intrusion.

Backups should be performed much more frequently than just once a night. A business continuity plan should be developed and updated frequently with the target always being that your firm could survive being down for 4 hours and experience little to no data loss. There is technology available that allows for recreating entire servers and data files within 20-30 minutes. Having the proper business continuity plan may just save your firm from eventual collapse resulting from a cybersecurity incident.

**Mitigating Risk: Potential litigation against firms that have been hacked.**

There are various types of litigation that could potentially be brought against firms who have been hacked or breached. The resulting action heavily depends on the hack and the information that was obtained. The majority of litigation is regarding the loss of personally identifiable information, private personal information and personal financial information, (PII, PPI & PFI). These suits, sometimes class action, are coming from customers, employees, shareholders and law firms’ clients. Damage can range from financial penalties, significant reputation impairment, potential loss in revenues, and/or loss of clients that no longer feel comfortable in sharing data with their outside counsel. An additional source of potential litigation is when a law firm is found to have been negligent and did not use commercially reasonable efforts to protect their clients’ data. This includes either reducing the risk of a hack from occurring, or adequately responding with a comprehensive plan for remediation once a hack did occur. The legal industry should expect much more guidance, opinions and legislation created and enforced in the near future. There will be many more examples of penalties assessed against firms from data hacks until firms make security a priority and take a proactive approach to protecting their networks, educating their users, and implementing security plans. As menacing as it sounds there is no definitive fix to prevent any and all unwanted internal and external data losses. Despite how much you spend, or how much effort you exert, a good hacker can still get to your data. Firms should simply take one step after another and have a manageable plan in place to prove that they have protected their data with commercially reasonable efforts. Having a strong security program will assist in avoiding ethics violations of the Model Rules of Professional Conduct stemming from a breach. The average cost to remediate a cyber-attack can be in the range of $25,000 to $100,000 and the cost to your corporate clients is exponentially larger so it is imperative to reduce these risks and potential disruption so you can continue to focus on the practice of law.

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Ashley Bradarich

MY NAME IS: Ashley Bradarich.

I WORK FOR: EverSource LLC.

THE COMPANY’S PRODUCT OR SERVICE IS: Office Services Outsourcing.

THE COMPANY HAS: become affiliated with the 6th largest company in the world, allowing us to bring a unique bend to onsite office services outsourcing and unmatched resources to our clients.

MY TITLE IS: Director, Business Development.

BEFORE BECOMING A BUSINESS PARTNER TO THE LEGAL MARKET: I was working for a national FM provider, then leaving to lead a team of salespeople in energy efficient product financing in Southern California. I ditched the sunny beaches to help grow EverSource in Chicago during the worst winter in 40 years!

I ENTERED THE LEGAL MARKET BECAUSE: I have watched our service make a difference at client operations nationally and believe EverSource will make a profound impact on the legal community in Chicago.

I HAVE A DEGREE IN: Graphic Design and Business Administration.

I SUPPORT ALA BECAUSE: EverSource’s unique offering allows our clients in the legal community to see a heightened level of customer service, support, and expertise across various services.

TO BE SUCCESSFUL IN THE LEGAL MARKET, ONE HAS TO: continue being educated on new trends, best practices and needs that are transforming within the industry.

THE THING I LIKE BEST ABOUT BEING A BUSINESS PARTNER TO THE LEGAL MARKET IS: exposure to many great people, events and learning opportunities. The legal community seems very open to fun and education – a great combination!

THE BEST ADVICE I HAVE RECEIVED IS: “Success is the art of being who you already are.” Many of us try to fit the mold of what we think others want us to be. I feel that by really standing behind yourself and your product exactly as it is, you will in turn discover people and organizations who become outstanding partners – you will have formed a relationship and partnership based on mutual trust and understanding.

I TRY TO MOTIVATE MYSELF AND/OR MY STAFF BY: leading by example to work hard, be kind, and have gratitude for the people and activities that comprise my day.

THREE THINGS I DO WELL ARE: Waking up early, singing in the shower, and keeping busy!

WHILE I LOVE MY CURRENT JOB, MY DREAM JOB WOULD BE: blogging about topics and experiences that make a positive impact in the lives of young women. Or being a magician.


THE LAST VACATION I TOOK WAS: many short trips to cities throughout the U.S., but I’m looking forward to a longer trip to explore Guatemala later this summer.

IN MY FREE TIME, I: enjoy taking classes such as dance and yoga, reading/learning, and exploring new places and things. ☺️

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In today's ultra-competitive and fast-paced society, increased billable hours and heightened client expectations dominate the practice of law. For many, that leaves little time for much else. Law firms must concentrate their time and energy on their clients. After all, that makes good business sense. However, too often that means effective technology practices can be disregarded.

Many firms often don't have the resources, or appetite, to stay up-to-date with the latest technology news, security threats, or constant changes in the technology that impact their business. Additionally, not all firms are adept at maintaining best technology practices. As a result, firms commonly disregard crucial technology activities. Over the past few years, we have seen a redundancy in the mistakes made by law firms. Fortunately, we have some basic fundamental tips to fix those mistakes and allow your firm to stay ahead of the curve. Below is a list of the six most common mistakes, and some essential measures to help protect your firm.

