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## Mentorship for the Hybrid Firm

The Case for More  
Contingency-Fee Work

The Four-Day Work Week:  
Science Fiction or  
Inevitable Reality?



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## FEATURES

**12** FINANCIAL MANAGEMENT  
**The Case for More Contingency-Fee Work**  
BY ERIN BRERETON  
Could the billing structure help your firm boost profitability?

**17** COMMUNICATIONS AND ORGANIZATIONAL MANAGEMENT  
**Mentorship for the Hybrid Firm**  
BY KELLY F. ZIMMERMAN  
Technology and workplace environments are changing the way law firms can provide ongoing career development for younger attorneys and staff.

**21** HUMAN RESOURCES MANAGEMENT  
**The Four-Day Work Week: Science Fiction or Inevitable Reality?**  
BY EDEN MINUCCI, CLM, SHRM-CP  
The adoption of four-day work weeks remains limited across industries — especially legal. But the potential for the enhanced productivity and increased employee satisfaction are helping to drive it forward.

## COLUMNS

**3** BP PERSPECTIVE: INSIGHTS FROM A BUSINESS PARTNER  
**Making the Business Case: How to Convince Law Firm Leaders to Invest in New Tech**  
BY COREY GARVER, MBA  
Here are five best practices to consider when developing your business case for investing in new technology.

**6** INNOVATIONS: FRESH THOUGHTS FOR MANAGING  
**How Science Can Help Improve Team Building**  
BY TYLER HAYDEN, CSP  
By knowing your team at your law firm, you can choose activities and events that best engage them.

**9** TOUGH TOPICS: CHALLENGING OFFICE CONVERSATIONS  
**Protect Your Organization: 3 Essential AI Risk Strategies for Firm Leaders**  
BY STEVEN COLSON, CIC  
To stay ahead of the technological curve, firm leaders must determine how to best navigate and mitigate the risks tied to AI.

## DEPARTMENTS

**21** INDUSTRY NEWS: LEGAL MANAGEMENT UPDATES  
**Why [REDACTED] Is Critical for Legal Management Teams**  
BY AMANDA LEVAY  
Failing to maintain a high standard of confidentiality can result in legal ramifications or irreparable harm to your client's business.

**9** TIPS AND TRENDS: INDUSTRY ADVICE AND DEVELOPMENTS  
**How Mentors Can Help Associates Navigate the Waters**  
BY APRIL P. PETROSINO  
Recognizing the benefits of different types of mentoring can help associates navigate working relationships at the start of their career.

**35** YOUR WELLNESS: EVERYDAY SELF-CARE TIPS  
**3 Ways Leaders Can Dismantle IYKYK Cultures and Unspoken Rules**  
BY ELLA F. WASHINGTON, PHD  
As managers and leaders at law firms, you can do three key things to dismantle if-you-know-you-know cultures and unspoken rules.

## 38 COMMUNITY CONNECTIONS

**Lowenstein Sandler's Mental Health and Wellness Employee Resource Group Finds Creative Way to Show Commitment to Wellness**

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# Making the Business Case: How to Convince Law Firm Leaders to Invest in New Tech

Here are five best practices to consider when developing your business case for investing in new technology.

BY COREY GARVER, MBA



**“If necessary, remind the executives that the cost of noncompliance (and increased risk exposure) far exceeds the cost of investing in a preventative technology solution. Lawyers do not like risk.”**

Convincing lawyers and legal organization employees to change can often require many different skill sets and different messages. Driving change within a law firm comes with the need to convince or persuade many different audiences — from the budgetary decision-makers (i.e., executive management committee) to the partners, associates, staff and other forms of “end users.”

When it comes to technology, different users are driven by different needs. As a result, change may impact them in different ways. Most users, including lawyers and staff members, are most often concerned with the impact that any new technology will have on them personally. For example, they may ask questions such as:

- » How will this new technology impact me?
- » Will it make my job easier or harder?
- » Do I have to use it?
- » Will my performance evaluation be impacted in any way by my adoption of this new technology?

Successful change leaders will have clear and concise answers to these questions before any user asks them. (In fact, these questions should not have to be asked by users to begin with. An effective change management plan will address such concerns proactively prior to implementing the change.) However, before those responsible for driving change within their firms can even begin to persuade any user type, they must first sell the firm's leadership on the need for the change.

## MAKING YOUR BUSINESS CASE

Effectively selling a firm's executive leadership committee comes down to developing, presenting and sticking to a solid business case that outlines the rationale for either a change in technology or an entirely new technology. Here are five best practices to consider when developing your business case for convincing law firm leaders to invest in new technology:

**1. Include real life use cases of how the proposed technology creates value.** Present clear and compelling use cases (i.e., specific examples) that demonstrate how the change in technology will create value for the firm. Specifically, align the new technology with the firm's business goals and focus on value created through the technology. Be sure to demonstrate how proposed technologies directly support the firm's strategic objectives. Simply put, frame the business case around how the change in tech will enhance client service, improve efficiency or increase profitability rather than focusing solely on technical aspects.

**2. Include clear, measurable ROI.** While use cases will give leaders insight into specific examples of how a tech will add value, these examples alone will not be enough to sell executives. Therefore, be sure to conduct a comprehensive analysis of the potential return on investment (ROI) and include metrics on specific things such as cost savings, productivity gains (i.e., time saved) and/or increases in revenue.

**3. Remember, compliance is not a suggestion.** Given the increased propensity for cyberattacks on law firms, many change leaders are forced to convince the firm's executive management to change technology that does NOT directly drive top-line revenue.

For example, risk- and compliance-related solutions are now mission-critical, and business continuity has never been a more important topic. That said, sometimes law

firm leaders need to be reminded that some systems that ensure things such as data security and compliance are not optional. Therefore, if the proposed change in technology addresses security concerns, or better yet enhances the firm's cybersecurity posture, be sure to emphasize that. If necessary, remind the executives that the cost of noncompliance (and increased risk exposure) far exceeds the cost of investing in a preventative technology solution. Lawyers do not like risk.

**4. Come with a small coalition of early supporters.**

Identify and cultivate champions among influential partners who can advocate for the technology. Identify minimal risk, high reward users (preferably partners) who are tech-forward thinkers and willing to sing the praises of the new tech's value. By building a small group of active and vocal champions, their support can help sway skeptical leaders and build momentum for the business case.

**5. Leverage leaders' competitive instincts.** Firm leaders are often competitive by nature and monitor their peers' activities. If possible, within your business case, highlight how clients are increasingly demanding tech-savvy law firms, but also present case studies of any competitors that have successfully adopted similar technologies. Vendors should be willing to provide you with case study examples that you can use to sell the firm's leadership. These examples should appeal to the executive leadership's desire to remain competitive in the market.

These are just some of the best practices recommended for selling firm executives on investing in technology. Of course, once you sell them, you will need to develop a comprehensive change management plan and strategy that will convince the many other different user types within the firm that the decision has been a sound, thoughtful one and will benefit them, the firm, and ultimately the clients.

### ABOUT THE AUTHOR



**Corey Garver, MBA**, is Legal Technology Advisor with Meritas, a network of law firms. Garver provides Meritas members with legal technology vendor relations and advisory services, co-leads Meritas' Global IT Group, and assists Meritas member firms with their understanding and adoption of Meritas Cybersecurity Standards, the first such standards in the legal industry.

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# How Science Can Help Improve Team Building

By knowing your team at your law firm, you can choose activities and events that best engage them.

BY TYLER HAYDEN, CSP



“  
Once we know the learning styles of our teams we can better choose events, debriefs, meeting structures, communication protocols, onboarding, training design, ad hoc team assignments and more.”

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Team building is as much science as it is art. For a long time, we have been focusing on the art side of things — but today, we can really level up our engagement by adding a bit of science to the mix. I call it the Multiple Intelligence Quotient.

Over the last two years, I have supported a national law firm with their team engagement programming needs. In each of the events, we were able to use the power of the Multiple Intelligence Quotient to help construct meaningful and focused programs. In our evaluation of their practice teams, we realized that they would align with Verbal Linguistic, Mathematical Logical and Interpersonal Learning intelligences.

Knowing this, we designed a set of programs that engaged some 600 lawyers in two different events. The following will tell you a bit about how we use Multiple Intelligence Quotient to crack the team engagement code.

Team building is what we do with people, not to people. Professor Howard Gardner of Harvard wrote a book called *Frames of Mind*, where he investigated and shared the eight learning intelligences.

Here's a quick look at them and how you can engage them in a way that they respond to best:

**1. Interpersonal Learner: The “People” Learner**

For this person, encourage discussions, presentations and mentoring. They like to work with others and can both guide and manipulate situations to meet their needs. They love personal feedback and are very conscious of verbal and nonverbal language.

**2. Intrapersonal Learner: The “Thinker” Learner**

Provide opportunities for self-reflection, research and visioning. They are internally motivated and like to know how their roles connect with others. The thinker enjoys correspondence via email. Make sure you give these people some space to work.

**3. Kinesthetic Learner: The “Doer” Learner**

Get ready to go – these folks like short explanations and getting involved with props and tangibles to figure out the job. They like on-the-job training, role playing and practicing the task. They like to build models and connect their actions to everyday life.

