



The Northern Virginia ALA Newsletter

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The Northern Virginia ALA Newsletter is published bimonthly by the Northern Virginia Chapter of the Association of Legal Administrators. Send comments and content ideas to:

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PRESIDENT'S COLUMN

by Kevin O'Hare

I am pleased to be writing this column. This is an exciting time for our ALA Chapter! As you are aware, our Chapter achieved the Gold Level for the President's Award of Excellence. Our Chapter had never before achieved the Gold Level and it serves as a testament to the leadership of Aurora Quasebarth as Chapter President and to all the

hard work of the Chapter's Executive Committee.

At the National Convention in May, we received honorable mentions for individually judged categories: web site, newsletter, our new vendor partnering program, diversity for our initiative with the Alexandria Police Department and community outreach for our "Teddy Bears and Backpacks" project. Thank you and congratulations to all those who worked so hard on these projects.

Our Chapter has come a long way in the past few years, but together we can do much more. I would like to urge all of you to get involved with the Chapter in some way - attend or host a Chapter meeting, join a committee, come to a social event, participate in one of our community outreach efforts - there are many ways you can be involved. With so many dynamic and creative people in our Chapter, we can do amazing things.

In April we had the First Annual President's Change of Gavel Ceremony at the 2941 Restaurant. This event was sponsored by Allied Office Products, Hospitaliti, Legal Placements, Inc., Office Environments, Office Movers, Osmio and Washington Express. We had a

really good turnout and the evening was a lot of fun. I hope that this will be an annual event. Many thanks to our sponsors for such a memorable evening.

Mark your calendars for a Happy Hour at the Sheraton Premier in Tysons on July 22 5:30pm - 7:30pm and a Crab Feast at Captain Pell's Crabhouse August 19th. More details on those events in the near future.

I hope everyone has a safe and enjoyable summer. I hope each of you has an opportunity to take some time and do something fun. Labor Day is not that far off and the "end of the year rush" to make the numbers, do the budget, and achieve our 2004 goals will soon be here!



Aurora Quasebarth passed the Presidential Gavel to Kevin O'Hare at the 2004 President's Reception and Change of Gavel Ceremony on April 21, 2004 at the 2941 Restaurant.



Gil Carpel of Washington Express honors 2003 Chapter President, Aurora Quasebarth with the President's Appreciation Award.

**INTRODUCING THE NEW
NOVA ALA EXECUTIVE
COMMITTEE**

President	Kevin O'Hare
Immediate Past President	Aurora Quasebarth
President-Elect	Deborah Stickles
Vice President	LeAnn Cruse
Membership Chairs	LeAnn Cruse Judith Weltmann
Secretary	Deborah Tomme
Treasurer	Deborah Stickles
Hospitality Chair	Debra Coneys
Newsletter Editors	Brenda Hansen Cass Mullane
Education/Program	Diana Glazer
Vendor Relations	Pamela Walker
Regional Council Rep.	Tempie Tavenner
Chapter Webmaster	Scott Kovaleski



**PRESIDENT'S RECEPTION &
CHANGE OF GAVEL CEREMONY**

Members and vendors alike enjoyed the festive atmosphere of the President's Reception & Change of Gavel Ceremony on April 21, 2004 at the 2941 Restaurant.



STRATEGIC COMPENSATION: MANAGING LONG-TENURED EMPLOYEES¹

In a number of law firms, many of the senior management staff members have been in their positions for a number of years: They are used to good annual salary increases, and are making more than the local market will bear. How does one control the rate of base salary growth for these supervisors, while maintaining their morale and loyalty to the firm?

One possible solution to this dilemma is something called "strategic compensation," a form of incentive-based compensation that is often used in the corporate world for administrative managers.

Strategic compensation is generally a good way to go, especially from the point of view that the firm should be running itself like a corporation as much as possible. One thing to be aware of is that if your firm chooses to restructure the compensation scheme for administrative managers, you will need to create a separate "class" of employee - in other words, make a clear distinction between the managers and the staff, if such a system is not already in place. If you are going to modify the way your managers' compensation is determined, you will want to make sure that the basic staff compensation plan is not changed. And you can certainly make changes for an entire class; in fact, you will have to make any changes at a group level, to keep any discrimination issues from arising. You can also offer special benefits to a class as an incentive - again, the idea is to make sure that all similarly situated employees are treated in the same manner.

Here is an excerpt from a basic HR text - "Human Resource Management," 9th Edition, by Robert L. Mathis and John H. Jackson (South-Western College Publishing, 2000):

"Performance Orientation: Where a performance-oriented philosophy is followed, no one is guaranteed compensation just for adding another year to organizational service. Instead, pay and incentives are based on performance differences among employees. Employees who perform well get larger compensation increases; those who do not perform satisfactorily receive little or no increase in compensation. Thus, employees who perform satisfactorily should keep up or advance in relation to a broad view of the labor market for their jobs, whereas poor or marginal performers should fall behind... Bonuses are paid based on individual, group, and/or organizational performance results. Few organizations are totally performance-

oriented in all facets of their compensation practices. However, breaking the entitlement mode is increasingly occurring in the organizational restructuring common throughout many industries." (p. 419)

It's quite possible to set the base compensation at a fixed level, and make any adjustments through a bonus. You probably do not want to set base salary below what anyone is getting now, because there is always a negative implication when something is taken away. You can, however, specify how any additional income is going to be earned - and "earned" is the key word here.

There are many references in the literature to a book called Strategic Compensation:

"A Human Resources Management Approach" by Joseph J. Martocchio (2d edition; Prentice Hall, 2000). Amazon.com offers it for sale, and shows similar titles - you might want to take a look and see what's available, especially if you're thinking about making a purchase for your reference collection. If nothing else, having one or two of these titles can help demonstrate to your partners that this approach makes good business sense.

