THE MANDATE

SAN DIEGO CHAPTER
A Chapter of the Association of Legal Administrators

ISSUE XXVIII
Jan/Feb 2014

PRESIDENT'S MESSAGE

by Leslie Kaiser

Changes are coming to both the Regional Conferences and the Annual Conference. The 2014 Annual Conference will feature a number of new programs and events. Being held in Toronto, Ontario, Canada, May 19-22, 2014, great networking opportunities will be integrated throughout all aspects of the conference to help you share your educational experiences with other attendees. The conference will feature the "Law Firm of the Future," a 2000-square foot interactive display featuring the latest in legal workspace design, technology, and innovation. ALA's VIP Partners will host a grand finale event to wrap up the event. The Annual Conference App is constantly being improved to provide greater connectivity, utility, and engagement for users.

In addition, below are some excerpts from the 2014 ALA Annual Conference & Exposition Blog:

"Another new aspect of the conference is **Legal Marketing Association's (LMA) customized "QuickStart Program" for ALA.** This is a comprehensive, effective and entertaining one-day program focused on the key marketing and business development issues you face on a regular basis. The speakers are all recognized authorities in legal marketing who will offer case studies, practical advice and useful tools for taking your role – and your legal office – to the next level."

"Another amazing opportunity for you to consider is **LMA's Critical Thinking** which is a ***half-day* program** based on the popular Cornell Law School course, **"Critical Thinking for Business Leaders."** This workshop will identify the traits that the best critical thinkers exhibit, explore some of the most significant ways in which human nature creates obstacles to critical thinking success; and learn and practice implementing a framework for thinking and problem solving that helps us to overcome those obstacles and produce well-reasoned compelling solutions to business challenges."

Also new this year "The Managing Partner Suite":

"The MP Suite program includes sessions on many diverse topics including the following:

* bringing sustained excellence into the business of law;

* trends reshaping the legal industry;

* errors and omissions (PLI Insurance);

* managing the cloud;

* professional development in the legal industry;

* legal project management;

* measuring profitability (both at the practice group level and for the bottom line);

* what clients really mean when they ask about AFA's;

* risk prevention;

* how industry teams benefit your clients; and,

* the most up-to-date information on the Affordable Care Act.

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Got CLM?

If you are interested in becoming a CLM, you may want to consider joining a CLM Study Group, or checking out study materials from our library. Please contact our San Diego Chapter Librarian, Gerald Hester for materials. For more information on eligibility and test dates, click here.

FEATURES

"The trouble with most of us is that we would rather be ruined by praise than saved by criticism."

- Norman Vincent Peale

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We designed specific programs which will be presented with MPs in mind and where the content is crucial and all about the future of the legal industry. A complete list of MP Suite sessions is available on our conference website at http://www.alanet.org/conf/."

- Jeffrey Sharp, Managing Partner of Marshall Gerstein & Borun, LLP

Regional conferences are now gone. In their place are "Fall Conferences." So members can have a greater choice, with improved education, and an enhanced networking opportunity, the current regional conference program is now called Fall Conferences. Starting in September 2014, ALA will offer a top-quality education conference at various cities across the country. The core educational content will be the same at each venue, with additional educational and social content created specifically for each location. This allows ALA to invest in top-quality speakers and events, provide members with a greater choice in which conference best suits their location and calendars, and offer expanded networking opportunities. Here's the lineup for this year:

Fall Educational Conference #1 - Portland, OR (9/4-9/6/2014)

Fall Educational Conference #2 - Chicago, IL (9/11/-9/13/2014)

Fall Educational Conference #3 - Fort Worth, TX (10/6-10/8/2014)

Fall Educational Conference #4 - Philadelphia, PA (10/27-10/29/2014)

Stay tuned for further information about the Fall Conferences as it becomes available. I hope you all can attend one or more of these conferences this year. Of course, there will be ample opportunities to win scholarships throughout the year. In fact, two scholarships to the Annual Conference (along with a $400 travel stipend) will be raffled off at the Legal Resource Fair on February 11th. Additional drawings will be held throughout the year at various events to win a Fall Conference scholarship as well.

