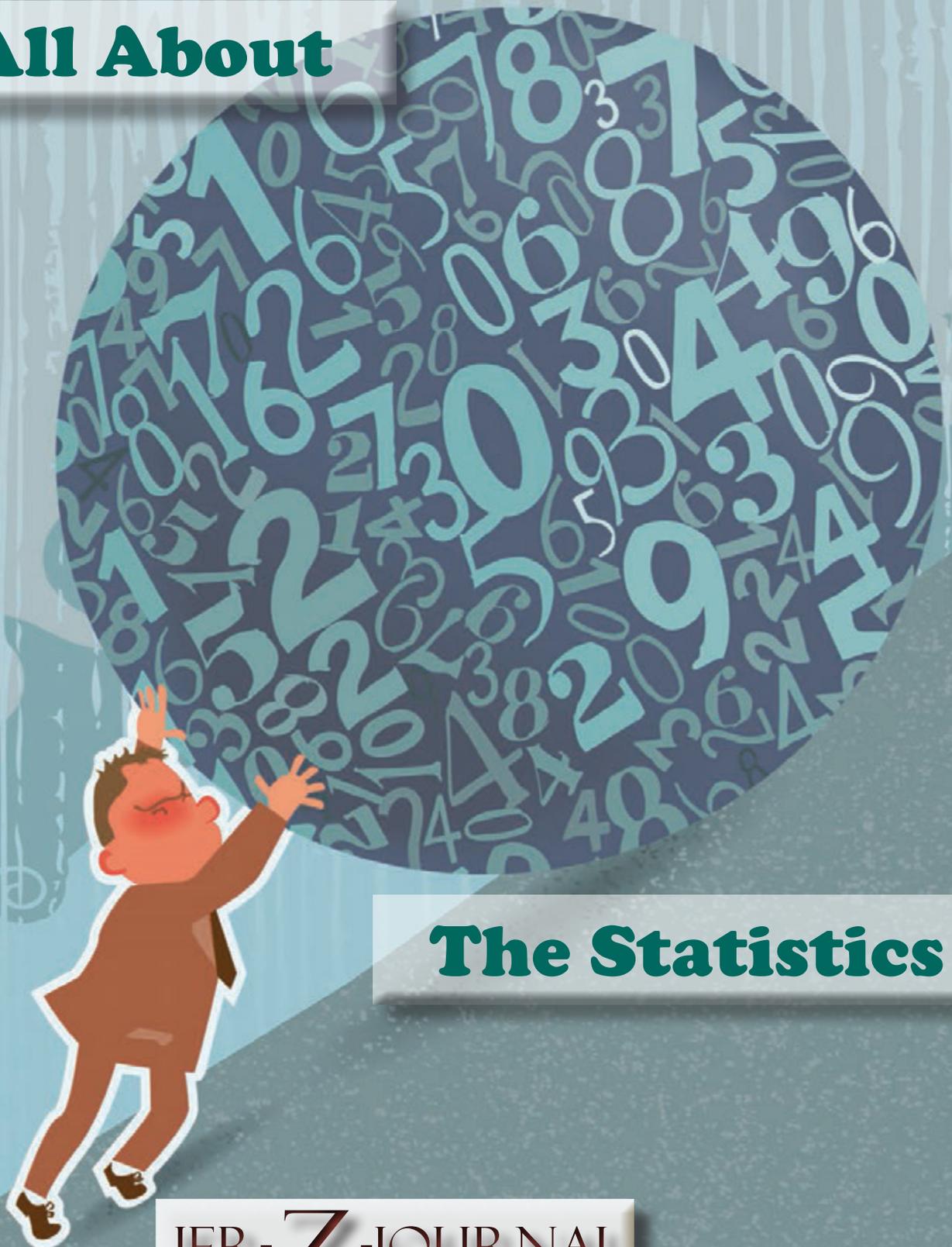


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**ON THE COVER**

Statistics is the study of the collection, analysis, interpretation, presentation, and organization of data. This issue has several articles demonstrating how statistics help law firm administrators in making every day decisions as well as forecasting future needs and trends.

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**JER-Z JOURNAL**

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## MY PRESIDENTIAL MARATHON

BY AUDREY SERBAN

Alas, all good things must finally come to an end. Serving as President during the 2014-2015 term was certainly a journey and a privilege for me. I could not have done it without the guidance and support of the NJALA Board members.

My experience during this term can be compared to running my half marathons. I started my Presidency with trepidation and excitement, very much like starting a race. Before a race I wonder how the weather will be and will I accomplish my goal of beating my time? Likewise, with my term I wondered what will this year bring and would I accomplish my goals? I started my journey with an amazing group of Board members who served as my coaches and my cheerleaders along the way. They each contributed, in their own way, to the success of this year. Training and running a half marathon is an activity that is not accomplished alone. Similarly, as President, I was fortunate to obtain valuable experience and advice from my fellow Board members.

I have found that often I hit “a wall” when I try to accomplish something significant in my life. You just have to put one foot in front of the other until you reach the finish line. Perhaps this is the price you have to pay to achieve significant results.

I am very proud of the significant results and accomplishments of the Board during this past year. For example, the NJALA hosted another successful Business Partner Expo. Our sponsorship program continues to be successful and annual revenues from this program improved by 15%. In addition, we extended our internet presence this year with the creation of the NJALA Facebook page and we are also completing the release and rollout of our new NJALA website. Furthermore, we continued our community outreach and donated over \$1,700 to Homeless Solutions as well as over \$500 in gift cards/toys to The Rachel Coalition.

My term as President would not have been possible without the hard work and dedication of our Board members and Committee members. I want to thank each of you for your commitment to the NJALA:

Mary Ellen Dolan, Immediate Past President, Business Partner Expo Chair and Business Partner Relations Committee Chair—Thank you Mary Ellen for being by my side and serving

as my mentor for many years. I could not have done it without you.

Robbin Dolan, VP of Programs—Robbin did a great job in providing good quality speakers this year. She also served as Co-Editor of the Newsletter Committee. I can’t believe that it has been nine years since we were newbies and were wearing matching “New Member” ribbons on our nametags. I am proud to have served with you on the Board.

Doreen Marino, VP of Membership and Newsletter Co-Editor—Despite the countless hours spent in both of her roles, Doreen has always volunteered when additional assistance was needed. Your energy and enthusiasm is contagious and I value your commitment to the NJALA.

Kurt Brown, Treasurer—In addition to maintaining meticulous records this past year, Kurt became my trusted advisor. Thank you for being a sounding board for my ideas and opinions.

Mary Beth Donoghue, Secretary—Mary Beth, kudos to you for agreeing to do it all again next year. Taking the minutes, keeping track of nametags and sending out emails through the ListServ were all essential activities and I very much appreciated your time and work.

Gayle Englert, Trustee—As a member of the Past President’s Committee Gayle shared with me her experiences and invaluable guidance this past year. Two sorority snaps!!

Mitchell Rait, Trustee and Jim Van Leir, Trustee—Mitch and Jim both chaired the Community Challenge Committee. They spearheaded the first annual Bowl-A-Thon and raised money for great organizations such as the Rachel Coalition and Homeless Solutions during our Holiday social.

Teri Siegel, Alternate Trustee—Teri served as our Website Liaison and spearheaded the design and execution of our new website. Thank you for all the time and energy it took looking at the website from both from a member and from a business partner prospective. I know our members will LOVE it!

Nancy Harris Alternate, Trustee—Nancy chaired the Education Workshop Committee this past year working with

*(Continued on page 5)*

**President's Message***(Continued from page 4)*

business partners to provide the best education for our members. Thank you for coordinating these workshops.

Louise Ruffo, Alternate Trustee—Louise worked as a member of the Business Partner Relations Committee and oversaw the creation of our new NJALA brochure.

Jim Wostbrock, Alternate Trustee—Jim will assume the role of Compensation and Benefits Chair this year, and will also assume the role of Treasurer. Thank you for your help at the Business Partner Expo.

While Lisa Cuffari and Fran Puntillo are leaving the Board of Trustees, I appreciated the work they invested in the NJALA this past year. Thank you for your years of service to the Board of Trustees and I hope that we will continue to count on your ideas and suggestions in the future.

Joining the Board this year as Alternate Trustees are Elli Albert and Elyssa Goldstein. Both are already seasoned chapter volunteers. Elli was a previous Board member and the previous editor of the Newsletter Committee,

while Elyssa was the Communications Chair this past year. We welcome you both to the Board and look forward to working with you in the 2015 – 2016 Term.

Judy Sotardi was the Social Committee Chair. She worked tirelessly ensuring that our Holiday and June Socials were fun, eventful, and provided plenty of networking opportunities. The photo booth shots still crack me up. I look forward to serving on her committee next year.

