April 2015

TLOMA TODAY
A publication of The Law Office Management Association

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- **Enhancing Resilience & Well Being**
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- **2015 Compensation and Total Rewards Surveys – Launch**
  Tuesday, May 5, 2015
- **How is IT keeping up with the demands of business**
  Thursday, May 21, 2015
- **Emotional Intelligence**
  Wednesday, May 27, 2015
- **SPRING Networking Event Joe Badali's**
  Friday, June 5, 2015
- **2015 TLOMA Conference**
  October 21 to 24, 2015

President's Message

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(Jack Welch former Chairman and CEO of General Electric)

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Editor: Janet Baker
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PRESIDENT'S MESSAGE

By: Paul Page

I have had the privilege of seeing Stephen Friedman speak on two occasions: last summer at the ALA conference and two weeks ago at the TLOMA PD session. On both occasions Stephen spoke about leadership, yet each session had a different focus. The ALA session focused on how we are perceived and the TLOMA session focused on our personal choices and motivations. However, both sessions had the same underlying themes for great leadership and they are communication, understanding and developing relationships.

I mention this because as the TLOMA 2015 President, I am looked upon as a leader and expected to help guide TLOMA through its 2015 strategic goals and initiatives. However, I cannot ignore that I am surrounded by great leaders on the TLOMA Board and the greatest challenge in working with all of these leaders is to bring a common goal and understanding of what TLOMA needs to grow and thrive.

The key is communication, with a goal of achieving understanding, but to do this we need feedback and the ability to actually listen. This means we also need a broad spectrum of leaders on the Board to represent the variety of needs and perspectives of our membership. What I am seeing is that we each bring our personal experiences with TLOMA to the table and although there are some commonalities of experience, all are unique.

At the ALA conference session Stephen spoke about the old saying in the Bible: "do unto others as you would have done unto yourself" and Stephen said this is completely wrong. Stephen said, the problem with this approach is it assumes everyone is like yourself, and we all know no one is like ourselves. This is a clear example of how we need to look beyond our own experiences and have an open mind to include everyone's experience and only then do we truly achieve understanding.

At a recent Marketing Committee meeting we were discussing TLOMA Today, and the various preferred habits of our readership, and how we can increase readership and interest in TLOMA Today. TLOMA has a broad age demographic and each generation has its preferred method of communication and we are finding that to reach all our members and connect with them and understand their needs we need to expand our method of communication to include social media like LinkedIn and Twitter. With this in mind and taking into consideration how busy our members are, we have to rethink how TLOMA Today is circulated so all members will at least take a moment to review what TLOMA Today has to offer.

It is this kind of collective teamwork and brainstorming that is allowing TLOMA to forge ahead to meet the needs of our ever changing demographic and grow, because of its broad appeal to all members of the legal community. However, we are only as good as the feedback we receive. And communication is a two way street, hence we need to hear from our membership regularly, and I can assure you we are listening.

The Greek philosopher Aristotle once said that "no virtue is developed in isolation"; we grow through people and relationships. As I mentioned earlier one of the foundations of leadership is building new relationships. Through TLOMA you have the opportunity to develop new relationships and expand your current relationships through networking events, the Annual TLOMA Conference or the many educational SIG events. But the best way to expand your network and relationships is through volunteering. TLOMA was established through volunteering, teamwork and persistence. These are all aspects that contribute to great leadership.

Too often we look at great leadership as something that is beyond our reach, or something that is to be achieved in the future as a goal. But in fact we do it every day in our personal and professional lives with our children, spouses, friends, and co-workers. We communicate, we try to understand their needs and we continue to build the relationship, and often times develop new relationships through our existing relationships.

Leadership is about teamwork, and TLOMA's very foundation is based on teamwork. Great leaders never become great leaders alone. The perception of their great leadership was built through many relationships and teamwork and that is not necessarily recognized or appreciated often enough. If you think you are not ready to volunteer or think you don't have enough time, you are simply making excuses and missing a valuable leadership experience.

