



## Region 3 Educational Conference & Exposition

by Linda Benns, Pitt McGehee Palmer Rivers & Golden, PC



Left to right: Linda Benns, Wendy Rice-Isaacs (Past ALA President), Jennifer Sluzinski from Robert Half, Lois Martin, Denise Doherty and Beth Lockwood

If you haven't done so already, you must make attendance at an ALA conference your number one priority. It is truly your connection to *knowledge, resources and networking*. If time away from the office is a concern, regional conferences are the answer. Everything at this conference was conveniently held at the Chase Park Plaza Hotel. Activities are planned to maximize your time in a relaxed atmosphere. Friday night we had the opportunity to take a walk around our area of the city of St. Louis.



Left to right: Vivian Straffron, Denise Doherty, Linda Benns, Beth Lockwood and Lois Martin.

Sessions are coded to a specific area of *knowledge*. Select the sessions that will most benefit you and your firm. We all have strengths and weaknesses. The variety of sessions allows you to strengthen your weaker areas. Benefit from the experiences of experts from around the country and have fun at the same time. The session handouts allow you to share the information with everyone at your firm.



In center: Randy Headley, former Region 3 Officer

*Resources* abound in the vendor hall. Keep your arsenal of tools current by learning about the latest and greatest in supplies, technologies, and services. Chat with the vendors, many of whom have spoken at our local chapter meetings. You can pick up literature or drop off a business card and they will send the materials to your office. It was a pleasure to see Jennifer Sluzinski, formerly of Robert Half Legal. Jennifer moved to Chicago and is now with Hire Legal.

We all fill very similar roles in the legal community. We shared "the good, bad, and the ugly" and had a

lot of laughs at the same time. This *networking* continues throughout the conference beginning with the welcome reception and continuing on everywhere two or more members are found.

The 2010 regional conference will be held in Chicago. I'm sure car pools will be forming. Watch for the date so you don't miss another opportunity to connect!



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# Message from the President

By Denise Doherty



I recently came across a website that had a message on its' homepage that seemed to capture the essence of ALA.... **Learn what you need, share what you know!!** It's quite

a meaningful statement and one that holds true relative to our educational meetings, Listserv conversations and networking opportunities.

The following are the results of the survey that we conducted this past summer. The top 3 responses were selected for from each category for posting. Based on your responses, our target for future meetings will be to provide you with the topics you feel are important.

## FINANCIAL MANAGEMENT

Budgeting  
Financial Reporting and Analysis  
Vendor Negotiations

## LEGAL INDUSTRY

Business Ethics  
Strategic Planning  
Vendor Partnering

## HUMAN RESOURCES

Changes in Employment Law  
Keeping Up Morale  
Motivation Techniques

## PERSONAL DEVELOPMENT/ COMMUNICATIONS

Conflict Management  
Dealing with Administrative Burnout  
Time Management

## TECHNOLOGY

Email Security & Policies  
Marketing on the Internet  
Website

## OFFICE MANAGEMENT

Outsourcing – Pros & Cons  
Quality Control Procedures  
Records Management (vendor comparison)

## SPECIAL EVENTS

Member Appreciation Night  
Regional Conference  
Vendor Appreciation

## NEWSLETTER

Advice to Administrator Column  
Management Articles  
Vendor Articles

## SUGGESTED MEETING LOATIONS:

Downtown, Novi, Southfield, Troy,  
Farmington Hills, Venetian Club

## PREFERRED TIMES FOR MEETINGS:

Breakfast and Lunch

# 2009 (Revamped) Vendor Exposition

By Pam Fontana

The 2008 vendor exposition was cancelled due to lack of participation by chapter members. Rather than view this in a negative light, the board of directors decided to go back to the drawing board and give this important event a face-lift. The first thought was that perhaps chapter members do not realize how important vendor financial support is to chapter survival. Without that support, the chapter would be unable to provide the quality networking and educational opportunities we have come to enjoy.

