

JULY 2017

LPM

LEGAL PRACTICE MANAGEMENT

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FOR LAW FIRM
MANAGERS

HARD KNOCKS

*Douglas Jones Mercer's
practice director on tough
lessons learned from an
SRA investigation*

Everyone's game

*Law firms should integrate clients into the
business for a stronger future*

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WELCOME

Firms need to loosen partners' stranglehold over clients if they want to become better businesses

The world has changed considerably since our last issue, LPM readers. The general election brought us a hung parliament, the idea of Jeremy Corbyn being electable doesn't seem completely silly anymore, and I have taken over as this magazine's editor (I'm not sure which of those changes our office found most shocking).

Further uncertainty after the election will likely impact the legal industry and firms should be looking for ways to become more competitive. And perhaps a good way to start is by looking at who owns the firm's clients.

Though clients once unquestionably belonged to partners, many legal leaders want to shift ownership over to the business as a whole – which creates tension, since a partner's value rests on his or her client following. But clients should be shared across the business, because as long as they're 'owned' by partners, firms can't find out what other services they might need. Find out how other SME firms have made the transfer – and how they've benefitted as a result on p33.

But we're hoping that this won't be the only lesson taken from LPM this month – because we're taking you back to school. Barry Davies, columnist and practice director at Swansea firm Douglas Jones Mercer, shares what he learned when his firm was investigated by the SRA and sets out what other firms should do if they find themselves in a similar situation on p18. In a market increasingly dictated by regulation, it's enormously important that firms learn from each others' mistakes – we hope you'll agree.

Have a good summer – I won't be with you again until September for a new term of great content. [LPM](#)

Patrick Wingrove, editor
@LPMmag | patrickw@lpmmag.co.uk



"Clients should be shared across the business, because as long as they're 'owned' by partners, firms can't find out what other services they might need."

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About us

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IN PRACTICE

SNAPSHOT ELECTION REFLECTION

The Chinese curse: "May you live in interesting times" keeps coming up in the national press since June 2017's general election – and of course we know why. Few thought a hung parliament was possible when we wrote our last Snapshot, and no one foresaw the **Conservative government having to establish power with a £1bn deal with Northern Ireland's Democratic Unionists**. And while the UK is going through interesting times, so is its legal industry.

In the wake of the general election, a **new lord chancellor and secretary of state for justice has been appointed**. Aylesbury MP David Lidington, who had been leader of the House of Commons, took over the role from Lizz Truss following the election. He is the fourth person to hold the position in just over two years and the fourth non-lawyer.

Very quickly, **Lidington was called on by his Labour counterpart to establish his position on the reintroduction of the Prisons and Courts Bill**. Richard Burgon, shadow secretary of state for justice, said: "We also need to know about whether Lidington will re-introduce the Prisons and Courts Bill or whether he agrees with Labour that it's flawed and needs rethinking." As well as covering prisons and courts legislation, the bill proposes the introduction of a whiplash tariff – which some in legal fear will lead to the decline of many PI firms.

But this wasn't the only interesting news for PI firms this month. **A group of PI lawyers has urged colleagues to report firms processing fake holiday sickness claims after it emerged that the SRA is investigating 15 reports of potential misconduct**. Andrew Twambley, spokesperson for PI campaign group Access to Justice and director of marketing consortium InjuryLawyers4U, said his group was sick of law firms that are happy to take on fake claims, which brings the whole



industry into disrepute.

Interesting times are also on the horizon of the industry's regulatory landscape. **The SRA has dropped its new definition of 'client money' – which would have excluded fees and disbursements in response to practitioners' concerns – but has confirmed it's moving ahead with plans to deregulate unreserved legal work.**

But it's not just the SRA bringing in regulatory changes – **the EU's Fourth Anti-Money Laundering Directive was implemented on 26 June** – meaning firms will have to expand their due diligence process, among other things.

Indeed, we do live in interesting times – we can only hope they get a bit more boring soon. **LPM**

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"You're joking! First another election, now another new lord chancellor," shouted Brenda

IN NUMBERS

SME optimism

A report from the DAS UK Group reveals that SME businesses are confident of post-Brexit growth – even after facing legal problems



55%

of SMEs said they expected to grow over the next three years

While just



9%

said they expected to downsize over the same time

And

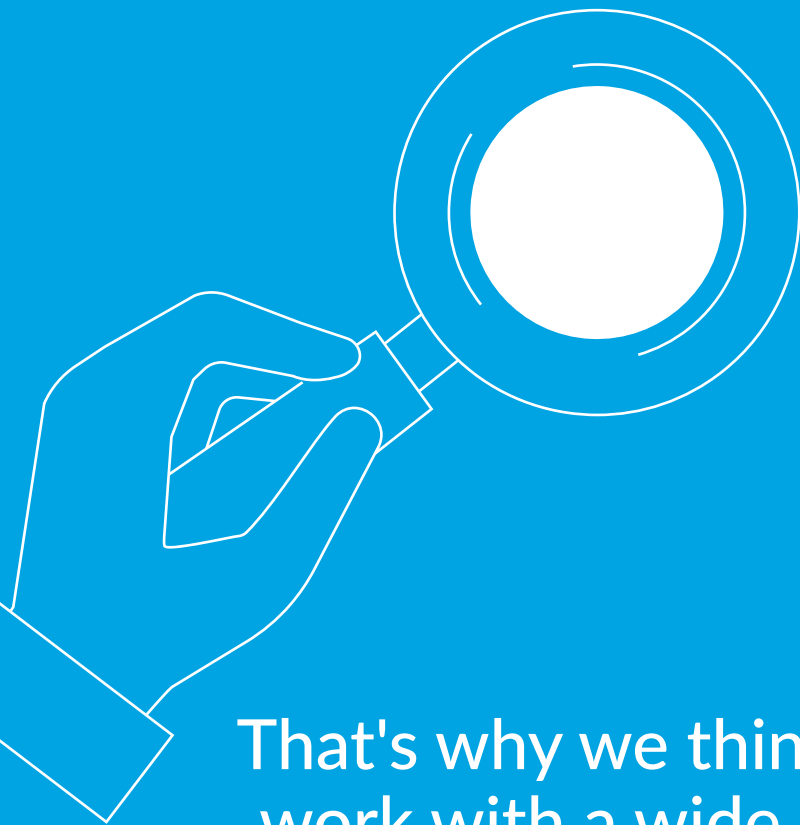


100%

surveyed had at least one legal issue in the past year

Source: DAS market barometer SME (June 2017)

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GORDON MCINTOSH
PRACTICE MANAGER,
MUNRO & NOBLE

Yes, reform is needed. The Scottish legal market is facing a challenge of succession at the moment. Owners/managing lawyers are looking to retire, but there's a lack of younger professionals looking to invest capital and take their place. It may be that this new generation of lawyers is subconsciously acknowledging that being good lawyers doesn't necessarily qualify them to be competent managers or entrepreneurial leaders. The Legal Services (Scotland) Act 2010 requires all Scottish firms to be at least 51% owned by lawyers. If the remaining 49% could be owned by other professionals, such as accountants, chartered managers and surveyors, I strongly believe this would strengthen the potential for Scottish law firms. It would improve their management structure, thereby creating new dimensions and opportunities for firms. Furthermore, few Scottish law firms are currently prepared to be entrepreneurial. Introducing alternative business structures would, in my opinion, be healthy for the client – driving competition and improvements in legal services.



CHRIS HARTE
CHIEF EXECUTIVE,
MORTON FRASER

Reform would be good for the industry. The Scottish legal market clearly demonstrates a number of the features of a properly functioning market – such as vibrant competition, new entrants, diverse delivery models and lots of choice for clients. But what does look out of kilter is a regulatory regime that appears to put Scottish firms at a disadvantage against competitors who are primarily governed by a more liberal regime – viz a viz, external capital.

YOUR VIEW



With the Scottish government launching a review of the legal industry north of the border, we ask LPM readers:

“Does the Scottish legal sector need to be reformed, and why?”



BOB MURDACH
COO, BLACKADDERS

The firm and I welcome the review of regulation in the Scottish legal profession. The current legislation is from another time, and clarity over the respective future roles and oversight of the Law Society of Scotland and SLCC (if they are still to exist in the same form) is urgently required. In particular, the complaints process at both these bodies is desperately slow. It can take many months to resolve the simplest of service complaints at SLCC. Conduct complaints against solicitors can hang over them at the society for years, frequently having already been ruled on in relation to service matters at SLCC. We need to start with a clean sheet.



ELAINE MOTION
CHAIR, BALFOUR+MANSON

Yes, the Scottish legal sector is in need of reform – there are few, if any, professions whose foundation legislation is more than 35 years old and it needs changing to keep up with the times. The needs of the sector and public have changed beyond all recognition over those 35 years – and while there have been some amendments in that time, those changes have raised their own issues. It's clear that a new, clean and improved version of a Scottish legal services act is needed.



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ASK THE EXPERT



BACK TO THE FUTURE

After his talk at this year's LPM London conference, Imperial Tech Foresight futurist Richard Watson talks about future considerations for SME law firms



Q What are the challenges for legal leaders who want to accurately predict their market's future?

A There are numerous perils for prediction. We have a terrible habit of extrapolating recent past experiences in a linear and simplistic way and not considering combinations – how X works alongside or reacts to Y. For example, an article in the Times in 1896 predicted that in 20 years every street in London would be under 10ft of horse manure. That's a funny prediction now because it didn't happen – and it didn't happen because Karl Benz invented the horseless carriage.

We also tend to focus on the logical aspects of technology and completely forget about the illogical emotional aspects of human psychology – which is why people often get technology forecasting completely wrong. And the bolder people go with their claims of what the future will look like, the more likely they will be wrong – if anyone is saying something absolutely will or won't happen they will likely be wrong.

Q What can firms do to better forecast the future?

A The challenge is to be mentally agile in the face of extreme volatility, uncertainty, ambiguity and change. We must keep an open mind about what's possible, stretch our thinking beyond what's probable until we exclude everything that's impossible – everything else is completely in play.

Many people only just over a year ago would have considered Brexit as inconceivable. I was running a workshop the day they announced the referendum result and everyone was walking around in complete shock. And I was shocked by their shock, because there were always two possibilities and one of them had a reasonable probability. But these students had completely discounted the possibility of Leave winning because they were in a London bubble and everyone they knew thought the same way. Better future forecasting is about making your thinking a bit more resilient and adaptable – so perhaps you won't be as shocked by unexpected events.

Q What do you think the future of legal will look like? Are fears that lawyers will become obsolete and paralegals will disappear at all founded?

A I'm deeply cynical over the idea that whole professions such as legal will disappear. This thinking links back to research from Oxford University's Carl Frey and Michael Osborne who predicted that roughly a third of UK professions could vanish over the next 20 years. But, frankly, that's a ridiculous claim and in the case of law it completely misunderstands the nature of the industry – and that of artificial intelligence.

There are some legal services that are under threat and to some extent can be automated – but the high end of the profession is very people-centric and I don't see machines ever changing that. Law is extremely complex and incredibly nuanced, and machines are nowhere close to being able to deal with that. They could theoretically replace paralegals – but then where are you supposed to get your next level of management from?

Q How might SME law firms be able to attain competitive advantage in the future?

A There are whole new areas of law opening up that law firms could take advantage of. When we have autonomous cars driving around and having crashes, which they will, that could open up new forms of legal work. We will have to start considering moral coding alongside computer coding – for example, if a car flies down Fleet Street on a Friday night with a pregnant woman in the back, and a drunk middle-aged bloke jumps in front of it for no reason, it's probably going to have to kill one of them, so which is it going to be? That has to be coded.

The same kind of thing is happening in cybernetics as we move into the area of neural interfaces where people will be able to control machines just by thinking about them – which, of course, is a legal minefield. So, there will be plenty of new types of law for firms to get into and I don't think lawyers have to worry too much about being replaced by machines. **LPM**

TECH OPPORTUNITIES

Richard Watson, futurist at Tech Foresight (part of Imperial College London), says new technology could create more or new types of work for law firms

Driverless cars will need moral coding – which will be a legal minefield



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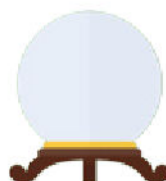


Neural interfaces with tech will inevitably create legal complications



POOR PREDICTIONS

HISTORY SHOWS THAT PEOPLE ARE OFTEN BAD AT PREDICTING THE FUTURE. HERE ARE SOME FORECASTS (INCLUDING ONE VERY RECENT PREDICTION) THAT TURNED OUT TO BE WRONG



1 "The horse is here to stay but the automobile is only a novelty," said the Michigan Savings Bank president to Henry Ford's lawyer in 1903.

2 Unnamed futurists in a 1966 Time article said that, while feasible, remote shopping would flop because people like to get out of the house and handle merchandise.

3 "There's no chance that the iPhone will get any significant market share," said Microsoft CEO Steve Ballmer in 2007.