Joanne O' Beirne served as the Publicity Chair followed by Nancy Fosina during this term. Both were instrumental in taking great photos at our monthly meetings and getting submissions to the New Jersey Law Journal.

I would like to thank you again for entrusting me to lead this great organization. I've learned so much in the past year and I will continue to do my best, with your help to continue to make the NJALA the best chapter ever.

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## SOLVING THE BACKUP MYSTERY

BY RICH KUKLA

When it comes to IT infrastructure for the legal industry, the topic of backup seems to be most confusing and overwhelming. With so many vendors, products, and solutions to choose from, it can be difficult to ensure that you choose the correct solution for your firm. What makes the topic more challenging is that most law firms won't realize that they have a problem with their backup until it's too late. Let's explore some of the statistics on data loss:

- More than 35% of businesses do not test their backups regularly;
- Every week, approximately 140,000 hard drives experience mechanical failure;
- About 30% of businesses will fail within the 1st year of major data loss;
- Over 60% of businesses will fail within 5 years of major data loss;
- Over 30% of computer users have lost data due to circumstances beyond their control;
- Businesses that are unable to resume business within 10 days of a major outage are unlikely to survive;
- Most catastrophic business interruptions are not due to natural disasters. The overwhelming majority of downtime is caused by malware, viruses, and other human error or negligence.

System downtime and data loss can both be alleviated with a proper backup strategy and a disaster recovery plan for your business. Let's take a minute to discuss what a successful backup strategy should entail and how it will protect your practice. There are three things that your backup should be able to protect against:

1. Minor data loss. By far, this is the most common use of server backups. If your network becomes infected with a virus, or if an employee accidentally or maliciously destroys a set of data, your backup should be able to quickly recover this data with minimal loss.
2. Server failure. In the event that one of your servers completely fails, your backup should have the ability to quickly restore the down server. Most modern backups have the ability to restore an entire server either to dissimilar physical hardware and/or to a virtual server environment.
3. Complete system outage. If the entire file server

infrastructure becomes inaccessible due to some type of environmental failure (such as fire or flood), your backup should have the ability to recover all of the network servers. Again, most modern backup products have the ability to restore to physical hardware or a virtual environment, however the ability to restore to a cloud environment may be ideal in this scenario.

When discussing backup and recovery scenarios, there are two key terms that we need to be familiar with in order to determine the best data backup for your legal practice's needs. The first term is RTO which stands for Recovery Time Objective. Essentially, this defines the amount of time that you can afford to be without your data before it becomes critical to your practice. The second term is RPO, which is short for Recovery Point Objective. This defines how much data you can afford to lose in the event of a system failure. It's important to determine the RTO and RPO for each file server in order to keep your backup plan cost effective. In most cases, the shorter the RTO and lower the RPO, the more expensive your backup solution can become.

If you're still using tape backup as your primary backup strategy, then you're in good company as more than 50% of businesses still leverage tape backups in some capacity. While tape backups have increased in reliability over the years, there are still numerous shortcomings, not least of which is that it requires an employee to remember to change the tape(s) on a daily basis and move the last known good tape(s) to an off-site location. Transporting your clients' data to the off-site location brings with it legal and ethical concerns as the carrier is in possession of all of your practice's confidential client data. Additionally, due to businesses using their backup tapes beyond their useful life or improper media storage, statistics show that 40% to 70% of tape restores fail. While tape backups still have their place in the industry, there is certainly room for improvement.

In recent years, the popularity of cloud backups has continued to grow. In 2014, about 65% of businesses globally were using cloud backups in some capacity, however statistics show that this percentage is much lower when focused at the legal industry. While cloud backups might resolve some of the shortcomings of traditional tape backup, the solution has some amount of Internet bandwidth available to seed the backups to a datacenter. Additionally, it's important to understand that your firm's confidential data must be transmitted with industry standard

*(Continued on page 9)*



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# HOW CONNECTED IS YOUR LAW FIRM? VOIP CAN IMPROVE PROFITS AND PRODUCTIVITY

BY DAMON FINALDI

You're a litigator stuck in court who needs to check email; a law firm business manager looking to increase revenue; or the IT manager who knows there's a better way to tie together your communications. In any of these cases and many others, an upgrade of your firm's telecommunications to a VoIP (voice over internet protocol) phone system can boost profits and productivity.

In today's connected world, a phone is more than just a phone. It's a business tool that can give your firm a competitive edge in terms of client service, mobility, collaboration, and billings. Internet telephony using VoIP has been around for several decades, and services using this technology have improved as broadband services have become more widely available. VoIP offers speed and flexibility that traditional phone services lack.

Here are several key ways that implementing VoIP can help boost revenues, streamline communications, and improve productivity:

1. **Lower phone bills.** By migrating to a VoIP system you eliminate local and long distance phone bills—it's one flat price no matter where you call nationwide, and international rates are highly competitive.
2. **Increase client billings.** VoIP technology captures every billable second that attorneys, paralegals, and assistants spend on the phone talking to clients, automatically.
  - You get automated call logs that no one has to maintain (manual paper time sheets are so 20th century). No one has to remember their call lengths down to the 0.1 second—VoIP does it for you.
  - Your business manager can easily review these logs through a desktop dashboard and determine who gets billed and who doesn't.
  - The system can tie in all your firm's account codes.
  - A mobile app tracks phone time on company cell phones as well, and it all reports to the central system.
  - You can integrate the phone logs with your time
3. **Check voice mail anywhere without disrupting proceedings or meetings (or traffic).** Attorneys who are in court or driving can access all their voice mail and email easily, safely, and discreetly via VoIP.
  - and billing software package for streamlined accounting and convenience.
  - The system can send all voice mail to any phone in a WAV file that is easily accessed from anywhere.
  - Voice mail can also be transcribed as email so you can quietly scroll through messages while away from the office. Attorneys in certain practice areas—such as personal injury or criminal law—know how crucial it is to respond quickly to messages (and get the client who's searching for representation now).
  - In the car and need to check your messages? The phone system identifies you by your caller ID and will automatically log you into your voice mailbox, hands-free.
4. **Built-in conferencing.** VoIP eliminates the need for third-party conference call services. VoIP's conference call features include:
  - Allows unlimited connections—as many people as you need to include, from any location;
  - Includes an integrated conference bridge;
  - Can record the conference call (or any phone call) for future transcription or deposition, eliminating “he said/she said” and allowing more effective negotiation with a real-time recording of the call;
  - Exports the call recording as an MP3 or WAV file to include in case management software.
5. **Go mobile or multi-site.** With a VoIP phone system, staff can work from anywhere and stay in touch, so sick days, personal days, or working vacations are never an issue:
  - Integrates multiple locations centrally in the background so callers get through to everyone no matter what.
  - Centralizes receptionist duties across locations.

(Continued on page 9)

## How Connected is Your Law Firm?

(Continued from page 8)

6. **Easy to administer.** Manage the entire system from anywhere via the web portal. If you need to shut down early or open late (and indicate this with outgoing voice mail), or change users' names on extensions as people join or leave the firm or move offices, it can all be done online on any interface. This eliminates the need for complicated programming, phone trees, or specialists.
7. **No down time.** Natural disasters, power or service outages, and inaccessible locations are no longer barriers to maintaining phone service with VoIP. Because internet telephony is in the Cloud, the system is always up as calls are routed through a data center.

Internet telephony has come a long way since its inception in the 1990's. Internet telephony technology using VoIP can save your firm money and can also help your firm make money at the same time; it can save your attorneys time and keeps everyone connected seamlessly—even in multiple offices.

*Damon Finaldi is President of Tele-Data Solutions in Union. Damon can be reached at 908-378-1217.*

## Solving the Backup Mystery

(Continued from page 6)

security and encryption, and stored in an equally secure method that conforms to compliance standards. Lastly, backing up and restoring large amounts of data over the Internet can be quite slow if your infrastructure and connectivity are not up to par.

So what is the ideal backup solution for your legal practice that will satisfy all of the necessary criteria? While there is no one-size-fits-all solution, most legal firms have started adopting a solution that uses on-site disk backups and combines them with cloud replication. Since disk storage prices continue to plummet, purchasing enough on-site disk storage to satisfy your RPO is relatively easy. On-site disk storage also allows you to recover data very quickly in the event of minor data loss or a single server failure. Some enterprise class disk backups also afford you the ability to quickly recover your servers in a virtual environment to satisfy your RTO. With a proper cloud backup to supplement your disk backup, you could potentially recover all of your firm's servers in a virtual cloud environment with minimal downtime to your practice.

It's important that you think of your server backup/disaster recovery plan in the same vein as your business insurance policy: You hope that you never need to use it, but when you do, you'll be glad that it's there. No matter which backup solution you choose to protect the data for your legal practice, be sure that your backups are secure and that they are tested often.

