

Administration & Finance Section **e-communicqué**

Autumn 2000

From the Chair

By: Sam Clinch

Hello from the great state of Nebraska! Yes, the Nebraska Cornhuskers are rated #1 in both college football and volleyball. Hot Rod, I was pleasantly surprised to see the Oregon Ducks were rated in the top 90. Congratulations!

The Administration and Finance Section voted in New York to publish an electronic newsletter to cut down on costs. Greg Derwart, Director of Administration with the Maryland State Bar Association agreed to chair the newsletter committee and here is the result of his hard work. The e-newsletter will be distributed through the section listserve on a quarterly basis. Greg, thank you for the fantastic job of putting the first one together. If you have any ideas for articles or topics, please email Greg at gderwart@msba.org.

The technology committee is hard at work planning the one-day technology program in San Diego. Track programming will include topics such as communicating with your members; tips, tricks and pitfalls about technology for local bar associations; operation software; ASP's for bar associations and many others. Please read the article below for further details.

Our section also has a presence on the NABE website. Currently, a list of members, the section officers and the bylaws are on the website. NABE is adding email addresses to the list of members so we may email our colleagues directly from the list. I'm also in the process of finding past minutes to post on the website. If there is anything else you would like to see on the website, please contact me at sclinch@nebar.com.

Finally, a big **thank you** to our past chair Diane O'Steen. Diane, the section is better off because of your leadership.

See you in San Diego!

Desk Organization

By: Ronnie Eisenberg

For many people, their desks are where they live most of the day. And many of these environments are overwhelming disasters. I'm often hired to be a "desk doctor," and I can't tell you the number of times I've walked in and seen a desk that easily could have been mistaken for the home of a pack rat, yet the client assures me that he or she has cleaned up for my arrival. With dedication, a hopeless mess can become a model of efficiency. I find most people's problems generally fall into one of three categories:

- Poor space planning. They have to keep jumping up and down to get the items they need.
- Poor work habits. Each day a few more papers become permanent residents of the to-do stack.
- Indecision. They have no idea what to do with the stacks of paper on their desks.

Here are some ways to get your desk under control:

General Planning

Whether you spend one hour or eight at your desk every day, careful thought should go into how you use it. Make it functional. At home, try to establish a place that is solely for paperwork. Though a storage unit on wheels can make working at the kitchen table bearable, it is not ideal to have to clean your work surface each time the family



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wants to eat. It's preferable to have a desk of your own rather than sharing. Know your work habits. If you like to spread out material as you work, provide yourself with enough space (such as a large desk surface or a long countertop). A good chair is as important as a functional desk. Invest in one that is right for you. A chair on wheels is particularly handy.

Organizing Your Desk Area

You must be able to find what you're looking for quickly. "A place for everything and everything in its place" is an important principle to keep in mind. To avoid having to jump up and down as you work, plan space nearby for address book, birthday book, planner, computer, dictionary, files, reference books, telephone answering machine and trash can. Materials to have on hand: calculator, canceled checks folder, checkbook, clock, eraser, envelopes, labels, letter opener, notepads, paper clips, pens and pencils, rubber bands, ruler, scissors, stapler, stamps, stationary and tape.

Establishing Better Desk Work Habits

When it comes to desk organization, stacks of paper are the single biggest problem I see. You don't have time to finish a project, so you leave it until morning ... You're expecting an answer from XYZ Company by the end of the week, so you'll leave the file out until then ... You didn't finish reading the mail, so you'll leave it until Monday. And the only problem is that by the time Monday comes, it's too late because there is pile after pile, and it seems it would take two weeks to ever untangle the mess.

Here are some tips to help you work better:

- The key is to not let paper and piles keep multiplying. Process each paper as it comes in, and get it off your desk.
- Make it a rule to always refile things. You can establish a special place (such as a desktop standing file) for current projects, but otherwise put everything away.
- Keep your desk free of clutter. It

may tempt your eyes to roam, making time at your desk less effective.

