

- 2 ... Insights from the World of Legal Operations
- 3 ... ACC News
- 4 ... Practice Pointers for Louisiana Employers
- 5 ... About Ogletree Deakins
- 6 ... Celebrating our association with Ogletree Deakins

- 7 ... Past CLE Events
- 8 ... LA Chapter 2016 Continuing Legal Education Calendar
- 8 ... Important News Regarding Notices of Chapter Events
- 8 ... Chapter Leadership

FOCUS

President's Message

Message from the Board

As this year comes to a close, we are reflecting on the Chapter's civic footprint and our plans to expand the Chapter's philanthropic presence next year. Our focus on civic involvement has been sharpened by the challenges that Louisiana has faced this year. The State has been challenged by both political calamities, including the State budget deficit, as well as natural disasters -- in particular the massive flooding in August across 20 parishes, which left 13 dead and displaced over 100,000 residents.

In light of the catastrophic impact of the August floods, the Board resolved to donate \$10,000 in Chapter funds in order to assist victims of the floods. The contribution was made to the Baton Rouge Area Foundation and was earmarked for legal assistance for Louisiana flood victims. Also, the Chapter continued its annual financial support of the Pro Bono Project, the Louisiana Appleseed Network and the Bar Foundation. The Board has chosen to support these organizations based on alignment with the goals of our Chapter and ACC as an international organization. Additionally, the Board continued the Chapter's contributions for scholarship awards at each of Louisiana's four law schools, recognizing students that have achieved excellence in the area of corporate and business law. The Chapter has awarded these scholarships every year since 2010.

Because of the Chapter's historic success in attracting sponsors, we anticipate that the Chapter will continue to have surplus funds in 2017; and the Board is committed to judiciously applying these funds to support causes important to our members and the community at large. The Board is keenly aware that it represents the Chapter's members when making financial decisions, and we encourage input from the members.

Complementing our focus on charitable giving and scholarships, the Board has retained its commitment to delivering services to our members and providing opportunities for networking. Among other things, this year the Chapter offered its members an all-time high number of continuing legal education events, with most of them offered at very little cost to the member. The Board is particularly proud of the Chapter's success in bringing on new sponsors with niche specialties, such as immigration and cybersecurity.

In September, at the Chapter's annual meeting, the membership reaffirmed the composition of the current Board of Directors and elected our new president, Molly Vigour, and our new vice-president, Megan Guy, and our



**Chapter President
Sophia Ryan**

new treasurer, Kimberly Theriot-Smith. The Board, in turn, reaffirms our commitment to you; we appreciate the opportunity to serve as your representatives. With your help, we will build on the successes of this year and lay a foundation for the future growth of the Chapter and expanded service to the community.

Insights from the World of Legal Operations

By Catherine J Moynihan, Senior Director, Legal Management Services, Association of Corporate Counsel

It's a dream job for an MBA like me; working with change agents in legal services during a time of accelerating evolution. I joined ACC in 2009, to pitch in on the ACC Value Challenge a year after its launch. More needed to be done through the Value Challenge because the financial crisis had dramatically increased cost control pressures in the office of the general counsel. That pressure, in turn, has contributed to the rise of the legal operations function in corporate legal departments.

In my work on the Value Challenge, and now as director of the section of ACC for legal operations professionals, I get a first-hand view of the challenges legal executives are facing and the initiatives they are undertaking to deliver legal services better, faster and cheaper. Let me pass along some insight from the [ACC Value Champions](#) and [ACC Legal Operations](#) leaders.

The importance of measurement

In an era when "Big Data" is bandied about, legal executives should not overlook the power of "small data" to get started on value initiatives, and to gain momentum.

A key way to establish value strategies is to survey the business side about the relative priority of legal services, unmet needs, and satisfaction with service delivery. Targeted client interviews and surveys yield the combination of qualitative and quantitative data that inform legal department plans to innovate in the provision of legal services.

