



## A CONFERENCE EXPERIENCE

BY ANITA SETARO

I started this article during the cold winter months, when we were all waiting patiently for Spring to arrive. For me, I know there is one rite of Spring I look forward to each year—a trip to the ALA National Conference. This year's conference was going to be held in Orlando. While I was writing, the snow was falling, and I had visions of Mickey Mouse and sunshine. Unfortunately for me, attending this year's conference was not going to be an option. The cost can be prohibitive and when your firm is cutting back on expenses, the last thing any of us do is ask for that perk.

But lady luck was smiling down on me at the February monthly meeting and after three names were called, there it was, what I was waiting for—I heard my name. I had won a scholarship to the conference. Needless to say, I was elated and the very next day, I pulled out the conference brochure that had been cast aside, and started reading over all the reservation information and scanning all the sessions that were being offered. Although before I left for Orlando I had made my decisions regarding the sessions I wanted to attend, I knew from past experience that I would change my mind a few times before I actually sat in on any of them.

The day had now arrived, the flight left on time, the weather in Florida was perfect, and the convention center turned out to be spectacular. This year's conference schedule had a few new twists and turns—first, the chapter awards were going to be presented on Sunday evening prior to the welcome reception, which left everyone with a free evening to meet with old friends or business partners. I thought it was a nice change and one I hope they will continue. I am happy to report that the New Jersey chapter again received the highest level, the Platinum Award.

The welcome reception was then held *al fresco* after the awards ceremony. It was a perfect evening to meet up with friends and get reacquainted with people we haven't seen in the past year.

Monday morning started bright and early with a buffet breakfast and our first keynote speaker. This year's speaker was Dan Heath who kicked off the sessions with "SWITCH: How to Change Things When Change is Hard." His message gave us a three-part framework that we should work on changing: our Direction, Motivation and Shaping the Path. Mr. Heath's favorite mantra was, "Behavior is contagious." We should be looking at what is working and how to improve on those things, as opposed

to only concentrating on what is broken and trying to figure out how to fix it.

I then moved on to a session where the topic was "Use Humor to Manage Stress and Conflict." Along with a few laughs and many helpful tips, Mr. Gorkin gave us the Four Rs of Burnout Recovery – running, reading, retreating and writing.

One session I was not about to miss was "Creating and Maintaining an Extraordinary Managing Partner/Administrator Team." This session was based on a recent publication written by the former Executive Director of ALA, John Michalik. After extensive surveys and research, Mr. Michalik was able to focus in on the many key elements that create successful firms and their leadership. The session featured a panel of three teams that were the focus of those surveys. On one of those teams, I am proud to say, was the Chairman and COO of my firm, Duane Morris. Each of the panelists described their relationships and how those relationships were formed and led to successful and exceptional firms.

My favorite session was that of our next keynote speaker, Bruce Tulgan, J.D., whose topic was "It's OK to be the Boss." He was an energetic, dynamic and thought-provoking speaker. He described how the workforce has become more high pressure and high maintenance, and how we are suffering from an epidemic of under-management.

Of course, the conference is more than just sessions. We must say thank you to all our business partners who exhibit every year, wine and dine us, and raffle off fabulous prizes. This year's exhibit hall did not disappoint.

If you have never been to an ALA conference, you're missing out. I know that convincing your firm to send you to next year's venue—Hawaii—may be a stretch, but you might want to consider attending our Regional Conference in Pittsburgh this year so that you can experience the conference atmosphere on a smaller scale, but with all the same benefits. So till next year—Aloha!

*Anita Setaro is the Office Manager of Duane Morris, LLP in Newark*



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## FINANCIAL TIPS IN A HURRY

BY NANCY FOSINA

How lucky can one person be? I was the recipient of one of this year's scholarships to the annual ALA Conference in Orlando, Florida, as well as one of last year's scholarships to the Regional ALA Conference in Long Branch, New Jersey. I have also won a few raffles along the way at ALA/NJALA activities (cash prizes, cameras, gift certificates to Tiffany, Barnes & Noble, Amazon, Starbucks and most recently, an iPad). More importantly though, I am so very lucky to have met such a wonderful group of colleagues/friends from whom I learn so much every time we are together, and through the ever-informational email activity! My thanks to the board of trustees for providing the scholarships again this year.

The educational sessions I attended were excellent and, as usual, I came away with a new piece of information or idea to take back to the office. I attended a session entitled "75 Financial Tips in 75 Minutes," which was presented by Debbie Foster of the Affinity Consulting Group. True to her title, Ms. Foster engagingly spoke non-stop for 75 minutes. I will try to share as many tips as possible and as space will allow:

**Timekeeping:** Make certain to set targets and make certain timekeepers know those targets. Measure actual progress against goals by creating charts (a picture is worth a thousand words) for timekeepers so they are aware of their progress. Post the progress publically, which sparks competitive results. As an investment in your problem timekeepers, hire a coach if nothing else works.

**Billing:** Pre-bills do not have to be run at the beginning of the month—stagger by practice area or by attorney. Bill twice a month for more active practice areas/matters—bills are smaller and keep clients more informed. Use brightly colored paper for pre-bills, making them easier to spot in a cluttered office—also a great visual reminder. Enforce pre-bill review time—one to three days. Email bills to save time and postage. On your invoice, offer a link to pay via credit cards. Allow on-demand billing for closed or settled cases right after the big win (or loss). Monitor attorneys who reduce their time—realization suffers. Beware of the lawyer giving large discounts—shoot for minimum of 90% realization. Automate documents to increase profits for value billing. All risk is on the firm if you are

flat fee billing—must still track time for realization and profitability. Charge interest. Must send past due notices on a regular schedule.

