



President's Message

The holiday season is fast approaching as we all work feverishly on budgets and all of the things that must be completed before the end of 2002.

Thank goodness I finished my holiday shopping in November.

Thanks to everyone that took the time to come out and socialize at the annual TLOMA Christmas lunch that was held at the Eleventh Hour. The venue, for those that did not attend, provided lots of open space for mingling, catching up with old friends and making new ones. There was also comfortable seating for the occasional respite. Lunch was a casual affair with food stations, which elicited lots of enthusiastic compliments. I'd like to thank Kimbalin Kelly for arranging the catering. Good Job!

The Executive Committee's agenda is full as we move into the New Year.

Currently, we are working on updating the TLOMA website and there has been some early preparation for the 2003 conference.

As the year comes to a close, I would be remiss if I did not thank Liz Barrington for all her efforts this year. Working with a volunteer committee provides its own particular challenge. I would also like to thank the Executive Committee and all the volunteers that assist the association.

Finally, on behalf of the Executive Committee, I'd like to wish you all health, happiness and prosperity in 2003.



Carole Paskin
President
Director of Operations
orkin Manes Cohen Arbus LLP

December 2002

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Schedule of Events

- January 7 – Executive Meeting
- January 14 – Finance SIG
- January 16 – General
- January 21 – Facilities SIG
- January 30 – HR SIG

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This is our final edition for 2002. Many thanks to Janet Zhang and Keith Smith at Dye & Durham and the entire team who assist us with each edition. I wish to thank Liz Barrington for her patience and knowledge. Without them, our newsletter would never reach you.

At this time, I invite anyone who wishes to volunteer in any way to contact either Liz Barrington or myself. We appreciate each and every writer and submission as we strive to maintain the high standards set by my predecessors. We hope to have a few photos in our January edition from our December Social. It was nice to see so many people take a few hours out of their busy day to mingle with colleagues. It was also very pleasant to honour two new Lifetime Members to TLOMA - Charles Bennett and Ken MacKay.

Lifetime Members are members of TLOMA who have at least ten years with the association and who have served in some capacity on the Executive Committee - now that is dedication. It is thanks to those many members who have contributed over the years that our association remains one of the largest of its kind in North America. Congratulations to Charles and Ken!

Our apologies to David Maister for calling him Robert Maister in our November issue.

Thank you to this month's contributors and writers. I hope you enjoy our issue and find something of value for yourself and/or your firm.

From everyone involved with TLOMA Today have a wonderful Holiday Season and a Healthy and Happy New Year!

*Audrey Isenor
Director of Human Resources
Lerners LLP*

ASK A FINANCE EXPERT

On October 24, 2002, Cassels Brock & Blackwell LLP hosted a Finance SIG entitled "Panel Discussion and Forum on the 2003 Budgeting Process at Law Firms" at which attendees were given the opportunity to question finance leaders from some of Toronto's most respected law firms. The event was chaired by the Finance Section Head, William Hurley, Managing Director at Cassels Brock. The panel consisted of:

- Andrea Engels
Director of Finance, Goodmans LLP
- William Hurley
Managing Director, Cassels Brock & Blackwell LLP
- Angela Palmieri
General Manager, Blaney McMurtry LLP
- Bernie Pasquantonio
Chief Financial Officer, Goodman and Carr, LLP

The collective experience of the panel as well as the cross-range in size of firms represented by the panel enabled its members to share a broad insight into the budgeting process for law firms in 2003. In order to respect the confidentiality of the firms represented the answers below have been recorded in point-form.

Should we question lawyers as to what their billings and expenses will be for the coming year?

- As part of the budgeting process we review the billable hours in our system to get a look at the financial picture from the previous year. We then go to the Practice Group Leaders and individual lawyers to get their input on hourly rates.
- We roll-up the budget by rank and therefore have a good knowledge of productivity by rank as they have that history to learn from.
- We have set a standard fee budget for associates so they can measure the associates at year end when their performance evaluations come due. We then try to tie the budgeting with the performance reviews by setting standard amounts.
- We do not get sign-off by all the lawyers but rather we

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prepare the budget in conjunction with the Practice Group Leaders. We do not question the lawyers as to an increase in their hourly rates.

If a cash flow is provided as part of the budgeting process what, if any, details are included in that cash flow analysis?

