

August / September 2019
Vol. 2019, No. 4

TECHNOLOGY



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What's Your Plan? New
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Bringing Affordable
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Some Thoughts About
Courtroom Technology

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ALAMN Has Adopted ALA's Mission Statement

To improve the quality of management in legal services organizations; promote and enhance the competence and professionalism of legal administrators and all members of the management team; and represent professional legal management and managers to the legal community and to the community at large.

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KNOW YOUR LEGAL JARGON

Force Majeure – French for “a great force”

An unforeseen or unavoidable event such as a war, strike, or riot. Often referred to as an “act of God” when referring to extreme weather such as a hurricane, flood, earthquake, or tornado. A *force majeure* clause in a contract often absolves one or more parties from obligation or liability when circumstances are beyond the party’s control.



ALAMN COMMITTEES & SIGs

ALAMN COMMITTEES serve as liaisons between membership and the respective director, representing the **ALAMN** Board of Directors.

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ALAMN SPECIAL INTEREST GROUPS (SIGs) are educational forums specific to functional specialty. Special Interest Group (SIG) meeting attendees need not be **ALAMN** members.

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PRESIDENT'S COLUMN

By Jessica Gerhardson



The impact of technology on our lives cannot be ignored. Creating this digital newsletter would not be possible without technology! Technology has increased the productivity of almost every industry in the world, and legal is no exception.

Even though the legal industry gets a (sometimes well-deserved) bad reputation for avoiding technology and change, technology has impacted every aspect of the legal field – from law firm and corporate practice to courtroom operation and document management. As a leader in my law firm, I'm often asked about the latest technology to improve how attorneys and support staff work. We even started a Practice Automation Committee with the aim of improving processes and "automating" steps to save time and money. Like many of you, I wear many hats and fill a variety of roles in my organization, so there is no way I could keep up with the constant evolution of technology in the law firm on my own. Fortunately for me, I have ALA and ALAMN.

ALA is at the forefront of the technical revolution happening to the legal industry. From the cloud to blockchain, ALA provides leaders with the resources to make informed decisions about technology. ALAMN business partners are also thought leaders in their respective fields, and you will hear more from some of our outstanding business partners in this issue. Over the last few years, ALA and ALAMN have not only tried to educate members in the area of technology, but they have both made concerted efforts to utilize technology to serve members better.

Online Community & Email Listserv

What DMS are most firms using? Need a recommendation for a managed services business partner? How do firms streamline the conflict check process? We no longer have to ask our immediate network! With the [ALA Online Community](#), you can connect with thousands of fellow

members, share ideas, best practices, samples and more. ALAMN has a wide variety of email lists to suit nearly every issue leaders in the business of law face. If you'd like to begin receiving emails from our [committees](#) or [special interest groups](#), reach out to the chair or co-chair via the links above! The [ALAMN membership directory](#) is no longer in print form, which means you always have up-to-date member information online at your fingertips and the ability to quickly search by name, responsibility or firm size.

Webinars & Podcasts

If you are looking for convenient, quality education on-demand, [ALA webinars](#) are an excellent resource. This year, ALA has increased the number of webinars for the same price. Learn more about a wide-range of topics that pertain to legal management, including cybersecurity, value pricing, legal process improvement and more. CLM credit can be received for ALA live or on-demand webinars, and many webinars have been approved for HRCI and SHRM recertification credits.

I don't know about you, but podcasts have revolutionized my commute. It's so nice to just listen while I drive, and it gives me a sense of accomplishment before I even step foot in the office! There's a podcast on just about every topic imaginable. Did you know that ALA has a free podcast? The [Legal Management Talk](#) podcast offers professional development opportunities on the go. Browse topics on the ALA website or subscribe wherever you get your podcasts. There's even an episode on "Transitioning to a Paperless Law Office."

PRESIDENT'S COLUMN - CONTINUED

By Jessica Gerhardsen

Conferences & Online Learning

ALA conferences are some of the best ways to obtain impactful education and networking, and this year's Fall conferences are no exception. [C4: The Legal Industry™ Conference](#) is a one-of-a-kind experience that uses design thinking to create solutions in the legal industry. This event focuses on finance, technology and marketing, finding viable solutions for the industry, law firms and legal departments. As the legal industry continues to experience significant and rapid changes, it is critical for leaders of law firms and other legal organizations to master complex executive leadership and management skills. To that end, the [ALA Master Class: Leadership for Legal Management Professionals](#) is all about individual professional growth. This event takes a deep dive into critical personal leadership

skills that are vital to an attendee's career, such as mindful leadership, cultivating innovation, emotional intelligence and strategic change management.

Don't forget about [ALA's e-learning courses](#)! These 6-week instructor-led online courses meet live each week for an hour, and sessions are available on-demand later for convenience. Courses include HR and Financial Management – all without leaving the comfort of your home or office.

Through technology, ALA and ALAMN are impacting the way we share and receive information. We may not know the answers to what lies ahead for the legal industry, but ALA and ALAMN will be here to guide us along the way, even if some of our attorneys still handwrite their timesheets.