No IT Management Plan
Realizing when a firm is receiving inadequate technical support is generally not difficult. Unfortunately, the mistake often has major consequences.

Some firms continually struggle to find sufficient technical support. Others simply just forego professional technical support, believing that it's just too expensive. As a result, many firms rely instead upon a "young" attorney or paralegal whose knowledge of Microsoft Word may make him or her the firm's "computer guru." Other firms depend upon a friend or relative (who moonlights as an "IT guy") to provide technology advice or assistance when critical systems fail or slow to unacceptable levels.

Some firms hire a professional that provides services on a "break-fix" business model. Unfortunately, this model is extremely outdated, unreliable, and tremendously difficult to budget. The break-fix model follows this framework: 1. IT issues occur (severe or standard); 2. Firm calls the IT guy, and; 3. Firm waits and wonders how long it will take for a response and how much it will ultimately cost.

These support methods are not reliable, cost-efficient, or effective.

Law firms need knowledgeable, trusted technology partners that proactively monitor and manage the firm's technology and understand the specific operational requirements of a law firm. The result is more cost-effective, more efficient, and more profitable operations for the firm. Ultimately, that means less headaches for everyone involved.

Here are a few items that you should look for from a technology provider:

- They understand law firm operations.
- They understand Rule 1.6 of the Model Rules of Professional Conduct as they relate to technology and will agree to a confidentiality agreement (Business Associate Agreement). Additionally, you will want make sure that they understand other specific compliance requirements (HIPAA and HITECH and how they relate).
- They provide “managed services” by proactively monitoring and fully managing your systems and network.
- They provide phone support for your entire team for IT issues.
- They securely provide local and cloud backup services, and can provide you documentation of the security protocols for these services.
- They provide a managed security suite for all workstations and servers.
- They act as trusted partner for you and give you advice on how to more cost effectively utilize technology.

Hardware Issues Due to Inconsistent Systems
The second most common technology mistake firms make is that they fail to standardize their hardware systems. This may seem mundane, but we often go into firms and see systems ranging from Dell, HP, and Lenovo. The result is a mishmash of systems that increase costs and complicate troubleshooting, repair, and deployment.

Many organizations set hardware service lives at three or four years. There’s a reason, and it’s not because they have huge budgets. It’s because they see the benefits of having a standardized platform.

“When you look at hardware costs—particularly when overextending a computer to a five or six-year lifecycle—it may seem like you are saving money,” says Barron Henley, Partner at Affinity Consulting Group. “But really it’s costing you.” That’s because support expenses can increase when you retain computers longer than four years. Worse, older and obsolete hardware is less efficient, increases the likelihood of downtime, feeds employee frustration, and can threaten client care.

Firms can overcome common hardware issues by:

- Retiring equipment at proper lifecycles, typically three to four years.
- Working regularly with a reputable...
technology partner to help ensure consistent, high-quality hardware is being deployed across the firm.

• Reviewing relevant options like Network Assurance, the ultimate in complete managed IT, where all hardware, software, and support are included in one monthly investment. Never buy equipment again, and always have the latest in technology, fully supported and managed.

Security Failures
Law firms frequently fail to recognize and fully protect against security risks. Law firms don’t need to be “high profile” to become a target; simply being a law firm makes you a target.

By now you probably know that there are unscrupulous hackers scouring the Internet 24 hours a day, 365 days a year, seeking poorly secured servers, computers, and networks to infect and exploit. Unfortunately, firms are falling victim each day. As a result, firms that fail to properly secure their network may find themselves in the middle of a crises that results in bad press, lost clients, and ethical inquiries by the state bar association.

Fortunately, some simple steps can assist in preventing security failures. Here are several best practices that all firms should adopt:

• Implement and enforce strong password security policies.
• Ensure that your operating system is current and the security updates are installed.
• Deploy business-class firewalls.
• Secure all wireless networks.
• Implement Internet usage policies that preclude certain personal use.
• Prohibit unauthorized file-sharing programs.
• Deploy proven anti-virus applications and update them regularly.
• Regularly perform security audits and correct all deficiencies.

If you are unsure if you have a business-class firewall, or how to perform your security audits then you need an IT professional on your team. If you have one, then asking for verification and proof of these is perfectly acceptable. If they can’t or won’t, then change your provider.

Poor Backup Strategies
It seems that almost every firm wrestles with the issue of data backups. Despite numerous choices, methods, and options, many firms fail to adequately back up their data. This is generally not because the firm doesn’t recognize the need to archive and secure important business and client data. However, confusion and mistakes quickly arise in the details—who, what, when, where and how. Fortunately, firms can follow these simple steps to securely protect their data:

• Review what information is critical to your business and ensure those files are actually being backed up.
• Test your backup system regularly to confirm they are working properly and you know how to replace your data.
• Work with a proficient technology partner that automates the backup process for onsite and cloud storage.
• Confirm that your cloud backup solution is secure and meets your state bar association’s requirements. Generally, you must perform an inquiry of your cloud solution provider.
• Request that you receive confirmations when backups occur and alerts if a problem arises.