**Collections:** Days-to-Pay Directive: Make it clear on your invoices (i.e., 25, 30 days) and stick with it. Implement a strategy: (1) Bill regularly; (2) call or email as soon as client is past due; (3) reminder in the mail; (4) pay or else; (5) stop work. Hold a weekly AR meeting and make certain responsible attorney know who is past due. Change your Aging AR buckets—rather than 30-60-90-120 days (which shows you when clients are late), the buckets should be 15-25-45-60 days (which gives you some perspective of who is going to be late). Closely monitor AR write-offs: (1) Find out why items are being written off; (2) check to make certain the billing is fair; (3) ascertain if you are working with the right clients—if not, fire them. Accept credit cards—clients want the points. Be careful about the credit card fees—Pay up to 3% to collect 97% of outstanding amount. Fairly simple motto: Don't work for clients who don't/won't pay. Period—end of discussion.

**Internal Controls:** Fraud prevention—every firm needs to deal with it. On bank accounts: Signers should not reconcile; bank statements should go to a different address, (i.e., managing partner's home). Partners should sign most of the time. Partners should review and sign off on bank reconciliations. Uncleared receipts = red flag. Protect your check stock.

**Accounts Payable:** Watch the payables. Follow internal control procedures—if you cut a check, you should not sign the check. Have vendor invoices approved before entering in the system.

**Payroll:** All increases go through one person. Perform a quarterly review of a raise report. Have partners pass out pay stubs occasionally and thank people for taking care of the firm's clients.

**Trust Accounts:** Help attorneys guard their trust accounts with their lives/licenses. Determine whose money is in the account and determine if it should be there. No co-mingling of funds. Know the rules. Stay on top of uncashed checks in

(Continued on page 32)



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## Financial Tips in a Hurry

(Continued from page 30)

trust—the sooner you look for clients, the easier you will find them.

**Signature Stamps:** Do not use them—ever.

**Firm Credit Cards:** Treat them like a bank account. Everyone who needs one gets their own number—no exceptions. Have an authorization process in place. No personal charges.

**Line of Credit:** If you use it, get a weekly update on the balance. Do not pay operating expenses from it.

**In Conclusion:** Never stop looking for the better way. Never stop looking to improve your management skills. Never stop looking to relate to the partners. Never stop looking to provide the partners with better financial information.

*Nancy Fosina is the Administrator of Maraziti, Falcon & Healey, LLP in Short Hills*

### “Clues” to Mensa Workout, appearing on page 24:

1. One secretary types one page in two minutes.
2. Two hours later (23:00 – one hour before midnight) is half the time until midnight as one hour later (22:00 – two hours before midnight).
3. You don’t need a clue.
4. Ditto.
5. Use your fingers and toes and those of a close friend.
6. Alternating numbers go up by two and down by one.
7. The other 800 elephants can be any mix of blue and pink and green stripes.
8. Four years ago, Jane was eight; Sam was four.

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## WILL YOU STILL NEED ME WHEN I'M 64?

BY DONALD K. PIERMONT, JR., PHR

I was one of the lucky winners of an NJALA scholarship to attend the 2011 ALA Annual Conference & Exposition in Orlando... thanks NJALA! As a scholarship winner, I was asked to write a summary of a session that I attended. "Will You Still Need Me When I'm 64?" was presented by Edward J. Reeves, Esq. of Char Coulbert, and Mary Ellen Noris-Adams, PHR. As some of you know, I was recently "downsized," so I found this thorough and enlightening presentation to be of special personal relevance.

In 1967, most employees retired at age 65 and expected to live another five years. Today, the average employee retires at 67, while the average life expectancy for men is 75.6 years, and 80.8 years for women. This shift, along with many statutory changes and drastic changes brought about by technological advances, has made employers take a very different approach to their workforces. Law firms are no exception. For one thing, firms are not seeing as much attrition as they once did. This is due, in part, to people living longer and also because people's retirement income has shrunk during the recent economic downturn.

In no particular order, here are some points to be considered:

There are a number of pieces of legislation whose effect merits special attention when an employer considers termination options today: the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act as Amended (ADAAA), and the Older Workers Benefit Protection Act (OWBPA) are examples.

A termination should never take an employee by surprise. Expectations should be communicated through frank and accurate performance evaluations that address the employee's quality of work, productivity, and adaptability. To avoid discrimination, those expectations should not be changed for older workers; however, there are accommodations—such as job sharing and job transfers—that can be made. One must be give careful consideration to job transfers, as perception can play a big role in someone's success in the new job. Often, someone who has been in a position for some time will always be perceived to be in that position, and that perception can sabotage the employee's success in the new position. This concept does not only apply to older workers.

Careful consideration must be made before offering accommodation; otherwise, an accusation of discrimination can be made. If two employees are doing the same work and one is accommodated, the other can claim to have been the victim of discrimination. One way to avoid such an accusation is to be sure to change the accommodated employee's job description/title and, possibly his/

her rate of pay, something often overlooked, and to be sure those changes are memorialized. The HR mantra, "Document, document, document!" is very important in this type of action.

If all else fails and termination is the only option, it is a best practice to offer the employee some sort of severance or separation pay, in return for which the employee signs a release and the firm is protected against being sued.

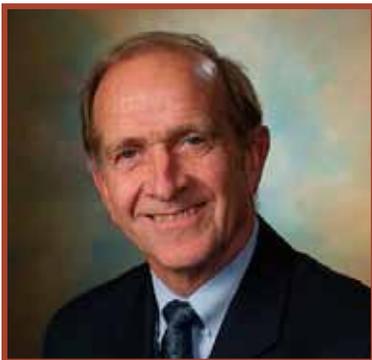
There are a number of specific requirements for releases based upon the employee's age, and whether the termination is part of a downsizing where multiple employees are affected. Certain employees must be given a longer time to decide whether to sign than others, and some releases must list information about people being let go at the same time (position, ages of employees in the department, and an indication of the ages of those being separated). In all cases, employees must be given seven days after signing, during which they can revoke their decision. It is critical that the separation or severance not be paid until that revocation period has expired. If this timeline is ignored, the employee can revoke his/her signature, having already collected the money, and sue the employer.

