Independence Chapter
A Chapter of the Association of Legal Administrators

www.ala-independence.org
EMAIL: alaindependence@gmail.com

PATRIOT NEWS

2016 ALA Association of Legal Administrators PRESIDENTS' AWARD of EXCELLENCE

WINTER 2016-2017

SPECIAL RECOGNITION
2016 SPONSORS

Chapter Diamond Sponsors
Adaptive Solutions
mindSHIFT

Chapter Ruby Sponsor
USI Affinity

Chapter Sapphire Sponsor
Graffen

Chapter Emerald Sponsors
All-State Legal
EBC Carpet Services
Minnesota Lawyers Mutual

IN THIS ISSUE

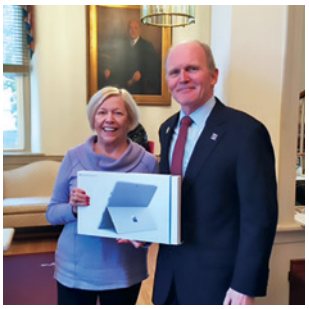
INDEX TO BUSINESS PARTNER SPONSORS

Delaware Valley Legal Expo

NOVEMBER 10, 2016

Lisa Blair, Office Manager, Burns White LLC

For the second year in a row, the Delaware Valley Legal Expo was held at the Valley Forge Sheraton where all of the vendors were together in the ballroom along with the passed hors d'oeuvres, food and drinks! This year, five Founding Exhibitors were honored for their continuous participation since the beginning of the Expo – Graffen Business Systems, Inc., Insurance Adjustment Bureau, Inc., M. Burr Keim Company, USI Affinity and Walsh & Nicolson Financial Group. Also, our presenting sponsor once again was USI Affinity, and we had three Silver sponsors — Apex IT Group, Mell Consulting Legal Marketing, and VoIP Networks. Featured at the Expo this year was the Law Office Time Machine sponsored by Legal Internet Solutions, Inc. which showcased technology tools of the past including Apple's first computer and various generations of computers, cell phones and other devices. Our Chapter and the Montgomery Bar Association appreciate the support from these sponsors and all of our business partners which enables us to bring this valuable Expo to our members and the legal community.



Attendees included judges, lawyers, law firm administrators and managers, paralegals and support staff. It is always nice to see familiar faces and to catch up with each other since the last time we gathered. Each booth was visited to gather information and view demonstrations of the new and exciting products and services presented by the business partners. We were informed about new computer and telephone technology, copy and printer equipment, trial presentation technology, practice management and financial software programs just to name a few. In addition, many service companies were on hand including banks, insurance sales, retirement plan, investment and employee benefit services, office supply sales, property damage services, legal research services, court filing services, records management services, accounting and payroll services, staffing services, court

Continued on page 5

ADAPTIVE SOLUTIONS

ADAPTIVE SOLUTIONS, INC. is a global provider of consultancy, cloud and managed services for law firms. We understand the mission-critical environment within which law firms must operate in order to meet client and judicial deadlines. We provide firms with a high quality of service by combining a comprehensive understanding of legal IT requirements with a team of highly skilled engineers. Law firms in particular have unique business needs, and today's technology solutions are not one-size-fits-all. Our comprehensive portfolio of services give firms the flexibility they need to adapt as their IT needs change. Our goal is to work with firms to maximize their IT capabilities while reducing both their capital and operating expenses. We believe that a tipping point has been reached in the cloud market wherein highly commoditized services, like email, no longer make sense to house on premise. Offerings like Microsoft's Office 365 provide significant savings over individually licensed versions of Microsoft back office services, remove the need for capital expenditure on build-out and support, have infinite elasticity and scalability, are highly reliable, and going forward will have a greater feature set than their on premise siblings.

What about those specialized practice apps where the cloud just isn't a viable solution? The firm requires the flexibility of an on premise solution but wants the fixed costs and predictability of a cloud offering. Traditionally the firm would have hired in-house expertise to monitor the systems and provide end user support. However, justifying such an expense may be difficult and finding and retaining qualified engineers can be a constant battle. Our managed service offering provides a flat monthly fee that not only delivers a predictable budget, but can help reduce overall operating costs by keeping your systems running in good working order. More uptime means fewer headaches and higher productivity. As a consultancy, we are a market leader in enterprise content management, virtualization, network design, installation and security, serving more than 200 firms and offering a 24/7/365 support operation. When major projects or highly specialized needs arise, our clients look to us to engineer solutions. Rounding out our offerings are our learning and support functions. The ultimate success of a new technology rollout is measured by the increase in efficiency and productivity of the personnel. And while everyone gives lip service to the importance of training, few support their words with actions. Why? Because it's difficult to combat the fact that most attorneys feel that they cannot lose billable hours attending a training session and even

