Legal Industry Council Brief

Legal Industry Networking & Communications Channel

IFMA

April 2003

IFMA LIC President's Message

by Donna E. Baker, CFM

This is my second year as the LIC President, and the sixth year as a member. I enjoy working with the diverse group of people across the States and Canada that make up the council and the Board of Officers. I am connected to the Board with monthly teleconference calls and numerous e-mails. But I wonder, what benefits do the members get out of the LIC? What more would you like to get?

I went to the IFMA website under Councils and read the heading "IFMA Councils As specialized as you are". Our council fills a unique niche in both the facilities management industry and the legal management industry. Many of you are fortunate enough to belong to both ALA (Association of Legal Administrators) and IFMA (International Facility Management Association). Between these two very large organizations is a gap that the Legal Industry Council tries to fill through peer networking, targeted educational opportunities such as teleseminars and conferences, information and resource sharing via the list serve, and enhancing our professional marketability through the CFM program.

When the LIC officers and members met last year at the World Workplace Conference in Toronto, we thought about what makes LIC valuable to the members and determined that networking and education were at the top of everyone's list. Networking can take many forms, such as contact with other members through the listserve, attending the conference and meeting them in person, or checking the Membership Directory for LIC members in your area.

Cindy Dvorak, our Membership Chair, has done a wonderful job keeping the Membership Directory current and encouraging each new member to fill out the member profile. If you have not done this yet, or have new information, please contact Cindy at cdvorak@sidley.com. As we receive the new members list from IFMA HQ, Cindy and I contact each new member with information about the council and ask them to fill out the member profile.

James Gile, our Events Chair, is presently working on the first education teleseminar of 2003, to be held about the time this edition of the newsletter is printed. If you have a particular topic that interests you, or have attended a seminar and want to share that information, please contact James at jgile@thelenreid.com. James and Julie O'Loughlin, LIC Vice President, will be contacting Dallas law firms to find a host for our annual meeting at World Workplace in October. If you are interested in helping, please contact Julie at joloughlin@fenwick.com.

Craig Oakman, our Communications Chair, is hard at work updating our website. We want the website to be a showcase of information. Craig is working on a calendar of events, the newsletter page, a picture gallery of the Toronto conference, and placing the membership information on a members-only page. If anyone has an interest in website management or has an idea for our web page(www.ifma.org/hosts/lic), please contact Craig at oakmanc@phelps.com.

Esther Diamond, our Newsletter Chair, has been busy getting this first quarterly edition out and gathering new material for the next edition. We hope to keep the information in this newsletter interesting and current. If you have a facility management article, cartoon, book review, or member award you would like to submit, contact Esther at ediamond@lordbissell.com.

Larry Stevens, our new LIC Treasurer, is keeping track of all the new council dues coming in and watching the budget on teleconference calls. Mark Roberts, our LIC Secretary, has kept the meeting notes recorded for the Board over the past two years. This is a very difficult job to do over the phone, but Mark seems to keep everyone's voice straight and everything recorded smoothly. Our Past Presidents, Lucy Lessane, Harry Ludwig, and founding President, Norma Gwin, have been advising and keeping me on track. All-in-all, we've been busy.

What have you been doing? I would like to encourage each of you to get involved at some level with the Council. Take part in the listserve networking, contribute an article to the newsletter, suggest an educational topic, volunteer to lead a teleseminar, plan to attend the LIC annual meeting in Dallas at World Workplace 2003, and consider becoming an officer! Get involved and contribute your time and talents to keep this organization and council dynamic for all of us.

Donna Baker is Administrative Services Manager at Stoel Rives LLP in Seattle.

Greetings from Toronto

by Claire Hardie

A common opening line of a conversation is "how's the weather up/down/over there?" Well, the weather report is – it's freezing in Toronto! I received an IFMA message today (January 30th) entitled Got Cold? Get Texas! and I'm sure the writer was thinking specifically of me!

I hope all of you who did attend the IFMA Management Summit in February enjoyed and benefited from it. I wasn't able to go to the warm climes this time around, but I'm planning to be in Dallas in October, where I hope to renew old acquaintances from last September's conference, and add some new ones.

The 2002 conference in Toronto was particularly important to me, because it gave me an opportunity to show off the town I live in. Attendees who were members of the LIC also got to visit a Toronto law firm's offices, and we stayed together for dinner afterwards at a nice little Italian restaurant. We even managed to "reserve" a luncheon table for our group two days in a row at the conference, thanks to Donna Baker's vigilance in standing guard and waving everyone else away!

The consensus around our luncheon table at the end of the conference (as the staff almost threw us out for being the last occupied table when they were trying to clean up!) was that it was great to be able to share experiences and ideas with people who know exactly what we're talking about. It's not even the same as going home and trying to explain everything that happened during the day to your significant other. Unless you have to deal with lawyers day in and day out, you really can't understand them – and I'm not sure you can even then!