Attorneys are not immune from all of this, but the situation is usually more delicate when you are dealing with an attorney than a staff member. An attorney who is not performing well can damage a firm's reputation or, even worse, subject the firm to malpractice. Often, attorneys realize they are not performing up to adequate standards and "silo" their work, making it impossible for others to review it, widening the chance for malpractice or, at best, substandard work which can damage the firm's reputation. An easy way around this is to change that attorney's status to "Of Counsel," and requiring all work of "Of Counsel" attorneys to be reviewed by another attorney. It is a good idea to have written guidelines for professional standards of performance as well as steps to be taken, and by whom, when those standards are not being met.

Separation or severance agreements are also appropriate for attorneys and all of the previously-mentioned guidelines apply.

In summary, there are numerous ways to deal with older workers who are not meeting various standards. It is important to consider legislative as well as morale issues and to work evenly and methodically, being sure the proper foundation has been laid well in advance, to avoid potentially expensive and damaging surprises and "knee jerk" reactions.

*Donald K. Piermont, Jr., PHR, has been a member of the NJALA since 2008*



## PIPIE!

BY RONALD M. HENRY

I'd wager most annual ALA Conference attendees have never noticed PIPIE—Personal Injury Plaintiff Idea Exchange—in their conference brochure schedule. Since 1987 (three years before my first annual conference), an illustrious group of administrators who run personal injury law firms have been exchanging ideas on the weekend before an annual conference. Until recently, they also had been meeting in the fall at their self-supported mid-year conference.

Even though Wilentz is one of the largest firms based in New Jersey, and most large firms loathe doing plaintiff work because of inherent potential conflicts, Wilentz has a vibrant plaintiff practice. We represent those who were injured by accident, or by others, or through defective medical procedures and products, or other products, as well as thousands of individual clients in our Mass Tort and Class Action Departments. Many of these clients were exposed to asbestos over the years and now have asbestosis, Mesothelioma, and other deadly illnesses. Other large groups of clients had medical insurance claims improperly paid by medical insurers. Because of Wilentz's plaintiff practices, I was enticed to visit the PIPIE event a half dozen years ago at the annual conference.

So how terribly difficult and different could it be to manage a plaintiff firm? In reviewing my notes from the last half dozen years or so, and the agenda for the meeting in Orlando, the answer is that about 75%, more or less, of the issues that one deals with in a general practice firm are the same issues facing personal injury plaintiff firms. We all worry about health care insurance increases, offering HSAs, and reducing fixed overhead costs. The people issues concerning flex time, time clocks, morale boosting events, staff training, challenges of difficult employees, use of cell phones in and outside of the office are the same, no matter what "flavor" of your law firm. Whether to take your firm to the "cloud," technologically, or whether to use BlackBerry or iPhone technology are the same issues for all types of firms.

Discussion about the efficacy of giving bonuses to support staff throughout the year, when those \$1M+ settlements are received, or, alternatively, to wait until the end of the year to give support staff bonuses, intrigued me. Maybe Wilentz (and your firm) should focus more on personal injury practices????

Scanning all incoming documents into a vibrant case management software system is the modus operandi for most all

of the small-ish plaintiff firms. Their usual small size allows them to scan everything at the receptionist's desk or in their mail room without adding a lot of overhead cost. Because of the volume of cases, documents, medical reports, etc., the complexity of the cases, and the huge penalties for failure to meet a filing date or blowing the statute of limitations, case management software for plaintiff firms is a must.

Marketing activities for plaintiff firms are quite different. Did you ever see a billboard touting: "Skadden: Come Do Your Merger and Acquisitions with Us"? I don't think so. You might have seen the billboards like a fellow NJALA member's quip: "Car Accident, Slipped and Fell—Dial 1-800-I AM-HURT."

The Personal Injury Plaintiff group is a gaggle of like-situated administrators or an "affinity group." Other affinity groups are the Corporate/Government folks, the LFA (large firm administrators), the Human Resources group, Cyber Chapter, etc. Even though the types of discussions within the groups might be similar, these groups have value because they create another personal network for participants. The PIP group has been around since 1987 because of the efforts of Jaci (pronounced Jackie) Burdash in Chicago and Johnna (pronounced John-a) Ferguson in St. Louis. They organize the idea exchange, pull together the agenda, and brow-beat the discussion monopolizers so everyone gets a chance to express their views and concerns. They also moderate the PIP Yahoo list-serve (similar to the Forums at [alanet.org](http://alanet.org) or the discussion group at [cyberala.org](http://cyberala.org)) giving us the ability to answer questions and swap ideas all year round electronically. Jaci also organized a dinner for 25 or so on Saturday night at the conference to further strengthen our networking relationships. There were 34 attendees at our idea exchange on Sunday.

In closing, I would like to suggest that if your only "Affinity Group" is NJALA, that you create one or join one within NJALA, or reach out to others who are willing and able to help you with your "unique" problems or who are always there when you need to yell or need a shoulder to cry on. Not enough time? Too busy? Wrong answer. Expanding your networks will make you a better administrator.