Virus, Malware, and Spyware Exposure
Viruses, malware and spyware are not only a major threat, but the numbers, varieties, and types of threats are only increasing. Nevertheless, firms frequently fail to implement full security suites, which is why this makes number five on this list.

There are many firms that self-install anti-virus programs on their systems. However, we generally find that the installations are inconsistent and not regularly updated. Worse, some firms actually have no anti-virus application installed at all. Conversely, many firms implement an anti-virus that is too strong or deployed improperly, which can effectively cripple the network speed.

No virus or spyware strategy is foolproof, but it’s recommended that you at least take the following steps:

• Avoid “free” security products. These products are often deployed in violation of the license agreements and don’t support frequent updates, real-time protection, or automated scans.
• Avoid websites known to encourage malicious software.

One final thought on this topic is to look at the difference between consumer and enterprise. Consumer lines are great if you are putting them in your home. However, they are not designed for the amount and type of traffic that is going in and out of your firm and they have zero additional layers of security required for most professionals that deal with confidential client information. Yes, we are talking about attorneys that have a duty of confidentiality under Rule 1.6. This is where the Enterprise features come into play.

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Reliable E-mail

E-mail is a critical communication tool for any law firm. Hence, employing an affordable, easy-to-use, reliable and effective email solution is essential. However, all too often law firms struggle with their email solution.

Generally, firms have complications with email due to email service downtime, non-syncing capability of calendars and other applications, no spam filtering, and lack of an easy-to-use interface. In most cases, these problems are caused by firms using a free email service, or conversely, managing their own email server. Either way, the issues that firms experience can generally be alleviated with a hosted email solution such as Microsoft Office 365 and assistance from a technology provider.

Here are some functions that you should look for when deciding on an email solution:
- Spam filtering.
- Size of attachments. You should be able to send files at least 50GB.
- Storage size and archiving.
- Service Level Agreement (SLA) that guarantees at least 99% uptime.
- Email that allows you to collaborate and sync your calendars.
- Email that is available on all of your devices, anytime and anywhere.

In addition to the email capabilities, Office 365 also offers easy document sharing with your teams and clients while also maintaining sophisticated security and compliance. These enterprise technologies put the user experience at the center – moving from the old way of users bending to technology, to the modern way of technology bending to users’ needs.

Office 365 harnesses revolutionary developments in cloud computing to offer enterprise-grade solutions that help enhance productivity and increase billable hours by giving legal professionals the ability to work securely and collaborate seamlessly from any device, anytime.

Conclusion

Simply put, continuing to make the mistakes listed above can result in unnecessary expenses, unpredictability, inefficient use of time, and unnecessary security risks. For an industry that is hyper focused on client confidentiality and efficiently utilizing time, continuing to make these mistakes is unacceptable. An experienced IT provider that is familiar with the requirements of law firms will be able to provide you with the solutions to these common technology mistakes. This takes us right back to number one on the list—start working with a competent IT provider that understands how you operate.
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Technology

How to Become a More Tech Savvy Lawyer
(Your Legal Career May Depend on it)

By Alison Schmidt Small

In the modern law office, technology is playing an increasingly important role. Virtual law practices are becoming more prevalent, and brick-and-mortar firms are embracing tech advances in order to stay relevant and better serve clients. Adaptations in law office technology have also widened the field of career opportunities and can be credited for new, non-associate roles such as forensic analysts, eDiscovery specialists and social media strategists, with whom lawyers can expect to work closely.

The bottom line: Being tech-savvy is pivotal for today’s legal professionals. Tech innovations have transformed the way law firms operate, and there’s no end in sight. It’s little wonder that a majority (59 percent) of lawyers polled for Robert Half Legal’s Future Law Office research report, Technology’s Transformation of the Legal Field, said that their firm plans to spend more money on legal technology over the next two years. Here are some top tech tools changing the industry:

1. “Smart” hardware. Smartphones and tablets have made remote work easier and more convenient than ever. According to the 2015 American Bar Association Technology Survey, lawyers are using legal apps like Fastcase, WestlawNext, legal dictionaries, and TranscriptPad on their mobile devices, as well as apps to access LexisNexis and TrialPad.

2. Electronic libraries. Law firms will always need references and texts, but legal tomes are making way for nimble digital solutions. Online legal libraries and legal research sites like LexisNexis and WestlawNext make it faster, easier and cheaper to access the most up-to-date information. This rapid evolution is redefining the roles of legal librarians and information specialists, who may need to become publishers, market analysts, trainers, members of client teams and more, writes Robert Ambrogi on his LawSites blog.

3. e-Filing. A large and growing number of municipalities and states are making electronic filing mandatory to save court costs and improve efficiency. Law firms can also benefit by making the switch. E-filing means a law firm has the ability to file anytime (no more dashing to the courthouse before it closes); fewer papers to touch, file and archive; and fewer staff to manage those tasks. Overall, it allows law firms to save money, effort, time and physical storage space.

4. eDiscovery. This field is growing due to the volume and complexity of electronic data. Large litigation cases involve acquiring, organizing, storing and retrieving millions of documents, and law firms are increasingly using third-party services to manage the task. Predictive coding is a powerful tool within eDiscovery that identifies similar or identical electronically stored information, but it does have drawbacks, such as hot spots and blind spots.

