

Proposed Bylaws Amendments FAQs

The Association of Legal Administrators has compiled and responded to these questions from members regarding the proposed Bylaws amendments to provide additional clarification and explanation.

BENEFITS OF THE PROPOSED CHANGES

One of the reasons ALA has cited for extending membership to consultants is that other members will have greater access to them and their expertise. If ALA requires consultants to sign a non-solicitation agreement, what is the benefit of membership to them?

We are all working together to advance the business of law. Providing consultants in our industry with the opportunity to learn from administrators about the challenges and issues that concern them helps us all gain greater insight into what administrators need to be more effective and successful and collaboratively develop solutions to the challenges we face every day.

Consultants also recognize that they gain business by building relationships. As consultants actively participate in ALA, they will build trusting relationships with our members, which could lead to a future business relationship.

Another reason given to extend membership to consultants is that ALA and its members will receive more credibility and visibility through association with these experts. What have we done to heighten the visibility and credibility of our members in the eyes of the community? In other words, are we accepting that ALA members who regularly attend annual conferences and continuing education programs at the international and chapter levels, and have invested in developing leadership skills, are not as knowledgeable, insightful, credible and skilled as our consultants?

Many ALA members possess a wealth of knowledge within the industry; however, we naturally view the world from our own individual perspectives. Consultants have a unique vantage point in that they are able to observe the profession and the challenges and issues legal management professionals face across multiple firms and law departments. They are in a different position to identify trends, emerging issues and other impacts that may not be as observable from the perspective of an individual administrator. Consultants who work in fields beyond law can share best practices, innovations and other ideas that may be useful for the legal profession. In a risk-averse profession like ours, consultants can perhaps challenge conventional thinking and help spur the innovation necessary for firms and law departments to succeed in the future.

Does this mean that ALA and the chapters need to change our educational offerings so that members have even greater opportunities to grow as professionals and recognized experts in their own fields?

As an organization, ALA should constantly be looking for educational opportunities to enhance members' professional development and growth and to help position our members as leaders and experts in the business of law. There is room for experts walking different paths within the business of law, and the depth of experience in a narrow area that a consultant may bring to the table is very valuable to the conversation, and can provide insights and assistance that one cannot obtain only through the experiences their daily job provides. It is not a matter of being more capable or credible, it's simply providing additional understanding.

ALA has also done considerable work to elevate and enhance our educational programming for both in-person and online events and is pursuing opportunities to demonstrate the organization's thought leadership through greater media awareness, expanded subscriptions to *Legal Management*, and broader promotion of ALA's research studies.

How many additional members are estimated to fall into the categories of students, business partner outsourced employees, and consultants?

ALA offers a student membership now, and currently has few student members. It is hard to predict the potential for student membership solely based on the bylaws amendment, as success is dependent on a number of other factors including marketing investment and outreach. Another key objective in modifying the bylaws is to serve the interests of the profession so student membership criteria actually reflects those employed in positions represented by the membership. For example, many members possess a liberal arts degree and current criteria do not allow for those students to take advantage of ALA's student membership.

Regarding projected numbers of consultant or outsourced business partner employee memberships, it is difficult to predict behavior. Judging by the number of consultant members ALA currently rejects as members, the number is small; however, this could be a reflection of the knowledge that membership is not currently an option for consultants. Membership staff estimates less than 100 worldwide, initially. It is important to remember that the idea of allowing consultants as members aligns more closely with the value and expertise they bring to the organization and our current members, not solely on the increase in membership numbers.

CLARIFYING THE TERMS USED IN THE BYLAWS AMENDMENTS

What are examples of "providing IP to a law firm"?

In the course of working with clients or publicly establishing and promoting expertise within the field, consultants often provide intellectual material such as white papers, tools, spreadsheets or definitions used for assessment, evaluation and/or reference. Consultants write articles, books and other materials which they provide and share through multiple channels.

PROPOSED AMENDMENTS AND BUSINESS PARTNER SUPPORT

If consultants can become members, they won't need to become paying business partners of a chapter because they will already have access to our names, contact information, issues we are facing, etc., and

will be right there networking with all of us as a regular member. Access and knowledge are the two greatest things business partners pay for – and this sponsorship would become unnecessary, and the financial implications could be devastating on chapters such as ours.

