April 2013

TLOMA *Today*

A publication of The Law Office Management Association

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  June 7, 2013
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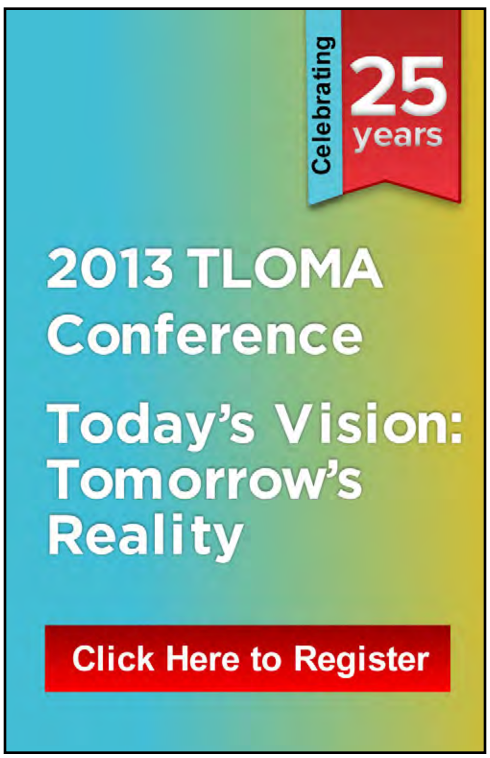

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TLOMA *Today*
Editor: Janet Baker
Advertising: Liz Barrington

2013 TLOMA President

By: Janice Rooney

PRESIDENT'S MESSAGE

DID YOU KNOW.....

THAT CANADA HAS 13.3 MILLION VOLUNTEERS?

DID YOU KNOW....

THAT APRIL 21 TO 27 IS CANADA'S NATIONAL VOLUNTEERING WEEK?

AND WHAT DOES THAT MEAN FOR ME AND FOR YOU AS MEMBERS OF TLOMA?

Clearly, 13.3 million is an astounding statistic and shouts in a loud voice that **"volunteering is an integral part of who we are as Canadians"**. To quote The Right Honourable David Johnston, Governor General of Canada, Canada is **"a smart and caring nation. It's our dedication to community involvement that has given us that reputation at home and around the globe."**

As I reflect upon our recent ***TLOMA New Member Breakfast*** in April, and listened to the passionate account of why, over these 45 years, TLOMA members just like you and me have volunteered their time and efforts over those years, it raises a "call to action" for all of us to ensure the longevity of our Association for years to come.

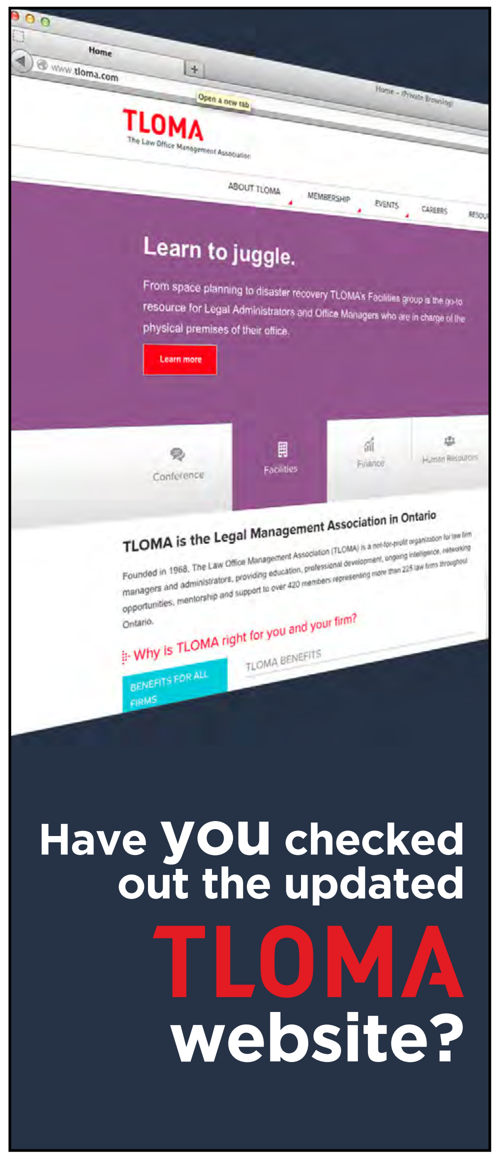
In other words, I am asking us all to **"pay it forward"** – an often used phrase referencing, for most of us, memories of a Hollywood "blockbuster" released in the millennium year. The movie plot involved a young boy's plan to make the world a better place by anonymously fulfilling a need or favour for three different people and then those three recipients doing the same for three others – thereby "paying it forward" with these selfless acts of kindness. In short, as someone who is now "paying it forward" to TLOMA, I encourage you all to do the same in any small or large way you can. Our members are our future. Each person brings their own expertise, their own creativity, and their own personality which, when blended, form the dynamic face of our Association. Since its formation in 1968, our Association has continued to exist only through the ongoing passion of its volunteers – volunteers like you and me.

Our Association is still here after 45 years; our Association is still vibrant and it reflects the collective strength of our network of volunteers.

So won't you please "pay it forward" and be a volunteer for TLOMA.