This year's vendor expo is convenient, exciting, and important for members and vendors alike. The following are some of the modifications you will see at this year's event:

- Half day morning event
- No speaker

- Vendor gifts
- Five \$100 gift cards provided by the Chapter
- Free member admission

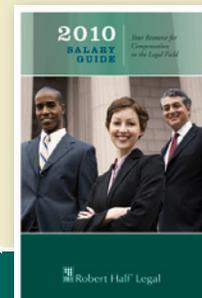
Vendor support is absolutely vital for the survival of the chapter. Please make a point of attending the 2009 Vendor Exposition. There are new vendors who are anxious to meet you, as well as those you have come to know and trust over the years.

## Save the Date

When: November 12, 2009  
Where: Club Venetian  
29310 John R Road  
Madison Heights, MI 48071  
Registration: 8:30 a.m.-9:00 a.m.  
Exhibit Hall: 9:00 a.m.-11:00 a.m.  
Luncheon/Prizes Awarded: 11:00 a.m.-Noon  
(must be present to win)

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# Special Event at the Ford House

By Denise Doherty

On Thursday, August 20, 2009, the Chapter held a very special event at The Edsel and Eleanor Ford House in Grosse Pointe. It was truly a fun filled afternoon with a terrific presentation by Karen Griggs, Region 3 Director; special member recognition for those celebrating 15+ years with the Chapter and a tour of the Ford House.

## Honored members:

Laura Allen	Ann Klein
Pat Costigan	Raisa Medvinsky
Denise Doherty	Cherrl Paulson
Linda Englehardt	Michael Starrs
Janet Ibarra	Dana Wothe
Susan York	

After lunch, the members celebrating their anniversary were presented with a gift from the Chapter. Following the recognition, Karen spoke on Changes in Attitude; Changes in Latitude. As a fan of Jimmy Buffett, her presentation was most appropriately titled. In the spirit of Buffett, she gave everyone a lei to wear. Karen is a very dynamic speaker and there were many fun filled moments, but most importantly, Karen's presentation was very meaningful. She spoke on how attitude affects planning, productivity and problem solving and that by understanding and managing your attitude, you can handle the challenges in your firm or legal department.

The event concluded with a guided tour of the Ford House. Whether members were first time visitors or had previously toured the home, everyone thoroughly enjoyed learning about the Ford family and the history of the home.

The afternoon was an event to remember. Looking forward to next year's annual summer event!!

# Save the Date



## November 11

Control Stress Before it Controls You (ALA Webinar)

Hosted by Denise Doherty @ Sommers Schwartz - details to follow 2:00p.m.

It is certainly the time of year to be stressed: the firm's budgeting cycle, the economy, the holidays, and more. And each of these stress points can affect the attorneys and staff - creating even more stress. Join this program to examine the good, bad and ugly sides of stress. Explore techniques for dealing with stress, and identify ones that will work best for you. Remember, stress is a natural part of our lives and only becomes bad or ugly when it exceeds our ability to cope. As a legal administrator, you are always expected to cope.

This Webinar qualifies for 1.5 hours of CLM general education credit in the Management Category of Self-Management Skills for those seeking to fulfill the CLM application.

## Thursday, November 12

2009 Vendor Exposition - FREE ADMISSION  
Club Venetian  
29310 John R Road  
Madison Heights, MI 48071  
8a-9a Member Registration  
9a-11a Vendor Hall  
11a-Noon Luncheon/Gifts Awarded

## Thursday, December 3

Holiday Party - Chapter Sponsored  
Assagi Bistro  
5:00 p.m.-7:00 p.m.  
330 W. 9 Mile Road  
Ferndale, MI 48220  
248-584-3499  
www.assagi.com

## Special Event - Friday, May 14, 2010

DETROIT METROPOLITAN  
35TH ANNIVERSARY  
CELEBRATION

Location to be announced  
Committee Members:  
Sue York, Chairperson  
Norm Bornstein  
Lyn Calu  
Dana Everden  
Anne Kupstas  
Sandra L. McCarrick  
Connie Shannon



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# In Celebration of Certification

## ALA Members Share Reasons for Attaining the CLMSM

By Sue Powers

In today's rapidly changing economy, it might help to know that certification is one commodity whose value is increasing. From personal satisfaction to savings on liability insurance, the Association of Legal Administrators' (ALA) Certified Legal Manager (CLM)<sup>SM</sup> designation is today helping in ways not imagined when many CLMs first made the decision to seek certification.