- A cash flow analysis is prepared as the last part of the budgeting process. When the budget is finalized, we see how it all falls out for the following year and then go back to the Finance Committee to talk about the cash flow effect.
- We have the same process. We visit the cash flow at the end of every month; update it every month and that dictates the months that we expect distributions to be made to the partners and helps with cash planning and in negotiating with the bank to ascertain if they have to increase our bank lines.
- The importance of providing a cash flow statement daily to Executive Committee members was emphasized.

Do any of the firms have formal targets and formal sanctions for those lawyers who do not make their fee target?

- We do not have any sort of sanctions. However, we do rely on the Practice Group Leaders who in turn lean on the lawyers.
- Our chairman of compensation meets with the lawyers to encourage them to reach their targets.
- The lawyers' progress is monitored by only the Executive Committee and section heads. However, they do regularly share billing information with all lawyers, but partners do not see other partners' hours.
- As part of our culture, we train most of our partners on WebView which enables the partners to have access to statistics of all other partners. In the area of accounts receivable, we publish an "over \$50,000 Receivables List" and "rely on peer pressure" to effect collections. Associates report to their mentors which makes

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monitoring their progress easier. Partners are more of a challenge and they are spoken to by the Managing Director, Managing Partner, and Compensation Committee if necessary.

- It is important to understand the different personalities of partners when it comes to motivating them to reach their targets.
- Docketing is not a major problem and is easy to monitor as roughly 98% of time is entered in the proper month.

How is the partners' income distributed throughout the year versus the revenue generated throughout the year?

- We draw monthly subject to our bank line with the goal of distributing all income earned through a combination of monthly draws and distributions by about four months after the year end of January 31st.
- We do monthly draws based on budget and then have quarterly distributions tied to tax quarters. We also have a very conservative distribution approach and are very careful not to over-distribute during the year.
- We have four distributions throughout the calendar year. We have a January 31st year end and do not distribute all profit until December.
- We have regular monthly draws and use the carrot method where the lawyers get an additional draw of income if they keep pace with monthly targets based on the fees billed less the A/R over 90 days.
- It is all or nothing - if they have a good cash month everyone shares - if they fall short everybody pays the price. We try to tie collection and billing targets together to get people focused on goals.
- Any undistributed profit at end of year is rolled over to the next year and to qualify to receive that profit a lawyer would need to collect a certain percentage of the fees billed from the prior year.

Is there a set amount for promotion budgets? How are partner/associate budgets set?

- We handle this on 2 levels: we have an overall firm budget for advertising and separate budgets for individuals with factors such as practice group, head count, historical spending

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and inflation. Each practice group has a client entertainment budget and educational budget.

- Promotion budgets are made up of 2 levels: (i) they look at the historical factor; and (ii) they set up the budget at the practice group level for individuals. Right now the lawyers choose how they want to spend and they are working towards having some controls in place.
- Particularly if lawyers are not hitting their revenue targets, they have to stay within their budget.
- We have taken a new approach by giving a global budget - one set budget for travel/meals/seminars/business development.

What elements dictate your marketing budget?

- You have to look at what your focus is - if we were trying to penetrate the U.S. market, there are certain initiatives as far as advertising in the U.S. that dictate our marketing/promotion budget.
- The norm, in most law firms in Toronto, is to spend 2.5% revenue on marketing.
- In terms of breaking out the budget they have the marketing department budget approved by the Executive Committee based on the focus of campaigns. For partners and associates we do not allocate to individual people, we use one number, and the expenses are approved by each practice group leader.
- It was clarified that the 2.5% promotion amount does not include education.

When does the budget process start and end?

- We start in October with a December 31st year-end and we will have completed and distributed the budget to all partners by the second week of December. The budget is always finalized in December for the following year.
- Our year-end is January 31st and we have an approved budget by the end of February.
- We strive to have the budget finalized and approved by the first of February which is the start of our new fiscal year. We use October financials as our base, send out budget worksheets the middle of November, and go

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through rough draft refinements. We then present to the Executive Committee and Finance Committee by mid-Feb.

- We use Excel for the budget process and that other systems are very expensive for the additional advantages they might offer.
- Have rules for back-up for budgeted expenses.
- Encourage the departments to do a bottom up budget. Don't just add 5% to last year's budget. Understand what the number means and get to a 0 base budgeting approach.
- The budget submission has to give an explanation of why that amount has been chosen (0 base budgeting as well).