5. Collaboration tools. Collaborative software is indispensable for firms that have widespread staff and global clients. One of the most common programs is SharePoint, a web-based project management system that allows teams to easily store, organize and share information. Other collaboration tools include:
   - Firmex for virtual due diligence, file sharing and record digitization
   - Xerdict for case project management
   - Mavenlink, which provides online workplaces for virtual legal teams
   - Videoconferencing tools like Skype, GoToMeeting and Google Hangouts
   - Basecamp to store and share documents
   - Collaborative writing platforms like Google Docs and Office Web Apps

6. Cloud computing. With SaaS (software as a service), legal professionals can access files from any connected device and easily share files with
colleagues and clients. A LexisNexis study showed that lawyers use the cloud mainly for document management and backup. Cloud-based legal technology has also enabled the rise of virtual law practices, which are able to offer services at a lower cost.

7. Security protocols. Security breaches — like malware, hacking and data theft — cost firms money and client confidence. Assessing cyber risks now to avoid problems later has become a priority for many legal management teams. With more information being stored in the cloud and BYOD (bring your own device) a growing trend, firms and corporations must teach employees about security risks and compliance issues and establish and enforce privacy protocols surrounding personal devices.

Tech savvy lawyers are informed and can perform to standard using their office’s adopted electronic systems — and in some cases, suggesting investment in new ones. Here are some tips for increasing your know-how:

**Going digital**
Clients are the main drivers of changes in the legal profession, according to research conducted for Robert Half Legal’s Future Law Office project. More and more clients are demanding the speed and convenience of digital documents. If your office still requires hard copies, scan essential data into an electronic filing system to facilitate your work with clients but also your firm’s transition to paperless systems down the road. A wireless, mobile scanner can be invaluable when working remotely. Also, whenever possible, get online subscriptions for professional magazines or journals. Popular applications include: Documents to Go for reviewing MS Office and PDF files; Google Apps for real-time editing, file storage and more; and ezPDF Reader, a PDF reader with an annotation function.

**Litigation and research**
Litigation support software such as Summation and Concordance are tried-and-true workhorses. Some firms are investing in additional software suites like ProLaw and AbacusLaw, which help to streamline budgeting, case planning and billing. Many offices are also investing in technology and services to record depositions. Other applications include: Fastcase, which has free legal research capabilities; WestlawNext, a legal research system offering access to WestSearch and KeyCite; Depose for preparing and taking depositions; and LexisNexis for general legal research and keeping up with current legal news.

**Communication**
Connectivity tools such as phone and video conferencing services, group calendars and cloud-based document sharing have become essential for most law offices. An iPad, or other tablet, may be an investment to consider, with its requisite data plan, so that you have access to case-related information on the go. With more clients requesting real-time access to information concerning their cases, firms are adding secure portal access to enhance client service levels.

**Social media**
LinkedIn and Facebook are among the most popular social media tools for networking, recruitment and job searches. Many lawyers also use social media for case investigation, client development, education and awareness. But tread carefully in this area. Seventy-seven percent of lawyers surveyed by Robert Half Legal said they were concerned about the legal implications of employees using social media for business communications within their companies. Having multiple accounts also increases the risk of security violations. Avoid using the same password for all of your sites and choose passwords that are a combination of letters, numbers and symbols. Consider using secure, encrypted applications to organize and store all your passwords.

The successful modern lawyer is one who keeps up-to-date with technology. Whether you’re a first-year associate or senior-level partner, you must be willing to embrace the software and systems utilized by your firm and clients — and recommend them where they don’t exist yet. Your clients and your legal career will benefit.
We take so much for granted thanks to technology. There was a time when you actually had to get up and walk to the T.V. to change the channel with a selection of 5 whole networks to choose from. Being the younger sister of 4 older brothers, I was their remote control. This was part of the 70's era and, really, not that long ago.

I would like to take a step back a little further; let’s go back to the late 1800’s and see what was new and cutting edge. According to statistics from the United States Patent and Trademark Office, the number of U.S. patents rose from under 30,000 in 1860 to 640,167 by the year 1900. Here are some of the more memorable inventions.

**Telephone** - Alexander Graham Bell invented the telephone in 1876. He called it the “Electric Speech Machine.” The telephone quickly revolutionized the way people communicate. Bell set up the first telephone exchange in New Haven Connecticut in 1878. The telephone exchange provided the switching service that enables telephones to connect with one another.

**Typewriter** - The modern typewriter was created by Christopher L. Sholes in 1873. His Sholes & Glidden Type Writer introduced customers to the QWERTY keyboard, which is still the standard keyboard arrangement. Sholes’ typewriter only used capital letters, but some competing models, such as the Caligraph, began typing in both lowercase and uppercase letters by the late 19th century.

**Braille Typewriter** - The Hall Braille typewriter (also called a Braillewriter or Brailletter) was invented in 1892 by Frank Haven Hall. Hall was the Superintendent of the Illinois Institute for the Blind. The Hall Braille typewriter was manufactured by the Harrison & Seifried Company in Chicago, Illinois, USA.