4 "Even if you admire his authenticity, that doesn't mean his brand of throwback, left-wing politics is remotely electable," said the Express on Jeremy Corbyn in 2015.

HR AGONY AUNT

RUMOUR FOR DEVELOPMENT



Polly Jeanneret, LPM's HR guru, answers questions on dealing with gossip and non-active partners

Q In a café near our office, I recently overheard three young lawyers talking about one of their colleagues. Without giving you all the gory details, they were highly critical of the absent person, mainly in terms of her performance, but this escalated to her personal traits, too. How do I get staff to get on and be nice?

A You are asking the wrong question. The correct question (actually, two questions) to ask yourself is/are: Are these criticisms (on performance and personal traits) justified? If they are, how do I change the culture of the firm so that these colleagues can talk to each other more directly about such issues when they arise? You can't expect everyone to get on all the time – in a survey carried out recently, nine out of 10 staff members said that they don't get on with the person at the desk opposite

them. Actually, I completely made that statistic up – but I bet it's not far off.

So, let's try to deal with these unavoidable problems head on and in real time. For instance, if this person is not working hard enough (a common complaint), can't one of the team ask her: "Do you have any spare capacity right now and could you help me with something as I'm really under the cosh?" Another example: if this person eats her lunch of egg sandwiches (or tuna? Is there any smell worse than tuna?) incredibly noisily, can't one of the team point this out (delivered with a smile on his or her face to show it is meant kindly)? "Crikey, Sarah. They can hear you in China!"

Q We have a partner who is really not busy at all, though his team is fairly active and the numbers aren't too bad. But we are concerned for the future.



What now?

A I suspect that this is a lot more common than partners and firms let on. We all know that partner sat staring at his screen, flicking through emails. But we need to work out why he isn't busy. This could be for any number of reasons, such as: his business development skills are lacking, his practice area is suffering, he is very good at managing his team and happens to have some very competent members who don't need him much, or, structurally, perhaps the firm is top-heavy. Work this

out and a plan could emerge which might involve training, restructuring, or conceding that this is a temporary situation and just let it pass. You could also try giving him stuff to do – surely there's a compliance manual to read or a review which is long overdue. **LPM**

Polly Jeanneret is an expert in HR and an employment lawyer at Halebury to boot – she's seen and heard it all.

Send her your HR questions: ASKPOLLY@LPMAG.CO.UK

THIS MONTH
IN NUMBERS

OVERLY CYBER CONFIDENT?

RESEARCH FROM INSURANCE BROKERAGE WILLIS TOWERS WATSON SUGGESTS THAT UK CORPORATE CONFIDENCE IN CYBER PROTECTION CONTRASTS WITH LACK OF EMPLOYEE AWARENESS OF THE THREATS

63%



of UK businesses believe they're highly protected from cyberattack

But

46%



of employees spent 30 minutes or fewer on cybersecurity training in 2016

And

27%



of employees received no infosecurity training at all in the same year

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YOU'RE HIRED

EDWARD O'ROURKE, CEO



“ *Students deciding to look at alternative routes into the profession aren't any less intelligent or able than their predecessors.* **”**

Many established law firms are making gradual ongoing changes to their staff structures in the interests of efficiency and profitability. But new entrants to the market are setting up with entirely different people structures – and many are building their businesses with the hard work of apprentices.

The opportunities to hire and develop apprentices in law firms are now better than ever before – primarily because of the new apprenticeship levy introduced in April 2017. Any employer with a pay bill over £3m a year is required to pay the levy monthly – so many medium-sized and large law firms have already made their first payment and, as costs are often firms' largest overhead, smaller firms may also be hit. The aim of this new 'tax', of course, is to encourage more apprenticeships – as levy-paying employers can now create an account to fund apprenticeships.

Within the modern law firm there are many areas where employing apprentices may be appropriate. In my own firm, for example, we have apprentices in legal teams and in support functions. The most appropriate type of apprenticeship will depend on the individual circumstances.

However, one form of apprenticeship that has recently been gaining publicity is the trailblazer apprenticeship for solicitors. This provides a route to qualification as a solicitor within the same six-year timescale as the

traditional degree route, but allow an income to be earned while learning. The learning is blended with one day a month of tuition, one day a week (including the tuition day each month) studying, and work the rest of the time. The entry requirements are a minimum three Cs at A-level.

The push by the government to see more employers offering apprenticeships, coupled with rising costs of higher education, may lead to a shift in the route to entry in the profession. While I don't anticipate an end to law firms recruiting trainees from universities, it may not be long before future solicitors in a law firm will be a blend of apprentices and trainees.

Making use of the apprenticeship fund is an incentive for the law firm, and the ability to become a solicitor while earning will be an incentive for bright A-level students who are unwilling or unable to commit to the high fees and career uncertainty of the degree route.

Overall participation in higher education has increased from 3.4% in 1950 to 38% in 2016. This rise in the number of students moving into higher education has led to supply of graduates outstripping the positions available. The more recent trend of rising tuition fees may be the beginning of the reversal of this trend. Those students now deciding to look at alternative routes into the profession aren't any less intelligent or able than their predecessors who may have seen university as a more automatic choice. More and more firms are looking to train their solicitors in their own way – there's been a rise in tailored LPC courses to facilitate this – and the apprenticeship route enables this to happen in an environment embedded within the firm and over a six-year period. **LPM**

ABOUT

Edward O'Rourke
CEO
Ashtons Legal
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Ashtons
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WEAVE YOUR WEB

FRANK SAXBY, PRACTICE DIRECTOR



Is it just me or are headlines so often taken up with the 'one thing' approach to life? I constantly see articles entitled: "The one superfood you must have," or "The one product to keep you young." In our busy lives it's very seductive to be assured that this one big thing is the panacea we've been seeking – no matter what the problem is – which is perhaps why this approach can also be seen in businesses such as law firms.

Don't get me wrong, I'm all for keeping things simple – just not simplistic. Focusing on one thing threatens a form of reductionism, a myopia, taking us away from broader integrated strategies – those patterns in a succession of decisions that are the key to innovation and growth in an ever-changing environment.

This is not to say that sometimes doing one thing can't make a difference – but as part of a wider whole. Contradiction? For sustained success, single actions must be reinforced, meaning integrating different aspects that support and strengthen one another. For example, many small and medium-sized law firms struggle with marketing. Attention to it often fluctuates with workload and loosely comprises some networking, often-expensive advertising, possibly an underused CRM and, of course, the required website.

Take that website – even with the advances in social media, it's still often thought that just having one is good enough. Not so. This would be like attending fitness classes and watching rather than participating, but still expecting the beneficial results. It just doesn't happen.

So, if the one big thing was to review your website, how might this be woven into a broader picture that can deliver tangible returns on your investment? Engaging in a thorough review of your website should prompt some critical self-examination in some fundamental areas requiring you to 'helicopter' between strategic vision and ground level, hands-on implementation.

Take one aspect. Your website is your virtual shop window on the world – it is you on the web – but who are you, exactly? What is your firm's brand or personality? Time spent questioning and determining this is time well-spent. It is an opportunity to create a specific perception in clients' minds concerning the qualities and attributes of your legal services.

This is what you want your site visitors to think of when they see and hear about you, both factually and emotionally. It is instrumental in further stages of the website's development, from its purpose and preferred communication through to actions from SEO to social media activity.

It doesn't stop at that. Strategically and operationally there are implications for how client instructions are met, managed and undertaken. The external personality has to be complemented by that of the internal personality, cementing a culture of 'what we say is what we do' and so going round the loop, affirming client expectations and promoting the brand.

These are integrated actions that together have tangible beneficial returns on your investment. Perhaps the old saying "excellence is a thousand things done better, rather than one thing done well," has it. **LPM**


ABOUT

Frank Saxby
Practice director
Burgess Mee Family Law
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BETTER DATA, LESS RISK

GRAHAM MOORE, THE DATA GURU

One aspect of management law firms fall short with is using data to minimise risk.

Risk is a very broad topic that must be considered by all firms from financial, regulatory, legal process, business environment, physical environment and reputational angles. Some risk areas are clearly outside the scope of data held by firms – for example, the risk of flooding. But other risks, particularly financial, regulatory and legal process can be easily measured and monitored using existing systems and through better use of collected data.

Take financial risks associated with cashflow, for example. Running out of cash has been the primary cause of law firm failures in recent years, yet monitoring and even predicting cashflow is a relatively straightforward process, providing the right data is available.

A subtler cash-related risk is non-payment of bills by clients. This is a well-aided theme of many law firm management consultants today, and the consensus is that the best way to avoid debtor disputes is better communication – updating the client before costs exceed estimates. How do law firms make this happen? They simply need to make every fee earner responsible for recording a costs estimate and updating it, with client agreement, every time actual costs approach the estimate. Make this into two performance KPIs – number of matters with no costs estimate and number of matters within X% of costs estimate – and then monitor with the usual carrot and stick.

Not only will such a process encourage the right behaviour in the future, it will also give firm management an ongoing measure of the value of this particular risk – unless of course they would rather not know.

In a recent survey of our own clients, the majority (over 70%) stated that primary responsibility for managing risk lies with the compliance officer or managing partner/director. While these individuals may carry a regulatory responsibility, I would argue that most risks are effectively managed at the coal face. The centralised management of risk across an entire firm is a daunting and, some would argue, impossible task. Surely devolution of responsibility is the only way to effectively ensure all risks are effectively surfaced and appropriate follow-up action is taken.

In our experience, most law firms have significant amounts of risk data buried in practice management systems. The problem they face is in extracting useful information from that raw data. We find firms are often able to point to data relating to missing client care letters, file reviews, client identity checks and undertakings not discharged. They also have data relating to potential accounts rules breaches, inactive matters (potential complaints) and limitation dates. What they lack is a systematic approach to turning this data into actionable information, assessing the overall risk to the firm and communicating that to all stakeholders.

There are three principles I would always advocate for a data-driven approach to minimising risk. First, record all the data – information in people's heads is no use if you want an objective approach to management. Don't use spreadsheets – Excel is a great tool for the right job, but there is no substitute for a centralised database. And finally, devolve responsibility and communicate – set KPIs for all staff relating to risk and then ensure they have easy access to those KPIs. **LPM**



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LPM LONDON CALLING

NATASHA RAWLEY, THE FILE QUEEN



Happy July LPM readers – 2017 is really flying past us. I'm sitting down at File Queen HQ to write this column and thinking about everything that has happened over the past few weeks.

One of the highlights for us was attending and exhibiting at the brilliant 2017 LPM London conference in May. We love this conference obviously because we are part of this super SME legal community – and it gives us great insight into our clients' concerns and what challenges they'll soon face.

By spending some time with conference attendees, including several current clients, it's clear to see that most practice managers have three main concerns at the moment: IT security, the EU's General Data Protection Regulation and operational costs.

We discussed information security in LPM's June column after the horrific WannaCry attack on Europe, which had a devastating impact on the NHS. It's clear from the conference that this issue is only growing in concern and cost. A sobering statistic uncovered during one of the conference's straw polls was that just over half (51%) of SME legal business respondents have fallen victim to cyberattack. It was pointed out that the other 49% just might not realise they've been hacked – of course, there was no evidence to back this up – it was said largely to make the audience aware of how long some cyberattacks go undetected. That was certainly a very scary thought.

As the day progressed, the GDPR became the main focus of conversation. I was lucky enough to be invited to

participate in a brief GDPR presentation on how it has impacted our clients and how we have helped them make changes in process and practices to prepare. I'm so happy to say the presentation, which you can download via our website at www.archivestorage.net/GDPR had great feedback. I will mention again that no little chicks were harmed during the making of the presentation – since they were just toys. Don't get the joke? See the

presentation to find out.

An underlying yet powerful current at the conference was the pressure placed on practice managers to lower operational costs – which is even more intense than it was in the past. It seems that with the uncertainty of Brexit (how it will look, and what the impact will be), practices are becoming very concerned about the state of the economy and whether we will see an economic flatline – or worse, a dip. I'm sure this pressure has only increased with the recent election results. It is a worrying thought – it only just feels like the UK economy has recovered after years of struggle.

The impact of this issue was so powerful that in our next column we are going to be visiting some ways we have helped clients to lower operational costs internally in the past – using examples from our case studies.

Remember, in the meantime if you have any questions, pop me an email at filequeen@archivestorage.net. **LPM**

“An underlying yet powerful current at the LPM conference was the pressure placed on managers to lower operational costs.”

ABOUT

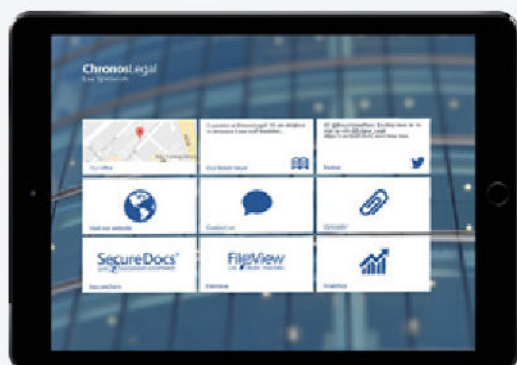
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RENEWAL BALLGAME

JANINE PARKER, THE BROKER

“ *There are many reasons to be cautiously optimistic about the forthcoming renewal. But we can never be 100% certain about the challenges ahead.* **”**

Insurers are now, unbelievably, preparing for the October 2017 solicitors professional indemnity insurance (PII) renewal season – much to the delight of law firms around England and Wales, I'm sure. What can we expect this year in terms of pricing? And what should firms consider when choosing their insurer and insurance partners?