*Ronald M. Henry is the Executive Director of Wilentz, Goldman & Spitzer in Woodbridge, and a Past President of the Association of Legal Administrators*

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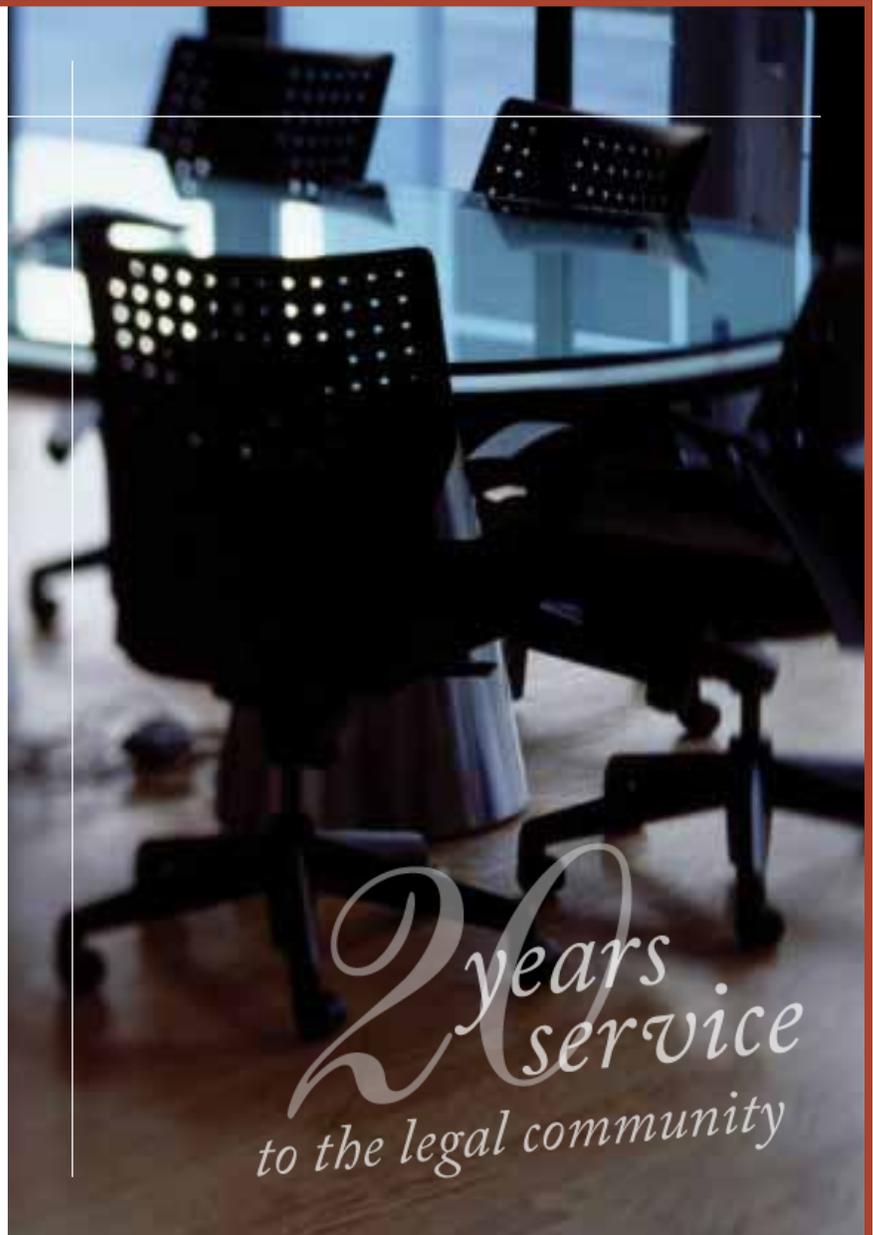
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## CRUCIAL CONVERSATIONS

BY: MARY ELLEN DOLAN

I was fortunate enough to win an NJALA scholarship to the ALA's Annual Conference and Exposition in sunny Orlando, Florida. The price to pay for a free trip to Florida was to choose one of the sessions that most interested me and write about it. After carefully reading through all the educational sessions listed in the brochure, I decided to attend and write my article on "Crucial Conversations—Tools for Talking When the Stakes are High," presented by Simon M. Lia of GEMS Consulting Inc.

Why choose this topic? Crucial conversations are part of our every day lives. I believe we all take part in some sort of "crucial conversation" each day, whether it be in a professional manner or personal manner.

What are "crucial conversations"? Crucial conversations can be defined as a conversation in which opinions vary, wherein the stakes are high, emotions are strong and the outcome greatly impacts our lives. Generally, these conversations are related to sensitive issues which people shy away from discussing. Professionally, these conversations relate to such issues as safety, productivity, diversity, and quality. To be successful in these kinds of conversations requires understanding dialogue and the free flow of information between people.

Simon Lia identified seven basic principles of successful dialogue.<sup>1\*</sup> First, conversations must "start with the heart," with the right motives. The key to remember is that the only person you can directly control is yourself. Focus on what you really want. Next, "Learn to Look" for any indication that people are experiencing any problems with safety, with a decreasing comfort level in the discussion or feeling threatened. Recognize when the conversation becomes crucial and try to get it back on track. Most people will either become silent or violent and you may notice physical signs such as sweaty hands or emotional signs of anger, hurt or fear. Behavioral signals would include raising of voice, pointing of finger or becoming very quiet. At this point, you must restore safety by stepping away from the conversation until you can rebuild safety.

In order to "Make the Environment Safe" you must establish a mutual purpose which is described as working toward a common outcome. Ask yourself if others believe you when you ask about their goals, and whether they trust your motives. There also must be an understanding of mutual respect because once

lost, the conversation becomes about defending your dignity. If it is clear that respect has been violated, apologize immediately. The observation of interpretations and judgments in others is known as "Mastering Our Stories."

In order to master our stories we must notice our behavior, get in touch with our feelings, analyze our story, and get back to the facts. Once our own "stories" have been mastered, it is important to develop the persuasive skills for talking when the information that we have to share could make others defensive or react negatively. Listening, however, is just as important as talking because it encourages the free flow of information and allows others to express themselves. Finally, we need to be clear and state our path.