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- If a budget goes up, it won't survive the Executive Committee cut if it does not have substantial support.
- Try to look forward 2 years in the future for staffing. With administrative staffing, if we foresee a need for a new position in 1 to 2 years we put that in the current year budget and run it by the Executive Committee so that they are aware of it.
- If the administration group does homework up front and works with the people submitting the budgets, it is a much smoother implementation.
- When it comes to network equipment and PCs you can get a good sense of what the budget number will need to be 3 years from now by asking questions such as: How long does an operating system last?
- Present the budget with information to support it and be prepared to answer questions related to strategic planning.
- Our approval process is very detailed - three times to the

Executive Committee. We have many discussions with the Executive Committee so there are no big surprises.

- A lot of the vetting happens at the finance level and once that is refined they run the budget through the Managing Partner and once the CFO and Managing Partner are on side, at that point they are 95% there.

Our thanks to the panel for this informative Finance SIG.

*Alison Pengelley
Executive Legal Assistant
Cassels Brock & Blackwell LLP*

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TLOMA COMPENSATION AND BENEFITS SURVEY RESULTS

Sue Pringle and Johanna Zemmeling-Pope from AON Consulting presented the results of the TLOMA Compensation and Benefits Survey at the HR SIG on October 23. The survey was based on data provided from the 62 firms who participated. Of those 62 firms, 38 of them also participated in the Ancillary Survey on associate information. Some of the pertinent survey results included:

- The average number of sick days/person was 4.7 (a decrease from 5.71 days in 2000)
- The average turnover rate reported for 2001 was 12.4% (a decrease from 13.5% for 2000). Secretarial and administration continue to be the most prevalent area of turnover.
- Almost half of the firms (48%) reported that they use employee benefit statements to educate employees about their benefit coverage and its relative costs.
- More firms (65%) are offering pay direct drug cards from last year's response of 60%. The use of the direct drug cards for these firms has 57% of them reporting a cost savings in the first 2 years of implementing them and 75% responding they had a cost reduction following 2 years of implementation.
- On an overall basis, reported median salaries have increased by 2.4% and average salaries have increased by 2.8% over 2001 results.
- The most aggressive salary movement has been at the top positions for Services/Accounting.
- The movement in pay of secretaries has moderated. This could be a result of secretarial supply increasing.

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- Only 7 firms reported paying secretaries over the top of the range.
- 16 firms have secretaries within \$500 of the top of their range. Just under 7% of these are within \$500 for the top secretarial salary range. Secretaries are paid over the top of their range for length of time with the firm, outstanding performance, danger pay and other reasons.
- 70% of firms with secretaries over the range maximum still provide base pay increases.
- An average ratio of lawyers to secretaries is 1.3 lawyers to 1 secretary.
- 96% reported that the use of law clerks is on the rise.

Sue and Johanna also spent some time explaining what the numbers in the survey mean and how they should be used. Each law firm is providing averages of their numbers, therefore the results are averages of averages. Extremes and temporary blips should be ignored but monitored to identify if a trend develops. Data is never perfect and you must know your firm's compensation philosophy to know how to apply it. Don't merely connect the dots - use a line of best fit approach and consider internal relativity.

It is important when survey participants fill in the survey that they match appropriately and give full, honest disclosure of all the data. If there is a job or incumbent that is an exception don't include them in the data. Matches should be made to job content, not job title, based on the survey description for the job. If it is a close, but not exact match indicate whether it is a "greater than" or "less than match". Don't match in hybrid job, unless a clear predominance exists.

Survey participants were also reminded that they must protect the survey data - participants spend time and money for it so don't "give it away".

How do you know if you are competitively positioned? Develop a compensation philosophy. Determine what is your target position in the market. Do you pay at the median (a fairly stable number), or at premium such as median plus a set % premium? Those who have higher paying positions may have an aggressive growth strategy; stringent selection criteria; a poor company reputation, a higher degree of capital intensiveness; or a high degree of stretch in performance goals. Those with lower compensation philosophies may have affordability concerns; a strong reputation for people development, a reputation as an

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THANK YOU TLOMA, We love you too!

As we celebrate the Holidays at the close of our first calendar year, we have taken a moment to count our blessings. We have been so gratified to have been welcomed back so warmly by our friends in Toronto's Legal Community.