*Rich Kukla is IT Manager at Document Solutions in Kenilworth. Rich can be reached at 1-877-937-677.*

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## WHAT WOULD YOU DO?

BY ELLI ALBERT

For this feature, each issue of the Jer-Z-Journal poses a scenario that could occur in the law firm. Members were surveyed and asked how they might respond if faced with the particular situation. All responses, whether serious, sarcastic, or humorous, were encouraged. All responses are confidential.

**Scenario: Your firm is hosting a client party, and all of your employees have been invited to attend. One of your employees drinks to the point of intoxication, and becomes belligerent, offensive, and otherwise acts inappropriately.**

### WHAT WOULD YOU DO?

\* \* \*

“In the past, I have included these types of events on a staff meeting agenda, reminding all staff that their dress and their behavior should always be professional, particularly at an event with clients in attendance.”

“We’ve had it happen. One staff member was up against the wall attempting to get extremely personal with her attorney, a partner, at a firm party. I quickly, although not quickly enough, broke up the duo, pulled her into the ladies’ room, and called a cab to take her home. She didn’t remember the incident by the time she came back to work the following Monday.”

“Record it and play it back for the person to see him/herself in their glory. For some reason, these people think they are cute!”

“I would make apologies to the guests. I would then call a car service to take the employee home. The conversation in my office the next day would not be pretty.”

“I would intervene immediately, remove them from the party, arrange for a car service to drive him or her home, and have a very frank discussion with them the next working day. I would tell them that if it happens again, they may be terminated, and, of course, would note their file. Finally, I would refer them to our EAP, just in case.”

“Call them a cab and send them home! I think their embarrassment upon returning to work is punishment enough!”

“I would call the person’s emergency contact, and would alert them of the situation to see if they want to pick them up or send home in a cab. I would then properly warn/discipline them the next business day.”

“Answer 1: Fire ‘em, but not after drawing all kinds of immature images on his/her face after he/she passes out. Answer 2: Get ‘em a cab, and send ‘em home. Answer 3: Tell ‘em the whole firm is going to the bar down the street for the after party—where the party isn’t.”

“If it is someone who has done this before, I would speak with the employee prior to the event, tell him/her that in the past we have observed that their behavior can be a bit over the top, and request that he/she please be mindful of this at the party. Then I would keep an eye on him/her. If/when they get to the point of obnoxiousness, I would discreetly escort him/her out. By mentioning it beforehand, the employee receives fair warning to correct the behavior so the fact that you escort them out shouldn’t be a surprise.”

“I would ask the staff member to step out of the room with me and get them a ride home, even if I had to drive them myself. If they did not want to leave with me, I would drag them out (with help if necessary).”

“This happened this year at our holiday party when a male employee offended the wife of a partner. We removed the employee from the party and sent him home in a cab. The next day he was expected to apologize to the partner whose wife he offended. He also had to personally call the partner’s wife and apologize.”

“I would leave on vacation and make a partner fire them!”

\* \* \*

*Elli Albert is the Office Administrator of Fox Rothschild LLP in Roseland. To suggest a scenario for a future edition of “What Would You Do,” please email Elli at [ealbert@foxrothschild.com](mailto:ealbert@foxrothschild.com).*

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# A Quarter Past



## November 2014

An educational session was held on Tuesday, November 11, 2014 at the Highlawn Pavilion in West Orange. Rocco Marotti, Senior Manager of Cohn Reznik presented *Budgeting and Improving Law Firm Profitability* which focused on the benefits of budgeting and provided tools to assist with the budgeting process.



*Pictured from left: Speaker, Rocco Marotti, CohnReznik; Barbara Herbert, Stein McGuire Pantages & Gigl, LLP; Adriana Ferreri-Asan, Bevan Mosca, Giuditta & Zarillo; Tracy Nagel, Herman Miller; Louise Ruffo, Wilson, Elser, Moskowitz, Edelman & Dicker; Mike Kroeber, Precision Discovery.*



*Pictured from left: Jim Van Leir, Epstein, Brown & Giola, LLC; Audrey Serban, Fisher & Phillips, LLP; Laura Lannin, CFO, Homeless Solutions; and Mitch Rait, Budd Larner, P.C.*



*Pictured from left: Rueben Rotman, Executive Director JFS of Metrowest; Jim Van Leir, Epstein, Brown & Giola, LLC; Audrey Serban, Fisher & Phillips, LLP; and Mitch Rait, Budd Larner, P.C.*

## December 2014

The holiday social, a favorite for members, was held at the Canoe Brook Country Club on Tuesday, December 9, 2014. This night was an evening of social interaction and networking. Though our community challenge program, a 50/50 drive was held and \$745.00 was raised. Winner Anthony Greene of our sponsor Herbert L. Jamison & Co., LLC, won and contributed his half back to Homeless Solutions. Gift cards were also collected for the Rachel Coalition (for children of victims of domestic violence).

## January 2015

An educational session was held on Tuesday, January 13, 2015 at the Highlawn Pavilion in West Orange. Jack Gottlieb, President of Total Solutions Group, presented *It's About the Results We Want, Not the Tasks We Plan*, which focused on efforts managers can take to drive success in their firms.



*Pictured from left: Mary Mehling, Weiner Lesniak, LLP; Audrey Serban, Fisher & Phillips, LLP; Jack Gottlieb, President, Total Solutions Group; and Stacy Grant, Henry O. Baker.*



## UP TO THE MINUTE ... SUMMARY OF MINUTES OF THE NJALA EXECUTIVE BOARD MEETINGS HELD THROUGH JANUARY, 2015

BY MARY BETH DONOGHUE

Board Members are Audrey Serban, President; Robbin Dolan, Vice President-Programs; Doreen Marino, Vice President-Membership; Mary Beth Donoghue, Secretary; Kurt Brown, Treasurer; Mary Ellen Dolan, Immediate Past President; Trustees: Gayle Englert, Lisa Cuffari, Fran Puntillo, Mitchell Rait, Teri Siegle, and Jim Van Leir; Alternate Trustees: Louise Ruffo, Nancy Harris, and James Wostbrock.

### President's Report

Audrey Serban reported that the Business of Law Conference held in Philadelphia in October 2014 was well attended by New Jersey. The Board discussed options of potential scholarships for the upcoming national conference in 2015. Board Members are encouraged to attend the conference and the Board discussed the Board educational stipend.

Audrey Serban also confirmed to the Board that the Chapter has met all the requirements for the President's Award of Excellence.

### Treasurer's Report

Kurt Brown reviewed the year-to-year comparison and reported that it appears all budgets are on target.

### New Member Initiative

The Board discussed discounting membership for the remainder of the NJALA fiscal year to encourage new members

to join. Total membership is reported at 137 members. Louise Ruffo is overseeing the redesign of the NJALA membership brochure.

### Website/Social Media

The Website Committee, being led by Teri Siegle, is in the process of finalizing the website look and design. The Committee will then analyze how best to go about updating the verbiage and member portals. Elyssa Goldstein has set up the NJALA's Facebook page, which the Board hopes all members visit.

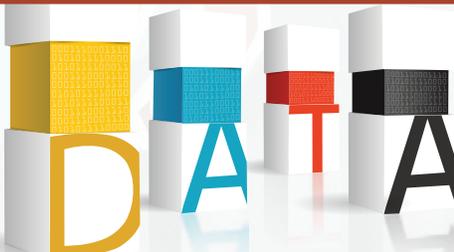
### Business Partners

The Opportunity Knocks initiative continues throughout the membership and the Board extended this initiative to at least be discussed at the January 2015 Board Meeting.

### Programs/Workshops

Robbin Dolan reported that the programs through Managing Partner Night have been settled. There are a few details that need to be worked out, but all programs are in place and the Board was very satisfied with the plans for programs.

Nancy Harris advised that there is planned a two-part workshop scheduled for February and March 2015 to be hosted by Tracy Nagel from Herman Miller focusing on "Living Offices."





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# What's on Tap

## ALA and NJALA 2015 CALENDAR OF EVENTS

**Thursday, April 2, 2015**

**ALA Webinar:** What the Future of the Legal Profession (Really) Holds. Contact Peggy Siems, ALA Headquarters for more information.

**Tuesday, April 14, 2015 (6:00-9:00 pm)**

**Monthly Meeting and Education Session** at the Highlawn Pavilion in West Orange. Topic: Reducing Administrative Errors That Increase Costs of Professional Liability Claims. Presented by Anthony Greene of Jamison. A buffet dinner will be served.

**Wednesday, April 15, 2015**

**ALA Webinar:** Succession Planning: Is Your Firm Financially Prepared? Contact Peggy Siems, ALA Headquarters for more information.