"You may be only one person in this world, but to one person at one time, you are the world." Anonymous

Janice Rooney
2013 TLOMA President



This year's 25th Annual Conference promises to be like no other!

Awesome, inspirational speakers . . . one having shared the stage with celebrities such as Ellen Degeneres and Ray Romano and another who is recognized as an award-winning tenured professor and one of the top ten lecturers in Ontario.

- Learn how individuals and organizations accelerate performance by working smarter with the power of knowledge management.

- Share your thoughts and experiences with others. Conferences are not just for taking, they are excellent opportunities for sharing.

- Take a break from your daily routine and re-energize. This is a fantastic opportunity to focus on your professional development.

- Step back and reflect on your career and the reality of tomorrow. Can't visualize it? The TLOMA Conference will allow you to pull away from the daily pressures, be more philosophical about your job and profession.

- Network and Connect with your peers and colleagues from various firms and practice areas. Exchange ideas as new relationships are formed and old relationships are rekindled. These connections provide valuable resources for solving our day to day challenges. There is a breadth of knowledge and experience to be explored at the Conference.

Register

If you can't come for the entire conference....come for a day!!

Look forward to seeing you there!

By: Brad Gilmour

THE EVOLUTION OF LEGAL DICTATION INTO VOICE PRODUCTIVITY TECHNOLOGY (VPT)

Long-gone are the days when lawyers would verbally dictate to assistants sitting in their offices, jotting-down short-hand notes to later be re-expanded into comprehensive documents. Once technology offered micro-cassette recorders and then digital dictation devices to lawyers, they very quickly adopted them as a means to dictate without an assistant present and from anywhere that they felt so inclined.

It was not long before dictations were widely utilized in digital format, which was the catalyst for automated workflows, speech recognition technology, smartphone dictation apps and business systems integrations to soon follow. Hence, Voice Productivity Technology (VPT) was born and became not just a replacement solution for antiquated cassette and basic digital systems, but a robust technology investment that made lawyers more productive on-the-go and delivered measureable efficiencies and cost savings for their law firms.

In that the Canadian legal market is predominantly utilizing digital dictation already and although we will not go into the business case for it over analogue (cassettes), it suffices to say that the time and cost efficiencies of digital are substantially greater than those possible with analogue. Today, prudent law firms are deliberating over the following with respect to dictation and VPT:

- Enterprise or stand-alone
- Smartphone dictation apps or mobile digital dictation device
- Value of speech recognition technology
- Return on investment (ROI) timeframe
- Suitability of solution/services provider

ENTERPRISE OR STAND-ALONE

While stand-alone digital dictation solutions offer some advantages over the former analogue solutions, the benefits realized are considerably greater when elevated to the enterprise level. Enterprise solutions offer workflows that are entirely configurable to law firms' specific business operation requirements.

Enterprise solutions facilitate firm-wide dictation management. This means that a designated individual is able to delegate and easily re-allocate work from a centralized location and without involving the firm's IT department, saving a significant amount of time. This functionality may effectively incorporate priority and/or deadline escalations and team approaches that can be implemented for faster transcription completion and document delivery.

The more robust enterprise solutions will also offer the ability to split dictations into multiple parts. This valuable functionality enables multiple transcriptionists to work on the same dictation simultaneously, which is critical for processing lengthy and/or urgent dictations in a fraction of the time that would be otherwise required.

Enterprise solutions offer reporting capabilities to maximize a firm's use and benefit. Some enterprise solutions now integrate with other law office systems such as DMS to further enhance the benefits of not only digital dictation, but of firms' other practice management solutions as a whole.

SMARTPHONE PLATFORM OR MOBILE DIGITAL DICTATION DEVICE

The question is often asked as to whether dictation on smartphones can entirely replace mobile digital dictation devices and the answer is a loud and resounding "Yes!" The dictation device hardware is no longer required to be purchased, power charged, maintained, replaced or even carried by lawyers and the smartphone software is only a fraction of the cost of the dictation device hardware.

Not only can smartphone dictation accomplish everything that the previous devices do, but they also negate the

THE EVOLUTION OF LEGAL DICTATION INTO VOICE PRODUCTIVITY TECHNOLOGY (VPT) CONTINUED...

need for lawyers to return to their offices, or even logon to send dictations, as smartphones now enable dictations to be sent immediately from anywhere that a call can be placed from a mobile phone. This means that since dictations are now sent by lawyers and received by assistants sooner, it stands to reason that they are now transcribed sooner as well, ultimately improving document turnaround times.

Also, smartphone dictation can include the ability to attach relevant material to a dictation and send it along with the audio file. This may be documents, email messages, email attachments, existing pictures, etc. and you can even take a new picture on-the-fly and attach it in one easy step.

Some full featured smartphone dictation solutions include real-time status/progress reports giving lawyers smartphone visibility of when dictations have been received, when they are in progress and when they have been completed. This has produced a whole new business case for smartphone dictation, other than traditional dictation to be transcribed. Lawyers are now using smartphone dictation for instructional purposes, as that they would have previously used email, voicemail and/or texting to accomplish, since the real-time status/progress negates the need to waste time following up. Submitting billable time via a smartphone dictation app ensures time is getting recorded properly for invoicing and the lawyer can track when this task has been completed.