The tools for "Stating Our Path" includes sharing the facts, telling the story, asking for others' paths, talking tentatively and encouraging testing. Initiate these skills by turning the attention from the topic to yourself. We also need to listen as others have something to say which leads us to "Exploring Others' Path."

You should encourage others to share their path by asking them to tell their stories, mirror to confirm feelings, paraphrase to acknowledge their story, and prime when you are getting nowhere. Ask yourself, "Am I actively listening to the other person's path?" Once there is an understanding of the crucial conversation among all parties who are involved you are ready to "Move to Action" and begin the decision making process.

There are four common ways to making decisions: Command, Consult, Vote or Consensus. In order to utilize one of the four methods we need to ask ourselves, who cares, who knows, who must agree and how many people is it worth involving. Once you establish which process you will utilize, the final step will be to document who does what, by when, and always remember to follow-up. Holding people accountable will increase a person's motivation and ability to follow through on promises, as well as create a culture of integrity.

Using the seven tools listed above will get you started in mastering the skills to improve your "Crucial Conversations."

*Mary Ellen Dolan is the Office Administrator of Greenberg Traurig, LLP in Florham Park*

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## “IT’S OK TO BE THE BOSS” OR THE “UNDERMANAGEMENT EPIDEMIC”

BY: ROSA VERNA

This year’s David W. Brezina Memorial General Session, “It’s Okay to Be the Boss,” was presented by Bruce Tulgan, J.D. Tulgan is internationally recognized as one of the leading experts on leadership and management. His speech included the seven myths that prevent managers from real empowerment and insights on how to address what he believes is the biggest problem in the workplace: “undermanagement.” What follows is a synopsis of that session.

Today’s workplace is a complicated mix of a high-pressure environment and high maintenance employees. How do managers tackle this challenge? Tulgan put his finger on the biggest problem in the workplace today: an “under-management” epidemic affecting managers at all levels of the organization and in all industries. Undermanagement is costing organizations a fortune every day. It robs so many employees of the chance to have positive experiences in the workplace, reach greater success, and earn more of what they need and want. It causes managers to struggle and suffer and deliver suboptimal results.

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2. The Myth of FAIRNESS
3. The Myth of the JERK BOSS
4. The Myth of the DIFFICULT CONFRONTATION
5. The Myth of the NATURAL LEADER
6. The Myth of the HR POLICE
7. The Myth of TIME

#### **#1. The Myth of Empowerment: The way to empower people is to leave them alone and let them manage themselves.**

This is false empowerment, the number one myth in the workplace. What is the reality? Almost everybody performs better with more guidance, direction, and support from a more experienced person. So why do managers often second-guess their own instincts to take a stronger hand? Precisely because they have been in-grained with the mantras of false empowerment. When managers do take charge, employees often recite these same mantras, complaining, “Don’t micromanage me!” Most cases mistaken for micromanagement turn out to be undermanagement in disguise. Look at the basics of management: Delegate properly so each employee knows which tasks belong to him and him alone. Spell out exactly what is within his authority and what is not. Equip him with the tools and techniques of the job.

What does real empowerment look like? If you want to truly empower people, then you simply must define the terrain on which they have power. That terrain consists of effectively delegated goals, with clear guidelines and concrete deadlines. Consistently articulating with every direct report the appropriate standards and expectations—what to do and how to do it—is the hard work of leading, managing, and supervising.

#### **#2. The Myth of Fairness: The way to be fair is to treat everybody the same.**

Where does this myth come from? First, the Human Resources/EEO/Legal Department aversion to any kind of litigation risk has led to a blanket default presumption in the working world that differential treatment of employees is “against the rules.” Second is the closely related political correctness that causes so many people to self-censor any mention of differences between and among individuals—even observable merit-based differences. Third is the popular misunderstanding of humanistic psychology and human development theory, which holds in essence that “we are all winners.”

The reality is that we are not all winners, as any one of your employees could tell you. Treating everybody the same, regardless of their behavior, is totally unfair.

What’s truly fair? Do more for some people and less for others, based on what they deserve—based on their performance.

#### **#3. The Myth of the Nice Guy: The only way to be strong is to act like a jerk, but I want to be a “nice guy.”**

Lots of managers act like jerks. That doesn’t mean they are strong. It just means they are acting like jerks.

What is the reality? Real “nice guy” managers do what it takes to help employees succeed so those employees can deliver great service for customers and earn more rewards for themselves.

#### **#4. The Myth of the Difficult Conversation: Being hands-off is the way to avoid confrontations with employees.**

Most managers find that the most painful and damaging aspect of managing is when they must have very difficult conversations, even confrontations, with employees about some problem or another. They believe that being a strong manager requires or even causes these confrontations, whereas being a weak manager allows

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## It's Ok to be the Boss

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them to avoid these confrontations.

What is the reality? Being a weak manager makes these confrontations inevitable, whereas being a strong manager means these confrontations rarely occur, and when they do happen they are not so painful after all. When management conversations happen only on special occasions, they tend to be very difficult. Why?

- Neither the manager nor the employee is experienced at having management conversations, so neither is very good at it.
- The manager has not been making expectations clear, so much of the conversation comes as a big unpleasant surprise to the employee.
- These conversations usually happen when a problem absolutely must be dealt with, so the conversations are more likely to become heated. Plus, solving a problem after the fact is a whole lot more difficult than preventing it in advance.
- Because the manager is out of the loop, he usually doesn't have all the facts and thus has less confidence in his point of view and fewer resources with which to make his points and respond to employee push-backs.