Continued next page

with firm management support, the words "mandatory" and "attorney" just don't mix. Our blended learning philosophy along with our YourCloudRoom.com learning management platform overcome attorney objections by offering self-service task based e-learning modules that allow just in time training that can be taken anytime, anywhere on virtually any device. We believe that the modern firm is no longer a cookie cutter environment of traditional on premise networks with unpredictable costs and unforeseen downtime. The modern network needs to work for the attorney by liberating them from their desk, respond when asked, expand when needed, and most of all, pay its own way.

Key Issues to Address in an Information Governance Policy

Information Governance (IG) is a firmwide approach to the management and protection of a law firm's client and business information assets.

Information Governance is an important but sometimes overlooked element in a firm's overall Risk Management program. With Risk Management being at the top of the list of 'Annoyances' in the 2016 ILTA technology survey, and Email Management and Information Governance not being far behind, all law firms should be focused on IG.

A well-crafted and executed IG program is also important for enhancing client service as well as cost management.

There are several areas that should be addressed in a comprehensive IG program. These include:

- Where documents should and should not be stored, including a document management system (should be primary), network shares, cloud storage and local drives.
- Defining the 'official' record and what should and should not be included, which can differ by practice area. This should address how emails, voicemails, IMs, video discussions, hard-copy materials, etc. will be handled.
- Information Security such as ethical wall and matter-based security as well as HIPAA – PII and more.
- Use of mobile devices, including MDM and encryption.
- Use and Management of Third Parties, with a focus on ensuring that the third parties meet the Firm's standards.
- Document preservation and destruction, including; establishing a formal legal hold policy and protocol.
- Document retention policy, which can also vary by practice area. A standard for the firm should be defined, as well as ensuring that client retention requirements are addressed.
- Policies for exchanging documents with clients, addressing issues such as the use of cloud services.
- Matter opening and communicating polices with clients, including language in the engagement agreement.
- Disposition of materials such as matter closing and final disposition.
- Processing of records for lateral hires as well as departing attorneys.
- Implementing a new Records Management system or focusing on a risk management program provides an opportunity to address IG policies.

Please let us know if you would like more details on areas noted above or on other aspects of Information Governance.

PRESIDENT'S MESSAGE

SHARON O'DONNELL

As I sit in my office looking out at the barren trees I think of the words in John Lennon's song… "Another year over and a new one just begun." Before I begin reminiscing, I want to once again thank my fellow board and committee members for all they have done to make this another great year for our Chapter. Their help and support have been instrumental in its success.

We were presented with many educational opportunities in 2016 – all of which were timely and pertinent to our job responsibilities. In January, we were fortunate to be party to an ***Active Shooter Preparedness*** program where we were provided training, products, and resources to a broad range of stakeholders on issues such active shooter awareness, incident response, and workplace violence. In March, our presentation was titled ***No Such Thing as Difficult People***. We learned that the key is to take charge of your reactions to difficult people so you can neutralize their negative impact on you. In April, we learned the ***Best Practices for Effective Financial Management***. In June, one of our annual events is to invite all of our business partners to a cocktail hour to thank them, in a less formal venue, for their support so that we may continue to provide you with many educational opportunities. In August, we had a ***Roundtable Discussion*** where administrators and office managers had the opportunity ask questions and share insights with their fellow Chapter members on a diverse menu of topics. And finally, in October, we had a very lively discussion with our presenter who asked the question, ***Is Your Law Firm Ready for a Data Breach?***

As you can see, 2016 afforded our members many educational opportunities. I am looking forward to the topics on the agenda for 2017 as the Independence Chapter continues to help us hone our talents.

In addition to our 'in person' educational events, your Chapter also offers several webinars throughout the year. These webinars are presented by your National organization and are on a variety of subjects. Please watch your emails and join us at the designated location. The attendees usually participate in an energized discussion on the subject matter at the end of each presentation.

Our annual Delaware Valley Legal Expo gave us the opportunity to meet with over 70 vendors. This event affords us the opportunity to learn about all of the new and innovative products for the legal community. Watch your emails for information on next year's event which is scheduled for November 2017. Hope to see you there!