Two All-New Fall Events Designed with Your Success in Mind



SEP. 18–20
BOSTON

Design practical solutions to prevailing legal industry challenges alongside thought leaders from various sectors. Bring your influential knowledge back to the office.

alanet.org/c4-conference



OCT. 21–23
SEATTLE

Accelerate your personal and professional growth by expanding your executive toolkit and honing your leadership and management skills.

alanet.org/master-class-leadership



REGISTER TODAY

GENERAL MEETING



Kate Bischoff from tHRive Law & Consulting LLC presented at the June General Meeting hosted by Winthrop & Weinstine. A former practicing employment attorney, Kate is a SHRMSCP-certified Human Resources professional

who spoke to us about learning to ask your employees and co-workers simple, genuine, and caring questions that improve employee engagement, morale, etc. By taking the time to check-in with your employees and colleagues, and really hear their responses, Kate argued that many workplace issues will be more easily addressed. Thank you for presenting, Kate!

Please join us at the next ALAMN General Meeting:
THE POWER OF MINDFULNESS: DEVELOPING AWARENESS AND RESILIENCE
Presented by Bob Zeglovitch

This session provides an introduction to the practice of mindfulness. Mindfulness is a form of awareness that has been scientifically demonstrated to reduce stress and emotional reactivity and to enhance focus, working memory, and cognitive flexibility. The session will include some short guided awareness exercises and suggestions for using mindfulness at work and in daily life.

Tuesday, August 13, 2019

11:15 AM Lunch
11:45 AM – 1:15 PM Speaker
Gray Plant Mooty
500 IDS Center
80 S 8th Street, Minneapolis

Register Now @ www.ala-mn.org



And the next ALAMN Shining Star is...

The ALAMN Board is pleased to announce the selection of Stacy Locsin as a Shining Star for the Minnesota Chapter! Stacy, the Human Resources Director at Patterson Thuente Pedersen PA, joined ALAMN in December 2015. Stacy serves as a Co-Chair of the HR Section Committee and is a member of both the Small and Medium Firm and the Community Service Committees. Stacy is an avid volunteer and is always willing to roll up her sleeves to assist the Chapter in any way she can. Stacy's commitment and contributions to ALAMN are greatly appreciated!

PLEASE WELCOME OUR NEWEST ALAMN MEMBERS

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Junior Accountant
Gislason & Hunter

Bailey Coughlin

Principal Administrator
Minnesota Construction
Law Services

Shelly Eesley

Firm Administrator
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Kristine Eustice

Financial Management
Gislason & Hunter

Peter Martin

Principal Administrator
Knutson Flynn & Deans

Jana Ottmar

*Senior Manager of Patent
Paralegals and Assistants*
Fish & Richardson

BENEFITS OF CLM

WHAT IS CLM?

ALA's Certified Legal Manager (CLM) program provides the opportunity to demonstrate you have mastered the knowledge, skills, and abilities to operate at a high level of expertise in the field of legal management.

WHAT MUST I DO TO BECOME CERTIFIED?

To become certified, ALA members or nonmembers must meet the eligibility requirements and pass the

certification examination given by the Association of Legal Administrators. While legal administrators in Canada and other countries are eligible to become certified, major portions of the examination are based on U.S. federal law.

A complete list of ALAMN members who have earned the CLM Designation can be [found here](#).



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A **BRIGHTER FUTURE.**

CLM[®]
Certified Legal Manager

Certified Legal Managers (CLMs) have increased knowledge about the business of law:

- More professional expertise
- Industry recognition and respect
- Proven value

alanet.org/clm

SUMMER SOCIAL

Another successful ALAMN Summer Social is in the books! Thank you to all who were able to attend this year's event held at the Golden Valley Country Club on July 18th. In addition to the opportunity to network and connect, there was a little bit of something for everyone:

- The golf challenges showcased some talent in our midst and won several attendees gift cards;
- The traveling magician amazed and entertained almost as much as the sparkling conversations;
- The carnival-like food made everyone excited for the coming Minnesota State Fair extravaganza;
- We also are very fortunate to be supported by some of the most wonderful business partners around. Because of the ALAMN Business Partner Program, we were able to draw and award a \$1,000 scholarship to two of the members in attendance! So, thank you again to our incredible and supportive ALAMN business partner community!

SAVE THE DATE: The Business Partner Relationship Committee looks forward to seeing even more of our members and business partners at the 2019 ALAMN Fall Social at Can Can Wonderland on October 10, 2019!



Business of Law eLearning Center

Your anytime, anywhere, business
of law eLearning solution.

alanet.org/elearning

**REGISTER
TODAY**

ALAMN CALENDAR OF EVENTS

AUGUST 2019

| SU | MO | TU | WE | TH | FR | SA |
|----|----|----|----|----|----|----|
| 28 | 29 | 30 | 31 | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| 31 | 1 | 2 | 3 | 4 | 5 | 6 |

SEPTEMBER 2019

| SU | MO | TU | WE | TH | FR | SA |
|----|----|----|----|----|----|----|
| 31 | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 1 | 2 | 3 | 4 |

*PLEASE NOTE:

SPECIAL INTEREST GROUP (SIG) attendees need not be ALAMN members

AUGUST

- 7 Large Firm Chief Officers Meeting**
12:00 PM – 1:00 PM
Gray Plant Mooty
- 13 General Meeting – The Power of Mindfulness**
11:15 AM – 1:15 PM
Gray Plant Mooty
- 15 Small/Medium Firm Committee Meeting**
11:30 AM – 1:00 PM
Gislason & Hunter
- 19 Education and Conference Committee Meeting**
11:30 AM – 1:00 PM
Bassford Remele

SEPTEMBER

- 3 HR Committee Meeting**
11:30 AM – 1:00 PM
Robins Kapln
- 4 Large Firm Chief Officers Meeting**
12:00 PM – 1:00 PM
Merchant & Gould
- 10 General Meeting – Salary & Benefits Survey Results**
11:30 AM – 1:00 PM
Nilan Johnson Lewis
- 12 Financial Management SIG***
12:00 PM – 1:00 PM
TBD
- 12 Community Service – Ronald McDonald House Dinner**
3:30 PM – 7:30 PM
200 University Avenue E, St. Paul
- 17 Facilities Management SIG***
12:00 PM – 1:00 PM
Dorsey & Whitney
- 19 Community Service Committee Meeting**
11:30 AM – 1:00 PM
MSBA/HCB/RCBA
- 19 Small/Medium Firm Committee Meeting**
11:30 AM – 1:00 PM
Town and Country Club, St. Paul

SAVE THE DATES

ALAMN FALL SOCIAL

October 10, 2019
4:00 PM – 7:00 PM
Can Can Wonderland
St. Paul



LAW FIRM LEADERS NETWORKING EVENT Women in Law Panel Discussion

November 12, 2019
8:00 AM – 9:30 AM
150 South 5th Street,
Suite 300, Minneapolis



30th ANNUAL ALAMN EDUCATION CONFERENCE

February 27, 2020
Renaissance
Minneapolis Hotel
The Depot



WHAT'S YOUR PLAN?

NEW ETHICS OPINION REQUIRES LAWYERS TO TAKE STEPS TO PROTECT CLIENT DATA FROM CYBER THREATS

By Kevin P. Hickey and Jeff Alluri on behalf of Element Technologies LLC

Hackers have increasingly targeted lawyers and law firms for their treasure trove of confidential information, including trade secrets, pending business deals, financial information, and personal data. This has resulted in numerous data breaches compromising confidential client information at firms of all sizes in recent years. According to the American Bar Association (ABA) 2017 Legal Technology Survey, 22% of responding law firms reported a data breach at some time, a substantial increase from 14% the year before.

Law firm security breaches were not limited to larger firms that might be expected to have more valuable data. Rather, law firms of all sizes, including solo practitioners, suffered data breaches. The highest rate of data breaches was in law firms with 10-49 attorneys, at 35%. Because of these security breaches, 17% of law firms reported the breach to law enforcement and 11% notified clients of the breach.

These ever-increasing threats are constantly changing and are limited only by the criminal minds of the hackers and cyber-thieves behind them. While there has always been a legal and ethical basis for protecting client data from these threats, this responsibility is even more clear with the issuance of ABA Formal Opinion No. 483.

FORMAL OPINION NO. 483

The ABA's Standing Committee on Ethics and Professional Responsibility has recently issued an ethics opinion addressing a lawyer's duties to protect against data breaches. ABA Formal Opinion No. 483 provides:

Model Rule 1.4 requires lawyers to keep clients "reasonably informed" about the status of a matter and to explain matters "to the extent reasonably necessary to permit a client to make an informed decision regarding the representation." Model Rules 1.1, 1.6, 5.1 and 5.3, as amended in 2012, address the risks that accompany the benefits of the use of technology by lawyers. When a data breach occurs involving, or having a substantial likelihood of involving, material client information, lawyers have a duty to notify clients of the breach and to take other reasonable steps consistent with their obligations under these Model Rules.

This opinion is grounded on three fundamental ethical principles. First, a lawyer's duty of competence under Model Rule 1.1 requires the lawyer provide competent representation to a client. The comment to this Rule makes it clear that this duty of competence includes "the benefits and risks associated with relevant technology..." From a practical standpoint, this duty of competence includes an obligation to monitor for a data breach, stopping and restoring any such breach, and determining what occurred so that any harm or loss can be assessed and corrected.

Second, the opinion is based on a lawyer's duty of confidentiality under Model Rule 1.6. The comments to this rule emphasize that a lawyer must take reasonable measures to safeguard client information and protect it from unauthorized access or disclosure. This does not mean that the lawyer's information systems must be impenetrable. Instead, the comments provide a multi-factor "reasonable efforts" approach which includes consideration of the sensitivity of the information, the likelihood of disclosure and the costs and difficulties of employing additional safeguards.

Third, the opinion is grounded on a lawyer's duty to keep clients reasonably informed regarding their matter under Model Rule 1.4. This duty requires the lawyer to communicate with clients about a data breach. This includes a duty to notify clients of a data breach when it involves or is likely to involve material client confidential information.

What this opinion makes clear is that lawyers need to have a plan in place to: (1) assess whether a data breach has occurred involving material client information; (2) notify clients of any such breach; and (3) to take reasonable steps to address the situation. Many lawyers and law firms do not have such a plan, or, the plan is not updated to reflect the latest cyber security threats. Formal Opinion No. 483 is a call to all lawyers and legal organizations to develop or update such a plan in order

WHAT'S YOUR PLAN?