Is "doing more with less" what is needed most? Or faster turnaround of contracts to drive value to the bottom line? Both imperatives can be met with a process improvement program to gain efficiency. And in turn, that program starts with measuring how long things take under current processes, and mapping

the process to find ways to eliminate time-consuming steps. One legal ops team mapped its process for a specific, repetitive type of matter using sticky notes on a wall, then redesigned the process and mapped it again. The result, "we cut the process down from 12 feet of wall space to 8!" Now that's "small data" – but it's indicative of cutting cycle time by a third.

If runaway law firm spending needs reining in, moving to flat fees is one (potent) solution. And that often begins with capturing historic spending in key "buckets" of work to inform pricing of matters, phases of matters, or portfolios. Armed with information about historic costs, albeit on an inherently inflated basis of rates times hours, law department and law firm leaders can collaborate to set prices that capture the benefit of incenting efficiency and a focus on preventing legal disputes.

Preventing litigation is itself another area that benefits from rigorous measurement. Consistently conducting root cause analyses to understand where and why disputes occur, and accumulating the results in dashboards or heat maps, can yield insights about need for more training, better contract terms, or hotlines to avoid legal matters. The legal department can capitalize on small data to proactively solve business and organizational problems.

A close cousin of root cause analysis, an element of the process improvement discipline, is conducting after action reviews (AARs) as a last step in the project management cycle. While reporting progress against milestones and budgets is inherent in using project management to keep legal matters on track and under control, AARs are critical

to continuous improvement – and simple to do. Just ask: what went well, and what needs improvement next time. Every time.

Start with a few modest steps, measure results, and iterate to drive improvement. Or, as the saying goes, "start small and go big."

The benefits of hands-on outside counsel management

Having a law firm management pro on your team really helps get the value and control you need.

After spending a lot of time and energy training front-line lawyers in negotiating matter pricing and budgeting, ever more leading legal departments centralizing outside counsel management (OCM). Dedicated OCM

professionals are managing processes from law firm panel selection and onboarding, negotiating value-based fees, orchestrating regular law firm performance reviews, creating and tracking budgets, fostering collaboration among panel firms, ensuring value-adds and value-enabling services, such as project management, are utilized¹, and spearheading diversity and inclusion initiatives. For in-house counsel, it's a boon to have someone else focused on those operational aspects of the law firm relationship; affording more opportunity to focus on collaborating with outside counsel on complex legal matters, while a colleague is making sure those important, value-driving activities get done across the board.

And outside counsel management professionals, in turn, can leverage colleagues in the Procurement department. They provide additional hands and legs to carry the load, such as building the request for proposal (RFP) templates, organizing and reporting on the responses, conducting analyses on past spend to inform value-based pricing, and more. Legal ops and procurement professionals are learning to speak each other's language, and the legal ops pros are teaching their procurement colleagues about the nuances and niceties



¹For a methodical approach to maximizing value-adds and value-enablement, check out [Unless You Ask: A Guide For Law Departments to Get More From External Relationships](#).

continued on page 2

continued from page 2

of legal. Pretty soon, they learn that if they are trying to drive down legal fees by cutting rates, they're focusing on the wrong metric! Analysis undertaken in an ACC Value Challenge working group shows that when on an hours x rates fee basis, efficiency counts more than rates in cutting costs. And getting away from hourly-based fees is how efficiency is best incented.²

Beyond implementing value-based fees, key areas of focus in outside counsel management are law firm data security and promoting diversity and inclusion. An ACC working group has drafted model requirements, "Minimum Information Protection and Security Controls for Outside Counsel," and the ACC Legal Ops External Resources Management Interest Group is pitching in to gather feedback, including from law firms, to make sure it can be implemented. And on the law firm diversity front, the ACC Legal Operations interest group focused on metrics recently conducted a virtual roundtable on the new Model Diversity Survey. With a keen understanding that "what gets measured gets done," the consensus among these operations leaders was that the model survey should be implemented. Meanwhile, the ACC Legal Ops External Resource Management interest group is organizing a virtual roundtable dubbed, "Beyond the Metrics; Tactics to Encourage & Support Law Firm Diversity & Inclusion." We look forward

to reporting on the leading practices that emerge from that discussion.

