

# The Common Scold

by Monica Bay

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## ARMA-GEDDON FOR MY COMPUTER?

**Priority Process:** My computer died Friday while I was at ARMA (the long-established records management group holding its annual meeting in Orlando) -- and I had to rely on old-fashioned journalism to file my Friday Law Technology News Daily Alert -- I phoned it into the "copydesk" (a.k.a. my wonderful San Francisco colleague Sean Doherty) in order to make my deadline.

The subject of my alert was a terrific late Thursday panel, that was offered as part of the ARMA/ILTA "Lit Con" [Legal Information Technology Conference](#) at the World Center Marriott. The experience reminded me of how important process is to accomplish business objectives when exceptional events occur.



And that was the theme of "Processing Departing Attorneys," which featured Thomas Paradise, general counsel of Fox Rothschild, and Mary Pat Poteet, (left) director of litigation support for DLA Piper U.S., and moderator Charlene Wacenske, manager of firmwide records for Morrison & Foerster.

For two hours the panel discussed the challenges managers face when attorneys leave the firm -- whether amicably or unexpectedly — and especially when departees demand to take records with them. In these events, the panel agreed, process is a priority to maintain a consistent and compliant response.

A key goal is to create protocols that help all involved provide an orderly transition of client files, whether they are going with the lawyer to a new firm, or not. It also helps to have established procedures so that everyone knows how voicemail, e-mail and snail mail will be handled, the panelists said.

Another tip: create a checklist, and in so doing, to solicit ideas from all affected corners of the firm. Designate one person to maintain the list, they suggested. Select a method to insure that all affected personnel receive timely notice of impending departures, and create a SWAT team for sudden disability, deaths, or immediate departures, the panelists advised.

Wacenske said that MoFo has created a Sharepoint site to help the workflow, and Paradise reminded everyone to "make sure your checklist mirrors your other policies." The checklist, they noted, can also help the organization when dealing with litigation holds.



Later Friday, after filing the alert, I had the wonderful opportunity to chat with [Ray Davis](#) and Steve Fulmer, of "Inside the Records Room," and you can listen to the [podcast here](#). We discussed a wide range of topics, from e-discovery to social media. (Huge thanks to the ARMA marketing team, especially Jeff Randolph and Ashley Flynn.)



## About The Common Scold



The Common Scold is named after a cause of action that originated in Pilgrim days, when meddlesome, argumentative, opinionated women who displeased the Puritan elders were punished by a brisk dunk in the local pond. Believe it or not, the tort lasted until 1972, when *State v. Palandrano*, 120 N. J. Super. 336, 293 A.2d 747 (N.J. Super. L., Jul 13, 1972) pretty much put it to rest. But the thought of those feisty women, not afraid of a little cold water, has always cheered me up and inspired me. I first used the moniker as the name of my humor column at the University of San Francisco School of Law many moons ago, and revive it now for this blawg!

## More info about Common Scolds:

[Wikipedia](#)  
[The Free Dictionary](#)  
[Hyperdictionary.com](#)  
[Learnhistory.org](#)  
[Herefordshire.gov](#)  
[Curious Punishments](#)

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"Life is not a spectator sport. ... If you're going to spend your whole life in the grandstand just watching what goes on, in my opinion, you're wasting your life.

--Jackie Robinson

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I also had a chance to talk with a few of the vendors at ARMA, including EMC, Autonomy, and DocuLex. It was a quick visit, but very educational.

And there was good news, when I limped back to the office -- inspired, but exhausted -- and of course, nursing a Disney-land cold (I do not like traveling in economy on planes full of small children with runny noses). I fried my logic board but not my hard drive!

So my MacBookPro is off to the Apple hospital but should Lazarus AOK. (Why do these things ALWAYS happen at deadline?) Thanks to my IT team for scurrying up a spare laptop for me to limp with until my not-really-beloved MBP arrives home OK. (From now on, I'm never goin' nowhere w/o my Dell). But ya never know how much you like your computer until it crashes.



October 19, 2009 in [Conventions, Meetings, Live Programs, Technology](#) | [Permalink](#)

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