



Best Practices

A Sneak Peek at Best Practices in Legal Management - The Preface

Gary A Munneke, Chair, New York State Bar Association Law Practice Management Committee; gmunneke@law.pace.edu



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The following is the Preface to 'Best Practices in Legal Management: Comprehensive Guide,' co-written by members, business partners, and friends of the New York Chapter of the Association of Legal Administrators, which was published in January 2010 by the New York State Bar Association.

For some people, the term "best practices" conjures up notions of efficiency experts armed with charts and research studies telling embattled managers how to make their lives easier. For others, the words suggest an idealized set of expectations that can never be attained in the real world. Still others think of best practices in terms of standards below which managers may not fall without the risk of professional failure and possible sanctions or liability.

In one sense, those who perceive best practices in these ways are correct; in another sense, they have it all wrong. Yes, best practices rely on research studies, practice management surveys, and other forms of empirical data to identify what practices are "best." Yes, perfection is a state that is always just beyond the reach of even the "best" practitioners, although its cousin, "excellence," is not. And yes, behavior that does not target achievement of "best" practices often risks failing to achieve "adequate" practices.

In a larger sense, however, best practices represent the collective experience of managers who have learned, often by trial

and error, how to accomplish organizational objectives in the "best" way. If these experiences could be collected, culled, dissected and organized in a rational way, they would provide a gold mine for those aspiring to excellence who seek to accomplish trial without error. When I was a kid, I frequently disregarded the advice of my parents about how to do something the easy way. Fill up your gas tank when it gets down to a quarter of a tank; don't wait to see how long you can drive with the low fuel light on." It took running out of gas on a lonely road miles from a gas station (in the days before cell phones) to teach me that I did not have to test my car's capacity for gas consumption with every tank.

Lawyers and law firm managers now have such a resource for managing a law practice. *Best Practices in Legal Management*, conceived of and originated by Barry Jackson and Kim Swetland, with contributions from numerous experienced law firm managers, provides a blueprint for achieving excellence and avoiding errors in running a modern law practice. The editors, all leaders in the New York City chapter of the Association of Legal Administrators, have aggregated their accumulated wisdom and share it with the rest of us. The text has also benefitted from review and comment by members of the New York State Bar Association Law Practice Management Committee, and the editorial guidance of the NYSBA Publications Department.

The final product is comprehensive, informative and, amazingly for the serious nature of the subject matter, fun to read. The various chapters of the book address every aspect of managing a law practice, including some most lawyers and law firm administrators may not have even thought

about. The chapters cover the following topics:

- Chapter 1: Strategic and Organizational Planning;
- Chapter 2: Business Development;
- Chapter 3: Legal Practice Management;
- Chapter 4: Human Resources;
- Chapter 5: Financial Management;
- Chapter 6: Procurement;
- Chapter 7: Operations Management;
- Chapter 8: Technology and Systems Management;
- Chapter 9: Space Planning and Design; and
- Chapter 10: Legal Administrators.

Each chapter includes both a checklist of best practices and recommendations on how to achieve the levels of excellence articulated in the practices. The text also includes resources that law firms can turn to in order to improve their practices. *Best Practices in Legal Management* was written for individuals with management responsibilities in law firms, including managing partners, management committee members, solo practitioners who manage their offices by default, law firm managers, and support staff