Paul Page
2015 TLOMA President

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Catherine Alman MacDonagh was our guest speaker at an HR SIG held at Goodmans on February 25th, 2015

By: Catherine Alman MacDonagh

LAW FIRMS: USE PROCESS IMPROVEMENT AND PROJECT MANAGEMENT TO ACHIEVE COMPETITIVE ADVANTAGES

Changes in the legal profession and in the business environment are taking place at an ever-increasing rate, thanks to driving forces such as clients, customers, employees, competitors, and technologies. These changes in the business environment create requirements for higher process capabilities and efficiencies.

More law firms are employing process improvement (Lean and Six Sigma) and legal project management to great advantage. Process improvement ("PI") helps us determine the best way to carry out a certain kind of work to achieve efficiency, excellent quality of work and service, high probability of successful outcomes, and predictability. Project management ("PM") is both a role and a skill set that ensures that for a particular engagement, we use our "best process" appropriately, and actively manage schedules, staff, and deliverables throughout an engagement.

Some firms begin with PI, others with PM. But all, eventually, must employ them for either one to achieve its full potential. There is little point in being excellent at managing a terrible process or having an excellent process if you are terrible at managing it!

In the words of W. Edwards Deming, widely regarded as the grandfather of process improvement, "If you can't describe what you are doing as a process, you don't know what you are doing." Thus, the more senior/experienced you are as either a business or legal professional, the greater the expectation is that you will be able to demonstrate that you know what you are doing. The framework and tools of PI and PM help us think through what we will need to succeed in the client's eyes and in ours - when we do PI and PM correctly, there are no tradeoffs. Everyone wins!

Every process, whether business or legal, should embody the knowledge of the law firm, department, practice group and/or team. So process improvement isn't about simply cutting things out. Once we've developed the capacity to improve processes, we can employ PM skills to select the best processes, tools, and skills to be able to carry out our ideal process every time.

With Lean, we simplify processes, reduce the number of steps, maximize process speed, and greatly improve productivity – we focus on doing the right things by eliminating what is called "waste" (such as waiting) in processes. Six Sigma, a standard that equates to making less than 4 mistakes per million opportunities, is focused on reducing and controlling variation. We do not want to gratuitously standardize things, however.

We want to be sure that our processes are controlled enough to deliver what the client finds valuable (predictability, higher likelihood of successful outcome, etc.), but that they aren't so flexible that every matter becomes a brand new adventure. Put together, Lean Sigma is about deciding the best way to do something and then always doing those things correctly.

At this point, many clients (and their other law firms) have cultures of continuous improvement and can tout completed projects that have returned millions of dollars in benefits. If your firm doesn't have a very good answer to specific questions about PI/PM, there is no time like the present to start. Those who continue to delay are finding it increasingly difficult to respond to competitors that can speak fluidly and expertly about PI and PM as well as the legal and business processes they have improved.

Since everything a firm has has the potential to deliver value to both the firm and its clients, we ultimately will want to improve all of our key processes. For the law office manager, there is no shortage of processes that can be improved: intake, technology purchases and rollouts, timekeeping, billing/e-billing, conflicts, file/matter closing, office moves, meeting rooms, events, financial reporting, and many more.

For example, consider how many processes are embedded in the firm visitor experience. For firms with more than one office, imagine how costly and irritating it is to have processes where traveling legal and business professionals can't gain access to the office due to different security, are unable to find parking, people, places, or things, or get to

LAW FIRMS: USE PROCESS IMPROVEMENT AND PROJECT MANAGEMENT TO ACHIEVE COMPETITIVE ADVANTAGES Continued..

work right away because they can't connect to Wi-Fi or other firm systems, locate a meeting room, and so forth.

Now, imagine you're a client who visits two different offices. Since all clients wish to be pleased and never surprised, we must ask ourselves, what are the consequences of variations in their experiences? What does it say about the firm and what the client should expect when working with the lawyers in it? It is not enough to do excellent legal work anymore. Clients expect – no, demand – service excellence. It is a significant opportunity for differentiation and generates client loyalty. This is at the crux of why law office managers in particular have so many opportunities via PI/PM to deliver significant value to their firms.

