



Greater Cincinnati
Chapter



October 13, 2009 Meeting

By [Peggy Gruenke](#)

How to Effectively Staff Your Law Firm
Speaker: Scott Simpson of Professional Staffing

I hope you can join us for this interactive discussion about hiring, firing, motivating and retaining support staff that are an asset to your firm.

The most important objective when staffing your law firm is what are the firm's WIGS?

- What are WIGS? Widely Important Goals. Theme of talk that will tie all questions and points together.
- A firm's WIGS are set from the top down and the entire firm should set their team/individual goals based on how to achieve the firm's WIGS.
- Making sure you are staffed to maximize productivity and control costs.
- Prior to hiring, the determination needs to be made of what roles need to be fulfilled in order for the firm to meet its WIGS?
- Once hired how do you keep your team of support staff focused on achieving the firm's WIGS?
- Develop subset of goals whether individual or team that upon completion of these goals the firm will be in position to achieving the overall goals.
- How do we as managers determine when is it time to fire?
- Policy of Slow to Hire and Quick to Fire
- Staff Motivation For the Holidays

The October 13, 2009 meeting will be at the Netherland Plaza in Salon M on the 4th Floor. Please RSVP to Lisa Kunz by **10/07/2009** at lkunz@bakerlaw.com with your choice of entree. The cost is \$20.

Menu Selection

Salad

Romaine and Iceberg Lettuces with Grape Tomatoes, English Cucumbers and Grated Carrots with Choice of Dressing

Entrée (Select One)

Teriyaki Grilled Breast of Chicken with Grilled Pineapple and Ginger Rice

Penne Pasta with Wild Mushrooms and Roasted Garlic Alfredo

Dessert

Carrot Cake



Thank You to our October meeting sponsors!

September 8, 2009 Meeting Minutes & Photos

Minutes By: [Jeff Middendorf](#) Photos By: [Roxanne Benjamin](#)

- Everyone was welcomed and the meeting opened with everyone introducing themselves.
- A motion was made to approve the August 11, 2009 general chapter meeting minutes, as posted in the September 2009 newsletter. The motion was seconded and approved.
- The chapter was updated on our Community Challenge project.
- The chapter was updated on the Educational Seminar to be held Thursday, November 5.
- A call was made for any other new business, of which there was none.
- Announcements were made regarding the Region 3 Conference in St. Louis (Oct. 8-10, Thurs-Sat) and a Breakfast Roundtable – Wednesday, November 18 at Keating, Muething & Klekamp 8-9:30 a.m.; topics include salary survey feedback and suggestions, H1N1 virus preparation and HR issues, CLM discussion with Jim Crossett, CLM. In addition, an announcement was made regarding the design contest for the chapter logo pin.
- Thanks was made to our sponsors:
Lunch sponsor was American Express.
Vendor presentation was by Office Furniture Source.
- Peggy introduced the speaker: Suzanne LaChapelle, LaChapelle Design, whose topic was Twitter.
- The meeting closed with a reminder to complete the evaluation forms and to give them to Peggy.



Our Presentation



Lori Moser and Rich Wills



Judy Groene, Erin Miller, and Jeff Middendorf



Kim Nickolas, Suzanne LaChapelle, Peggy Gruenke



Colleen Fausz, Nan Walker, Barry Carlson,
and Mary Ellen Robinson



Julie Pile, Sandy Collar, Alan Pickett



Andrea Griffith and Glenda Raley

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ALA Code of Professional Ethics

The legal profession and business must adhere to high ethical standards to maintain public trust. This ALA Code of Professional Ethics sets forth guidelines or standards for the ethical administration of legal practices-private firms, legal clinics, corporate legal departments, governmental agencies and the courts.

Legal administrators at all levels must become familiar with these standards and incorporate them into their everyday performance. They should also study and comply with all ethical guidelines of bar associations and law societies which apply in their own jurisdictions. Furthermore, they must take the lead in communicating relevant standards to staff personnel who may be less familiar than lawyers with the ethical guidelines of bar associations and law societies, and in communicating appropriate policies and procedures to lawyers.