**4. Mathematical Learner: The “Numbers” Learner**

Logical by nature, the numbers learner likes to see things in facts and figures, step by step, logically presented, and with short explanations. This person will ask a lot of “why” questions and enjoy searching for the answers through experimentation.

**5. Verbal Linguistic Learner: The “Word” Learner**

This learner loves to have things explained – both by you and by them for clarification. They love to present materials, put together policy handbooks, tell stories and use humor/irony.

**6. Visual Learner: The “See It” Learner**

Explore maps, charts, movies and visioning to illustrate learning points. Encourage them to spearhead the design of displays/marketing, timelines, concept maps and documentation/handout creation.

**7. Musical Learner: The “Logic” Learner**

Probably the one you'll meet the least often in a group. They like to demonstrate things in patterns, catchy lingo, rhymes and mnemonics. They like to see the logical sequence and flow of things.

**8. Naturalistic Learner: The “Nature” Learner**

Work toward using analogies of nature to



explore concepts. These folks relate to cycles, interconnectedness, patterns, cause and effect. Connect everything to real life and encourage them to classify things into their proper place.

Once we know the learning styles of our teams we can better choose events, debriefs, meeting structures, communication protocols, onboarding, training design, ad hoc team assignments and more. Each intelligence brings different tools in their toolbox that they like to use. For example, kinesthetic learners will want to be hands-on with the project at hand, interpersonal learners will want to work with others, collaborate and celebrate together, while intrapersonal learners will want to work independently and appreciate feedback and quiet accolades.

By knowing your team at your law firm, you can choose activities and events that engage them. Think of each event or activity as a mini class and you are the teacher. How would you best lead that lesson so that it was “learner-centric,” not “teacher-centric”? Building that engagement in the team activity is all about ensuring that the learner feels that they can achieve in a structure that is built for their success.

When you combine all these different learning styles, that's called Multiple Intelligence Quotient. Applying the science works because good team building is good team learning.

**ABOUT THE AUTHOR**



**Tyler Hayden, CSP**, is a team building designer, best-selling author and business speaker. He inspires teams, innovates management techniques and invigorates team engagement. Hayden is the author of over 25 books and the creative mind behind hundreds of team-building products.

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# Protect Your Organization: 3 Essential AI Risk Strategies for Firm Leaders

To stay ahead of the technological curve, firm leaders must determine how to best navigate and mitigate the risks tied to AI.

BY STEVEN COLSON, CIC



“**To stay ahead of the technological curve, firm leaders must determine how to best navigate and mitigate the risks tied to AI, even amid its uncertain future trajectory.**”

When the internet emerged for public use in the early 1990s, it was met with skepticism by the business world. Today, it is ubiquitous across all industries. Artificial intelligence (AI) has faced similar hesitation over the past few years, but it is swiftly becoming an integral part of many companies' operations.

While AI provides immense opportunities, it also presents significant risks. For boards of directors or executive committees, the question is not whether to embrace AI but how to effectively do so. To stay ahead of the technological curve, firm leaders must determine how to best navigate and mitigate the risks tied to AI, even amid its uncertain future trajectory.

In two recent Securities and Exchange Commission (SEC) enforcement actions, investment advisers Delphia (USA) Inc. and Global Predictions Inc. faced allegations of making false statements about their use of AI technology. The SEC's Administrative Order against Delphia accused the firm of misleading clients regarding its claimed use of AI and machine learning in its investment strategies. Similarly, the order against Global Predictions charged the company

with making deceptive claims about being the “first AI financial adviser” with expert AI-driven forecasts. Both firms falsely promoted their use of AI to generate investor interest, prompting the SEC to intervene.

Though the ruling is geared toward publicly traded companies, legal organizations should take note of the importance of providing accurate statements about AI.

### 3 BEST PRACTICES FOR NAVIGATING AI USE IN ORGANIZATIONS

To effectively harness AI’s potential while mitigating associated risks, firm leaders can adopt best practices that ensure responsible AI integration and governance. Here are three strategies to consider when overseeing the use of AI.

#### 1. Understand and define your business use case for AI

Leaders should start by thoroughly understanding and defining the specific ways AI will be applied within the company. Engaging with stakeholders is imperative to determine which AI technologies are being utilized, their purposes and their operational methods. AI can serve various functions within a business, including:

- » Enhancing customer acquisition and retention, driving revenue growth and fostering customer loyalty through marketing and personalization.
- » Performing due diligence on third-party relationships (e.g., customers, vendors, partners and service providers).
- » Innovating and improving existing processes by decreasing development time and facing iterative testing of products and customer experiences.
- » Reducing compliance risks by automating data collection, analysis and reporting processes.

#### 2. Collaborate with experts

Leaders should gather a diverse group of experts both from within and outside the firm to stay informed as AI technology evolves. They should seek representatives with expertise in IT, finance, operations and other pertinent fields. An initial step in risk mitigation is to establish an advisory committee at the board level. This committee, composed of management-selected members, will work with the board to develop a clear governance policy and oversight plan for AI adoption and implementation.

Collaboration with advisers is essential to assess potential AI-related risks, including security, data privacy and regulatory compliance. Additionally, legal organizations should formulate an AI-use strategy that identifies and prioritizes the potential and existing applications of AI tools.

#### 3. Mitigate your directors and officers (D&O) liability

Attention to mitigating D&O liability is crucial. Liability can arise if directors and officers fail to exercise proper oversight and due diligence in AI implementation. Key steps include:

- » Protecting data against breaches and reinforcing compliance with data privacy regulations.
- » Making sure AI systems and applications adhere to ethical and legal standards, complying with laws and regulations concerning anti-discrimination, data privacy and other relevant areas.
- » Document board-level AI oversight efforts in agendas, minutes and presentations as appropriate.

Additionally, boards should work with brokers to ensure that risks are covered by D&O insurance and other business policies. Transferring risk is vital in safeguarding the organization and its leadership against potential liabilities associated with AI deployment.


### AI CAN'T BE IGNORED

Embracing AI is a strategic necessity for today’s legal organizations. By implementing best practices, collaborating with experts and diligently mitigating D&O liability, firm leaders can work through the complexities of AI integration. Proactive governance will enable companies to leverage AI’s potential while safeguarding against its inherent risks.

#### ABOUT THE AUTHOR



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# The Case for More Contingency-Fee Work

Could the billing structure help your firm boost profitability?

BY ERIN BRERETON



**“If [they’re] stuck in rate-times-hours because that’s all [they’ve] ever known, they’re missing out on a lot of value that they bring. They look at it as there’s safety in certainty, but it gives [them] absolutely no upside.**

Contingency fees — which have traditionally been used in certain types of matters, including personal injury cases, mass torts and business disputes — seem to have become a growing focus for law firms in recent years.

During the initial year of the COVID-19 pandemic, firms saw an increased interest in contingency fee business litigation and commercial matters, according to *Law.com*; some handled up to 25% more cases.

Richard McCune — a Managing Partner at McCune Law Group, a complex litigation firm whose work centers on contingency fee-based cases — observed the demand uptick first-hand.

“The pandemic put stresses on business in a variety of ways,” McCune says. “There [were] increased needs — cash, or different strains; that’s where that [came] from.”

In a Bloomberg Law survey, more than 40% of law firms said they’d offered a contingency fee — or a success fee, only receiving compensation if the matter was resolved in the client’s favor — in 2023.

In March, the *National Law Journal* reported a number of Am Law 200 firms had increased the amount of contingency fee-related business they're handling, with several beefing up their plaintiff-side resources.

Although as of mid-2024, law firm worked rates had consistently risen for years, a recent Thomson Reuters Institute report suggests clients may be starting to become more vocal about rate costs — which could help escalate the demand for contingency fee options further.

The billing structure won't work in every instance. For example, matters that involve proactively preventing issues, such as creating an estate plan, might not provide quite the same risk-reward appeal. However, if a contingency fee would be an option, lawyers may want to consider it, says **Tim McKey, CPA**, Chief Executive Officer and owner of Vista Consulting Team, which helps plaintiff law firms optimize operations.

"If [they're] stuck in rate-times-hours because that's all [they've] ever known, they're missing out on a lot of value that they bring," McKey says. "They look at it as there's safety in certainty, but it gives [them] absolutely no upside."

### VARIED OPTIONS AND ADVANTAGES

A contingency fee structure offers a clear benefit for clients, who can drastically reduce the upfront investment that would otherwise be required to pursue a matter. In some situations, firms may even cover court filing and other fees.

"Alternative fee structures can help a client get a big case to trial, especially when the client cannot support a traditional hourly rate structure," says Matt Fletcher, a Partner at Tucker Ellis LLP, who works on complex business litigation matters. "Against a well-heeled defendant, a contingency fee can level the playing field."

Law firms may also find aspects of the approach helpful. In hourly fee arrangements, attorneys may not earn much from cases that settle quickly, McCune says. A contingency structure, though, puts lawyers and their clients on the same side of the table.

"It's misaligned that the attorney is motivated to keep the case going to collect money," McCune says. "[With] a contingency, we get a percentage, whether it settles now or three years from now, so we're aligned with the client."

“

**Contingency fee cases offer training opportunities for younger lawyers — and can be used when hourly fee work is not as active.”**

Successful plaintiff law firms, McKey says, can actually be more profitable, in regard to percentage of gross income, than billable hour firms.