Over the past five years, premiums have gradually reduced. This followed some challenging years from 2008 to 2010, when many insurers felt the impact of the credit crunch and recession. Since then firms have enjoyed a greater choice of A-rated insurers, and prices have dropped because of this competition. But the economy is cyclical and this trend can't continue forever. While the claims environment is still relatively benign, attritional claims still occur.

Wills, trusts and probate are areas of practice where claims continuously manifest themselves, regardless of where we are in the economic cycle. In addition, claims in conveyancing still lead the way in terms of both volume and quantum. If we factor in cyber fraud losses involving the client account, one can see that it would not take a much of a shift in market conditions for a portfolio to become loss making.

Insurers are conscious of this and it has to be questioned whether rates can decrease much further without making insurers too vulnerable. Therefore, what should be your priority when renewing your PII?

Most firms put price as the number-one factor when deciding on an insurance provider, but clearly this shouldn't be the only consideration.

The financial rating of an insurer as well as their reputation should also be a factor. How long has

your insurer been in the market? Do they have a consistent and long-term underwriting strategy that seeks to deliver stable prices for your practice?

Continuity of insurer is also important. Should the market turn, those firms that have demonstrated loyalty will find themselves in a much stronger negotiating position. If an insurer sees that a firm has changed carrier every year, it could be questioned whether that insurer would work as hard to win the business of a firm when in all likelihood they will lose it the following year.

Transparency is also something a firm should consider. Ask your broker to explain the underwriting process – often, understanding how your insurer calculates your premium can assist your practice with business strategy in the future. For example, if offering conveyancing is costing you £10 on PII for every £100 you earn in fee income, questions about pricing or the viability of undertaking such work should be asked.

Finally, ask your broker whether they have direct access to your insurer – this is the best way to ensure your risk is most accurately broked and the most competitive terms are obtained. When brokers need to access other brokers (as they do not have the relationships themselves) information can become diluted. The process becomes less effective at achieving the best outcome for your practice. Problems are also likely to arise regarding handling claims efficiently and obviously there's a risk of being overcharged for broking services.

In summary, there are many reasons to be cautiously optimistic about the forthcoming renewal. That said, we can never be 100% certain about the potential challenges ahead. **LPM**

ABOUT

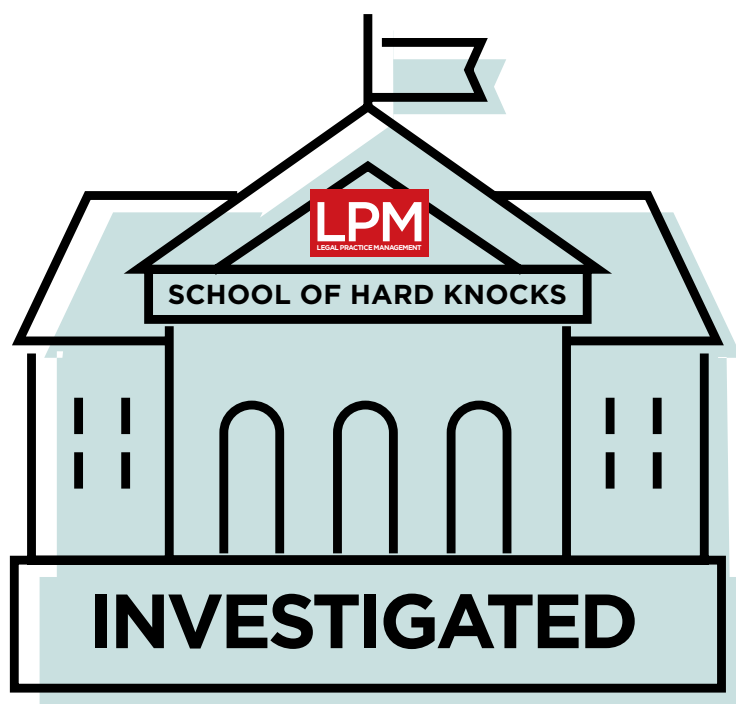
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LESSON: HOW TO HANDLE AN SRA INVESTIGATION



Barry Davies, practice director at Swansea firm Douglas Jones Mercer, tells Patrick Wingrove about the lessons he learned when his firm was investigated by a legal regulator

In a world where law firm regulation is stricter than ever, it's enormously important for firms to maintain high regulatory standards. But if a compliant firm is investigated by the Solicitors Regulation Authority, what should it do?

Barry Davies, practice director and COFA at Swansea firm Douglas Jones Mercer, says he learned some hard lessons after receiving an SRA letter telling him the firm would be visited within a week.

"I soon found out that our COLP and former COLP had also received letters, so I wasn't alone – but this news was hardly of any comfort." He adds that he knew the investigation couldn't be random as the SRA has abolished monitoring units.

"The regulator was coming over because it had spotted something in our firm that it didn't like – and if during its visit that was confirmed, it could lead to the firm shutting up shop."

Davies says that the most pressing question on his mind after getting his letter was: "Why are they visiting us, and what do they know that we don't?"

He considered the possibility that the firm was reported by a disgruntled former employee or client.

"I thought the visit was probably down to someone making a mountain out of a mole hill – but I also thought: 'What if it's much worse than that and we have a rogue employee doing something unethical or illegal in the background?'"

The outcome of the investigation was that there were no issues of concern to the SRA –

but Davies says it was still an immensely distressing experience for the leadership and that they've taken steps to ensure the firm never breaches regulation.

"Unfortunately, very few investigated firms reach such a positive outcome. It's hugely important for them to take investigations seriously and undertake regular compliance training to ensure an investigation like this never happens."

PLAN OF ACTION

Davies says that if a firm is chosen for investigation the visit should be treated with the utmost urgency – especially as the SRA only gives seven days' notice to prevent any creative bookkeeping.

"The letter will not inform you precisely of what is being investigated, which can be quite disconcerting. But it's important not to simply spend the time speculating – use it positively to ensure you're not falling foul of compliance standards."

After receiving the letter, Davies immediately approached the firm's board of directors to inform them of the investigation and work out a plan.

"I had to convey the seriousness of the matter to the board, because if the SRA investigator discovered something he didn't like it could create adverse publicity for the firm and have damaging effects on an individual's career. We were determined to find out why we were being investigated."

Davies and the board concluded it was vital for them to consult an external adviser and brought in a professional practice lawyer

to look through the business.

"Having guidance from a lawyer who regularly deals with matters before the Solicitor's Disciplinary Tribunal was invaluable." He told the consultant-lawyer that as far as he knew Douglas Jones Mercer was a good firm that took compliance very seriously, and was keen to find out with the lawyer's help what could have compelled the SRA to launch an investigation.

"Unfortunately, the external lawyer couldn't find a specific reason why we might have been chosen for an SRA visit – we could have been reported by a disgruntled employee or client, or the matter could be a lot worse. He actually confirmed management's thoughts by saying that at an initial glance of the accounts and claims history, we were clearly a good firm." The firm had to wait until investigation day to find out what the 'smoking gun' was – but in the meantime engaged in a thorough review of the firm's processes to ensure everything was in order.

Over the following week the firm also engaged in a 'crash course' of the Accounts Rules, ensuring the firm wasn't offering any kind of 'banking facility' to clients, was reviewing balances regularly, that the client account reflected underlying legal transactions, and that there were no serious breakdowns of systems and procedures.

"The review was a great crash course refresher on the obligations of the Solicitors Accounts Rules – which was a good exercise in any event."

SRA DAY

Though the SRA doesn't have entry rights into a regulated firm, they expect co-operation and it's important to give it, says Davies.

"I greeted the SRA's forensic investigator, who was very professional and encouraged by the fact we'd taken the matter seriously by engaging experienced legal representation. He explained that the reason for our investigation was a qualified audit

"It really did put the shot across our bows but we got our clean bill of health."

report." Davies says he thought this was a peculiar reason to be investigated as, like many other firms, it's not unusual to receive a QAR from accountants – "but the investigator wanted to make sure everything was in order."

The investigator requested a series of files from the account balance listing for review and asked a series of questions before informing Davies that the outcome letter would arrive in due course.

"We received that letter two months later, which outlined that the regulator was satisfied that there were no issues of concern. It really did put a shot across our bows, but we got our clean bill of health."

But, Davies adds, not all firms come out so well from such an investigation and the leadership was driven to ensure an SRA visit wasn't invited again.

"It's important to take compliance training very seriously – we now undertake regular review of the accounts rules to ensure compliance is at the front of fee earners' minds. We also ensure that management keeps up to date with compliance updates from the SRA and Law Society." He adds that a lot of firms are also not as aware as of the code of conduct as they should be, and must have a session on it every year.

Finding out that the firm is under investigation is frightening news for law firm managers – particularly those responsible for compliance who could face personal penalties if the firm is in the wrong. Davies says that, for an honest firm, not knowing exactly why an investigation is being undertaken is daunting, but it's important to use time constructively.

"Take the visit seriously, review the firm's practices, take external advice and ramp up compliance training to reduce the chance of an investigation happening at all." **LPM**



LPM FIRM FACTS

Douglas Jones Mercer

Revenue: £3.5m

Corporate status: Limited company

30 fee earners, 50 total staff

Offices: Swansea

WHAT TO DO

Barry Davies, practice director and COFA at Swansea firm Douglas Jones Mercer, on what firms should do if they face an SRA investigation – and how they can help avoid one altogether.

1 Always engage professional advice if you receive an investigation letter from a regulator – even if you have excellent staff, they don't deal frequently with investigations.

2 Ensure compliance is at the forefront of your fee earners' minds.

3 Undertake regular training on the SRA Accounts Rules, which are likely to change in the near future, and the code of conduct for all staff.

4 Keep up to date with compliance news from the SRA and the Law Society.

5 Don't underestimate the investigative power of the SRA and stay abreast of your obligations. Be honest and open with them and don't tell them what you think they might want to hear.

6 If you are investigated don't overspeculate – you may never find out what prompted the visit.

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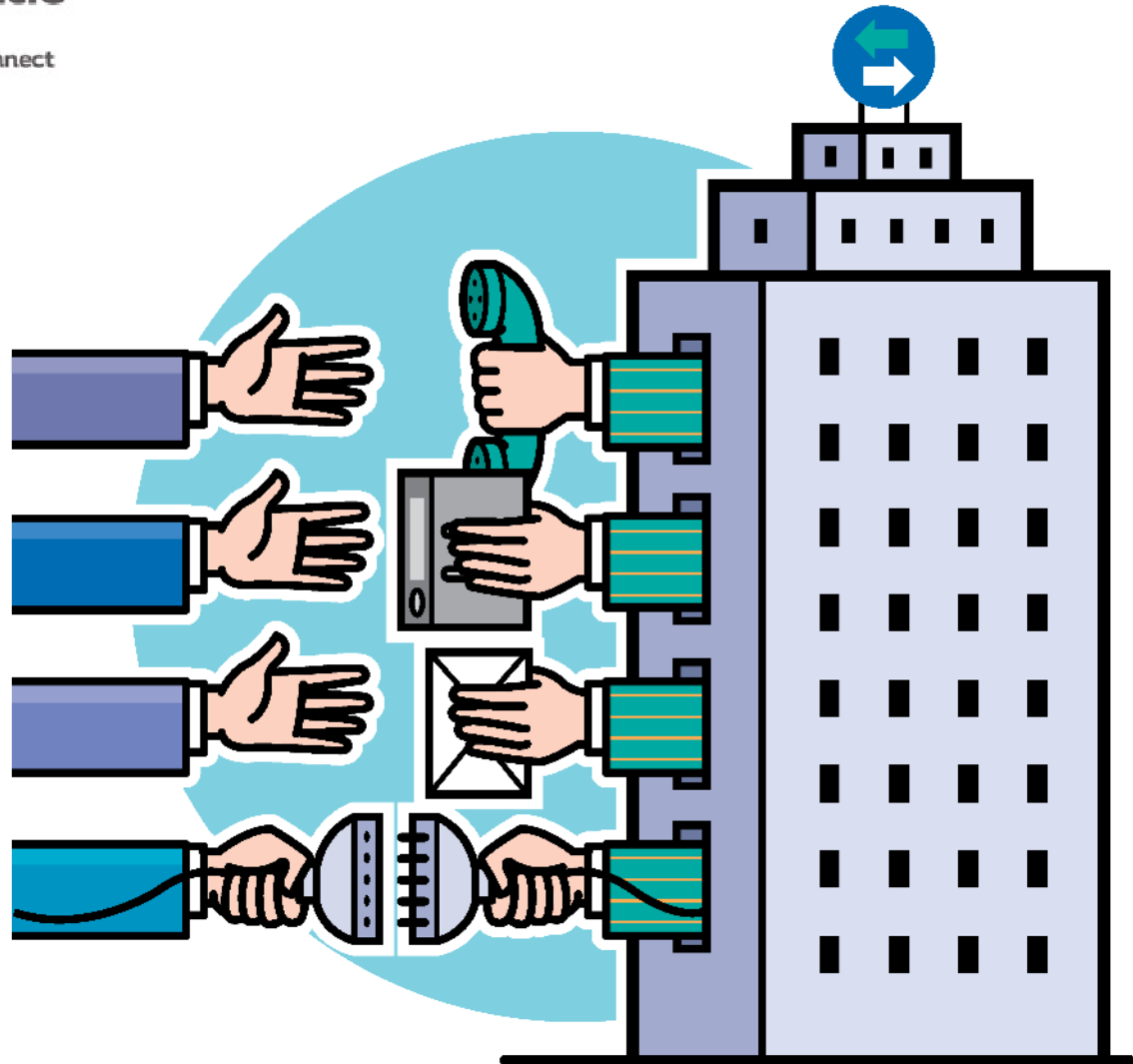
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LEGAL PRACTICE MANAGEMENT



OUTSOURCE AND PROSPER

*How can SME firms make
outsourcing work for them?*



Outsourcing is the delicious condiment that helps make law firms the best they can be – but it can leave a nasty taste in the mouth if not used right

We wanted to find out how firms can make a success of outsourcing, and reap the full benefits of handing over functions to businesses that have the resources to do a better job of it than them.