Using new tools and staffing models to optimize work allocation

After years of in-sourcing legal work, the pressure is on to run legal departments efficiently and a key focus is to get the work to the right (lowest cost) resource. Accordingly, legal operations leaders are gently disrupting the old model of receiving legal service requests: the call, visit or email to the expensive in-house counsel. By setting up legal service request portals, workflow applications to get the work into the right hands and track progress, and "centers of excellence" where pooled resources handle work such as contract review, operations teams are ensuring legal services are provided cost-effectively. Recently, virtual roundtables have been conducted among ACC Legal Ops members on both legal work intake portals and shared services models, two practices that are spreading rapidly.

As much satisfaction as there is with these new tools and models, legal operations leaders also are candid about their ongoing struggles to get some core processes reengineered to their satisfaction. In an era when there's a lot of buzz about artificial intelligence (AI), it's worth noting that several years after the Big Data buzz broke out, we are still not seeing widespread use of data analytics

in litigation strategies and prevention of disputes. Before we see the spread of AI into legal departments, many operational leaders would be content to be able to deploy solid document management systems, truly leverage their ebilling and matter management systems, and cost-effectively and systematically manage contracts from cradle to grave.

ACC supports movement along the legal operations maturity spectrum

The ACC Legal Operations section is a hive of activity, with knowledge-sharing and mentoring occurring through monthly Interest Group calls, in-person and virtual roundtables, webcasts and at the annual ACC Legal Operations conference. With ACC scaffolding for benchmarking, we are seeing acceleration in the spread of best practices and look forward to continued gains in momentum. Legal operations professionals, including non-lawyers, are welcome to join at <http://www.acc.com/legalops/membership/>. And if you have leading practices to share, and would welcome recognition for your team as well, now's the time to prepare a nomination to be named a 2017 ACC Value Champion – due January 31, 2017.

²Interested in hearing more? Download the webcast, "How to Assess the Success of Value-Based Fees without Shadow Billing" in which ACC Value Champions with 3M, Bank of America, Medtronic and United Technologies explain their methodologies here http://webcasts.acc.com/detail.php?id=409116&go=1&_ga=1.5047923.1144571319.1472563131.

ACC News

2017 ACC Mid-Year Meeting: Early Bird Rates End December 1

The second annual ACC Mid-Year Meeting will take place April 2-4 in New York, NY. This two-day program offers an intensive educational opportunity on three topics critical to the success of today's senior in-house counsel: Practical Strategies for Effective Contracts, Employment Law Challenges & Solutions, and Finance Services Regulatory & Technology Pulse. Engage your peers in meaningful conversations and receive practical guidance from faculty in intimate sessions. For more information, visit www.acc.com/mym.

2017 ACC Annual Meeting: Call For Programs Due January 9

Truly by in-house counsel, for in-house counsel, the majority of programming at the ACC Annual Meeting (October 15 –18, Washington, DC) comes directly from ACC committees and individual members. Have a program idea on a trending legal topic? Contribute to the continued success of this event by submitting it for the 2017 meeting. Submissions are due January 9. Learn more and take advantage of early bird registration at am.acc.com.

Second Tuesday Webcast Series

Join us on the second Tuesday of every month to learn about ACC online resources and how to maximize the value you receive from your membership. We will demonstrate how to identify and act upon key in-house legal practice trends and emerging law department issues, and access the knowledge and expertise of thousands of in-house counsel through benchmarking data, policy and contract templates, best practices, and other legal materials across key practice

continued on page 4

continued from page 3

areas. Register today at www.acc.com/SecondTuesday.

Business Education for In-house Counsel: 2017 Dates Announced

To become a trusted advisor for business executives, it's imperative for in-house counsel to understand the business operations of your company. Attend business education courses offered by ACC and the Boston University Questrom School of Business to learn critical business disciplines and earn valuable CLE credits:

- Mini MBA for In-house Counsel, Feb. 27-Mar. 1, May 9-11 (Los Angeles), June 5-7, Sept. 12-14, and Nov. 7-9

Learn more and register at www.acc.com/businessedu.