PRINCIPLES AND RULES OF CONDUCT

Honesty

The professional legal administrator shall:

- Be open and honest in all relationships with attorneys, employees and others.
- Never compromise the reputation or good of the legal practice by dishonest or illegal behavior.

Integrity

The professional legal administrator shall:

- Avoid actual or apparent conflicts of interest. Advise all appropriate parties of any potential conflicts.
- Never engage in activities that would prejudice the ethical performance of job responsibilities.
- Refuse any gift, favor or hospitality that would influence or appear to influence actions, unless such item is fully disclosed to and approved by management.
- Never solicit or accept any personal or family fee, commission, gift, gratuity, discount or loan for performing job duties or providing services to existing or potential clients.
- Pursue and promote fair and equitable employment practices and oppose discrimination which is based upon gender, age, race, religious creed, national origin, sexual orientation, physical disability, marital, parental or veteran status.
- Endeavor to foster a work environment founded on respect and dignity and free of sexual harassment.

Objectivity

The professional legal administrator shall:

- Communicate all information fairly and objectively.
- Fully disclose all known information that would be material to a particular management or financial decision.
- Fully disclose all relevant information required for an intended user to understand management reports, employee communications, business recommendations and comments.



ALA Code of Professional Ethics cont'd . . .

Competence

The professional legal administrator shall:

- Maintain an appropriate level of professional competence and enhance existing skills through ongoing professional education programs, peer group associations and self-training.
- Recognize and communicate professional limitations or other constraints that would preclude responsible judgment or successful performance of an activity.
- Ensure that delegated tasks are responsibly assigned and competently performed.
- Make every effort to ensure that subordinates have necessary skills and levels of competence.

Independence

The professional legal administrator shall:

- Ensure that all personal political activities are separated from the legal practice.
- Never make investments which would benefit from inside knowledge of the legal practice or its clients.
- Exercise prudence and restraint in personal financial affairs, including speculative investment and margin accounts, in order to avoid debts and other financial obligations which could compromise independence and professional judgment.

Professional Responsibility

The professional legal administrator shall:

- Promulgate a positive image of the legal practice to its clients and potential clients; attorneys and staff personnel; bankers, consultants and vendors; the press; governmental agencies; the legal community; and all other relevant audiences.
- Exercise reasonable diligence in gathering business data and information from internal and external sources and in reporting that information in a manner which facilitates informed decision-making.

Confidentiality

The professional legal administrator shall:

- Never disclose confidential information acquired in the course of employment, whether or not still employed by that legal practice, except when legally obligated to do so.
- Inform subordinates that confidentiality of information acquired in the course of their work is essential, and monitor their activities to ensure that confidentiality is maintained.
- Ensure that all confidential and proprietary information acquired in the course of duty is used solely for legal practice purposes, is not provided to unauthorized persons, and is not used for the purpose of furthering a private interest or making a personal profit.



ALA Code of Professional Ethics cont'd . . .

Service

The professional legal administrator shall:

- Perform business duties in good faith in a manner believed to be in the best interests of the legal practice.
- Perform duties only within assigned authority.
- Accomplish assigned tasks in a timely manner.
- Promote and monitor guidelines for practice development and marketing activities to ensure that those activities are appropriate for the legal practice and conform with applicable professional guidelines.

(Adopted April 1991)

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The Role and Contribution of the Law Firm Administrator

Commentary
By Brian J. Matter

In firms of more than a few lawyers it is beneficial for the firm to create an "Administrator's" position. Depending upon the size of the firm, these Administrators are sometimes called "office administrators" or "executive directors," or in larger or more progressive firms "chief operating officers." Regardless of title, the Administrator in a firm provides a valuable service to the Managing Partner (MP) and the firm. What does an Administrator do, and how should he or she function to be most effective? It has been my experience working in law firms for 20 years that an Administrator has three roles.

The Administrators' Three Roles:

1) The Executive Assistant: One of the Administrator's contributions to the firm is that he or she reduces the MP's need to be involved in daily administrative activities. The one resource that no MP ever has enough of is time; all he or she can do is manage it better.