What's next? The most advanced and innovative enterprise solutions are offering mobile apps that are not just for creating dictations. Apps are now available on tablets such as iPad for document review and approval, essentially mobilizing the entire document production process.

VALUE OF SPEECH RECOGNITION TECHNOLOGY

If firms have previously considered the merits of speech recognition technology and it was about 2 or more years ago, they are strongly recommended to look at it again. Speech recognition technology such as Nuance's Dragon NaturallySpeaking has made vast accuracy improvements over the last few years and it seems to be getting considerably better going forward.

One of the major obstacles to wide-spread adoption of speech recognition in the past was the amount of time required of lawyers to effectively build their voice profiles. Recent technology improvements have now dramatically reduced the time requirement to a fraction of what it was previously.

Once the initial voice profiles are built, lawyers need not do anything else to enhance the accuracy, as the assistants do the corrections and feed the corrected documents back into the speech recognition engine to further improve a lawyer's voice profile. Pre-learning utilities are also available with some enterprise solutions whereby previous dictations are loaded into the system to further build a lawyer's voice profile with no need for the lawyer's time. This also increases the transcription accuracy even quicker.

From the assistants' perspective, some solutions have developed playback tools for their ease of proof-reading and assistants are now finishing jobs faster than ever. Law firms are often reporting that speech recognition software has reduced the transcription time by 50% and in some cases, even more.

RETURN ON INVESTMENT (ROI) TIMEFRAME

To be clear, enterprise digital dictation solutions are not intended to diminish the need for assistants. They are intended to reduce the amount of time required for the mechanical task of transcribing dictations to avail assistants to do more important things for the lawyers they are supporting, which in-turn avails lawyers to take-on more billable hours.

The ROI of enterprise digital dictation solutions is more quantifiable than of many other enterprise solutions. Some providers will offer to work through a spreadsheet with firms, using the firm's real-life numbers to produce reasonable expectations of the specific firm's anticipated timeframe to recuperate 100% of their VPT investment.

While there are some other small efficiencies that certainly contribute, the ROI of an enterprise digital dictation solution is a factor of two major components:

1. The decreased number of overtime hours required of assistants that results from them receiving dictations throughout the day, as opposed to typically at the end of the day.
2. The increased numbers of billable-hours lawyers are now available for, resulting from not having to return to the office at the end of the day, follow-up on instructions, etc.

The ROI is further enhanced with systems that utilize smartphones as opposed to digital dictation devices. The smartphone dictation apps are a mere fraction of the cost to purchase, maintain and eventually replace the digital dictation devices, thus significantly impacting the business case for smartphone apps to law firms.

SUITABILITY OF SOLUTION/SERVICES PROVIDER

When searching for the ideal solution/services provider, the standard criteria still resonates that they have an excellent reputation, a National presence to promptly address customer needs, references of relevant size/location/demographic, etc. In addition, law firms typically work with dictation differently than other industries and the solution should be specifically developed to work in the legal environment.

With firms migrating to bring-your-own-device (BYOD) policies, lawyers are now satisfying their urges to get the latest-and-greatest smartphones as soon as they become available. Therefore it is very important that your solution/services provider is diligent with ensuring they are readily available on new smartphone platforms upon the applicable launch date, or even sooner.

As the whole basis of VPT is to get more done with your voice, lawyers will not be required to be in the office to the same extent as before and as a result, they will be more heavily reliant on VPT solutions/services. Therefore it is more important than ever that your provider be highly-ranked in the area of impeccable client service/support.

THE BIG PICTURE

As dictation apps for smartphones and tablets continue to diminish the need for lawyers to be working in their offices on their desktops and laptops, VPT is become increasing more valuable as firms in Canada and globally continue to strive for efficiency and lowered costs.

While voice productivity technology (VPT) solutions require a greater initial investment than stand-alone systems, they represent a perfect example of the old cliché "You get what you pay for". Full-featured enterprise solutions enable dictations to be submitted and tracked instantly on a smartphone, kick-off workflows remotely, to be processed faster, to be managed centrally and they require fewer human and monetary resources to operate and maintain.

If law firms can appreciate the time and cost efficiencies that stand-alone digital dictation systems offer, it is worth considering the next generation of dictation solutions like VPT that do not simply replace an outdated system, but combine the latest voice and mobile technologies to deliver tangible business benefits.

Brad Gilmour, National Sales Manager – Canada for BigHand Software Inc., has been working in the Canadian Legal IT community for the majority of the last decade. He specializes in providing Canadian Law Firms with robust Voice Productivity Technology (VPT) solutions and focuses on helping them benefit from the resulting time and cost efficiencies to meet and exceed their business objectives. Established in 1996, BigHand now supports more digital dictation users direct, across the professional services and public sectors, than any competitor. BigHand is a Microsoft Gold Partner, BlackBerry ISVPartner, ALA Business Partner, ILTA Gold Sponsor and a TLOMA Business Partner. Brad can be reached at BigHand at brad.gilmour@bighand.com.

