September 2014

# TLOMATODAY

A publication of The Law Office Management Association

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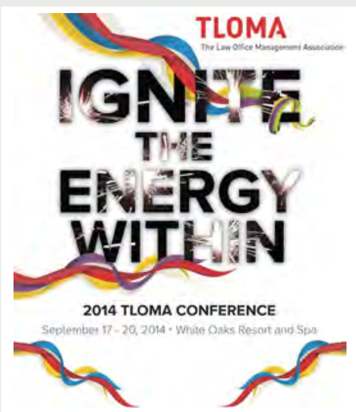


- **TLOMA Educational Conference**
  September 17-20
- **De-Escalating Angry Clients and Co-Workers**
  October 24, 2014
- **Defining What Leadership looks like using Competencies**
  October 28, 2014
- **Using the full potential of your Client Data**
  November 13, 2014
- **Penny Wise - Pound Foolish**
  November 20, 2014
- **Holiday Networking Event**
  December 5, 2014

**Check Out all Upcoming Events**

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I have been advising law firms on marketing issues for more than 25 years -- 24 if I exclude the past ten months when I was on a self-prescribed....READ MORE

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**Editor:** Janet Baker
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# PRESIDENT'S MESSAGE

By: Karen Schrempf

September brings the last official long weekend of summer, the return of our children to school, and in TLOMA -- our Annual Conference! The long awaited annual event:

## *Ignite the Energy Within*

| | |
|---|---|
| C | onnect with colleagues, new members, and our business partners |
| O | pportunity to learn and grow |
| N | etwork |
| F | orge new relationships with our business partners and trade show participants |
| E | ngage in idea exchanges |
| R | ealize your potential and encourage and facilitate the best of you and your team |
| E | ducate yourself about the services and products offered by our Business Partners and tradeshow participants so you can deliver more value to your firm |
| N | ow is the time to focus on your personal professional development and learning |
| C | hallenge yourself to achieve your goals |
| E | nergize yourself for your return to your office with new ideas, concepts, and perspective! |

Our Conference Committee is an accomplished group of individuals who over the past year have diligently worked together to deliver an amazing conference for the members of TLOMA. If you are fortunate enough to be attending, please be sure to say hello and thank each and every one of them. You may want to learn something about what is involved in serving on this Committee as there may be a part for you to play at some point in the future. I'm sure that any member of this committee or any past committee will be happy to share their experience with you. With my sincere thanks to:

| | |
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| **Deborah Davids**<br>Conference Chair | **Nancy Lio**<br>Vice Chair |
| **Mary Lavis**<br>Past Chair | **Roger Rosemin**<br>Business Partner Liaison |
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| **Lucas Szotek**<br>Technology Liaison | **Liz Barrington**<br>Director of Administration |

**MESSAGE FROM THE BOARD** - Another impressive group of individuals with whom I have the privilege of working. I am pleased to report on the progress of the following ongoing projects:

Hiring of our part-time Administrative Assistant - Janice Rooney, Past President, led the recruitment process with Liz Barrington. After review of almost 20 applications, pre-screening, interviews and reference checks, we are in the final stages of recruiting a new member to our team. By the time you are reading this column you will hopefully have received the Notice to all Members announcing our good news!

Marketing Initiative - This Committee is led by Alison Janzen and Cathy Byrnes (our Marketing and Treasurer/Finance SIG leaders respectively) and includes Paul Page, current VP, Janice Rooney, Liz Barrington, and myself. We are proud to be on the cusp of releasing our new, vibrant and energetic branding. You will soon see templates of different communiqués posted at conference and the new look on name tags, tloma.com, signage, and in our meeting notices and announcements. The goal was to bring some innovative design, creativity and functionality both online and in our communications that would be representative of our growth, vibrancy and the forward thinking nature of the membership. I hope you are as excited about the new look as we are! We are pleased to work with our valued business partner and conference Silver Sponsor, Cubicle Fugitive, led by Ringmaster, Morgan MacLeod. Next steps are to market and grow our Association and deliver more value to its members.

Mentor Program - Janice Rooney and Simone MacIsaac have contributed much time and effort in successfully developing TLOMA's Mentor Program originally initiated last year by Karen Gerhardt, Past President 2013. We are pleased to welcome members who have stepped forward to participate in both roles and look forward to reporting further following implementation of the program.