Managing Partners have significant strategic responsibilities, and in all but the largest firms they have a law practice to keep up. If, in addition to these responsibilities, the managing partner must supervise the support staff, and handle a myriad of administrative decisions and issues, he or she will spend far too much time on low-level and mid-level problems. By employing a competent Administrator, the MP will be able to clear his or her desk of these administrative issues, and focus on tasks that are worthy of his or her time and skills.

In addition to routine administrative activities the Administrator helps firm leaders with their leadership responsibilities. It is important that law firms be led – and that they be seen to be led -- by their elected lawyer leaders. However, to accomplish these responsibilities firm leaders need help. In this role, the Administrator (supported by his or her staff), assists the managing partner by collecting information, investigating issues, preparing reports and offering recommendations. This back office work prepares issues for decisions by the managing partner, the executive committee or the partnership. The Administrator's behind the scenes involvement is important, but it is often unseen by the firm as a whole.

2) The Chief Administrative Officer (CAO): While the executive assistant role is largely invisible, the Administrator's second role as "CAO" is visible and well understood. In this role a competent Administrator will be responsible for the following:

- The Administrator will personally, or through subordinates, recruit, select, hire, train, supervise, discipline and terminate all members of the support staff.
- Within the limits of the firm's approved budget, the Administrator will have the authority to purchase equipment, supplies and services, and sign contracts.
- The Administrator will have responsibility for all of the firm's administrative functions, including accounting, human resources, office services, Information technology, marketing and library.
- The administrator will be responsible for maintaining and implementing the firm's annual calendar of administrative activities (e.g., prepare the budget

The Role and Contribution of the Law Firm Administrator cont'd . . .

when due, see to the evaluation of associates on the agreed schedule, arrange for firm leaders to set associate bonuses, etc.).

To be successful as the CAO, the Administrator must:

- Know enough about each functional area (finance, accounting, HR, office services, practice support, marketing, IT, library) to effectively supervise the managers or staff within each group.
- Stand far enough above the activities within each functional area to assure that the projects desired by individual staff members will fit appropriately into the firm's overall goals.
- Have the trust of the MP and partners so that he or she will have the delegated authority to manage firm administration without interference, and
- Have the interpersonal skills to gain the trust, confidence and support of the managers and/or staff who report to him or her.

While administrative management is a distraction for the managing partner, it is the Administrator's prime purpose within the firm. A competent Administrator will be able to coordinate all of the disparate administrative activities under his or her control into a cohesive whole.

3) The Trusted Advisor: In the role of trusted advisor the Administrator will advise the MP, committees and partners. While the topics and areas will change from one firm to another, typically an Administrator will be involved in the following:

- The Administrator will attend and be allowed to actively participate in all partnership meetings.
- He or she will be an ex-officio member of all firm committees.
- The Administrator will be responsible for knowing what is going on in the local market for salaries of associates, paralegals and staff, and
- He or she should advise firm leaders about associate pay, and have the authority to set the pay of support staff.
- In larger firms, the Administrator will be responsible for preparing the statistical information upon which firm leaders depend in setting partner pay and bonuses.
- In some firms, the Administrator will actually attend meetings with firm leaders and help in the process of setting partner pay.
- An Administrator who is performing at the top of the profession will be recognized as the Firm's "in-house expert" on the leadership tasks which the firm's leaders are responsible.

The Role and Contribution of the Law Firm Administrator cont'd . . .

In firms that have a successful Administrator, he or she will be considered to be one of the most important members of the firm; only following the firm's elected leaders and a few important rainmakers. Because the Administrator is a close confidante of the Managing Partner and other leaders, and because over time he or she becomes the "inhouse expert" on how the firm's management and administrative work gets done, almost inevitably he or she becomes a highly valued and respected member of the team.

Author's Biography

Brian J. Matter is the Executive Director at Jones Vargas. Mr. Matter has a B.S. and an M.S. degree, and 20 years experience in legal administration in firms ranging from 25 to 350 lawyers. He currently serves as an officer in the Las Vegas Chapter of the Association of Legal Administrators.