Canadian firms offer case studies that should generate plenty of interest in PI/PM. McCarthy Tetrault reports on their website: "We have built and are continuously improving our firm's processes and tools to deliver better results and a better experience for our clients and our people. Enhancing our project management capabilities is another demonstration of our commitment to responding to our clients' needs."

A second example can be found at Borden Ladner Gervais LLP's (BLG) website: "Lean Six Sigma process and project management principles and methodologies underpin our way of working smarter, more efficiently and cost-effectively for you and with you. We call it BLG Adroit, meaning deft, skillful and adept. By asking the right questions, creating more efficient and transparent processes, applying best-in-class matter and project management techniques and performance monitoring, we seek to continually enhance the value we provide in our relationships with you."

What is a law office manager to do? Start by learning, then lead the way. There is no substitute for a good foundation in the fundamentals of PI and PM. The vocabulary, familiarity with the methodologies and tools, and understanding of underlying principles is critical for thinking about how to structure your own program or project(s). Each firm really is different – no two have approached PI and PM in the same way. Thus, combining knowledge about PI/PM with that of your firm, culture, systems and so forth will be critically important.

Demonstrate that, not only do PI and PM work, they work at your firm by selecting training programs and first projects that are highly likely to succeed. Identify your firm's drivers for efficiency and excellent quality of work and service and consider the reward, risk, and visibility factors. For many firms, this represents a dramatic change in how they do and deliver their work, so introducing and integrating PI/PM thoughtfully helps ensure success.

There is no better time to get started with PI and PM. The unbeatable combination offers firms the opportunity to deliver greater value and service while developing competitive advantages and true differentiators in a way that everyone wins. What could be more important or worthwhile?

Catherine Alman MacDonagh, JD is CEO and Founder of the Legal Lean Sigma® Institute. She is a Legal Lean Sigma Black Belt and a certified Six Sigma Green Belt. A former corporate counsel, Catherine is well known for her thought leadership and successes as a law firm marketing and business development professional. She is an adjunct professor at Suffolk Law School and at George Washington University (Master's in Law Firm Management). Catherine is the author of Lean and Six Sigma in Law Firms, a contributing author to The Lawyer's Guide to Legal Process Improvement and The Legal Procurement Handbook, and the co-author of The Woman Lawyer's Rainmaking Game (now in its third edition) and The Law Firm Associate's Guide to Personal Marketing and Selling Skills. Contact: Catherine@LegalLeanSigma.com.

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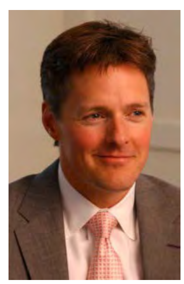

ROGER THORPE
Understand the business case for wellness and possible strategies.

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Explore initiatives that help firms and their lawyers develop more business.