As you'll probably notice if you do an Internet search, looking for "strategic compensation" on the Web will get you many leads to various consultants who will offer their expertise, for a fee. We did find one good article, "Compensation Done the 'Right' Way" from Workforce Online, 5 June 2002; <http://www.workforce.com/archive/feature/22/23/04223893.php>. Registration is required to open this link, but it is well worth the minute of time. It's a good discussion of the various components of a compensation system, and includes links to other articles on the topic.

One resource you may want to ask your firm's library staff to find is a journal from the Institute of Management & Administration (IOMA), Pay for Performance Report. Some of the articles are archived on the Web at <http://www.ioma.com/> -- you can take a look and see if what the publication offers is the sort of material you'd like to review.

Somewhat surprisingly, the HR-oriented Web sites don't seem to have much on this topic - or if they do, it's behind their subscription-only/members-only wall. You might think about getting in touch with an HR specialist that knows the legal industry. Along the same lines, ALA has Peer Consultants available - members who offer their expertise to other members. Peer Consultants are listed in the yellow pages of ALA's membership directory, and also on our Web site in the members-only area, www.alanet.org/members/peer/searchNEW.html.



TECH NOTES

By Alan D. Currin

Spy Where? Spyware Everywhere.

Spyware is software that installs itself onto your computer, usually through a web browser and usually without your permission. Spyware is often presented to the computer user as “free” software to enhance web browser or e-mail use. It is fast becoming one of the most significant threats to computer security. Law firm administrators should be aware of the threats associated with Spyware and work with their computer support staff or organization to prepare an action plan for combating Spyware.

Spyware is a significant threat because it can:

- Install file sharing, keyboard logging, or remote control software.
- Send personal information from your machine to people and businesses you don't know.
- Slow down your PC to render it virtually useless
- Damage your PC such that it will not boot properly
- Steal user names and passwords for websites you visit
- Redirect your web browser to malicious web sites that may infect your machine with viruses.

These threats are very real and are growing in number and complexity. Firm administrators can do a

number of things to help their firms avoid significant problems with Spyware.

- Create a firm computer use policy and clearly communicate to your entire staff. If possible, gain agreement from the top levels of management before distributing the policy to maximize effectiveness among higher ranking staff. The policy should include rules limiting computer use to work-related tasks, a general designation of the types of Internet activity that are not acceptable, and possible consequences of non-compliance.
- Meet with your IT staff or IT services provider to understand the risk associated with Spyware in your particular computer environment and develop avoidance and response plans.
- Consider hiring a computer security consultant for a review of your systems, and to provide seminars to your staff describing security threats and how to avoid or detect them. Computer consulting firms in the Northern Virginia, including Compass, maintain Certified Information Systems Security Professionals (CISSPs) on staff to assist firms with developing security policies and implementing effective solutions. Most of the employees that we have helped with cleaning Spyware-infected machines have no malicious intent, and don't know how the Spyware was installed. Most employees respond to warnings about improper computer use, and will try to avoid problems if they understand how to.
- It is possible to tighten down computer security to greatly reduce the risks of infection. The proper balance between improved security and ease of use can be elusive, however, and may take some work to achieve.

In the past six months, we have seen the number of calls to help clean Spyware infected machines grow dramatically. The cost to thoroughly clean a machine can run into several hundred dollars. On several occasions, the PCs had to be rebuilt completely. The costs of PC repair could be inconsequential when compared to the possible costs that could be incurred if the firm's security is significantly breached.

Every provider of antivirus software is rushing an anti-Spyware product to market, and there are numerous Spyware removal tools available over the Internet. Avoidance is a much better choice than removal, so efforts to improve security and reduce the risks are a good investment. The only place for Spyware on your firm's computer network is nowhere.

Alan D. Currin is a Senior Consultant with Compass Computer Services, Inc. in Northern Virginia.

5 WAYS TO BE VERBALLY GRACEFUL UNDER FIRE²

If you've ever had your work questioned or even attacked, you know it's a terrible feeling. No one wants to hear these statements: "Creating that brochure seemed like a waste of time." "How come you spent so much money on ...?" Or even "If you had your act together, you wouldn't have ..."

And you, like many people, may have retorted with an insulting comeback, stormed out of the office, cried (or at least wanted to!), or been struck mute.

"The worst part about being questioned or attacked," according to business coach and trainer Barbara Pachter, author of "The Power of Positive Confrontation," "is that it usually catches us by surprise, and that throws us off balance. The important thing is not to react in a way we will later regret. Though it may feel good to say, 'Well, what do you know, you idiot?' it's not going to build your credibility or accomplish anything."

But it is important to act. You don't want to be thinking, "I should have said ..." When you're prepared, it's easier to retain your composure and not get defensive. Build your credibility and other people's confidence in you by using the following five guidelines for what to say when the going gets tough at work:

1. AGREE WITH THE COMMENT. A good defense is the best offense. You can agree with what the person said but add additional information that turns the comment around, such as, "You're right. We did spend a lot of money because it's important to get this information out to our clients."

2. ASK FOR CLARIFICATION. Ask questions or make comments to get more information: "Why are you saying that?" "Help me to understand what you mean by ..." "Tell me more about your concern." "Are you saying it was ... ?" Probing makes you less likely to appear wounded by the attack, and it also buys you some time to calm down and collect your thoughts.

3. ACKNOWLEDGE WHAT YOU HAVE HEARD. First acknowledge what was said: "I understand your frustration," or "I hear what you are saying." Then use the word and, not but, to provide clarifying information, because using "but" negates what comes before it. A defusing statement such as "There may be some truth to that, and we are looking at the numbers," or "That's interesting, and you may not realize that we've been looking at those numbers," can also let the person know that you have heard him or her.

4. RESPECTFULLY DISAGREE. Be polite but firm. You can say, "I disagree, and here's why..."

5. POSTPONE THE DISCUSSION. Sometimes it is best to talk to the person privately. Say something like, "You obviously have strong feelings. Let's get together after the meeting so we can discuss this issue in more depth."



Compass Computer Services, Inc. is proud to be a charter partner of the Northern Virginia ALA vendor partnership program.