11th Annual Community Challenge Weekend

OUR COMMUNITY CHALLENGE PROJECT: COATS FOR KIDS

By Judy Groene & Erin Miller

Our Community Challenge Project for 2009 will be participation in a "Coats for Kids" drive. We ask that your firm helps by collecting new or gently used children's coats between September 14th and October 9th. During the week of October 12th through the 14th, we will email you to coordinate a curbside drop-off at Katz, Teller, Brant & Hild (KTBH) that is convenient for you. KTBH will then deliver the coats to a designated Warm 98 location. From there the coats will be cleaned and distributed to children in need by Mercy Franciscan at St. John. Please post the attached flyer for employees. If everyone in our firms donates just one coat, we can really make a difference in helping the **KIDS** in our community this winter. Thank you for your support!

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Antitrust Guide

For Members of the Association of Legal Administrators

Professional associations such as the Association of Legal Administrators (ALA), although well recognized as valuable tools of American business, are subject to severe scrutiny by both federal and state governments.

The single most significant law affecting professional associations is the Sherman Antitrust Act, which makes unlawful "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce..."

A professional association by the very nature of the fact that it is made up of competitors is a combination, thus satisfying one of the elements in proving an antitrust violation. Section 5 of the Federal Trade Commission Act is also applicable to professional associations; it makes unlawful the same types of conduct that are prohibited by the Sherman Act. Furthermore, almost all states have enacted antitrust laws similar to the Sherman Act.

There is no organization too small or too localized to escape the possibility of a civil or criminal antitrust suit. The federal government has brought civil or criminal actions against such small organizations as Maine Lobstermen, a Virginia audio-visual association, Bakersfield Plumbing Contractors, the Utah Pharmaceuticals Association, and local barbers associations.

The government has brought approximately five civil and ten criminal cases a year against professional associations. It is thus imperative that every professional association member, regardless of the size of the association or the size of those comprising the membership, refrain from indulging in any activity which may be the basis of a federal or state antitrust action.

There are four main areas of antitrust concern for professional associations: price fixing, membership, standardization and certification, and industry self-regulation. The area of greatest concern, for it is the area where individual members are most likely to violate the law and the area where the government appears most concerned, is price fixing. The government may infer a violation of the Sherman Act by the mere fact that all or most of the members of the professional association are doing the same thing with respect to prices. It is not required that there be an actual agreement, written or unwritten, to increase prices. Rather, price fixing is a very broad term which includes any concerted effort or action which has an effect on prices or on competition.

Accordingly, professional association members should refrain from any discussion which may provide the basis for an inference that the members agreed to take action relating to prices, production, allocation of markets, or any other matter having a market effect. The following topics, while not the only ones, are some of the main ones which should not be discussed at regular meetings or member gatherings:

1. Do not discuss current or future billing rates, fees, disbursement charges or other items that could be construed as "price." Further, be very careful of discussions of past billing rates, fees or prices.
2. Do not discuss what is a fair profit, billing rate or wage level.
3. Do not discuss an increase or decrease in price, fees or wages, or disbursement charges. In this regard, remember that interest charges are considered an item of price.
4. Do not discuss standardizing or stabilizing prices, fees or wages, or disbursement charges.
5. Do not discuss current billing or fee procedures.
6. Do not discuss the imposition of credit terms or the amount thereof.
7. Do not complain to a competitor that his billing rates, fees or wages constitute unfair trade practices. In this context, another law firm (or even a corporate legal department) may be considered a competitor.
8. Do not discuss refusing to deal with anyone because of his pricing or fees.

Do not conduct surveys (under the auspices of ALA or informally) relating to fees, wages or other economic matters without prior review by antitrust legal counsel. Any survey should have the following characteristics: a) participation is voluntary and open to non-members, b) data should be of past transactions, c) data should be collected by an independent third party, such as an accounting firm, d) confidentiality of each participant's data should be preserved, and e) data should be presented only in a composite form to conceal data of any single participant. If these criteria are met, an association can collect and disseminate data on a wide range of matters, including such things as past salaries, vacation policies, types of office equipment used, etc.