To outsource successfully firms need to know what they're getting into. A good manager wouldn't dream of hiring someone who didn't know what they were doing or didn't fit into the business, and would expect to work closely with that employee. The attitude to a third-party provider should be no different – and if firms get to grips with that, providers can become an integral part of the business and help deliver competitive advantage. **LPM**

Patrick Wingrove, supplement editor
@LPMmag | patrickw@lpmmag.co.uk

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SUCCESS AS-A-SERVICE

Can SME firms reap the benefits of outsourcing? Patrick Wingrove speaks to legal management leaders to find out how firms can make a success of the as-a-service way

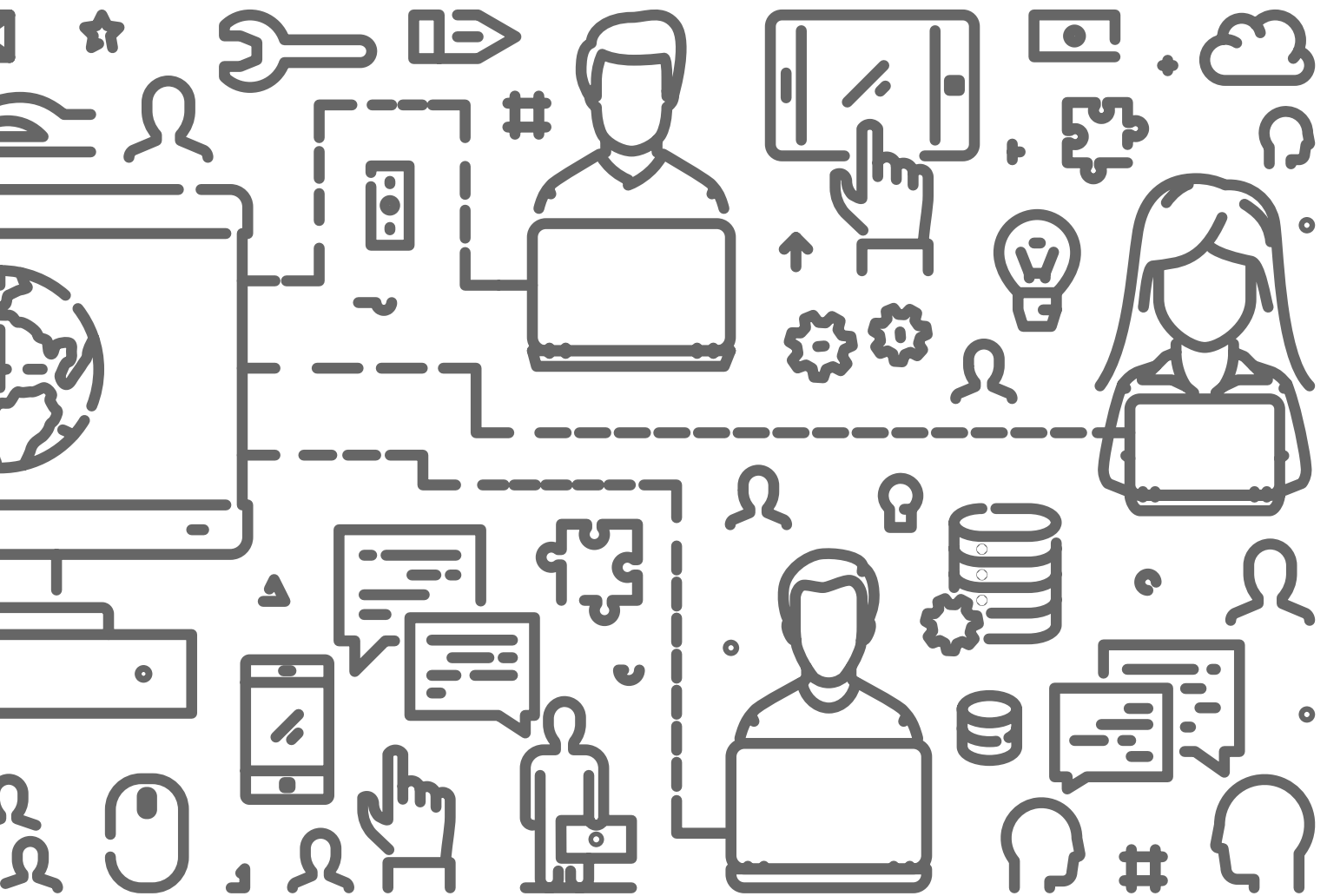
Outsourcing is popular with UK businesses – according to a report from technology research firm ISG, EMEA combined sourcing and as-a-service market insights, the value of UK outsourcing contracts in 2017's first quarter was a record £1.1bn. This figure is perhaps unsurprising since as-a-service can be enormously beneficial to businesses – particularly SME firms that couldn't otherwise afford high-quality products or services. But outsourcing doesn't always work out – City firm Bevan Brittan ended its six-year outsourcing agreement in May 2017 because it wanted to manage the quality of services

in-house. So, how do SME firms ensure an outsourcing adventure is successful?

Joanna Kingston-Davies, COO at Liverpool-based Jackson Canter Group, says firms can reap enormous benefits from outsourcing – especially as the industry has become so flexible that a firm can choose to outsource part or all of a function.

"But firms shouldn't go outsourcing mad. The decision to hand over processes should be based on the business's strategies, objectives and priorities. They need to ensure the endeavour is worth their time by working out if they could achieve a better result more cheaply in-house."

It's also important for firms to conduct due



diligence on any provider that they might consider working with to ensure reliability, quality of service and compatibility. Robert Morley, COO at new-model firm Excello Law, says it's important for firms to be sure a provider has a compatible culture so they can be an effective business partner and not just a service provider.

"It's obviously important to ensure third-party providers have a strong technical ability to mitigate risk. But the key to making outsourcing work is compatibility – if the businesses work together well and have shared values, both can reap benefits from the relationship."

But risk doesn't end once the contracts are signed and the service has started – firms also need to manage their relationship with a third-party provider to ensure they're not putting the firm in jeopardy, they understand the changing needs of the business and continue to provide a high-quality service. Samantha Furley, marketing manager at Bristol firm Barcan+Kirby, says the amount of time spent managing providers will depend on the function outsourced – but in any case it's important to maintain the relationship.

OUTSOURCE WHAT?

There are numerous benefits to outsourcing processes, including cost savings, agility, access to better knowledge or products and improved efficiency. Jane Pritchard, systems and business development manager at London firm TV Edwards, says what and how much a firm

outsources should depend on the firm and what it wants to achieve.

"Outsourcing, when done right, can deliver significant competitive advantage to firms – particularly SME practices that perhaps otherwise couldn't afford such high-quality products or services. But firms need to work out exactly what it is they want from something-as-a-service – whether that be driving efficiencies in finance or improving cybersecurity and business continuity plans."

Furley at Barcan+Kirby agrees with Pritchard, and adds that her firm outsourced part of its marketing function to improve brand development and recognition – something it couldn't have achieved without external help.

"It wouldn't make sense for us to outsource the whole marketing function as it can be done cheaper and maintained in-house. We outsource operations that we don't have the time or skill-set within the firm to do, such as SEO or PR. We've launched two very successful PR campaigns as a result."

She adds that a key benefit of outsourcing this function is that the firm has the flexibility to upscale resources for big marketing projects and descale when they're completed. Kingston-Davies at Jackson Canter adds that outsourcing other functions, such as IT, also provides a level of flexibility that couldn't be achieved in-house.

"Lees Solicitors was acquired by Jackson Canter last year and the transition was made

AGREEABLE OUTSOURCE

There are many considerations law firms must make when choosing a third-party provider to take over a function of the business, including:

- 1 Regulatory compliance:** ensure your contract covers current and future legal regulation and the provider knows your obligations.
- 2 Regular reviews:** build regular meetings into the contract so you can effectively manage your relationship with the third-party provider.
- 3 Cultural fit:** it's important that the provider has the same values as your business. If they don't, the relationship may fall apart quickly.
- 4 Know what you want:** firms should know what they want to achieve before they sign anything – whether that's access to tech or reducing costs.
- 5 Prepare for change:** make sure you have an exit strategy – just in case an outsourcing arrangement no longer delivers a competitive edge.



“It may sound obvious, but always ask more than one vendor to tender. The difference in cost and service offering can be vast from one provider to another.”

Joanna Kingston-Davies, COO,
Jackson Canter Group

much easier because the former had an outsourced, cloud-based infrastructure that could be reversed into the latter.” She adds that outsourced IT would be beneficial to other firms looking to scale like this.

But expanding IT isn't the only factor firms must consider when scaling – during a period of rapid organic growth, back-office functions may also become strained. Gemma Garen, head of quality and compliance at Essex firm Ellisons Solicitors, says her firm began outsourcing payroll to support the accounts department during a growth spurt.

“We were taking on twice the amount of work in a short space of time but didn't want to bring on more staff to deal with just payroll, which is a relatively simple process. Instead, we gave payroll to a third-party provider – which freed up our accounts team's time to do more valuable work such as salary reviews, which are enormously helpful for retention.”

She adds that another key outcome of outsourcing payroll was it became more efficient and reliable because their provider had the expertise and time to deliver a high-quality service. Better knowledge of products or services is a key benefit of outsourcing – which is why Morley at Excello says firms should consider outsourcing any function that isn't core function and doesn't deliver competitive advantage.

“I think firms should consider outsourcing anything that doesn't directly contribute to the delivery of legal services. A law firm's business objective isn't to provide the best HR services, for example, so why not find a business whose entire raison d'être is that and make them a

business partner?”

PICKING PROVIDERS

Once a firm has decided on its outsourcing strategy, it needs to find the right partner.

Kingston-Davies at Jackson Canter says that the adventure should start with a tendering process. “It may sound obvious, but always ask more than one vendor to tender. The difference in cost and service offering can be vast from one provider to another – and it gives the firm leverage to negotiate a more competitive deal.” She adds that once a firm has created a shortlist of partners, it needs to weigh each one carefully.

“Businesses must do their due diligence. You don't want to find out that your chosen company to outsource IT, for example, has cashflow problems and won't be able to sustain your infrastructure very long.” She adds that due diligence is complicated and firms may want to consider bringing on a specialist adviser to help identify providers that will add value to the business – outsourced help for outsourcing.

Perhaps the most important issue to cover in the due diligence process is compliance. The SRA says it's a firm's choice whether they outsource, but they must maintain high professional standards and assess and manage associated risks of outsourcing. Pritchard at TV Edwards says: “You may think that because a provider has a good reputation for legal outsourcing that they will be compliant, but you can't make assumptions. The firm's compliance manager should carry out due diligence to ensure processes and contractual arrangements are in line with regulators' requirements.” She adds that there are many other considerations for outsourcing, including length of contract and whether there's a 'get-out' clause in case circumstances change, which is why due diligence is so important.

But due diligence may be as much about scrutiny internally as externally. Garen at Ellisons says it may be the firm's management that causes an outsourcing agreement to encounter problems.