Have you taken the time to check out the ALA Independence Chapter's new and improved website? It has a fresh new look with pictures from past events and information on what the Chapter has upcoming. Chapter Resources and a new member Job Bank have been added. Make sure you check out the Members Login section to update your contact information and to find information on your fellow Chapter members.

Remember… a new year has just begun! Let's take the time to be thankful for all that we have. Renew an old friendship or create a new one. Think about sharing your special talents with your fellow Chapter members by getting more involved.

Remember that this is your organization and your Chapter. Your thoughts, opinions and suggestions are always welcome.

I wish you all a very Happy, Healthy and Successful 2017 and I hope to see you soon!

Please take a moment out of your busy day and like and follow us on Facebook, follow us on Twitter and join us on LinkedIn.

Our Facebook page is The Independence Chapter of the Association of Legal Administrators at ***https://www.facebook.com/pages/Independence-Chapter-of-the-Association-of-Legal-Administrators/454195598030125?ref=hl***. Please "Like" our page and "Follow" us.

Our handle on Twitter is ***@Independence ALA***. Please "Follow" us.

Our LinkedIn address is ***www.linkedin.com/in/independencechapterala***. Please join us.

www.ala-independence.org

Delaware Valley Legal Expo *continued from page 1*

reporting services, nurse consulting services and gift creation services. All of these products and services are geared toward supporting our legal community and providing important tools for us to be successful.

Also this year were copious amounts of giveaways including apple and pumpkin pies, keyboard brushes, stress footballs, ear buds, cupcakes, wine, candy and more! Lucky door prize recipients went away with gift baskets, wine, gift cards, an Apple watch, Amazon Echos, a security robot, other technology items, home healthcare items and tickets to sporting events and local venues. The MBA and the ALA jointly gave away a Surface Pro 4, two Google Home Units and two Fit Bits. Wow!

All in all, the 2016 Delaware Valley Legal Expo was a great success and we look forward to next year's event. We hope you will join us!

BROWN BAG LUNCH SESSIONS:

MONTHLY

Bucks County – *1st Wednesday*
(Diane Scholl, Law Offices of William L. Goldman, PC)

Montgomery County – *2nd Wednesday*
(Joan Wean, Hamburg, Rubin, Mullin, Maxwell & Lupin)

Chester/Delaware County – *3rd Thursday*
(Diane Burkhardt, Lewis Brisbois Bisgaard & Smith LLP)

West Chester Area – *4th Wednesday*
(Susan Ondeck, Unruh, Turner, Burke & Frees)

FEBRUARY 2, 2017
EDUCATIONAL SEMINAR
"Wearing the Marketing Hat While Doing Your Day Job"
Presented by Elizabeth Mell, Mell Consulting LLC

FEBRUARY 23, 2017
COMMUNITY CHALLENGE EVENT
Cooking for a Cause
Blue Bell Country Club

MARCH 21, 2017
QUARTERLY DINNER MEETING
Location: TBD
Check IC Website for Further Information

MARCH 26, 2017
COMMUNITY CHALLENGE EVENT
Ronald McDonald Breakfast

Please check our website for additional details.

UPCOMING WEBINARS OFFERED BY ALA NATIONAL

Hiring Superstars: How to Strategically Select Top Performers	Tuesday, January 17, 2017
Do You Know How Much Your 401(k) Costs?	Wednesday, January 18, 2017
What Every General Counsel Needs to Know About Privacy and Security	Tuesday, January 24, 2017
Speak Like a Leader: Communicating with Confidence and Clarity	Thursday, February 2, 2017
New Strategies in Reducing External Spend	Tuesday, February 7, 2017
Access to Relevant Prior Art	Tuesday, February 14, 2017
Employee Morale and Engagement: Unlocking Your Firm's Full Potential by Focusing on Strengths	Wednesday, February 15, 2017
The Power of Acknowledgement: Employee Appreciation that Inspires and Empowers	Thursday, March 2, 2017
Communicating with Impact – Women in the Workplace	Wednesday, March 15, 2017
Survival and Best Practices for a Personal Injury Plaintiff Firm	Tuesday, March 21, 2017
Building Revenue: Unleashing the Power of Women to Develop Business	Thursday, April 6, 2017
Reimagining Your Approach to Performance Reviews	Wednesday, April 19, 2017
The New Wage & Hour Compliance Requirements: Is Your Law Firm Well Positioned?	Tuesday, April 25, 2017
Why and How to Outsource Your IT Support	Thursday, May 4, 2017
Building a Culture of Employee Engagement in Government	Tuesday, May 9, 2017
Three Ways Performance Management Is Changing in 2017	Wednesday, May 17, 2017

