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It's personnel: keeping things running smoothly

Any association that has more than one employee has to be concerned about personnel matters at one time or another. And while individual situations may seem unique to your association, there are general guidelines for human resources matters that can help you keep things running smoothly.

Janis Jerman is director of administration and finance, and bar counsel for the Connecticut Bar Association. She is active in Human Resources groups, and also gives presentations on HR matters. She offered some thoughts on a range of issues many bar executives face.

- **Dealing with problem employees** Nobody wants to confront an employee who has been causing difficulties, either by poor performance, excessive absence or other disruptive practices. But executives need to handle the problem when it arises, Jerman said. "People shouldn't learn about something for the first time at their performance evaluation," she said.

Complications can arise if a problem that has not been addressed results in disciplinary action. "The employee can say, 'I didn't know about it. I didn't have a chance to fix it,'" Jerman said.

Most executives that wait for an evaluation to tell an employee of problems do so because they don't like confrontation, Jerman said. "People aren't properly trained, or aren't given the resources or support they need. It's a hard thing to do, because people take it personally."

Bringing a problem to an employee's attention on a timely basis can increase the chances that the employee will turn around their behavior, Jerman noted. Saying " 'You know, the other day when you did "x," that was a problem because... ' instead of letting it escalate to the point where it's more confrontational," makes it more likely that the employee will be receptive to what you have to say.

- **Preparing employee handbooks** Every bar association should have an employee handbook that lets employees know what is considered appropriate behavior, Jerman said. But bars should be careful not to make the book too specific, she noted. "If you have a long list of what is not allowed, someone who does something that is not on the list can say 'it's not in the book.' Then you have

to say 'you should have known.' It's better to simply state guidelines. The book should not try to be the be all and end all."

Those associations that don't have a handbook should prepare one in conjunction with an attorney, Jerman recommends. Those that do have them should be sure they are updated regularly, as laws can change that affect workplace behavior. Jerman recommends that an attorney examine all handbook updates as well.

- Keeping employees informed about their benefits The Connecticut Bar Association each year prepares a chart for its employees that shows what benefits the association provides, and how much they cost. Benefits can equal as much as 15 percent of an employee's salary, Jerman noted. "We remind them what we do on their behalf. It also helps them to understand the cost of doing business."

- Understanding the Family and Medical Leave Act As Jerman attends seminars dealing with Human Resources issues, she noted that the Family and Medical Leave Act is a subject on a lot of HR professionals' minds these days. Questions such as how to treat intermittent absences—where an employee with a chronic health condition may miss work for 2 or 3 days at a time—need to be clarified for association HR personnel.

Another issue that has arisen concerns employers who must get medical information about employees, to make decisions about medical leave, Jerman said. Some employers are hesitant to ask for such information, because of concerns that employees will view it as an invasion of privacy. But the regulations clearly permit employers to get the information they need (and also require them to keep it confidential). "They should do it to be sure they are making the right decisions."

Tech Talk: Doing your part to reduce spam

By Dan Kittay

Technology is a wonderful thing when it works well, the saying goes.

But sometimes even when things work as they're supposed to, it's not such a wonderful thing.

Take e-mail, for instance. As designed by those who built the Internet (I think it was Al Gore, but I could be wrong), it was intended as a simple, open way for those using the Internet (mostly academics and government folks at the time) to communicate with each other. That openness, which makes it easy for anybody to send an e-mail to just about anybody else, is at the heart of the massive

problems we face with viruses, worms and with unsolicited advertising e-mails, or spam.

At best, we all get bombarded with e-mails indicating there's something wrong with various parts of our bodies. At worst, those e-mails can contain malicious computer code that can do anything from sending copies of itself to your contacts, to bringing Web sites to their knees, to allowing your computer to unknowingly be used to facilitate the spread of more spam.

So what do we do about all this unwanted e-mail? There are all kinds of proposals out there, ranging from charging a fee for each e-mail sent, to the recently-enacted CAN-SPAM law. But there are things you can do on your own computer to reduce the junk e-mail you receive, as well as minimize its possible harmful effects.

First, don't do anything that makes it easy for spammers to get your e-mail address, said Catherine Sanders Reach, a research specialist at the ABA's Legal Technology Resource Center.

- "Don't put personal addresses on your Web site," Reach advised. Instead, use a form that site visitors can fill out and send without seeing the address of the recipient, she said. If you must put an address on the site, be aware that spammers use software that searches Web sites looking for the "@" in e-mail addresses. So consider spelling out an address such as "name at domain.com," Reach said.

- Don't reply to any spam you receive, even if it is offering to take you off a mailing list. "When you reply, you let them know that they have a legitimate address," which helps ensure you will get more spam, Reach said.

- Don't give out your e-mail address in any public forum, such as a mailing list or Web site, unless you have to, Reach said. Public mailing lists that get archived can be searched by spammers and "harvested" for e-mail addresses.