**Cash Register** - The mechanical cash register was invented in 1879 by James Ritty. Ritty was an American tavern keeper in Dayton, Ohio. He nicknamed his cash register the “Incorruptible Cashier,” and started the National Manufacturing Company to sell them. When a transaction was completed, a bell rang on the cash register and the amount was noted on a large dial on the front of the machine. During each sale, a paper tape was punched with holes so that the merchant could keep track of sales. At the end of the day, the merchant could add up the holes.

**Light Bulb** - The first electric light was actually made in 1800 by Humphry Davy, an English scientist. He experimented with electricity and invented an electric battery. When he connected wire to his battery and a piece of carbon, the carbon glowed, producing light. The inventor of the light bulb, Thomas Alva Edison, experimented with thousands of different filaments to find the right materials to glow well and to be long lasting. In 1879, Edison discovered that a carbon filament in an oxygen-free bulb glowed but not for long. Edison eventually produced a bulb that could glow for over 1,500 hours.

**Paper Clip** - The paper clip was invented in 1890 by a Norwegian patent clerk named Johann Vaaler. His original paper clip design was a thin spring-steel wire with triangular or square ends and two “tongues.” The modern-shaped paper clip was patented on April 27, 1899 by William Middlebrook of Waterbury, CT.

**Escalator** - Jesse Reno created the first version of the escalator as an entertainment ride at Coney Island, New York in 1891. The inclined moving stairway had a vertical rise of 7 feet and moved at a speed of 75 feet per minute. Reno partnered with Otis Elevator Company to develop the first commercial escalator in 1899.

**Revolving Door** - The revolving door was invented in 1888 by Theophilus Van Kannel of Philadelphia, Pennsylvania. In high-rise buildings, regular doors are hard to open because there is a slight vacuum caused by air flowing upwards through stairwells, elevator shafts, and chimneys. Van Kannel’s new type of door was easy to open in tall buildings and also saved heat in the winter.

**X-rays** - were discovered in 1895 by Wilhelm Konrad von Roentgen. Roentgen was a German physicist who described this new form of radiation that allowed him to photograph objects that were hidden behind opaque shields. He even photographed part of his own skeleton. X-rays were soon used as an important diagnostic tool in medicine. Roentgen called these waves “X-radiation” because so little was known about them.

**Zipper** - The zipper was patented by Whitcomb L. Judson, an engineer from Chicago in 1893. He called it a “clasp-locker” and he exhibited his invention at the World’s Fair. He tried to manufacture his invention but never succeeded in selling this new device. The zipper was improved in 1913 by a former employee of Hudson named Gideon Sundback. He called his invention “Hookless 2.” He sold these fasteners to the US Army, who put the zippers on soldiers’ clothing and gear during World War I. The word zipper was coined by BF Goodrich in 1923 for the rubber galoshes with zippers he sold. It is said he named them zippers because he like the zipping sound they made when opened and closed.

**Motion Picture** - On October 17, 1888, Thomas Edison submitted his idea for a motion picture device that would record and produce objects in motion to the patent office. He called his invention the “Kinetoscope.” After showing off a prototype of his invention at the National Federation of Women’s Clubs on May 20, 1891, he filed the patent on August 24, 1891.

And there you have it. So many of the things we take for granted were cutting edge ideas a mere 150 years ago. I wonder what the next 150 year will bring...
Hate commuting? Imagine traveling at speeds up to 700+ mph on a train through a vacuum tube propelled by compressed air and induction motors going on your next trip. Instead of taking a day or two out of your vacation to travel, just an hour or two.

Fighting forest fires with loud noises—brought by drones. Sound is made up of pressure waves which can be used to disrupt air surrounding a fire, cutting off the supply of oxygen to the fuel. At just the right frequency, the fire dies out.

We've all heard of self-driving cars, but what about trucks? Computers never get tired or need comfort breaks, plus they could run in convoys, nose-to-tail to minimize wind resistance. They'll drive more smoothly and so use less fuel.

Virtual Reality. We can expect VR to poke it's nose out in the next year. Biggest stumbling block is its speed, but developers are quickly working on the issues. VR is not just for gamers. These devices will be useful educational tools and surgery prep devices. Architects will be able to use them to view 3D projects as well. In five years, we can expect VR to be in full force and more perfected.

Holographic displays are another not so futuristic expectation we might be able to see from our smart phones. You may even see it on your next iPhone.

We have already seen or heard about 3D printing, but the idea is consumer 3D printing—the average person being able to print 3D in their home.

The need for a better battery is screaming. Ideas are bouncing around out there and we are sure to have a winner in the near future.

Tired of brushing your teeth for two minutes three times a day? Creators are inventing a means to clean the teeth in mere seconds.

Home health and fitness. Checking sugar levels, heart rate, caloric intake, blood pressure, etc. will be more automated and easier to track.

Voice activated, digital everything in the home. Entering the house and saying, "lights on," and the lights turn on. Walking to the kitchen and bringing up the home computer's menu planner to find what the options are for dinner, according to what food is in the house.

When you buy food at the grocery store, you scan the register receipt to your home computer or a simple app from your local grocer syncs to your home computer or puts it in your cloud account.