Consider its advantage in the job market. The CLM designation has shown its power to raise a résumé out of the slush pile and into the job. When Fran Puntillo, Office Manager at Weiner Lesniak LLP, was looking for her present job, the managing partner was about to offer the position to someone else when her résumé hit his desk. He decided he had to meet the person who "after being in the profession for so many years (*ouch – that hurt*) went back to school to prepare for a certification exam." After reviewing ALA's material on their CLM program that she so wisely thought to bring with her, he offered her the job the next day.

Ray Lightell, Jr., Chief Operating Officer at Galloway Johnson Tompkins Burr & Smith was able to secure a prominent position with a major New Orleans law firm within six months of becoming certified. "It added credibility to my résumé and was one of the deciding factors in my selection."

And Executive Director of Traskbritt PC, Charly Doe, believes her CLM credential (and her sparkling personality) separated her from the other two finalists vying for her current position. "All three of us were experienced and well educated."

In fact, certified legal administrators give their CLM status credit for any number of opportunities and benefits they enjoy today. Particularly when so many administrators come from varying backgrounds, such as CPAs, IT managers, and even some from the medical field, the CLM designation has proven its ability to educate, empower, and validate.

As in the case of Louis Haley, Administrator at Walsh Colucci Lubeley Emrich & Walsh PC, who was a mini-computer and LAN systems analyst for the first 10 years of his career. He believes the process to attain his CLM certification gave him the education he needed to move into legal management. "I believed I would be a more credible manager if I gained experience in the various competencies and attained the certified status." Haley credits his CLM credentials for helping him throughout his law firm career, which has taken him from a Washington, D.C., firm to a large international firm, and back again to a smaller local firm.

Former registered nurse Debra Holland turned legal administrator for Eckenrode Maupin, Attorneys at Law, believes her certification proved her "competence in the legal field" and offered "validation" to her career. CPA Barbara Schafer, Executive Director of Ogden Murphy Wallace, PLLC, says her CLM designation provided validation of her role as a principal administrator. And for Mike Brodfuehrer, who had a background in finance and manufacturing and is now the Firm Administrator at Woodward Hobson & Fulton, LLP, certification was a "barometer" that measured his competence in the legal industry.

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# In Celebration of Certification Continued from previous page

The value so many place on the CLM designation comes in part from the fact that earning the CLM designation is a hard won victory. As anyone who has gone through the CLM certification process will tell you, ALA's program is a rigorous one. Administrators must meet strict educational and work experience requirements and pass a comprehensive examination that tests their mastery in *each* of the following areas:

- a. financial management, accounting and analysis
- b. human resources management
- c. office operations management and technology
- d. legal industry/business management

But certification has proven it offers benefits, opportunities, and added value to the work (and even personal life) of many CLMs. And in a recent CLM survey conducted by ALA, current CLMs, non-certified legal administrators, and managing partners provided some very compelling reasons for seeking certification and a better understanding of the value of the program to the entire legal industry.

## Managing Partners

The Association does not get a great many opportunities to discuss the CLM program with Managing Partners. So when the survey asked Managing Partners what the CLM credential best represented to them, the Association listened closely.

Topping their list were three areas of value concerning the CLM credential:

1. Mastery of the fundamental knowledge and skills related to legal management
2. Professional credibility
3. Commitment to the profession

Moreover, all agreed – Managing Partners, CLMs and non-certified legal administrators – that these top three areas

best represented the significance of the Certified Legal Manager credential.