Compass Computer Services, Inc. is a technology consulting and integration firm based near the Dunn Loring Metro in Fairfax, Virginia. Compass provides a wide range of computer-related services for law firms, including technology consulting, network design, implementation, support and Web hosting and development.

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MY WEEK IN PHILLY

By: Tempie Tavenner

I had the privilege of attending the ALA 33rd Annual Conference last month. At first I was not too excited about going to Philly – why, Philly is only several hours away and I can actually drive up there. It seems much more exciting to hop a plane and fly off to someplace that begins with “San” - like San Diego or San Antonio. But, oh my, once you get to the festivities you realize that ALA always picks the very best places and their conferences are always exciting.

Serving in the position of Chapter Regional Rep, I started off my week attending the Region 2 Council

Meeting. The new Region 2 Director, Kathy Scourby, was introduced along with the new Regional Officers. The main topic, however, was the upcoming Region 1&2 Educational Conference to be held November 5-6, 2004 in Orlando.

The Conference was held at the Philly Convention Center and eight other NoVa chapter members also attended. We all marveled upon registering at the renovated Victorian train shed that is now the futuristic exhibition space inside the Convention Center. On Sunday night some of us attended the ALA Philly Block Party. We listened to the band, Alibi, made up of attorneys and one judge while Cass Mullane filled us in on her day golfing at the ALA Golf Tournament. Later that evening we attended a vendor party where there was a special appearance by “Rocky” and of, course, we all had to have our pictures made with him.



Monday morning the keynote speaker, Scott Turow, attorney turned novelist, talked of meeting Harrison Ford and having his novels made into movies. Later, I stood in line at his book signing to obtain his latest novel, “Reversible Errors” that recently aired on TV.

There are usually so many educational sessions to choose from, that it is hard to pick which one to attend. My favorite choices are usually the HR sessions and I attended *The Care and Feeding of Staff* and *Cool, Calm and Collected: Maintaining Personal Productivity and Balance*.

Monday night was the awards presentation ceremony and we proudly accepted the “Gold” Presidents’ Award of Excellence and five (5) honorable mention awards on behalf of the chapter. These six awards were a huge achievement for our chapter and speak highly of our accomplishments under the leadership of Aurora Quasebarth’s Presidency. After the awards, the Philadelphia Mummies Band made an appearance and Deborah Kowal, originally from Philly, told us all about the century old traditions of the Mummies. Robert Kotwicki then coerced several of us to hop in a cab in search of the best Philly Cheesesteak. We ended up in some place called Ishkabibbles; and, well, if you want

more of that story, you will have to call Robert, Joan Mcleod or Diana Glazer.



Between sessions the exhibit hall was the place to be. Vendors' booths displayed everything from file folders to the new people mover machines. There were games to play, prizes to win, chapter pins to exchange and Ben Franklin even made an appearance. I think Diana Glazer gets the award for collecting the most chapter pins and I will forever be indebted to LeAnn Cruse for helping me find the vendor booths with the stamps to fill up my game board.



On Tuesday I enjoyed an *Employment Law Update* session and another session on *Law Firm Retirement Plans*. That night several of us went to a vendor sponsored Chinese New Year celebration at the University of Pennsylvania Museum of Archeology and Anthropology. There was lots of ALA networking, excellent food served, a musical ensemble and the finale was a performance of dancing Chinese dragons.

Wednesday began with an excellent presentation on *Creating a Great Place to Work*. Later I attended a session about *Banking* and a session on *Substance Abuse in the Law Firm*. That night most of us attended

ALA's Bandstand Night. The legends of rock n' roll entertained featuring Bobby Vee and Fabian. Being a lady of "mature years" I was especially excited to see Fabian because I grew up watching him on Dick Clark's American Bandstand originating from Philly. There was lots of music, dancing and a good time was had by all.

Thursday being the last half day, I decided to attend a fun session on *Face Reading*. It was interesting to learn how it can be used as an interviewing technique as well as in jury selection. The closing presentation by Dr. Jim Loehr, who has worked with world class athletes and also has appeared on the Oprah Show, was entitled *The Power of Full Engagement*. It was high energy, dynamic and one of the best sessions of the whole conference.

I ended my Philly week enjoying lunch with my friend and colleague, Debbie Stickles, at the famous Reading Terminal Market. It is an old train depot now turned into a busy food bazaar and is teeming with everything you can buy from fresh fish and produce to dining at a little ethnic eatery. A great way to end a wonderful week that I would not trade for any "San" city at all.

If you have never been to an ALA Educational Conference, please mark next April 18-21, 2005 on your calendar to join me in "San Francisco".



At the Philadelphia Conference, the Chapter received 5 individual Honorable Mention Awards for our Chapter Web Site, Electronic Newsletter, Achievements in Diversity, Vendor Partnering and Community Service. Congratulations!!

NOVA ALA Vendor Partners!

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The NOVA ALA Vendor Partnering program's primary goals are to:

- ❖ build positive relationships between vendors and law firm administrators
- ❖ continue to offer our members special events (such as seminars and retreats), a high caliber of speakers at our monthly meetings
- ❖ provide opportunities to send more members to the annual National and Regional conferences.

If you have vendor contacts that you would like to be invited to join our program, please email Pam Walker, pam@alanova.org, the following information: Contact Name, Company Name, Address, Telephone Number and Fax Number.

Please patronize our vendor partners!

ALA's Mission Statement

Improve the quality of management in legal services organizations;

Promote and enhance the competence and professionalism of legal administrators and all members of the management team; and

Represent professional legal management and managers to the legal community and to the community at large.

Thank you

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ALA EXECUTIVE COMMITTEE
Excerpts from the Minutes
February, April and May 2004

Locations: Wickwire Gavin, PC (Feb), Hunton & Williams (Apr) and Reed Smith (May)

Aurora Quasebarth presided over the February and April meetings. Kevin O'Hare presided over the May meeting.

Treasurer's Report: The beginning cash balance was \$18,241.49 with receipts totaling \$370.00 and disbursements totaling \$2,775.47 leaving an ending cash balance in the amount of \$15,836.02 as of May 30, 2004. The budget report, meeting attendance report and paid dues report were distributed and reviewed.