Gain more from your membership and get involved in 2014!

Dear Chapter Members:

Do you want more out of your membership? Would you like to network with like minds? How many times have you been faced with an issue where "no one else understands" and you could use a group of peers to consult?

Then take the opportunity to get involved in the SD Chapter in whatever capacity you are comfortable:

- **Are you good behind a camera? Consider taking photos at our meetings and events, or share the fun with another member.**
- **Do you thrive on community involvement? Look into our Community Connections efforts, Couture for a Cause and Project LEAP, our program for high school students.**
- **Maybe you have great ideas for increasing membership in the Chapter? Join the Membership Committee and help lead our Peer Connections program.**
- **Are you organized and task oriented? We need help with CLM materials, Bylaws/Ethics, Historian tasks, as well as the Salary Survey.**

The 2014 – 2015 Chapter term starts on April 1, 2014, but planning starts now. I would love to see more of you involved. I have included a brief description of each committee, and the ALA Membership Handbook has a more detailed one, or just ask me or another current Board member.

Let's work together to make our Chapter the best it can be! Please complete the information below and return it to me at mmenzer@allenmatkins.com, or give me a call at 619-233-1155.

All my best,

Monica Menzer
President Elect 2013-2014
If elected, President 2014-2015

Please see next page.

Gain more from your membership and get involved in 2014!

Name ________________________________ Firm: _________________________________
Phone No.______________________ Email ____

I'm interested in volunteering for the following committee(s) (you are not be beholden to all you select):

___ **Chapter Audit** – perform audit of Chapter finances once a term.

___ **Chapter Library / CLM Materials** – maintain materials to loan to members; organize CLM study program?

___ **Bar / Professional Association Liaison** – Chapter's connection to other legal organizations.

___ **Bylaws / Ethics** – maintain and update Chapter Bylaws, as necessary.

___ **Communications** – provide efficient and effective communication to Chapter members, including the "Month-at-a-Glance."

___ **Community Connections / Project LEAP** – charitable Chapter efforts; Couture for a Cause; work with local high schools to create programs promoting opportunities in the legal profession.

___ **Diversity Committee** – plan annual diversity presentation; promote diversity within the Chapter.

___ **Education** – work with President Elect on planning Chapter education activities/speakers.

___ **Handbook** – maintain and update membership handbook.

___ **Historian** – maintain Chapter memorabilia.

___ **Invitations** – design and create options for invitations for BP luncheon, MP luncheon, Leadership Dinner, and other Chapter events.

___ **Legal Resource Fair** – Chapter annual Business Partner resource fair in February.

___ **Meetings Coordinator / Hospitality** – assist Meetings Chair to coordinate Chapter meetings.
- Receive RSVP's; maintain name badges; and/or welcome attendees.

___ **Membership** – team up with the Vice President/Membership Chair to bring in new members and maintain current membership.

___ **The Mandate (Chapter Newsletter)** – with Editor-in-Chief produce bi-monthly newsletter.

___ **Photographer** – photograph Chapter meetings, events, and other functions.

___ **Public and Media Relations** – represent the Chapter in publicizing and promoting events.

___ **Salary Survey** – implement annual Chapter salary survey.

___ **Academic Scholarship** – selection process to promote and award an academic scholarship to `two deserving students.

___ **Social Media** – assist Social Media Chair in promoting Chapter LinkedIn, Facebook, and Twitter pages.

___ **Business Partner Relations** – work with Director of BP Relations in promoting, managing and maintaining vendor relations.

___ **I'd like to help another way:**____
____

A FEW GUIDELINES FOR APPEARANCE POLICIES

By D. Albert Brannen, JD
Fisher & Phillips, LLP

For good business reasons, many professional employers adopt policies regulating dress and appearance in their workplaces.

These policies can help enhance an office's public image, promote a productive work environment, comply with health and safety standards, and even prevent claims of unlawful harassment and discrimination. While no law requires an employer to maintain a dress/appearance policy, some laws are relevant to such policies.