NEW ETHICS OPINION REQUIRES LAWYERS TO TAKE STEPS TO PROTECT CLIENT DATA FROM CYBER THREATS - CONT.

By Kevin P. Hickey and Jeff Alluri on behalf of Element Technologies LLC

to comply with ethical obligations to clients. In short, lawyers and legal organizations must be prepared to protect against and respond to a cyber security incident.

DEVELOPING AN INCIDENT RESPONSE PLAN

Developing an incident response plan is not as painful as it sounds. The plan will evolve over time as technology changes and new threats arise. The starting point is that lawyers should collaborate with their IT professionals and others in the field to gain insight and knowledge that will form the basis of the plan. Key personnel from the organization and its vendors should be included in developing the plan.

The first step is to form an incident response team that may consist of the firm administrator, head of IT, general counsel, the managing partner, or other key personnel. While it is common for "incidents" be handled by the IT department or vendor, developing a plan is a shared responsibility and therefore should not be solely on the shoulders of IT. Each member of the team should have a clearly defined role so that the team can move quickly and competently to address a threat or breach.

With the team formed, the next step is to document all of the ways the firm interacts with its employees and its clients. Should a breach affect any of these communication systems, what is the backup plan to communicate? Document all mission-critical systems and note weaknesses in the systems to ensure the firm can mitigate incidents properly.

The next step is to begin drafting the incident response plan. The plan should be very detailed and address all foreseeable contingencies. The National Institute of Standards and Technology (NIST) cybersecurity framework 1.1 is a critical resource in developing a plan and should be carefully followed. In general, the plan should focus on five main areas: **assess**, **contain**, **communicate**, **document**, and **mitigate**.

Assess

The entire organization should be educated on how to quickly identify and assess a potential breach. The organization should implement a security awareness program, which includes regular and relevant education on the latest cyber security threats. This should include raising awareness by testing vulnerabilities through mock phishing or other programs. All lawyers and other end-users should be trained to report anything unusual while using their computer systems or other devices.

Establishing a baseline is critical to effective assessment of the breach. The organization needs to know how something normally behaves to recognize that it is no longer doing so. This means documenting and tracking behavior on a network to recognize changes as well as having a firm grasp of fundamentals to know when something is amiss. For end-users, this means recognizing abnormal behavior and reporting it immediately to IT and other firm personnel as identified within the plan.

Contain

It doesn't take long for bad actors to make things a lot worse. Containment should focus on preventing further harm. The best way to contain the threat is to restrict access by closing open network ports, changing passwords, suspending elevated privilege accounts, or isolating the computer(s) from the network.

Take caution in the actions during containment and make sure to thoroughly communicate. While these actions may prevent the bad actors from causing more damage, they can also interfere with employee productivity. IT should discuss the potential impact of these actions with firm management to ensure continuity of mission critical functions during containment.

[continued on page 14]

WHAT'S YOUR PLAN?

NEW ETHICS OPINION REQUIRES LAWYERS TO TAKE STEPS TO PROTECT CLIENT DATA FROM CYBER THREATS - CONT.

By Kevin P. Hickey and Jeff Alluri on behalf of Element Technologies LLC

Communicate

Formal Opinion No. 483 emphasizes the importance of communication in the event of a breach. Lawyers are required to act promptly and responsibly in notifying clients of a breach. It is equally important to increase internal communication to ensure everyone is aware of the situation and are working together to help mitigate further risk.

Outline specifics on the plan and identify a point person to establish communication throughout the remediation of the breach. Identify who will communicate with clients, personnel, and law enforcement, if necessary. Draft or form communications are advisable to expedite notification if a breach occurs. If the breach impacts any communication system, make sure there is a backup method to communicate. For example, using texting if the email system is compromised. The bottom line is that everyone must know who to communicate with, how to communicate with them, and when to communicate.

Document

It is extremely important to document each step taken during an incident. Not only can this help with communication, it can also help with mitigation of the current problem and prevent the next one. This may include imaging the affected computer(s) for later analysis.

The document phase should identify what computer(s) were accessed, the origin of the attack, if malware was used, connections made to and from the system and finally, if data was taken, altered or destroyed. If confidential client information has been compromised, this information must be immediately identified and documented so that any harm can be assessed and mitigated, and so that the client can be adequately informed of the impact of the breach.



The advertisement features a light beige background with teal and orange geometric shapes. On the left, there are three icons: a computer mouse, a shopping cart, and a hand pointing at a screen. In the center, the text reads 'Browse the Digital Stacks' in a large, teal font. Below this, it says 'Don't go searching through Amazon — ALA's Legal Management e-Store gathers the best resources all in one place!'. To the right of the ALA logo, there is a list of resources with orange arrow icons: 'How-to technology guides', 'Future-looking titles', 'ALA publications like the Compensation and Benefits Survey', and 'Best practices for marketing, accounting and more'. At the bottom right, the URL 'alanet.org/bookstore' is displayed in a teal box.

Browse the Digital Stacks

Don't go searching through Amazon — ALA's Legal Management e-Store gathers the best resources all in one place!

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- Future-looking titles
- ALA publications like the Compensation and Benefits Survey
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WHAT'S YOUR PLAN?