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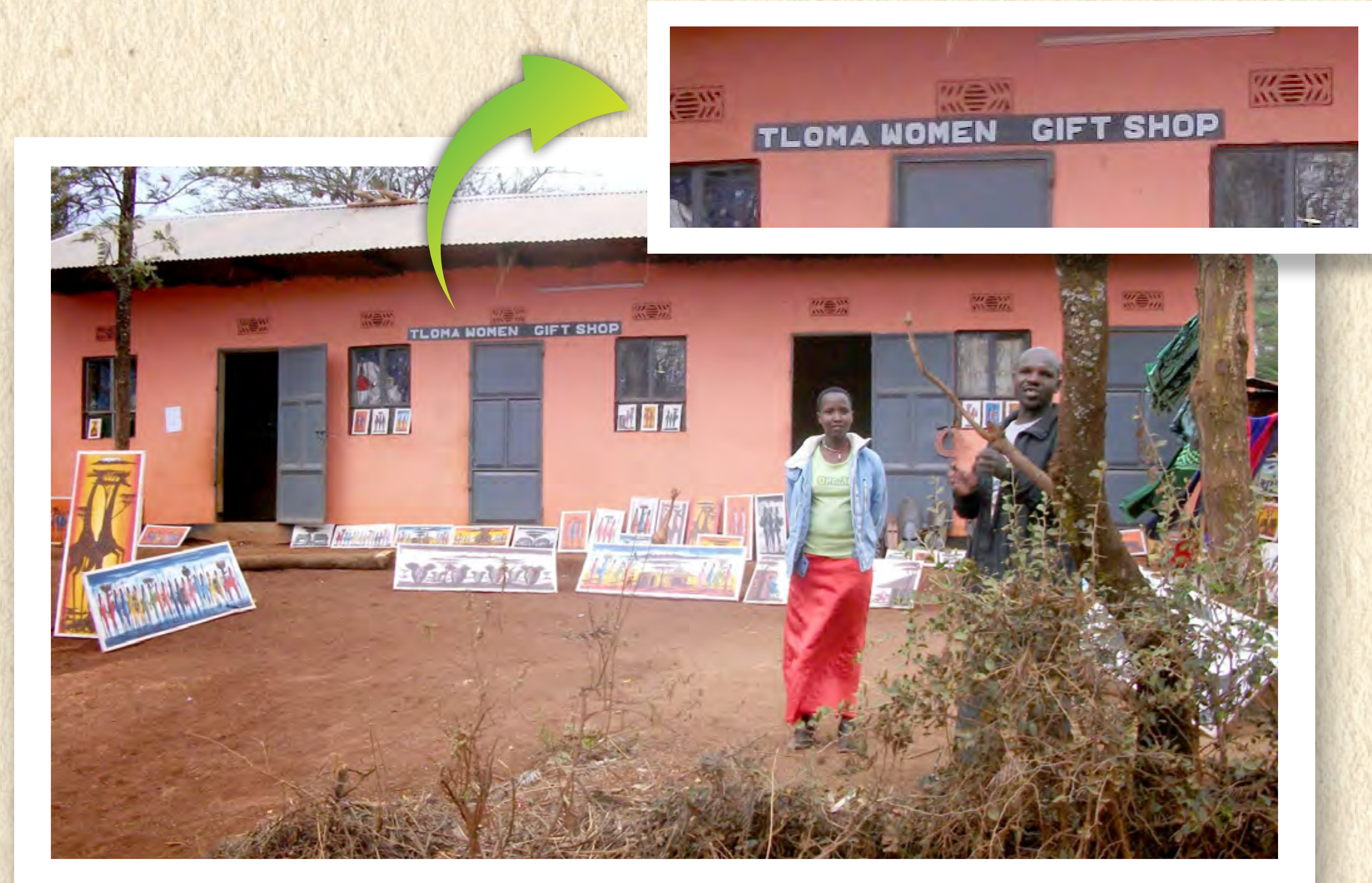

This picture was taken during my 19 day trip to Kenya, Tanzania and Zanzibar in October/November 2014.

It was taken in Tanzania as we were on our way to visit Gibbs Farm on our way from Tarangire to Ngorongoro. Gibbs farm is a working farm that is located between Lake Manyara and Ngorongoro Conservation area. It is a real slice of old Africa, with a genuine colonial farmhouse, where they served a delightful buffet lunch.

I noticed the TLOMA signs on a couple of buildings as we drove through the village on our way to the farm. On our way back I asked the driver to stop so I could take this picture, but unfortunately our itinerary did not allow us to visit the store. I think the village or area may be called TLOMA.

Ngorongoro is a conservation area and great for game viewing as was the Serengeti which followed, where we saw some of the fall migration of wildebeest.

Dee Nevett
TLOMA Past President 1998-1999

By: Shelly Edwards

WEBCASTING VS. WEB CONFERENCING: DO YOU KNOW THE DIFFERENCE?

Webcasting and web conferencing: tomayto, tomahto, right? Both technologies transmit audio and video online for download-free presentations and interactive meetings so you can communicate with anyone from miles away.

Actually, webcasting and web conferencing are not synonymous terms. But between their overlapping features and their widespread, interchangeable use, we know it gets confusing. So, let's clear the air. Before you purchase your presentation solution, take a look at what you can really expect from webcasting and web conferencing tools.