However, care must be taken to ensure that the purpose of any survey is to permit each firm to assess its own performance. If a survey is used for the purpose of or has the effect of raising or stabilizing fees, wages, disbursements, credit policies and the like, it will create serious antitrust problems.

Within this same legal framework applicable to surveys, an association can make presentations or circulate articles regarding such educational matters as establishing sound office procedures, etc., provided it is clear that the matters are educational, and not a basis for law firm uniformity or agreement.

Inasmuch as association antitrust violations can subject all association members to criminal and civil liability, members should be aware of the legal risks in regard to membership policy and industry self-regulation. Fair and objective membership requirement policies should be established. Membership policies should avoid:

1. Restrictions on dealing with non-members.
2. Exclusions from membership, especially if there is a business advantage in being a member.
3. Limitations on access to association information, unless the limitation is based upon protection of trade secrets.

The Association of Legal Administrators has a code of ethics, which sets forth parameters of ethical conduct. However, to ensure that the Code of Ethics does not create any antitrust problems, ALA must continue to ensure that its Code does not have arbitrary enforcement procedures or penalties.

The penalties for violating federal or state antitrust laws are severe. The maximum criminal penalty for violating the Sherman Act was increased in 2004 from \$350,000 to \$1,000,000 for an individual and from \$10,000,000 to \$100,000,000 for a corporation. Pursuant to the Sentencing Reform Act, alternative maximum fines could be increased to twice the pecuniary gain of an offender or twice the loss to another person.

Individuals and corporate officers who are found guilty of bid rigging, price fixing or market allocation will virtually always be sentenced to jail pursuant to the Sentencing Guidelines; community service cannot be used to avoid imprisonment. The minimum recommended sentence is four months; the maximum is three years.

Additionally, there are civil penalties such as injunctions or cease and desist orders which could result in government supervision of association members, restricting the association's activities or disbanding the association.

Civil suits may be brought by consumers or competitors. Civil antitrust actions result in treble damage awards and attorneys' fees. Thus, if association members are held liable to a competitor for antitrust violations which resulted in \$500,000 worth of lost business, the verdict may exceed \$1,500,000.

The government's attitude toward professional associations requires professional association members, as well as professional associations themselves, to at all times conduct their business openly and avoid any semblance of activity which might lead to the belief that the association members had agreed, even informally, to something that could have an effect on prices, fees or competition. Thus, it is important that members contact the association headquarters or legal counsel for guidance if they have even the slightest qualms about the propriety of a proposed activity or discussion.

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Chapter Event Dates

Meetings are normally held on the 2nd Tuesday of each month

Tuesday, October 13th – Noon

Cincinnati Hilton Netherland Plaza

How to Effectively Staff your Law Firm

Dates of Future Events:

Thursday, November 5th – All Day

Cincinnati Hilton Netherland Plaza

Local Educational Conference (more details to follow)

Wednesday, November 18th – 8:00 a.m. – 9:30 a.m.

Breakfast Roundtable

Keating, Muething & Klekamp

Details to be forthcoming

December – Social Outing (more details to follow)



Educational Events

[Region 3 Educational Conference & Exposition](#)

St. Louis, MO

October 9-10, 2009

[Webinar – Stepping Out of the Rubble: Developing a Disaster Recovery Plan that Works](#)

October 10, 2009

[Intellectual Property Retreat](#)

Savannah, GA

October 23-24, 2009

[Essential Competencies for Legal Administrators \(ECLA\)](#)

Chicago, IL

November 2-4, 2009

[Webinar – Control Stress Before It Controls You](#)

November 11, 2009

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**Association of Legal Administrators
Master Calendar**