Draft A Dress Code That Conveys Your Expectations

A dress code or appearance policy should be drafted with several goals in mind. It should clearly state the employer's expectations, based on its own view of professionalism in the local community. It should preserve the employer's flexibility to make decisions and its authority to interpret ambiguities. It should also inform employees that it will be applied consistently and without regard to any protected categories. It should state that if employees violate it, then they will be sent home to change, without pay, and that repeated violations may result in termination of their employment. If these elements are present, the dress code or policy should help the employer avoid or at least minimize problems in the workplace and liability for legal claims.

A policy should address all aspects of employee dress and appearance and explain that the office's professional atmosphere is maintained, in part, by the image it presents to its patients, visitors, and vendors. The policy should require that all employees present a professional, neat, and well-groomed appearance. Good hygiene should also be mentioned in the policy.

The policy should define "professional," "neat," and "well-groomed" with operational definitions or specific examples. It should define what is expected in terms of clothing, shoes, uniforms, jewelry, and perfumes, as well as the placement, number, and content of tattoos and other body art. It should prohibit extremes in dress, clothing that is dirty, too baggy or tight, or too revealing. Messaging that is offensive or hostile with respect to any protected category (such as sex, race or national origin), or provocative or illegal should also be prohibited.

Tattoos, Piercings And Gauges

Tattoos, body piercings, gauges and other forms of self-expression have become commonplace and society seems to have become more accepting of individuals' choices for self-expression. However, some of these forms of self-expression may not be appropriate for a professional services office.

Although some are hesitant to do so, employers can legally set limits on self-expression in the form of tattoos, piercings, and extremes in dress, jewelry, and hairstyles. Some employers have found a zero-tolerance policy too strict and have adopted less stringent policies.

Most employers now permit body piercings or tattoos within certain limits, such as limits on the number, size, placement or visibility of the tattoos or limits that prohibit the display of any racially offensive, sexually explicit, violent, or otherwise offensive tattoos. In the final analysis, your policy should clearly articulate what is permitted and what is prohibited in your workplace. Once you have articulated your policy, it should be enforced consistently.

The legal limits

In recent high profile cases, companies have faced expensive lawsuits claiming that employers discriminated against employees based on their religious beliefs when they prohibited the wearing of certain religious items such as hajibs or tattoos or when they failed to reasonably accommodate the employees' beliefs.

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These cases turn on many factors, such as the number of employees working for the employer, its location or jurisdiction and the actual activity of the employee that was claimed to be "protected."

To be covered by anti-discrimination laws, an employer typically has to have a certain number of employees. The number of employees necessary for coverage under a particular federal, state or local law may be different. For example, Title VII requires that an employer must have 15 or more employees to be covered.

Some states cover employers with fewer than 15 employees. The federal Age Discrimination in Employment Act requires that an employer must have 20 or more employees to be covered. Additionally, some states prohibit employers from taking adverse employment action against employees for engaging in off-the-clock activities that are otherwise lawful. Other statutory or common law claims may also come into play, depending on the circumstances.

All employers must consider establishing processes for challenging the interpretation of a particular policy and for responding if an employee asserts a right to a particular tattoo, jewelry, or hairstyle on religious or other protected grounds. Regardless of which laws actually apply to an employer, employers should take seriously *any* employee complaints. If, after receiving a complaint from an employee, you are unsure whether you are covered by any applicable laws, seek the advice of an employment lawyer before making a final decision that may adversely affect an applicant or employee. This consultation in a timely manner may help you to avoid protracted litigation, unwanted publicity, interference with your work and monetary damages.

Conclusion

Although there may be some legal limits to the enforcement of dress codes or appearance policies, the practical and legal advantages of having such polices far outweigh the disadvantages.

Bert Brannen can be reached at dabrannen@laborlawyers.com or 404-240-4235.