NEW ETHICS OPINION REQUIRES LAWYERS TO TAKE STEPS TO PROTECT CLIENT DATA FROM CYBER THREATS - CONT.

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Mitigate

Common mitigation techniques focus on the removal of malware and/or ransomware, patching vulnerabilities, shutting down access which may have been gained during the incident, and resetting passwords. It is very common to identify additional vulnerabilities during the mitigation process. These vulnerabilities should be documented and addressed promptly.

CONCLUSION

Formal Opinion No. 483 makes it clear that now, more than ever, lawyers and legal organizations must be fully prepared to address a cyber security incident. Developing a comprehensive incident response plan

is an important and necessary first step. But beyond that, lawyers should strive to create an organizational culture of security and privacy through response plans, ethical and legal compliance, and best practices.



About the Authors:

Kevin P. Hickey is a Shareholder at Bassford Remele PA where his litigation practice includes representing lawyers and law firms. He also serves as General Counsel to the firm.



Jeff Alluri is a Principal, and VP of Consulting at Element Technologies LLC, a full-service information technology firm focused on law firms.



One in five law firms were hacked last year.
Are you confident your clients' data is secure
from cyber threats like ransomware,
phishing and hackers?

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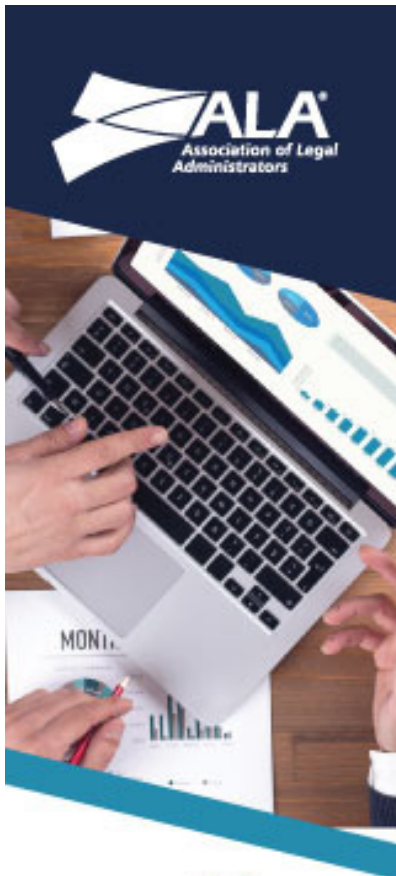
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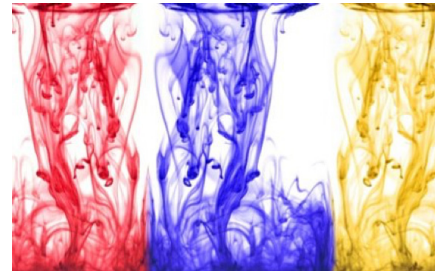


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When was the last time you ate in a restaurant with a blue color scheme?

Maybe a seaside restaurant on vacation or appetizers in a bar, but I bet you can't think of one. Why not? Blue makes food look unappetizing and can suppress appetite. Ever wonder why the Golden Arches are red and yellow? Red creates excitement and can stimulate hunger while yellow signifies friendliness and warmth. Smart use of color can trigger desired actions on the part of your customers, but color printing can be expensive. You can take advantage of strategically using color without overpaying.



Every industry, not just restaurants, uses color as part of their branding and to convey subtle psychological clues about their brand. "Why does this matter for my business?" A survey conducted by Harris Interactive reveals stats about the effectiveness of color on documents:

• 76% think they find information faster if presented in color

• 69% understand new ideas, presented in color

• 54% more likely to read document/marketing piece if color

• 43% more likely to pay bill on time if due date highlighted in color

• 31% more likely to pay FULL amount due

Color increases retention of information and can help you get paid on time – a great ROI for the use of color.

Overall, there aren't a lot of true differentiators in the copier business. The fact is, copiers put toner on paper, all using the same basic process, and they all do a pretty good job of it. Current devices' scanning, functionality, various apps, faxing, interfaces, and others are all similar across manufacturers. One manufacturer did manage to create a game-changer that can be a true difference maker for your business, though: 3-tier color billing.

Introduced over eight years ago, 3-Tier Color innovation monitors the amount of color toner used on a page, bills accordingly, and you only pay for the color you use. Instead of one rate for color prints, 3-Tier Color measures the amount of color toner on a page. In other words, the number of dots that each color toner (magenta, cyan, and yellow) produces is tracked on the device. The meter

BRING AFFORDABLE COLOR PRINTING TO YOUR OFFICE - CONTINUED

By Claudett McCune, Coordinated Business Systems

then calculates which tier each page was in. Here's an illustration of how it works:

- Tier 1: less than 5% per color coverage on a page
- Tier 2: 5.1 – 14.9% per color coverage on a page
- Tier 3: more than 15% per color coverage on a page

We researched our customers and identified that 88% of color pages produced and billed fall into Level 1. Level 2 accounts for 10% of color pages, and only 2% are Level 3 color prints.