2016-2017 BOARD MEMBERS

Independence Chapter

A Chapter of the Association of Legal Administrators

SHARON O'DONNELL President
***Health Care Law Associates* 610-828-3888**
sodonnell@healthcaregroup.com

Sharon A. O'Donnell is the Office Administrator of The Health Care Law Associates, Inc., in Plymouth Meeting, PA. She has been a member of ALA and the Independence Chapter since 1997. Sharon has served the Chapter as Publicity Chair, Vice President, Chapter Secretary, Chair of Education Committee and most recently as President-Elect. Sharon resides in Harleysville, PA with her husband, Tom and son, Patrick.

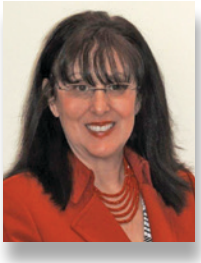
DIANE BURKHARDT President Elect
***Lewis Brisbois Bisgaard & Smith LLP* 215-977-4079**
burkhardt@lewisbrisbois.com

Diane Burkhardt is the Office Administrator for the "Philadelphia" Office of Lewis Brisbois Bisgaard & Smith LLP in Wayne. Diane has been a member of ALA since 2006 and is a Past President of the Phila. Chapter. In 2014, Diane joined the Independence Chapter where she serves as 2nd Vice President and is on the Education Committee. She enjoys cooking, knitting, traveling, and spending time with her dog. She resides in Langhorne with her son Eric.

APRIL FUGATE Vice President
***Johnson Matthey Inc.* 610-971-3020**
april.fugate@ jmusa.com

April Fugate is the Manager – Legal Administration for Johnson Matthey Inc. located in Wayne, Pennsylvania. She has been a member of ALA and the Independence Chapter since 2011. April is the First Vice President and Co-Chair of the Newsletter Committee for the Independence Chapter. She resides in Collegeville with her husband, Jim.

SANDY CAIAZZO Vice President
Marshall, Dennehey, Warner, Coleman & Goggin
610 354-8250 | sbcaiazzo@mdwcg.com



Sandy Caiazzo is a Regional Manager and Lateral Integration Coordinator for Marshall Dennehey Warner Coleman & Goggin. Sandy has been an active ALA member since 2009 and has attended many of the ALA National Conferences. Sandy currently sits on the Education Committee. Sandy resides in Philadelphia, PA and is currently President of the Roxborough Symphony Orchestra.

DENA DIBONA LYONS Secretary
***Gadsden Schneider & Woodward LLP* 484-683-2626**
dlyons@gsw-llp.com

Dena Lyons is Board Secretary and serves on the Community Challenge Committee. Dena's work experience spans various positions with The Hay Group, Drinker, Biddle & Reath, LLP and Gadsden Schneider & Woodward LLP where she currently is Firm Administrator. Dena enjoys entertaining and gourmet cooking, travel, and the outdoors spent with her family and friends. She is married with three adult children and lives in Lansdowne.

CONNI SOTA Treasurer
***Heckscher, Teillon, Terrill & Sager* 610-940-2600**
csota@htts.com

Conni is the Financial Manager at Heckscher, Teillon, Terrill & Sager, P.C., located in West Conshohocken, PA. The firm specializes in trusts and estates along with estate litigation and special needs trusts. Conni has been a member of ALA since 1997 and has been a Board member since 2000. She has served on the Bar Liaison Committee as Committee Member and Committee Chair. Conni is a resident of Cherry Hill, NJ.

ALA MISSION STATEMENT

ALA® Association of Legal Administrators

The Association of Legal Administrators' mission is to improve the quality of management in legal services organizations; promote and enhance the competence and professionalism of legal administrators and all members of the management team; and represent professional legal management and managers to the legal community and to the community at large.