Nominating Committee – The deadline to respond to the Call to Members was August 28th. Now your Nominating Committee will continue its deliberations in preparing the slate of 2015 Board Members for your approval. Mirella Canavan Chairs the Committee which includes Paul Page, Janice Rooney, Ginette Battikha, Wayne Gayle, Jennifer Norman, and myself, with Liz Barrington as an active contributor.

This is all the news that's fit to print at the time of writing. I look forward to seeing and connecting with you at conference. If you are unable to attend this year, please get it in your calendar and budget for 2015. It is indeed an event you don't want to miss!

Stay informed by checking tloma.com for upcoming SIG and Professional Development meetings.

Food for thought:

*We make a living by what we get. We make a life by what we give.*

*Popularly known to be said by Winston Churchill*

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By: Shelly Edwards

# HOW LAW FIRMS ARE FINDING THE RIGHT TALENT & STREAMLINING HIRING

The labour market is shifting rapidly yet many firms still rely on the same old phone screening even though it has proven to be hugely ineffective and inefficient.

## Phone screening before face-to-face - Is there a better way?

HR departments are comfortable using time-saving technology, sourcing candidates via online search services, using automated resume screening, communicating by email and reaching out through social media. But few recruiters have explored ways to replace or enhance the initial phone interview. It is common practice for HR staff to call candidates for a pre-screening before inviting them in for a personal interview with the partners. This is a way to assess basic communications skills, gauge levels of interest and share background information about the position and the company. Still, it's worth asking just how effective phone interviews are.

Consider that, in 2010, managers typically invited five or six candidates for second-round interviews, twice as many as in 2007, according to The Wall Street Journal. No wonder it can take months to fill positions. And when the quest for the ideal applicant drags on, the business suffers due to higher administrative costs, lower productivity and missed opportunities.

Phone screenings may eliminate completely inappropriate applicants and the least qualified candidates. But preliminary phone screenings are not exactly a precision tool. There is always a great deal more to a person's background and skill set than recruiters can hear over the phone. By necessity, a phone interview is only a precursor to a face-to-face interview, which remains the gold standard for finding candidates – and for good reason. Research has found that at least 80% of human communication is non-verbal. Some experiments have broken down the non-verbal cues even further, finding that the human face conveys 55% of all communication, the tone of voice 38% and actual words a mere 7%. As business guru Peter F. Drucker once said, "The most important thing in communication is hearing what isn't said."

## Help Wanted: Better technology for better hires

Online video interviewing combines the simplicity, reliability and cost-effectiveness of phone screening with the huge advantages of in-person interviews. With user-friendly, webcam-based interviewing "rooms", firms can more rapidly and fully evaluate candidates' skills, attitudes and personalities. There is simply no substitute for seeing a candidate. Though recruiters can't feel the handshake, video conferencing allows them to see many telling physical signals, including those that telegraph attitude, interest and attentiveness. You can see facial expressions that equate to energy or lack of it, and how posture suggests confidence or anxiety. And of course clothing, hair and grooming speak volumes about professional and personal standards. Video interviews also provide firms an opportunity to sell themselves to top talent. HR groups can show that their organizations are innovative, value communication and believe in a personal touch. This is a critical consideration for Generations X and Y, and for Millennials, the huge demographic group that's transforming the workplace. These younger candidates expect to communicate digitally and are often more relaxed in front of a webcam than in traditional interview settings. They are also comfortable with a less formal approach, and are attracted to formats that can inject a little fun.

**HOW LAW FIRMS ARE FINDING THE RIGHT TALENT & STREAMLINING HIRING Continued...**

## The Benefits

Video interviewing offers breakthrough gains in efficiency without adding significant expense or risk to the hiring process. The benefits include:

- Faster hiring cycles by narrowing the field and eliminating inappropriate applicants more quickly and precisely;
- Increased confidence that only strong candidates will be invited to face-to-face interviews with business stakeholders;
- Recording of the interview so that others may view it, thus shortening the process;
- More persuasive tools for "selling" the firm to top talent.

## What to Look for in Online Video InterviewingTechnology?

**EASE OF USE:** A video conferencing service should be as easy as making a phone call or signing into a website; no cumbersome downloads.

**AFFORDABILITY & RELIABILITY:** Many corporate video networks are costly, complex and prone to technical difficulties. Internet-based services largely avoid such issues.