“We did a great deal of due diligence on the provider but missed a few problems within the firm. Our provider has state-of-the-art tech, but it

LPM FIRM FACTS

Excello Law

Revenue: £7m

Corporate status:
Limited company

85 fee earners,
105 total staff

Offices: London, Liverpool,
Leeds

LPM FIRM FACTS

Ellisons Solicitors

Revenue: £12m

Corporate status: LLP

89 fee earners,
180 total staff

Offices: Colchester, Ipswich,
Clacton, Dovercourt, Frinton

**LPM FIRM FACTS****TV Edwards****Revenue: £7m****Corporate status: LLP****100 fee earners,
130 total staff****Offices: London****LPM FIRM FACTS****Jackson Canter Group****Revenue: £12m****Corporate status: LLP****126 fee earners,
260 total staff****Offices: Liverpool,
Manchester****LPM FIRM FACTS****Barcan+Kirby****Revenue: £8m****Corporate status: LLP****75 fee earners,
156 total staff****Offices: Bristol**

wasn't compatible with our legacy systems – with anything technology-based it's important to make sure you can support the provider as much as the other way around." She adds that firms may also need to consider the effect outsourcing functions might have on employees – who could become resentful of the new partnership or its processes.

"We found that employees had a problem with not receiving paper payslips anymore, which was something we had to acknowledge and explain to staff was better for the business. We learned a lot about human considerations during the process."

CULTURAL HARMONY

Outside practical risk- and finance-led considerations of outsourcing, the most important aspect of an outsourcing partnership to consider is compatibility. Third-party providers are business partners, and if a trusting relationship built on shared values isn't possible, the arrangement may be doomed to fail.

Morley at Excello says it's important to treat an outsourcing partner like an extension of the business – rather than just as a client-provider arrangement.

"Of course, firms must expect a certain standard of quality from an outsource provider – and they should be careful treat them like a partner if a mistake is made. You must treat their staff as if they're your staff and develop close executive-level relationships.

"I'm now at a stage with our provider that I can happily pick up the phone at 9.30pm and speak to their CEO about joint future strategies, just as I would an executive colleague."

Kingston-Davies at Jackson Canter agrees with Morley, and adds that if a provider is kept at a distance it may run parallel with the firm rather than provide a seamless integrated service.

"The provider must understand your business – warts and all – and get to grips with how people operate. If you outsource a client-facing function, such as the switchboard for example, it's important for them to understand the services you offer and your approach to customer care."

But, she adds, compatibility is also about shared values – because the provider's policies will reflect on the firm. "For example, we pay at least the living wage to our employees which is

quite a bit higher than minimum wage. I would expect any provider that we worked with to do that as well – even if they're more expensive than their competitors as a result."

RELATIONSHIP ADVICE

The process of mitigating risk doesn't stop after the provider has been thoroughly vetted. Though outsourcing offers enormous benefits to firms, it also opens up the firm to risk because processes are no longer directly controlled by the business.

Furley at Barcan+Kirby says it's important to develop trust with a provider but to work closely with them as well.

"I meet with our PR agency every month to discuss potential stories, angles we could work into the local press and where we are in terms of a campaign. A PR agency handles the firm's reputation, and we need to ensure that they're conveying the right message."

Garen at Ellisons agrees that regular meetings are important, but depending on what you're outsourcing there may be other ways to monitor third-party providers.

"We conduct regular audits and spot checks to ensure our provider is doing the payroll correctly. There's also an in-house administrator who can access the provider's files and make sure everything is in order." Firms also need to monitor the relationship from a quality-of-service perspective.

"You can't just outsource something lock, stock and barrel – you need to manage it and make sure the level of service you're receiving is consistently good." She adds that firms might also consider putting out a tender every few years to make sure they're getting the best service possible – even if they're already happy with their provider.

Outsourcing can help SME firms achieve enormous gains – but it can't just be a matter of handing over functions to a provider and hoping for the best. Legal leaders must identify where the business could benefit from outsourcing and choose a provider carefully. Perhaps the most important element of successful outsourcing from a commercial perspective is developing a good relationship with the provider – because there isn't much point in starting a new partnership if the firm isn't willing to work well with that partner. **LPM**

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BRIGHTER FUTURES



Nick Hayno, business development manager at Pulsant, on how outsourced IT helps firms attain competitive advantage and makes security easier

It wasn't too long ago that IT outsourcing was viewed with a heavy dose of scepticism – and perhaps rightly so. But after spending years perfecting its offering and overcoming some pretty bad press, it has proved to be a valuable service – bringing numerous benefits to SME businesses, such as greater flexibility, access to new technologies and improving productivity.

Indeed, there are many drivers for outsourcing IT functions – but perhaps the key one is cost savings. Looking at hosting as an example, firms wouldn't need to buy, maintain and manage servers onsite if they outsourced this to a cloud or managed hosting provider. And with no initial investment in hardware, firms could pay for cloud services from their operating budget.

That isn't to say, however, that outsourcing is without challenges – particularly in highly regulated industries such as the legal sector. Security has historically been a major barrier to outsourcing, particularly when it comes to cloud adoption or managed hosting. But those barriers are largely a thing of the past. Today, outsourcing IT can actually help SME legal practices to manage their security and compliance needs – and ultimately help them attain competitive advantage over larger rivals, which they previously couldn't have hoped to achieve.

While cost is a key driver to outsourcing IT, it isn't

the only one. A lack of skills, compliance issues, and even security are making cloud adoption a more attractive option. Firms, just like businesses in other sectors, operate in a highly competitive market – but SME firms have tight budgets and, like all other firms, are expected to make provision for IT security and compliance. But technology should enable firms rather than hold them back – and by having their IT managed, they can reap the full benefits of the latest information security technology and a team of cybersecurity experts that will spend their days making a firm's infrastructure more secure.

Cloud providers also typically invest more money, resources and expertise in security than SME legal businesses could. They also have the right risk-management frameworks in place and accreditations such as ISO27001, CSA Star for cloud security and Cyber Essentials.

Indeed, IT providers have a level of skill in-house that SME firms couldn't necessarily afford – but the benefits of that don't end at cybersecurity. If firms outsource their IT they could benefit from round-the-clock software maintenance – giving firms access to a state-of-the-art infrastructure at a fraction of what it would cost them to bring that facility in-house.

And part of creating a state-of-the-art infrastructure is giving SME firms access to technology they might otherwise have never used.



James Gilding, managing director at Mitle Connect, analyses the challenges of document processing – and how outsourcing document management could give SME firms a competitive edge

Managing physical documents, keeping track of that one version of the truth and getting hold of data when it's needed can be an enormous challenge for any business. In a world where there are more ways of capturing data than ever before, organisations are seemingly drowning in information – and on those occasions businesses come up for air, it can be hard to see the direction in which to swim.

With all the advantages technology can offer, it's no surprise that most are en route to a digital workplace in some shape or another – but this means many different things to different organisations. For some businesses, it's about embracing new technology to connect processes by automating simple tasks, while for others it's a simple matter of being able to scan documents and put hard copies in storage – so they don't have to pay for too much shelf space.

Phrases like 'big data' and 'data lake' can leave firms floundering as they try to navigate their way

through compliance with new data rules, such as the EU's upcoming GDPR, as well as information governance, while staying on course with day-to-day operations.

Perhaps the best way to remove the burden of document processing is by passing it on to someone else – a third party that you can trust and that has the expertise to do a better job of it than the firm could by itself.

The potential risk that outsourcing document processing could bring to a firm's information security could make them understandably nervous about handing it over to a third party. But just as a firm may employ specialists to take care of non-core activities such as accounting or cleaning, outsourcing document management should be on your outsourcing to-do list.

Document management specialists can help legal businesses manage the flow of documents and enable them to see the value of data they already own. Firms have case files, key information and a

wealth of research information, which could be in electronic or paper formats, with little scope to gain a robust search result.

Bringing together strands of existing document management processes will give firms the ability to drill down into the facts faster and more accurately.

An outsourcing approach can also provide a more holistic model to document management, allowing businesses to gain real insight into their operations through the data already held.

How firms manage, control, manipulate and interpret data is critical to their success, and document outsourcing could hold the key to releasing its full potential. Getting outsourcing right is a matter of aligning it to strategic priorities. Once the two have been aligned, an outsourced model can feed innovation and growth for the firm's core service offering.

Think about the journey a document takes in a firm – it might look a bit like this: create document, distribute document, receive document, save/destroy document, retrieve document for information, create new document and the cycle continues.

Each of those actions has several additional manual touchpoints which firms often take for granted – but all of them form part of an effective document management process. Touchpoints such as mailroom, printing, couriers, processing invoices, scanning, records management and archiving are key to the process.

Linking all of these processes together makes sense – not just to release people from the burden of document processing so they can focus on high-value activities by automating non-core tasks, but to give employees better insight into the business than before. This is known as document process outsourcing (DPO).

For example, if a legal business wants to know how to increase client retention, cross-

sell services, become thought leaders or understand how to improve profits and cashflow, they need to know more about how they arrived where they are – it's certainly not by luck. And if firms can analyse 'the five Ws' (who, what, when, where and why) and throw in a how, they've got a solid support system for decisions.

And then there is the cost attached to a poor document management process – paying full price for sending mail, to store

paper records and get hold of the paper records, for example. Then you add a layer of risk, compliance with GDPR, the potential for a data breach, and the inability to demonstrate an audit trail to show the chain of custody of business-critical information. It's not long before firms will

see that they can throw considerable resources into sorting fallout from this, while shelling out hard-earned cash to store paper they don't need.

Outsourcing document management will undoubtedly increase efficiency, save money and simplify the whole process – meaning staff will benefit from saving huge amounts of time and supporting the on-demand nature of business. As a result, firms become more informed, and can give greater insight to clients because they can access data to help understand them, identify trends and manage spend.

DPO enables firms to develop service solutions that best suit the business and its stakeholders – addressing unique business challenges along the way. Taking a collaborative rather than prescriptive approach also means firms can develop a document management relationship over time and have the service model built on trust and success.

Recognising that DPO needs to be applied in different ways based on market sectors and existing business set-ups is key to ensuring a successful outsourcing outcome – which can be a data life raft. **LPM**

“Bringing together strands of existing document management processes will give firms the ability to drill down into the facts faster and more accurately.”

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Into your circle

Could SME firms benefit from moving ownership of clients from partners to the business? Patrick Wingrove reports

Who should own a law firm's clients, the firm or the firm's partners? For some in legal, clients unquestionably belong to partners – which has a (traditionalist) logic to it, since lawyers are often clients' key point of contact and valued by their client following. But this view is bad for business, because it stops firms selling more services to clients and puts existing revenue streams at risk.

Scott Garner, head of business development at south east firm Rix & Kay Solicitors, says partners having ownership over clients gives too much influence to one person – which can hinder firms' ability to deliver real value and put them at risk of losing clients.

"If a partner moves away, the client, unless they have a relationship with the business, will likely follow. But it's also a cultural matter – partners who 'own' clients are encouraged to work in silos and won't refer clients across the business for different services." He adds that by institutionalising clients, firms can reduce the risk of losing them when partners leave, open new streams of revenue through cross-selling, and add value to legal services.

“*Fee earners need to realise that a firm is a team that works together, not simply a group of anarchists with a shared reception.*”

Mark Briegal, head of professional practices,
Aaron & Partners Solicitors

But if firms want to reap the benefits of shifting client ownership to the wider business, they'll need to make changes. Dave Grattage, consultant and former finance and IT director at West Midlands firm Lanyon Bowdler, says fostering client loyalty starts with better client engagement across the firm – particularly when onboarding a new client.

“If you ensure clients know more people at the firm and are confident their case will be progressed if their lawyer leaves, they'll be more likely to stay.” But, he adds, better engagement is also about getting the business to know the client, working out what other services they might need, and sharing that knowledge within the business.

“When partners work in silos their knowledge of clients stays with them – when clients are institutionalised, however, that knowledge can be shared, often with the help of technology such as customer relationship management (CRM) systems.”

CLIENT ONBOARD

It's important for any business to hold onto its customers – but as people-orientated businesses that offer relatively little differentiation from others in the market, client retention is perhaps even more important for law firms. As such, a key benefit of institutionalising clients is reducing the risk of clients leaving with partners, thus maintaining streams of revenue.

Mark Briegal, head of professional practices at north west and West Midlands firm Aaron & Partners, says that to foster client loyalty firms must introduce clients to multiple contacts.

“It's crucial that the client knows there's a team behind the partner and that if that partner leaves, the firm can progress their matter.” He adds that a good time to start the process is when new clients are onboarded – by ensuring they're introduced to teams rather than individual partners and informed of what each member contributes to the service.

“We ensure clients know who's working

on their case. I, for example, don't turn up to a client meeting and say: 'I'm your partner, I'll be handling your case'. Instead, I introduce other team members and say: 'We will be working on your case together – this person is 'X' and will be carrying out this part of the job, so please phone them with queries as well as me.’”

Another way of institutionalising new clients is by giving sales responsibility to business support staff, and changing the onboarding process so fee earners aren't the client's first point of contact.

Helen Bartlam, business development manager at Birmingham-based firm Davisons Solicitors, says that if new business teams source clients and onboard them, it encourages the idea that they belong to the firm.

“We feed clients to fee earners via the new business team – so a client's first point of contact is a business support team. As such, I think our fee earners appreciate that clients belong to the firm.”