## Current CLMs

Current CLMs were also posed the question “Why did you choose to obtain the CLM designation?” What emerged were these ten top reasons to pursue certification and commit to the ongoing process of continuing education:

1. Personal satisfaction
2. Enhancement of knowledge and skills
3. Validation of existing knowledge and skills
4. Distinction in the profession
5. Credibility as a professional
6. Advantage in the job market
7. Demonstration of commitment to the profession
8. Demonstration of commitment to a code of professional ethics
9. Enhancement of job security
10. Increased status within the legal community

Over the past eleven years of ALA's certification program, many CLMs have talked quite enthusiastically about the positive effects of certification on their confidence, self-esteem and pride, so it wasn't a great surprise that personal satisfaction was rated as the number one benefit of certification. But for one CLM, who hadn't taken an exam in 25 years when she passed her 100 question certification exam, her reaction was both relief and joy. She now has a new role as an ALA chapter leader, which she owes to having obtained her CLM.

One of the goals of ALA's CLM program is to provide the knowledge and skills that would allow a legal administrator to confidently walk into any mid-size firm and hit the ground running. Thus it has been gratifying to know that many of those who become certified do

feel empowered to tackle any situation that might unfold, knowing they have the knowledge, skills and ability to handle it.

Those who achieved certification have also told us they now receive greater respect from the partners, are more involved in decision-making and are more often asked for their input. The respect one CLM received “increased three-fold” from the attorneys he works for; they now come to him as the authority in all areas of their profession. Another CLM, since becoming certified, is used as a “resource to meet the demands for information” in her law firm.

Awareness of the CLM designation is increasing, particularly in some parts of North America where ads for legal administrators say “CLM preferred.” And the news about CLM certification keeps getting better. Discounts on liability insurance are available in many states for firms who employ CLMs ([www.alanet.org/clminsur.html](http://www.alanet.org/clminsur.html)).

One CLM impressed her new employer when he received a notice from the firm's insurance company that it would save money because it hired a CLM. Another reported that she saved her firm about \$14,000 on its professional liability insurance renewal this year, and she expects that savings will continue.

Added another CLM: “The benefits have been many. Recognition by my firm is just one. For me, it has resulted in more confidence in the decisions I make. For my firm, among other things, it has resulted in financial savings on our professional liability insurance. As one member of our management committee pointed out, I am now a profit center.”

For complete information on ALA's certification program, visit [www.alanet.org/clm](http://www.alanet.org/clm).

\*CLM<sup>SM</sup> is a service mark of the Association of Legal Administrators

**Remember to visit the website at [www.aladetroit.org](http://www.aladetroit.org)**

## Holiday Time Off Elusive for Many Workers

### (But Here's How to Plan a Worry-Free Break)

By Charles A. Volkert

Santa and his helpers aren't the only ones working hard during the holidays. A recent survey by our company found that four out of 10 professionals employed in office environments will not take extra time off during the end-of-year holiday season. Only one-quarter (25 percent) of those surveyed planned to take a week or more.

Employees were asked, "During the time between Thanksgiving and New Year's holidays, how many days off from work will you take, beyond employer-provided days off?" Their responses were as follows:

No days	42 percent
One to two days	17 percent
Three to four days	15 percent
Five to six days	13 percent
Seven or more days	12 percent
Don't know/no answer	1 percent
<hr/>	
	100 percent

So why don't more professionals take additional time off around the holidays? The most obvious reason may be that many may have already used their discretionary vacation days for the year. Others may just be hitting their stride at year-end, perhaps driven by seasonal workload peaks, as yet-undetermined bonuses or the desire to wrap up projects before the start of a new year.

Whatever the reason, both staff members and managers may want to stop and contemplate the value of vacation time. Taking time off to recharge can boost your productivity and morale and help alleviate stress and burnout.

Whether you're preparing to take time off soon or starting to envision your next getaway, a little preparation goes a long way toward assuring a relaxing respite from the office. Careful planning also helps minimize the possibility that you'll return to projects that have gotten off track in your absence, which can quickly unravel the calming effects of time away. Here are some tips for making sure your next vacation is worry free:

Schedule ahead. Give early notice of your intent to take time off. This helps ensure you'll secure the dates you want and gives your supervisor time to assess anticipated workloads and resource requirements and arrange for temporary help, if needed.

Supervisors also should give as much advance notice as possible in case other managers or key staff members need to plan to be in the office during your absence. Once your vacation dates have been determined, be sure to let all team members know so that they can plan project needs around your absence.