I'm new to the LIC, having just joined as of the 2002 Conference, and I can certainly see the benefits of being a member – the sharing and understanding, not only in person but via e-mail. Some really good topics have been raised in the impromptu surveys, and when one is of particular interest to me, like the question of sprinkler systems in computer rooms, I save all the replies for future reference. I must admit I haven't taken part in a survey yet, but I promise to get involved in the future.

We have an organization in Toronto similar to the IFMA LIC, called TLOMA (don't you just love acronyms?). It stands for the Toronto Law Office Management Association, and anyone working for a Toronto law firm in any administrative position can join. Within TLOMA there are sub-groups for each position, such as Records Management, Human Resources, and of course, Facilities Management The Facilities Managers in turn have a group called the 100+ Group, which is made up of Facilities Managers from law firms having more than 100 lawyers. We meet once a month to discuss topics of mutual interest, do mini-surveys, and just plain socialize. It's a great support group – and sorry, you have to work in Toronto to belong!

The other two new Toronto members of the LIC - Shelley Houser, Manager of Office Services for Davies Ward Phillips & Vineberg LLP, and Glenn Cook, Director, Office Services for Miller Thomson LLP – have agreed to contribute Greetings from Toronto in upcoming editions of this newsletter. So in the next issue, look for the latest weather report, and in the meantime please feel free to correspond with any one of us on legal facilities management issues. Or just send us something to brighten up our day, like this joke that I'll leave you with:

> A lawyer unexpectedly found himself standing in line before the Pearly Gates, waiting while St. Peter checked off names of new arrivals. When he reached the front of the line, he demanded to know why he was there. St. Peter said, "Because your time was up". "But,"

argued the (litigation) lawyer, "I'm only 37." St. Peter consulted his clipboard and exclaimed, "According to your dockets, you're 82!"

Claire Hardie is Manager, Purchasing & Facilities at Blake, Cassels & Graydon LLP in Toronto.

From Idea to Reality... Creating a Network for Legal Facility Professionals

by Norma M. Gwin, CFM

When I joined Nutter back in the early 80's, I realized immediately that one link to my success and survival would rest in the ability to keep abreast of "operational" news and to be connected with my counterparts in similar size law firms. This was back in the days when external communication consisted of letter writing and phone calls. In order to confront this dilemma, I joined IFMA. A short time later, a few of my law firm colleagues and I formed a group we called the Boston Legal Operations Group, more commonly known as BLOG. Subsequently, IFMA was introducing the concept of "councils" and the Boston Chapter of IFMA immediately reacted to by creating local councils. I then began to market and educate BLOG members on the benefits and value of IFMA membership and how it can offer law firm facility professionals countless ways to "think out of the box". Ultimately, most BLOG member firms joined IFMA and hence, the initial formation of our local Legal Industry Council.

Later, I was elected Secretary of the Boston Chapter of IFMA and I joined the local and national chapters of the Association of Legal Administrators (ALA) but something was still missing! I still lacked a dynamic network to allow me to keep abreast of the best practices and to give me the pertinent information regarding issues affecting daily operations in law firms. BLOG was able to give me a local network and ALA offered a national network for broad-based law firm issues. I really needed one network that could provide both. I wanted to expand my ability to collaborate and to converse on different issues that I am confronted with daily and to gain a consensus of opinion regarding controversial, futuristic, pressing and annoying issues to support decision-making. Unfortunately, my quest had to be put on the back burner because, at this time, the only interactive form of communication present in firms was voice mail, which was not the tool to make a group like this succeed.

I kept discussing my idea and kept being encouraged to give it a try. So in an effort again to get this idea off the ground and into a plan, I requested from ALA, a list of members in 100+ attorney firms. From that initial list of over 1000 people, I narrowed our contacts to about 180 names and in January of 1998, I began an active campaign to determine whether this idea could become a reality by sending a letter to these contacts to explain the concept and to ask if this was something in which they would be interested and would actively participate.

I immediately heard back from a group of people, some who were also IFMA members. Out of this group came the founding members of the Legal Industry Council. Soon after this process concluded, email was becoming the chosen method of communication in law firms and across the nation. An easy-to-use method of communication had been the missing link to make this work.

Milestones of the formation process included:

ü In November 1996, a group of law firm colleagues and I set our sites on council formation and the development of mission goals.
ü In August 1997, we submitted the first set of names for membership to IFMA, after much encouragement from Doug Aldrich.
ü The first annual meeting of the Legal Industry Council was held at World Workplace on October 5, 1997 where our first Executive Board was elected.
ü On January 23, 1998, I sent out a second mailing to law firm professionals around the United States to explain our efforts to-date in hopes of soliciting more members.
ü The first Executive Board teleconference of the Legal Industry Council was held on March 27, 1998.
ü In May, 1998, our first newsletter, the Legal Industry Council Brief, was published and distributed to our members.
ü In October, 1998 at World Workplace in Chicago, the Legal Industry Council was named a winner in two categories - Council Achievement Award and Council of the Year Award.

The rest is history!

I offer an excerpt from an article published in our first newsletter, Because our position as a facility manager is no longer a backroom operation and has become a critical component of every firm's decision-making process, we need a vast bank of knowledge and resources from which to tap. I believe we can grow into that resource bank and a strong support network to provide increasing value to one another.