3-Tier Color may be able to reduce color printing costs up to 50%. Whether you want a single pop of color for emphasis or a full-color brochure, pay for what you've used and not an arbitrary price for a "color" document. If you print an important email and the copier only uses color for the blue email address, it simply doesn't make sense to pay for a full page of color. Perhaps color prints or mistakes won't cost so much with 3-Tier Color technology.



About the Author:

Claudett McCune is the Named Account Representative at Coordinated Business Systems. She has been with Coordinated for 8 years and in the business equipment industry for over 15 years. Coordinated Business Systems has been in Burnsville for over 35 years, with several MN branches including a location in the downtown Minneapolis skyway.

**Article edited from Blog by Kirk Studebaker, VP of Sales, Coordinated Business Systems*



Ideal for:

- Letterhead
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- Memos



Ideal for:

- Internal Documents
- Invoices
- Spreadsheets



Ideal for:

- Brochures
- Point of Purchase Flyers
- Direct Mail

COMMUNITY SERVICE PROJECT | SIMPSON SHELTER ANNUAL BBQ

On Wednesday, June 19, 2019, ALAMN members and business partners had a great time grilling and serving up a hearty BBQ meal to Simpson Shelter guests. Simpson is a shelter in Minneapolis for adult men and women.

Thank you to the following volunteers who made it happen:

- John Frisvold – USI Insurance Services
- Cheryl Nelson, CLM – Robins Kaplan
- Jonathan Olson – Ricoh USA
- Tracey Skjeveland, CLM, and children, Conner and Makena – Merchant & Gould
- Pat Stender – Cousineau Van Bergen McNee & Malone
- Terri Stewart and husband, Paul – Felhaber Larson
- Dan Stoy – Coordinated Business Systems
- Norma Thayer and husband, Phil – Zimmerman Reed
- Steph Unterberger – Special Counsel
- Ryan Waylund – Ryan Financial Group

Community Service Suggestion Drawing Winner:

Tracy Overson won the suggestion drawing and donated the \$25 prize to future community service events requiring goods or monetary donations – thank you, Tracy! She would love to see ALAMN participate in an event with the Animal Humane Society or another local animal shelter, and the Community Service Committee will check out available opportunities.






If you have suggestions for community service events or want to participate on the committee, please contact Sheila Johnson (sjohnson@mnbars.org) or Cheryl Nelson (cnelson@robinskaplan.com). We'd love to hear from you!

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ALA knows that the day-to-day work of a legal management professional can be stressful when new issues arise or you need a quick answer to work-related question. **ALA's Online Community** and **Reference Library** are here to help!

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SOME THOUGHTS ABOUT COURTROOM TECHNOLOGY: QUESTIONS TO ASK LAWYERS

By Judge Robert McGahey on behalf of National Institute for Trial Advocacy

I've been invited to share some thoughts about the use of courtroom technology. Let me start with a caveat: I didn't use much of what is now considered "courtroom technology" when I was in practice, primarily because much of it didn't exist. But I've watched a lot of trials as a judge, and I've seen courtroom technology used effectively or misused disastrously; I think that gives me some perspective that could be helpful. Put another way, from the technical side, I have no idea how courtroom technology "works." But from the advocacy side, I absolutely have some ideas on how it "works."

Question #1: Can You Make It Work?

Do you understand anything about how the technology operates? Do you know how to make the technology work in the courtroom? Have you investigated which of the multitude of presentation programs is most compatible with your practice? Have you looked into which program is easiest for you, as an individual, to actually use? Can you push the right switch, button, toggle, clicker, whatever, to actually make the exhibit appear where you want it to appear? Would you be better off with someone else in charge of the pushing? And even if you've answered these questions, have you actually practiced with the technology so that your use of it is seamless and smooth?

Question #2: Will It Work (in the Courtroom)?

You've picked your program and know what button to push. Now you need to figure out whether what you want to do will work in the courtroom where you need it to work. Every courtroom has its own peculiarities. Here in Denver, I preside in a courtroom located in an historic building that was built in 1932. But the acoustics are poor, the sound system is quirky, the sight lines aren't great, and the electrical wiring is old and slapdash. Heck, it's hard just to find a wall socket that's easy to access. If you're going to use technology in my courtroom, you better set it up and make sure that it works, that everyone can hear what's being said (if you have sound), and that the jurors (or the judge) can clearly see what's on display. We'll let you or your tech folks come over to the courtroom ahead of time and set up before trial starts; I don't know a judge who won't accommodate a request like this, if at all possible. And please remember to bring along what you need to make your setup function; I've had trials held up because someone didn't have a long enough extensions cord or extra batteries.

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SOME THOUGHTS ABOUT COURTROOM TECHNOLOGY: QUESTIONS TO ASK LAWYERS - CONT.

By Judge Robert McGahey on behalf of National Institute for Trial Advocacy

Question #3: Does It Work (As Part of Your Case)

All of your best intentions about courtroom technology are pointless unless what you do with it makes your case more credible. A flashy or clever exhibit still has to have impact as an instrument of persuasion; it can't just be an exercise in nifty graphics. I've seen lawyers do really clever and creative things using technology that left the jurors cold. I've also seen simple, black and white power point slides used in a closing argument to convince jurors to award a plaintiff more than the lawyer asked for, or to help convict someone of first-degree murder. Think hard about the most effective way to present your case. Are any of your exhibits dodgy so that the judge might not let them in? Does the judge expect you to show your presentation to opposing counsel before you use it? Will your jury be tech savvy or inclined to skepticism about a case using technology? Does your presentation match up with what you're asking the jury to do? Does the technology overwhelm your argument? Does what you present reflect your client's case or your ego?