**April 29, 2015**

**Educational Workshop:** VoIP Phone Systems for Law Firms. Hosted by Vincent Finaldi, Vice President Tele-Data Solutions. To be held at Gordon & Rees, Florham Park. Contact Nancy Harris for more information.

**Thursday, May 7, 2015**

**ALA Webinar:** OneNote and SharePoint: Collaborative Note-Taking Made Easy. Contact Peggy Siems, ALA Headquarters for more information.

**Tuesday, May 12, 2015 (6:00-9:00 pm)**

**Managing Partner Night** at The Manor in West Orange. Topic: Approaches for Enhancing Firm Profitability, Presented by Joel A. Rose. A buffet dinner will be served.

**May 17-20, 2015**

ALA Annual Conference & Exposition, Music City Center, Nashville, TN. Contact Nicole Larson, ALA Headquarters for more information.

**Wednesday, May 20, 2015**

**ALA Webinar: Is the Noise Killing You?** Speech Privacy & Noise in Law Offices. Contact Peggy Siems, ALA Headquarters for more information.

**Thursday, June 4, 2015**

**ALA Webinar:** Aligning Our Stars: Succession Planning for the Administrative Team. Contact Peggy Siems, ALA Headquarters for more information.

**Thursday, June 17, 2015**

**ALA Webinar:** The Paperless Office – You Can Do It! Contact Peggy Siems, ALA Headquarters for more information.

### For information about:

**Monthly meetings** – Please contact Robbin Dolan of Laddey, Clark & Ryan, LLP at 973-729-1880

**Educational Workshops** – Please contact Nancy Harris, of Gordon Rees at 973-549-2500.

**NJALA Socials** – Please contact Judy Sotardi of Forman Holt Eliades & Youngman, LLC at 201-845-1000, ext. 376.

**ALA Webinars: Registration and general information is posted on the ALA site, [www.alanet.org/education/regconf/telesem.html](http://www.alanet.org/education/regconf/telesem.html).**





## ATTORNEY TO SECRETARY RATIOS— WHAT'S BEST FOR YOUR FIRM

BY DEBORAH BASEIL

The changes that have transpired in human resources over the years since I started my career are dramatic. We faxed resumes and then held the phone between our chins and shoulders so that our hands were free to keep the paper from rolling back into cylinders at top speed. Wang and Vydec were the word processors of choice. A mouse was a small animal. Cell phones were huge, had antennas, and their cost was prohibitive. There were no direct dials. And certainly no email. HIPAA was a mispronunciation of a large animal. The way we produce documents, access information, and communicate with each other truly has undergone a revolution.

These changes have not just affected the way we work. Cumulatively, they have changed the way firms staff their offices. One area particularly affected by this has been attorney to secretary ratios. Over the years, firms have generally been increasing the number of attorneys each secretary is expected to support. It is worth noting that this increase has occurred even as firms have eliminated or reduced the hours of their word processing departments and reduced or eliminated their “floater” positions. The reason for this is the tremendous increase in productivity made possible by technology. Computers have not only increased the level of document production an individual secretary is capable of, but also they allow attorneys to do a great deal of work on their own. Technologically-savvy attorneys are communicating via email, greatly reducing the amount of time secretaries must spend speaking on the phone and transcribing dictation on their attorneys' behalf.

Right now, most mid-size firms in New Jersey have one secretary supporting three attorneys, while smaller firms usually have one secretary assigned to every two attorneys. Those responsible for human resources at the best run firms, of all sizes, are continuously monitoring and adjusting these ratios on a case by case basis in their own firms. So, what is the ideal ratio for your firm? The answer is a definite and resounding “It depends.”

Certain practice areas, such as intellectual property, may operate more efficiently with a two to one attorney to

secretary ratio. Regardless of practice area, partners who are not as computer savvy require a lower ratio. Some partners manage an exceptional volume of business and require significant, dedicated support to maintain communications, billing, and organization within their departments. The use of paralegals definitely affects attorney to secretary ratios. Those secretaries who are responsible for paralegal work as well as secretarial work typically perform best supporting not more than two attorneys. Most of these are billed to the client accordingly; however, unlike their paralegal colleagues, these legal assistants do not have billable hourly requirements. Two to one attorney to secretary ratios in smaller firms also seem to work best as a result of smaller or non-existent departments to handle mail, large copy jobs, central files or other facility-related tasks that actually support secretaries in the larger firms.

The best guide to making ratio decisions is your own observation of the way work is flowing in your firm. Most legal secretaries want to be busy and will do their best when there is a healthy volume of work. Too little or too much work can compromise work quality, cause undue stress and produce morale problems. Needless to say there may be unusual workflow highs and lows in any size firm, which may be caused by season, an influx of new work, or the end of a major case. That said, a significant change in an attorney's practice that would seem to have a long-term effect on workflow might indicate a change should be considered.

The field of human resources has adapted to countless changes over the years, and it is certain to undergo many more going forward. However, some things remain constant. Employees want to feel respected, valued, and appreciated. They want to trust that their managers will allocate their work thoughtfully and with knowledge of the practices they support. Positive and respectful communication with employees is most significant in their understanding and support of staffing decisions.

*Deborah Baseil is President of Baseil Associates in Morristown. Deborah can be reached at 973-734-0733.*



# REMINDER: BAN THE BOX STARTING MARCH 1, 2015 (N.J.S.A. 34:6B-11 ET SEQ.)

BY DOREEN MARINO, PHR, SHRM-CP

The New Jersey Opportunity to Compete Act took effect on March 1, 2015. The force behind the Act was the conclusion that requiring a criminal history from possible candidates during the initial employment application process posed an unfair disadvantage for candidates having an aged or unrelated criminal record. The Act has playfully been coined “ban the box” because most employment applications contain this request in a box. This law only applies to New Jersey employers with fifteen (15) or more employees. Several New Jersey municipalities already had a “ban the box” law in place.

So the Act does not prohibit you from obtaining historical criminal background information; it simply prohibits you from doing so before the completion of the initial employment application process. This can be defined as the point which the applicant first responds to or inquires about a possible job opportunity through the point where the first interview with the applicant is complete.

You cannot have a third-party do a criminal background check until the completion of the initial employment application process—the Act applies to you and anyone acting on your behalf in the recruiting process.

What if you use a staffing agency? Staffing agencies are considered the frontier interviewers in this process, so they are the ones restricted to waiting until candidates are needed for second interviews or placement in order to obtain a criminal history. By the time you accept a candidate from a staffing agency, the process should already be complete. To be sure, you should verify with any and all agencies you are working with that they have conducted a candidate history and background review, if that is what you require.

It does not appear to be clear as to what is considered the “first interview.” The Act does not define this as an in-person interview. So it is being recommended that the “first interview” fall within the definition of your normal practice of “initial interview” for the position you are interviewing for. If you conduct telephone interviews as the first interview, then that qualifies.

Once the initial interview process has been completed, and

you have decided to pursue the candidate further, this is the opportunity to obtain a criminal history. There are different ways to approach obtaining a criminal history regardless of whether or not the first interview is in-person or via some form of telephone or social media.

If you intend to do a second interview, you can ask the candidate to take the forms with them and return them filled out upon the second interview.

If you intend to make a quick decision and this candidate is a likely final candidate, you can ask the candidate to fill out the form before they leave.

If you discuss the candidate after he/she has left the firm, you can follow up by sending the forms and requesting that the candidate fill them out and return them.

You can offer the candidate the position contingent upon obtaining a criminal history.

Are there any exceptions? There are always exceptions. For one, if the candidate voluntarily starts to talk about a criminal background, then the topic is open for discussion. Though this is not common, a person may feel they would rather disclose some indiscretion with the approach that being honest and upfront will be valued. Also, there are certain positions that would mandate certain criminal background checks—such as theft and accounts payable and/or receivables.

What about the attorneys? Whether or not an attorney is considered fit for the bar is actually investigated by the applicable bar association. So, requesting a new attorney to bring with him/her on their first day (or provide to you beforehand) a certificate in good standing is one method. Also, many lawyers’ liability policies require lateral attorneys to fill out background questionnaires. Be mindful to send those questionnaires when a decision is made to make an offer. You can send the questionnaires and upon its return send an offer letter, or send the offer letter contingent upon receiving and approving the questionnaire.

This might be obvious but you cannot state in any job advertisement that you will not consider a candidate that has

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## MENTAL HEALTH ISSUES IN THE WORKPLACE: WHAT ARE EMPLOYERS TO DO?