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set. The Job rate represents the market competitive position. The breadth of the range must also be established. Typically it is 50% - 80% of Job rate to 120% of Job rate and no attainable maximum. Generally the midpoint average is for solid performers. The midpoint maximum is for superior exceptional performers. Salary ranges/job grades are typically structured with midpoints/job rates separated by 12 to 18%. Typically, there are 10 to 14 job grades. The positioning of an individual in a salary range can be done in 3 zones. The development zone from 80-95% of the midpoint for those with insufficient experience to determine sustained level of performance, entry level hires or those developing to full competency in the role. The fully Qualified Zone (95 is 105%) of midpoint - where they are meeting sustained performance expectations and have all competencies required of the role, or external hires with comparable experience. The High Performance zone (105 is 120%) of midpoint is for those consistently exceeding performance expectations over a significant period of time and have all the competencies required of the role, or are performing above full accountability of the role. The size of an individual's salary increase is impacted by: the employee's position in the range, their current and sustained level of performance, their competency level, the annual salary budget and the size of salary range uplift.

Overall this session was very informative and assisted the attendees in fully understanding the TLOMA survey and how to apply it to salary ranges and budgeting.

employer of choice, or a readily available supply of required resources.

Choose your market data analysis wisely. Remember for some jobs such as IT ones, you have competitors for these positions in the general market. Choose surveys that have the most credible and reliable data i.e., those with samples that: have a higher number of organizations and incumbents, have sufficient data to provide all 3 quartile, and have the least variability between median and average (i.e., with the least data distortion).

How do you balance internal relativity with market competitiveness? The solution is a pay structure that is anchored to, and balances market competitiveness and internal relativity based on solid market data for benchmark jobs and a valid measure of internal value/relativity for all jobs. This pay structure requires only periodic review of market data, annual reviews to determine structure uplift and overall salary increases to budget, comprehensive market benchmarking to re-set the policy in line and specific ad-hoc reviews to validate potential "hot skills".

To develop pay structure ranges a midpoint/job rate must be

Susan Carr

Manager, Human Resources & Facilities

Blaney McMurtry LLP

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Merriam-Webster Online at www.m-w.com;

Oxford Dictionary at www.askoxford.com;

Medical Dictionary Search Engines at www.medical-dictionary-search-engines.com where you will also find links to not only all those strange medical terms we use but drug-name and spelling databases as well;

and then of course there's Gray's anatomy site: www.graylab.ac.uk

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HAVE YOU MADE YOUR NEW YEAR'S RESOLUTIONS YET?

Okay, the holidays are almost over. You got through Christmas and Hanukkah.

Now the next big date is New Year's Day. One good thing about January 1st is that it gives us all a fresh start. And none too soon.

You've just come through a month in which you probably ate more than you expected, drank more than you intended and spent more than you could afford. Fortunately, the calendar now gives you a chance to make amends and turn over a new leaf for the coming year.

I used to scoff at New Year's resolutions, but a few years ago I actually gave it some thought and jotted down a few things. My motto has been to keep things simple, so last year I only wrote down three items:

- Leave work at 6:00 p.m.
- Do it now (to stop procrastinating)
- Set cruise control at 110 (down from 115 - i.e. to drive slower)

I kept the paper handy as a reminder. And even though I've strayed a bit through the year, I did pretty well.

Here are some thoughts about making New Year's resolutions.

- **Put them in writing.** On March 15, 1989, after hearing a speech by best-selling author, Dr. Peter Hanson, I was inspired to write a book of my own. I went home that night, took out a writing pad, and wrote at the top: "GOAL: To Write A Book By March 15, 1990." That simple declaration was the start of my first book, *Always Change a Losing Game*. I had been thinking about writing a book for years. But putting it in writing turned the idea into a decision---and a commitment.
- **Limit your number of resolutions.** Some people get so ambitious that they write down a laundry list of good intentions.

Within weeks they feel overwhelmed and give up. A short list of meaningful goals increases your likelihood of success. Three to five items are probably realistic. They can relate to health, relationships, work, money, education, community or spirituality. Just don't overload yourself.

- **Implement your goals sequentially.** Address your resolutions one at a time. Experts tell us it takes 21 days to change a behaviour. Two years ago, I started doing back exercises using a system of ropes and pulleys. It was a hassle and I did it only sporadically. Finally, I decided to get serious. Within three weeks, it became a natural part of my morning routine. So, pick one item from your list and work on it for a few weeks. When it becomes comfortable, add a second item for three

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weeks and so on. You're more likely to succeed and to avoid getting discouraged.