Lots of neat ideas that are currently being worked on and we can expect to see as early as next year. ▲
According to recent surveys conducted by The Managing Partner Forum and others, far too many smaller and mid-size law firms are doing little, if anything, to evolve and adapt in the face of rapid and accelerating change in the legal services industry. And what little innovation does occur is driven by the client in almost every case. And that’s not good if smaller and mid-size firms want to survive.

Dramatic Change Impacting the Professional
Let’s step back for a moment and consider the incredible, yet fundamental, long-term trends impacting the legal profession. These trends are seismic in nature.

Economic Globalization
The economy are globalizing, and so are your clients. BigLaw’s going global and law firm networks are popping up all over the place.

Oversupply of Lawyers
There are now more than 1.3 million lawyers in the US, with 44,000 more young lawyers graduating from the nation’s 203 law schools every year. Consider that there are only 200,000 lawyers in all of China, a nation with almost 5 times as many people.

Commoditization of Legal Services
Just look at what insurance companies are doing to their outside defense counsel. They know it’s a buyer’s market, and they’re clearly taking advantage of the situation.

Disruptors Everywhere
Think Legal Zoom, AVVO and Rocket Lawyer to name a few. ABSs (Alternative Business Structures) are thriving in the UK and elsewhere. How long before they arrive on US shores? These folks are out to eat your lunch.

Industry Consolidation
BigLaw’s getting bigger, and Altman Weil reports another all-time record level of merger and acquisition activity yet again this year.

Changing Workforce
Whether we like it or not, the Xs, Ys and Millennials have different career goals and priorities.

Innovations in Technology
From legal research to communication, technology has changed the way law firms do business in so many ways. Remember Wang?

Of course, there are many more trends impacting law firms, but I think we’d all agree that those listed above are profound and have resulted in tumultuous and unprecedented change. None of these trends are going away anytime soon. In fact, the pace of change will only accelerate according to every report I read and every expert I know.

The Lawyer Personality Revealed
Consider, as well, the lawyer personality. Lawyers are skeptics and they hate change. According to decades of research by Dr. Larry Richard, lawyers exhibit the following characteristics:

• Highly skeptical
• Hate change
• Avoid risk
• Love autonomy
• Low resilience

Dr. Richard has administered psychological profiles to thousands of lawyers over many years. He wrote the article entitled “Herding Cats: The Lawyer Personality Revealed.” His blog is called “What Makes Lawyers Tick.”

Getting lawyers to change is not easy. They tend to look backward, not forward. They look for precedent and avoid anything they perceive to be the least bit risky. How many times have you heard a senior partner say, “But that’s the way we’ve always done things around here.”

Our Recommendations to Smaller and Mid-Size Law Firms
We think it’s critically important that smaller and mid-size law firms focus attention in seven key areas in order to seize the day and build a prosperous future.

Strategic Planning
It all starts with a plan, yet more than 60% of smaller and mid-size law firms don’t have one. In our opinion, every law firm, regardless of size or practice, needs a firm-wide strategic plan. My friend and colleague Bob Young, past Chair of the ABA’s Law Practice Division, agrees and goes so far as to say that not having one is management malpractice. Keep it simple, realistic and achievable. The evidence is compelling. Of firms with plans, 90% report positive results.

Leadership and Governance
We encourage firms to streamline governance and decision-making as
much as possible, with well-defined roles and responsibilities for the firm’s managing partner, management committee and other group leaders in the firm. Indeed, many smaller and mid-size firms are moving – albeit slowly - toward more structured governance models.

To firm leaders, we say now is the time to implement meaningful change and make tough decisions. Over the years, we’ve observed that many managing partners want to be liked, and avoid making tough decisions. In fact, we’ve also noticed that many firms intentionally elect weak leaders who won’t mess with the status quo.

**Marketing and Business Development**
Marketing and business development are “red hot” for smaller and mid-size law firms and their leaders. Budgets are up and more firms are hiring in-house marketing professionals. Within the marketing budget, firms are shifting resources away from traditional marketing and into business development. We recommend that firms start first and foremost by focusing attention on existing clients, and then go after prospective clients with a laser beam. We like industry practice group for a slew of reasons.

**Problematic Partners**
We’ll break this category into two main areas: chronic underperformance and bad behavior. Both are unacceptable and should not be tolerated. Leadership means having the tough conversations, putting the bad actors on probation, and severing the relationship if necessary. But you’ve got to deal with these disruptive individuals for the long-term success of the firm. Bullies, especially, are more destructive than you realize. Managing partners frequently tell us that this is, by far, the toughest part of the leadership role.

**Succession Planning**
It’s good to see more firms starting to pay attention to succession planning, as 70% of first generation firms do not survive their founding partners. This includes both helping senior partners wind down, as well as grooming junior partners to lead, mentor and make rain.

**Recruiting and Retention**
No doubt about it, tomorrow’s lawyers are wired differently – a whole lot differently – than the men and women occupying today’s corner offices. They want work-life balance, evaluation and feedback, and engagement. Many don’t want to become equity partners. Our advice? Hire the right people and invest in them. Consider using psychological profiles as part of your firm’s recruiting and retention program to make sure you’re making smart decisions.