Secretary's Report: Aurora presented information regarding the Community Challenge entry and the Achievements in Diversity entry for the ALA Awards Program. The revised February, April and May minutes will be approved at the June 1, 2004 EC Meeting.

Hospitality Report: Discussed the status of the CLM classes, email distribution notice of the Change of Gavel ceremony as well as chapter meetings. Discussion regarding the success of the 2149

Restaurant event, and the possibility of a DC-NOVA ALA event.

Membership Report: Kevin O'Hare provided a brief update on membership. Possible new members are Cynthia Johnson, Holly Girard, Donnie Wood, Roslyn Fuller, Sarah Vasquez, Susan Thompson, Benjamin Stele. It was also noted that Brad St. Arnold is no longer with Holland & Knight. Kevin also indicated that renewal notices were sent out in February for the April 1, new year.

Newsletter Report: Brenda Hansen discussed the positive feedback received from vendors at the 2941 Restaurant event and their interest in providing articles for the Newsletter. The EC Committee discussed and decided that submission of articles is not exclusive to vendor partners. The next Newsletter is being worked on and will be distributed to the EC in a few weeks.

Education Report: The 2004 calendar is complete. The EC reviewed the 2005 calendar and suggested topics and proposed speakers. The presentation on "How to Stop Spam" was well received.

Webmaster Report: Introduction and welcome of Scott Kovaleski, our new chapter webmaster. Scott explained the necessity to have our website have up-to-date information. Discussion of who the target audience is for the website.

Regional Council Rep. Report: Tempie Tavernier reported that she will be attending the Regional Council Meeting on May 16, 2004 in Philadelphia, prior to the Annual Educational Conference. Other members attending the Educational Conference in May are: Debbie Stickles, Leann Cruse, Diana Glazer, Cass Mullane and Deborah Kowal. A discussion was held regarding the distribution of our new logo pins at the conference. Tempie confirmed that the By-laws are completed and were submitted to ALA National by the March 31, 2004 deadline. Copies of the updated by-laws were distributed to the EC.

Vendor Partnering Report: Pam Walker reported that we have 11 active vendors. Three prospective vendor partners were in attendance at the April meeting. Discussion to include our vendor partners at our July and August happy hour events as well as the holiday luncheon in December. Vendor attendance at the holiday luncheon will be limited to one attendee per vendor due to space constraints. A vendor mailing is expected for May.

President's Report: A new list of EC officers was distributed, and an introduction of LeAnn Cruse, as Vice President in charge of special projects was made. A discussion was held regarding the upcoming CLI (Chapter Leadership Institute) to be held in Orlando in June. It was decided that the chapter will send Debbie Stickles and Leann Cruse. EC discussed creating a job bank as a special project. EC also discussed the upcoming years community service projects. The EC decided to focus on the Backpack-Teddy Bear project in September, Lions Club Community Challenge in October and COPS in December 2004.

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PEER POINTS from ALA MANAGEMENT SOLUTIONS(SM)

ALA Management Solutions (SM) is a free service provided as an ALA membership benefit. The professionals who staff this help desk explore resources and share information about hot law-office management topics

If you have a question, call ALA Management Solutions (SM) at (847) 267-1252 or e-mail infocentral@alanet.org.

Nova Chapter Executive Committee	
President – Kevin O’Hare	kevin@alanova.org
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Vice President- LeAnn Cruse	leann@alanova.org
Secretary – Deborah Tomme	deborah@alanova.org
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RELIGION IN THE WORKPLACE³

The following is a response to an ALA member's inquiry about religion or prayer in the workplace. Specifically, the member asked about use of prayer in e-mail addresses (i.e. Have a Blessed Day) or offering a prayer for peace.

The response:

Last month Newsobserver.com published "Businesses Bring Religion to Workplace: What are the rewards - and the risks - when religious beliefs and the workplace intersect?"

Under the Civil Rights Act of 1964, employers are required to reasonably accommodate workers' religious beliefs unless it creates an undue hardship for the business. An employer must try, for instance, to accommodate an employee who wants to observe the Sabbath on Saturdays.

<http://newsobserver.com/news/story/2161788p-2049669c.html>

In the Society for Human Resource Management (SHRM) white paper "Sex, Religion and Politics: Practical Tips for Handling Workplace Discussion about the 'Forbidden Three' " (Aug 2002), Rebecca Hastings states:

"While reasonable accommodation of sincerely held religious beliefs is appropriate, what could seem reasonable to some could run the risk of offending others with opposite religious beliefs. Without proper communication and control, employers may find that e-mail and voicemail systems and employee workspaces are taken over by religious messages and images. These, combined with the possibility of direct communication among employees may result in perceived offense by others.

"The concepts of freedom of speech and freedom of religion are arguably concepts that most Americans hold dear. But when an employee takes these perceived freedoms to such an extent that he or she uses company equipment or systems to promote personal beliefs or interfere with the ability of the organization to conduct business, an employer should feel safe in taking action. Establishing boundaries for employees indicating which tools are for business use only (i.e. electronic systems) is one starting point. Religious messages on voicemail and e-mail systems do not have to be permitted where consistently applied policies and practices state that such systems are for business use

only." www.shrm.org/hrresources/whitepapers_published/CMS_000393.asp#P-4_0

See information about e-mail policies, what information those policies should contain, and including the policies in employee handbooks from:

o HR Hero:

<http://www.hrhero.com/topics/electronic/emailpolicy.shtml>;

o the Electronic Mail Association, its white paper "Formulating a Company Policy on Access to and Use and Disclosure of Electronic Mail on Company Computer Systems"

http://www.totse.com/en/technology/cyberspace_the_new_frontier/co_email.html;

o See also HR Hero's PDF "Religious Accommodation in the Workplace"

<http://www.hrhero.com/sample/trialAccomRelDif.pdf>; and

o The New York law firm Epstein Becker Green published in March/April 2001 "An Employer's Checklist for Determining Reasonable Accommodation to Religion in the Workplace"- www.ebglaw.com/article_416.htm.