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Message From the President

By Lyn Calu



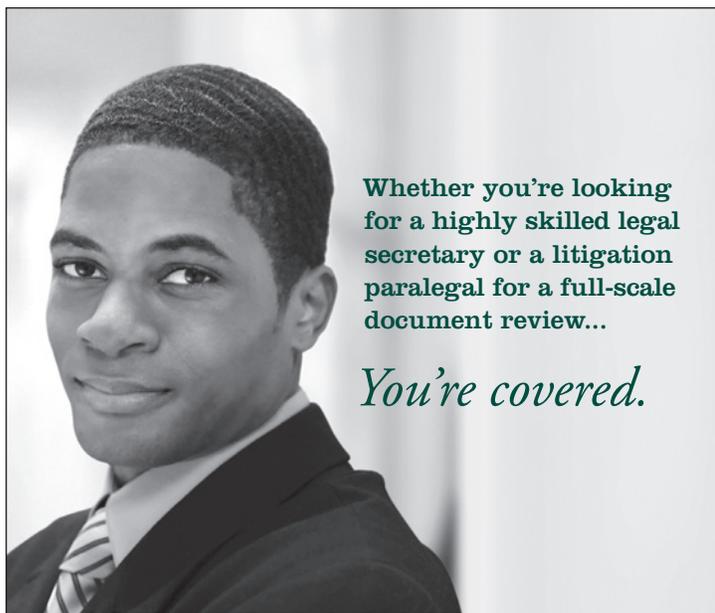
Since our last newsletter, I have had the opportunity to attend Chapter Leadership Institute (CLI) with the current Vice President, Lois Martin and Secretary (upcoming VP), Beth Lockwood. This was the second CLI I have attended; last year being my first. This was an incredible conference and a lot was taken away from it by all of us. We met with individuals from chapters of similar size to ours and shared ideas relating to how to

promote more involvement by our fellow administrators as well as ways in which to increase membership. Rest assured, your board members are all taking everything they learn and already know and applying it to try and make the Metropolitan Detroit Chapter's members feel you are really benefiting from your membership.

October 4th through 8th of this year is Professional Legal Management Week (PLMW) which is time for all of you to be thanked and hopefully a bit of recognition for all you do to make your firms run smoothly. PLMW is about promoting awareness of who we are, and to create a better understanding of what we do. This is done by providing education and information to others

regarding our roles, so that we, and all members of professional legal management teams, receive the proper recognition for our efforts in ensuring the success of our firms and corporate legal departments. Watch for the 4th Edition of PLMW Magazine coming in the fall of 2010. Happy PLMW to each and every one of you!

There are a group of individuals from our Chapter attending Regional Conference in Chicago in October. Unfortunately I have had to back out of this event because of Firm business conflicts; however, we have quite a group going who will represent our Chapter and hopefully come back with some valuable information to share.



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ALA National News

Free Diversity Podcasts Available

ALA, in partnership with Roosevelt Thomas Consulting & Training (RTCT), has produced a series of free audio podcast programs on diversity management designed especially for ALA members. In this three-part series, Kimberly Swetland, Director of Administration at Harris Beach, and Dr. Elizabeth Holmes, Chief Learning Officer at Roosevelt Thomas Consulting & Training, explore how managers can better align diversity efforts with employee expectations, demonstrate how managers should approach diversity tension and explain the characteristics of a diversity-mature individual. Listen to all three programs and other downloadable diversity podcast programs online at www.alanet.org/diversity/podcasts.aspx.

Legal Management Articles

Download articles from the Legal Management archives online. These all appear in the November/December 2009 issue. <http://www.alanet.org/publications/legalmgmt.aspx>:

- "Creating a Great Law Firm"
- "Bringing Equal Benefits to All"
- "Want an Extraordinary Law Firm? Listen to a Kindergartner"
- "Challenges to the Extraordinary Workplace"

IT Departments Can Be Profit Centers

Jay Bahel - Mr. Bahel's partner, Dan Safran, spoke at the Member Meeting on June 17, 2010.

Published in the May 03, 2010 edition of *The National Law Journal*



Information technology in law firms can be strategic. What does it mean for IT to be “strategic”? IT departments can help law firms generate

significant profitability. That said, the reality is that most firms still view IT as a cost center and a “keep the lights on” type of function.

Examples of how IT is typically judged within firms include such considerations as: “How good is my help desk at solving problems well and quickly?” “Does the system work when I need it to?” “Is my e-mail slow?” “Does my BlackBerry work?” Yes, IT is all those things. But here’s the truth for 2010 and beyond — those elements of IT are an expected commodity.