**SIMPLICITY:** Technology that is ready for everyone, emphasizes the people communicating, and allows sharing of simple content, like videos, documents and social media links.

**RECORDING:** Recording the interview acts both as a refresher for HR but also allows the executive team a review as a precursor to a face to face interview.

**PRIVACY:** HR users should have a private and secure room or space to conduct interviews or other meetings.

**ALWAYS-ON AVAILABILITY:** Because schedules are tight, look for tools that enable spontaneous video interviews, without arduous set-ups and scheduling process.

**SUPPORT FOR MULTIPLE USERS:** The ability to conduct group interviews can streamline the overall hiring process.

*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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TLOMA welcomes our readers to contribute relevant and timely articles.

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By: Michael Dewdney

# YOUR NEXT NETWORK UPGRADE - IS IT TIME TO MOVE TO THE CLOUD?

Annual network planning is an opportune time to consider your firm's technology objectives – what needs are no longer met with your existing tools, and whether better technologies could improve IT delivery to your team. Many firms are deciding to move their networks and applications to the cloud.

Moving your on-site network to a Hosted Private Cloud offers many benefits. First, you get the mobility and convenience of the cloud. Critically for law firms, this model makes the cloud environment exclusive to the firm. This provides greater privacy and the flexibility to support a firm's preferred software and hardware. It also protects your future needs, making it possible to readily extract information should you later decide to change platforms. And of course, you avoid the expense and disruption of an on-site network upgrade.

## What is Cloud IT?

With so many cloud offerings on the market, it can be challenging to distinguish between cloud solutions, and how suited various cloud products and services are to your firm's practice requirements.

You are likely already familiar with the SaaS (Software as a Service) model, which allows you to access an application and data through a web browser. Examples you may already use include gmail and Facebook. Legal practice management tools like Clio also fall into this category.

## What Is Hosted Private Cloud?

Hosted Private Cloud falls under the IaaS (Infrastructure as a Service) model. It operates similarly to an onsite Local Area Network (LAN). Unlike SaaS applications, which typically host data on shared servers, a Private Cloud lets a firm retain its own servers – with the added benefit of virtual desktops that can be accessed from anywhere over a secure Internet connection.

Technical delivery of Private Clouds can vary considerably. When selecting a provider, you will want to focus on vendor experience, compatibility with your firm's existing applications, data centre location, and the quality of services and support offered by your Private Cloud provider.

Your Private Cloud solution should feature industrial-grade security – data should be hosted in a top-tier data centre with physical and software controls designed to prevent unauthorized entry. To protect your data against unwanted inspection or jurisdiction issues, you should confirm the data centre physically resides in Canada.

Your cloud provider should support your existing applications. Running a Microsoft network that supports vital legal practice applications, like document management, practice management and accounting software, is ideal. This also allows your firm to have its own Exchange Server instead of relying on a third-party email provider – important when aiming to preserve confidentiality, and to insure full compatibility with integrated apps.

Look for convenient helpdesk hours, and service guarantees that are compatible with the productivity requirements of your firm – you can't afford unscheduled downtime. Since you will be relying on legal productivity tools to manage your practice, it's helpful to choose a provider that is familiar with your legal applications.

## Benefits of Hosted Private Cloud

Staff convenience is big motivation for selecting the Private Cloud model –virtual desktops offer the same user environment anywhere the user chooses to work.

Using a Hosted Private Cloud can be quite cost-effective. Pricing is predictable – you pay a set monthly fee per user for network access. Because network hardware is owned by the hosting provider, your firm avoids up-front equipment costs.

Instead of providing each staff member with a fully-functioning desktop, you supply a "thin client" (a very basic computer that has Internet access) to access the cloud. Thin-client access is efficient, highly secure and economical – a fully set-up Windows desktop is about $2K, whereas a thin-client can be purchased for $400-$600 or rented for about $15 a month. You can add or remove units as needed, without any fixed term commitments.

Moving your network to the cloud can also improve the quality of your IT delivery –a reputable vendor will deliver better security and disaster recovery than your firm is likely to support onsite. Also, if your office is compromised, or your Internet is down, you just move to an offsite computer and get back to work.

Moving to the cloud can be a great opportunity for your firm to avoid an expensive network upgrade and enjoy convenient file access, continuous support, and improved security and disaster recovery. Making sure your vendor can support your firm's specialized needs can go a long way to ensuring you enjoy the benefits of the cloud – that is, hardly noticing it's there, while you focus confidently on your practice.