Nominations for ACC's "Top 10 30-Somethings" Awards Are Open!

Don't miss the chance to nominate yourself or someone you admire for ACC "Top 10 30-Somethings" Awards. The awards recognize the rising stars of in-house counsel for their innovation, global perspectives, proactive practice, advocacy efforts, and pro bono and community service work. Nominations are due December 9. Submit your nominations at www.acc.com/30somethings.

ACC Europe Annual Conference: Super Early Bird Rate Ends 31 January

Join us in Cascais, Portugal for the 2017 ACC Europe Annual Conference: New Horizons: Leading in an Ever-Changing Landscape (7-9 May) to hear how to Lead the Law, Lead the Business, and most of all Lead Yourself to achieve your potential. Focused at all levels within the in-house community, the conference will provide expert guidance, general counsel insights, and senior business thought leadership that is designed to help you develop your own strategies for maximising your career. The programme will include interactive workshops, plenaries and coaching opportunities. Learn more and register at www.acceurope2017.com.

ACC Value Champions: Nominations Due January 31

Have you implemented management practices that drive value for your company? Whether you reduced spending, improved predictability or achieved better legal outcomes, ACC wants to hear from you. Submit your nomination today to get the recognition you deserve. For more information, or to check out the past ACC Value Champions, visit www.acc.com/valuechampions.

2017 ACC Advocacy Award: Nominations Due January 20

Help us recognize an individual, ACC chapter or committee that has successfully advocated for an issue important to in-house counsel. The winner will be honored at the 2017 ACC Mid-Year Meeting, April 2-4, in New York City. Visit www.acc.com/advocacyaward for more information and to submit your nominations.

Legal solutions from **Thomson Reuters** deliver best-of-class products and services for your corporate legal department. Their solutions include practice tools as well as software and services to manage department resources. With eligible purchases of Thomson Reuters legal solutions, members may earn "ACC Dollars" which can be used toward ACC-related purchases. [Learn more here.](#)

Mitratech enables over 750 legal departments of all sizes to be the best-run function in their organization by providing end-to-end matter management, spend management, e-Billing, legal hold, contract management, GRC, and reporting solutions. Our clients can automate workflows, improve business outcomes, increase collaboration with partners, and reduce legal spend. For more information visit www.mitratech.com.

Practice Pointers for Louisiana Employers

By Jacob Credeur, Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Louisiana saw several new laws enacted in 2016 that will affect employers. Below are a few issues corporate counsel will want to be familiar with moving forward into 2017:

- Louisiana Governor John Bel Edwards signed Executive Order JBE 2016 – 11, which protects lesbian, bisexual, gay, and transgender individuals, among other protected classes, from discrimination. The Order applies to businesses that provide contractual services to the State of Louisiana and its agencies. Specifically, the Order provides that state agencies, departments, offices,

commissions, boards, entities or officers of the state shall not discriminate against individuals based on race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, disability, or age. As such, the Order extends antidiscrimination protection to services, benefits, and employment provided by the state to lesbian, bisexual, gay, and transgender individuals. The Order also extends the same antidiscrimination protections to contracts awarded for the purchase of services by state agencies, departments,

offices, commissions, boards, entities, or officers of the state.

- Louisiana Revised Statute (La. R.S.) 14:222.3 now provides that it is "unlawful to use a cellular tracking device for the purpose of collecting, intercepting, accessing, transferring, or forwarding the data" from communications devices, or data that is "stored on the communications device[s] of another without the consent of a party to the communication and by intentionally deceptive means." However, the statute provides sixteen exemptions, including

continued on page 5

continued from page 4

an exemption for any “person acting in good faith on behalf of a business entity for a legitimate business purpose” under La. R.S.14:222.3(C)(13). As a result, the direct application of the statute to employers is likely to be limited in scope because an employer’s tracking of cellular devices should ostensibly meet the good faith exception as long as employers can demonstrate a legitimate business purpose for its actions. Nonetheless, employers should be aware of the statute prior to using any cellular tracking device, as La. R.S. § 14:222.3(D) provides that a violation of the statute can lead to fines of up to \$3,000.00, imprisonment of up to two years, or both.