TECHNOLOGIES IN THE WORKPLACE ONLINE LEGAL RESEARCH TOOLS

By: Josh Silver

Legal research is the life blood of any good litigator. Precedents are essential to the foundation of a strong argument, and it is commonplace for a lawyer to spend many hours prior to arguing a motion or going into a trial reading, and reviewing pertinent case law that can be utilized. Preparation is a key necessity for any successful litigator. While there are some excellent, free sources available for past judicial decisions as well as current and previous iterations of legislation, many litigation firms choose to utilize pay-for-use online legal research options which provide far more than just case law, and with good reason.

Despite the availability of these services, there are still law firms that prefer to do their legal research the old fashioned way – by using free resources or heading over to the local law library. It should be noted that this article is not being written so as to denigrate those who would choose this methodology for their legal research and their legal practice. Rather, it is intended to encourage an open discussion of the benefits of embracing these readily available technologies, and how best to improve the practice of law through better service to clients.

Several of these pay-for-use options offer countless services far beyond mere case reporting, all of which are in furtherance of proper and efficient legal work. More than just access to primary law, pay-for-use legal research also allows litigators to access court documents, case briefs, annotated legislation, pending legislation, statutes, rules, forms for rules, and many other useful elements that will be of tremendous use to any practitioner. Additionally, some of these legal research companies have their own proprietary citation trackers, making it very easy to navigate their databases, and find relevant, topical case law and documents.

While there are free resources aplenty, they do not offer the same breadth of information that can be acquired through the large legal research companies. With access to these online repositories, there is always a precedent or good case law to be cited within easy, accessible reach. Though it certainly is an added cost for a law firm or a sole practitioner to have access and utilize these research options, the benefits will almost certainly outweigh the costs.

Some of the obvious benefits associated with using one of the legal research companies include ease of access to your research, certainty of results, the ability to link to decisions at courts above or below, and friendly user interfaces which make navigation simple. Furthermore, with some of the newer versions, you have the ability to save and store cases, files, briefs and rules in folders and subfolders. All of this information is available to a lawyer from his desk via the internet.

It is true that all of the information that the legal research companies provide is available in the public domain, via a law library, or through diligent, careful research. However, each of the above options for accessing case law or whatever information the litigator requires is an intensive, time-consuming process.

The simple fact is that when there is this technology which exists, aggregating all of this information, making it accessible with a few clicks of the mouse, and minimizing the potential for error, it is surprising when law firms do not take advantage.

TECHNOLOGIES IN THE WORKPLACE ONLINE LEGAL RESEARCH TOOLS CONTINUED...

Certainly, there are situations with smaller law firms or sole practitioners for whom this may not be a financially feasible option. However, when you factor in the time that can be saved, and the multitude of combined resources, utilizing one of these research companies seems like a wise investment.

Josh Silver is a graduate of the dual-J.D. program at the University of Windsor and the University of Detroit-Mercy. Josh completed his articles with a boutique litigation firm in downtown Toronto acting for both plaintiffs and defendants. He is currently practicing in the areas of Litigation and Estates law.

**This is part of a series brought to you by Korbitec which presents the viewpoints of new associates. This article was written by Josh Silver.*

By: Andre Coetzee

THE CLOUD MEETS BUSINESS CONTINUITY AND DISASTER RECOVERY

HOSTED DESKTOPS IN THE CLOUD: A NEW PERSPECTIVE ON BUSINESS CONTINUITY, DISASTER RECOVERY, BACKUPS AND RESTORE

The rate of change within information technology over the past decade has been staggering and has started to significantly impact the types of technology solutions professional services firms opt for. Before AltaVista (who?), Yahoo and Google, searching on the Web was laborious. Now we can find anything from a great hotel in Europe to instruction about how to make a Margarita – all within a matter of seconds. Gone are the days of having to go to the office on the weekend or in the evening to do work or check emails. Today, we can connect to the Internet from anywhere at anytime using almost any device: laptop, home computer, or iPhone, to name a few. I cannot imagine how we survived without all this innovation as it has made us so much more productive and efficient – yes, that's right - now you can respond to client emails or finish working on that client file while on the road, at home, in bed, and on holiday! (Not sure we signed up for all of this, but it's pretty

THE CLOUD MEETS BUSINESS CONTINUITY AND DISASTER RECOVERY CONTINUED...

impressive, to say the least). Say “Hello” to the New World of always being connected; say “Hello” to Cloud Computing.

Cloud computing can make many shiver a little since, on the surface, there appears to be more hype than reality. Ask someone to define cloud computing and you’ll get anything from a blank stare to, “I use Facebook online – is that what you mean?” I particularly like the all-inclusive definition put forward by Eric Knorr and Galen Gruman from InfoWorld: “Cloud computing encompasses any subscription-based or pay-per-use service that is offered in real time over the Internet.” So to us, as mere mortals, it can mean anything from paying to having your backups automated and performed online or hosting your email to having your entire workstations and servers hosted offsite in a data centre.

Essentially, cloud computing is Internet-based computing, whereby shared resources, software, and information are provided to computers and other devices on demand (like the electricity grid). In this brief, we will focus on one component of Cloud Computing: Virtual Hosted Desktops (“VHD”). We will explore how VHD environments attempt to resolve some key business requirements. Specifically, Disaster Recovery and Business Continuity, Privacy and Security and Mobility.