Wendy Peffers, marketing manager at north east firm Gordon Brown, agrees with Bartlam but adds that firms may find institutionalising existing clients challenging – particularly if they face resistance from fee earners. In terms of creating client awareness of the business, she says existing clients should be introduced to someone from each department at some point.

“It's important for firms that want to retain clients to build relationships with them across the business – so that they understand what the firm does and are given a broad picture of how everyone contributes to their matter.”

Garner at Rix & Kay adds that firms with partners who would be resistant to this kind of change also need to make fee earner engagement a priority, and ensure they understand the benefits of clients belonging to the firm rather than to them.

“Where a partner has the original ownership, managers need to convey the benefits of client institutionalisation. The transition can enormously improve client service, and if partners know that, it might



encourage them to embrace the change.” He adds that the same process should be applied if a lateral hire brings a new group of clients – though managers may need to maintain an open mind about agreements over who their client base ultimately belongs to if they’re keen for that person to join.

IT’S WHAT YOU KNOW

Fostering brand loyalty among clients isn’t just a matter of making sure they know people, but delivering competitive client service across the business – which is much easier when client knowledge is shared rather than stored in one head.

Briegal at Aaron & Partners says that if clients belong to the firm, more than one employee will know about a client’s case

and that knowledge can be shared via CRM and case management systems.

“Having knowledge of cases at multiple points in the business allows them to be effectively progressed if a partner leaves, is taken sick or simply goes on holiday for a couple of weeks. This kind of sharing ensures that a client isn’t left frustrated that their case isn’t developing just because one person isn’t in the office.” He adds that ensuring clients can be contacted by different departments in the business enables improved client-engagement – which gives the firm competitive advantage by adding value to their services.

“A CRM system is great for targeting new clients but also maintaining contact with existing clients – seeing who’s been



to lunch with them recently, whether they've come in and spoken to someone, or whether they've been informed of our other products."

Perhaps the key benefit of better engagement and knowledge sharing enabled by institutionalising clients is cross-selling. Richard Wyatt, finance director at south east firm Greenwood's Solicitors, says that if the business gets to know clients it can work out what else they might need and how to better serve those needs.

"If the firm can discern what clients might want and keep them informed of its offering then it'll become invaluable. From a corporate law perspective, firms could develop relationships until they're seen more as a business partner than simply as a legal services provider." He adds that cross-selling services is also beneficial from a financial perspective, as it maximises revenue potential on each client.

Garner at Rix & Kay says that to maximise cross-selling potential his firm runs client listening exercises where non-lawyers meet with the business's key clients and referrers to give an overview of the firm's offering and find out what issues are affecting them.

"Clients tend to open up a lot more when they're speaking to someone they don't know about matters of new business. Such meetings are an excellent way to understand clients' needs – and are fundamental to institutionalising clients and broadening relationships." He adds that on returning to the office they can then communicate those challenges to the firm's teams and begin looking for opportunities.

But what about firms looking to improve client relationships across the firm? Peffers at Gordon says each client should be looked after as if they were the firm's best client – which is achieved, at least partly, with technology.

"It's about taking the time to build each client individually and understand their needs. Face-to-face contact is, of course, important, but firms should also use technology to achieve this goal. We are looking at improving our CRM system at the moment, so we can capture more data

about clients via portals." She adds that the firm currently uses a CRM system to manage sending out marketing materials once a case has been completed.

"We send out a leaflet to every conveyancing client along with their client care letter, which will say something like: 'Congratulations on your new house, now your circumstances have changed have you considered making or updating your will?' It's had an enormous impact – the wills and probate team has seen work rise by 50%."

CROSSING THE VOID

Aside from capturing clients' information through meetings and technology, a key way to maximise client revenue potential is getting fee earners to refer clients across the business. Bartlam at Davisons says that when fee earners own clients it's an encouragement not to refer them for fear of losing them.

"That's a problem, because fee earners are often the key point of contact for a client and are best placed to refer. If clients belong to the firm, fee earners are free to refer clients across the firm to other experts, which will improve client service and make the business more profitable." The challenge, she adds, is encouraging fee earners to cross-sell – which starts with breaking down silos.

"It's about encouraging employees to get out of their bubbles, have conversations with clients and listen and pick up on extra parts where they need assistance – then pass the client on to a colleague."

Briegal at Aaron & Partners says firms should break down silos and encourage cross-selling through education.

"It's important that fee earners know how important cross-selling is from a financial and client-service perspective. But fee earners should also learn about what their colleagues do and how they might be able to help their client. They need to realise that a firm is a team that works together, not simply a group of anarchists with a shared reception." He adds that his firm holds a 'lunch and learn' each month where someone from a department will talk about

FIRM FACTS

Rix & Kay Solicitors

Revenue: £6.5m

Corporate status: LLP

50 fee earners, 107 total staff

Offices: Brighton, Ashford, Sevenoaks, Seaford, Uckfield

Gordon Brown Law Firm

Revenue: £4.2m

Corporate status: LLP

54 fee earners, 89 total staff

Offices: Newcastle-upon-Tyne, Chester-Le-Street

Greenwood's Solicitors

Revenue: £8.3m

Corporate status: LLP

50 fee earners, 90 total staff

Offices: Cambridge, London, Peterborough

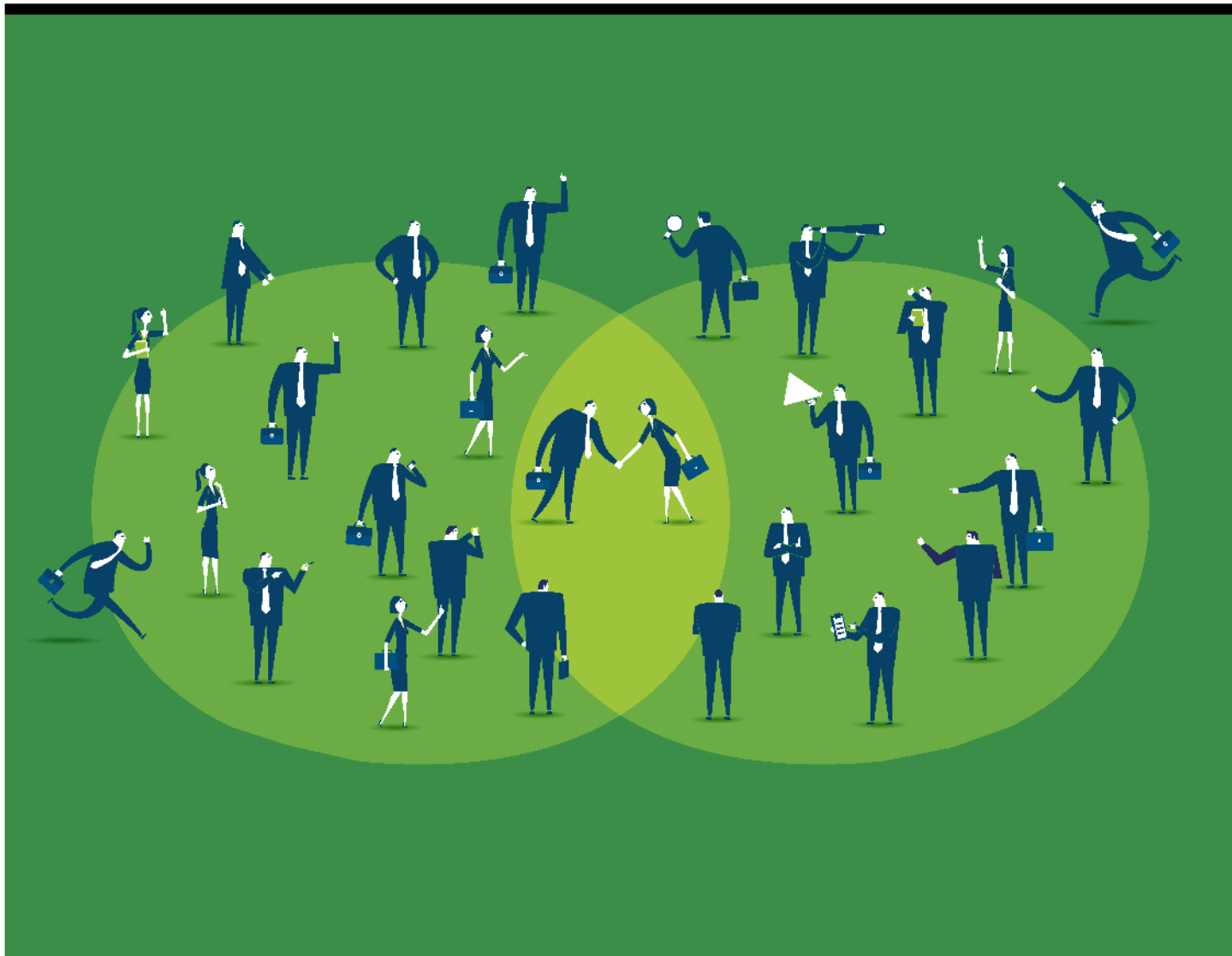
Aaron & Partners Solicitors

Revenue: £8.7m

Corporate status: LLP

68 fee earners, 118 total staff

Offices: Chester, Shrewsbury, Manchester



FIRM FACTS

Davisons Solicitors**Revenue: £7.5m****Corporate status: Limited company****40 fee earners, 136 total staff****Offices: Edgbaston, Colmore Row, Four Oaks, Solihull, Weoley Castle, Cotteridge****Lanyon Bowdler Solicitors****Revenue: £11m****Corporate status: LLP****100 fee earners, 228 total staff****Offices: Shrewsbury, Bromyard, Hereford, Ludlow, Oswestry, Telford**

what they do and the latest developments in their area of law.

"Someone might talk about the latest changes to inheritance tax, employment or property law or what can help clients in terms of environmental issues – which helps everyone get under the skin of what the firm does. It's a personal and interesting way of getting employees to learn about the business so when a client says: 'I'm having a problem with X,' it'll ring cross-selling signals in the fee earner's head."

But education is perhaps only half of the battle to encouraging cross-selling; the other is creating an incentive. Briegal says that if firms only judge fee earners on the billable hour rather than their ability to identify client needs and refer them to other departments, then they won't have a reason to do it.

"We have various targets that we expect fee earners to achieve, including cross referrals which form part of our rewards system. If there's no reward for cross-selling, the firm risks encouraging workers to focus solely on their hours."

But monetary gain isn't the only reward firms can offer for cross-referrals. Garner at Rix & Key says recognition for the referral could be a reward in itself.

"It's important that fee earners are recognised for being good at their job

and living up to their responsibility."

Bartlam adds that a networking event that gives fee earners a chance to talk about their clients' needs is also a good incentive for cross-selling.

"We run networking events at a local restaurant where food and drink is paid for and employees can talk among themselves about how to better serve clients in a personal and relaxed setting."

Or perhaps it should be a case of carrot and stick? Grattage at Lanyon Bowdler says firms should ensure fee earners are recording time spent on cross-selling as well as remunerated work.

"We monitor cross-referrals – we don't pay on that basis but it is taken into account, who's getting what. If a fee earner is underperforming in their cross-referral responsibilities, we can have a conversation and make sure they keep up with it in the future."

Institutionalising clients can be an enormous challenge for firms, but loosening lawyers' stranglehold over clients can enable enormous gains. Clients who are integrated into the firm are less likely to leave when their key lawyer does, and can be better analysed for services they may need. Lawyers will also be less likely to keep clients to themselves and encouraged to cross-sell – particularly if they're trained and encouraged. **LPM**

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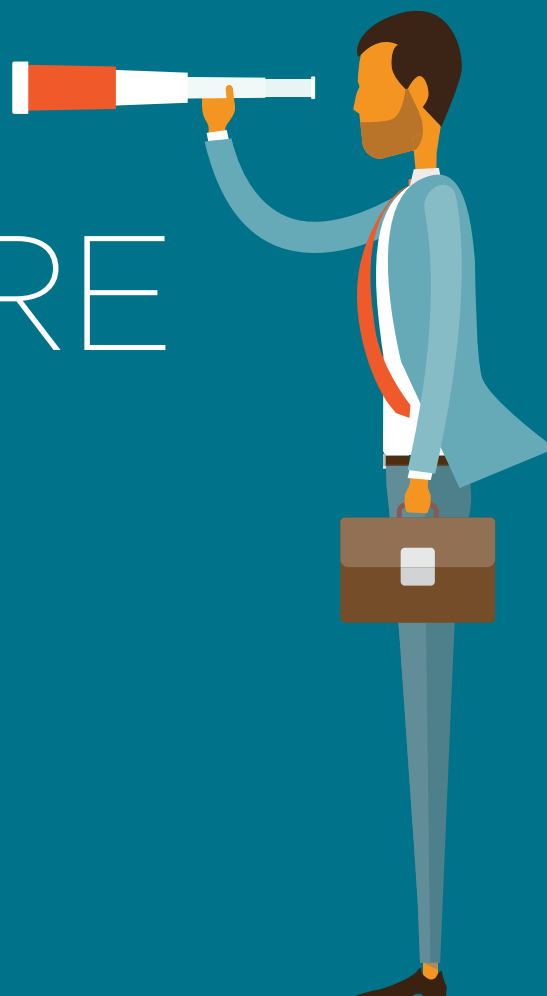
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WORKING TOGETHER

Phil Snee, development director at Linetime, on attaining competitive advantage with better collaboration – between colleagues and with clients

Greater competition and financial pressures are significant drivers for law firms to introduce efficiencies and become more cost-effective in an increasingly uncertain legal market. Phil Snee, development director at Linetime, says that a key way for firms to do both is by improving collaboration across the business.