Taking charge in any meaningful and lasting way is a lot like getting in shape physically. It is a long tedious process. It requires fundamental changes in your behavior, changes that become new habits. There are no shortcuts.

It takes guts to take charge and be a strong manager, but probably not for the reasons you think. Don't be afraid of a few difficult confrontations. Be afraid of a long, slow, tedious transition that will radically change your habits, your role, and your relationships at work from now on and for-evermore. If you can't muster that courage, then maybe you shouldn't be the boss.

### **#5. The Myth of Red Tape: Managers are prevented from being strong because there are many factors beyond their control—red tape, corporate culture, senior management, limited resources.**

Managers say that despite their best efforts, they are held back by rules and red tape and contracts. And almost always, right beside them, in the very same organization with the very same rules and red tape and contracts, there are lots of managers who find ways to work within and around the rules and red tape and contracts. It's difficult, but they do it anyway because that is their job.

How do you work within and around the rules, red tape, and contracts? You do what lawyers do when confronted with rules and red tape and contracts. They learn the rules and red tape and contracts backward and forward, And then they work them. The myth is believing that the factors beyond your control are what make you feel powerless.

What is the reality? Focusing on what you can't control makes the most powerful person weak, whereas focusing intently on what you can control—to the exclusion of what you cannot control—will always make you stronger.

### **#6. The Myth of the Natural Leader: I am not “good at” managing.**

The underlying theory here is that some people are natural leaders and therefore the best managers, whereas others are not natural leaders and are destined to be not-so-great managers. What is the reality? Lots of natural leaders are not such great managers.

The best managers are people—natural or not—who learn proven techniques, practice those techniques diligently until they become skills, and continue practicing them until they become habits.

### **#7. The Myth of Time: There's isn't enough time to manage people.**

This myth comes from the fact that there are only 168 hours in a week and you have zillions of demands on your time—you have your own tasks and responsibilities and projects besides your management obligations.

What is the reality? Since your time is so limited, you definitely don't have time to not manage people. Managers who try desperately to avoid spending time managing people always spend lots of time managing people anyway. That's because when a manager avoids spending time up front in advance making sure things go right, things always go wrong. Small problems pile up.

For every, say, fifteen-minute management conversation you have with an employee, you should be engaging hours or maybe days of that employee's productive capacity. If that fifteen-minute conversation is effective, that fifteen minutes of management should substantially improve the quality and output of the employee's work for hours or days. If you put your management time where it belongs and attend to the basics every step of the way, the time you do spend managing will be so much more effective. You'll start to see results right away. Very quickly, things will improve, and you'll start to get a lot of that time back on the other end.

Tulgan challenged managers to give up “hands off empowerment” style of managing and to re-engage with their employees—spelling out expectations, providing specific guidelines, correcting failure quickly and rewarding success even more quickly. He suggested that managers go back to their employees and make the affirmation: “Good News!! I am the boss and I am going to get better at it.”

*Rosa Verna is the Business Support Manager at Greenberg Traurig, LLP in Florham Park*



## LEVERAGING THE CLOUD TO OVERCOME THE TOP FIVE CHALLENGES FIRMS FACE TODAY

BY EDWARD GRUBB AND  
SILAS McCULLOUGH



Law firms' IT budgets this year and beyond will need to continue to grow as the result of five major trends exerting pressures in several directions. These challenges are: continual data growth; the need for round-the-clock access to business documents; the escalating complexity of IT hardware and software; access to cost-effective disaster recovery; and, ever-increasing technology-related costs.

There are various strategies small- and large-size firms are employing today to overcome each of these challenges independently. But cloud computing services have enabled firms to deal with technology management through a holistic approach, addressing all five of these IT issues jointly.

### **Five Factors Impacting Firms' Technology Budgets**

Leveraging cloud computing services may be a good option to consider if your firm is in search of ways to better manage any or all of the following five technology trends which are forcing firms' IT budgets to rise year after year:

#### **Email and document storage to support ongoing data growth.**

Email, documents, PDFs, pictures, voicemail, videos and even music consume space at an alarming rate thus requiring the purchase of tapes, disk drives, Network-Attached Storage (NAS) devices and Storage Area Networks (SANs). On top of the storage explosion, firms face the issue of finding useful information in their deep seas of data. Searching that delivers effective, value rich results, has become paramount. An additional burden is managing all of this data for record keeping purposes. What can be destroyed and when? Can a firm's management develop a comprehensive, meaningful records retention policy? These are important decisions especially when weighed against the potential eDiscovery costs brought on by a litigation hold.

#### **Stable remote access to business email, documents and systems.**

Attorneys increasingly demand better and broader remote access to their firm's email, documents, time and billing programs and other practice management applications. Nearly everyone desires his or her favorite laptop-, tablet- or PDA-of-the-moment

to work seamlessly with the firm's IT systems from anywhere. Unfortunately for most of the time, reality and expectations are not in synch and so end users' experiences can be less than satisfactory. Help desk calls increase. After hours support is extended. And more time is expended on integrating all these various components.

#### **Complexity and compatibility of computing equipment and software packages.**

Due to stricter regulations on the legal community, greater competition, as well as other factors, law firms require more of their IT systems, and so IT hardware and software vendors have reacted by adding features and innovations to their products. The net result of this third challenge which firms face is ever-growing complexity and frequent compatibility problems amongst practice management applications. It is very common to wait for upgrading one application because it is not certified for the firm's operating system just yet. Or a new application breaks another integrated application as they step upon one another. A significant amount of resources are typically exhausted on getting software packages to play nicely with one another.

#### **Access to affordable disaster recovery.**

Another trend driving up IT budgets is the desire for affordable IT systems disaster recovery (DR). There are many DR services in the market that purport to get a firm back up and running in little time. True, but the costs associated with these solutions can break the bank. The rule of thumb is the faster to recovery, the higher the cost. Managing attorney expectations can pose a great challenge in many firms because to deliver on what they truly desire or require will be cost prohibitive. Identifying true needs versus wants can lead to a DR approach that firms can live with which address both the costs and the expectations.