- Put loose papers in clearly labeled files ("Tasks," "To Read," etc.) or color-coded ones (purple = medical, green = legal matter).
- If you're concerned about remembering where you are going to put some notes you'll need for an upcoming project, note the location in your planner on the day or month the project is due.
- If you have taken files out of dead storage for a specific project, gather them up when the project is completed and take the time to put them back where they belong.
- Use your planner. It is invaluable for recording ideas in the working/developing stage. Instead of jotting down notes on scraps of paper and never knowing where to find them, you'll have one place to look when you want to refer back to that million-dollar idea, a clever paragraph for a sales letter, a new marketing idea, anecdotes or the details of a telephone conversation.
- Set aside time daily for doing paperwork. Choose an hour when there are few distractions—if at home, in the early morning before the family gets up or if at work, before the staff comes in. During this time, use an answering machine or your voice mail system to screen calls, have your secretary hold calls or have a co-worker answer your phone (you can return the favor at another time).
- Use the desk clock as an important ally. If you're procrastinating about something, tell yourself you'll work on it for "just 15 minutes." And use the clock to help you stop early enough so you will have time to put things away at the end of the day.
- Clean up your desk every night so there's no chaos when you begin the next morning.

What to Do When Your Desk Is a Disaster

Many of my clients are truly frantic because their desks are such a mess. They can't find slips of paper on which they

wrote important phone numbers; they know they received information they sent for, but it's buried in a pile of paper; they were working on a chapter of a novel, but the notes for the next chapter are gone. Here's how I counsel them when I make a house call:

- Address your desk problems in blocks of time. You may be able to straighten out the clutter in a few hours, or you may need a weekend. Sometimes it's better to devote a couple of hours a day to the job until you're done.
- Have on hand a trash can, a pen, file folders, labels and the other desk organizational aids mentioned above that suit your needs.
- Clear the space you want to organize (the desk surface, one of the drawers, etc.). Then make a big pile of all the paper. Evaluate each item, categorize it and put it away (in the desk drawer, in a file, in one of the desk organizers, etc.), throwing out as much as possible.
- Even when you are feeling overwhelmed, just keep sorting and categorizing. If you devote the necessary time, your desk can be cleared.
- Enlist the help of a partner—a spouse, a secretary, someone who can help you keep going.

Organization is a skill that can be learned. The most difficult part is breaking your lifelong bad habits (like letting your paperwork pile up). The key to getting better organized is to start with one small step and then take others one at a time. You may find that what you've put off for years takes only an hour to do. And once you see the benefits in one part of your life, you'll be motivated to go on.

If you implement the ideas given here, you'll be free from chaos and feel in charge of your life. Once you've started, stick with it. Getting organized is the first step; persistence and follow-through will keep you that way. Now, go get started.

Ronnie Eisenberg is a nationally recognized time-management and organizational expert. She lives in Westport, Connecticut.

Five Easy Questions: How to Hire a Tech Guru Without Looking Like an Idiot

By: *Simson Garfinkel*

A handy list of intelligent things to ask a prospective chief technology officer.

One of the biggest challenges in starting a company is finding the right head technologist. Putting up a B2B exchange, wiring the offices with high-speed networks, creating the coolest website ever — whatever your big technology goals, success depends on the person you hire to make them happen. But the chief technical officer isn't merely the one who keeps the machinery humming — this person is the "soul of the organization," says Christopher Logan, president and CEO of Driveway.com, a San Francisco company that offers file storage via the Internet. "You need somebody who can provide technology leadership within your organization."

A good CTO can make up for a technically obtuse management team, unite engineering with marketing, and impress the bejeezus out of potential investors. A bad one, on the other hand, can seriously damage a company's cohesiveness, its reputation, and even its long-term chances of survival by wasting your engineers' time, screwing up deals with potential partners, and diverting your company from key opportunities.

That isn't to say that there's only one kind of good CTO out there. What particular species is right for you depends on the field your company is in. At a startup that delivers services over the Internet, for example, you might want a CTO who knows about building fault-tolerant systems that can scale quickly. On the other hand, a CTO at a company making, say, artificial skin for burn victims would need to know about quality control, process

management, biochemistry, and manufacturing.

It also depends on what stage your company is in. A small, well-funded startup needs a chief who is focused on the technology, whereas a company that is closing its second round of funding or about to go public may need someone who spends most of her time talking to Wall Street analysts.

So, now that you're thoroughly worried about this particular hire — as you should be — how do you pick your stellar chief technologist out of the crowd? Here are five questions you should ask any CTO prospects.