BY MICHAEL R. DARBEE

Legal administrators should note the special issues related to psychological disorders in the workplace. According to a 2013 Department of Health & Human Services survey, roughly one in five of adults (20%) in the United States have a mental, behavioral, or emotional disorder. Similarly, roughly one in twelve adults (8.3%) have a drug or alcohol dependence. It is no surprise that these substance abuse and mental health issues carry substantial costs to employers. See National Business Group on Health, *An Employer's Guide to Workplace Substance Abuse 5* (August 2009) (estimating costs of substance abuse at \$276 billion per year); see also National Alliance on Mental Illness, *The Impact and Cost of Mental Illness: The Case of Depression* (estimating costs of depression at \$34 billion per year). An employer's costs associated with these substance abuse and mental health issues include decreased productivity, increased absenteeism, and increased healthcare costs.

The concerns regarding substance abuse and mental health are more acute in the legal profession. Indeed, there is no shortage of literature examining the prevalence of alcoholism and major depressive disorder among legal professionals. See, e.g., Sue Shellenbarger, *Even Lawyers Get The Blues: Opening Up About Depression*, *Wall Street J.*, Dec. 13, 2007 (finding lawyers suffer from depression at three times the national rate and alcohol problems at twice the national rate); and Butler Center for Research, *Attorneys and Substance Abuse* (September 2012). These and other psychological issues are especially problematic for law firms because of the risks of—in addition to decreased productivity and increased absenteeism—malpractice suits and ethical complaints.

To compound the issues, lawyers are notoriously concerned with their reputation—both among their peers and in their communities. There are many myths that have permeated popular culture related to substance abuse and mental health disorders. See, e.g., Timothy D. Edwards & Gregory J. Van Rybroek, *Addiction and Attorneys: Confronting the Denial*, *Wisconsin Lawyer* (August 2007). Understandably, then, legal professionals are unable or unwilling to discuss concerns regarding their own

substance abuse or mental health issues because of fears that such discussions will adversely affect their reputation.

Legal administrators should take special care to address psychological disorders with their employees. On one hand, the employment relationship works best when all parties have perfect information. But on the other hand, comprehensive anti-discrimination laws—such as the Americans with Disabilities Act (“the ADA”)—proscribe what employers can and must do with such information.

**“Mental health is a thorny issue for the workplace. An important first step is to ensure that your employees know their rights and responsibilities under the ADA and other laws affecting mental health in the workplace. Maintaining a culture of openness and compliance will reduce the adverse effects of these psychological issues on your workplace. And that—by any measure—is a good result.”**

The ADA framework is deceptively easy to recite. The ADA prohibits employers from discriminating against a qualified employee based on the employee's disability. Moreover, the employer must make reasonable accommodations for the employee's known limitations, unless such accommodations would impose an undue hardship on the employer. However, an

employer will not be liable for discrimination where the employee poses a direct threat to the health and safety of others.

How does this framework apply to legal administrators dealing with psychological issues in the workplace? Three distinct problems arise: (a) identifying a qualifying disability, (b) discovering the employee's disability, and (c) accommodating the employee's disability. This article addresses these three issues in the context of two psychological disorders common in the legal profession: alcohol-related disorders and major depressive disorder.

### 1. Identifying An ADA Psychological Disability: Alcohol-Related Disorders and Major Depressive Disorder

The first problem involves the ADA's definitional intricacies. “Disability” for purposes of the ADA means an actual, recorded,

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## Mental Health Issues in the Workplace

(Continued from page 19)

or perceived physical or mental impairment that substantially limits one or more of an individual's major life activities. The interpretative regulations define "mental impairment" as "any mental or psychological disorder" (29 C.F.R. § 1630.2(h)). To determine what constitutes a mental or psychological disorder, courts frequently use the Diagnostic and Statistical Manual of Mental Disorders ("the DSM-IV"). The DSM-IV recognizes alcohol abuse and major depressive disorder as psychological disorders. Under the ADA, however, these conditions are treated somewhat differently.

The legal effect of an alcohol or drug related disorder depends on whether the employee is currently using alcohol or drugs. The ADA's prohibition on disability discrimination does not extend to employees currently engaging in the illegal use of alcohol or drugs. For example, a lawyer with a known substance abuse issue may be terminated for arriving to work while intoxicated. By contrast, the ADA prohibits employers from discriminating against an employee with a known history of substance abuse who is no longer using drugs or alcohol. For example, it is unlawful to fail to hire a lawyer based on his history of alcohol abuse, where that lawyer has successfully completed an alcohol rehabilitation program.

Major depressive disorder is protected under the ADA if it substantially limits one or more of an individual's major life activities. Because the ADA is interpreted broadly, the Equal Employment Opportunity Commission has determined that major depressive disorder will almost always qualify as a disability that substantially limits an employee's brain function.

### 2. Discovering The Psychological Disability: A One-Way Street?

Even if an employee is aware of his or her psychological disability, the employee is generally responsible to make their psychological disability known to their employer. The ADA prohibits employers from making inquiries into a job applicant's mental health before the employer makes an offer of employment. In fact, an employer may inquire into an employee's psychological disorder only when the employer objectively believes that an employee's disability will impair their ability to perform essential job functions.

It is good practice to encourage your employees to notify their employer of any disabilities before performance issues arise. Employees who suffer a disability that is unknown to their employer may be disciplined for performance issues related to the disability. For example, a lawyer who is chronically late may be disciplined accordingly, even though his lateness is the result of his yet-undisclosed major depressive disorder.

Because it will usually be the employee who must act first, it is helpful to foster a culture of openness at your firm. As described above, lawyers may be reluctant to share their psychological disorders with their employers. However, the ADA requires employers to keep all medical information on their employees confidential and separate from the rest of the employee's personnel file. Employers may not reveal this information except in limited circumstances. Simply reminding employees of the ADA's confidentiality requirement may alleviate some concerns regarding disclosure of a psychological issue.

### 3. Making Reasonable Accommodations: An Individual Inquiry

Employers must engage in an interactive process to determine a reasonable accommodation for disabled employees. However, an employer is not required to accept an accommodation that would impose an undue hardship on their business. Determining an appropriate accommodation is a fact-specific inquiry, which should consider the nature of the employee's condition and the nature of the practice group in which the employee works, among many other factors. The EEOC has provided many examples of reasonable accommodations in its interpretative guidelines. See EEOC, EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities, EEOC Notice No. 915.002 (Mar. 25, 1997), available at <http://www.eeoc.gov/policy/docs/psych.html>. For example, it may be a reasonable accommodation for an employee who is a recovered alcoholic to permit them to attend weekly support group meetings. Likewise, it may be a reasonable accommodation for an employee with major depressive disorder to permit them to work from 10 a.m. to 6 p.m., rather than 9 a.m. to 5 p.m. However, because the law regarding reasonable accommodations is very fact-specific, you should consult with an experienced employment attorney before denying an employee's request for accommodations.

Indeed, mental health is a thorny issue for the workplace. An important first step is to ensure that your employees know their rights and responsibilities under the ADA and other laws affecting mental health in the workplace. Maintaining a culture of openness and compliance will reduce the adverse effects of these psychological issues on your workplace. And that—by any measure—is a good result.

*Michael Darbee is an Employment and Labor Attorney at Laddey, Clark & Ryan, LLP in Sparta.*



## TURNOVER: HOW LONG ARE YOU STAYING AT YOUR JOB?

BY MICHELLE COHEN

When I was growing up, I was told by my parents that “good employees” worked hard at their jobs, worked their way “up” and stayed loyal. I was instructed that loyalty and long term employment was the ideal I should aspire towards. At my first managerial job out of college I recall being instructed to take any resume that had numerous employers listed over a short period of time and scrutinize it, if not place it in the slush pile. Those resumes, often more than a page long, were jeered at by the Human Resource Director who was responsible for giving me possible candidates to interview for the Group Home program I was running at the time. The impression had been that someone changing jobs every 2 years surely had issues and lack of commitment to the work/job/employer.

Boy, have things changed! I can’t remember the last time I received a resume that was only one page long, nor can I recall the last time I saw a plethora of candidates that hadn’t bounced around every couple of years. This is the new norm perhaps, and one that many of us are not wired deep-down to accept. Perhaps I am speaking from my own vault of messages I received on this topic. Maybe it is part of my “Gen-X” crossover—I am not sure entirely, but as law firm administrators, we need to make sure we are not discriminating against potential hires because they seem to not be in one place more than a couple of years at a time. Or do we? Therein lies the heart of the big question: If employees are not expected to stay in one job forever, then what is considered acceptable turnover?

Employee turnover is a normal part of any business cycle, and often it occurs regardless of how hard you try to keep your employees happy. People leave for lots of reasons—retirement, relocation, changing circumstances in their lives beyond the scope of their office. But there is a point when we, as administrators, need to examine if our particular office is having EXCESSIVE turnover just in case we are not doing everything we can to retain our talent. Let’s face it, replacing an attorney or key staff position can be very expensive and draining on all our resources, from having to fill in with work until hire is made, to having to train and adjust to the learning curve time period of any new hire.