I realize that what I've written is very basic. But even experienced lawyers get distracted by shiny objects like really neat presentation software and then forget about the basics that make a courtroom presentation successful. Never forget that the goal for trial lawyer is a successful outcome for your client, not just impressing a jury with technical wizardry.



About the Author:

Judge Robert L. McGahey, Jr. has been a Denver District Court Judge since January 2000. Before his appointment, he was a practicing civil trial lawyer for over 25 years, during which time he tried over 100 jury trials. He has served numerous times as an instructor for the National Institute for Trial Advocacy. He received NITA's "Volunteer of the Year" Award in 2007, 2008, 2009 and 2010.

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LAW AND TECHNOLOGY

By David Dornan

To paraphrase, with great technology comes great responsibility. That is a nod to Spider-Man. Watching *Spider-Man: Homecoming* brings to mind the importance of training. Spider-Man made a suit for himself to protect his identity. He was later given a suit that was armored and had weapons. Initially given no training, he did not have the knowledge to properly use his new suit.

Then and Now. I began my career in technology as a software developer in Seattle in 1996. One day, shortly after starting the position, we received several inches of snow which essentially shut down the city. I received a call from my boss, who explained that since I had not yet been issued a laptop, I was able to take a snow day. Quite soon after that snowstorm, I received a laptop. With the laptop, I was able to connect remotely to the office and no longer saw any more additional days off due to weather. My training with the new device consisted of a quick start guide that essentially showed me how to turn on the laptop and a description of the ports.

We have come a long way in the 20+ years since that snowstorm. I still connect to the office remotely. Now, however, that connection is protected via encryption within a VPN tunnel. There is little lag, due to the immense bandwidth we enjoy today, both at the office and at home. No longer do pages on the internet slowly scroll to fill the page. Today we stream music, share huge amounts of data, and watch gigabytes of video without interruption, even when that video does not exist anywhere local to us. Most of these data streams are protected via encryption. And we can do this from a device that is 3" x 6" that also makes phone calls. Other than entertainment, though, how are we using technology and, most importantly, how do we enable our users to benefit from that technology? Training.

Technology Competence. Is training really that important? On maintaining competence, the American Bar Association's Model Rules of Professional Conduct, Rule 1.1, comment 8, states: "a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject." (Emphasis added.) Florida, as of January 1st, 2017, requires three hours of CLE every three years in technology. North Carolina has recently adopted similar rules. Minnesota has not (yet) required continuing education in technology but note that the Minnesota Rules of Professional Conduct include similar language as highlighted above (See Rule 1.1, comment 8).

Training Benefits. In the legal world, we use technology in myriad ways. Writing briefs, dictating letters, following up with clients; all of these utilize technology. For me, security through technology is a topic that is dear. At our firm, we dedicate the month of October to the National Cybersecurity Awareness Month (NCSAM) program. During October, we host seminars and lunch'n'learns and send out information on security topics. The unifying theme of the program is that security is everyone's responsibility; training is how we can achieve that goal. It is through programs like NCSAM, by sending security tips on a regular basis, by informing users of data breaches and how they occur, that training can fulfill security's promise.

LAW AND TECHNOLOGY - CONTINUED

By David Dornan

Technology also enhances mobility for us. Technology has brought us greater bandwidth, smaller and more secure devices, and secure channels to connect these devices. Training in both the how and the why empowers our users. It is not enough to show our users how to use the VPN. We must give reasons for implementing VPNs and briefly explain how and why the VPN works to secure connections. It is not enough to utilize encryption; a cursory primer on its implementation should be made available.

Collaboration is increasingly important. Technology allows us to work together with our clients, co-counsel, and subject matter experts even when we are separated physically. We can work on the same document at the same time. We can share screens and video-conference together to give us a physical presence in distinct locations. Training ensures that the experience is satisfying and successful. Training ensures that the technology works.

Law is a tool. Lawyers use it to reach consensus between multiple parties. Technology is also a tool. Like a screwdriver, we simply want that tool to work as designed to allow us to do our work. Successful training transforms the technology into a screwdriver which just works.

About the Author:

David Dornan is the Director of Information Technology at Hellmuth & Johnson. He holds a B.S. in Mathematics with a concentration in Computer Science. He has held positions as a software developer, team leader, and as the head of IT departments in the medical device and legal industries. In his current role, he is responsible for security, network infrastructure, applications, hardware, telecommunications, and technical support.



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IS OUTSOURCING ONCE AGAIN THE NEW BLACK?

By Marco Maggio, All Covered

It appears that outsourcing technology support in law firms is once again on the rise. Although cybersecurity and compliance seem to lead the charge in the motivation to outsource, I am talking to more and more firms every day about leveraging external sources to keep up with technology.