"When you get 33-and-a-third or 40% of cases, that's a pretty doggone good margin," he says. "Firms can be very profitable on the backs of the young lawyers that are getting paid \$100 an hour, billing \$600 an hour. But clients are waking up to that and saying, 'The value I'm getting is not just your time, it's really your expertise.'"

Law firms may also be able to utilize contingency fees, Fletcher says, to enhance operations and revenue as scheduling allows.

"Contingency fee cases offer training opportunities for younger lawyers — and can be used when hourly fee work is not as active," he says.

Contingency fee amounts can vary; according to the New York City Bar Association- and New York County Lawyers' Association-sponsored New York City Bar Legal Referral Service, they tend to total around 33% of the outcome on average. The majority of Florida Bar members report receiving between 33% to 40% — although arrangements can be configured in various ways.



“

**It's misaligned that the attorney is motivated to keep the case going to collect money. [With] a contingency, we get a percentage, whether it settles now or three years from now, so we're aligned with the client.”**

Firms may provide a sliding scale, for instance, where the fee would be 33% if the case doesn't go to trial, and 50% if it does, McKey says.

In a hybrid fee model, a firm might charge an adjusted hourly rate and receive a smaller chunk of the judgment.

“If you're getting a retainer along the way, the contingency percentage may very well go down because you're hedging your bet to an extent,” McKey says. “That's why you scope the case and say, ‘Look, I'm going to have this much in hard costs, and this is going to take six months and this much effort and opportunity cost — so my retainer is 10 grand a month, and that covers everything.”

Passion for a cause, or likable plaintiff with a captivating story, can factor into the decision to accept a case. Fletcher's previous firm provided pro bono representation, with the right to any fee recovery, to a local school district whose students were being exposed to rancid smells, dust and other conditions, he says. The firm eventually garnered a multimillion dollar settlement from a nearby garbage dump.



Fletcher also entered into a contingency fee arrangement, where the client covered any third-party costs, with an Orange County businessowner who'd been defrauded into selling his company.

“He hired one of the best law firms in town but could not pay their bills,” Fletcher says. “We competed against other firms to get the case. Our firm received a multimillion contingency fee — but compensation is only part of the relationship. I got more out of helping this founder get back what was taken from him.”

### VETTING POSSIBLE CONTINGENCY ENGAGEMENTS

Often, the specific details of a case will determine whether a firm will agree to take it — and what type of contingency fee structure is ultimately used.

While the formula isn't an exact science, Fletcher says, several elements can apply, such as plaintiffs having an exceptionally strong claim for damages in the multimillion range.

“The judgment must be collectable; we want to know if the defendant is solvent or there is insurance coverage,” he says. “You want to know how many depositions need to be taken, what expert testimony you need and how long a trial might take — this will help develop a reliable estimate of what the firm is going to invest, so you can compare it to the potential recovery.”

To decide if a case aligns with Carter Mario Law Firm's predetermined parameters, the personal injury firm finds calling potential clients helpful.

“Even if they fill out [an online] form, we want to talk to them in person,” says attorney Alex Mario. “We ask them what happened; look at the police report, if it's available; if not, see if [we can] do our own canvassing — look for videos, try to get pictures of what happened. It's way more personable; and a lot can get lost in translation in writing.”

If a case contains multiple components that indicate a positive outcome could be achieved, law firms will need to have adequate financial resources in place to maintain operational expenses throughout its duration.

Consumer class action, product liability, catastrophic personal injury and environmental matters have to correlate to McCune Law Group's expertise in the area, McCune says, and be financially viable for the firm to get involved.

"It has to have enough money at issue that if this ends up being a trial four years from now, the case is going to support that," McCune says. "You've got to have a business structure where you can float the cost of your operations. Not too many law firms have the appetite to stomach years of labor, overhead and rent."

After 35 years representing clients, Carter Mario has built up a good-sized war chest that essentially allows the firm to take on any case it wants, Mario says. The firm, however, doesn't enter into contingency agreements heedlessly.

Administrative process-based scenarios have a timeframe in which items need to be filed; from beginning to end, for example, probate can take two years — yet elements can change as personal injury cases progress, making gauging how long they'll last challenging, according to Carter Mario Practice Leader Carla Minniefield.

By utilizing tools such as case management software to track insightful metrics over the years, despite any unknown factors, Minniefield says the firm has been able to ensure ample staffing and other resources are on hand to perform the work.

"A lot of people will just take a case on and not really have a plan," she says. "You need to, if you're going to be successful handling personal injury cases. Putting processes and procedures in place before you start [can help] you actually have forward momentum."

ABOUT THE AUTHOR



**Erin Breerton** is the Owner of Chicago Journalist Media, and a freelance writer, editor and content strategist who has written about the legal industry, business, technology and other topics for 20 years.

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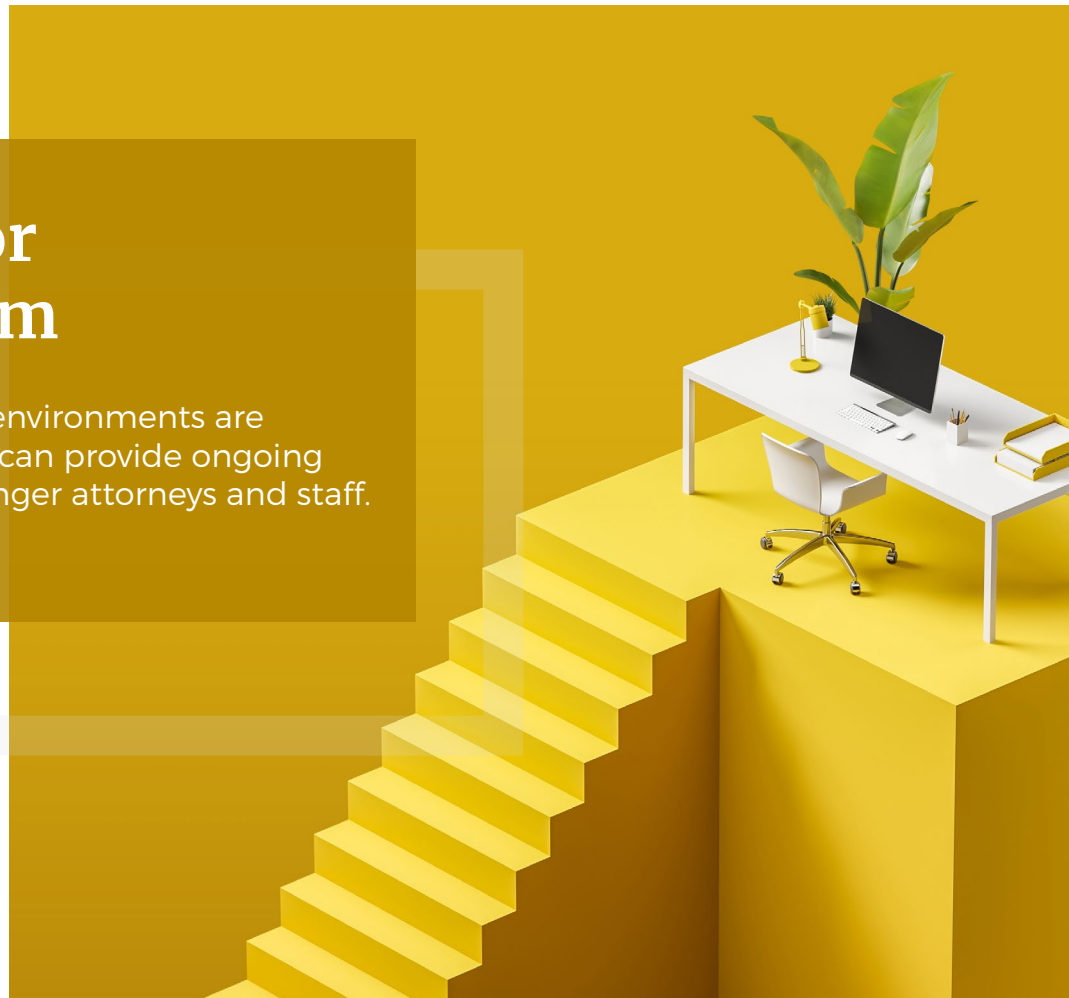
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# Mentorship for the Hybrid Firm

Technology and workplace environments are changing the way law firms can provide ongoing career development for younger attorneys and staff.

BY KELLY F. ZIMMERMAN



“**My mentor changed my whole career because he was able to see things in me that I had never considered as strengths that I might want to capitalize on.**”

Accomplished attorney, e-discovery expert and professor Maura Grossman didn't have a mentor during the first six or seven years of her legal career. There were partners in her firm with whom she was friendly, but nobody she could confide in about her career path. This was during a time where attorneys — particularly women — didn't have access to much mentorship unless there was a formal program in place.

Eventually, Grossman paired up with a partner at her firm who was looking for a reverse mentor — a younger attorney who could help provide insight into what young professionals needed from the workplace — and it changed the trajectory of her career.

“My mentor changed my whole career because he was able to see things in me that I had never considered as strengths that I might want to capitalize on,” Grossman says. After 17 years with a firm, she went on to open her own practice. She became an e-discovery consultant and attorney in Buffalo, New York; a research professor at the School of Computer Science at the University

of Waterloo and an Adjunct Professor at Osgoode Hall Law School, both in Ontario, Canada; an authority in her area of expertise; and even a mentor herself.