- **Be realistic.** Don't make grandiose resolutions and quantum leaps. If you're just getting off the couch to start exercising, don't resolve to work out every day. Commit to a walk three times a week and see how it works out. Then build from there.
- **Be specific.** Don't talk in generalities (e.g. "I'm going to cut down on my drinking"). The resolution should read, "I will have a glass of wine with dinner on week nights and two drinks on weekend days."
- **Be positive.** Instead of stating what you won't do, state what you intend to do. Rather than saying, "I'm going to stop going to bed so late," use "I will start going to bed by 11:00".

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- **Express action, not results.** Since you can only control your own behaviour, watch how you word your resolutions. Instead of saying, "I will get a promotion", say, "I resolve to apply for the manager's job and to upgrade my management skills". The actual granting of a promotion is not in your hands.
- **Go public.** Make your resolutions known to other people. This does not require an announcement on your company bulletin board or a mass mailing to all your acquaintances. Sharing with one or two close relatives or friends will help make your goals more real. It also invites their support. If you're reluctant to do this, it might indicate a lack of intention on your part to follow through.

Make your New Year's resolutions an opportunity for renewal, not a labourious or unpleasant task. You may want to reflect for a few days before writing them down. But when you put them on paper, make them a commitment to yourself. Happy New Year.

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TALKING THROUGH A MERGER

Sometimes the professional services scene in Canada, particularly related to law firms, looks like a singles' bar near closing time. Everyone is trying to join up with someone else. Yes, mergers are definitely in style.

For this reason a presentation on "Reaching out to your publics during a merger – effective communication," given to the Professional Services Marketing Association on November 26, 2002, was particularly timely. It was even better to learn in the form of a case study of a merger with particularly effective communications, which was the union of the Toronto-Dominion Bank with Canada Trust to form TD Canada Trust.

Dominic Mercuri, Senior Vice-President of Direct and Marketing Services with the TD Financial Group, said that one of the issues was the long time lag between the merger announcement and approval by regulators and shareholders. There was also the staged nature of the merger, and the fact that in many such mergers there is a drop in both market share and employee satisfaction.

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To deal with these, said Mercuri, the company set up parallel communications teams, each with separate external communications counsel. One group would concentrate on "business-as-usual" communications and the other would deal with issues solely related to the merger.

Mercuri said that the communications team set out certain principles ahead of time:

- Limit the number of times each customer would be contacted, and no message duplication
- Only communicate that which is new or different for each customer
- Ensure opportunity for customer feedback

To determine the nature of the communications, the company invested substantially in customer research. They found, for example, that Canada Trust customers were concerned about losing the unique atmosphere that attracted them to the institution in the first place. Subsequent communications dealt with this issue.

Finding the right medium was important, Mercuri said. In some cases they used in-store fixtures, and they also found out that since about one-third of Canadians had some dealings with either institution, using newspapers was effective.

Core to the communications effort was what Mercuri called the "Big Green Book," which was actually four million unique, edition-of-one books compiled specifically for each customer. Each book described the effects the merger would have on the services used by that particular customer, for 650 different combinations of services.

Signage and other in-branch collateral, including letterhead, was prepared ahead of the official date of the merger and stored in each branch.

The result was that when the merger took effect, each customer had been fully informed of how it would affect her or him, and each branch was able to adopt the new appearance on schedule.

Mercuri said that one thing he learned was the importance of the business-as-usual communications continuing, so that customers continued to be served.

by Carl Friesen

Carl Friesen, MBA, CMC is Principal of Global Reach Communications, and helps professional firms reach potential clients through published magazine articles and books. He can be reached at tel. 416.410.4527; cfriesen@globalreach.com.

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E-MAIL ETIQUETTE

Don't be a novelist - messages should be concise and to the point. Huge e-mail messages are slow to download, difficult to read and usually boring so keep it brief.

Too much punctuation!!! - Don't get caught up in excessive punctuation - if something is important, it should be reflected in your text, not in your punctuation.

DON'T SHOUT, I'M NOT DEAF - use of upper case words is the equivalent of shouting in someone's ear. Only use upper case words when trying to make a point.