COMMITTEES & MANAGEMENT TEAM

EDUCATION

Sandy Caiazzo & Diane Burkhardt

MEMBER SERVICES

Membership:

Joan Wean & Cristin Bucciaglia

Brown Bag:

Joan Wean – *Montgomery County*
Diane Burkhardt – *Chester/Delaware Counties*
Diane Scholl – *Bucks County*
Susan Ondeck – *West Chester Area*

TECHNOLOGY

Website: Cristin Bucciaglia & Diane Burkhardt
Listserv: Cristin Bucciaglia & Diane Burkhardt
Newsletter: Linda Andrews, April Fugate & Anne Paisley
Social Networking: Lindsey Goldberg
Webinars: Lindsey Goldberg

COMMUNITY RELATIONS

Community Challenge: Amy Coral, Dena Lyons & Maureen Stankiewicz
Publicity/Photos & Nametags: Sue Cressman
Publicity/Press Releases: Lindsey Goldberg

VENDOR RELATIONS

Legal Expo: Joan Wean, Sue Cressman, Faye Hunsberger, Lisa Blair & Michele Scarpone
Business Partners: Janet Molloy, Alissa Hill & Heather Godley

REGIONAL COUNCIL REPRESENTATIVE

Past President: Cristin Bucciaglia

FINANCE

Board

WELCOME NEW MEMBERS

Cassandra Kullman ..... ***ckullman@ktmc.com***
HR Manager – Kessler Topaz Meltzer & Check, LLP
280 King of Prussia Road, Radnor, PA 19087
610-822-0277

Ann Gorr, LLC ..... ***Ann@AnnGorrLLC.com***
Legal Technology Consulting Services
7 Ashford Road, Jackson, NJ 08527
732-367-7865; www.anngorrllc.com

www.ala-independence.org

Dacey Keller,
administrator at Weber, Kracht & Chellew
in Perkasie is the proud grandmother of
Julian Reuben Keller,
born on 1/8/17 at 11:36 am.
Weighing in at 7lb, 11oz, he was 20 inches long.
All are doing well!

KATE MACARDLE
Interviewed by joan Wean, Membership Co-Chair

Kate MacArdle currently works as the Office Manager of KMS Law Offices, LLC, a small firm located in Berwyn, PA specializing in estate planning, estate administration, and fiduciary counseling. She joined the firm in April 2016 and enjoys being there, where her skills and creative talent can be fully utilized. The firm is comprised of all women: one partner, one associate, one paralegal, Kate, a client services manager/legal assistant, and a legal intern. Kate's duties include and are far from limited to: human resource management and personnel administration; firm budgeting and analysis; accounts payable; accounts receivable and client billing; computer and IT maintenance; legal practice systems analysis and implementation; supervision of administrative staff.

When asked how she got involved in the legal community, Kate advised that she was in school studying English Literature and her cousin, who was a paralegal at a small firm in Malvern, called and said she needed some part-time help in her office. Kate started working there in between classes and promptly fell in love with the world of law. She then switched schools and majors and within a year and a half had her degree in Paralegal Studies.

While in school for Paralegal Studies, Kate continued to work with her cousin as a legal assistant and also worked part time as a dog groomer, just to keep things interesting. After obtaining her paralegal degree, she worked in various firms trying to find her niche. After a series of positions working in family law, for a tax collector, and as an office assistant/paralegal, she found herself back where she started: at her cousin's firm in Malvern (her cousin had moved to Reading, and recommended the firm contact Kate for the position) — Kate accepted. She worked in that office for six years as a paralegal/receptionist/office manager/personal assistant/confidant/wearer of all the hats. As much as she enjoyed the position, the firm could not offer her growth or advancement. She knew it was time to move on. Kate applied at various firms and companies in the area, and after a series of interviews with KMS Law Offices, LLC, she accepted their offer.

Personally, Kate admits that this is the easiest commute, ever! She is a "local" girl, born and raised on the Main Line. She lives with her husband, Colin, and their dog, Jackson in Berwyn, just a two-and-a-half-mile jaunt up the hill from her office. As for hobbies, she is an avid reader and loves listening to audiobooks. They also have a roof deck that's bigger than their living room where she grows flowers and vegetables in the spring and summer. One of her favorite things, though, is volunteering with the children's choir at her church in Chestnut Hill where she teaches the new choristers music theory. While getting settled at her job at KMS, she has taken a leave from choir, but plans to get back to it this spring.