**Technology**
Cushman & Wakefield predicts that, in a few short years, technology will surpass rent as the #1 expense item (excluding salaries and benefits) for most law firms. Note that this comes from a firm specializing in office space. Is your firm keeping up?

**A Time to Lead**
Clearly, the time has come for law firms to run more like businesses and less like loose confederations of solo practitioners.

That means a firm-wide strategic plan. It means bold, passionate leadership. It means accountability for the firm’s owners. For almost every law firm I know, it means change and change is hard, especially for lawyers!

John Kotter, in his best-selling book *Leading Change*, says the first step to instill meaningful change in any organization is to establish a sense of urgency. Kotter says people have to feel pain or sense catastrophe on the horizon before they’ll implement meaningful change.

But 2015 and 2016 have been pretty good years for most smaller and mid-size law firms, so many firm owners have buried their heads in the sand and it’s business as usual. In his best-seller *Good to Great*, Stephen Covey says that good is the enemy of great. So for most firms, things are pretty good in the short term. Why rock the boat?

Step one for the firm leaders is to create a sense of urgency among the firm’s owners that change is required if your firm is going to survive in the coming years. Show them the reports. Circulate the articles. Talk about it at firm meetings and retreats.

Inspire your firm to change now, before it’s too late. Don’t wait to lose a major client, or watch one of the firm’s strongest practice groups walk out the door before you decide to act. Now is the time to lead.

**Conclusion**
Sadly, most smaller and mid-size firms are not keeping up with the pace of change impacting the legal services industry. In fact, many are ignoring it altogether. And that’s not good if they want to survive.

Times are changing. Is your firm keeping up?
Professional associations such as the Association of Legal Administrators (ALA), although well recognized as valuable tools of American business, are subject to severe scrutiny by both federal and state governments.

The single most significant law affecting professional associations is the Sherman Antitrust Act, which makes unlawful "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce..."

A professional association by the very nature of the fact that it is made up of competitors is a combination, thus satisfying one of the elements in proving an antitrust violation. Section 5 of the Federal Trade Commission Act is also applicable to professional associations; it makes unlawful the same types of conduct that are prohibited by the Sherman Act. Furthermore, almost all states have enacted antitrust laws similar to the Sherman Act.

There is no organization too small or too localized to escape the possibility of a civil or criminal antitrust suit. The federal government has brought civil or criminal actions against such small organizations as Maine Lobstermen, a Virginia audio-visual association, Bakersfield Plumbing Contractors, the Utah Pharmaceuticals Association, and local barbers associations.

The government has brought approximately five civil and ten criminal cases a year against professional associations. It is thus imperative that every professional association member, regardless of the size of the association or the size of those comprising the membership, refrain from indulging in any activity which may be the basis of a federal or state antitrust action.

There are four main areas of antitrust concern for professional associations: price fixing, membership, standardization and certification, and industry self-regulation. The area of greatest concern, for it is the area where individual members are most likely to violate the law and the area where the government appears most concerned, is price fixing. The government may infer a violation of the Sherman Act by the mere fact that all or most of the members of the professional association are doing the same thing with respect to prices. It is not required that there be an actual agreement, written or unwritten, to increase prices. Rather, price fixing is a very broad term which includes any concerted effort or action which has an effect on prices or on competition.

Accordingly, professional association members should refrain from any discussion which may provide the basis for an inference that the members agreed to take action relating to prices, production, allocation of markets, or any other matter having a market effect. The following topics, while not the only ones, are some of the main ones which should not be discussed at regular meetings or member gatherings:

1. Do not discuss current or future billing rates, fees, disbursement charges or other items that could be construed as "price." Further, be very careful of discussions of past billing rates, fees or prices.
2. Do not discuss what is a fair profit, billing rate or wage level.
3. Do not discuss an increase or decrease in price, fees or wages, or disbursement charges. In this regard, remember that interest charges are considered an item of price.
4. Do not discuss standardizing or stabilizing prices, fees or wages, or disbursement charges.
5. Do not discuss current billing or fee procedures.
6. Do not discuss the imposition of credit terms or the amount thereof.
7. Do not complain to a competitor that his billing rates, fees or wages constitute unfair trade practices. In this context, another law firm (or even a corporate legal department) may be considered a competitor.
8. Do not discuss refusing to deal with anyone because of his pricing or fees.
Do not conduct surveys (under the auspices of ALA or informally) relating to fees, wages or other economic matters without prior review by antitrust legal counsel. Any survey should have the following characteristics: a) participation is voluntary and open to non-members, b) data should be of past transactions, c) data should be collected by an independent third party, such as an accounting firm, d) confidentiality of each participant's data should be preserved, and e) data should be presented only in a composite form to conceal data of any single participant. If these criteria are met, an association can collect and disseminate data on a wide range of matters, including such things as past salaries, vacation policies, types of office equipment used, etc.

However, care must be taken to ensure that the purpose of any survey is to permit each firm to assess its own performance. If a survey is used for the purpose of or has the effect of raising or stabilizing fees, wages, disbursements, credit policies and the like, it will create serious antitrust problems.