*Mike Dewdney is CEO of LexCloud.ca, the leading provider of private cloud infrastructure to Canadian law firms. In his two decades of experience Mike has worked exclusively on applying technology to practicing law. He has directly managed and implemented hundreds of successful legal IT projects and holds numerous widely recognized industry certifications from best in class product vendors.*

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By: Lynn McGregor

# ONTARIO'S NEW ACCESSIBILITY LAWS

## Current Knowledge of AODA is No Longer Enough

We know that most legal firms will be well aware of the importance of all AODA standards, and the need to comply with them, or face fines. But did you know that the standards that will be affecting *your* office facilities are just now being implemented?
Several sections of Ontario's Accessibility Act have already been integrated, and well publicized; such as Accessible Customer Service, and Transportation. But there has been almost no public warning or promotion of the changes that will affect the Built Environment. And they are eminent. As all office facility projects that are submitted for a building permit, from January 1, 2015 onwards, must comply with these new rules – we believe that some individuals will be facing surprises at the Plans Examiners office, come January.

Being invited to participate in early stage Stakeholder Group reviews, has allowed us to appreciate the impact these accessibility changes will have on typical Law firm office design. Although we are unable to summarize the full impact of these new laws in this brief article, we would like to provide TLOMA members an idea of some of the specific changes that we believe will have the most effect on you space. We would stress to you that if you are contemplating bringing a Designer or Architect on board, ensure they have had new accessibility training. Educational courses for design professionals are being prepared now – but most Designers are not yet aware of these changes. It is that new. Not respecting these new standards in planning work done today, could mean expensive surprises and delays, in January.

Our discussions with government staff have confirmed that we should be expecting Ontario's accessibility standards to get ***more stringent*** with each new issue of the Building Code. As the next Code is due out in 2016, project owners may well want to build to a slightly higher accessible standard now, than required by current law, to ensure that their facilities are not seen as obsolete, too quickly.

## Tenants and Landlords Both Affected

These new changes will affect both Tenants and Landlords. And landlords will need to make the necessary base building changes as soon as construction is planned for any floor. We feel confident that these upgrades will become the new measuring stick for organizations shopping for space. Potential tenants will compare possible locations based on whether or not the base building provisions are accessibly compliant, or not. This is important to remember when negotiating a lease or when executing technical audits on competing spaces. Owners and Managers of office space may want to take a pro-active approach, and get their buildings ready earlier than required by law, to keep their real estate offering attractive in a competitive market. After all, why delay the inevitable?

Remember, you have new accessibility related obligations to your staff and visitors; but your Landlord also has related new obligations to you.

## Just Ten of the Changes that You Should Know About:

1. Every doorway that is located in a barrier-free path of travel shall have a clear open width of 34", (clear of door stops,

hardware, etc.). Typical doors will now be larger, at approximately 38" in width; depending on the hardware depth. And as doors will still require the standard access space on the hardware side of the door, this may well have an impact on corridor widths.

2. There is now a requirement for power door operators to be provided at the entrance doors and entry vestibules of most buildings, on all barrier-free washrooms, and on all office suite entrances. And these controls must be operable with a closed fist, not simply one hand.

3. Tactile texture strips are now required as a way of warning anyone who is visually impaired of a change in the floor, be it a cut-out or a level change. These warning strips are to be placed back from the level change, not just on the edge of the level change.

4. Broadly speaking, the spirit of the proposed changes is to provide access in a more 'democratic' way. Wherever possible, space would need to be designed to allow all people to access all areas. Even small areas such as hoteling stations will need to be designed with the assumption that someone using an assistive device will be using the station, with the same independence and dignity with which others use it. It is no longer acceptable to plan one or two special workstations, of a larger size, to accommodate any handicapped individuals. And it's very important to note that the turning radius of an assistive device has grown larger. So this naturally will have a big effect on all spaces.

5. Currently mandated handicapped stalls in public washrooms are not large enough for many people who need them. The turning radius provided in stalls is often inadequate for larger assistive devices, and often, handicapped individuals require a personal assistant to be in the stall at the same time. These stalls will become larger to allow for a larger clear turning radius, and specific "transfer space".