The amendment applies only to consultants as we have defined them – not business partners. We have very few, if any, consultants who also provide sponsorship, advertising or exhibit revenue to ALA. Experience at many other associations, including those in the legal management field such as LMA, indicate that consultant members have a stronger affinity to the organization as a result of membership, not less. They are more likely to invest resources – money, time, intellectual capital – with the organization as they have a vested interest in its success.

PROTECTING CONFIDENTIALITY

Would we be able to limit access of consultants, such as to not be on the listserv which administrators use to ask each other questions which they might not want consultants to know? For example, if someone is wanting to switch copy machine service providers, they are not going to be comfortable emailing the listserv for recommendations if their current vendor has access.

Consultants would not be eligible to join listservs or other communities where they don't fit the criteria, such as the chapter leaders' list or the large firm administrators' list. ALA's new, online community will be launched in 2015, and allows for many customized options. It would even be possible to create a forum for vendor recommendations in which the specific consultant category of membership was not eligible to participate; likewise, for example, we could create a private group for consultants to discuss marketing ideas and strategies, or ways to bring more value to their interactions with fellow members. We will have that capability within the new, soon-to-be-launched private online community.

DUES PAYMENTS AND MANAGING DECISIONS REGARDING ELIGIBILITY

With this or any other membership criteria in place, it seems there is always need for Bylaws interpretation from time to time as membership applications come in. Who at HQ will be interpreting them to make the final decision?

Per the existing process for reviewing any application in question, the Senior Manager, Member Services will serve as the initial arbiter for membership approval. Where the determination of membership eligibility requires further investigation, the matter will be determined by the Executive Director and/or, if necessary, the Executive Committee of the Board.

If we are amending to allow part-time students, why is the limit four years? A college degree takes four years to obtain if you are full-time, so part-time would be longer. Also – if someone joins while an undergraduate and uses up their four years, can they still join as a graduate student? If they reach the four year limit, can they still be a member just at a higher cost, or can they no longer be a member? It would seem odd to deny membership to someone as they get closer to fulfilling their degree and joining the law firm management workforce.

We recognize this, and the exact, revised Bylaws language allows for continued eligibility after four years, upon review and consideration of all factors.

How will ALA police the non-solicitation agreement?

Associations that allow consultants as members do not experience this as a significant problem. Members themselves do the policing by either reminding the offender what is acceptable and what is not, or escalating the complaint through ALA channels. ALA will certainly listen and respond to all reports of inappropriate behavior with reminders and reprimands, up to and including potential board action to remove the member for offensive/abusive transgressions.

If outsourced employees of business partners can join, who will pay their dues, the business partner or the firm?

ALA memberships follow the individual. The employer or firm are not members, and membership is not transferable. The individual may pay their own dues, or their employer may pay the dues as part of the employee's professional development. ALA is not anticipating business partners will behave unethically; for example, we don't believe a non-qualified employer will demand that a contract employee join ALA and provide membership credentials so the employer may impersonate the employee and lurk within the ALA environment. If we receive reports of anything like this occurring, measures will be taken up to and including Board action to remove the member.

ABOUT THE VOTING PROCESS

Will the presidents be able to vote differently on some of the provisions?

The amendments must be voted on as the Board has presented them, in two questions with each pertaining to student and consultant membership separately.

When will the vote take place?

Balloting closes on April 3. All ballots must be returned as defined in the ballot no later than this date.

Is the voting a simple majority?

The bylaws require that for the amendments to pass, a majority of the chapter presidents voting must approve them.

Will the voting results by chapter be provided to all Chapter Presidents and members?

No. The balloting is confidential.

Are international members or members not affiliated with a chapter provided an opportunity to vote on this proposal?

Each chapter, including the Cyber Chapter and any chapter outside the US, is entitled to one vote that is cast by the chapter president.

FINDING MORE INFORMATION

When will the recording of the town hall webinar be available? Many of my colleagues were not able to be on the call and would like to listen to it.

The video will be posted to the website with these FAQs. Find more information here:
<http://www.alanet.org/chapters/mo/ALA-bylaws-amendment.aspx>

Please contact the following ALA staff members with additional questions:

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