ALA also consulted Personnel Policy Service Inc.

Karen Snyder stated that:

1. An employer needs to consider whether any "tag line" or message is in good taste, and whether it may be offensive or potentially so, and
2. An employer can require the removal of such a message from e-mail, voicemail, etc., because -- as far as Snyder is aware -- posting such an e-mail message has nothing to do with religious accommodation because there is no faith, that she knows of, that requires such activity.

ALA also suggests the following:

Your colleagues are an excellent source of information. The Peer Consulting Directory is available through the Members Only portion of the ALA Web site:

<http://www.alanet.org/members/peer/search.html.bak>.

You may also wish to post a message asking other ALA members about their experiences with this type of issue, using the HR PDN at:

<http://www.alanet.org/members/humanboard/humanboard.cgi>.



A little NOVA ALA Humor....

Ever feel like you're trying
to move the world?



So do we!!



Tips Of The Trade....

One of NOVA ALA's goals is to provide our members with knowledge and resources to make their jobs easier. With this in mind, we host chapter meetings with guest speakers, provide articles in our newsletter on a variety of relative subjects, as well as provide networking opportunities. Our most valued resource is each other, our membership. Together we have come across every situation possible in law firm administration. With that in mind, we encourage you to share your knowledge and experience with each other by submitting to our "Tips Of The Trade" column.¹

The Successful Office Move: Office Move 101

By: Diana Glazer

After experiencing my own office move, I was determined to make it easier for the rest of the corporate world. Too many times we hear stories of companies that move and are not operational for days or even weeks. They don't have phones or computers. They are missing items. It can be an absolute nightmare.

I went into my move realizing it was going to be a big job and take a lot of effort. I am not saying it is easy.

¹ All submissions to the "Tips Of The Trade" column will be reviewed and considered for publishing in the Newsletter. The Editor and/or the Executive Committee reserves the right to have final approval of any submissions. Articles not approved by either the Editor and/or the Executive Committee will not be included.

Moving takes planning and organization. I was determined to keep as much control over my move as possible. My search for control and organization led to the creation of the **Office Move 101 Binder and Notebook**.

The Office Move 101 Binder and Notebook kept the move from becoming overwhelming. There are so many parts and considerations in a move. What did you forget? You want to make sure it goes smoothly, because in the end it reflects right back onto you! Believe me; your move does not have to be a nightmare. Please help yourself, utilize these simple tools and allow them to guide you through a smooth and successful office move!

Thanks and Good Luck,

First Item and Most Important: Creating your Own Tools for Success

You will also need to Form a Move Committee. If possible create a move committee from employees, take volunteers and if needed appoint some helpers.

You must create your own Office Move 101 Binder. You can use any three ring binder with tabbed pages. I would suggest a 3 or 4 inch D ring. I know it is big, but it is going to help you!

Finally you will have the Office Move Notebook for communications and minutes.

Office Move Binder 101

**The centered and italicized titles are to be used as the tab name for individual sections.

Announcements:

Before jumping straight into a move, you have to do the preliminaries. You must let people, subscriptions, and organizations, know that your Firm is moving.

- ✓ Obtain a vendor list from the Firm's A/P department.
- ✓ Notify the clients. A follow up phone call for particular picky ones is always a good idea as well.

Tips:

- Create the text for your announcement; include all new information and move date.
- Choose a printer to create your announcements (they may be able to also do the business cards).

- The announcements will need to be proofed and sent back and forth a bit so make sure you only sign off when they are perfect.
- Keep a copy of the final proof in this section in case there is ever a question regarding edits.

Business Cards:

Employees will need these before the actual move. Get them done early **before** people ask for them, because they will!

Tips:

- Get these done early as well, (The printer doing the announcements may be able to give you a better price to do the business cards as well.)
- Employees will need their business cards **before** the move. This also starts the notification process as they hand them out
- Make sure business cards have all the correct & new office information
- The business cards will need to be proofed and sent back and forth a bit so make sure you only sign off when they are perfect.
- Keep a copy of the final proof in this section in case there is ever a question regarding edits.

Architect Communications:

This is your first chance to see the new build-out design. Take advantage of the opportunity to fine tune the plan and make any necessary changes. Don't take any attitude from the architects personally; they are a picky bunch generally, and in the end that will benefit you.

Tips:

- Keep all contact information for architects in this section, on the first page, including cell phone numbers if you can get them.
- Get a copy of the space sketch and make copies
- Check the sketch for any changes that you notice in design, cable, or electric hook-ups
- You will probably have changes so make sure they fax you back all proofs until you are 100 % happy with the results
- Keep the final proof in this section of the book in case there is ever a question regarding edits.

Blueprint:

Okay this is the final CAD layout. Make sure, again, that all your changes have been made. Make sure that all spaces have cabinets, cable, voice, everything they might need in the future. Sometimes you don't have to pay extra for the changes if you do them now.

Tips:

- Keep a blue print of the new space here
- Make sure that all needs, including, millwork, cable and telephone have been met
- Make a copy and use employee initials to designate their spaces
- Show employees their spaces and make sure all their needs are met
- Have employees sign off that they agree with the current layout

The Move Checklist:

This is the time for brainstorming. Have a meeting with the move committee, take notes in your move handbook, and throw out ideas of any possible items that will need to be addressed in the move. You will be surprised what small things will come up that are specific to your company!

Tips:

- Create a Spreadsheet of all move needs and assign them as duties
- These duties should include, subject, initials, and description spaces for each task
- Give a copy of this to all employees and make sure they know their duties by signing off on the main spreadsheet
- Make sure you forward your mail with the start date indicated
- Make sure your bank checks will be changed to indicate the new address
- Keep cell phones with you for the entire move, you will probably have to make some calls
- The main spreadsheet, of course, will go right in here!