- The Louisiana Legislature authorized private employers to establish a preference in employment for certain veterans and relatives of veterans, similar to the system by which state and city governments are authorized to give similar preferences in employment. La. R.S. § 23:1001 is permissive and not mandatory. A private employer may give preference in hiring to an honorably discharged veteran; the spouse of a veteran with a service-connected disability; the un-remarried widow

or widower of a veteran who died of a service-connected medical condition; or the unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions.

- Hotels are now required to display a notice with information regarding the National Human Trafficking Resource Center hotline. Hotels, as defined in La. R.S. § 15:541.1, must post the required information in the same locations as employee notices required by federal and state law. Other businesses already subject to the posting requirement include strip clubs and other sexually-oriented businesses, full-service fuel facilities adjacent to an interstate highway or highway rest stop, and outpatient abortion facilities.
- Louisiana law now makes it unlawful for a registered sex offender to work as a door-to-door salesperson. La. R.S. § 15:553, which pertains to the employment of sex offenders required to maintain sex-offender registrations, provides that it is unlawful for such individuals to operate busses, taxis or limousines for hire; engage in employ-

ment as a service worker who enters a residence to provide any type of service; or operate a carnival or amusement ride. Pursuant to the 2016 amendment to La. R.S. § 15:553 it is now unlawful for any individual registered as a sex offender to “engage in employment as a door-to-door solicitor, peddler, or itinerant vendor selling any type of goods or services including magazines or periodicals or subscriptions to magazines or periodicals.” An individual who is required to maintain registration as a sex offender under Louisiana law and is found to engage in any of the types of work provided in the statute, shall be fined up to \$10,000 and imprisoned for at least five years, though no more than ten years. The penalties are, however, limited to the employee, not the employer.

As always, employers should be proactive in addressing issues arising under changing state employment laws in order to avoid unnecessary, and often costly, problems that may arise from state specific issues.

About Ogletree Deakins - a Premier Sponsor of the Louisiana Chapter

The Louisiana Chapter of the Association of Corporate Counsel recognizes Ogletree Deakins as one of our premier sponsors. We extend our special thanks to the New Orleans Office of Ogletree Deakins for supporting our Chapter financially and for providing us with extraordinary continuing education programs. Ogletree Deakins focuses exclusively on matters of labor and employment law, representing employers of all sizes and across many industries, from small business to Fortune 50 companies. Ogletree was named the “Law Firm of the Year” in the Employment Law – Management category in the 2016 U.S. News – Best Lawyers “Best Law Firms” rankings. Ogletree has more than 175 attorneys listed in the 2016 edition of Best Lawyers in America. With 49 offices, located in 27 states, the District of Columbia, the U.S. Virgin Islands, and in Canada, Mexico, and Europe, Ogletree offers coverage throughout North America and beyond. In addition to providing legal consultations, Ogletree supports its clients with multiple seminar program, briefings and webinars, as well as newsletters and e-alerts. The Ogletree Way is to constantly strive for improvement in internal processes, through such initiatives as Legal Lean Sigma training for key firm leaders and administrative staff, and development of best practices for efficiently and effectively handling employment litigation and discovery. Ogletree Deakins—Employers and Lawyers, Working Together®