Can the spam

As for dealing with spam sent to you, Reach suggested using e-mail software on your computer to help segregate the spam you receive into one folder, where you can check and delete it. She prefers this end-user approach over running e-mail filtering software on an association's e-mail server, as server-based software can sometimes mistakenly mark legitimate e-mail as spam, and perhaps cause an association to miss important e-mail.

"Most modern versions of [individual]e-mail software have some junk mail filtering built in," Reach said. Take advantage of these features, but be sure to check what the program designates as spam, to be sure a message hasn't been incorrectly tagged, Reach advised.

While promotional spam is annoying, malicious spam can do real harm to your computer and those on your network. There is a simple way for any user to prevent such damage, however-"Don't open e-mail unless you have to," Reach said.

The worms and viruses that currently exist all have one thing in common: they won't work unless you open the e-mail and somehow activate them. Usually that means clicking on an attachment that contains an executable file (in the Windows world that's one with .exe at the end of its name), or in recent cases on a .zip file that performs its evil when it is expanded.

"Don't open an attachment unless you know who it's from AND you know what it is," Reach said. Since viruses often use the address book on the infected computer to send e-mail to other computers, it's not enough to recognize the sender. You also need to have some idea of what the attachment is. "If you're not sure, e-mail the person who sent it to you and ask them what it is," Reach suggested.

Keeping virus software up-to-date is another helpful way to minimize damage from infected e-mails, Reach said.

Any association needs to have in its budget adequate resources for dealing with spam and its associated dangers, Reach said. There are low- and no-cost versions of some important spam-fighting tools, she noted.

If you love a member service, set it free...

Janet Cohen spends a lot of time thinking about nonprofits and the best way to manage them. As a consultant and trainer with CompassPoint Nonprofit Services and for her own firm, she helps associations focus on such areas as long-term planning, marketing, and providing member services.

Member services was the topic of her Midyear program, "Know When to Hold 'Em; Know When to Fold Em." Cohen shared some of the important points she made:

- "Don't guess what they want; always ask them." Never assume that an idea you have for a new member service is something that members will actually want you to provide, Cohen said. "It has to come from them," she said. Surveys, focus groups and other types of feedback should be used to ensure that what you're offering members is what they want.
- "Have a set of criteria for each service." A system should be developed that rates all services an association offers against a defined set of criteria, relating to whether members will value such a service. Those that meet the criteria will be continued or initiated, and those that don't will

be discontinued, Cohen recommends. Having standards in place is also good protection against someone who wants to see his or idea implemented, while others may not think it is a good idea. By requiring all ideas to go through the same system, a more objective decision can be made.

- "Know your core competencies." Associations should do what they know they can do, Cohen said. "If you're good at providing pro bono programs, don't do luncheons."
- "Be willing to stop doing things." Associations need to be willing to "let go" of products and services that don't serve a useful purpose as defined in their service criteria. If products such as insurance or phone cards can be offered by other groups at the same rates your association can, you should let others provide those products and focus more on what you can uniquely provide, Cohen said. "We always think we have to do more. We never know when to let go," she said.

Take control of the interview process

By Paula Doyle
Director of Human Resources
New York State Bar Association

One of the major responsibilities of a manager is making hiring decisions. At times, this can be a difficult task in light of the legislation affecting this process. In addition, many interviewers feel a need to improve the skills necessary to conduct an informative and effective interview. As companies continue to hire a more diverse workforce, it becomes increasingly important to develop those skills that will assist managers in selecting the right candidate.

Hiring staff can be a costly process. Costs include recruitment expenses and the loss of productivity while a position is vacant. Selecting the right person for the job is critical in controlling these costs.

The pressure to maintain a staffed and functioning department can sometimes lead managers to make snap judgments or cut corners in the interview process. Managers must carefully screen candidates by listening more, speaking less, asking more effective (and legal) questions and addressing concerns about the candidate's background and ability to do the job. The following guidelines will assist managers in making sound hiring decisions:

- Thoroughly review the job's requirements.
- Formulate job related and performance questions.

- Plan enough time for the interview. One hour is sufficient.
- Use rapport-building questions at the beginning of the interview. Such questions may relate to the weather or the trip to the interview.
- Inform the candidate of the approximate length of the interview and the process to be followed.
- Use open-ended questions that require the candidate to discuss his/her skills, accomplishments and limitations. Use the 80/20 rule meaning that the candidate should be speaking 80% of the time and the manager 20%. Be careful not to describe the position in too much detail before acquiring information on the applicant.
- Seek examples of performance in which a positive outcome was not achieved.
- Close the interview by reviewing the organization, position and benefits.
- Thank the candidate and inform him/her when they can expect to hear from you or someone in the organization.

There is legislation affecting the hiring process such as the Age Discrimination Act, Civil Rights Act, Americans With Disabilities Act and Fair Labor Standards Act. Managers should ask themselves three questions when deciding whether or not to ask a question (1) is the question job related? (2) does the question consider all candidates without excluding a certain class? and, (3) is the intent of the question to obtain information about the candidate that will be relative to the job?