Fast-forward to present day where the mentorship game has been flipped on its head. Thanks to remote work and hybrid office schedules, young associates or new employees don't necessarily have to seek out mentors by showing face at the office or schmoozing during happy hours. They don't even have to match up with mentors in their own firms. There are law societies and state-based programs that are helping to fill that void, and in some cases, artificial intelligence (AI) tools are coming into play. In fact, Grossman has noticed an increasing number of law school students and junior lawyers turning to tools like ChatGPT for career guidance.

"[Tools like ChatGPT are] there 24/7, available to everyone," Grossman says. "I can see the real benefits for skill development. If I've never taken a deposition before, I can ask ChatGPT to take on a particular persona of a particular kind of witness and I can practice that." While the bot isn't going to tell you personal insights about people and processes at a particular firm, it could also be weeks before you can meet with someone there.

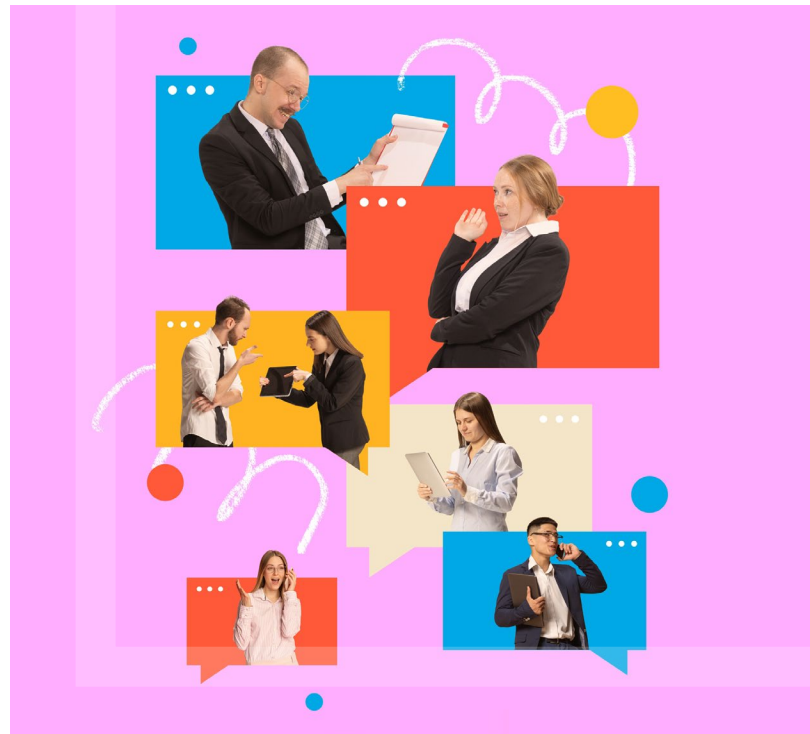
There are definitely shortcomings to asking a bot for professional advice, but it's also a way to find potential answers in a pinch — especially if a mentor isn't available. At the same time, law firms still need to find ways to support employees who are looking for a more personal mentoring experience without the in-office requirement. Here are a few approaches to consider.

## LOOK BEYOND THE FIRM

According to a 2023 analysis by Bloomberg Law, nearly three quarters of attorneys with five or fewer years of experience have some sort of mentor in their professional life — but it's unclear as to whether those mentor-mentee relationships are being formed within or outside of the workplace.

However, looking beyond the firm for setting up mentor-mentee relationships can be beneficial for employees who may have trouble discussing sensitive issues at work, whether it's because they worry about facing retribution in exchange for their honesty or because they're embarrassed about a situation, says Len Polsky, Manager of Legal Technology and Mentorship for the Law Society of Alberta.

"The challenge with internal mentoring programs is the mentee isn't always comfortable sharing their thoughts,"



Polsky says. For example, if they're being bullied, they can't necessarily go to the bully or the partner for advice. "It would take a leap of faith."

This is where finding a mentorship program that connects legal professionals across firms can come in handy. Not only can this provide more candid experiences for both mentors and mentees, but it can also open up a wider selection of mentors and mentees to choose from, especially if participants are willing to meet in a remote format.

## CONSIDER ALTERNATIVE OUTCOMES

Ryann Peyton, Executive Director for the Colorado Attorney Mentoring Program, an office of the Colorado Supreme Court that consults with law firms and legal organizations, says there is no one-size-fits-all approach to mentorship and that legal professionals are starting to look for different types of professional development outcomes. Here are a few:

**Soft Skills Development:** "Especially in the last five years, we've seen a shift in people wanting support in soft skills of being a legal professional," Peyton says. They are looking for a more holistic growth opportunity, someone who can help them navigate challenging situations or not necessarily just a stepping stone into a job. "People want a cheerleader, people want someone who has their back."

**Mentorship for All Legal Professionals:** As the roles and types of legal professionals continue to expand, organizations like the Colorado Attorney Mentoring Program are working to build mentorship programs for licensed legal paraprofessionals. Taking into account the advancement of alternative legal service providers, or other staff who are new to your firm or corporate legal department, can help to create more equitable opportunities for mentorship.

**Reverse Mentoring:** Experts also talk about reverse mentoring as a way for more senior lawyers to gauge the needs and perspectives of more junior employees. According to Robert Half, reverse mentorship programs are an opportunity for more senior staff to acquire new skills from younger, more tech savvy employees.

## TIPS FOR SUCCESSFUL FIRM MENTORSHIP

So now that we have a better idea of what employees are looking for in a mentorship program, how can law firms provide that to them? Let's explore how firms and corporate legal departments can boost their mentorship offerings when employees aren't necessarily getting in-office facetime.

### Tip No. 1: Hire a Designated Employee

Whether your mentorship program is in-person, hybrid or remote, it has to be a priority for the firm or legal department. "It can't just be a task that was dropped on human resources," Peyton says. "It has to be somebody's job to run the program or it will fizzle out."

### Tip No. 2: Avoid Mandatory Mentorship

Participating in a mentorship program should be an opt-in experience. If you force employees into a mentorship program, it may not be rewarding for them or you may run into resistance with participation.

### Tip No. 3: Ditch the Long-Term, One-on-One Approach

Provide opportunities for employees to meet through different channels that are best aligned with their needs and comfort levels. Remember: The goal is active participation.

While one-on-one mentorship may work for some, others may be looking for something with a more relaxed commitment. Consider alternative options like speed mentoring, virtual matchups or short-term mentorship

“

**The challenge with internal mentoring programs is the mentee isn't always comfortable sharing their thoughts.”**

placements. Organizations like the Colorado Attorney Mentoring Program, Law Society of Alberta or your state or province's equivalent can probably provide guidance on where to start.

### Tip No. 4: Take Advantage of Tech

Technology can be helpful in connecting remote workers, employees in different offices or those who don't feel comfortable reaching out to an individual on their own. Whether your firm is using tech to allow for remote meetups, as a tool to help with matching and facilitation, or to track participation and outcomes, consider how proper integration can help to make the most of your program.

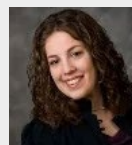
### Tip No. 5: Consider a 360-Approach

Remember that law school students, interns and junior attorneys aren't the only ones looking for mentorship opportunities. Consider other legal professionals at the organization in addition to senior staff and partners.

## THE END GOAL

Whether your firm decides to establish a mentorship program, improve upon an existing one or outsource the responsibility, the end goal for participants should be relationship building. The format of the program shouldn't matter as much as the relationship itself and learning how to build that foundation, Peyton says.

### ABOUT THE AUTHOR



**Kelly F. Zimmerman** is a former Managing Editor of *Legal Management*. After wrapping up her time with the magazine and ALA, she spent several years as an editorial lead in the fintech space, where she learned firsthand how to cross-functionally collaborate with legal and compliance teams. She has continued to create content for the legal industry with organizations like Northwestern's Pritzker School of Law, Axiom Law and Thomson Reuters.

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# The Four-Day Work Week: Science Fiction or Inevitable Reality?

The adoption of four-day work weeks remains limited across industries — especially legal. But the potential for the enhanced productivity and increased employee satisfaction are helping to drive it forward.

BY EDEN MINUCCI, CLM, SHRM-CP



“The potential for improved work-life balance, enhanced productivity and increased employee satisfaction are driving factors in considering shortened work weeks, even in a profession known for its demanding schedules.”

The concept of a four-day work week — roughly 32 hours — is gaining momentum across various industries as a step toward improving work-life balance and productivity. However, the legal industry has a unique set of challenges to overcome. Client-centric operations, reliance on billable hours, and the demands of external mandates such as court dates and regulatory deadlines make the adoption of a four-day work week a complex proposition.

None of this is a new idea. Even before the COVID-19 pandemic catalyzed remote work, industries like tech, finance and creative services were already experimenting with shortened work weeks, often reporting increased productivity and employee satisfaction. But the legal industry, known for its rigid structure and demanding performance standards, has been slower to embrace such changes. Drawing on insights from legal administrators and industry trends, here are some key considerations for those considering more flexible work arrangements in an evolving professional landscape.

## THE CURRENT STATUS: LIMITED ADOPTION

The adoption of four-day work weeks remains limited across industries, with only 9% of organizations implementing this structure according to the 2023 SHRM Employee Benefits Survey. However, the legal sector is not immune to the dynamics driving this change. As client expectations evolve and competition for talent intensifies, law firms are increasingly exploring innovative work models.