**Brief colleagues.** To alleviate undue stress on those who will be in the office during the holidays – and smooth the way for your own departure – provide your manager or team members with a detailed record of any active projects and their status.

**Identify a point person.** Determine who will serve as your backup while you're out. A trusted coworker can make decisions on your behalf and keep projects moving forward while you're away. Remember to return the favor the next time he or she takes time off.

**Leave your workspace in order.** Make sure your desk is orderly before leaving for vacation. Keep in mind that it's not enough for you to think you're organized and prepared; you want others to think so, too. Show colleagues where your files can be found, or turn over key materials to your point person before you leave.

**Use out-of-office functions.** Let those who call or e-mail know you're away by changing your voicemail greeting and e-mail settings, and provide the name of your backup so important messages aren't left unanswered.

The holiday season and start of a new year is the perfect time to regain your perspective on life and work, and taking time away from the office can help you recharge personally and professionally. Sure, it may sometimes seem that scheduling a vacation from work is more trouble than it's worth, but you'll emerge a better employee and a better person if you avail yourself of periodic breaks from your job.

*Charles A. Volker is Executive Director of Robert Half Legal®, a legal staffing service specializing in the placement of attorneys, paralegals, legal administrators and other legal professionals with law firms and corporate legal departments.*

## Open Positions for the 2010/2011 Term!

**Now is your time to volunteer for a Committee Chair position!! Please join the Board for this very rewarding experience.**

Please contact Lyn Calu at [Lyn.Calu@det.bowmanandbrook.com](mailto:Lyn.Calu@det.bowmanandbrook.com) or any Board member if you have any questions or to sign up for one of the open positions.

### COMMUNITY SERVICE CHAIR:

- Work with Board of Directors on ways the Chapter can give back to the Community throughout the year
- Coordinate the Fall Community Challenge Project
- Invited to attend monthly Board meetings

*Monthly Time Commitment: 2.5 hours*

### MEMBERSHIP DIRECTOR:

- Send Yearly Dues Notices
- Keep Membership Information Spreadsheet Current
- Work with Board of Directors on Ways to Attract New Members
- Attend Monthly Board Meetings

*Monthly Time Commitment: 3.5 hours*

### NEWSLETTER EDITOR

- Responsible for the Chapter's quarterly newsletter

Write or gather material for the articles

Work with printer to layout newsletter

Email newsletter to the members  
Obtain photographs of chapter events for the newsletter

*Monthly Time Commitment: 1 hour*

# Need Help....Turn to ALA Management Solutions<sup>SM</sup>

Visit [www.alanet.org](http://www.alanet.org) for additional information

ALA Management Solutions<sup>SM</sup> is a free, full-time information resource and reference service just for members of ALA. This service brings you customized information to meet your specific needs. You receive exactly the information you need when you need it most. ALA Management Solutions<sup>SM</sup> services are explained below, with links to each area.

## **ALA Peer Consulting Database**

The Peer Consulting electronic database puts you in touch with over a thousand active administrators worldwide who are experienced in hundreds of areas of legal management and ready to assist you with your pressing management issues.

Members are asked to make a self-assessment of their expertise in various

subject areas and indicate those areas for which they would be willing to act as peer consultants. The members' responses have been compiled into the Peer Consulting Database.

## **ALA Documents on Demand**

Frequently requested documents are located on the Web site. Membership, financial, product and informational materials are available to you with a click of the mouse. Each is fully accessible and downloadable from this site. Take a moment to review our listings.

## **ALA Reference Desk**

Free and comprehensive answers to pressing management questions are just an e-mail or phone call (847-267-1385) away.

Get connected to researchers and industry veterans who can tap into an ever-growing collection of industry information, including articles, statistics, surveys, Web links, forms and checklists.

Receive **clear, detailed responses**, often within one business day of your request, or they can put you in touch with a peer consultant who can provide the type of personal experience necessary when your decision must be right, right now.