Ten years ago, law firms would operate largely on the phone with some e-mail. Now, law firms are working around the clock — largely due to advances in technology. And all that base technology that enables the (in theory) always-available infrastructure must work. That base technology, and the IT operations surrounding it, now become the equivalent of dial tone on the office telephone — it has always had to be there and working.

The opportunity for law firms is to support IT so that it can help make them more profitable. In many firms, areas such as marketing, business development and practice management are thought of as strategic delivery units, as they help generate profit for firms. What firm management often forgets (or doesn’t know) is that IT in law firms offers the same — if not greater — opportunity. IT can help by delivering real-time information on clients, verdicts, client competition and profitable versus unprofitable matters. IT systems and data can help the firm take on more profitable work, avoid

mistakes, improve value of delivery and remove costs via automation — yielding fantastic efficiencies. All of this can be exploited to help firms respond to the quickly evolving marketplace of high-value client delivery which has transformed the legal industry in the past 18 months.

The following are examples of ways firms can use IT to generate significant profitability:

- *IT can help drive more revenue via cross-selling among attorneys.* IT can drive the conversation between working and billing lawyers to help break down the traditional protective barriers that billing attorneys have historically created (relative to cross-selling). Although this is typically the responsibility of the marketing function within law firms, IT is in a unique position to be able to help marketing, and the firm as a whole, by project-managing these efforts; identifying statistically significant relationships; and transforming data in accounting and customer relationship management systems into opportunities for client development.

An example of a statistically significant relationship is when a firm works on a merger deal. The firm’s data might suggest that this type of deal typically creates opportunities to cross-sell that client to three other internal practice areas. IT can’t force these attorneys to talk to each other, but IT can take the initiative to send these data to attorneys in an easy-to-understand format.

- *IT can help firms develop further business and increase client satisfaction through the matter- closure process.* Law firms should ask questions at the end of a matter such as: “Did we generate the fees that we thought we would?” “What were the skills that were required for this type of matter?” “How do we update our Web site profile to make sure new client prospects know of our expertise from a newly closed case?” Furthermore, firms should survey clients at the end of every matter to see how the firm did

relative to client expectations. IT can help manage the automated workflow behind matter closure and help build systems on the firm’s intranet to leverage lessons learned from past matters.

- *IT can help firms assess the success of alternative fee arrangements.* Many law firms are looking to alternative fee arrangements to help drive firm revenue and profitability. Some of the key questions that arise from such arrangements include: How does the firm know whether it made a profit on a particular matter? How does it price this type of matter going forward? How does it incorporate alternative fee arrangements into partner compensation? And how does it turn its lawyers into project managers? Many of these questions are answered with the help of effective IT project-management processes and automated tools.

- *IT can help law firms remove paper to reduce storage and administrative costs and increase efficiencies within cases.* The reality is that firms will likely never be fully paperless. But IT can help in facilitating, identifying and project-managing which paper documents/ records must be retained, which can solely exist in electronic format, etc. All of these decisions should be aligned to the requirements of reducing costs to the firm, increasing efficiency and increasing client satisfaction.

An example of IT leverage to improve client satisfaction includes the use of electronic-discovery automation to help identify “the smoking gun” in litigation matters. IT can identify the appropriate software to allow the firm’s lawyers to perform keyword searches against electronically stored information instead of endless and sometimes fruitless searches in paper. The efficiency, reduced costs and client satisfaction derived by these types of IT solutions shows strong IT value.

- *IT can help firms easily find data.* Within the corporate world, studies show that 80% of the most important

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August Anniversary Recognition Luncheon

On August 26 the Chapter held its annual anniversary recognition luncheon at McCormick & Schmick's in Troy. Members who had been with the Chapter for 10+ years were honored. In recognition each Member was presented with an ALA engraved letter opener. Jerome Watson of Miller, Canfield, Paddock and Stone spoke on *Tips for Hiring and Firing Employees in Today's Environment*.