The potential for improved work-life balance, enhanced productivity and increased employee satisfaction are driving factors in considering shortened work weeks, even in a profession known for its demanding schedules. This shift represents a significant departure from traditional legal work paradigms and requires careful consideration of the unique challenges and potential benefits listed below.

One solution is to start small. In 2023, Lashly & Baer was looking for alternative ways to increase benefits. “The trend of adopting a four-day or four and one-half-day workweek is growing and potentially being one of a few firms that would offer this as part of employee well-being initiatives is exciting,” says Kara M. Brostron, CLM, Director of Operations at Lashly & Baer.

They started a pilot program in the summer of 2023. “We decided to close the office every Friday at 1 p.m. during the summer months. We assigned a couple LAAs to work a full day in the office each Friday to accommodate those billers that had court deadlines or other work that had to be done on a Friday afternoon. We learned a few things that first summer that were changed for the 2024 summer such as we needed to ensure all LAAs knew how to e-file in the various courts in both Missouri and Illinois, and we adjusted schedules so the LAAs that worked a full day on Friday worked 8:30 a.m. to 5 p.m.”

Brostron says the staff still needed to work their full 37.5 or 40 hours per week but were given flexibility to adjust their schedule to get their time in by working longer days to accommodate for a shorter workday on Friday.

## UNIQUE CHALLENGES FOR THE LEGAL INDUSTRY

**1. Client Expectations:** Law firm clients often require immediate responses and solutions, especially in time-sensitive matters like litigation or mergers. A four-day work week could potentially conflict with these expectations, necessitating careful management of client relationships and communication strategies.



- 2. Billable Hours Model:** The legal profession’s reliance on billable hours as a measure of productivity and revenue generation poses a significant challenge. Reducing workdays could potentially impact billable hours, requiring a reevaluation of financial models and client billing structures. However, this could push the adoption of alternative fee agreements and other methods that better align lawyer productivity with client needs.
- 3. External Schedules:** Court dates, regulatory deadlines and other external schedules often dictate a lawyer’s availability. Meeting these nonnegotiable commitments would require careful planning and flexibility in work arrangements.

There is also the matter of security, given the sensitive nature of client data. To head that off, Brostron says to address some of these concerns, they no longer allow employees to access the firm’s network from a personal device.

## POTENTIAL BENEFITS

- 1. Improved Well-being:** One of the primary benefits of a shortened work week is the potential for reduced stress and burnout, which are common issues in the legal profession. A four-day week could improve mental health and job satisfaction, contributing to longer-term retention of talent.
- 2. Enhanced Productivity:** While it may seem counterintuitive, reducing workdays often leads to increased efficiency. With fewer days to complete tasks, employees tend to focus on higher-priority items and eliminate time-wasting activities, boosting overall productivity.
- 3. Talent Attraction and Retention:** Offering a four-day work week could make law firms more attractive to lawyers and legal support staff who prioritize work-life balance. This could give firms a competitive edge in recruiting and retaining top talent in a challenging labor market.

4. **Environmental Impact:** The environmental benefits of fewer workdays, including reduced commuting and lower office energy consumption, could help firms meet sustainability goals. This aligns with growing interest in environmentally responsible practices, both from clients and employees.

## THE ROLE TECHNOLOGY PLAYS

Technology is playing a critical role in enabling a reduced work week. According to a 2024 *Tech.co* report, 29% of organizations that have adopted a four-day work week use artificial intelligence (AI).

For the legal industry, tools like AI-driven legal research, document automation and cloud-based platforms can streamline workflows, allowing lawyers to accomplish more in less time. Many firms are already considering or implementing these tools that facilitate seamless communication and collaboration, whether working remotely or in the office, to effectively address concerns about client accessibility and responsiveness.

## IMPLEMENTING A FOUR-DAY WORK WEEK: CURRENT OPINIONS, STRATEGIES AND CONSIDERATIONS

A survey of 15 current ALA members revealed that none of them were utilizing a reduced work week, and all had great trepidation regarding its implementation.

The respondents were from a broad range of firms, with most midsized and based in the United States. Many firms already offer flexible hours and sometimes allow remote work, with employees reporting a good to excellent work-life balance.

While some respondents were very interested in a reduced work week, with many citing the potential benefits of increased employee satisfaction and improved work-life balance, there were also many concerns. Chief among these were maintaining client service levels and managing workload with reduced hours. Potential financial impact was a significant concern for some, but not all.

While most firms are not likely to adopt a four-day work week in the next two years, the survey underscored some key strategies that might guide future implementations:

- » **Assessment and Planning:** Conduct a thorough analysis of current workloads, client needs and team capacity. Develop a detailed implementation plan that addresses potential challenges and sets clear goals for the transition.
- » **Client Communication:** Proactively communicate with clients about the new work structure, emphasizing how it will benefit them through improved service quality and lawyer well-being. Establish clear protocols for handling urgent matters outside of regular work hours.
- » **Technology Integration:** Invest in and implement necessary technologies to support the transition. Provide comprehensive training to ensure all team members can effectively use new tools and systems to maintain or enhance productivity.
- » **Pilot Program and Evaluation:** Start with a pilot program in select departments or teams. Regularly assess the impact on productivity, client satisfaction and employee well-being. Use feedback to refine the approach before full implementation across the firm.

## REGULATORY AND ETHICAL CONSIDERATIONS

Implementing a four-day work week in the legal industry requires careful consideration of regulatory and ethical standards. Law firms must ensure that reduced availability does not compromise their duty to provide competent and diligent representation to clients. This may involve revisiting client agreements and billing structures to reflect new working hours while maintaining transparency and trust.

Firms should also consider the potential impact on pro bono work and access to justice initiatives. Ethical guidelines may need to be reviewed to ensure that the new work structure upholds professional responsibilities. Additionally, firms may need to engage with their bar associations and regulatory bodies to ensure compliance and address any concerns about the impact of reduced work hours on legal service quality and availability.

## FLEXIBLE WORK IS THE BEGINNING

One strategy that's working well for Lloyd Gosselink is a regular one day a week to work from home. Most of their staff and attorneys take advantage of this.

"Having the right technology in place is key along with communication," says Director of Administration Liz Elmquist. "We reiterate to coordinate remote work schedules with your team. We have team coverage within the group as well. When someone is remote or out, if they feel like they need in office help, they can reach out."

## CRITICAL TECHNOLOGY

Here is a list of some of the key technology solutions that support a reduced work week or simply more flexible work:

- » **Cloud-Based Practice Management:** Secure cloud-based practice management systems that allow attorneys and staff to access case files, documents, and client information from anywhere support efficiency through continuity of work and access.
- » **AI-Powered Legal Research:** AI-driven legal research tools can quickly analyze vast amounts of legal data, helping lawyers and paraprofessionals work more efficiently and make the most of their reduced work hours.
- » **Virtual Meeting Platforms:** Robust video conferencing and virtual meeting platforms maintain clear communication with clients and team members, regardless of physical location or work schedule.
- » **Document Automation:** A growing number of firms are adopting document automation software to streamline the creation of legal documents, reducing time spent on routine tasks and allowing for more focused work during the time available.

## ADDRESSING CLIENT CONCERNS

One of the primary challenges anticipated with a reduced work week is managing client expectations and concerns. Law firms must develop strategies to ensure that client needs are met even with reduced office hours.

This may include implementing rotating schedules to ensure coverage throughout the traditional work week, establishing clear communication protocols for urgent matters. Firms must also maintain transparent communication about availability and response times to ensure clients feel confident in the new work model.

## FINANCIAL IMPLICATIONS

Transitioning to a four-day work week raises concerns about financial impacts, especially in terms of billable hours. However, increased efficiency and restructured billing models, such as value-based billing, could mitigate these concerns. Additionally, cost savings from reduced office usage and operational expenses could offset any potential losses in revenue.

The chart below contains some common considerations and potential strategies to enhance benefits and reduce the impact of reductions.

ASPECT	POTENTIAL IMPACT	MITIGATION STRATEGY
Billable Hours	Possible reduction	Increase efficiency; adjust billing models
Operational Costs	Potential savings	Optimize office space usage; reduce utilities
Employee Compensation	May need adjustment	Consider performance-based pay structures
Client Billing	Possible restructuring needed	Develop value-based billing options

## EMPLOYEE TRAINING, ADAPTATION AND MEASURING SUCCESS

Successfully implementing a four-day work week requires comprehensive employee training and support to ensure a smooth adaptation. Law firms should develop training programs that focus on time management, productivity techniques and effective use of technology. These programs should help lawyers and support staff maximize their efficiency during the reduced work hours.

Additionally, firms should provide resources for stress management and work-life balance, as the transition may initially create pressure to accomplish more in less time. This is understandable, as it is common for good work to lead to more work!





“

**Proactively communicate with clients about the new work structure, emphasizing how it will benefit them through improved service quality and lawyer well-being.”**

Here are some considerations for measuring success and key performance indicators:

- » **Productivity Metrics:** Track billable hours, case closure rates and project completion times to ensure that productivity remains high or improves with the new work structure.
- » **Client Satisfaction:** Regularly survey clients to gauge their satisfaction with service quality, responsiveness and overall experience under the new work model.
- » **Employee Well-being:** Monitor employee satisfaction, stress levels and work-life balance through surveys and one-on-one check-ins to assess the impact of the four-day work week.
- » **Financial Performance:** Analyze revenue, profitability and operational costs to ensure that the new work structure is financially sustainable for the firm.