Ogletree Deakins

Celebrating our association with Ogletree Deakins



Ogletree Hosts the Chapter at Jazz Fest



Chapter members with Ogletree Deakins



Ogletree and the ACC at the Fairgrounds



Megan Guy, Kim Theriot-Smith, Paul Cordes and Sophia Ryan at Jazz Fest

Past CLE Events



Scott Schneider of Fisher Phillips presents at a September CLE



Thomas Lindsay of Ogletree presents at September CLE



Tom Cortazzo of Baldwin Haspel presents at CLE in May



ACC Cookies from the Chapter's Sponsor Appreciation Event

LA Chapter 2016 Continuing Legal Education Calendar

January

Ware Immigration
1/28/16 – Ralph's on
the Park; Hiring Foreign
Nationals - 2.0 hours CLE

February

Adams and Reese LLP
2/3/16 - Mardi Gras stands

March

Fisher Phillips
3/18/2016 – Ruth's Chris
Metairie; Effective Responses
to Agency Charges &
Handling Leaves and
Accommodations
- 2.0 hours CLE

April

Thomson Reuters/
Practical Law
4/19/16 – Ruth's Chris New
Orleans; Avoiding Top
Employment Pitfalls – 1.0
hour CLE

April

Ogletree Deakins
4/22/2016 – Jazz Fest CLE/
Social; Stress, Strain, and
Racial Strife at Work – 1.0
hour CLE

May

Baldwin Haspel Burke and
Mayer, LLC
5/5/16 – Ralph's on the Park;
A CLAIM! And What To
Do About It; Louisiana
Business and Tax Update –
2.0 hours CLE

May

Gordon Arata McCollam
Duplantis & Eagan, LLC
5/19/16 – City Club River
Ranch in Lafayette; Recent
Developments in Louisiana Oil
and Gas Law; Louisiana Oil
Well Lien Act and the Effect of
Bankruptcy – 2.0 hours CLE

June

Phelps Dunbar LLP
6/14/16 – Galatoire's Bistro
in Baton Rouge; Wage and
Hour Claims – The New
Wave Of Employment
Litigation – 2.0 hours CLE

August

Courington, Kiefer &
Sommers, LLC
8/25/2016 – Café Adelaide;
Reptile Verdicts, followed by
social hour - 1.0 hour CLE

September

September 30, 2016 @
Courtyard Marriott, 300
Julia St.
7.0 hours CLE; ACC
Member lunch/Chapter
Annual Meeting at Emeril's
Restaurant

October

Jackson Lewis PC
10/26/2016 – Ralph's on the
Park; DOL Investigations -
1.0 hour CLE

November

Stone Pigman Walther
Wittmann, L.L.C.
11/17/2016 – Bourbon
House; Data Security and
Data Breaches -
1.5 hours CLE

December

Ogletree Deakins
12/2/16 – Emeril's
Delmonico; "Last Chance"
Ethics & Professionalism –
2.0 hours CLE

December

The Kullman Firm
12/7/2016 – Juban's, Baton
Rouge; "Last Chance" Ethics
& Professionalism – 2.0
hours CLE

December

Holiday Luncheon –
12/15/2016 Ralph's on the
Park 11:30 a.m.

Important News Regarding Notices of Chapter Events

ACC Louisiana is now using Eventbrite for CLE and social event invitations and registration. We will no longer be using Cvent. Please be sure to add Eventbrite to your safe sender list.

Chapter Leadership

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Secretary

Daniel E. LaGrone
Vice President, Associate General Counsel,
Pan-American Life Insurance Company

Treasurer

Franck LaBiche
Corporate Counsel, Laitram, L.L.C.

Board of Directors

Clay Beery
General Counsel and Secretary
Laitram, L.L.C.

D. Clayton Cambre

Corporate Counsel, Tidewater Inc.

Jose Corrada

Vice President, Associate General Counsel,
Pan-American Life Insurance Company

Kurt Duncan

Assistant General Counsel
Special Assets and Litigation
Capital One, N.A.

Edmund Giering

General Counsel, Baton Rouge Area
Foundation

Megan H. Guy

Executive Counsel, Gillis Ellis and Baker

James Moran

Vice President and General Counsel, Pellerin
Milnor Corporation

Kimberly Theriot-Smith

Contracts Administrator/Corporate Counsel
Conrad Shipyard, L.L.C.