Want to see if your firm is throwing any red flags in this department? Edriaan Koenig, for Demand Media, wrote a very helpful piece entitled “How To Analyze Employee Turnover Rate,” providing four simple steps to see where you stand. Step 1 has you determine the number of employees your firm has and determine the number of employees the firm has let go. Step 2 has you divide the number of employees terminated by the number of employees you have at the end of the period—that is your turnover rate. Multiply this figure by 100 to get a percentage. Step 3 is where you compare YOUR turnover rate to the national average. Finally, in Step 4, you compare your turnover rate with the average rate in your industry or your area.

It turns out (according to Ronda Muir, Esq. in a March, 2013 article “Attrition is Back!”) that law firm turnover rates (of attorneys) is 10 times the 2-3% turnover rate at Fortune 100 Best Companies to work for. This higher than norm turnover rate was also cited in an MLA & NALP joint study (published February 12, 2014), which found that the average rate of associate attorney attrition was 17%, and that almost three-fourths of all associates who left their positions had been at their firms five years or less (highest attrition rate being two through five years).

This basically means that we need to prepare for the turnover, and still do our best to retain solid talent. Or do we? While turnover may wreak havoc on your firm through the expensive recruitment costs, the time the administrator spends in counseling, interviews, paperwork, orientations, trainings, the increase in the firm’s unemployment insurance and/or worker’s compensation rates, decreased productivity in the firm due to lack of the employee, and finally, the diminishing credibility of the firm with the staff, clients, and the legal community in general, there is an argument that all turnover is not bad.

Dr. John Sullivan wrote an article whose subtitle was “Celebrate Losing the Losers.” First reaction may be “ouch!” when reading the title of this article, but he does have some salient points. He argues that some employee turnover can be a great thing. He argues to not only consider aggregate

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## Turnover: How Long Are You Staying At Your Job?

(Continued from page 21)

turnover, and that the idea of keeping everyone in the firm forever is literally a “silly” idea (his words!). He argues that sometimes the people that leave open up the opportunity to make institutional and much needed changes. Additionally, maybe they weren’t so fabulous after all—sometimes it can be a blessing in disguise, despite the headaches, time, and expense of replacing them. Often fresh blood comes in and has a different perspective on things.

Sullivan goes on to classify departures of employees as “desirable departures” (low performer, happy to see them depart), “neutral departures” (no impact either way), or “critical/undesirable turnover” (top employee or employee leaving without any notice). His main point being that it is not realistic or even advisable to want to have a zero turnover rate. This may mean your firm has managers that are not identifying underperforming employees. Maybe the employees are not very good and have nowhere else to go. Again, he is simply offering a more positive perspective on employee departures.

So does this answer our dilemma as to what turnover rate is acceptable? That is a tough one to concretely answer, however the data suggests that law firms do have higher turnover rate among newer attorneys in general. Firms need to find the proverbial “silver linings” in letting some people go, and new people come on board. If your firm had an even higher-than-average ratio of departures, then it is time to take a look at your firm and see what can be done to improve the situation. Some departures are fine.

Constant turmoil and turnover perhaps suggest a bigger, internal issue that needs to be addressed. Consider if you are satisfying your employees by responding to worker’s needs and making employee morale a top priority. Make sure you have an adequate new hire training program and on-going training on technology and procedures. Critically look at your office culture. Is there favoritism in the application of benefits? Is there a teamwork vibe or is everyone out for themselves? Is there adequate back up assistance if an employee temporarily gets overwhelmed with work, has a personal issue requiring emergency time off, etc? Are your compensation models reward based? Ego based (who the person works for versus the quality of their work)? These are some of the many questions that need to be addressed if, in fact, you find your firm has a 45 or 55% turnover rate and would like to get to the bottom as to why.

You need to decide if your turnover rate seems appropriate compared to the average in your industry/area. Turnover is not always a bad thing, as long as you are able to accept the reasons people are leaving, and the quality of the workers you are losing. If you can’t accept these reasons, then you know you have some work to do to addressing fixing these deficiencies causing your good employees to leave.

When I think of the next resume that will cross my desk I will try to remember these times, they are a-changin’ and while it is great to find a 10 or 15 year seasoned candidate looking for a change for all the right reasons, it is perfectly normal these days to find a fabulous candidate that switched firms every couple of years. Maybe they have been searching for their perfect place and that just might be your firm.

*Michelle Cohen is Director of Human Resources at Schneck Law Group, LLC in Livingston.*

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## Ban the Box Starting March 1, 2015

(Continued from page 18)

been arrested or convicted of a crime (unless of course it is directly critical to the position such as positions dealing with the firm’s money).

If your municipality already had a “ban the box” law, the State law preempts the municipal laws to ensure consistency throughout the State. There are certain exceptions to this but none that impact the law firm environment.

The penalty (civil penalties) for each violation is \$1,000 for the first violation, \$5,000 for the second violation, and \$10,000 for each violation thereafter. Ouch!

Remember this is only a New Jersey law and does not apply to your offices in other States. And to clarify, the Act defines that you need to have at least 15 or more employees (working anywhere in these United States) that either employ New Jersey residents, otherwise do business in New Jersey or conduct recruiting processes in New Jersey.

*Doreen Marino is the Director of Human Resources for Lerner, David, Littenberg, Krumholz & Mentlik, LLP in Westfield.*

**About the Author**

Rob Mattern is the President and founder of Mattern & Associates, LLC. Mattern & Associates assists law firms in developing an unbiased strategic direction for their business processes while improving both the cost-effectiveness and the recovery of expenses for these services. Rob publishes widely, including recently in the "Wall Street Journal," Law Technology News and Legal Management magazine, and he is a frequent speaker at key industry events across the country. Contact Rob at [rmattern@matternassoc.com](mailto:rmattern@matternassoc.com).



# Cost Recovery Strategies that Work

**A transparent, justifiable and strategic cost recovery strategy** is a vital component of a healthy law firm financial strategy and healthy attorney-client and firm-client relationships. Visibility into industry-wide recovery practices is necessary to lay the foundation for that healthy relationship.

Mattern & Associates has completed its biannual Cost Recovery Survey, gathering industry-wide data on cost recovery practices and dispelling myths surrounding cost recovery.

## WHAT ARE THE RESULTS TELLING US?

The survey results show the majority of firms are invested in cost recovery strategies in one form or another. Typically, firms that take a leadership position on cost recovery are the ones which, no surprise, benefit the most financially, operationally and strategically.

Let's take a look at some key data points from the survey:

- **Copying/faxing continues to die with 56% of firms reporting declining copy volume.** The recovery of color and black and white copies is remaining stable with net realization in the 40% range. "Net realization" is what the firm actually collects after billable/non-billable designation and internal and external write-offs.
- **Print/scan cost recovery remains solid and will continue to be the biggest facet of recovery.** Color and black and white prints are also remaining stable on the net realization front. 44% of firms that responded are reporting an increase in print volume, while 43% are reporting an increase in scan volume.

- **The death of legal research recovery is premature, but it is on the ropes.** 92% of firms that responded to the survey are still recovering legal research, but the net realization is the lowest since the survey started in 2004.
- **Hard costs continue to lead the pack.** The recovery of hard costs (vendor invoices) continue to lead in the area of net realization.
- **Electronic data storage sees a substantial increase.** 33% of firms surveyed are recovering electronic data storage, up from 20% in 2012; however, internal attorney write-offs continue to be an issue.

## STRATEGIES THAT ADDRESS THE DATA

### GET ON THE PRINT AND SCAN RECOVERY BANDWAGON

An excellent example of a firm recently repositioning their cost recovery strategy is Armstrong Teasdale of St. Louis, one of Missouri's largest law firms with 250 lawyers. This is a successful tale of a firm getting on the print recovery bandwagon, taking positive action based on their firm's goals and unbiased market data.

Upon an analysis of all the firm's support services operations and cost recovery strategies against industry benchmarks, Armstrong gained a keen interest in an opportunity to recover printing costs. Lou Lizarribar, Executive Director for Armstrong, commented about his firm's experience expanding their cost recovery efforts, "Based on the benchmarks, this was something the majority of our peer firms were doing and we were not."



## MANAGING MULTI-GENERATIONS IN THE WORKPLACE

BY KAREN M. STEINBERGER, CLM

Although the topic of managing the many generations that are in our workplace has been around for some time, I am finding that it is more important than ever for legal administrators (and all of firm management) to remember these differences in dealing with issues of succession planning, motivation, communication, and the overall inner workings of our firms. While these traits are not “cast in stone” within each generation and some people may also have traits from another generation (especially if the year of their birth is within 1-2 years of the timeframe within each generation), I hope this information will be helpful to you in interacting with your firm’s population.