"Collaboration is vital for any firm that wants to attain competitive advantage. Fostering cohesion within the business enables teams to progress cases faster by ensuring the right people are working on the right task at the right time." He adds that efficiencies are already built into team structures, because tasks requiring less skill can be passed down to junior team

members, freeing up the time of more skilled workers. But this process can be aided by automated collaborative tools.

According to Snee, driving efficiencies through collaboration isn't just a matter of creating cohesion within the firm but also fostering collaboration between fee earners and clients.

"Automated collaborative tools, such as Linetime's case management solution Liberate, can push work out to clients and provide them with insight into how their case is progressing – which improves client service and expedites matter completion."

But while collaboration is important to firms looking to gain a competitive edge, it shouldn't be sought at the expense of security. "Implementing improved

ABOUT THE SPONSOR

Linetime is a specialist provider of Microsoft-based practice and case management solutions. Clients include mid-tier law firms and in-house legal departments.

www.linetime.co.uk



interaction among employees and clients is enormously beneficial to firms, but they need to have a tool that ensures only the right people have access to the firm's information and that risk is mitigated to the greatest extent possible." Liberate supports risk management by ensuring documents and other forms of data don't leave the building and that interaction occurs behind a firewall – which is particularly important with the EU's General Data Protection Regulation taking effect in May 2018.

A VIEW TO COLLABORATE

Snee says that the key to collaboration is ensuring managers and fee earners have easy access to the necessary information. Case management systems such as Liberate provide a holistic view of matters and cases – enabling employees to see how cases are progressing, giving notifications of changes within the system, and sending out tasks for team members to complete.

"Sending out notifications is a particularly strong function in Liberate – from a main panel called Control Centre, managers and team members can send notifications to colleagues informing them of tasks that need completing or authorising, such as bills and expense sheets."

But perhaps most importantly, he adds, the Control Centre can also be used to send risk notifications and financial breach alerts.

"Firms are extremely security conscious – quite rightly, since they're subject to greater oversight by regulators and legislators than ever before – and skilled employees spend a lot of their time mitigating risk. But the Control Centre gives employees access to real-time risk indicators." He adds that by assisting employee's roles, particularly those of the designated COLP and COFA, they can spend more time adding value to their client service.

But improved collaboration isn't just about being able to notify staff of tasks, but also being able to work on matters simultaneously.

"Liberate allows multiple people to work on a project at the same time by facilitating document collaboration. Team members can invite colleagues to peruse and amend a document without leaving their desks – which helps cases progress faster and drives efficiencies."

In a world that's becoming increasingly mobile, it's also important for workers to be able to collaborate effectively while on the go, says Snee.

"A truly collaborative tool needs to give fee earners consistent functionality when they're working remotely. That's why Linetime has developed Liberate Voyager, which gives workers access to their case management system and the collaborative tools that come with that from their

mobile device."

Perhaps the key benefit of automated collaborative tools, according to Snee, is that they're adaptable and can be personalised to meet the requirements of individual employees or teams.

"Different departments within a legal practice have different requirements and different processes. If employees are to work in a collaborative manner then they need the relevant information at their fingertips, so their case management system needs to be adaptable and user-friendly enough to give them what they need."

CLIENTS WORK

But it's not just colleague interactions that need to operate seamlessly to drive efficiencies and make cost savings – clients also need to be engaged in the process.

Snee says: "Liberate B2C and the recently released Liberate Self-Serve enables clients to submit and receive instructions as well as review individual cases and matters via a secure internet connection."

He adds that by giving clients this level of input, firms can improve engagement, reduce

error rates, maintain a full audit trail of all transactions, and drive efficiencies by pushing out work to clients.

"Liberate already gave firms with commercial clients the ability to collaborate with them – but Liberate Self-Serve now enables private client firms to do the same thing. For example, the system allows

secure debit and credit card payments to be made online."

Snee says that in the past some firms have been reluctant to collaborate on this level with clients because it could open them up to the possibility of a data breach. But he points out that disseminating information via Liberate is significantly more secure than sending emails or physical documents to clients.

"Email accounts can be hacked and paper documents get stolen or lost. Notifications and files sent by Liberate B2C or Self-Serve, however, can only be accessed through secure log-ins. So, even if information is somehow mistakenly sent to the wrong person, it stays secure." He adds that the same functionality is present in Liberate Voyager – so if a fee earner's phone is left on the train or stolen, data remains secure.

Fostering a collaborative environment is vital for firms that want to drive efficiencies, offer a better client service and reap competitive advantage. Case management systems such as Liberate empower employees to streamline collaborative processes – not just between colleagues but with clients as well – while ensuring data is safe. **LPM**

“Collaboration is vital for any firm that wants to attain competitive advantage.”

AT ONE WITH THE FOURTH

Wayne Johnson, CEO at Encompass, speaks to LPM about how firms can ensure compliance with the EU's Fourth Anti-Money Laundering Directive at a reduced cost

Compliance is a growing burden. As well as having to comply with UK legal regulators, firms face a barrage of new regulations from the European Union – including the Fourth Anti-Money Laundering (AML) Directive, which came into full effect on 26 June 2017.

Wayne Johnson, CEO at Encompass, says the new regulation has a wide-reaching effect on the legal industry – impacting the steps firms need to take when onboarding new customers and keeping records up to date.

"It's estimated that £24bn a year is laundered through UK businesses – clearly, money laundering is a problem that needed to be addressed, but the new directive has had a huge impact on firms' operations." He adds that the Fourth AML Directive has forced firms to conduct extensive risk assessments, vet politically exposed persons (PEPs) and store customer records for up to a decade.

"Firms will have to collect more information from clients and then process that data to find out who they are dealing with. This is challenging for smaller firms with few resources and especially so for corporate firms." He adds that firms found to be non-compliant with the directive could face significant fines and reputational damage – even if the business hasn't aided money laundering.

But according to Johnson, there are solutions to help firms with this regulatory challenge, which ensure compliance while streamlining processes to create cost savings.

"Regtech software solutions minimise risk, provide access to information from a wide pool of data providers, visualise complex structures and remediate clients at the touch of a button."

ALL ONBOARD

A key impact of the directive will be on customer due diligence (CDD). Johnson says that firms' CDD procedures already play an important role in preventing money laundering, but under the new directive firms will be expected to do much more.

"Firms must find out who the beneficial owners of a business are and make sure they're not on any PEP list. But that's not as simple as it sounds – once you've identified a PEP you need to make sure it's the same person that appears on the list." He adds that if a

client is confirmed as a PEP the firm can still work with them but needs to work out how it's going to mitigate that risk.

"That's where the real bulk of the work begins. Under the new directive firms must maintain and manage all risk decisions made when onboarding PEPs – including how they've gathered the information, how they've assessed it, what risk they've assessed and what action they will take based on that assessment."

Johnson says solutions such as Encompass Verify reduce the burden of these extended responsibilities by streamlining time-consuming onboarding, mitigating reputational risk and ultimately improving the client experience.

"Encompass's software enables organisations to automate and track the client onboarding process. Our solutions automate the gathering of client information according to their CDD policy and then record the firm's risk management decisions and how they came to those decisions."

Johnson adds that these are important features of any effective regtech solutions, because by gathering relevant information together they demonstrate effective compliance to regulators.

"It's not just a matter of being compliant but showing you're compliant – which will ultimately stop the firm from being fined or having its reputation irrevocably damaged."

But, he adds, regtech solutions also drive efficiencies while ensuring a greater level of accuracy – thus guaranteeing compliance at a reduced cost.

"Manual compliance processes are prone to human error and require high levels of oversight. But by automating those processes, firms ensure due diligence is recorded accurately and in a timely manner – empowering employees to spend more time on work that adds value to the business and its legal services." He adds that these solutions also facilitate improved communication throughout a firm – by visualising complex compliance situations to foster understanding between staff, compliance officers and regulators.

But perhaps the key feature of regtech solutions, says Johnson, is that they deliver competitive advantage by demonstrating compliance to clients.

"Firms should be able to show clients they're aware of the ethical ramifications of money laundering –



which can fund terrorism and the illegal drugs trade – and that they’re taking steps to ensure they’re not inadvertently part of it.”

UPDATED DATA

Under the Fourth AML Directive, firms will be expected to hold client records for up to a decade, monitor PEPs for a period of 18 months, and periodically review their existing client base.

And Johnson says that the new directive doesn’t just increase firms’ compliance workload when it comes to onboarding, but in keeping current records up to date. This has been put in place to further reduce the risk of money laundering and is a key requirement.

In terms of storing details for longer, Johnson says regtech solutions help firms reduce costs further by saving space and paper.

“Encompass Verify, for example, is web-

based and hosts all documents acquired on the client – and visually draws a picture of what the company structure would look like. The system maintains this data for the entire regulatory period and is accessible from virtually any location.”

Johnson adds that Encompass’s solutions also automate client record updates, driving efficiencies and ensuring greater accuracy

“Employees can use software to refresh and recheck client information easily. This functionality enables the quick creation of verified documents for audits to the SRA and other regulators.”

Firms are becoming overwhelmed by the barrage of regulatory burdens – and EU regulations such as the Fourth AML Directive put a significant strain on operations. But by using regtech, such as Encompass Verify, SME firms can onboard and review clients faster and more accurately – reducing costs and the possibility of non-compliance. **LPM**

ABOUT THE SPONSOR

Encompass Corporation provides KYC software to legal and accountancy firms to ensure consistent and robust AML and CTF compliance – ensuring your firm is regulator-ready.

www.encompasscorporation.com/verify





STAKE YOUR CLAIMS

Richard Brown, head of solicitors' practice at Miller Insurance Services, sets out how SME firms can get the best deal in the next PII season – and become more competitive businesses

Professional indemnity insurance is a vital but often costly necessity for SME law firms. For the past few years, firms have benefitted from reasonably low rates – but with the October renewal date fast-approaching firms shouldn't rest on their laurels, despite a 'soft' PII market.

Richard Brown, head of solicitors' practice at Miller Insurance Services, says everything seems "rosy" now, but legal businesses shouldn't be complacent.

"It's important for firms to understand that the insurance market is cyclical and one of the main catalysts when it comes to claims is the economy. While work may be coming in and fees are increasing, it's now that firms could be making mistakes that will come back to haunt them if the economy turns."

Although there are many high-quality insurers in the market and the unrated-insurer issue has largely passed, Brown adds that it's worth considering how long an insurer has been in the PII market and how committed they are to it.

"Those who have been in the market for a long time have seen these issues come and go and understand the long-term nature of providing stable cover." He adds that there are several ways SME firms can prepare for the upcoming renewal season – which will help them to harvest better broker-client relationships in the future.

RENEWED CALM

The past few years have seen changes in the insurance market – including firms' ability to move their PII renewal date to fall in line with their financial year-ends.

ABOUT THE SPONSOR

Miller is a market leader in all aspects of programme design and placement of solicitors' professional indemnity insurance.

www.miller-insurance.com/solicitors



Brown says: "We've seen a movement in term length and dates. More firms are taking on 18-month policies and favouring, for example, 1 October followed by 1 April as renewal dates. It's appealing to smaller firms to get PII off their agendas for a longer period and lock in favourable rates." He adds that this has also caused underwriters to gear up for year-round performance – which means "insured firms get more attention from better-quality underwriters."

Not all change is easy. Regulatory upheaval brought about by the EU's Fourth Anti-Money Laundering Directive is impacting professional indemnity and forcing firms to do more to manage risk. Brown says firms already have to change processes considerably to meet the requirements of these new anti-money laundering rules – and will soon face more change when the EU's General Data Protection Regulation comes into effect in 2018.

"Best practice in these areas should ensure some of the bigger claims we are seeing at the moment won't get off the ground."

THE BEST DEAL

But where are firms really going wrong when it comes to PII? According to Brown, they don't put enough energy into understanding the insurance market – though the insurance profession itself could be more open and transparent.

"All firms have to do is come and ask questions. A firm's partner size dictates which brokers and insurers are the right fit for it – but if legal leaders don't know who those brokers are and which insurers they work with exclusively, how can they know which is the most appropriate insurer for them?" He adds that firms need to stop viewing PII renewal as being just about the act of renewing, and start seeing it more as ensuring the business is correctly positioned for the future.