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Q&A on QR Codes

By Bob Heiss, All-State Legal

What is a QR code?
Mobile tagging is the process of using a printed code to deliver data to a mobile device. A Quick Response - or QR code - is currently the most popular and widely used mobile tagging code, as it is the easiest to create, produce and read. A QR code is,basically, a two-dimensional barcode that can be read by a smart phone equipped with a camera.

What can it do for my firm?
Though originally created for inventory tracking, QR codes are gaining popularity for their ability to make **printed materials interactive** with dynamic online content. With one scan, your clients and potential clients can download your contact information, research more about your firm online, and connect and interact with your brand whenever and wherever they choose.
QR codes can be used to do any one of the following things:

Launch the phone's web browser to a specific URL

Push out a calendar event that can be saved to the phone's calendar

Push out contact information that can be saved to the phone

Push out an email address that can kick-start communication

Launch an SMS (text) message that can be sent to Twitter, Facebook or contacts

How are law firms using QR codes?
QR codes allow you to **connect**. They can be **personalized**. They are **viral**. They can turn passive readers into **interacting** potential clients. And perhaps the most significant benefit of QR codes is that most can be **tracked**.

Below are the top ten ways law firms incorporate QR codes in their marketing:

1. **Business Cards** - Use the QR code to link the reader to your contact information, to your online bio page or to your blog.

2. **Stationery/ Marketing Materials/Firm Brochures** - Create a QR code that links to the "News & Events" section of your website to allow clients, potential clients and colleagues to keep up on your firm's recent wins. Or, link to your website's About Us, Attorney Listing or Practice Areas page to cross-sell all your services.

3. **Announcements** - Add a QR code to link these to your online announcement for additional information regarding the announcement (e.g., a new partner, a new practice area, a recent win, your firm move or whatever you are heralding!)

4. **Invitations** - Make invitations to seminars, parties, meetings, networking events and more interactive by creating an event code that can be saved right to the phone's calendar.

5. **Invoices** - Reinforce the firm's commitment to the environment by linking invoice QR codes to web pages that provide information on how to set up electronic billing or payment.

6. **Website/Attorney Bio Pages** - QR codes can be read right from computer screens, so be sure to include QR codes on pages listing the firm's general contact information, as well as specific attorneys' contact information, on bio pages and on Contact Us pages.

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7. **Social Networking** - Include your contact QR code in all your social networking - blogs, LinkedIn, Facebook, Twitter, etc. You can even create QR codes that will provide the reader with a pre-written post/tweet about your firm or a specific firm event.

8. **RFP Responses** - Embed QR codes in proposals to direct potential clients to your website for more information, such as attorneys'bios, additional practice areas or recent applicable news headlines.

9. **Recruiting** - Bolster your firm's recruitment efforts by including QR codes on recruiting materials to attract the more technologically savvy pool of potential hires.

10. **Seminar Name Tags** - Enhance networking by including a QR code on all participants' name tags.

Simply creating a QR code and putting it on your materials is not enough. As with all marketing endeavors, you should have a strategic plan in place and build codes that will add relevant value to your audience. Remember, QR codes that point to URLs allow you to track results. Build this device into your plan, and analyze results closely to ensure that the codes are having the desired effect.

For more on QR codes - what they are, how they are used and production guidelines - please visit www.aslegal.com/qr

Bob Heiss is a sales representative for All-State Legal. All-State Legal provides complete law office systems that maximize a firm's efficiency and profitability, providing a comprehensive offering of design services, graphic communications products, legal specialties and general office supplies.

SAVE THE DATE!

ANNUAL CHAPTER LEADERSHIP DINNER
AT THE PRADO IN BALBOA PARK

SAN DIEGO CHAPTER

A Chapter of the Association of Legal Administrators

1549 EL PRADO
SAN DIEGO, CA 92101
TUESDAY, APRIL 15, 2014
5:30 PM

MEMBERSHIP REPORT JANUARY 2014

By Anna Rushworth

MEMBERSHIP NEWS

New Members

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Prospective Members

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Prospective Members (cont.)