The following Members have reached this milestone:

Kathy Batts	Anne Kupstas
Christine Bellafaire	Sandra McCarrick
Judy Chupack	Lisa Myers
Hilda Ciaramitaro	Linda Reyna
Perpetua Crawford	David Sabbath
Cynthia Deittrick	Uwanna Simpson
Dana Everden	Robin Thomas
John Gorzalski	Marcia Wilkerson
Teri Jarvis	

Here are some comments from a few of the Honorees:

"I have truly enjoyed my affiliation with the ALA for the past ten years. I have met some very nice people, have heard some excellent speakers as well as interacted with many valuable vendor resources. However, the single most beneficial part of being a part of the ALA for me has been the interaction with the members. Between the web group and the time spent talking during luncheons, I have learned more, gotten more new ideas and hopefully have been able to share some of my expertise as well. In a law firm, lawyers have other lawyers and secretaries have other secretaries to bounce other ideas off of. In a law firm, there is usually only one administrator! We have no one to look to for advice, or answer questions or just bounce ideas off of that

understand where we are coming from. A managing partner or assistant just doesn't get it as well as a fellow administrator!! This for me has been the most satisfying and valuable part of being a part of this group!"

Judy Chupack

"I was honored to be a part of the August meeting wherein members that have achieved the 10 year membership mark were recognized. It was a wonderful luncheon. I feel truly privileged to be a part of such a wonderful organization. The chapter remains a true asset to its members, from its educational meetings to the invaluable listserve, just to mention a few of the many benefits. I have learned so much over the years and have established so many friendships. I wouldn't know what do without the Metropolitan Detroit Chapter of ALA."

Sandra L. McCarrick

"I am actually a returning member with ALA. I was a member for several years at a prior firm, took a break from Financial Management for a couple of years and rejoined ALA in 2000 when I began new adventures as Financial Administrator. ALA Listserve was a new benefit offered when I re-joined in 2000. Both the Listserve and National ALA Website Posting Boards have been an incredible value to our firm. When I began research on our new accounting/time & billing packages I received comments of weaknesses & strengths of programs available and great suggestions for living through a conversion as project manager.

My 8-year old son told us he can't wait until he is finished with school forever. We have explained to him education & learning does not end after college. Learning has to continue for you to be the best at your choice of careers--even if you choose to be a bus driver (his current career choice). The articles published in the ALA News and Currents, webinars, monthly meetings, networking on Listserve and at the meetings not only contain a wealth of information but offer fresh new ideas for me to do my best. Thank you ALA Officers, Committee Chairs & Members for a rewarding 10-years."

Robin Thomas

Professional Legal Management Week

Professional Legal Management Week is October 4 - 8. Be sure to visit www.PLMW.org for "ideas" you can use to mark the week.

The objectives for this week are:

- To provide awareness, understanding and education about the legal management profession, and
- To increase knowledge of the diverse roles within the profession.

The goal is:

To communicate to stakeholders, and others, the importance and need for a professional management team in all facets of enterprise leadership.



Best Practices *continued from page 1*

with management responsibilities. This book will also be useful for those who do not have line management responsibility, but want to know more about how the organization where they work operates. This group includes partners who are not actively involved in management, but who nevertheless have an interest in how the firm is managed; associates who aspire to partnership and/or management status; support staff members who see a path or career mobility in law firm management; law students who want to know how the firms where they will be working someday are run; and those who study the practice of law in order to contribute the best practices principles upon which this book is based.