Currently, there are four generations in the workplace: The Traditionalists, Baby Boomers, Gen X, and Gen Y/Millennials. The traits of each generation are set forth below, and at the end of this article I have included a list of our people and the generation within which they fall. The newest generation, “Gen 2020” (those born around or shortly before the year 2000) will be in the workforce shortly.

### **Traditionalists: Born 1925 – 1945**

Traditionalists lived during World War I and World War II. They are patriotic, loyal, and have a formal style of leadership. To deal with them successfully, one should respect them, be accountable, honor the chain of command, and be courteous. They do not like the use of slang or vulgar language. They do not like you to be late or to change your meetings. They like family togetherness, proper dress, involvement in the community, and they have a great respect for authority. They dislike waste, credit cards, and technology.

### **Baby Boomers: Born 1946 – 1964**

Boomers grew up with Woodstock, rock and roll, Vietnam, and civil rights. Known as the “sandwich generation” because they take care of their parents and their children, they feel there is not enough time for themselves. They are optimistic workaholics with a collegial style. To work successfully with a Boomer, one should not ignore their contributions or disrespect them. They like to be asked, not told, and they continually push for success. They like responsibility, have a serious work ethic, and a “can do” attitude. They are competitive. They do not like laziness or improper business etiquette. Very often, their colleagues are their friends.

### **Generation X: Born 1965 – 1980**

Gen Xers lived through Watergate, Jimmy Baker/Tammy Faye, gas lines, divorced parents, MTV, and dual income parents. They were latch-key kids.

They are independent, and have a self-command style. They are suspicious of authority and skeptical. Give them feedback when asked; groom them for management (because they will move up to management) and allow them to multi-task. Don’t micromanage them, talk too much (and waste their time) or treat them like slackers. They like freedom, up to date technology, multi-tasking, and work/life balance. They dislike too much collaboration, political red tape, and “hype.”

### **Generation Y/Millennials: Born 1981 – 2000**

Parents of this generation felt guilty because they were working and weren’t around for their children. As a result, this generation was coddled and they feel entitled. Their parents hovered over them to make sure their homework was correct. They want to be shown what to do at work because that is what they’re used to. They feel no boundaries and are comfortable providing leaders with their suggestions. They are friends with their parents. Having used technology their entire lives, they are “digital natives” (as opposed to the “digital immigrants” before them) and technology is very natural to them. Self-esteem is very important to the Gen Y population. They will have five to seven jobs before they are 30. They will question things that do not make sense.

“Why” is the key to motivating this group: they need to understand how the company they are with makes money and why they need to do the things they are asked to do. They want to keep moving with different work and different clients. They want to know where they are going (in the near future, not 20 years from now). Security is important to them. They are loyal to themselves (not to a business). They have a participative style and are determined. Provide them with proper training, give them feedback, allow them to multi-task, assign mentors, and provide career pathing. Do not ignore their security, treat them like children or forget to explain “why.” They like the latest technology. They ask questions. They like their parents and grandparents, and they like public activism. They dislike negativity, anything slow, and boredom.

*(Continued on page 25)*

## Managing Multi-Generations in the Workplace

(Continued from page 24)

### Communication

The way you communicate with the different generations should be varied to maximize results and help them be successful.

For example, customize your feedback and communication to the various generations: Traditionalists don't need any; Boomers want feedback once a year; Gen Xers want feedback only when asked; Generation Y wants feedback all the time:

- Traditionalists want face to face communication in a formal, written manner;
- Boomers like meetings either by phone or in person, and they like having relationships;
- Generation Xers prefer you to be direct and straightforward, they want clear direction, and communication by voicemail or email; and
- Generation Y people want positive communication, want to be told why, need to know why something will help them, and prefer to communicate via blog, text, email or IM.

### What about work/life balance?

- Traditionalists keep work and family separate;
- Boomers live to work;
- Generation X values work/life balance; and
- Generation Y works to live.

### When delegating, delegate through a "generational lens":

- Traditionalists prefer a top down approach and disagreement is discouraged;
- Boomers like to be involved in decisions, want to collaborate, don't like conflict;
- Generation Xers like to remain independent, are skeptical and are risk takers; and
- Generation Y prefers complete transparency, want the "why," like teamwork but need supervision, want to give input without regard to hierarchy.

An important thing to remember is that loyalty is not a given. Traditionalists are loyal to the company and Boomers recognize the importance and meaning of work, but Generation X has individual career goals and Generation Y people are all about themselves.

### A look at technology

Here is how the generations look at technology:

- Traditionalists: "If it ain't broke, don't fix it."
- Boomers: "It's necessary for progress."
- Generation X: "These are practical tools for getting things done."
- Generation Y: "What else is there? (give me more)."

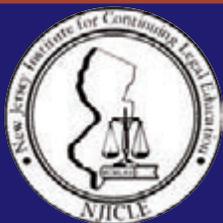
### Here are some suggestions for keeping Millennials (Generation Y) engaged:

- Adopt a mindset of flexibility;
- Show respect for their contributions;
- Challenge them;
- Coach and mentor them whenever possible;
- Give them the "why";
- Fill their day with as much variety as possible;
- Make time for them;
- Teach by letting them "do" something, and
- Remember that speed is key, as is "what's in it for me," and that they are interested in short term career plans and professional development opportunities.

I recently provided my Executive Committee with this information along with a list of everyone in the appropriate generational category. My hope is that keeping this information in mind may help us to properly motivate and guide our people to their future success and that of the firm.

*Karen M. Steinberger, CLM is the Executive Director of Saiber LLC in Florham Park.*





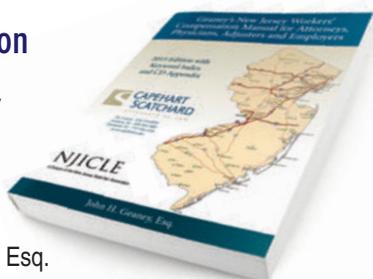
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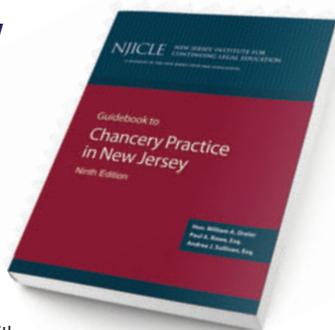


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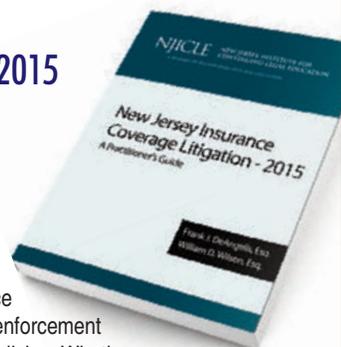


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## THE WORLD OF CERTIFICATIONS

BY ELYSSA GOLDSTEIN

When it comes to professional and personal development, obtaining certification(s) in one or more fields is a highly recognized and rewarded option. There is a tremendous array of industry-specific certifications and the legal industry is no exception. Given the great emphasis placed on human resources in today's law firms, certification(s) achieved in this field are also relevant to the work of legal administrators. This article will explain the various legal administration and human resource certifications available, inclusive of the eligibility requirements for the certification exams, the bodies of knowledge tested on the same, and the recertification process for each professional designation.

### Certified Legal Manager (CLM)

The Association of Legal Administrators (ALA) offers the Certified Legal Manager (CLM) to Principal Administrators or Functional Specialists currently involved in the full-time work of managing a legal organization, such as a private law firm, legal clinic, governmental agency, corporate legal department or court system. A Principal Administrator is defined as an individual with three full-time years of experience as a principal administrator or branch office manager of a law firm or law office in an exempt level position. A Functional Specialist is defined as an individual with five full-time years of experience as an exempt level specialist in a law firm or law office in any of the functional areas (human resources, finance, etc.). Three of those five years must be in a supervisory position, i.e., a position in which the candidate has primary responsibility for employee selection and termination, evaluation, salary determination, and assignment of work.

To apply to sit for the exam, all applicants must provide a minimum of two hours of coursework in each of the following five management categories: writing skills, communication skills, self-management skills, information technology, and organizational development. In addition, Functional Specialists must also fulfill an additional 15 hours of coursework distributed in subject areas other than their field of primary employment. Human resources management, financial management, operations management, and legal industry/business management comprise the four subject areas for Functional Specialists, as well as the four bodies of knowledge tested on the certification exam.

Recertification is required every three years once the CLM certification is earned. To recertify, CLMs must obtain 36 hours of education in the four aforementioned subject areas, as well as the subject area of communications and organizational management. A minimum of three hours per subject area is required, with the addition of one hour of substance abuse and one hour of business ethics.

### Professional in Human Resources (PHR), Senior Professional in Human Resources (SPHR) and Global Professional in Human Resources (GPHR)

The HRCI (HR Certification Institute) offers the Professional in Human Resources (PHR), Senior Professional in Human Resources (SPHR) and Global Professional in Human Resources to provide an opportunity for HR professionals around the world, to demonstrate relevance, competence, experience, credibility and dedication to human resources to their employers, clients, staff members and professional peers.