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Current National Members: 113
Current Chapter Members: 109

EDUCATIONAL OPPORTUNITIES

Take a look at the Chapter's upcoming educational opportunities and mark your calendar! Please email me with topic suggestions.

- Monica Menzer, President Elect / Education Chair
mmenzer@allenmatkins.com

March 18 Monthly Meeting
"If you Can't Say Something Nice, what DO you say?"
Speaker: Sarita Maybin

Time: 11:45 registration; 12 – 1 program;
Location: The Westgate Hotel

Bonus Workshop **"How to Pull Rank when you Have no Rank to Pull**

Time: 1:15 – 12:45 workshop (optional)
Location: The Westgate Hotel

"If You Can't Say Something Nice What DO You Say?"
A Constructive Confrontation Presentation

We've all been told "If you can't say something nice, don't say anything at all." This high energy presentation based on Sarita Maybin's book provides practical approaches and positive phrases for those times when you need to say something NOT so nice...without destroying the relationship.

This presentation will answer such questions as:

-How do you know if you should confront a situation or just let it go?
-How can you soften the sting when giving negative feedback or bad news?
-What should you do if someone asks your opinion and you have nothing nice to say?

****

Bonus Workshop!
"How to Pull Rank When You Have No Rank to Pull"

In this interactive workshop you will learn how to communicate in a way that gets your ideas heard and encourages the cooperation of others...even when you're not the boss!

Sponsored by:

Highlights include:

-Roles people play: An interactive team simulation activity
-Sarita's Top 10 positive communication phrases
-Communication Do's and Don'ts
-Sarita's two "green jello" principles of conflict resolution
-3 P's for staying positive

Sarita Maybin is an international speaker and communication expert whose audiences have fun learning how to stay positive, constructively confront tough communication situations and work together better. Sarita's clients include Hewlett Packard, Kaiser Permanente, Los Angeles County, Department of Navy and the Las Vegas Convention Center among others.

During her 20-year speaking career, Sarita has spoken at conferences, companies and campuses in 49 of the 50 states, Puerto Rico, Mexico, Jamaica, Canada, England, Asia, and Iceland. She was also voted a 2012 Top 5 Communication Speaker and had the privilege of presenting on the prestigious TEDx stage.

Sarita is a former university Dean of Students with a Master's degree in Counseling, a Toastmasters Humorous Speech Contest winner and a Past President of the National Speakers Association, San Diego chapter. She has been interviewed by the media about her book entitled *If You Can't Say Something Nice, What DO You Say?*

Location: The Westgate Hotel, Versailles Room
Menu: Salmon with Saffron Aioli, and Fresh Vegetables.
RSVP: Karen Lemmon @ klemmon@eps-law.com. Guests accompanied by a member: $60
Questions? Please contact Monica Menzer, President-Elect/Education Chair at mmenzer @allenmatkins.com or 619-233-1155

BOARD & MEMBERSHIP MEETINGS

MARCH BOARD MEETING . . . MARCH 11, 2014
AT ALLEN, MATKINS ET AL

MARCH MEMBERSHIP MEETING . . . MARCH 18, 2014
11:45 - 3:00 AT THE WESTGATE

APRIL BOARD MEETING . . . APRIL 8, 2014
LOCATION TBD

FEBRUARY MEMBERSHIP MEETING . . . APRIL 15, 2014
ANNUAL LEADERSHIP DINNER
5:30 - 7:30 AT THE PRADO

EDITOR'S NOTES

Quantum Mechanics and Schrödinger's Cat

By Rheesa Eddings

In the Copenhagen interpretation of quantum mechanics, a system stops being a superposition of states and becomes either one or the other when an observation takes place. What does that mean, exactly, and what does it have to do with a cat? Loosely interpreted, it means a system is pure potential until it is acted upon. There are infinite possibilities for change in a system between one heartbeat and the next, and the outcome is heavily influenced by the observer of the system. The cat thing was intended by Austrian physicist Erwin Schrödinger to be an absurd reductionist way of thinking about quantum mechanics – a cat is locked in a steel box with a tiny bit of a decaying radioactive substance, which may or may not decay within a given period of time. If it decays to a certain point, a small flask of acid is shattered killing the cat. If it does not decay, the cat lives. The idea is that the atomic decay is so random that there is no way of knowing whether, in an hour, the cat will be alive or dead, and therefore the cat is both alive AND dead until an observer opens the box. I like to think the cat lived.