Broadcast Yourself With Webcasting

Many law firms are now integrating webcasts into their day-to-day operations to communicate faster and more effectively with clients, partners and colleagues. From the conference room to the courtroom and all points in between, webcasting can help lawyers build superior relationships with their constituencies. Firms can efficiently and dependably offer courses, presentations and conferences to educate their in-house staff and client base about legal issues and upcoming changes.

Webcasts enable "one-to-many" broadcasting—putting your face or voice in front, many with custom branding all around you. You can create high-quality, sophisticated broadcasts through a standard Internet browser and use your existing audio and video technology. Normally with a webcast, attendee interaction is limited and carefully moderated.

After your event, you can extend your reach with on-demand access as well as use various editing and publishing features to ensure the final copy is perfect.

Collaborate With Web Conferencing

If you manage a virtual team, give presentations to the regional office or collaborate with other departments, you need web conferencing. With "many-to-many," multipoint communication, everyone gets screen time. Web conferencing enables greater sharing. Instead of just a poll or Q&A session, web conferencing attendees can swap files, share their screens and record group notes together.

Buyer Beware: Know Your Tech Terms

As a buyer, you need to be confident and knowledgeable about your needs and the type of collaboration solution that will ultimately meet them. Webcasting and web conferencing, while sharing similarities, offer unique benefits for different functions.

Webcasting is an optimal choice large-scale, one-to-many presentations and seminars, while web conferencing typically better suits smaller, regional audiences. Webcasts also offer on-demand options, whereas web conferencing is live (with recording capabilities for information archiving).

Knowing the difference, you'll have the technical support necessary to give your best virtual events and business presentations. Productive, flawless events come easy when you can select the perfect option for your audience size, collaboration needs and presentation purpose, whether it's reaching more ears or improving teamwork.

Shelly Edwards has assisted many Canadian Legal Firms by streamlining and improving their collaboration both internally and externally with their clients. Shelly works for PGi, a leading provider of audio, video and web conferencing tools and services. She may be reached at shelly.edwards@pgi.com or visit pgi.ca for more information.

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Stephen Friedman was our guest speaker at the PD Session held at the Toronto Board of Trade on March 4th, 2015

By: Stephen Friedman, MA

NEW MODELS OF LEADERSHIP, MANAGEMENT & ENGAGEMENT

The next step from learning how to communicate more effectively is to apply our communication skills to the engagement of others. Yes, there has been a change in what people demand from work - involvement, participation, meaning and engagement. Organizations and individuals search madly for the next engagement trend or the ideal engagement 'program' for employees, but perhaps the key is more simple. Perhaps we need to look across a broader set of contexts to find something simple to conceptualize, but perhaps difficult to do, when engagement approaches. We need to look at concepts that come out of an understanding of what all human relationships require.

There are a host of these that I find fascinating and useful to apply - things like asking questions to understand others before we judge, like taking the time to know people as opposed to relying on our leadership positions to bring about buy-in and influence.

One in particular that I find very enlightening is the idea of real, honest recognition – and I don't mean gift certificates, bonus programs or formal rewards. We need to rethink this idea and start doing things like what I call, catching people doing something good.

Our natural tendency across most human relationships is to notice problems, mistakes and foibles and to intervene accordingly - to 'catch' them doing something wrong. We do this not because we are mean or negative,

NEW MODELS OF LEADERSHIP, MANAGEMENT & ENGAGEMENT Continued..

but just because we default to "leave well enough alone" unless something goes wrong. But what would happen if we caught people doing something right?

When asked to provide feedback about work supervision, many employees today feel that they can do one hundred things well and they hear very little from their boss. But when they mess up, they certainly do hear about it. Managers do not seem to focus enough time, effort or attention on what employees do well, largely because people seem to feel that success requires no action on their part, but that mistakes do.

This is the road to non-engagement. We know that one of the things that provides engagement for people at work is meaning. We also know that, among other things, real recognition - high touch, human recognition - can drive the perception of meaningfulness. Of course, this is true across all human relationships - home, family, work, etc.