To be eligible to apply for the PHR, an individual must have either a minimum of one year of experience in a professional-level HR position with a Master's degree or higher or a minimum of two years of experience in a professional-level HR position with a Bachelor's degree or a minimum of four years of experience in a professional-level HR position with a high school diploma. To be eligible to apply for the SPHR, an individual must have either a minimum of four years of experience in a professional-level HR position with a Master's degree or higher or a minimum of five years of experience in a professional-level HR position with a Bachelor's degree or a minimum of seven years of experience in a professional-level HR position with a high school diploma. To be eligible to apply for the GPHR, an individual must have either a minimum of two years of global experience in a professional-level HR position with a Master's degree or higher or a minimum of three years of experience in a professional-level HR position with a Bachelor's degree or a minimum of four years of experience in a professional-level HR position with a high school diploma.

*(Continued on page 28)*

## The World Of Certifications

(Continued from page 27)

All PHR, SPHR and GPHR certifications are valid for three years, at which time, recertification is necessary through demonstrated professional development or retaking the applicable exam. Each certification requires 60 recertification credit hours, with the SPHR requiring 15 credit hours in business management and strategy and the GPHR requiring 15 credit hours in international HR.

### SHRM Certified Professional (SHRM-CP) and SHRM Senior Certified Professional (SHRM-SCP)

With the first test window expected in mid-2015, the Society for Human Resource Management (SHRM) introduces its SHRM Certified Professional (SHRM-CP) and SHRM Senior Certified Professional (SHRM-SCP) certifications. HR professionals who implement policies and strategies, serve as the point of contact for staff and stakeholders, deliver HR services and perform operational HR functions, are qualified for the SHRM-CP professional designation. HR professionals who develop strategies, lead the HR function, foster influence in the community, analyze performance metrics, and align HR strategies to organizational goals are qualified for the SHRM-SCP professional designation.

Eligibility requirements for the SHRM-CP and SHRM-SCP vary based on level of education completed and whether any degree(s) candidates have earned are HR or non-HR related. With less than a Bachelor's degree, SHRM-CP candidates must spend three years in an HR role with an HR-related degree and four years in an HR role with a non-HR related degree. SHRM-SCP candidates must spend six years in an HR role with an HR-related degree and seven years in an HR role with a non-HR related degree. With a Bachelor's degree, SHRM-CP candidates must spend one year in an HR role with an HR-related degree and two years in an HR role with a non-HR related degree. SHRM-SCP candidates must spend four years in an HR role with an HR-related degree and five years in an HR role with a non-HR related degree. With any graduate degree, SHRM-CP candidates must simply be in a current HR role with an HR-related degree and must have one year of experience in an HR role with a non-HR related degree. SHRM-SCP candidates must spend three years in an HR role with an HR-related degree and four years in an HR role with a non-HR related degree.

The SHRM-CP and SHRM-SCP exams are based on the SHRM Body of Competency and Knowledge (SHRM BoCK). The exams contain two types of questions:

knowledge items, which cover the four knowledge domains associated with the SHRM BoCK's technical knowledge competency, and situational judgment items, which cover the knowledge, skills and abilities (KSAs) associated with the SHRM BoCK's eight (8) behavioral competencies. People, organization, workplace, and strategy comprise the four knowledge domains. Leadership and navigation, ethical practice, business acumen, relationship management, consultation, critical evaluation, global and cultural effectiveness and communication comprise the eight behavioral competencies.

To recertify and maintain a SHRM-CP or SHRM-SCP professional designation, credential holders must earn 60 professional development credits every three years or retake the certification exam. PDCs may be earned by advancing your education, advancing your organization or advancing your profession. Advancing your education includes continuing education activities such as conferences, seminars, videoconferences, podcasts, etc., Advancing your organization translates to supervisor-endorsed work projects that meet or support organizational goals and demonstrate or advance capabilities in one or more HR competencies. Advancing your profession involves thought leadership and volunteer activities that contribute to the development of the HR profession and the community.

Holders of HRCI's PHR, SPHR and/or GPHR certification are eligible for SHRM's new certifications, provided they complete an online tutorial, affirm they hold a valid HR credential, and agree to abide by SHRM code of ethics.

For more information, see the following resources:

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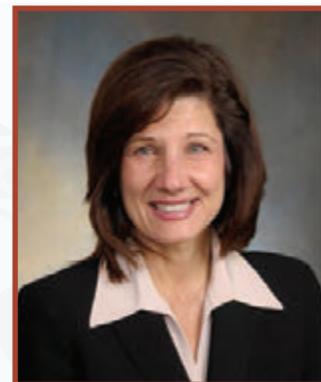
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*Elyssa Goldstein is the Office Manager of Donahue, Hagan, Klein & Weisberg, LLC in Morristown.*



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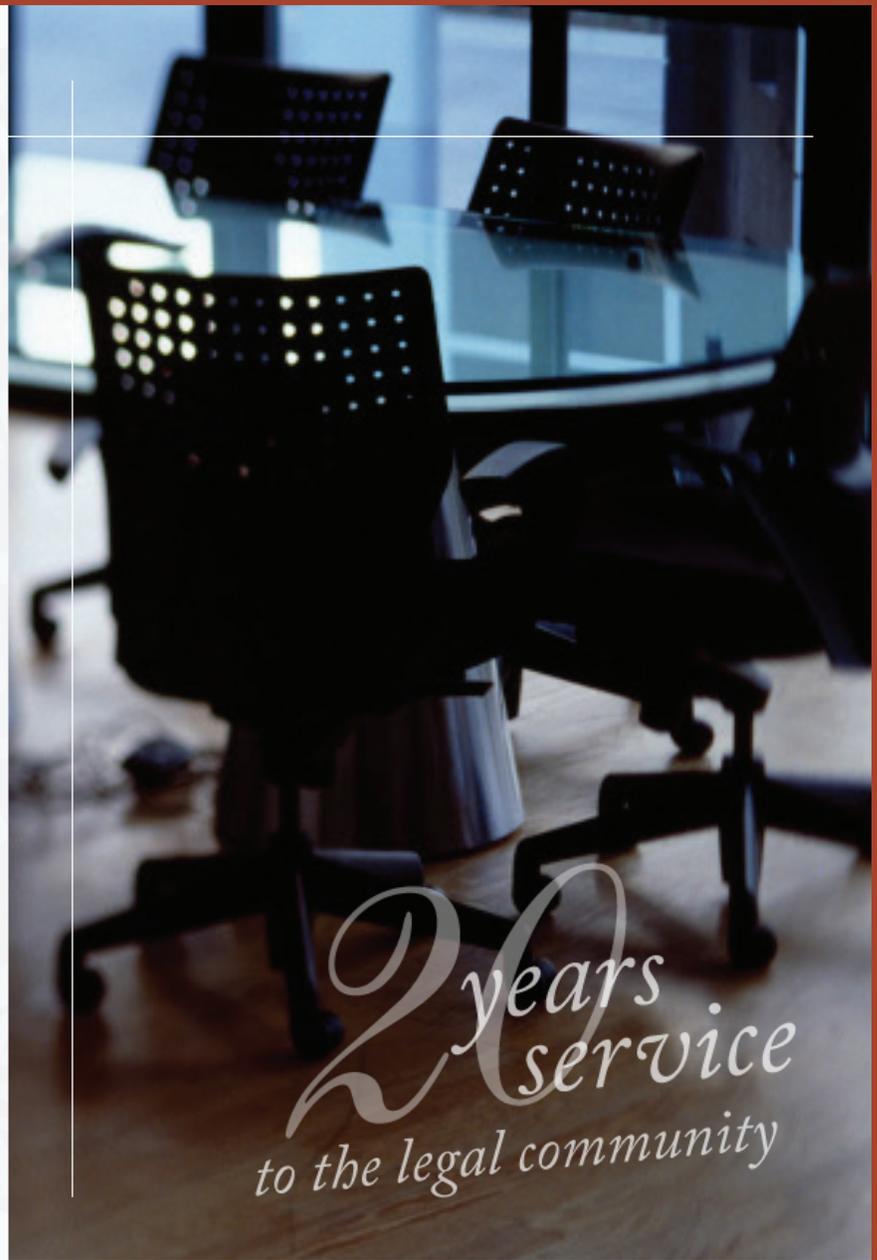
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- Life
- Long Term Care
- Voluntary Programs

## Qualified Plans

- 401(k)
- Profit-Sharing
- Age Weighted
- Cash Balance
- Defined Benefit
- Section 125

Securities offered through Cadaret Grant & Co., Inc.  
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