1. Can you explain how frame-relay switching works?

Actually, you probably don't care one way or another how frame-relay switching works. But the point here is this: You need to hire someone who can explain, who can fill in the gaps of your technological knowledge. So when you sit down with the candidate, have her describe frame-relay technology — or how optical networking works, how nanotechnology works, why baseballs curve, whatever. Have one of your engineers in the meeting with instructions to sit silently. Afterward, ask the engineer if the explanation was accurate. Perhaps more important, did you understand it?

A good CTO should be able to hold forth eloquently on complicated technologies in your field of endeavor and communicate why they're important. Don't settle for simple glossary definitions — he should be able to help you make

sense of difficult concepts. For example, a CTO at a company creating voice-recognition software should be able to explain how the computer breaks down speech into components it can process, how these components are manipulated inside the computer, and how the computer makes decisions. Because your CTO will be dealing frequently with nontechnical members of your management team, as well as with outside investors, you need to be sure the person's explanations are understandable, accurate, and succinct.

2. Have you ever had to kill a project?

If the answer is no, you probably shouldn't hire this person. Battle scars are a plus. You want someone who has made mistakes in the past, someone who knows when to cut his losses and stave off disaster. It's a lot easier to be a technological cheerleader than to tell a group of engineers — many of whom may be friends — that they will have to abandon the project they have been working on for the last 10 months and do something else.

Nobody has a perfect record, especially in technology. (And besides, even if your CTO candidate has led a charmed existence to date, there is no guarantee the lucky streak will continue.) Some projects fail because the science doesn't work or the technology isn't up to the task — like, say, Cold Fusion. Other times market forces are to blame, or the nontechnical management, as was the case with the ill-fated Taligent partnership between Apple and IBM

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in the mid-1990s. Ask your candidate about a project that went south. If he was not at fault, get him to talk about the biggest technical mistake he ever made.

3. Are you comfortable with public speaking?

Your chief technology officer will need to get out there on the public stage. She should attend some conferences on a regular basis — ideally as a speaker. A respected CTO is one who has a lot of professional activities — a person who isn't narrowly confined to the company's primary area of expertise. Furthermore, if your CTO loves your company — and there's no reason for her not to, right? — she'll find ways of mentioning it, and she'll always be recruiting.

And there's yet another benefit to getting your CTO out there meeting her peers: She'll learn about new technologies. Which brings us to a corollary question you might want to ask your candidate: What do you read in your spare time? A good CTO should be a voracious reader. She doesn't need to have encyclopedic knowledge, but she must understand the boundaries of her knowledge, and should know how to fill in the gaps rapidly. Ask her about the magazines she reads, and whether or not she keeps up with the academic literature.

4. When did you pull your last all-nighter?

Your chief technology officer should be someone who thrives on playing around with the technology. The ideal person for this job loves to tinker and enjoys building new

things. If your business is a software development company, you'll want to find someone who occasionally indulges in an all-night coding session. If you are a manufacturer, look for someone who has created his own metal shop at home. After all, if your new CTO isn't internally driven to create new things on his own time, what makes you think he'll do it on yours?

5. What's your academic background and work experience?

There's no single correct answer here. Excellent CTOs come from all walks of life — some have vaunted degrees, others have years of in-the-field experience. But there are guidelines. A CTO should be well versed in your company's intended product or service and have a good grasp of the industry. Be wary of those with no formal training. Be downright suspicious of self-taught practitioners who brag that they don't read manuals, books, or other formal training materials — the age of prodigious inventors who know it all ended long ago. Also beware of people who never finished their undergraduate education. It may have worked for Bill Gates, but if a CTO didn't bother to polish off his degree, he might not see projects through for you either. Finally, look for candidates who have managed teams and have real hands-on job experience. The uninitiated may not be able to muster the flexible leadership it takes to bring products to market.

Simson Garfinkel is a technologist and journalist. The author of nine books, he is also the CTO at Sandstorm Enterprises, a computer security firm he founded.

Employee Privacy Issues Concerning Computers, E-Mail, and the Internet

By: Jeffrey A. Spector

The widespread availability of computers, e-mail, and the Internet in the workplace, while promoting innovation and enhancing employee productivity, has also created a number of problems for employers. These tools can also be used for personal purposes, thus decreasing employee productivity; as the basis for harassment and discrimination claims; as evidence in discrimination cases; as a means for employees to engage in concerted activity with fellow employees; and as a vehicle for divulging valuable trade secrets or other confidential business information.