Move Meeting Minutes:

It is incredibly important that you make, attend and record these meetings. It keeps the flow of the move going and reminds people of their tasks. I suggest a Friday move, that way you have all weekend to make sure everything is prepared for Monday.

Tips:

- Schedule weekly meetings
- Review the previous meetings notes
- Keep meeting minutes and put them in this section
- Everyone should know their duties and be able to update the committee on status of tasks.

Mover Quotes:

Remember the moving companies are vendors and will compete for your business. Meet face to face with their representatives. Ask if they personally will be overseeing the move. Don't be afraid to let them know that you are also talking to other companies.

Tips:

- Choose three moving companies to meet with and ask them to Fax proposals to you
- Prepare questions to ask the movers: how long have they been in business, ask for references
- Take notes on what services they offer
- After seeing all three mover create a spreadsheet of their individual services and costs
- Mark the time it takes them to send you their proposal, it is a good test of reliability
- Call movers back and ask them questions to fill in the blanks on the spreadsheet
- Make sure they will work at night and on weekends
- Choose a mover that is responsible and cost efficient.

Packing Materials:

The mover should provide any moving supplies needed. Make sure they deliver them at the beginning of the week so that packing can begin of personal items.

Tips:

- Keep the boxes given to you by the mover; often you can receive a credit upon return of boxes at the end of the move.
- Make sure you have enough supplies so people don't have to borrow or wait to use an item
- Make sure you have big garbage cans around the office, make sure employees are aware to throw-out any items that they don't need or just plain don't work.
- Keep quotes of supply purchases here

New Equipment Quotes:

Save these items in your binder not only for budgeting, but sometimes items will be reimbursable by the landlord/builder and you will need the proof of purchase.

Tips:

- Inevitably the new space will require some new purchases along the way
- Keep quotes of items and copy of receipts here
- Add these items to the move budget

Internal Office Correspondence:

By keeping these there can not be any "I didn't say I would do that." Keep these items to gently remind people of their tasks and deadlines. Inform staff that no vacation can be taken two days prior to the move or two days following the move.

Tips:

- Keep employee correspondence regarding the move in this section
- Use them to remind yourself of pending tasks

Computer Consultants:

Your IT consultants can make your move heavenly or a complete nightmare. Make sure they have the schedule and send them a letter confirming their duties.

Tips:

- Keep all consultant communications in here
- Consultants should move the computer equipment that is vital, servers etc
- Consultants will need to work on the weekend of the move to ensure functionality
- Make sure your consultants check if the DSL, T1, Modems are up and functioning
- Make sure your domain names have been moved, if needed
- Make sure your address is changed on your website
- Don't let them leave until these tasks are accomplished

New Landlord Correspondence:

The new landlord, you are going to have to deal with them for a while, no matter how stressed you are about the move, be nice! Let them know who the movers are and ensure them that their property will not be damaged. If it is, the moving company should pay for repairs.

Tips:

- Keep all Landlord correspondence here
- Make sure to get keys to the building and to the elevators
- Make sure the landlord knows the date and time of the move
- If you have confidential files, someone should accompany them
- The final punch list, or lists, will go here
- I suggest using little pieces of duct tape to mark areas where work needs to be completed by landlord/builder. Makes it easy to find and hard to miss!
- Breakdown your punch list by office space so you can easily do a walk through
- Keep a Copy of your application for certificate of occupancy in this section
- Keep the names of the project manager here; he is the one who can get things done

Voicemail Consultants:

You want voicemail and telephone systems to be operational. In order to achieve this your voicemail consultants and telephone provider may have to communicate. Don't be afraid to ask your consultant to call your provider if there is an issue.

Tips:

- Keep your voicemail and cabling vendor information here
- Make sure the VM company has a correct floor plan marking where telephone and cable drops are needed
- Keep cable and voicemail quotes in this section
- Do not pay in full until all cabling and set-up is complete and operational
- Don't forget warranty, permits, and reference information
- Make sure they don't leave until your system is functional

Telephone Company:

Your telephone company is most likely some large corporation, don't let them lose you in their files. You might have to stalk these folks for results.

Tips:

- Start calling them 10 days before the move and call everyday to confirm move dates
- Write them a letter detailing and confirming move date and their responsibilities
- When the tech is there get his card and call him/her directly if needed
- Get a confirmation number and name of the rep you spoke with
- Don't let them leave until the telephone system is up and running

Equipment:

If you lease your copiers, printers, or any other office item, let the company know that you are moving. Sometimes they move the items themselves and if you move them the warranty is null and void!

Tips:

- Schedule the de-stall for day of the move
- Schedule the re-install for the first day you are in the new space

Insurance:

Remember to inform your insurance company of your move. You want to make sure all your assets; computer equipment, furniture, etc., are covered.

Tips:

- Make sure your insurance company knows when you are moving
- Make sure they have an updated Inventory Estimate list (you will throw things away and buy items during the move)
- They may need a copy of your new lease, make sure to ask the company

Finished!!

You now have your own **Office Move Binder 101** completed

The Office Mover Binder's companion resource is the **Office Move Notebook**. This one is pretty simple. Go out and buy a big notebook. Make sure someone is assigned ahead of time to record the minutes of the move meetings.

The Office Move Notebook

All notes, on all meetings, and any related move information, should be written in here. If you don't have it handy, ask a caller to hold on, and go get it! Remember to date your pages.

Sample Timeline:

The move begins weeks before the move date! Here is a sample of what your schedule might include.

Wednesday

Get the DSL installed
Get the Elevator and Space Keys
Have computer consultants check DSL for functionality
Walk through new space and make list of repairs or changes

Thursday

Apply for Occupancy Permit
Inspection for permit completed
Place move maps on all doors of new space
Bring plates, cups, etc to new space for Saturday lunch
Get occupancy permit
Clean out refrigerators in old space

Friday

Movers begin to pack office in afternoon
Email employees to leave early and make sure they have their offices completely packed up
Change voicemail on telephone announcing move and early closing
Collect all old keys from personnel
Pass out new keys to space
Verizon will switch your phone numbers to new space now
Collect all telephones and box them for the move
Voicemail consultants begin work and install voicemail in new space
Destall of Copiers by Owner Company
Computer consultant takes down servers and sets up network in new space
Final walkthrough of old space, ensure all items are labeled and packed
Move officers stationed at their appropriate buildings
Order dinner

Saturday

All personnel report to new building
Employees unpack their spaces
Mark central location for empty box placement
Office movers begin to unpack

Sunday

Finish any left over unpacking and set up

Monday

Change your letterhead, reinstall copiers, and Work!