Selecting the right outsourcing vendor is challenging and, quite frankly, there are no guarantees on how to make the correct choice. I often hear about firms that find mixed results and end up migrating to several vendors very quickly. They find themselves continually in the same predicament as the evaluation criteria rarely changes between the vendors selected; however, this is usually preventable if approached pragmatically with level-set expectations and evaluative decision making.

Evaluation. Events happen in technology, but go deep and thorough on the firm's priorities, by taking the following steps:

1. Prepare a gap analysis of the firm's current and desired state;
2. Determine the economic value and return on investment of the proposed solution;
3. Obtain customer references from the vendor;
4. Consider the innovation and quality of the solution designed and proposed; and
5. Know the availability of local resources.

To enhance the probability of success when outsourcing part or all the technology staff, law firms should additionally consider the following critical questions:

1. Does the culture of your firm openly embrace outsourcing and letting go of key functions?
2. Will the vendor truly allow you to focus on your core competencies?

3. What expertise do you require?
4. Does the vendor specialize in supporting the technology of law firms, including the applications, and does that matter to your firm?
5. Does outsourcing reduce or mitigate risk for the firm?
6. Can the vendor assist you in meeting your clients' expectations?
7. Can the vendor truly secure your network and data, and do they have the certifications to back up their security value proposition?
8. What reporting will be of benefit to your firm?

Decision Making. Next, form a committee of stakeholders to develop goals to be shared internally and externally, taking into consideration the following:

1. Will the firm be able to accelerate productivity of intelligence workers?
2. Can you and do you want to shift expenses from a capital expense to an operating expense?
3. Will the firm get access to resources and tools you usually wouldn't?
4. Will outsourcing enable any particular cost avoidances?

In the graphic on the next page, you can see that there are a number of additional variables to explore for a comprehensive decision on a vendor. Parse out the true "hard-costs" from the "soft-costs", which may vary from firm to firm.

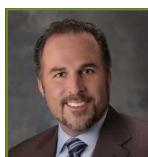
IS OUTSOURCING ONCE AGAIN THE NEW BLACK? - CONTINUED

By Marco Maggio, All Covered

Communication. Communicate and prepare your stakeholders and end-users for change. Share all the important details: the reason behind outsourcing, timelines, benefits, along with the vendor selected and the reason for the choice.

If your firm has decided to evaluate outsourcing technology support, keep in mind that it is not a static decision or event. Your environment will change, your technology should evolve, as should the way your firm leverages it to enhance the predictability of outcomes. Evaluate vendors often as technology is constantly evolving.

Outsourcing technology support isn't always easy, but it can be rewarding on many levels if pursued in a comprehensive and pragmatic manner. Take your time, leverage at a minimum the criteria laid out above, choose wisely, evolve with your partner, and you should be able to reap the benefits of what a world-class managed services provider should yield your firm and make your endeavor worth the leap.



About the Author:

Marco Maggio, Vice President of Strategic Practices at All Covered, IT Services from Konica Minolta, is responsible for the Legal, Healthcare, Finance and Education Practices.

Marco is a regular speaker for legal industry associations as well as a published author for relevant technology.

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- Training
 - Certifications
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 - Recruiter Fees
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 - Interviewing
- Expenses
 - Onboarding
 - Travel
 - Taxes (Payroll)

TECHNOLOGY

- Hardware
 - Phone(s)
 - Computer
 - Monitor(s)
 - Ship/Install
 - Disposal
- Software
 - License Fees
 - Install/Integration
 - Upgrade
- Security/BC
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 - Monitoring
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- Office Space
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- Utilities

ADMINISTRATION

- Management
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GET TO KNOW YOUR ALAMN BOARD

What technological innovation couldn't you live without?

Jessica Gerhardson, President

There are many technological innovations I couldn't live without. However, for right now, I think Facetime/video chat. It's so nice to keep in touch with family that's far away so they don't miss out on my son's non-stop growth!

Kelly Thaemert, CLM, President-Elect

I am sure I could live without this, but I sure enjoy having my robot vacuums. My floors are clean every day when I get home from work. It is a great feeling to walk into a clean house (well, at least the floors).

Abby Rooney, PHR, SHRM-CP, Past President

Does the backup camera in my car count? I don't think I could rely on mirrors anymore.

Tracy Overson, CLM, SPHR, SHRM-SCP, C(k)PF, Administrative Director

I would be lost (literally!) without Google Maps. As a person with no sense of direction, applications and devices such as Google Maps and GPS devices are my life savers!

Nick Manty, Communications Director

I couldn't live without electronic boarding passes. Having to keep track of one more piece of paper when traveling sucks.

Caitlin Niedzwiecki, PHR, Education Director

Internet! I remember a time when we used to wonder something and not be able to subsequently research the answer in 60 seconds or less. I'm such a curious person, I like the instant gratification of being able to Google everything!

GET TO KNOW YOUR ALAMN BOARD

What technological innovation couldn't you live without?

Kim Pepera, Finance Director

I would say that I couldn't live without Google Maps on my phone. I used to love the "old school" paper maps, but when we are traveling it is invaluable. I used the technology in May to find the Guinness Brewery in Dublin, Ireland. It saved our lives that day!

Jessica Johnson, Membership Director

I couldn't live without my Ninja Coffee Bar. I love my iced coffee in the summer, lattes in the fall, and the ability to make one cup or a full pot depending on my mood!



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