You, as the chief observer of your system, can heavily influence your state. Do you stay calm in a crisis? Your calm can influence others around you to be calm. Throw a tantrum at the slightest provocation? You're setting the tone for others around you to throw tantrums too. Do you have high, but achievable expectations of your staff? The more clearly you express what those expectations are, the more likely they are to be met.

The tone you set is then observed by your staff and accepted as the norm for that system. The problem is that you are not a closed system. You interact with others every day, and they are a system in their own right. The key is to be aware of their actions and ***choose how you react.*** Choose not to be defensive in the face of criticism. Choose not to be angry and the problem employee. Choose to see yourself as a person of intelligence, integrity, and work ethic. Choose to see your staff as dynamic, ingenious, and flexible. Your system, and the systems around you, are pure potential with infinite outcomes. The more aware you are of those potentialities, the more influence you have over how and where the system stabilizes.

Rheesa is the office manager for Fisher & Phillips, LLP. reddings@laborlawyers.com

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2013/2014 Board of Directors!

President	Leslie Kaiser	858/587-7656
President Elect - Education Chair	Monica Menzer	619/233-1155
Vice President - Membership Chair	Anna Rushworth	619/236-1551
Treasurer	Shaila Schaible	619/236-1551
Secretary	Tammie McQuain	619/696-0520
Director - Business Partner Relations	Liz Whitten	619/238-1811
Director - Bank Statement Auditor	Ginger Boss	619/234-1776
Director	Brenda Winter	619/525-7626
Past President	Jeff Talcott	858/202-2789

And our

2013/2014 Committee Chairs/Members

Academic Scholarship Chair	*Carrie Merzbacher*	*858/942-2897*
Business Partner Relation Chair	*Liz Whitten*	*619/238-1811*
Committee Members:	*Henry Angelino*	*619/236-1551*
	TBD	
Bylaws/Historian Chair	*Patti Groff*	*619/233-4777*
Chapter Audit Chair	*Rita Hee*	*619/232-3122*
Chapter Awards/LRF/Prof. Association Liaison	*Jeff Talcott*	*858/202-2789*
Chapter Library/CLM Materials Chair	*Gerald Hester*	*619/515-3292*
Communications Chair (MyEmma/MAAG)	*Karen Lemmon*	*619/255-6450*
Community Connections Chair (C4C)	*Angela Landeros*	*619/699-8338*
Diversity Chair	*Marina Field*	
Education Chair	*Monica Menzer*	*619/233-1155*
Employment Job Bank Chair	*Carolyn Decker*	*619/233-1155*
Handbook/Mailing Chair	*Darcella Blecker*	*858/369-7280*
Invitations	*Natalie Pomiak*	*858/587-7643*
Meeting Coordinator	*Monica Menzer*	*619/233-1155*
RSVP's	*Karen Lemmon*	*619/255-6450*
Badges	*Karen Lemmon*	*619/255-6450*
Membership Chair	*Anna Rushworth*	*619/236-1551*
Newsletter Editor	*Rheesa Eddings*	*858/597-9600*
North County Membership Liaison	*TBD*	
Peer Connections	*TBD*	
Photographer	*Jeff Talcott*	*858/202-2789*
Project LEAP Chair	*Carolyn Decker*	*619/233-1155*
Committee Members:	*Yvonne Kilmer*	*619/238-1900*
	Ginger Boss	*619/234-1776*
Public Relations Chair	*Carol McCabe*	*619/209-3000*
Salary Survey Chair	*Shaila Schaible*	*619/236-1551*
Social Media	*Amy Spintman*	*619/696-0284*
WebMaster	*Matt Chaffee*	*619/232-0441*

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