## THE FUTURE OF WORK IN THE LEGAL INDUSTRY

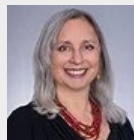
As the legal industry continues to evolve, the adoption of a four-day work week represents a significant shift for an industry known for maintaining tradition. While

challenges remain, the potential benefits in terms of lawyer well-being, productivity and talent attraction are compelling. The success of this model will likely depend on a combination of technological innovation, cultural change and careful implementation strategies.

As more law firms experiment with flexible work arrangements, industry-wide discussions and sharing of best practices will be crucial. The feasibility of a four-day work week will undoubtedly remain a topic of interest, with ongoing discussions necessary to strike the right balance between tradition and innovation.

Brostron says they are still analyzing the success of the 2024 summer, but they are excited to be carving a path in this space. “Our clients come first, and our initial analysis shows that their needs are being met. This initiative aligns seamlessly with our firm’s commitment to innovation.”

### ABOUT THE AUTHOR



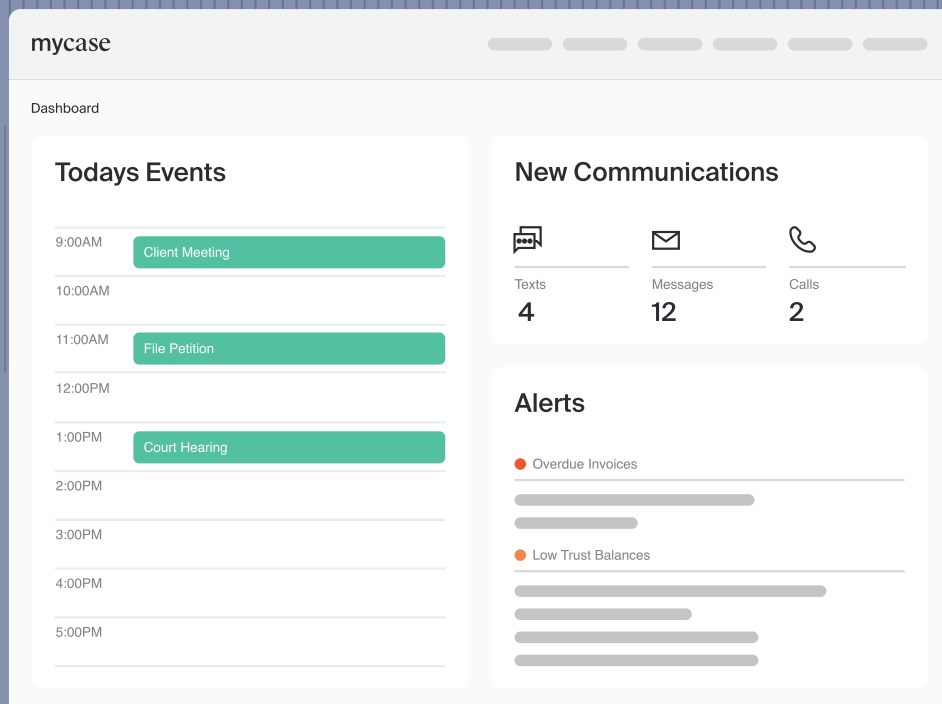
**Eden Minucci, CLM, SHRM-CP**, has worked in the legal industry for over 20 years serving small and medium firms, both in-house and as a consultant and holds a master’s degree in science in management. Minucci is a partner and has been consulting since 2016 and now leads the Legal Operations Practice at CGP. She was recognized by the Austin Business Journal as one of the 2022’s Austin Women in Business.





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# Why [REDACTED] Is Critical for Legal Management Teams

Failing to maintain a high standard of confidentiality can result in legal ramifications or irreparable harm to your client's business.

BY AMANDA LEVAY



**“Failing to maintain a high standard of confidentiality can result in legal ramifications or irreparable harm to your client’s business.”**

As a legal administrator, you are already aware of the very serious consequences of improper redaction. By law, attorneys are required to guarantee their client’s sensitive information is secure, which can include Social Security numbers or tax IDs, an individual’s year of birth, a minor’s initials and account numbers, just to name a few.

As we’ve seen in case after case, improper redaction can also create issues far beyond simple violations of ABA policy, but can lead to disciplinary action, influencing the outcome of a case, loss of potential business, major fines, loss of license, and even potentially opening the firm to possible civil action.

A recent survey conducted by e-discovery specialists shows “the average case had 6.5 million pages, 10-15 custodians and 130 GB of data.” With this massive amount of data, the process of redaction can become time-consuming and riddled with errors. With the stakes so high for your firm, how can administrators reduce the amount of time and cost associated with redacting this key information, while ensuring accuracy and maintaining client privacy?

With the artificial intelligence (AI)-powered revolution yielding significant advancements in redaction software, there are now more options than ever to safeguard your client's information while streamlining the redaction process and ensuring your firm remains in compliance.

## IMPACT OF IMPROPER REDACTION ON RULINGS

Safeguarding confidentiality is at the heart of a law firm's operations. Law firms have a standard to uphold, not just with their clients, but with regulations set forth by federal and state laws. Failing to maintain a high standard of confidentiality can result in legal ramifications or irreparable harm to your client's business. There is no dearth of recent examples of redaction failures, from small civil cases to cases affecting the highest office in the country.

In 2019, lawyers for former President Donald Trump's campaign manager, Paul Manafort, failed to redact the legal pleadings they filed in federal court, accidentally releasing once-confidential information to the public.

In this case, the accidental disclosure of confidential information was likely the result of common redaction tools not being merged with the original document. In other words, an easy and preventable mistake that redaction software could have mitigated.

As far back as 2017, credit reporting juggernaut Equifax was involved in a serious data breach that affected over 140 million users. Personal information, including users' names, addresses, credit card numbers and Social Security numbers were accessed by hackers due to Equifax's decision to not renew their encryption certificate, as well as their failure to redact users' usernames and passwords. Instead of redacting them, they kept them visible to hackers by storing them in plain text.

If these two examples tell us anything, it's that damage to reputation, loss of money and legal ramifications abound when incorrect steps are taken to redact private information sensibly.

## BENEFITS OF UTILIZING PROPER REDACTION TOOLS

While using improper redaction tools can harm your business, utilizing the proper tools can provide your firm with not only peace of mind, but reduced cost, time savings and strict compliance management.

**1. Cost:** To redact sensitive information, you will typically assign an associate, assistant or paralegal to perform a manual review of the documents to identify sensitive data hidden within thousands of pages. Whether hard documents or electronic, the hours spent searching for data to redact can turn into astronomical payroll costs. Current redaction software options are much less costly than paying for hours of staff to do the same work in more time.

**2. Time Savings:** Time is money, and with automated redaction software, your team will be able to spend less time managing the redaction process and more time focused on billable hours. Thanks to the speed AI-powered redaction platforms provide, it's no longer necessary to spend hours manually poring over documents. Rather than toiling over redacting a 10-page Word document, some of these redaction solutions can complete the same task in 98% less time, often within 2.5 minutes per 10 pages. This blazing fast speed enables your team to spend more time on valuable tasks such as discovery, drafting trial pleadings, preparing hearing and trial binders, etc.

**3. Compliance:** No human is exempt from mistakes, making manual redaction a risky undertaking, especially in such a heavily regulated industry. To remove as many "what ifs" as possible, AI-powered redaction software can ensure every instance of sensitive material in a document is identified and removed from not just the original file, but from any associated text and metadata files. Hand-in-hand with redaction report logs, these automated solutions can help mitigate the risks of human error and keep your firm compliant.



## FINDING THE RIGHT REDACTION SOFTWARE FOR YOU


When selecting the best redaction software for your firm, there are a number of factors to keep in mind, including ease of use, speed, freedom to choose which data to redact, simple automated search functionality, the ability to redact rich content including images and video, and top cybersecurity features to ensure your client data can't be breached.

Ensuring your client's privacy, along with the security of your own firm, doesn't have to be a tedious, time-consuming and resource-draining process. It is possible to remain in compliance without sacrificing accuracy or taking critical time away from your associates. With the right redaction software, your law firm can spend more time on providing your legal expertise and less time worrying about the process.

### ABOUT THE AUTHOR



**Amanda Levay** is the Founder and Chief Executive Officer at Redactable. She has over 12 years of startup and finance experience. As an entrepreneur and technical founder, she experienced the modern pain points of document redaction when she was a loan consultant. Levay set out to create an automated redaction tool that really worked and was easily accessible to any company needing to redact their confidential documents, thus founding Redactable.

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The graphic features a blue background with a city skyline and musical notes. The text 'save the date' is written in a large, white, cursive font. The ALA logo is in the top right. The main title 'ALA 2025 Annual Conference & Expo' is in a bold, white, sans-serif font. Below it, the dates 'MAY 18-21' and the location 'Music City Center Nashville, Tennessee' are listed. A URL 'alanet.org/events-and-education' is provided in a white rounded rectangle at the bottom. A colorful geometric logo is in the bottom left corner.