A growing number of employers have responded to these issues by monitoring their employees' computer use and disciplining employees who misuse their equipment. In response, some employees have claimed that employers have no right to read their personal e-mails or track their travels on the Web, asserting that such monitoring constitutes an invasion of privacy.

Courts have typically sided with employers in such cases, particularly where there is a legitimate business reason for the monitoring and the employer has obtained the employees' consent. This article provides a snapshot of the latest law relating to employee privacy and employer-provided technology and advises employers of when and how to monitor and regulate employees' use of these systems.

What is considered private?

There is no one law that

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addresses all the issues involved in computer, e-mail, and Internet privacy. The federal Electronic Communications Privacy Act prohibits employers from intercepting, disclosing, or using the wire, oral, or electronic communications of their employees. However, ECPA contains the following important exceptions:

- It does not prohibit interceptions that occur with the consent of one of the parties to the communication.
- It permits employers to intercept communication in the ordinary course of business.
- It does not prohibit interceptions by the e-mail service provider.

A few states, such as Florida and Maryland, have laws prohibiting employers from monitoring e-mail without an employee's consent. (A similar law in California was vetoed last fall by the governor.) The Fourth Amendment to the Constitution prohibits unreasonable searches and seizures by the government but does not reach private employers.

In most cases, private-sector workers must rely on the common-law right to privacy, which protects invasions of privacy "highly offensive to a reasonable person." The employee must have a "reasonable expectation of privacy," and the employee's privacy interest must be balanced against the employer's asserted business justification for the intrusion. Most courts have held that an employee cannot have a reasonable expectation of privacy when using employer-provided computer systems, including e-mail and the

Internet.

What employers can do

To avoid liability for invasion of privacy or statutory violations and address concerns about the personal use of computer equipment, employers should have a written policy concerning employees' use of the company's computer, e-mail, and Internet systems and apply the policy consistently and evenly to all employees. The policy should state, at a minimum:

1. The company's computer system, including all e-mail messages and documents created, sent, or received on the system, is the property of the employer.
2. Employees are prohibited from using any password that is not known to the company and must safeguard their passwords and other security information.
3. Use of the computer system is confined solely to business purposes (or limited according to clear and specific guidelines, e.g., to communicate with their children's day care provider or with a doctor's office).
4. Under no circumstances may the computer system be used for any purpose that violates the company's policy against discrimination and harassment, including accessing or distributing materials with sexual content or offensive language.
5. The system may not be used for any fraudulent, defamatory, or illegal purpose; to reveal the company's trade secrets or confidential information; or to violate federal copyright laws.
6. Employees should have no expectation of privacy in the e-

mails they receive or send or the Internet sites they visit, because the company retains the right to monitor all computer use by its employees.

7. Employees are prohibited from accessing e-mails intended for others without permission from a company representative.
8. Violation of the policy may be grounds for discipline, up to and including termination.

However, drafting a policy is insufficient. The employer should:

- publish the computer system policy in the employee handbook;
- explain the policy at employee orientation and training sessions;
- obtain employee consent to the policy by way of a signed acknowledgment form stating that the employee has read and understands the policy and will abide by it; and
- monitor computer, e-mail, and Internet use periodically so that employees do not come to believe that because monitoring does not occur, their computer use is private.

Those who monitor employees' computer use should refrain from completely reading documents and e-mails that are clearly personal. As with any other policy, the employer must ensure that its enforcement is conducted uniformly and in a nondiscriminatory manner.

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Will You and Your Bar Survive, Or Be Voted Off the Legal Profession Island?

Do you feel like you're trying to survive in a jungle of technology? Do you have lingering night sweats that you might be booted off the island because you find yourself drowning in a sea of technology? Only the fittest will survive by forming alliances, learning survivalist skills and not letting go of the totem pole. So, how do you do that?

All bar exec "survivors" should plan to attend the **Administrative & Finance Section's Technology Expo and Programming Workshop on Tuesday, February 13, 2001** in San Diego. There will be something for all bar associations no matter how large or small.

Here's why you should attend:

- Plenary sessions featuring expert, Al Browning, who will focus on trends impacting the legal profession and associations.
- Track programming choices that allows you to focus on issues of concern to your bar
- Discussion groups with bar exec colleagues on technology issues
- Vendor expo featuring the hottest new products/services

Watch for the registration form with your NABE registration packet and make your travel plans accordingly. Also, check the NABE website at www.nabenet.org as more information becomes available.