A word for the lawyers who read this book: Most of us did not go to business school and may have even eschewed learning about business, because we were going to law school, not business school. At some point, we all come to realize that a law firm is a business; it requires capital to start up, income to cover operating expenses, and enough profit to compensate the owners of the business. Some lawyers argue that law is a profession and not a business, but this is a false dichotomy, because the practice of law is a professional business, which means that professional standards often govern the way we conduct our business. In fact, it would not be inaccurate to say that if we do a better job of running our business, we are likely to be more professional. In any event,

lawyers owe it to themselves, their clients, their peers and the profession to become good business people, even if they do not have a BBA or MBA or never took a business course in college. This book is a primer on how to get ahead in the practice of law without compromising professional responsibilities along the way.

A word for the law firm administrators and support staff managers who read this book: You may possess training and experience in management, but it does not take long to learn that managing a law firm is different from managing other businesses. First of all, you have to deal with all of the quirky lawyers with their professional rules and seemingly genetic inability to delegate managerial responsibilities, even when they do not have a background in management. Second, you probably have learned that the practice of law is a fast-paced, client-driven enterprise.

When clients need something done, they almost always need it now, unless of course they needed it yesterday. Third, you have probably learned that change comes slowly to the legal profession. In a world where precedent is a central principle in the analysis of legal cases, it is easy to look backward to find answers to management questions, than to proactively and creatively address problems. This book provides a model to follow to help deal with the impediments to progress in law firms.

For all readers: This book is not intended to create minimum standards below which lawyers and law firms should not fall. Rather, it establishes aspirational goals that are both achievable and laudable. If law firms elect to implement a best practices program, they will see an improvement in client satisfaction, in the quality of services provided, in the reduction of mistakes and professional error, and in the financial bottom line.

As a teacher in the field of law practice management and professional responsibility for over a quarter century, I can tell you that a book like this has been needed for a long time. As an author of an American Bar Association compendium of essential management forms (*The Essential Formbook: Comprehensive Management Tools for Lawyers*), I can state unequivocally that *Best Practices in Legal Management* fills an important niche in the practice management literature. I encourage you not just to read this book, but to use it, to internalize it, and to teach it to those around you. In the end, practice management is intrinsic to the effective delivery of legal services, which in turn improves the integrity of the justice system and the confidence of citizens in a society governed by the rule of law.

Gary Munneke is a professor of law at Pace University School of Law, and Chair of the New York State Bar Association Law Practice Management Committee.

This book can be purchased on line at the ALA Bookstore, member cost \$139.

2010 Save the Date!

Start planning now for these great conference events:

October 13-14, 2010

Intellectual Property Retreat
Chicago, IL

October 15-16, 2010

Region 3 Educational Conference & Exposition
Chicago, IL
visit www.alanet.org/region3

Annual Conference & Expositions Dates

May 2011

Orlando, FL

April 2012

Honolulu, HI

April 2013

National Harbor, MD

May 2014

Toronto, Canada

2010 Chapter Meetings and Events

October 21, 2010

Topic: Legal Office Collections
Speaker: Glenn Pulice, Transworld Systems
Location: Opus One, Detroit

November 18, 2010

Business Partner Event
Club Venetian
Speaker: Julie Fershtman, Vice President, Michigan Bar Association
Free admission and lunch for members

December 2, 2010

Holiday Party – Bacco Ristorante,
Northwestern Highway, Southfield

January 20, 2011

Topic: Managing Conflict/Difficult People
Speaker: Sue Robach
Location: To be determined

Interactive Audio Conferences



ALA is pleased to provide its membership three important interactive audio conferences, co-sponsored with KRM Information Services.

Conducting Hassle-Free Performance Evaluations **Content provided by Kiplinger** **Tuesday, October 12, 2010**

4:00 - 5:30 p.m. GMT
Noon - 1:30 p.m. ET
11:00 a.m. - 12:30 p.m. CT
10:00 - 11:30 a.m. MT
9:00 - 10:30 a.m. PT

Do you cringe at the thought of conducting a formal performance evaluation? Are you expected to complete a written and oral review of each of your employees at least annually — and feel that's way too often? Do you have no problem evaluating top performers; yet dread giving feedback to employees whose behavior or performance is less than stellar?