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# How Mentors Can Help Associates Navigate the Waters

Recognizing the benefits of different types of mentoring can help associates navigate working relationships at the start of their career.

BY APRIL P. PETROSINO



If you don't know how to swim, studying the core fundamentals, reviewing the proper techniques and memorizing the relevant theories can help you learn — but nothing prepares you for the actual sensation of being submerged in water for the first time.

Likewise, three years of law school and grueling months of studying for the bar exam do not compare to the experience of actually meeting clients, tackling complex legal issues, drafting pleadings or documents based on unique facts of a case, or standing before a judge.

Just like new swimmers, law firm associates need an experienced hand to help them take that first dip into the water. However, forming those mentoring relationships can feel daunting. The legal profession tends to draw high achievers — and admitting that you do not have all the answers can feel like a personal defeat.

It helps to bear in mind that mentoring relationships benefit not only new lawyers but experienced associates and partners as well. Every attorney was

starting in their career at one point, and passing on that knowledge and guidance ensures the future of the profession. (Mentees should know that someday, it will be their turn to mentor, too.)

Every mentoring relationship is unique. While there is no one-size-fits-all formula for the broad range of human experience or communication styles within the legal profession, recognizing the benefits of different types of mentoring can help associates navigate these relationships at the start of their career.

## FORMAL vs. INFORMAL MENTORING

Increasingly, law firms have formal mentoring programs in which every new associate can be paired with a mentor to help ensure that all associates have equitable access to business and career development and other guidance. One aspect I appreciated about my firm's mentoring program was being paired with two mentors at different career stages, both of whom were practicing in my desired area of law. Having designated mentors provided me with resources to address questions and concerns directly with people I could trust, ensuring timely answers and advice.

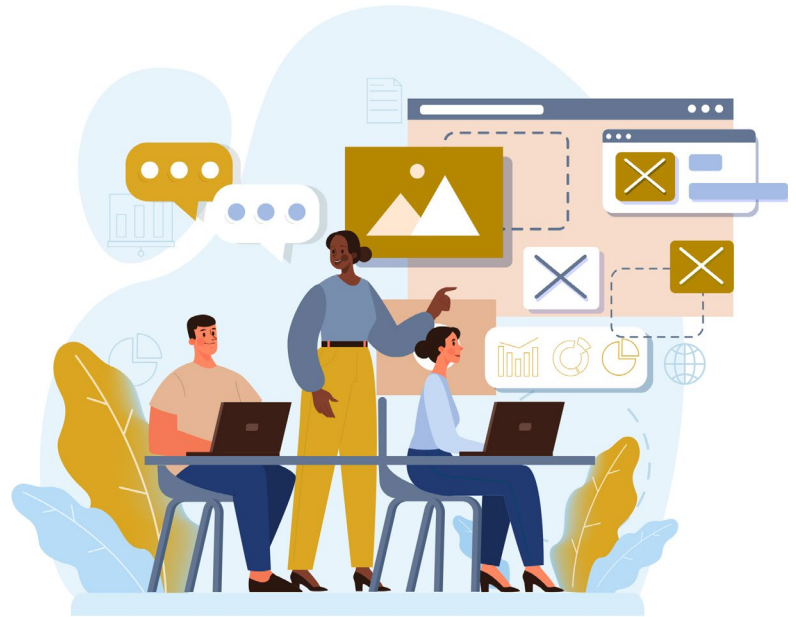
Even though my formal mentors remain readily available, I've also benefited tremendously from informal guidance within my office. For example, the litigation associate in the office next to mine is a valuable resource for brainstorming legal strategies and getting feedback on pleadings, even though we practice in different areas. Her experience translates well to my work, and I love that I can knock on her door with two cups of coffee for a quick chat whenever I need help.

Having both formal and informal mentors is key. Sometimes, I need someone to help craft an eloquent email, and other times, I just need to bounce ideas off someone without fear of judgment or sounding naïve.

## CROSS-OFFICE MENTORING vs. INTRA-OFFICE MENTORING

The digital age and virtual nature of business allow people across the country to conduct work both within and across offices. My firm has 13 offices nationwide, and I work in one of the smaller offices. Many of the attorneys in my practice division are located at least a time zone away.

Working with someone in a different location requires an understanding of communication preferences. Some may prefer video calls to maintain a certain "closeness," while



others are never more than a quick text message away. When connecting with my mentors in other states, I like to build rapport by asking about their lives outside of work. Have they seen any good movies or TV shows lately? How's the weather where they are? (Although I've heard to be careful with that question, as my Midwestern colleagues don't always appreciate hearing about Florida's sunny, 75-degree weather in February.)

Because we work hybrid schedules, I also carefully consider communication with the attorneys in my own office. I try to keep things light and fun by leaving sticky notes (adorned with cats!) if I go by someone's office while they are out or working elsewhere.

## PARTNER vs. SENIOR ASSOCIATE MENTORING

Different mentors with different levels of experience offer guidance in their own way. For instance, I tend to reach out to my senior associates for more nuts-and-bolts questions on where to look for resources, such as finding a specific practice notes page in Westlaw's Practical Law. I approach partners with bigger-picture questions, such as broader strategy and how to tackle legal questions or problems.

Generational differences also come into play when working with mentors at different career stages. However, assuming someone's communication preference can be dangerous, so the key is to ask each mentor or potential mentor their preferences.



## TAKING THE PLUNGE

Ultimately, mentorship is a dynamic process. Sometimes, the first mentor an associate finds is not the best fit, and there is no shame in switching to someone else! Allowing room for growth on both ends of the relationship between associate and mentor helps ensure that everyone benefits.

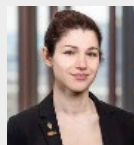
Every associate needs to know that it's normal to experience anxiety around mentoring. At times, you may fear being a nuisance or asking a silly question, but that's usually imposter syndrome talking. Mentorship serves a more important purpose than merely securing a top client or climbing the corporate ladder: It allows professional and personal growth for both parties, expanding their worldview in and out of the practice of law. Yes, you may get water up your nose while learning how to swim, but, at the end of the day, we're all aboard the same boat.



### Check Out *Legal Management Talk* for More on Mentoring

Mentorship programs can be a powerful recruitment and retention tool at a legal organization. Elise Powers of Eleview Consulting joined *Legal Management Talk* to talk about how to structure a mentorship program and convince partners to dedicate time to supporting the next generation of senior attorneys. Tune in today at [alanet.org/podcast!](http://alanet.org/podcast!)

#### ABOUT THE AUTHOR



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## Discover Your Online Community

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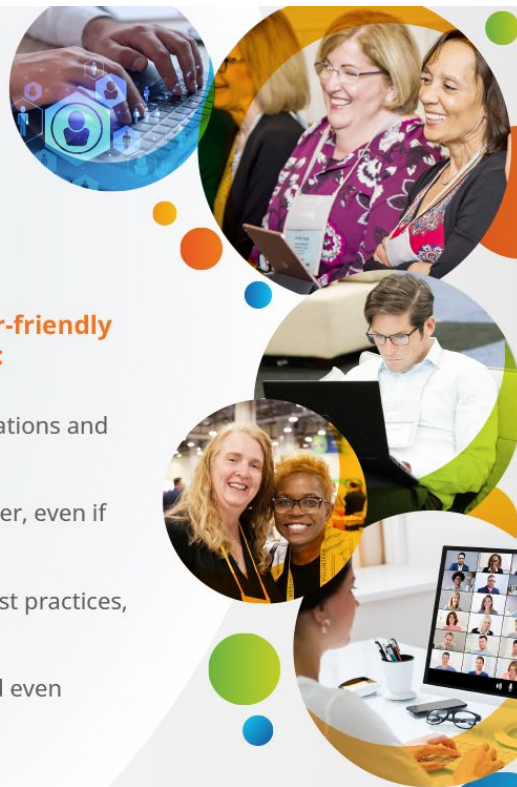
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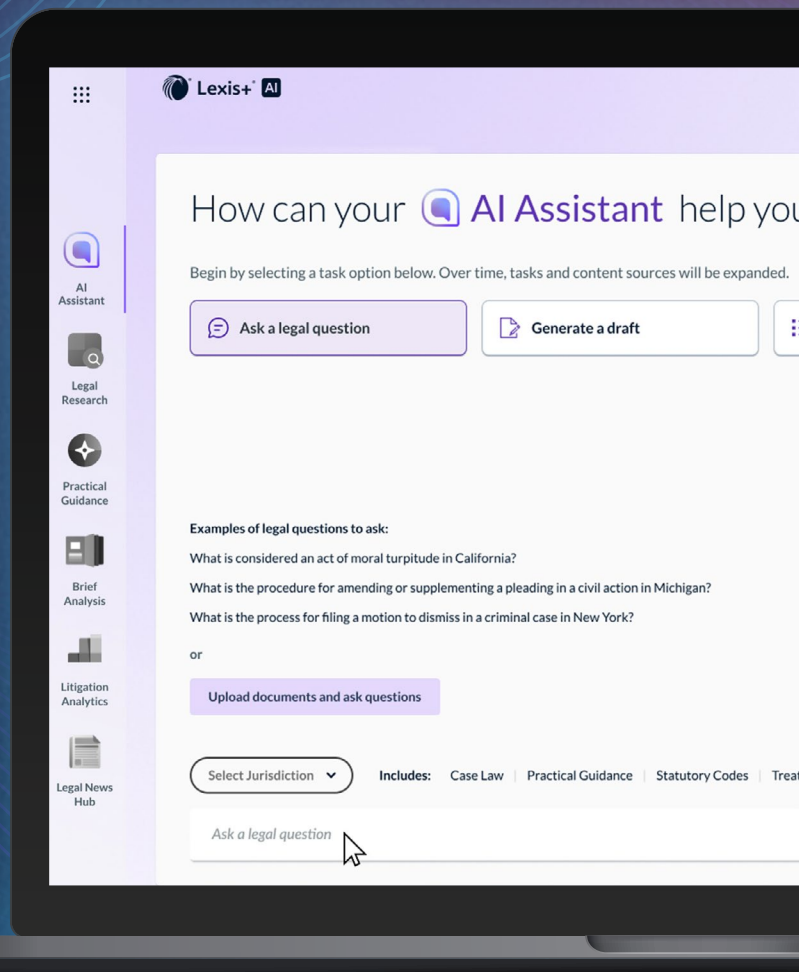
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## 3 Ways Leaders Can Dismantle IYKYK Cultures and Unspoken Rules

As managers and leaders at law firms, you can do three key things to dismantle if-you-know-you-know cultures and unspoken rules.