#### **Skyrocketing operational costs for hardware, software and IT management and administration.**

The fifth major technology burden firms struggle with today is the skyrocketing operational costs for hardware, software and IT management and administration. Vendors increase their support costs. Old hardware needs to be replaced. Software must be upgraded to meet client demands. Someone must be responsible

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## Leveraging the Cloud

(Continued from page 41)

to take care of all of this while also trying to work on the firm's strategic IT initiatives. And because of the other four technology trends as detailed above, additional time is required to administer the IT resources. The firm's internal IT department, if one even exists, is fighting an uphill battle.

### The Cloud Defined

Cloud computing services are helping law practices to address these five IT challenges, as well as others, all at one time as opposed to dealing with each one of these technology issues individually. In its simplest form, the cloud can be defined as a virtual data center. The technical concept is not new; firms have been implementing their own virtual private data centers for years. However, firms are now looking to adopt cloud computing as a managed IT service to reduce costs as well as time to implement new IT infrastructures, platforms and/or software applications. One of the fastest growing areas of cloud computing services is utilizing it for data storage and managed services to improve accessibility to a firm's practice management applications and documents.

### Types of Cloud Services

Several cloud computing offerings exist. Software-as-a-Service SaaS is the most well-known, but there is also Infrastructure-as-a-Service, Platform-as-a-Service and Virtualization-as-a-Service.

When the term, "the cloud," first generated buzz, it was typically used when referring specifically to SaaS. Email was one of the first SaaS applications but other business critical tools like email archiving and data backup quickly followed in popularity. The legal community has relied on the SaaS cloud model for years. For instance, LexisNexis provides law firms the ability to research legal briefs and decisions all via the Internet. This is a great example of how cloud computing helps level the playing field by providing access to enterprise software allowing small-size firms to compete with large-size firms. Document management applications such as Worldox GX, Autonomy iManage and Microsoft SharePoint are other examples of enterprise class programs that can be provided to small- and medium-size firms via the cloud to improve efficiency for data management and collaboration, again, giving small firms a "large firm advantage."

The Infrastructure-as-a-Service, or IaaS, model provides firms, typically large-size entities, the ability to utilize already optimized and maintained virtualized resources at a data center via a web service or Virtual Private Network (VPN) connection. Many firms use this to backup and recover data files and/or full servers in the event of data loss. It can also serve as the primary server and run a production application remotely, alleviating a firm's internal IT staff from having to procure and maintain the server and storage infrastructure.

Platform-as-a-Service, or PaaS, is a type of cloud computing model that is mostly utilized by engineers in the developer com-

munity, providing a platform for developers to code, test and experiment with new software prior to rolling into full production.

The newest form of cloud computing is Virtualization-as-a-Service, or VaaS. The model is essentially a combination of the previous three models (SaaS, PaaS and IaaS) and can be leveraged by any firm looking to adopt virtualization without the expense of deploying a new IT infrastructure, platform and/or software. The service is extremely beneficial for small- and medium-size law firms that do not have the internal IT staff to help create the infrastructure required, enabling the firms to lease the services as needed, usually for a monthly fee.

### Getting a Piece of the Cloud

With the introduction of managed IT services providers offering Infrastructure-as-a-Service, it has become more cost-effective for small- and mid-size law firms to lease infrastructure managed services than it would be to gather the funds required for an internal capital investment. Leasing the infrastructure does not increase a firm's need for additional resources or staff to manage the virtual private data center and a firm only pays for the services used.

This pay-as-you-go model is one of the most significant advantages of utilizing cloud computing services since rather than purchasing all of the equipment needed for a data center with three years of storage, for example, the cloud allows firms to lease what it needs and it can be expanded dynamically as a firm grows when more storage, processing and memory are required. Paying only for the services a firm requires is what makes cloud-based managed services an attractive solution to managing often complex IT infrastructures and collectively dealing with the five major technology trends associated with increasing law firms' IT budgets.

Cloud-based managed services can provide firms with dependable network management and hosted enterprise applications, such as Microsoft Exchange and SharePoint, wherever needed. Now that attorneys and other legal professionals require secure, uninterrupted access to their business documents and practice management applications from everywhere, all of the time, and on every device, firms can leverage the cloud to support the increasingly dynamic work style of their employees and give their practices a competitive advantage.

*Edward Grubb is a Regional Vice President of mindSHIFT Technologies. Silas McCullough is the General Manager of mindSHIFT Technologies' Legal Professional Services Group. mindSHIFT Technologies provides technology peace of mind to law firms and corporate legal departments nationwide by delivering premier IT and cloud computing services.*

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# HATCHES, MATCHES & DISPATCHES

BY TOM KAMINSKI

Happy Birthday to me, Happy Birthday to me, Happy Birthday oh great writer of Hatches Matches and Dispatches and all around great guy otherwise known as Tommy, Happy Birthday to me. As of May 26<sup>th</sup>, yours truly has struck the ripe old age of 40. (Woo Hoo! They said I wouldn't live to see thirty!) This article will mark two years of gathering information to share with all of you. So without further ado...

**Angela Segal** (Latham & Watkins) and her husband **Steve** (Podvey Meanor) are off to Copenhagen. They will be visiting their youngest son, Dan, who is studying abroad, then they are on to some fun, heading to Norway for the Fjords touring.