So as to ensure we are all on the same page a brief definition of a virtual hosted desktop is required. VHD result from desktop virtualization services provided through an outsourced, hosted subscription model. Simply put, lawyers and support staff connect via the Internet to their VHD and data that resides in a data centre using any device (thin client, existing workstation, Apple Mac, Android Smart Phone etc.). Firms using this model no longer have any data, servers, and - in most cases - workstations residing in their offices. Instead, everything resides in the data centre. In some ways, the model is very similar to “dumb terminals” and mainframes of the 1960’s with a modern twist. For Firms on the verge of taking the leap, some important questions to be addressed:

- How do we continue to work in the event of disasters, server failure, unexpected and prolonged power outages, fire, flood etc.
- Are my staff able to work from other locations; satellite offices, home, hotels in the event of a disaster
- What happens if a disaster strikes at the data centre that hosts the VHD
- Where does my data reside and what about security?

Disasters and how you continue to operate in the event that they occur is a bit of a gloomy topic, but one that has become more important to address and to ensure peace of mind. Disaster recovery, a strategy coined in the 1970`s, when large firms realized they needed to be able to operate in the event their computer systems failed or a natural disaster occurred. Fast forward to 2013 and now all firms large or small are even more dependent on their IT systems. High availability of IT systems has become essential for business continuity and continued success. The driving force; for firms who sustain significant data loss there is approximately 40% chance they don’t recover and a 30% chance they close their doors within 2 years.

Traditionally, Firms housing their servers and IT infrastructure within their offices, have adopted various strategies to mitigate against disasters; backing up critical data to tapes, external hard drives and taking them offsite; Managing Partners home, safety deposit box, 3rd Party vendors. Some Firms, generally smaller, instead of managing backing up their data themselves have adopted the approach of signing up with a Cloud Backup Storage provider and having their data backed up and shipped offsite hands free. Pretty awesome and beats having to remember to swap and take tapes, DVD’s, external hard drives offsite on a daily basis. In other cases, and in rare cases, due to the significant cost, larger Firms have gone the extra mile and duplicated their entire IT infrastructure to a 2nd location, possibly a satellite office, so as to ensure they are able to continue operating. Most perform backups so they believe they can recover their data relatively quickly. (Heaven forbid the backups have not been rotated for weeks or are corrupt.). If all is good with the data backed up, it could still take many days and in some cases weeks, depending on the disaster, to restore to an operational state.

Moving your entire infrastructure into the ‘cloud’ and using VHD’s also means moving all applications and data into the cloud. VHD’s therefore come standard with data and applications being backed up, and all employees are able to connect from anywhere with any device. This should get us all excited as no one in the Firm is responsible for back ups anymore, as it is all taken care of by the VHD provider. Wow

THE CLOUD MEETS BUSINESS CONTINUITY AND DISASTER RECOVERY CONTINUED...

we have a Disaster Recovery and Business Continuity Plan in place at a nominal cost i.e. in the event something happens to my office: fire, flood, prolonged power outage we are able to connect and continue working from home, satellite offices, or favourite coffee establishment, (not sure how productive we will be). Wait a minute, what happens if the VHD provider experiences a disaster of their own? How will we continue to work?

To mitigate against the same disasters individual Firm's face, savvy hosted service providers have sophisticated backup software that automatically backs up the data on a daily basis to multiple physical locations in order to ensure a strategic backup and disaster recovery solution. In the event a disaster strikes at one of the VHD providers locations, Firms using their VHD solution will be able to continue working as they will be connecting to the VHD other locations. The amount of downtime will be minimal and is driven by the VHD provider Service Level Agreements.

Mobility and Disaster Recovery

A great benefit of a VHD solution is the simplicity connecting to your desktops with all your applications using any device from anywhere i.e. workstation at the office, laptop at home, tablet in a hotel, even your SmartPhone (this is for the hard core user with exceptional eye site). The idea of being mobile and being able to connect to your desktop in the Cloud also forms part of a disaster recovery and business continuity plan. How so? In the event an office gets flooded and all staff are required to evacuate the offices, if using VHD, these users are able to go home, coffee shop etc. and connect back to their desktop and continue to work. Pretty powerful. This also applies if the Firm decides to move offices and for what ever reason the new offices are not complete, although not an ideal situation, staff once again have the ability to continue to work until such time the office is complete. Bottomline - staff are no longer tied to their computers under their desks to be productive.

Security and Privacy

Moving your entire infrastructure into the 'cloud' and using VHD's also means moving all data into the cloud. Many go weak at the knees, at the thought, as traditionally, the data sits on servers, at their premises, which they can touch and see. As a result there is a perceived idea of the data being more secure. Depending on the camp one supports, one could argue that servers and data onsite could be less secure. Generally Firms have less physical security around servers and the data that resides on them. Staff with laptops often store important client data on them so that they are able to work offsite. USB keys are also used for a similar purpose. In the event of loss or theft there is potential for client confidentiality security breach.

How does moving to a VHD improve the security of the data and the privacy and security of data? To ensure security VHD providers store data in secure data centres with multiple layers of physical security. Accessing client's data and legal applications using a VHD via the Internet can present security challenges; however with Security Certificates (similar to online banking) and encryption, you can connect securely. Different schools of thought persist on this, but overall, the data becomes more secure in a data centre than at your premises.