Within this same legal framework applicable to surveys, an association can make presentations or circulate articles regarding such educational matters as establishing sound office procedures, etc., provided it is clear that the matters are educational, and not a basis for law firm uniformity or agreement.

Inasmuch as association antitrust violations can subject all association members to criminal and civil liability, members should be aware of the legal risks in regard to membership policy and industry self-regulation. Fair and objective membership requirement policies should be established. Membership policies should avoid:

1. Restrictions on dealing with non-members.
2. Exclusions from membership, especially if there is a business advantage in being a member.
3. Limitations on access to association information, unless the limitation is based upon protection of trade secrets.

The Association of Legal Administrators has a code of ethics, which sets forth parameters of ethical conduct. However, to ensure that the Code of Ethics does not create any antitrust problems, ALA must continue to ensure that its Code does not have arbitrary enforcement procedures or penalties.

The penalties for violating federal or state antitrust laws are severe. The maximum criminal penalty for violating the Sherman Act was increased in 2004 from $350,000 to $1,000,000 for an individual and from $10,000,000 to $100,000,000 for a corporation. Pursuant to the Sentencing Reform Act, alternative maximum fines could be increased to twice the pecuniary gain of an offender or twice the loss to another person.

Individuals and corporate officers who are found guilty of bid rigging, price fixing or market allocation will virtually always be sentenced to jail pursuant to the Sentencing Guidelines; community service cannot be used to avoid imprisonment. The minimum recommended sentence is four months; the maximum is three years.

Additionally, there are civil penalties such as injunctions or cease and desist orders which could result in government supervision of association members, restricting the association's activities or disbanding the association.

Civil suits may be brought by consumers or competitors. Civil antitrust actions result in treble damage awards and attorneys' fees. Thus, if association members are held liable to a competitor for antitrust violations which resulted in $500,000 worth of lost business, the verdict may exceed $1,500,000.

The government's attitude toward professional associations requires professional association members, as well as professional associations themselves, to at all times conduct their business openly and avoid any semblance of activity which might lead to the belief that the association members had agreed, even informally, to something that could have an effect on prices, fees or competition. Thus, it is important that members contact the association headquarters or legal counsel for guidance if they have even the slightest qualms about the propriety of a proposed activity or discussion.

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On Tuesday, July 26 the annual summer soiree was held at Celeste for an evening of fun and networking with GCC colleagues for an opportunity to say THANK YOU to our Gold Sponsors for all that they do for us throughout the year. There were two $1,000 scholarships given away to regional/specialty ALA conferences and the winners are Karin Jackson and Amy Cloherty.
Amy Simons, Elizabeth Robertson, Karen Osmolski

Larry Fujara, William Mech, Patti Winter

Having fun mingling on the rooftop

Travis Larson and Betsy Kopczynski drawing the lucky scholarship winners

Lucky Scholarship Winners: Karin Jackson and Amy Cloherty

Everyone enjoyed the delicious food

Sheri Stone, Mitch Weiner (FSO), Ivie Cohn
Got CLM?

Test your knowledge

1. The brain of the computer; controls the other elements of the computer. _________________________

2. A peripheral device used to connect one computer to another over a phone line. _________________________

3. A board inserted in a computer that provides a physical connection to a network. _________________________

4. A computer’s most basic unit of information. _________________________

5. Uses pictures and words to represent ideas, choices, functions, etc. _________________________

6. A network or portion of a network that is not publicly accessible to the greater internet. _________________________

7. A means of connecting separate LANs through the internet while maintaining privacy. _________________________

CLM study sessions are taking place each Thursday at 11:45 am at 180 North LaSalle, Suite 3400. Please contact Mary Ann Rojas for additional details, or if you would like to join our group.

Answers:
1. CPU; 2. Modem; 3. NIC; 4. BIT; 5. GUI; 6. LAN; 7. VPN
ALA MEMBER SURVEY: PRODUCTIVITY AND PROFITABILITY TOP OF MIND

UPS surveyed 450+ attendees at the 2013 Association of Legal Administrators (ALA) National Conference to uncover the most pressing business and operational challenges and key focus areas of law firms in the future.

TECHNOLOGY & EFFICIENCY

The greatest day-to-day challenges

- **56%** Time management
- **46%** Managing costs & expenses
- **30%** Office inefficiencies & technology issues

Nearly half of ALA members surveyed reported that their firms plan to invest in technologies in the next year to increase competitiveness and grow their business.

CLIENT SERVICE

Key focus areas for law firms in 2013

- **49%** Client service
- **47%** Business development
- **41%** Cost management

87% of respondents identified client service as their top priority.

MARKETING & BRANDING

- **31%** Reported marketing and branding as a key focus in 2013
- **46%** Will invest in marketing and branding in 2014
- **+50%** More than half of respondents report that printing a firm’s logo or branding on an express shipping envelope is beneficial

DIGITAL vs. PAPER

- **49%** Invoices
- **47%** Court briefings

Following general correspondence items, invoices and court briefings are the most common documents moving to digital formats.

Overnight shipping is essential for contracts and client proposals, which are the documents least likely to move to digital formats.

For more information on UPS services and solutions, contact:
Anthony Perrino at 630-800-6654, aperrino@ups.com, or visit ups.com/professional.

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