Kate's family background is very interesting! Her father's family, the Emlens, established themselves in Philadelphia in the 1680s. Her parents have a deed for a parcel in Center City where her 8th great-grandfather, George Emlen, owned and operated a brewery across from where Independence Hall is now located. The deed is signed and sealed by Benjamin Franklin, with whom George volunteered in the country's first volunteer fire brigade. Her mother's family, the Amblers, also came to America at the same time as William Penn, and the first Ambler in America and the first Emlen in America were neighbors in Philadelphia. Her mother's ancestor is Mary Johnson Ambler who helped organize rescue efforts and opened her home as a makeshift hospital after the Great Train Wreck of 1856 in Whitemarsh Township. The town was renamed Ambler in 1888 in Mary's honor.

When asked how Kate became involved in ALA, she told us that when she started at KMS, one of the attorneys at the firm suggested that she look into a membership with ALA, and Kate was intrigued. After emailing back and forth with Hope at the national level and with Joan at the Independence Chapter, she said she was hooked and hasn't looked back since! Kate is looking forward to doing more with the Independence Chapter in the coming year and hopefully being able to attend some national events as well.

FAREWELL, April Fugate:

Thank you for all your service and cheerfull willingness to pitch in when needed.

We will miss you and wish you the best of luck in your new undertaking!

Independence Chapter Holiday Event

Lindsey Goldberg, Office Administrator, Fox Rothschild LLP

On Thursday, December 8th, the Chapter gathered in a private room at 333 Belrose Bar & Grill in Radnor to enjoy some holiday cheer and have a gift exchange. We were welcomed into the cozy restaurant with cocktails and stationary hors d'oeuvres. We then took our seats amongst our business partners who also sponsor our Chapter (Adaptive, Graffen, USI and Mindshift) and enjoyed a hearty Italian meal followed by delicious desserts. Our random gift exchange was a fun and personal way to end our evening.

The Chapter is always thinking of ways to give back to our community and for this event we chose the Keystone Opportunity Center, which is a center located in Souderton and whose mission is to help community members in need by offering a comprehensive array of social services that ***educate, encourage*** and ***empower*** them to become self-sufficient. We donated towels, pet supplies and toiletries to help local, needy community members.

Overall it was lovely evening filled with good food and drink and friendly professional connections.

Summer Education Event –
A Roundtable Discussion!

Chapter members gathered at the Plymouth Country Club for dinner and a roundtable discussion. Topics for this event included how firms provide training to secretaries; do firms suffer from the demands of raising the secretary/attorney ratios; managing lunch breaks for non-exempt staff; and, disciplining, hiring and firing associates.

We had a great turnout, especially for a summer event. Chapter members listened, learned and shared their experiences about the selected topics. Sharing in a roundtable format ensures a takeaway for everyone.

The Chapter's brown bag lunches are a good resource for these types of discussions as well. C'mon out, bring your lunch and ideas! It's also a great way to get to know other Chapter members.

Fall Educational Event –
If you missed it, you missed a good one!

On October 26, 2016, the ALA Independence Chapter gathered at the Plymouth Country Club for dinner and an educational event. The topic for the evening was ***Is Your Law Firm Ready for a Data Breach?***

Ryan Loughlin, a partner at Mullen Coughlin, LLC, was an engaging speaker who presented the group with valuable information about data breaches. He talked about how breaches occur and different scenarios that he has encountered in his practice. Breaches can occur in many different ways: a lost or stolen laptop, thumb drive, paper files, inadvertently emailing personal information to an unintended recipient, and, of course, hackers.

Ryan talked about the forensics involved in determining how, when and where the breach occurred, if it is ongoing or if it has been terminated, what information was captured by the hackers. Ryan talked about the importance of a prompt response and the implications of not reacting, reporting to state regulatory agencies, and noticing those who may have been affected.

Ryan gave some astonishing examples of costs involved in a breach response. The audience was astounded.

Ryan answered many questions throughout his presentation and concluded the presentation with some valuable tips on protecting our data.

This was the 16th anniversary of our **Back To School Supply Drive**. Lawyers, paralegals and staff employees from a number of our member firms and also several business partners generously donated backpacks, pencils, paper, crayons, glue, gift certificates, etc. . . to benefit children of clients of The Crime Victims' Center of Chester County, Inc. and other social service agencies in Chester County. In addition, we were able to give those agencies money that had been donated, so that the social workers of these agencies could buy new shoes, jackets or items they felt necessary to get a child off to a good start to their school year. Studies show that a good self-esteem sets the tone for how well a child does in school. The Chapter was happy to once again support this initiative.