"Research Studies" have been developed in response to frequently asked questions. But if your question hasn't already been addressed in one of these studies, contact the people who can help: ALA Management Solutions<sup>SM</sup>.

**We are your information resource.**

## **Websites to Visit.....**

### **Recommended by the speakers at the Regional Conference**

ALA's Region 3 Conference was a program to remember....I left re-energized and feeling very positive about the conference. ALA had many terrific speakers and several of them shared websites they felt were meaningful. I hope you find them useful.

*Denise Doherty*

#### **[www.ted.com](http://www.ted.com) The Ted Videos**

TED is a small nonprofit devoted to Ideas Worth Spreading. It started out (in 1984) as a conference bringing together people from three worlds: Technology, Entertainment, Design. Since then its scope has become ever broader. Along with the annual TED Conference in Long Beach, California, and the TEDGlobal conference in Oxford UK, TED includes the award-winning TEDTalks video site, the Open Translation Program, the new TEDx community program, this year's TEDIndia Conference and the annual TED Prize.

#### **[www.ted.com/talks/dan\\_pink\\_on\\_motivation.html#](http://www.ted.com/talks/dan_pink_on_motivation.html#)**

Career analyst Dan Pink examines the puzzle of motivation, starting with a fact that social scientists know but most managers don't: Traditional rewards aren't always as effective as we think. Listen for illuminating stories -- and maybe, a way forward.

#### **[www.winningworkplaces.org](http://www.winningworkplaces.org) Winning Workplaces**

Winning Workplaces is a not-for-profit providing consulting, training and information to help small and midsize organizations create great workplaces. The organization was founded by one of the families who owned auto parts manufacturer, Fel-Pro, Inc., which was nationally recognized for its innovative people practices and outstanding financial performance

#### **[www.winningworkplaces.org/library/success/redefining\\_the\\_law\\_firm.php](http://www.winningworkplaces.org/library/success/redefining_the_law_firm.php) Law Firm Success**

#### **[www.worldatwork.org](http://www.worldatwork.org) World at Work**

WorldatWork is the world's leading not-for-profit professional association dedicated to knowledge leadership in total rewards, compensation, benefits, and work-life. Founded in 1955, WorldatWork focuses on human resources disciplines associated with attracting, motivating and retaining employees. Besides serving as the membership association of the professions, the WorldatWork family of organizations provides education, certification, publications, knowledge resources, surveys, conferences, research and networking.

#### **[www.tut.com](http://www.tut.com) Tut's Adventure Club**

AS noted on the website....Super cool happy love thing! "Spiritual but not religious, inspirational without commitment, empowering yet caffeine-free!"

"This article was originally published in the Summer/Fall 2009 edition of the New Jersey ALA Jer-ZJournal and is reprinted with permission from the chapter."

# Social Networking, Your Employees and Recruiting: Use With Caution!

By Doreen Marino

Social Networking is one of the fastest growing communication resources in the world. Facebook, Twitter, MySpace, LinkedIn are just a few, and it is no secret that the growth of the membership on these networking sites is astounding. MySpace, which originated in 1999, has over 110 million users. Twitter, the newest to the social networking arena, was introduced in February 2009 and in just a few months reported an incredible 7 million users in the United States alone. What has started out as a means for teens and young adults to organize their social lives and keep in contact with their friends, has developed into vital sources of information on your employees, your firm and your clients. Though some sites require membership, everyone has access to these sites.

Is it a fad? A phase? Or is it here to stay? It is hard to predict. Because of the potential risks and ramifications of not being on top of how social networking impacts your business, it is very wise for administrators to have control mechanisms in place to protect your firm. It also helps guide your firm through the benefits of using social networking to promote and/or market your firm.

## Social Networking and Your Employees

Half of the adults in the United States belong to one form of social networking (albeit the percentage of adult usage decreases as age increases). So approximately half of your employees have (or will) put on a social website personal and revealing information about themselves, including opinions about co-workers, superiors and the firm in general. And how much of this information can you use when evaluating an employee's judgment and/or loyalty to your firm? As of the writing of this article, the courts are considering this very question. You need to proceed with

caution as the courts determine whether this is an invasion of employees' privacy or whether information contained on a social networking site is considered public domain.