Join this 90-minute interactive audio conference to get practical solutions to these common problems and more. Discover dozens of simple but proven-effective techniques to take the hassle, apprehension and anxiety out of performance evaluations and transform annual reviews from tasks you wish to avoid into the best motivational tools at your disposal.

Register today!

CLMSM Credit: 1.5 hours in Human Resources (HR) for CLM Recertification; 1.5 hours in HR toward

the additional hours of education required of Functional Specialists seeking to fulfill the CLM application.

Smart Policies for Workplace Technologies **Content provided by Kiplinger** **Thursday, October 14, 2010**

4:00 - 5:30 p.m. GMT
Noon - 1:30 p.m. ET
11:00 a.m. - 12:30 p.m. CT
10:00 - 11:30 a.m. MT
9:00 - 10:30 a.m. PT

Sixty-eight percent of U.S. employees have sent e-mails that expose their companies to risk. Since 2005, almost 500 million consumer records have been compromised in security breaches, such as stolen laptops or drives, hacked websites, or intentional theft by an employee or contractor. Every new device or application that promises to make our lives easier or more productive brings with it the risk of misuse whether accidental or intentional.

Join this 90-minute interactive audio conference to discover a step-by-step plan to identify all of the technologies in your workplace that represent potential risk and assess the effectiveness of your existing security policies.

Register today!

CLMSM Credit: 1.5 hrs in Operations Management (OM) for CLM Recertification; 1.5 hours in OM toward the additional hours required of Functional Specialists to fulfill the CLM application.

7 Hidden Productivity Traps and How to Avoid Them

Content provided by Kiplinger
Tuesday, November 9, 2010

5:00 - 6:30 p.m. GMT
Noon - 1:30 p.m. ET
11:00 a.m. - 12:30 p.m. CT
10:00 - 11:30 a.m. MT
9:00 - 10:30 a.m. PT

It's easy to identify the most obvious office productivity killers: frequent, long or ineffective meetings, organizational red tape and in-boxes stuffed with unnecessary e-mail. But chances are you're also plagued by a host of less obvious productivity drains that continue to waste precious time, energy and resources. Individually, they can be so subtle you probably encounter these productivity traps every day without thinking much about them.

Join this 90-minute interactive audio conference for practical help to spot and sidestep the hidden productivity traps lurking in your office.

Register today!

CLMSM Credit: 1.5 hrs of credit in the category of Self-Management Skills for those seeking to fulfill the CLM application; 1.5 hrs in Communications and Organizational Management (CM) for CLM Recertification and toward the additional hours required of Functional Specialists to fulfill the CLM application.



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IT Departments Can Be Profit Centers

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data live in IT operational systems such as Oracle and SAP. Within law firms, important data can live in as many as 10 to 20 different key systems, within, depending on firm size and scale, hundreds of software applications and databases. The result is that information is often redundant, incorrect and difficult to find.

The method to address these disparate systems is to bring many of these applications and inherent data to a single presentation source via a “dashboard.” A dashboard is a user-friendly, typically highly graphical presentation of aggregated information on a Web site or intranet. Dashboards allow lawyers and firm managers to easily find and measure information including case-related documents and records, client intelligence, competitive intelligence, cross-selling data, billings, cash collections, docketing data and conflicts, to name but a few. IT can help drive the analysis, design, implementation and effective use of dashboards by key stakeholders of the firm (and sometime clients).

• *IT can help with litigation automation support.* Many law firms struggle with how to provide automation support to the litigation teams: “Should I charge back my client for litigation support?” “How can I position the value of electronically stored information, versus paper, to my client?” Litigation automation support is a key area in which IT can help increase the value of the firm’s litigation practice to drive increased revenue — better value along with decreased costs.