Congratulations to **Cindy Landis** (Genet Kallmann) whose son, Steven, has been accepted to law school. He has submitted his deposit for Roger Williams Law School in Rhode Island,

although they are still waiting to hear from a few more in the metro area. He graduated from Quinnipiac University on May 22 with a major in history. He had begun courses for his masters in history education, but decided to change his course study and attend law school. He would eventually like to focus on children's rights (especially when it comes to divorce, death, etc.).



Further congratulations to **Michael Sikora** (Hoagland Longo) whose daughter, Stephanie, graduated with honors

from Rowan University on May 13 with a degree Elementary Education, Math and Science, and Endorsement in Special Education. Pretty impressive, huh?

**Sara Diaz** (Chasan Leyner) visited the island of Grenada the last week in March with her husband, Robert. She tells us that Grenada is a small island, 23x12 miles in size and very quiet (located North of Venezuela). It is known as the Spice Is-



land because it has a large crop of nutmeg trees and other spices. She reports that the people are sweet and accommodating and it has several nice restaurants to choose from

when you stay near Grand Anse beach—a beautiful serene turquoise beach—maybe one of the best in the world. Worth considering if you like to avoid connecting flights—and just 4 1/2 hours from JFK. Okay, we admit it. We are insanely jealous.

Finally, congratulations and good luck to **Cheryl Pessolano** who is retiring in June after 20 years at Einhorn Harris. She is planning on moving to Monmouth County, where she grew up, and hopes to be able to move into an "Over 55" Community near Asbury Park after she sells her home in Sparta (really, Cheryl, you don't look a day over 40!). We will miss you, Cheryl!

I hope all of you have a safe and happy summer. Remember, take lots of pictures and tell me all about it for the next Hatches Matches and Dispatches. Bye Y'all!!!

*Tom Kaminski has been a member of NJALA since 2008*



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## Q & A: TODAY

BY ANITA SETARO



What individual (real or fictional) has most influenced your leadership style and why?

**John Finnegan of Blume Goldfaden Berkowitz Donnelly Fried & Forte:** John Blume. Because he is direct, trusting and two seconds after he delivers a criticism, it is forgotten.

**Carol Zieleniewski of Tomkins McGuire:** Karen Steinberger. Karen is a good model for all of us to follow. She is always on top of current trends and has good common sense. Work ethic is impeccable. I have known Karen for almost 17 years and she is always willing to help any administrator. She is also a wonderful speaker and writer.

**Anonymous (Essex County firm):** A former supervisor from a large NYC firm. She was a true iron fist in a velvet glove and my first experience working with a strong female leader.

**Ed Miller of Norris McLaughlin & Marcus, P.A.:** My definitive answer is Herb Brooks, coach of the 1980 Gold Medal US Hockey Team. He knew how to get the most from his players—he was a master motivator. His leadership not only led to one of the biggest upsets in sport's history, but the lives of his players were forever changed. In the end, he sought no personal glory. It is my goal to get the most from my team, to make each member more successful in all respects of their lives and to share any accolades we achieve along the way.

**Angela Houghton of Proskauer Rose:** I believe it was the training I received as a manager while at General Motors.

**Jay Tepper of Bressler, Amery & Ross:** An Executive VP I worked for the 90's taught me the "management by walking around" concept which I have been applying ever since.

**Dave Polizzotto of Herten Burstein Sheridan:** Lee Iacocca for his tough-talking, straight shooting businessman approach. He once said "I learned about the strength you can get from a close family life. I learned to keep going, even in bad times.

I learned not to despair, even then my world was falling apart. I learned that there are no free lunches. And I learned about the value of hard work. In the end, you've got to be productive."



**Fran Puntillo of Weiner Lesniak:** Never heard of Reinhold Niebuhr? He was an American theologian and commentator of public affairs (1892-1971). A pacifist at heart, he saw compromise as a necessity and was even willing to support war in order to find peace—compromising for the sake of righteousness. He wrote the following: "God grant me the serenity to accept the things I cannot change; Courage to change the things I can; And the wisdom to know the difference."

*Anita Setaro is the Office Manager of  
Duane Morris, LLP in Newark*

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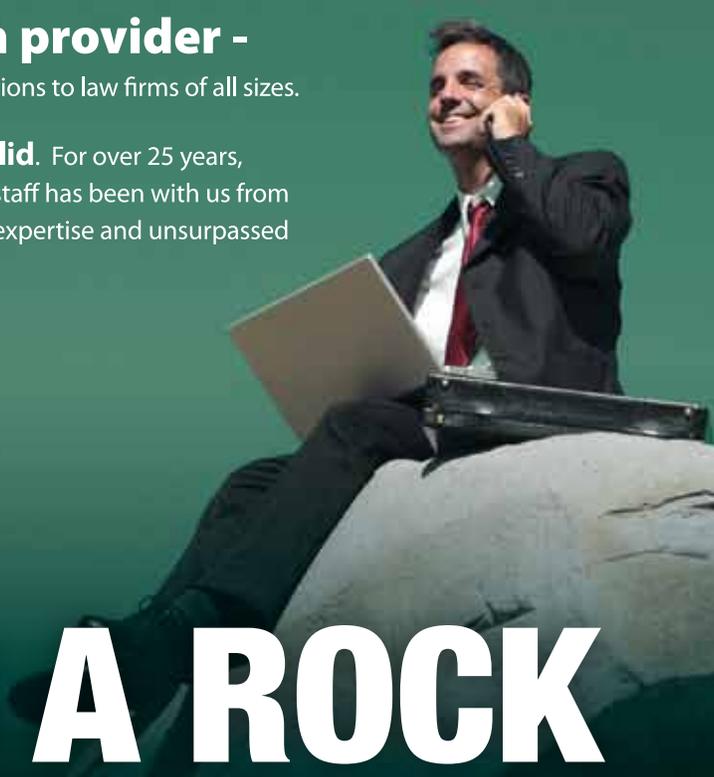
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