I believe the Legal Industry Council has become that dynamic organization I was looking for. It offers me and others a wealth of knowledge and testimonials from across the country regarding services, products and new concepts that one could never get as quickly and as personalized as from its members. It gives me that forum off which to bounce ideas and questions and establish benchmarks to use in support of questions and major undertakings. Sometimes it just provides me a friendly "shoulder to lean on" or a momentary sanity check.

Norma Gwin is Director of Operations at Nutter, McClennan & Fish, LLP in Boston.

Retention Policies in a Law Firm

by Jean Barr, CRM

Introduction

Ever wonder what to do with those old client/matter files stored off site or in the back of a closet? How to put a policy in place to eliminate or return the client files? What about lawyers who want to store their personal books, diaries, and wall paper? Increasingly our firms are inundated with records, externally from clients, courts, government bodies and other entities, and internally from the firm's administrative areas. Costs for off site storage with a commercial vendor continue to increase or if stored on-site, make office space expensive.

A retention policy that helps a law firm manage not only their client/matter files but also firm administrative files in any format, voice, paper, electronic, image, etc. is the answer.

Purpose of a Retention Policy

The purpose of a retention policy is:

· To identify the records of the firm
· Minimize the client's risk by returning their records to them
· Comply with the existing state and federal statutes and regulations
· Follow state bar ethics and opinions for client/matter files
· Reduce operational costs
· Protect the firm's assets
· Establish guidelines for the creation, maintenance and final disposition of all records

The lawyer has the responsibility for the client files even after it closes. In order to assist the lawyer, the firm needs to return records to the client which came from the client and those which the client paid for. This action will help manage the client's risk. How to do this is spelled out by the policy.

Establish a Committee

Start by establishing a retention committee from the firm's risk management, computer, liability or other groups to formulate the policy. In addition, the firm's records manager should participate in the committee decisions. The overall duties of the committee are:

· To approve the retention policies and schedules
· To approve the disposal of old records in the absence of a lawyer
· To approve exceptions to the policy
· To remind lawyers of the importance of good record keeping practices

The committee's duties and members should be listed in the retention policy.

Research

Once a committee is established, research is done to assist the firm in formulating the retention policy. Such research includes the inventory of all administrative files and interviews with the practice group leaders to determine initial guidelines on keeping client/matter files after they close. Review the state bar rules and opinions for every state where the firm practices law. For administrative files review state and federal statutes and regulations. A consultant who specializes in Records Management can provide needed assistance doing the inventory for the administrative records and suggesting appropriate administrative retention schedules. Once this task is complete, draft the beginnings of a policy.

Elements of the Retention Policy

In a nutshell, the retention policy covers all records in all offices on all media and lists the duties of most personnel relative to the creation, maintenance and disposition of records in their control. The policy should answer who, what, and how. It should list the responsibilities of lawyers, secretaries, legal assistants and records personnel. The policy should define the following: client records, firm records, personal records, and electronic records.

The policy should also describe how records are returned to clients or destroyed and at what point this happens. If the client does not want the records, the policy describes what happens or if the files are to be sent to another lawyer or law firm, the policy determines who pays the costs.

Some miscellaneous issues in the retention policy include the departure of lawyers and what they may or may not take with them, the merger or acquisition of other law firm records and the dissolution of the firm.

Retention Schedules

Retention schedules are usually attached to the policy and list every type of record the firm has including administrative records. The schedules can be done in a spreadsheet showing how long each record is maintained in the office and off site. The final disposition date is assumed to be after the on-site and off site values are satisfied. In the case of client/matter files, they can be returned to the client. Resources to help in the process of creating the policy and the schedules can be located at http://www.infomgmt.homestead.com/files/lawfirm.htm and http://www.aallnet.org/index.asp.

Results

Results of implementing a retention policy should be tangible, such as the following:
· Old client/matter files are destroyed in the absence of the handling lawyer
· Electronic documents are returned or destroyed to the client
· Administrative records are destroyed
· Overall decrease in off site storage costs

Jean Barr is Records Manager at Sidley Austin Brown & Wood in Chicago.

The Council Welcomes the following New Members:

★ Glenn J. Cook
Miller Thomson
Toronto, ON

★ Tyanna L. Ertter
Dickstein Shapiro Morin & Oshinsky, LLP
Washington, DC

★ Shelley Houser
Davies, Ward, Phillips & Vineberg
Toronto, ON

★ Kevin Corrigan
Levenfeld Pearlstein
Chicago, IL

★ Chong A. Lee
Merchant & Gould
Minneapolis, MN

★ Joseph Dusich
Kazan, McClain
Oakland, CA

★ Douglas W. Domenick
Schiff Hardin & Waite
Chicago, IL

★ Jane Robinson
Wilmer, Cutler & Pickering
Baltimore, MD

★ Edward P. Ross
Hunton & Williams
Washington, DC

★ Joseph A. Shapiro
Wilentz Goldman & Spitzer
Woodbridge, NJ