And the list of opportunities for how IT can generate profitability for the law firm goes on. The moral of this story is that IT is strategic and can generate significant profitability for legal firms. But how does a firm capitalize on generating profitability via IT and related automation? The answer is quite simple. Firms must elevate the role of the chief information officer and improve the balance of budgets and staffing between “keeping the lights

on” activities and value-added, profit-improvement plans.

One key area of high-performance law firm IT departments is the IT strategic analysts group. IT strategic analysts within law firms bring a more business-centric view to IT and help drive the strategic opportunities mentioned above.

Finally, data from Bain & Co. (based on a survey of more than 500 senior business and technology executives) suggest that 85% of businesses do not have highly effective IT capabilities. “Only 15% placed themselves on the highly effective side.” And “only 7% of respondents said that their IT organizations were both highly aligned with business strategy and highly effective in delivering what was asked of them.” David Shpilberg, Steve Berez, Rudy Puryear and Sachin Shah, “Avoiding the Alignment Trap in Information Technology,” MIT Sloan Management Review (Oct. 1, 2007), <http://tinyurl.com/ah5npc>. The key to enabling revenue growth is to align and execute strategic IT initiatives.

The opportunity to leverage law firm IT to improve firm profitability is significant. Think about it. Much of the work that legal firms do these days is in front of a computer. Great opportunity is locked up in law firm IT shops. Corporations think of IT very differently than do law firms — and they have long since realized the value of IT through systems such as e-commerce, supply-chain and enterprise-resource planning. Law firms can and must do the same, if they want to survive and prosper.

Jay Bahel is chief information officer and senior solution group leader of Project Leadership Associates, a Chicago-based consulting firm, where he advises law firms on how to exploit the value of IT. He has served in several senior IT leadership roles in industry, including CIO. He can be reached at jbahel@projectleadership.net

Business Partner Expo

Date:

Thursday, November 18, 2010

Place:

Club Venetian
29310 John R. Road
Madison Heights, MI 48071

Time:

8:30 -9:00 a.m.
Member Registration
9:00-11:00 a.m.
Exhibit Hall Open
11:00 a.m.- 11:30 a.m.
Prizes Awarded
Noon
Luncheon - free of charge
Sponsored by Royal Oak Storage
Speaker, Julie Fershtman,
VP of the State Bar of MI
(topic to be advise)

Please note your calendars for this event!!

We look forward to the return of our long time business partners and welcome new business partners that will participate in this year’s event. It is our goal to make the expo an event that will provide you with a variety of services/products that will enhance your offerings to your firm.

In addition, we are excited to have Julie Fershtman, current Vice President of the State Bar of MI as our speaker. She is dynamic and will have an outstanding presentation.

If you have any questions and/or suggestions, please forward them to Denise Doherty @ ddoherty@sommersp.com or call direct (248) 746-4005.



2010 Community Challenge



As you know, our ALA Chapter's 2010 Community Challenge effort is to collect food donations, toys and monetary contributions to help the Ronald McDonald House Charities of Southeastern Michigan.

Our Miller Canfield Troy office decided to host a few events to assist in this endeavor. The first event was an office BBQ Friday, August 16 from noon to 1:30 p.m. at nearby Jaycee Park and it was a huge success. Our firm supplied the lunch which consisted of hot dogs,

hamburgers and bratwurst grilled by one of our Principals. We also had potato salad, coleslaw and dessert. A donation of \$5.00 was required to attend and we collected \$375.00. Our employees also enjoyed having a relaxed lunch with their peers under a nice pavilion. A few pictures are attached.

We also are planning a pizza lunch, where food donations are required to attend and a used book sale where all proceeds will go to the Ronald McDonald House.



Please also note that you can bring your donations to the next ALA Chapter member meeting which is on October 21 at noon at Opus One, Detroit.

Thank you for your participation in this worthwhile event.

Vivian A. Straffon
Office Manager

Miller, Canfield, Paddock and Stone, P.L.C.

ALA Metro Detroit 2010/2011 Officers & Chairpersons

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Lyn Calu

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Phone: (586) 447-3728

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