Movers scheduled to pick up empty boxes

Executive Committee Meetings			
Date	Place		
7/6	Jackson Lewis		
8/3	Venable		
9/7	Millen, White		
10/5	Katz & Stone		
Membership Meetings & Events			
Date	Time	Place	Topic
6/24	12:00 pm	Womble Carlyle	Law Firm Design
7/22	5:30 -7:30 pm	Sheraton Premiere	Happy Hour
8/19	6:00 - 8:30 pm	Crabhouse/ Captain Pell's	Crab Feast
9/23	12:00 pm	Tower Club	Communication: Attraction & Retention of Employees
10/21	6:00 p.m.	Wilson, Sonsini, Goodrich & Rosati	The New ALA Survey: Law Firm Real Estate Decision

Welcome New Members

Lorri Holland
Patton Boggs LLP

Jodie Kelly
Harness, Dickey

Scott Kovaleski
Hunton Williams

Leslie Spencer
Reed Smith

Lynda Tompkins
Wickwire, Gavin



Answers to Frequently Asked Questions About the Final DOL Regulations on the White Collar Exemptions⁴

By: Jackson Lewis LLP

To assist employers in their compliance efforts with the new Department of Labor regulations on overtime exemptions, the Wage and Hour Practice Group of Jackson Lewis has prepared a list of questions and answers.

Are the final regulations effective immediately?

No. The regulations will take effect on August 23, 2004 unless Congress takes action that successfully blocks the implementation of the regulations.

How much time do I have to review the new rules and implement any changes?

Employers will have until August 23, 2004, to review the final regulations and implement any changes.

Why has the DOL changed its regulations?

The DOL believes the current White Collar regulations are outdated, confusing, unnecessarily complex and difficult for employees, employers and the DOL to understand and apply. Most employees and employers agree. The DOL also believes the current salary level of \$8,060 per year is outdated and eroded the overtime protection intended by Congress. Again, most employees and employers agree. The final regulations are the DOL's attempt to clarify and simplify the White Collar regulations so employees, employers and DOL investigators can readily understand and apply the new rules.

I've heard Congress may try and block these regulations. Is that true?

Yes. Several members of Congress have suggested they will try and block the implementation of the final regulations. At this time, it is difficult to predict whether Congress will actually move to block the regulations. We will be monitoring the situation closely and will keep you advised of any developments.

What is the likelihood that Congress can successfully block implementation by the DOL?

Within the past year, both Houses of Congress have attempted to block the March 2003 proposed

regulations. Certain members of Congress have suggested they intend to challenge the new rules. Organized labor also has suggested they will challenge the new rules if they conclude their members will lose overtime protections. We will post updates on the status of the new regulations on our website as the situation develops.

If there is a chance Congress will block the final regulations, shouldn't I hold off doing anything until it is clear?

We do not recommend that employers adopt a "wait and see" approach to the final regulations. Instead, we recommend employers carefully evaluate how the regulations will impact their businesses and develop a detailed implementation plan to be followed in the event the regulations take effect on August 23, 2004.

Why has there been so much controversy surrounding issuance of the final regulations?

The DOL has made attempts dating back as early as 1954 to update these regulations, unfortunately, however, the regulations have remained virtually unchanged during the past 50 years. As a result, the regulations are outdated and are no longer very effective in the 21st Century workplace. When the DOL announced its proposed rules in March 2003, an enormous public relations campaign was implemented by organized labor and certain members of Congress to stop the proposed changes. Of the 75,280 comments DOL received on the proposed revisions, organized labor's direct or web-site contribution to these was approximately 90% of the total of all comments received. Additionally, it is an election year and it now appears the changes to the regulations have become enmeshed in partisan election politics.

What should I tell my employees?

The DOL's release of the final regulations has been well publicized. As a result, we believe many of your employees may be aware of the new rules and be concerned about how these changes may impact them. We do not recommend that you independently notify employees of the new rules before you have investigated and determined how your business will be impacted. If, however, you are approached by employees and asked if the new rules will impact them, we recommend you advise these employees that it is unclear at this time and you are reviewing the new rules and will let them know as soon as possible if they will be impacted.

Are the requirements in the final regulations different than those presented by the DOL in its release of the proposed regulations back in March 2003?

Yes. There are a number of important differences. The most substantial changes involve the minimum salary levels and some tweaking of the duties tests.

The March 2003 proposed rule included a salary level of \$425 per week. The new rule has a salary level of \$455.

Further, the so-called "super salary" test, originally announced at \$65,000 annual compensation, has risen to \$100,000 per year. Under this super salary test an employee need only meet one of the duty tests, so long as the exempt duty(ies) are performed "on a regular and recurring basis" – not simply something done occasionally or once a month. No pro-rata deductions may be made from the annual salary of the "highly compensated" employee for leave under the family medical leave act. However, part year employees need only be paid commensurate with the actual number of weeks worked, not necessarily the full \$100,000 compensation. Salaries, commissions and non-discretionary bonuses count toward total compensation; discretionary bonuses do not.

Deductions permitted from the basic salary test, the \$455 per week, are still limited and a new provision, discussed in the proposed rule for a "safe harbor" has been retained. Under the safe harbor provision the employer must have a written policy prohibiting impermissible deductions; this policy must be provided all employees; the employer must reimburse any money inadvertently withheld; and the employer must not continue an improper practice once an employee has complained and made the error known to the employer. If the employer does not follow these rules there is no "safe harbor" and the employer will be subject to potential back wage liability resulting from the loss of the exemption due to the improper deductions.