USI Affinity

For more than 60 years, USI Affinity has developed and administered insurance and financial programs that offer law firms unique advantages in coverage, price and service. As the endorsed broker of more than 30 state and local bar associations, and with more than 50,000 attorneys insured, USI Affinity has the experience and know-how to navigate the marketplace and design the most comprehensive and innovative insurance and benefits packages to fit a firm's individual needs. That includes optimal Lawyers Professional Liability coverage, outstanding Employee Benefits options and personal insurance for all sizes of law practice, from solo practitioners to large law firms.

Conflict Check Systems and Maintaining Conflict Database*

For many practices, there has been a recent uptick in the mobility of both lawyers and clients from firm to firm. This significant departure from traditional practices has required law firms to establish and maintain a reliable conflict checking system to avoid unnecessary conflict-based malpractice claims.

Many attorneys view the conflict checking process as a chore, but a necessary evil when taking on a new case or bringing in a new employee. However, performing a conflict check does not have to be dull or daunting. The best practice is to have a methodical procedure in place that prevents a file from being opened until a conflicts check has first been performed. Several types of conflict software exists for all law firm sizes, and virtually every firm has some kind of document management or file management system with search capabilities that can also be utilized.

If a conflict exists, it must be identified and where possible resolved through the use of appropriate conflict waiver agreements before proceeding with the client. If a known conflict of interest is not immediately addressed, the law firm basically is a "sitting duck" for a legal malpractice claim if a problem subsequently develops. This is because at any point where a client loses a case, or suffers a financial loss in connection with a matter involving a transaction in which the "conflicted" law firm is providing legal services, the client will blame the law firm once the conflict is revealed. Judges and juries do not look favorably on professional liability claims concerning a conflict of interest and the claims are difficult to defend. The mere appearance of impropriety from an undisclosed conflict of interest is highly inflammatory to jurors. The onus is on the law firm to protect itself.

Even when conflict waivers are executed, conflict situations still pose risk, and circumstances arise where the conflict is, or becomes, unwaivable. In such situations, the client loses out financially, having invested fees in one law firm, only to have to retain new counsel, and/or the law firm may be exposed to disqualification on the matter. Worse, if the client is disappointed in the result of the underlying matter, the conflict could form the basis of a legal malpractice suit, alleging that the client would not have proceeded with the underlying case or transaction "but for" the undisclosed or unwaivable conflict.

So what are some necessary elements for establishing and maintaining an effective conflicts check system? Here is a helpful checklist that all law firms can employ to avoid potential conflict problems:

- Before opening any new file, perform a conflicts check. If this procedure is used, it will prevent a file number from being assigned, and will prevent a lawyer from doing any work and billing the client until the conflict search is complete and documented.
- The law firm should prepare formal written conflict checking and resolution procedures, which set forth the law firm's position with respect to conflicts of interest.
- Ensure that your chosen conflict checking system can search name variations and spellings and show any party's relationship with any client and the nature of that relationship. To properly identify conflicts, the current and former names of every person or entity represented by the law firm must be entered, as well as that of employees and lateral hires. As noted, conflicts software is readily available, and law firms of all sizes can utilize such software to search all active and closed files – the results may even yield helpful information to the case itself.
- A conflict check is only as good as the information submitted to the conflicts computer system. The most technologically advanced conflicts software in the world is useless if the information submitted is not accurate. Therefore, quality control — such as training and supervision of support staff — is essential.

Continued next page

In the event that a conflict exists, it must be identified and addressed by a formal or ad hoc conflicts committee in the firm. The originating attorney should not be involved in the evaluation and determination of the potential conflict as their objectivity may be questioned.

If a conflict is identified, the use of an appropriate conflict waiver agreement may resolve the conflict. However, enter into such waivers with caution as noted above.

Conflict checks should be performed: (i) before opening a new case; (ii) before a new matter for an existing client is opened; (iii) whenever a new party, attorney, witness or expert enters the representation; and (iv) whenever the firm decides to interview perspective new employees.

As conflict-based malpractice claims are among the most rapidly increasing problem areas in the legal profession, the proper identification and resolution of conflicts of interest has become a major concern facing law firms today. However, an established conflict-checking system can help effectively detect and minimize conflict-based problems before they arise.*

For more information on LPL coverage generally and how conflict checking and client selection can affect the exposure of your firm to malpractice claims, contact USI Affinity today.

Independence Chapter
Association of Legal Administrators
Linda Andrews & April Fugate, Co-Editors
c/o Lentz Cantor and Massey Ltd.
460 E. King Road
Malvern, PA 19355