BY ELLA F. WASHINGTON, PHD



“Feeling seen, understood and valued is one of the most powerful feelings you can give your team members. The more directly you address unspoken conversations around things like bias and burnout, the more your team will feel safe to tell you when they are struggling and need extra support.”

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In my career exploring the psychology of the corporate world, I have noticed a pervasive use of IYKYK (if you know, you know).

People use IYKYK after a statement or some form of content to indicate an inside joke, or a reference to something only a select group of people know about and understand. When I experienced IYKYK in work cultures, I often felt left out in certain situations, like not being invited to meetings or missing out on important communication that others received.

It was even more frustrating when I realized that those who didn't fit the typical corporate mold experienced these moments more often. I wanted to ask if I was missing something or if there were certain rules I should be aware of.

IYKYK shows up frequently in the workplace, because every workplace has written and unwritten or unspoken rules. Some of the latter are actual behavioral expectations that significantly impact the employee experience. For example, consider the unspoken rule of “It's not what you know, but who you

know.” This rule alludes to the necessity of understanding power and influence dynamics in your workplace in order to advance.

The biggest challenge with IYKYK is that, by design, some people are not supposed to know the unwritten or unspoken rules. Research shows that unspoken rules in the workplace typically align with the behaviors of the people in the majority group.

While unwritten or unspoken rules feel normal to the majority, they can be exclusionary to those outside the majority — especially for people with historically marginalized identities. As managers and leaders at law firms, you can do three key things to dismantle IYKYK cultures and unspoken rules:

### **1. Come to terms with the reality that we all have bias.**

Systemic and individual bias contribute to inequities in employee experience. But we don't have to blindly accept our biases, and there are ways you can manage them.

Consider how you can advocate for better systems and workflows when you notice inequities.

Reflect on aspects of how things get done such as:

- » How team members are assigned new tasks.
- » How vacation time off is approved.

Get curious about patterns you notice:

- » Ask more questions about how your team members are experiencing the workplace and experiencing your leadership.

### **2. Increase transparency in the process of advancement.**

Make sure you understand the formal and informal factors that contribute to promotion and share that information with your team members.

Give team members the scoop:

- » Inform them of office norms and share your personal experiences navigating them.

Empower your team:

- » Help them understand power dynamics and how to build their internal network.
- » Push beyond your comfort zone to give feedback that will increase transparency and level the playing field for all team members.

### **3. Realize the consequences of unspoken rules.**

The consequences of unspoken rules go beyond opportunities for advancement — they can be life-threatening.

Seven years ago, I had an almost fatal experience at work. I'd just been promoted and was eager to prove I was up to the job. I had taken on an overwhelming number of clients and had felt burned out for some time.

But as a Black woman in corporate America, I'd always been told, “You have to work twice as hard to get half as far.”

One early afternoon, I was traveling from a client site, and I had about an hour's drive to go. And the next thing I remember is waking up on the side of the interstate.

By the grace of God, my car did not hit anything or anyone. I walked away physically unharmed. But I was terrified at what happened. It was a wake-up call that my relationship with work needed to change.

While falling asleep due to burnout was bad, I think the real travesty was that for many years I didn't tell anyone about it. Not my mother, not my friends and certainly not my manager. I felt pressure to prove myself at work, and I was embarrassed that I'd failed to keep it all together.



This moment should have been a catalyst for conversations with my team about what we could change, but I wasn't sure how to advocate for myself. The lack of open dialogue around job pressures, burnout and mental health created the perfect storm for me to avoid talking about what happened that day.


I share this personal story because I believe in the importance of speaking the unspoken. Feeling seen, understood and valued is one of the most powerful feelings you can give your team members. The more directly you address unspoken conversations around things like bias and burnout, the more your team will feel safe to tell you when they are struggling and need extra support.

Your firm will also reap the benefits. When people feel seen and valued, they become more engaged, perform at higher levels and are less inclined to leave the organization.

**ABOUT THE AUTHOR**



**Ella F. Washington, PhD**, is the Founder and Chief Executive Officer of Ellavate Solutions and the author of *Unspoken: A Guide to Cracking the Hidden Corporate Code*. She is an award-winning professor of practice at Georgetown University's McDonough School of Business. An organizational psychologist and recognized authority on DEI, Washington has consulted with businesses across industries, including finance, energy, education and government. She started the non-profit Ellavate Charity Foundation, which seeks to financially empower and educate communities of color and other historically marginalized groups.

 [ellafwashington.com](http://ellafwashington.com)

## Find the Resources You Need in ALA's Mental Health & Wellness Resource Hub



**Mental Health First Aid Certification**



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**Legal Management Magazine and Legal Management Talk**



**Legal Community Mental Health Meetup**



[alanet.org/mentalhealth](http://alanet.org/mentalhealth)

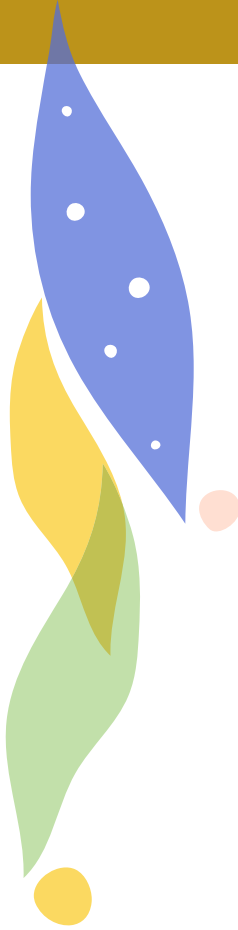
# Lowenstein Sandler's Mental Health and Wellness Employee Resource Group Finds Creative Way to Show Commitment to Wellness

As the legal industry continues to focus on mental health, some firms have created initiatives to shine a spotlight on this important cause.



In August, Lowenstein Sandler's Mental Health and Wellness employee resource group designed 21 rocking chairs that were placed throughout the firm's office space so employees could take a break when needed. The chairs also served as an impetus for conversations about mental health in legal.

Members of various firm groups — such as the Diversity Leadership Network, the LGBTQ+ Alliance and the Veterans Corps and Allies — took turns during lunch breaks or on weekends painting and decorating the chairs. Each chair incorporated the color green, the official color of mental health awareness, and some included other symbols of mental wellness, such as the semicolon for suicide prevention.



"Lowenstein's core values include innovation, collaboration, and service to others," says Donatella Verrico, SPHR, the firm's Chief Human Resources Officer and a member of the New York City Chapter. "This project perfectly exemplified those values by bringing together participants from different departments and practice areas to exercise their creativity for the benefit of a worthy cause and highlighting the firm's continued commitment to mental health and wellness.

The project also raised more than \$10,000 for the National Alliance on Mental Illness, an organization that provides mental health education and support to those in need.

## Let's Continue Discussing Mental Health and Wellness in Legal

We are getting better at talking about mental health and safeguarding our well-being in the legal industry. But there is still stigma around it that prevents some from getting the help they need. The way through that is to keep talking and educating about it. Our Mental Health & Wellness Resource Hub aims to give you access to provide information to help in these efforts. Content is regularly updated, so check back often.

Visit [alanet.org/resources-by-topic/mental-health-and-wellness-resource-hub](https://alanet.org/resources-by-topic/mental-health-and-wellness-resource-hub).

**Is your firm (or you!) doing great work to better your community? We'd love to hear about it so we can feature it in upcoming issues of *Legal Management*. Send an email to [publications@alanet.org](mailto:publications@alanet.org) for more details.**

Firm leaders were pleased with the impact the initiative had on lawyers and staff. "We hope we gave everyone some insight and empathy into the challenges that we all face at one time or another, and that we offered them a brief respite from the stressors we all confront on a daily basis," says Amy Komorowski Wiwi, Partner and Co-Chair of the Mental Health and Wellness group.

While mental health is undoubtedly a serious topic, fun ideas like this one offer an accessible way to engage attorneys and staff while enhancing creativity and camaraderie. Incorporating employee resource groups also provides just one example of how you can get every employee involved, especially during this stressful time of year.