October 2009

October 2 – October 3	ALA– Region 4 Educational Conference & Exposition, Crowne Plaza San Antonio Riverwalk Hotel, San Antonio, TX
October 2 – October 3	ALA– Region 5 Educational Conference & Exposition, The Fairmont Banff Springs, Banff, Alberta, Canada
October 8	ALA– Certified Legal Manager (CLM) Exam, St. Louis, MO (in conjunction with the Region 3 Conference); Baltimore, MD; and Las Vegas, NV
October 8 – October 10	ALA– Region 3 Educational Conference & Exposition, Chase Park Plaza Hotel, St. Louis, MO
October 15 – October 16	Legal Technology Conference, Orlando World Center Marriott, Orlando, FL. ALA will be exhibiting.
October 16 – October 18	ALA– 11th Annual Community Challenge Weekend
October 21	ALA Webinar – Stepping Out of the Rubble: Developing a Disaster Recovery Plan that Works, Ray Lightell, CLM, CPA, Galloway, Johnson, Tompkins, Burr & Smith, PLC and Kathy Scourby, Hunton & Williams, LLP
October 21 – October 22	ALA– Intellectual Property Retreat, Westin Savannah Harbor Golf Resort & Spa, Savannah, GA
October 23	The Law Office Management Association (TLOMA) Annual Conference and Exposition, White Oaks Resort, Niagara-on-the-Lake, Ontario, Canada. ALA will be exhibiting.
October 23 – October 24	ALA– Regions 1 & 2 Educational Conference & Exposition, Savannah International Trade & Convention Center and the Westin Savannah Harbor Golf Resort & Spa, Savannah, GA

November 2009

November 2 – November 4	ALA– Essential Competencies for Legal Administrators, Hampton Inn & Suites Chicago Downtown, Chicago, IL
November 6 – November 7	ALA– Board of Directors Meeting, Marriott Salt Lake City, Salt Lake City, UT
November 11	ALA Webinar – Control Stress Before It Controls You, Russell Rado, Duane Morris LLP and Timothy Calhoun, Duane Morris LLP
November 21	ALA– Association Nominating Committee Meeting, Hyatt Regency O'Hare, Rosemont, IL
November 26 – November 27	Thanksgiving Holiday, ALA Headquarters Closed

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to knowledge, resources and networking



Region 3
Educational Conference
& Exposition

October 8-10, 2009
The Chase Park Plaza Hotel
St. Louis, Missouri

Learn the skills and information vital to face any challenge at your law firm or legal department.

Register by September 9, 2009 and SAVE! Register Online Today at www.alanet.org/region3

Dear Region 3 Members,

Are you ready to "Meet Me in St. Louis" on October 8-10? Are you ready to learn the latest strategies and tactics to help you and your organization be more successful? If so, you can't afford to miss the carousels of educational opportunities at the Region 3 Educational Conference & Exhibition.

Our Region 3 Conference coincides with a celebration of Professional Legal Management WeekSM (PLMW). We invite our St. Louis colleagues from among our PLMW cosponsors to join us and share tips and strategies that will contribute to our mutual success in our organizations. In honor of the opportunity to gather PLMW colleagues together, we are offering a special ALA member registration rate for this Conference, and we will present a special PLMW session Thursday evening.

All in all there are 19 educational sessions packed into just three days to connect you to resources for your personal growth and the health of your law firm or department – in whatever role you play. These core legal management skills and topics offer valuable information and insights that managing partners and legal professionals alike will find worthwhile. The sessions cover a breadth of legal management responsibilities, including technology, marketing, lawyer professional development, and more.

The Exhibit Hall will be replete with business service providers and networking events intended to keep you on the cutting edge of available legal products and services to help you do your job better, faster, and more efficiently. Our business partners are an integral part of the Region 3 Educational Conference & Exposition, and will provide information and education about the latest production and administration software, law office management services, equipment, technology, and more – all in one place to save you time and money.

And finally, join us as we celebrate "Meet Me in St. Louis" atop the Chase Park Plaza Hotel in the beautiful Zodiac Room, where we'll transport you back to 1904 when the St. LouisWorld's Fair made history.

Register online today at www.alanet.org/region3. Please feel free to contact any of the members of the team listed below with any questions you might have. We are excited about this conference, and look forward to seeing you there!

Thank you.

ALA Region 3 Management Team

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