6. When an individual's personal assistant is not of the same sex as he or she is (a spouse, for example), they are not able to use the handicapped facility in the washrooms provided for a dedicated sex. Private washrooms are now mandated to address this, with a minimum of 1 per floor; our in multi-storey buildings, every 3 floors, minimally. These universal, private washrooms are not meant to replace the need for handicapped stalls in public washrooms; choice should be provided.

7. All corridors in offices (including public ring corridors provided by the landlord on multi-tenant floors) will be required to provide the new wider turning radius for individuals every 30 metres (98.5 feet) at a minimum. This would allow individuals with assistive devices to turn around and change direction without having to wheel more than 30 metres. But ideally, the corridors should be designed to be at least 1800 millimetres (71 inches) to allow everyone to turn around at any point. This also allows for easier passage of people going in the opposite direction. This change would affect older buildings most and require that these accommodations are made when planned renovations occur.

8. The new amendment expands provisions for the visually impaired. As of January 1st, 2015, all smoke alarms will be required to have an audible and visual component.

9. Added to the code is a need to provide barrier free drinking fountains, and urinals in men's washrooms.

10. Lastly, all mounting heights and configuration of grabbars and accessories in washrooms have been amended to be more effective for more people.

## In Summary...

Although at first blush, it would logically appear that these new requirements will result in needing considerably more space to accommodate functional requirements - but this does not always need to be the case. We know from experience doing test planning, that creative approaches can dramatically reduce this increase. (...But that is the subject of another report!)

Although we will all need to start thinking differently about how we use space, given our aging demographic, we sincerely believe that these accessibility changes are most definitely for the good. Complying voluntarily will help distinguish your firm as a responsible corporate citizen. And complying will eventually make Ontario a more competitive and attractive region for many business opportunities seeking a new, friendly region in which to reside.

*Lynn McGregor, BAAID, ARIDO (Fellow), IDC, IIDA, LEED AP, BCIN 27752, DIAC, BAC is a past president of ARIDO (Association of Registered Interior Designers of Ontario), co-chair of its Legislative Review Committee and the government's appointed representative of the profession to the Governments "Building Advisory Council". She is also past chair of the "Design Industry Advisory Committee", created to help increase the global success of Ontario businesses through the use of design. She has practiced in the area of corporate architectural interior design for more than 35 years, and is design principal of the McGregor Design Group, founded in 1988, headquartered in Toronto. (www.mcgregordesigngroup.com)*

By: Lynn Foley

# SEVEN STEPS TO GETTING YOUR MARKETING BUDGET RIGHT

We all know that it's imperative that your firm has a strategic plan. But did you know that along with strategic plans should be the marketing plans that support them and the budget that underpins those activities?

If you're not at this stage of organized planning, don't panic! Here are a few tips that will help get you started on the path to getting your Marketing Budget right.

### 1. Start Now

To get you on track for the upcoming budgeting process, start now. Pull out your year to date actual and full year 2014 marketing budgets and corresponding plans and spreading them across your desk. Are they tracking? Are your projections on budget or are you cringing to see how out of sync they are?

If you don't have those documents (or they are in really bad shape) open up an excel file and start from scratch to create a 2015 Marketing Budget. Something is always better than nothing.

### 2. Canvas Wide

Don't limit yourself to the usual suspects who contribute to the budgeting process year after year. Ask your finance group to pull the actual spend for the past 12 months by individual so you can see who's actually spending the money. Then canvas those people regarding their plans for next year in addition to capturing the budgetary plans of those who are new to the firm (especially partners).


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### 3. Get Estimates From Your Outside Consultants

Even if you only have an inkling that you may want to bring in an external consultant on one of your projects, reach out to them now to get a pricing estimate based on your proposed scope. Whether it's a larger spend such as assistance with your strategic plan or building a new website, or a smaller item such as BD training for associates, get an idea of the numbers now so that you can include them in your budget. There's nothing worse than getting the go ahead on a marketing investment and you not having an adequate budget to get it done right.

### 4. Track ROI

Ensure that systems are in place to track the ROI of as many budget items as you can. Partners like to know that they are getting value for money and are more like to invest more in the future if they know you are spending wisely.

### 5. Past, Present, Future?

Marketing is contextual with the success of the choice of tools dependant on where the firm is in the business development life cycle, what other forces are affecting the market, and the players involved in your program to name a few dependencies. What that means is that you need to look at what has worked in the past, and what is currently working, and understand why they have worked.

For example, if you were the first mover on a certain type of client event that your competitors are now copying, don't necessarily do it again. Put your money into something new that will catch client interest in a different way.