Formatting - try to break your message into logical paragraphs and restrict your sentences to sensible lengths. Use blank lines (hard carriage returns) to separate your paragraphs and don't use tabs (they may not land in the same place at the recipients' end) - use spaces if you need to indent.

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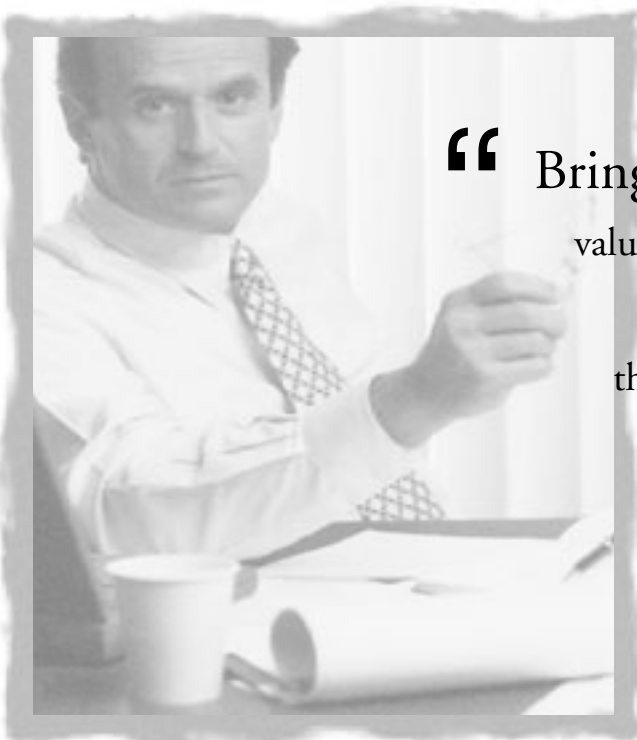
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Abbreviations and acronyms - don't use them unless you are absolutely positive that the recipient(s) know what they stand for.

Use correct grammar and spelling - e-mail is all about communication - poorly worded and misspelt messages are hard to read and potentially confusing. Just because e-mail is fast does not mean it should be slipshod. If your words are important enough to write, then they're also important enough to write properly.

Always include the subject line - it's often the only clue the recipient has about the contents when searching for messages and/or filing them in their specified folders.

Avoid sending "flamemail" - in computerese, this means messages sent in anger. Messages sent in the heat of the moment generally only exacerbate the situation and are usually regretted later. Settle down and think about it for a while before starting a "flame war".

Pay careful attention to where your reply is going to end up - it can be embarrassing for you and annoying for the recipient(s). Don't overuse that "reply to all" feature.

Use a "signature" at the end of your e-mails - in computerese this means a small block of text (4 to 6 lines is the preferred norm) appended to the end of your messages which usually contains your contact info. You can draft this "signature" and have your e-mails automatically append it.

Courtesy - don't forget your manners in your e-mails. Please and thank you still apply to this mode of communication.

Privacy and confidentiality - forget it - sending an e-mail is like sending a postcard, and there is no such thing as a secure mail system. If you wouldn't "say it", don't "send it".

The bottom line - above all else, remember that e-mail is about communication with other people. When you compose an e-mail message, read it over before sending it and ask yourself what your reaction would be if you received it. Any time spent making our e-mail clearer is time well-spent, so let's start taking the time.



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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January 2003

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 EXECUTIVE	8	9	10	11
12	13	14 FINANCE SIG	15	16 GENERAL MEETING	17	18
19	20	21 FACILITIES SIG	22	23	24	25
26	27	28	29	30 HR SIG	31	

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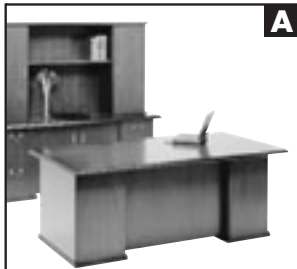
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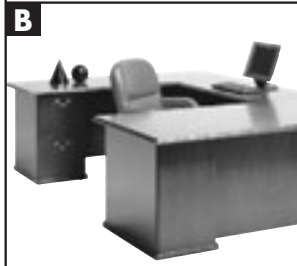
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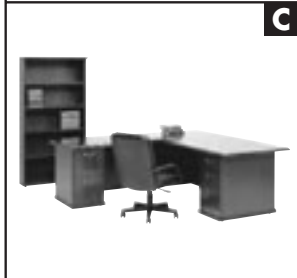
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