Managers need to control the interview process. Close-ended questions that require a one or two word answer can assist a manager in regaining control of an interviewee who has strayed from the topic. Managers must also be prepared to respond to questions. Candidates with the toughest questions often are most interested and have done their research. Questions about benefits may indicate that the applicant is only interested in finding out what the organization has to offer rather than determining if he/she is making a wise career move.

Remember that the interview is a two-way exchange. You are evaluating the candidate and he/she is evaluating the organization. Be sure to communicate the advantages of working within your organization.

Ten ways you can be a better executive director

By Diane K. Minnich
Executive Director
Idaho State Bar

Serving as the executive director of a bar association is exciting, interesting, challenging, and educational albeit sometimes frustrating and stressful. I offer a few "tips" that have helped me survive (and, I like to believe, thrive) as a bar executive.

- It is the members' association, not yours. Never lose sight of who governs the organization. The members/leadership are the decision makers and the customers. The bar exec is trusted and respected for his or her knowledge, experience and advice but the final say and control belongs to the membership.
- Decide which ditch you want to die in; there aren't many. Sometimes, despite all the good advice, warnings and comprehensive information you have provided, a board will decide to pursue an idea/project that you are opposed to or you are convinced will fail. Unless there are serious ethical issues or the idea/project will critically impact the organization's financial strength, let it go. Once a decision is made, do your best to ensure the project finds success. Becoming at odds with the Board or a Board member rarely works to your advantage. If it comes down to choosing between you and supporting other board members, the board members will stick together. (Credit belongs to former Tennessee Bar Exec Gil Campbell for this tip!)
- Never hide the ball. Honesty and openness is always the best approach. In addition to what board members need to know to govern the organization, inform the board about any issue that may escalate or they may become aware of through other sources. If a mistake is made, take responsibility; then explain how you resolved the situation. Trust is critical in your relationship with the board.
- Keep your eye on the prize. Or, we can't keep all the toys. Make decisions based on what is best for the profession and your members. As best you can, keep personalities and politics out of decision-making. Some choices are not the easiest for the staff or even the most financially viable. Taking the high road will work to your advantage. People will trust you and want to work with your organization if they know you make fair, consistent and objective decisions.
- Do your homework. Provide board members with more information that you think they need to make a decision. My experience is that the more facts, figures, pros and cons you provide the quicker the board makes a decision. Half-baked ideas generally cause a board to have one of those long painful discussions that results in no decision because it didn't have enough information (boards love to speculate about things they don't know).

- Change is good (and inevitable). What I find most interesting and exciting about bar association work is the variety. We are constantly researching new ideas, planning new programs, solving problems as well as improving what we already do. The membership expects and appreciates that the bar adjusts to the times and to its needs.

- Be a "what about" person. Ask questions about new ideas, programs, or procedures. I view my role as making sure that for every new idea we know the how's, why's and what's as well as the benefits and potential negative consequences. Lawyers are a diverse group; we must do our best to anticipate the reactions of and impact on the members. Also, make sure you have a "what about" person for your ideas.

- Hire good people; trust them to do the job. You are as good as those around you. You can provide leadership, direction, goals, objectives and expectations. A right result can be approached in many ways; let others help to determine how best to achieve the organization's goals and objectives.

- Keep your perspective. Perspective defines people's view of the world; maintain an optimistic perspective. Don't take yourself, or any given problem or issue too seriously. Try not to hold a grudge. Make decisions based on what information you have and then don't dwell on it. If you misstep, deal with it and move on.

- Have fun. We have the opportunity to make a difference in people's lives and to work with the best and brightest of the legal profession. Past board members are among those individuals for which I have the most trust and respect; many are also dear friends. Appreciate and enjoy the people you work with, and the work you do. As I can still say when asked about my work: I have a great job.

30-second drill

Some quick tips from Robert Wells, executive director of the South Carolina Bar:

- Always have a second tie available. My president showed up for a Board meeting wearing the same tie as I was wearing. It was humorous one time.

- Give your congratulations to your employees in their offices on their birthdays and anniversary of employment days.

NABE Membership alert

You'll be receiving several important mailings from NABE over the next few months. Keep a lookout for these:

Annual Meeting information

This year's Annual Meeting will be August 4 and 5 at the Atlanta Marriott Marquis, 265 Peachtree Center Avenue. The group rate for a standard room is \$109 plus tax. Call the Marquis at 404-521-0000 to reserve your room. Our Welcome Reception and First-timer events will be the evening of Tuesday, August 3, so plan to arrive early.

NABE membership drive

Watch for membership renewal information in April. The NABE membership year actually begins on June 1. However, we'd like to meet an earlier publication deadline for the membership directory, so will need to get a jump on updating our membership rolls. We hope to have the directory in your hands before the end of summer. Be sure to renew promptly so you are included in this valuable publication.

Ballot for new officers, directors

The NABE Elections Committee will be sending you a ballot in mid-April for the election of 2004-2005 officers and directors. Nominating petitions will be available until March 15 for those interested in becoming candidates. Positions open for election are vice president, secretary, state bar director, local bar director and at-large director.