For a Firm moving to a VHD environment it is important to address the following with the VHD provider; where does my data reside, who owns the data, what happens in the event of a breach, back up and recovery, security, confidentiality. Although we live in a global village, in which jurisdiction the data resides is very important for Firms and their clients and hence the VHD provider needs to ensure

THE CLOUD MEETS BUSINESS CONTINUITY AND DISASTER RECOVERY CONTINUED...

the data resides within and only within that jurisdiction. Regarding ownership of the data, the VHD provider is merely a custodian of the data and has no rights to the data. To address the above, the VHD provider should have internal protocols and processes to ensure compliance to security, privacy and confidentiality of client data and these should be articulated in the Agreement signed with the law Firm.

Conclusion

From a disaster recovery and business continuity, privacy and security and mobility perspective, there are many compelling benefits of moving to VHD; laptop stolen or server hard drive fails, no problem with a VHD as the data resides centrally in a secure data centre; mobility of your staff i.e. work from anywhere, anytime, as well the flexibility of adding to your staff compliment without adding office space; concerns about daily back ups and offsite disaster recovery are replaced by hands free back up of data stored in multiple locations; spend your capital elsewhere as no more capital outlay for onsite servers, workstations and Microsoft licensing; VHD standardization leads to more efficient and effective user experience and reduces IT support costs; print from any computer at the office, at home or on the road; cost effective as you pay for VHD on a monthly basis. Besides the tangible benefits there are intangible efficiency benefits of VHD, an example being; because your desktop follows you, if you leave the office and get home\hotel to continue to work on a case, all the documents, email, Internet etc. will still be open and hence you can pick up from where you left off quickly; in the event a user deletes\moves a document inadvertently, they are able to restore the file themselves without calling for support – this saves significant time, effort and reduces user frustration.

So, are you ready to take a leap to the cloud? We are on the precipice of a completely new era regarding the way we purchase and use computers. Law firms are excellent candidates for moving their computers to the cloud due to the fact that most of their business revolves around office productivity suites with transactional-based legal applications and the need for compliant secure client data storage. Cloud computing, with virtual hosted desktops, can help.

Please consider the environment before printing this publication.

Andre Coetzee is a Director and a founding member of i-worx, a Premium Managed Service Provider with a focus on Cloud Computing. i-worx has delivered innovative IT solutions since 2003. Their latest Virtual Hosted Desktop offering, OfficeOneLive, has been well received within the legal industry. For more information or to learn more about real cost savings and how OfficeOneLive could benefit your Firm, call 604.639.6300 or email andre@i-worx.ca.

By: Brian Cope

ADVANTAGE MISS NAVRATILOVA
– HOW FIRM ADMINISTRATORS CAN BE DRIVERS OF MARKETING SUCCESS

I empathize with the demands placed on firm administrators. You have a very tough job with more demands on your time than seem possible to meet. There even may be those moments when you feel that your position is relegated to order filler when you offer so much. But that can and should change. Some of you have already seen the real value you offer.

The Managing Partner, Management or Executive Committee, Practice and Industry Sector heads and of course the partner(s) who think they have (and may have) a special place in the ranking – all demanding your time and knowledge.

ADVANTAGE MISS NAVRATILOVA – HOW FIRM ADMINISTRATORS CAN BE DRIVERS OF MARKETING SUCCESS CONTINUED...

You are experienced and well qualified professionally and yet it is too easy to become an order filler, producing the required reports regularly and checking off ad hoc requests from a list that never goes away. It is unlikely that any of these "clients" often request your insight or even know they are not benefiting from your unique perspective.

Regular demands can get in the way of adding real value to your firm's success. Leveraging your singular position and knowledge to help your firm achieve strategic goals should be one of the most important roles you play.

Martina Navratilova was not always a tennis legend. In 1981 she was trounced by Chris Evert and suffered an embarrassing loss. That bruising loss might have been just another defeat that kept her as one of many so-so players in a crowded tennis field. But she challenged her base assumption - that she could get by on talent and instinct alone. She had the courage to look deeply at everything she had done and how she saw herself and completely revamped her game. Miss Navratilova changed her diet, revamped her training regimen in innovative ways, adjusted her mental attitude and in doing so, transformed herself into the legend she became.

Many firms today are still trying to survive on talent and instinct alone but the game has changed. Power has shifted to clients, fees have been under duress for at least a decade, lawyer loyalty has been undermined and the practice of law is becoming the business of law. The era of mega mergers has arrived and especially for small and mid-sized firms the future has never been clearer.

Survival let alone prosperity will be denied those who try to stick with the 'same old'. Doing things the way that has always been is no longer an option and you can help realize the necessary change.

First, you alone have your finger on the financial data in a way no one else does. You can breathe insight into what those numbers say by analyzing data in new ways. You can challenge firm held myths about who is performing or not; what practice areas are contributing or not and which clients are really valuable to the firm because they use more than one practice area. You can slice and dice the financial data in any way you want to challenge established attitudes and beliefs into reality and thus be a driver for change.