In story after story, I hear of star employees whose managers consistently postpone any feedback discussions because the employee "knows they're amazing - after all, no news is good news". After a while though, employees may begin to feel as if they are taken for granted and not appreciated. On top of that, I typically see that those employees with more issues are given extra training, tons of face time and numerous discussions with the boss to discuss developmental plans and the like. Meanwhile, the star gets 'rewarded' with more work.

One thing I also see, especially among younger employees, is a strong need to bring who we are to work. There is a realization among these employees that work is a crucial context for learning, networks and meaning. Paying attention primarily when things go wrong just will not cut it for this generation. Without that humanness, recognition and meaning, we cannot get the contributions we need.

What seems to be the real tragedy in these situations, is that the concept is quite simple and acceptable to those who get it - be just as outwardly happy when things go well as you are outwardly angry, annoyed, and disappointed when things go poorly. In my experience, merely explaining this concept to most managers really helps. As well, some managers find that purposefully setting time for the purpose of noticing contributions, efforts, etc., can be a simple way to manage this as can structuring formal feedback in a way that includes all kinds.

There are many frameworks we can apply to engagement and motivation of others, but I find this one is simple and can provide some simple actions for leaders and managers.

Create Trust

Make the choice to trust employees and others by starting with trust. Try actions like trusting someone to try something new, trusting them to be part of a meeting or discussion they may not otherwise be part of.

NEW MODELS OF LEADERSHIP, MANAGEMENT & ENGAGEMENT Continued..

Illustrate Hope

This is about doing our best to help people see good things ahead - like learning opportunities, career opportunities, or other opportunities to look forward to something. It can even be merely about showing an interest in their future. Career development activities and workbooks are an easy way to get at this.

Demonstrate Worth

This is about regarding employees as individuals in meaningful way. It means moving beyond "how are you?" with others and learning/noticing specific things about them -things like hair-cuts, life events, knowing something about their family and interests outside of work.

Highlight Competence

Again, because our tendency is to find problems, try to be sure that others' demonstrated effort and skills are noticed and recognized. Verbal recognition is an amazingly simple and effective approach. But try to steal away from recognition attempts that are impersonal (like emailing gift certificates and the like), and move to some real, human actions.

Stephen Friedman, Hons BA Psych, MA, is a career coach, executive coach and trainer in Toronto. He is also on the Faculty at The Schulich School of Business, York University where he teaches Organizational Behaviour and Human Resource Management.

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MOVING THE PACKAGES THAT MOVE COMMERCE. THE ALL CANADIAN WAY

By: Paul Kuttner

"IF YOU DON'T HAVE A COMPETITIVE ADVANTAGE, DON'T COMPETE."

(Jack Welch former Chairman and CEO of General Electric)

They Know What They Stand For

Jack Welch former Chairman and CEO of General Electric is reputed to have said, "If you don't have a competitive advantage, don't compete." There is a valuable lesson in these words, as the graveyard of once mighty corporations in our own backyard and many other anonymous dismal business balance sheets grimly attest. Sagely there are no clichés or comforting words to be offered as we face the remaining months of 2015. Yet we should be heartened by the stability of successful entrepreneurial companies and conglomerates run with purpose, a crystal clear reason to compete. These are undertakings – for profit and not for profit - that know their customers' real needs and have harnessed their entire organizations in an understandable, focused run for the goal line, regardless of what the business 'experts' are saying in the media about the economy, consumer mood and the TSX index. They are building organizations that will make a real difference, no matter what their industry sector. The leaders are strong and their entire organizations know what they stand for, their reason to be and their reason to compete.

So, what about law firms?

Law Firms Can't Rely On a Tag Line for Strategic Security

An undertaking's purpose rises above a generic mission statement, a media sound-bite or an advertising tag line. This applies to law firms whether a micro firm or behemoth. It's a short, clear, unembellished statement about the difference one is trying to make in the marketplace. It is an internal statement that drives every fibre of strategy emitted by an organization. It does not lay out an implementation path in order to transcend economic cycles, new trends and executive thumbprints. A well conceived purpose statement invites management, lawyers and support staff to take part in some endeavour that is clearly exciting and worthwhile. This is the basis of clear marketplace differentiation and boldly responds to the challenge that Jack Welch is purported to have laid down. It is not a quick quip dreamed up by an advertising agency or something that results from a lunch time meeting. It is a deliberate outcome of deep strategic reasoning. Those who remember the Simpson's department stores and K- Mart will understand. How much time does Sears have left on the playing field of viable retailers? Remember Pontiac? Studebaker?