Essentially employees' duties will be measured against their "primary duty," not against a 20% or 40% tolerance as previously existed under so-called "long" and "short" duties tests. There continues to be the "independent judgment and discretion" test for the administrative exemption. The new rules also make direct statements that certain non-management, production-line types of workers, will not qualify for exemption – have not been and will not be seen as exempt under these rules. Again, this response by DOL was as a result of significant critical comments concerning the proposed rules.

Do the final regulations differ from the current regulations?

Yes. There are a number of important changes. The minimum salary levels have been increased to \$455 per week. The duties tests for the executive, administrative, professional and outside sales

employee have been changed. See *side-by-side comparison charts in [What Employers Need to Know and Do About the Labor Department's Final Regulations on Overtime Exemptions](#)*.

The DOL has also revised the rules that govern the types of deductions that can be taken from an exempt employee's salary, as well as the possible consequences to an employer if an improper deduction is made.

The final regulations also include a "highly compensated employee" test, which is a revised version of the "super salary test" proposed in March 2003. Under the new rule, if an employee earns more than \$100,000 per year and regularly performs one or more exempt duties, that employee will qualify as an exempt white collar employee. This special exception does not apply to manual laborers or other "blue collar" employees.

Has the DOL begun providing its own insights or materials relating to the new regulations?

Yes. The DOL has posted some very useful information on their web site. At this site you can link to "[FairPay](#)" and obtain copies of the new rules as well as fact sheets addressing each of the exemption categories as well as some specific fact sheets addressing occupational titles. The site also includes a power point presentation employers can use to train their key employees. The website also provides contact information for DOL representatives.

What is Jackson Lewis doing to provide information and guidance on the new rules?

Analysis of the rules is being made and detailed summaries have been posted on the Jackson Lewis website. More information and updates will be posted in the future. Our offices across the country also will be conducting seminars for employers about the new changes. Additionally, the members of our firm's Wage and Hour Practice

Group will be happy to assist you in reviewing the new rules and determining how the changes will impact your business.

What should I be doing?

We recommend the following ten step response:

1. Consult with human resources and in-house or outside legal counsel to develop an implementation strategy for response to the final regulations.
2. Review salary levels and identify any current exempt employees who fall below minimum.

3. Review any non-exempt employees whose annual earnings exceed \$100,000 to determine whether they would qualify under the Highly Compensated Employee Test.
4. Review payroll practices to ensure no improper deductions are taken from exempt employees' salaries.
5. Develop, implement and publicize a Safe-Harbor Deduction Policy. The policy should state the employees' salaries are intended to cover all hours worked, the employer intends to pay the employees on a salary basis and will not make deductions from salary that are prohibited under the FLSA, and include a mechanism for employees to report improper deductions.
6. Institute and publicize a reporting mechanism employees can use to report payroll errors including salary deductions and incorrect paychecks.
7. Train personnel responsible for processing payroll regarding deduction policy and limitations on permissible deductions.
8. Conduct a review of non-exempt and exempt positions to determine whether any positions should be reclassified as a result of the new regulations.
9. Ensure manual laborers or other Blue Collar employees are not treated as exempt employees. The types of occupations that are considered under the final regulations to be non-exempt include, for example, personnel clerks, inspectors, comparison shoppers, licensed practical nurses, accounting clerks, bookkeepers, paralegals, and inside salespersons.
10. Review non-exempt pay practices. We also recommend you delay actual implementation of any changes until the effective date of August 23, 2004. We believe employers should delay implementation of any changes until the effective date to allow the maximum time period in which to determine whether the regulations will in fact take effect.

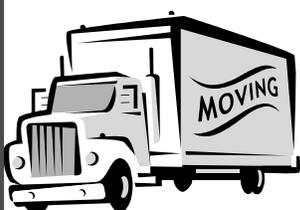
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For more information, visit our website: www.jacksonlewis.com. or call Tyler A. Brown,

Managing Partner of the Washington, DC Region Office at 703-821-4307.

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Region 1 & 2 Educational Conference in Orlando, Florida.

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CHAPTER LIBRARY

Did you know that we have a reference library?

Members are welcome to borrow any of the items listed below. If you have any suggestions for topics/materials to add to the library or would like to borrow from it, please contact Tempie Tavenner at tempie@alanova.org.



Enjoy!

Audio Tapes:

- 401(k) and Pension Plans
- How to Get Your Lawyers to Stop Thinking Like Lawyers
- Cool, Calm & Collected: Maintaining Personal Productivity and Balance
- Say it Right the First Time
- The Care and Feeding of Staff: Energize, Engage & Motivate Your Work Force
- Who Are You? What You Should Know About the People You Hire
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- Take Two Aspirin and Call Me in the Morning: How to Treat the Top 10 HR Headaches
- Just Change "IT"
- Web Tips and Techniques to Make Your Firm Stand Out
- Effective Execution of Project Management in Law Firms
- Disaster Responsiveness: A Practical Approach



Managing Attorney Escrow Accounts

Thursday, July 22, 2004

2-4 pm Eastern 1-3 pm Central Noon-2 pm Mountain

11 am-1 pm Pacific

Are you and your firm's attorneys confident of your ability to manage your clients' funds? Are you familiar with the reporting requirements and guidelines for maintaining account records? Plan to participate in this program that will examine the important measures required to safeguard escrow accounts and maintain their integrity. The program will include scenarios in which attorneys made career-threatening mistakes in managing their clients' funds, with suggestions for administrators on how to avoid the pitfalls and traps in dealing with these accounts.

Key Discussion Points include:

- Sanctions
- Rules
- Accounts Required
- Principles of Trust Account Management
- Maintaining Records
- Investigation Triggers
- Tax Issues

*This program meets the eligibility requirements for the CLMSM Application or for recertification in the amount of 2 hours of Financial Management.

For more information, visit: alanet.org

If you are interested in hosting a Teleseminar for NOVA ALA members, please contact Kevin O'Hare.

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(continued . . .)