Next, you more than any other member of the firm have an unique insight into the marketplace. As members of TLOMA and of course your professional association(s), you know what is happening in the business of law and in a broader context, business issues facing your profession. Of course none of us gives away trade secrets in our professional bodies, however the issues which appear on conference programs and which get covered in association newsletters reveal a lot about what your peers are facing. Look beneath the superficial and you will find the insight you need to add value to your firm.

Finally, as a trusted advisor in your firm who has intimate knowledge of the players and influences, you hold a powerful position to distill trends and identify issues. You have the confidence of the Managing Partner and can take advantage of that position to drive change and success. Compared to other administrative staff, you are seen as essential and with a reputation based on excellence you can raise ideas and insight in both a formal and casual atmosphere. You are able to challenge process and content, identify opportunities and propose solutions.

ADVANTAGE MISS NAVRATILOVA – HOW FIRM ADMINISTRATORS CAN BE DRIVERS OF MARKETING SUCCESS CONTINUED...

David Chang, famous for his Momofuku restaurant group, one of which is in Toronto, took this approach to leverage his low level noodle restaurant into an empire that spans the globe. He kept the basic noodles and based on his expertise and a very open mind he created new taste sensations combining the most eclectic ingredients. He stopped limping along as a plain noodle house (read run of the mill law firm) and made himself unique and highly desirable.

Changing the level of your influence is really quite simple. All it takes is rigorous self-examination and openness to seeing things a new way. You have the knowledge, experience, facts and thoughtfulness to do the same and drive your firm from ordinary to special.

You are – or can be – a driver for marketing success and financial growth.

Game, set, and match Miss Navratilova.

Brian Cope was the first Director of Marketing for McCarthy's and has been published on law firm marketing issues in every major Canadian law magazine. He has provided marketing solutions the way lawyers want them for over 20 years.. briancope@bhclfm.com; www.bhclawfirmmarketing.com; 647.225.2899

By: Lorraine Dauphinais

ADDICTION AND THE WORKPLACE

WHAT YOU CAN DO TO HELP

Addictions affect many people, and in high-pressure environments such as those found in the legal industry, these issues can be very hard to manage. This is due in part to the fact that there are many different types of addictions. People can be addicted to substances like alcohol, drugs or medication, or to activities like gambling, the Internet or video games. Addiction can even involve things like work, emotional relationships and sexuality.

Whatever the nature of the problem, a manager who suspects that a team member has an addiction has some difficult questions to face. How can they help the employee overcome the problem and regain their sense of balance? What can they do to minimize the impact of the behaviour on the team's performance? What is the best way to approach the person? Where should they draw the line?

To address a problem with addiction in a positive way, managers need to consider a number of factors. The first thing to keep in mind is that the discussion should focus on concrete facts and how the person's problem is affecting their work. Other important factors include making sure everyone involved is on the same wavelength, obtaining appropriate medical and professional care and remembering that dealing with an addiction is a long-term process.

ADDICTION AND THE WORKPLACE
WHAT YOU CAN DO TO HELP
CONTINUED...

Focus on the Facts

Unfortunately, when a problem with addiction arises in a team, managers rarely catch the person in the act. If they do, or if they have proof from a reliable witness, the manager can obviously use these facts to address the problem. In most cases, however, the manager will have to focus on how the person's behaviour is impacting their work. By documenting the impacts, the manager will have a solid basis for asking that changes be made.

It's crucial to avoid addressing aspects that are not based on indisputable facts. Certain symptoms that appear to suggest an addiction may in fact be linked to other problems. For instance, uncontrolled diabetes may give the impression that a person has a problem with alcohol. By using facts related to the employee's work, managers can prompt employees to open up about the real problem or even make them aware that a problem exists.

Create an Appropriate Environment

When it comes time to address a problem with addiction, it's crucial to ensure that everyone involved is on the same wavelength. This means the Human Resources department, the manager and the supervisor, where applicable, need to agree on the measures that will be put in place. The goal is for everyone to be consistent and ensure that no one gives the employee an excuse to avoid dealing with the situation.

Also, since the intervention approach for addiction cases is quite complex, managers should obtain the appropriate professional support. In fact, it may be a good idea for the manager to contact a health care professional who can provide advice and help them develop an appropriate action plan.

Be Patient and Set Limits

As with physical illnesses, it takes time for a person suffering from an addiction to regain their sense of balance. Not only does the person need to get professional help (it's very rare to overcome an addiction without support), it's also important that the person in question and those around them understand that it's often a rocky road to recovery. Even people who are aware of the problem and want to overcome it can have a relapse.

ADDICTION AND THE WORKPLACE WHAT YOU CAN DO TO HELP CONTINUED...

As a result, it's essential that the manager, while being understanding, create a framework designed to reduce the impact of the problem on the performance of the team. It's very important to establish clear limits and determine the disciplinary measures that will be taken if these limits are not respected.

Get Help: A Key Priority

When a person suffers from an addiction, the best solution is often to take time off work. While it's not always the case, it can sometimes be the only way to ensure that the person's recovery starts off on the right foot and, afterwards, to help minimize the highs and lows.

This is a good example of why it's necessary for the organization, the manager and the employee in question get help from health care professionals who can support them along the way. Keep in mind that even though overcoming an addiction is a long and painful process, many people are able to do it successfully. It's a completely attainable goal.

THE NATURE OF ADDICTION

What is an addiction?