And They Will Say...

There is full recognition that if at your firm, you raise the question: What is our reason to be? You will at first be rewarded with less than appreciative responses from many around you.

"IF YOU DON'T HAVE A COMPETITIVE ADVANTAGE, DON'T COMPETE." Continued..

Or with such answers as: To maximise our net distributable income. To have the best reputation for multi-jurisdictional deals. To be a chosen destination for the best lawyers to practice. To be the best business law firm in the GTA........

But ask what difference you are making in the marketplace. Ask where most of the productive energy is focused. Ask what you do better than others. Ask where the passion lies within the firm. Ask clients what difference you have made in their business lives. Ask the reason behind the obvious reason clients retain the firm. And as it becomes clear what it is that causes everyone to rush to the office each day and clients to make a preferential choice in your favour, write it down. Use clear, plain language. Do not delegate the task to an agency or a communications specialist. This short statement will guide everything you do, the behaviour of everyone at the firm, the strategic business decisions that are made, budget development and allocation, resource identification and usage, external communication and the type of clients that will fill your lobby.

In a saturated market yet another distribution channel, in our case a law firm, faces challenges that transcend the efforts of 'branding' and superficial executional efforts.

Why are you practicing and why does the firm exist? If you want a true competitive advantage, start by figuring out what you stand for.

Defy what other firms are doing and create a meaningful and distinctive business model for your law firm. Because around here, you are either a profitable leader or a petulant follower. Paul Kuttner, Principal - www.innovatemarketing.ca

By: Charles Bennett

ANDROID RANSOMWARE CO-OPTS YOUR PHONE

Have an Android-based phone? Watch out for new ransomware that locks you out!

You will all remember CrytoLocker, software that encrypted files on your PC and then asked for a fee to provide you with the code to unlock the encryption on those files. Now, the same kind of technology has migrated over to Android based phones. If infected you will receive a message similar to:

> You are guilty of child porn, child abuse, zoophilia or sending out bulk spam. You are a criminal. The Federal Bureau of Investigation has locked you out of your phone and the only way to regain access to all your data is to pay a few hundred dollars.

About month old, this infection has varied messages that all relate to the FBI. Of course, the FBI has nothing to do with the infection. Expect to see more and more ransomware in the wake of the successful Crypolocker virus because the profits to be reaped by hackers pales by comparison to past exploits.

In order to get infected, at least for now, you must download this software from a source other than the Google Play store. To prevent this, ensure the option "Allow installation of apps from unknown sources" is not enabled.

The bottom line is that in order to be infected, you must actively choose to allow the installation. Thus, we recommend the following when using your Android phone:

1. Backup up your Android phone often. Keep multiple backups so that you can recover historically.

2. Download applications only from reliable sources. Even though the Google Play store has had cases of malware, it is safer than other sources.

3. Examine the security access required by the application before confirming the installation. If you feel too much access is required, err on the side of caution and do not download.

4. Install antivirus software on your Android phone. You can find many options in the Play Store.

If you do get infected, perform a factory reset on your phone and then restore your data from backup. Certainly, you don't want to pay the fine and encourage a burgeoning criminal industry!

Charles Bennett is the Principal Consultant at Triella, a technology consulting company specializing in providing technology assessments, consulting, maintenance services and CIO-related services to small and medium sized firms. Charles can be reached at 647.426.1004. For additional articles, please visit: 18 King Street East, Suite 303, Toronto, Ontario M5C 1C4 (B) 647.426.1004 (F) 647.426.1007 www.triella.com http://www.triella.com/publications.html. Triella is a Citrix Partner, VMware Partner, Microsoft Small Business Specialist, Microsoft Silver Partner, Dell Preferred Partner, BlackBerry Alliance Partner and Authorized World ox Reseller.

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