It is important to consider why your employees join social networking. Sometimes it is for personal reasons and sometimes it is for professional reasons. The reasons are very important and sometimes not as obvious as we would assume. Take, for example, the employee networking with business related groups for a future job. If your firm is lambasted on the web in the process, can this be considered professional networking or personal networking? Privacy rights, if any exist in social networking, definitely apply to when employees are socializing on a personal level during their own time.

If you remember one thing, remember this: The information on these sites are most likely not accurate. There is no testimony as to the truthfulness of the information contained on these sites. Also note that people other than the owner of the "page" can post information to the page. It is estimated that at least 50% of the information posted in social networking are downright lies. Though there does not appear to be a percentage attached to it, there is a certain percentage above and beyond the lies that represent an exaggeration of the truth.

So it is highly recommended that you do not use the information obtained at these sites when evaluating the performance of an employee, but you can protect your firm and its partners from derogatory comments from disgruntled employees. And here is how you do it—you develop a policy that prohibits employees from posting bad things about the firm (whether true or not) on any form of social networking. Not much different than a policy against derogatory blogging. The problem is employees (over 50%) feel that what they post is none of the employer's business. While the

attorneys battle this issue out in court, it is best to protect your firm by making a policy first, so employees are clear on how the employer monitors on-line postings and what would be considered a violation of firm policy.

This isn't your typical policy. Your goal is to protect the use of your firm's name without appearing to be unreasonable. In other words, you want to protect what matters most, such as your firm's business reputation, while not stepping on the privacy rights of your employees. You clearly want to use it for marketing purposes and yet want to control usage in instances of discrediting or venting. You certainly want to limit the use of the firm name in social networking for approved purposes only. Providing examples of unacceptable postings proves to be extremely helpful. You may want to explore software that can monitor your firm name as it is used on the web. Whatever steps you choose to take, it is recommended that steps be taken to communicate to your employees the acceptable and unacceptable uses of the firm name in social networking arenas. The policy should apply to everyone—attorneys must not be treated differently than staff. Above all, make sure that you have an employment lawyer review and approve your policy to ensure that all the various laws are considered and incorporated.

## Social Networking and Recruiting

The major and most obvious reasons not to use social networking searches when recruiting for candidates is the fact that you are exposing yourself to information that is considered "protected" and not eligible for consideration when contemplating candidates. Not only does this influence your decision (if not consciously, then subconsciously), but it can be held against you if you determine

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# Social Networking, Your Employees and Recruiting

*continued from previous page*

to hire a different candidate. Protected information includes just about every piece of personal information:

- Gender, Gender Identity and Expression
- Sexual Orientation
- Marital Status
- Parental Status/Pregnancy
- Race/Ethnicity/National Origin/Ancestry
- Genetic Information
- Disability (all physical and mental)
- Any and all medical conditions
- Age
- Citizenship
- Religion/Creed
- Veteran's Status/Military Status

Making any type of decision relating to a potential candidate that is based on any of these protected categories can be challenged as discriminatory hiring practices. Once you have exposed yourself to this information, it is very hard to prove that the information did not influence your decision. An excellent rule of thumb is to remember that you cannot search for any information that you would otherwise not legally be permitted to ask a candidate in person. A way around this is to use a third-party to conduct a search for specific criteria eliminating the possibility of exposure to potentially discriminatory information.

If you insist on conducting your own social networking searches, then it is very highly recommended that you add this disclosure/release language to your employment application. Make it clear that the firm conducts social networking searches on potential employees for the

purposes of conducting professional credibility checks.

One last word. Train everyone in your firm to refrain from posting on any social networking site any recommendations or commentary about current or former employees. You may want to consider adding this to your policy on social networking. Specifically, LinkedIn provides the ability for those invited to add commentary about the person. These actions can be used against the firm in several ways. For example, positive commentary about an employee can be used against the firm in a wrongful termination action. Though this is anticipated to be the next lucrative area for employment lawyers, it certainly can be the next nightmare for administrators.

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