It's a condition characterized by a compulsive, repeated and irrepressible desire to use a substance or carry out an activity in order to experience the good feelings it evokes despite the negative consequences it entails.

What are the different types of addiction?

Generally speaking, there are two major types of addiction: physical addictions and psychological addictions.

With a physical addiction, the body assimilates the presence of a substance into its own functioning. The body therefore adapts to the regular use of that substance (drugs, alcohol, tobacco, mood altering drugs, etc.).

A psychological addiction, on the other hand, is a harmful attachment to a physical or intellectual activity (gambling, video games, Internet, work, sex, etc.). It's a persistent, unrelenting desire to experience the emotions associated with the activity in question.

What constitutes an addiction?

A habit that someone enjoys doesn't necessarily lead to an addiction. An addiction occurs when this habit becomes compulsive and irrepressible. It's a process that activates the natural system of positive reinforcement in an artificial way. This process offers immediate pleasure or relief, but traps the person in a self destructive spiral that impacts their health, productivity and other aspects of their life.

Lorraine Dauphinais is Director, Prevention and Training, at Solareh, a national company that offers employee and manager assistance programs, return to health and work services, and wellness programming. For more information, you can contact Peter MacDonald, Account Executive, at 1-866-796-0812 or at pmacdonald@solareh.com


By: Scott Preston & Ryan McClead

LEGAL PROJECT MANAGEMENT

WHERE THE RUBBER MEETS THE ROAD

The Tipping Point

There is no longer any doubt that the legal market has fundamentally changed in recent years. Every firm felt the weight of their clients' demands and responded in whatever way they were able: cutting rates, cutting expenses, making promises, and often begging for work. We believe we, as an industry, have reached a tipping point where client demands for better price predictability, reduction of risk, better communications, and an overall transparency of service will require a systematic and consistent approach to providing legal services. Firms that choose to continue to rely only on customer loyalty and brand recognition will begin to lose out to those who open up the process to their clients and embrace the greater consistency and predictability of LPM.

However, LPM is not simply a tool that improves the client experience. It can also ensure that partners needs are more consistently met as well. Partners are concerned with many of the same things they always have been: How to get new business? How to make the client happy so they'll return? How to limit risk to themselves and the firm? and ultimately, How to make a profit doing it? Legal Project Management addresses both client and partner needs.

Client Needs		**How LPM Can Help**
Price predictability	A fee schedule explaining when and how work will be billed, both as a function of time or hours, as well as cost or dollars	Deliverable by: - developing a project plan - allocating resources to that plan - keeping the plan current - tracking and monitoring progress against the plan
Price certainty	The budgeted price, or the total cost to the client	
Transparency	Openness provides a means to trust but verify what the law firm is doing	Deliverable by: - tracking and monitoring progress against the plan - sharing progress with the clients on a regular basis - controlling costs
Communication	Improved communications, including real time status reports	

Partner Concerns		**How LPM Can Help**
Getting Business	Improved process and increased quality of service will increase partners' ability to get business.	Clients are asking for improved efficiency from law firms. - RFPs are asking about efficiency initiatives - RFPs specifically include questions about using project management - project management enables greater accountability
Client Satisfaction	Partners want to make sure that the client is happy with the service they are receiving.	Understanding the client's main concerns (price, transparency and communication) and delivering on those points will go a long way in keeping clients satisfied. Performing an After Action Review is a good way to focus on areas of improvement from the client's perspective.
Return Business	Partners want to do everything they can to maximize the likelihood of working with the client in the future.	Partners who are able to provide a project plan, an accurate budget and an ability to deliver services on budget will gain the trust of their clients.
Outcome / Limiting Risk	Partners want to control and limit risk.	Using a project management tool to actively manage a matter will provide greater control and understanding of the entire process of delivering legal services.
Realization / Profit	Partners want to make sure they are making a profit on the work they and their teams are performing.	Planning and budgeting will help the partner understand, at a high level, how profitable a new matter can be. Tracking efficiency and productivity as the project progresses will improve the likelihood of maximizing realization in the current project and improve the planning of future projects, thereby increasing efficiency (and profits).

LEGAL PROJECT MANAGEMENT WHERE THE RUBBER MEETS THE ROAD CONTINUED...

Robert Brunson, a partner at Nelson Mullins who has been using Microsoft Project to manage complex litigation for more than ten years, provided his view on using Legal Project Management:

"LPM provides a framework of accountability, transparency, predictability and ultimately less cost. By creating a plan at the outset, client and counsel are forced to consider the many different paths and outcomes of a particular piece of litigation, including consideration of staffing alternatives such as virtual law firms or offshoring in advance of the work, which could potentially lend itself to these alternative staffing options. This dialogue often leads to a better engagement by the client in important details early on, details that can be the seeds of unwanted surprises which so often frustrate clients and sour the professional relationship."

While the points illustrated above are obviously not the only points of concern between a partner and his or her client, they are central to every engagement and are the points most frequently discussed by General Counsel. Meeting the price is important, but more important is the opportunity to have meaningful discussions with a client about the progress of their matter. All of the points and discussions outlined above are inter-dependent and when done correctly lead to trust.

This article is the second part of a whitepaper. The full paper can be downloaded here.

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