That being said, is it time for that project that the firm culture just wasn't ready for in the past but should be next year? Give it a go and make sure you have the dollars to back it up.

**SEVEN STEPS TO GETTING YOUR MARKETING BUDGET RIGHT Continued...**

### 6. Avoid the Status Quo

Don't leave an expense in the budget just because "it's always been there." If an expense doesn't make sense from a strategic and/or financial standpoint, then question why it should be included. If there is push back, ask the relevant parties to take "ownership" of the expense and see if it remains in the budget.

Did I mention that you won't always be popular during budget season?

### 7. Add a Contingency

Unexpected items always come up from a business development expense perspective. Whether it's a large sponsorship or charitable donation requested by a key client for their preferred charity or a client event a partner forgot to mention, you need to add a little extra money just in case. People take notice if you go over budget even if the overspend was genuinely out of your control.

So those are my seven quick tips for getting started on your marketing and business development budgets. Now sit back and let the thought wash over you that no matter what I titled this post, you won't get it right. You never can get the budget perfect because people are unpredictable and no amount of planning can allow for all permutations of the choices people will make in your firm. But you can get it informed and accountable and, if you're lucky, you can get the numbers close.

*Lynn Foley is a partner at fSquared Marketing, a marketing, business development and digital strategy firm that specializes on law firms. She is a Board Member of the Legal Marketing Association, Vancouver Chapter. For more information, email Lynn at lynnfoley@fsquaredmarketing.com.*


By: Eric Wangler

## FIVE WAYS TO USE YOUR SMARTPHONE TO SAVE TIME AND GET MORE DONE EVERY DAY

For many young lawyers, the idea of dictation evokes images they've only ever seen on episodes of "Mad Men": desks covered with enormous tape recorders and hard-wired microphones. While today's lawyers have grown up typing and are fluent in technology, they also can use their voices to be more efficient each day. The practice of dictation has evolved and dictation tools are now mobile, easily available and completely intuitive as apps for smartphones or tablets.

Here are five reasons think about integrating digital dictation into your practice to help operate more efficiently and improve billable hours:

### 1: Create Time and Billing Entries

You step out of a meeting with a client and into a taxi cab. You immediately get a call from another client and spend the entire taxi ride talking to them. By the time you step back into the office, you are late for another meeting. Before you know it, you're at the end of the day. How long did that first meeting actually take?

Lawyers will bill and capture more time if they document it immediately after working on an assignment or leaving a meeting, instead of trying to recreate it at the end of the day or even the week. As soon as a project is finished, you can pull out your smartphone and record the associated time and billing information. You then can send that recording right to either an assistant or a time and billing resource for entry.

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**FIVE WAYS TO USE YOUR SMARTPHONE TO SAVE TIME AND GET MORE DONE EVERY DAY Continued...**

### 2: Submit Expenses for Reimbursement

Last Monday, you took a potential client out for lunch. On Tuesday, there was a dinner meeting with another, followed by a breakfast on Wednesday – and the week continued with more client outings. By Friday, your wallet has been filled with receipts and the one from Monday's lunch has somehow fallen out.

Digital dictation can minimize much of the pain of paperwork that's usually required for tracking expenses and requesting reimbursement. Instead of putting a receipt in your wallet, you can take a quick snapshot of the receipt with your smartphone. You can then make a voice recording of additional information, such as who attended the lunch and what topics were discussed, attach the receipt to the voice file and transmit the file to yourself or your assistant to enter and request reimbursement.

### 3: Optimize Office Tasks

There are many scenarios where work doesn't get done as quickly as you'd like. Your assistant took a long lunch for a dentist appointment. You worked late into the evening, after everyone had gone home, and the resulting bottleneck is difficult for your assistant to overcome the next morning. You just dictated a brief that took you an hour to record and needs to be sent off in a half an hour.

Digital dictation can ease these challenges by using workflow functions. Reassigning work from assistants who are swamped to others who may be less busy is as easy as the click of a mouse. You can break up an hour-long dictation into shorter segments for the typing pool to work on simultaneously. An assistant who suddenly finds extra time in the day can pick up dictations to fill it.

You can also use digital dictation software to track delegations or assignments —especially when something is hot. You can prioritize an urgent item and follow its progress to completion.

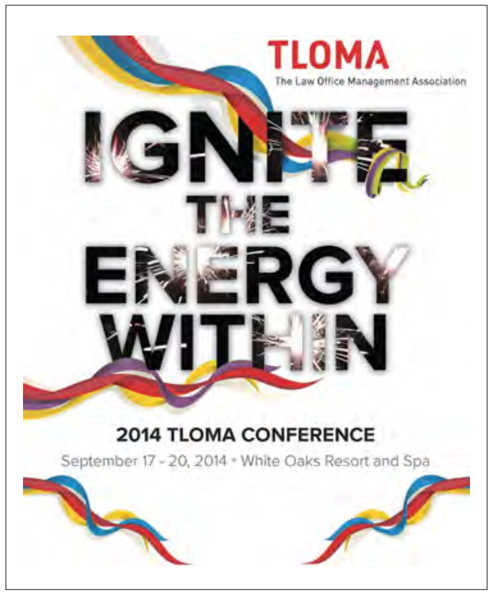
### 4: Spend Less Time in Front of Your Computer Typing

You may have grown up typing all your term papers, but did you know that most people can speak nearly 900% faster than they can type?

Rather than typing, you can dictate the substance of a document into your smartphone, and then send it through a speech recognition software program. The program will convert it to text, which you or your assistant can then edit and quickly complete. If you are a slow typist, or you want to be more efficient with your time away from your computer – like during those hour-long commutes – dictation can speed the process of writing, editing and reviewing documents.

### 5: Create More Impactful Reports

If you create and file reports that include images, dictation tools can help produce more comprehensive reports. Consider construction litigation attorneys, who need to



**FIVE WAYS TO USE YOUR SMARTPHONE TO SAVE TIME AND GET MORE DONE EVERY DAY Continued...**

visit job sites, or attorneys that need to investigate accidents onsite. You can augment your on-site work with smartphone pictures and notes dictated directly into your phone. You can send those notes and photos directly back to the office so support staff can have your report waiting upon your return.

Whether in the office or on the road, lawyers and their assistants can become more efficient and more profitable with cutting-edge technology. Is it time to consider digital dictation for your firm?

*Eric Wangler is the president of BigHand, a global provider of voice productivity technology. The BigHand Group supports over 195,000 professionals globally, across 1,800 organizations, and is based out of Chicago, London, Sydney and Toronto. BigHand's voice productivity technology combines workflow digital dictation, Smartphone applications and speech recognition to offer the legal market a technology that allows attorneys to use their voice to get more done while improving operational efficiencies and reducing overhead costs. Further info is available at www.bighand.com. Eric has worked in the legal industry for more than 15 years, including years at Ricoh and IKON, and has been helping law firms around the world achieve excellence in operational and technology initiatives.*

By: Brian Cope

# REFLECTIONS: THOUGHTS ON THE LEGAL MARKETPLACE AFTER A SABBATICAL

I have been advising law firms on marketing issues for more than 25 years -- 24 if I exclude the past ten months when I was on a self-prescribed sabbatical.

Why did I do that? Because I was not sure what I thought about changes in the legal business and what role marketing played and I needed to refresh my perspective.

I saw so much 'me-too' attitude in the profession. Firms wanting what competitors have and doing what competitors do, and so much bandwagon marketing advice from consultants... you will never survive without a digital marketing plan... that I wondered if clarity, vision, focus and self-confidence would ever again be important.

## A SUPERFICIAL SUMMARY OF SOME IMPORTANT DEVELOPMENTS OVER THE PAST YEAR

I invested my time reading, digesting news events, consuming legal focused blogs and of course thinking. I had a few discussions with thoughtful people, reflected deeply and absorbed news and opinions as they proliferated. To refresh your memories, here is a short list of some of the most interesting market developments over the past 10 months:

**Late 2013**

- CANADIAN LAWYER reported in its annual corporate counsel survey that once again members are concerned with costs, results and being proactive, lack of client knowledge, lack of creativity and impracticality
- Deloitte acquired ATD Legal Services, further advancing its presence in legal services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**REFLECTIONS: THOUGHTS ON THE LEGAL MARKETPLACE AFTER A SABBATICAL Continued...**

- The FINANCIAL POST reported that 55% of corporations cut outside legal costs last year

**Winter 2014**

- Axess Law opened its first two 'stores' in Wal-Mart locations. They now have five locations including four in Wal-Marts
- Heenan Blaikie imploded seemingly because of lack of a unified vision and planning in part

**Spring 2014**

- Cognition Law whose charter that starts with 'overthrow the status quo' expanded from Toronto and opened in Calgary
- Chambers Global Rankings shows that the seven sisters are losing their stranglehold on top-tier business

**Summer 2014**

- An open letter to law firms by the General Counsel of Bombardier challenged firms to look at themselves as businesses
- Cognition Law expanded into the Maritimes

I got some personal marketplace feedback through this period as well.

A firm I successfully helped launch in 2013 lost the will to stay abreast of marketing issues. Another firm accepted then rejected my proposal then hired a PR firm at half the quote. A reputable boutique accepted then rejected three versions of my proposal.

And just in August the Canadian Bar Association issued its report FUTURES: TRANSFORMING THE DELIVERY OF LEGAL SERVICES IN CANADA. They acknowledged that already 'others' are delivering services traditionally thought of as the sole purview of lawyers. They also acknowledged that the marketplace is changing. However, I see little reflected directly in their recommendations that acknowledge the consistent findings of survey after survey of in-house counsel – that costs, results, being proactive; being creative and getting practical is what really matters.

Several recommendations caught my eye from a marketing perspective:

- Alternative Business Structures (ABS) allowing for non-lawyer investment in a legal practice
- Sharing of fees with persons other than lawyers
- Delivery of non-legal services by ABSs

But wait a minute. Does any of this really matter, especially with what we already see happening in the marketplace? The CBA represents about half of Canadian lawyers and has no regulatory authority. The basic premise of this report is that lawyers should not only continue to be subject to lawyer-run governing bodies but also that lawyers should govern non-lawyer entities in which lawyers work. The fear of losing control is palpable and it is that fear in the profession which in part has prevented so much needed change over the past 25 years.

The marketplace is telling the profession how it should run.

There are no recommendations regarding web-based delivery of legal services. If Canada follows the UK, which it appears to be doing, then the CBA will have missed the boat. Legal Zoom and other web-based suppliers of legal services are not required to be registered in the UK as an ABS, although some are going that route. Control of delivery methods to provide legal services, is crumbling. Lawyers can want to regulate anything they think they should, but it does not mean the marketplace will tolerate it.

The market will eventually do to law what it does in every other arena – it will dictate the price it will pay for the service or product it wants and it will do so on its own timeline.

## WHAT'S A FIRM TO DO?

The fundamentals of good business don't change. And that means that law firms have to come to grips with the basics, if they wish to survive and prosper. Small- and mid-sized firms, in particular, need pay attention to what they can and must do to change their personal firm paths.

And firm administrators have a key role. In my view you have an opportunity to shine, lead and bring clarity. You can and should be essential in supporting your Managing Partner and Management Committee find clarity in this very confusing time. You can help with these critical demands.

- First, Managing Partners and Committees need not waste time wondering whether the CBA recommendations will happen.

The timeline for governing bodies to let these ideas penetrate their own consciousness means that individual lawyers and firms had better pay attention to market forces right now.


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**REFLECTIONS: THOUGHTS ON THE LEGAL MARKETPLACE AFTER A SABBATICAL Continued...**

- Second, every firm must return to basics and get their minds confidently around what they offer. Larger firms will continue to dip down to smaller businesses seeking revenue and are well equipped to handle that work economically. Firms must not delay and should be focused on planning – strategic planning for their practices, and planning for the business of the firm.

- Third, firms must stop paying lip service to client service. Every firm that invests in client knowledge and a program of excellence for client service will keep and expand its client base. Those who don't subject themselves to client pillage from similar sized firms and of course the bigger firms who are hungry as deal volume remains steady or decline.

Was my sabbatical valuable?
Absolutely! I am completely recommitted to the basics. Most firms need to get serious about what they offer and why it is of value. They must not try to be all things to all clients. They need to forget about every marketing pitch to tweet, create in-bound marketing and interactive websites...for the present. Most firms need strategic planning and a business plan.

And they need to really want to talk to clients and develop an approach to getting to know their clients and deliver what clients want at a price they will pay when they want it.

If they need help doing this they should invest the time and money to do so. The marketplace will not wait.

*Brian Cope was the first Director of Marketing at McCarthys and is the founder of BHC lawfirmmarketing. He can be found at www.bhclawfirmmarketing.com or at briancope@bhclfm.com.*

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