Communication and process are also important when it comes to getting the best deal. Brown says: "A firm needs to be in control of how it approaches brokers. If it just sends a proposal form out everywhere, it becomes a brokers' race – and the loser could be the firm. Take control of where proposal forms go and manage the market."

Another important aspect of renewal to remember, he adds, is that the quality of an insurer should not necessarily be judged by price. Firms need to think about longevity in the marketplace by investigating how long the insurer has been participating, what kind of knowledge it has and, perhaps most importantly, how it approaches claims handling.

But perhaps the most simple way firms could get a more competitive PII rate is by filling in renewal forms accurately and with care.

"The insurer will make a judgement based on the quality of the presentation and information given. If a PII submission is impressive, it indicates that the firm is run well and has good controls in place. A poorly presented risk, of course, says exactly the opposite."

"A proposal form provides the basis of the

information an underwriter needs to arrive at a base premium – but firms have the opportunity to make a difference to that outcome. I often suggest firms provide an executive summary that outlines some of the key points that are specific to them – with particular focus in the area of risk management, particularly cyber.

"That way, an underwriter gets the feeling that risk is taken seriously and that the firm is doing everything to protect the underwriter's position."

GIVING NOTICE

Like all types of insurance, claims affect how much the policy will cost to renew. Brown says that for solicitors, claims may be seen as inevitable – but if firms showed that they've learned from their mistakes, claims won't necessarily have a dramatic impact on the cost of PII renewal.

"It's important to demonstrate what lessons have been learned and what systems or processes have been changed as a result. Equally if a claim is a large one, managers shouldn't think renewal will be automatic. Be realistic and plan ahead so that a strategy which avoids pitfalls like the extended indemnity period can be implemented."

He adds that it's also vitally important for firms to take responsibility for their claims record and its presentation. "Claims summaries should be obtained and notifications marked as 'closed' wherever possible, and the reserve numbers must be challenged if they're incorrect. Firms are becoming more accustomed to obtaining their claims summaries – partly because of Lexcel and the Conveyancing Quality Scheme. But if they are not obtaining these, they're not in control."

KEY CONCERNS

Brown says that there are currently two major issues causing underwriters most concern.

"One of these is the infamous 'Friday fraud' attacks that are becoming more common – where hackers intercept emails, change bank account details and monies are paid, erroneously, to the hacker." But he adds that perhaps more worrying is the increase in identity theft and impersonation claims – where fraudsters sell properties they don't own.

"Those issues are not currently large enough to radically impact the marketplace in terms of PII premiums – but if they continue at this frightening pace, that may change"

SME firms are currently enjoying a soft PII market – but that may soon change and legal leaders should be working hard now to get the best possible PII deal for the year and the future. Firms need to build strong, mutually beneficial relationships with insurers by demonstrating that they're a low-risk organisation, have good systems and controls, and manage claims well. Brokers can also help by giving open, honest and transparent advice. "The better the firm looks to underwriters, the more attractive it will be to them and the more likely it is they'll receive competitive rates," says Brown **LPM**

NEW FRONTIERS



Richard Roebuck, managing director at Accesspoint, sets out the future of legal technology – and how SME legal managers can prepare for it

The world of legal IT is vast these days, and is advancing at such a pace that many of us are left wondering where to turn and where to head next.

To a large extent, and at a certain level, as IT providers we can sometimes forget our place. The fundamental rule in the application of technology or with business-based technological advancement should be that we apply and develop it to meet the daily business requirements, future ambitions and market forces being applied to our organisations – rather than the business itself attempting to follow the IT department or service provider's strategy.

Perhaps as a sector what we don't do so well is take a step back and look at our own landscape. We have a tendency to avoid looking at sector trends and how they have developed over the past few years – but by taking a better look at those trends and applying or extrapolating our findings, we can outline what our future market may look like. If we fail to at least attempt to understand what the future market may look like, we will absolutely fail to develop a meaningful IT strategy and set of solutions to meet those future demands.

It seems inevitable that solicitors and lawyers face a future of significant change on a varied scale – depending on the areas of law being practised, types of client, geographical location and so on. The one thing that's very safe to say is that 'business as usual' is not an option for many, perhaps for any, traditional legal services provider. Innovation in services provided and service delivery will become a key and significantly differentiating factor.

Over the past couple of years, and in particular within the delivery of business-to-business services, the impact of technology has and still is being felt within firms undertaking volume and process-driven types of work over those firms that are perhaps a little more specialist. Yet it was only a year or so before

when the most common boardroom argument against the rapid advancement of automated caseflow we heard was: "You can't automate what I do."

Now it's absolutely fair to say that not everything a lawyer or business services employee does this? automatable. But don't be fooled – because just like the early adopters who overcame such sentiment there is much more automation to come. Automation has all sorts of consequences – some good, some not.

On the downside, we can and often do see job loss as a result of automation. The one trend I have seen across the significant majority of firms I work with is the absolute decimation of administrative and secretarial resource – and for the most part this has come about either through advancement or by increased use of technology in turn making fee earners more self-sufficient.

On the upside, however, I have seen many secretaries and such similar support personnel upskill themselves and move into the fee-earning environment. So, the news isn't all bad.

Many solicitors going through this transition have told us they found it difficult (usually in no uncertain terms). However, over time things seem to have settled (for the moment) and we have new ratios of administrative to fee-earning staff in play. But I think the future has much more to bring on this.

Like I said, until now the biggest impact or loss from a 'human resource' perspective has been that of admin and secretarial staff. In the future, technology will without doubt cause job loss for certain segments of our fee-earning population as computer systems start to 'interpret and understand' the documents we produce through the use of artificial intelligence. Like the internet at large, the impact of AI within the legal world will be profound.

AI is a current reality and is perhaps further down the development road than many may actually think. As they say ... watch this space. **LPM**



ABOUT THE SPONSOR

Accesspoint is an independent legal IT specialist that consults on a variety of information technology-related issues, offering the best in IT solutions to help firms work more effectively.

www.theaccesspoint.co.uk

Accesspoint

where people make the difference

“If we fail to at least attempt to understand what the future market may look like, we will absolutely fail to develop a meaningful IT strategy and set of solutions to meet those future demands.”



SAVE THE DATA



Brian Rogers, director of regulation and compliance services at Riliance, sets out what SME firms need to consider to prepare for the EU's General Data Protection Regulation in less than a year

The European Union's General Data Protection Regulations (or GDPR as most people now refer to it) will come into force on 25 May 2018 and replace the existing Data Protection Act. The GDPR is intended to provide EU citizens with more control over how their personal data is used – as well as provide businesses with a clearer, more standardised data protection structure in which to operate.

Just in case you think Brexit will put a stop to its implementation, I'm afraid to say that it won't. The Information Commissioner's Office (ICO) has clearly stated that it won't extend the implementation deadline beyond May 2018 – and since the UK won't leave the bloc until March 2019, businesses will need to work hard to ensure they are ready.

The sanctions for breaching the GDPR are going to be significant and are intended to make businesses think twice about non-compliance. Minor breaches could lead to fines of up to €10m or 2% of worldwide annual turnover (based on the preceding financial

year), whichever is the higher. Major breaches, on the other hand, could result in a fine of up to €20m or 4% of global annual turnover.

The GDPR will bring some significant changes to the data-protection landscape businesses currently operate in, but businesses that operate effective data protection systems and procedures should now have an easier journey than those who have chosen to sit back and do little or nothing to comply.

DATA IN THE DETAIL

The GDPR will apply to all data controllers and processors that handle personal data of EU citizens. One of the most important things to note is that the new regulation will apply to businesses collecting and processing personal data of individuals residing in the EU – regardless of the business's physical location. What is a data controller or processor? A data controller specifies how and why personal data is processed, and is responsible for ensuring the data processor complies with GDPR, whereas a data

processor conducts the actual processing of the personal data.

So, what are the main changes being introduced? The first is extended jurisdiction. The EU's new data regulation will apply to any business collecting and/or processing EU citizens' personal data regardless of where its physical offices are located – which means it applies to businesses trading with the EU as well as those within the bloc. Of course, this also means that when the UK finally Brexits, UK businesses will still need to comply with the GDPR if they want to trade in the EU.

The next change is consent – businesses will be required to obtain individuals'

consent to store and use their data and explain how it will be used. Then there's mandatory breach notification, which means the GDPR compels businesses to notify the supervisory authority within 72 hours of discovering a data

breach – unless it is unlikely to result in a risk to the rights and freedom of individuals. Our recommendation would be to report all breaches until there's greater clarity over what is defined as a 'right' and 'freedom'.

There are also several changes to the rights of people whose data is being held or used by organisations. Under the GDPR people will have the right to access – which means businesses must be able to provide electronic copies of private records to individuals requesting to know what personal data it is processing, where that data is stored and for what purpose it is held.

But perhaps the most challenging change for some organisations is the right to be forgotten. EU citizens will be able to request controllers not only delete their personal data but stop sharing it with third parties, who are then obliged to stop processing it.

Data portability will give individuals the right to transmit their data from one controller to another, and consequently businesses must be able to provide an individual's personal data in a "commonly used and machine-readable format." Businesses will also face a legal requirement to build security into products and processes from day one.

And all of these requirements must be overseen by a business's very own data protection officers (DPO). Data controllers and processors will be required to appoint a DPO, who can be a contractor, new hire or an existing member of staff. However, only businesses "whose core activities consist of

processing operations which require regular and systematic monitoring of data subjects on a large scale or of special categories of data relating to criminal convictions and offences" will be required to have a DPO.

HEADS IN THE SAND

Many businesses are

either still unaware of the GDPR or are aware of it but think they can ignore it until weeks before its implementation date – which is simply not the case. The scale of change fast approaching – including increased fines for non-compliance – means businesses need to be ready for the EU's new data rules on time. So, if your business hasn't already started preparing for the GDPR, we suggest that it starts now.

As a compliance services provider with in-house data protection experts (including some former information commission officers), Riliance is in an ideal position to assist businesses preparing for the GDPR, and can provide a GDPR toolkit that delivers step-by-step guidance to ensure full compliance by May 2018. Why wait to prepare and risk a fine when the assistance is readily available to you now? **LPM**

“The sanctions for breaching the GDPR are significant and intended to make businesses think twice about non-compliance.”

ABOUT THE SPONSOR

Riliance specialises in providing market leading risk and compliance solutions, innovations and support to the legal sector.

www.riliance.co.uk





Day in the life

EVANGELISTA DIVETAIN OPERATIONS AND PRACTICE MANAGER, PROELIUM LAW

The practice manager of a combat-zone boutique firm on her daily life of people management, BD and boxing



6.45am

I usually wake up a bit before 7am, have a shower, eat some cereal with fruit and then make my way to Earls Court tube station. I take the District line to Mansion House and then walk to Liverpool Street – I like getting some fresh air before going to the office, and the journey takes about 45 minutes altogether. I read Lexology on my phone as I travel for the latest legal news, and the Times and Reuters for national and world news.



9am

When I get into the office I share current affairs on Proelium's social media accounts. Sharing the news, particularly articles on global issues, is very important for business development as it shows clients that we're up to date with issues potentially affecting them. I then go through my regular barrage of emails and do some regulation research. Compliance is an enormously important part of my job, so I spend time each day keeping up to date with news from the SRA and Law Society to make sure the firm is prepared for anything coming its way – such as the GDPR.



11am

The firm has expanded considerably since it was founded in 2015 to take on consultants based around the world, including Iraq and

Afghanistan. Later in the morning I spend time managing those consultants – which involves talking to them, making sure they know what we want to achieve, what we want to offer clients and how to communicate that to them. Of course I also ask if they're happy with their work and if there's anything we could do to make their jobs easier.



1pm

I break for lunch at 1pm and sit down to eat a packed lunch of quinoa salad with salmon and potatoes at my desk – something healthy to keep myself going through the day. After lunch I spend time on managing the firm's intern – the partners are very keen to train up the next generation of high-risk-zone lawyers, so training and development is a key part of my role. At the moment she only works one day a week, but she will soon start her full-time summer internship, so I spend time facilitating that transition – putting in the management framework for her to report to me, making sure she knows what's expected of her on a daily basis, and that she'll be happy working with the firm.



3pm

In the afternoon I'll make sure I'm available to help the partners with legal work – I have a master's degree in private law and criminal science so I have the knowledge to assist with many legal tasks. I will also assist with business development, which involves content creation and marketing.

Twice a week we publish blogs about an array of issues that impact our clients – consultants, the partners and I write one blog a month each, which is then published on Proelium's website. My last blog was about Iran and the West, focusing on the impact of the nuclear deal and whether it enhanced the relationship between the two.



5pm

As part of my training and development, I will leave the office at about 5pm to attend a lecture about the legal sector or high-risk and combat jurisdictions. Most recently I attended a talk at the Royal United Services Institute to learn about Iran and the West – which was enormously helpful for my most recent blog. I don't go with the partners to visit combat zones yet, but I may have some combat zone training in the future to allow me to do that.



7pm

When I finish work in the evening, I go to a boxing class. I've been boxing for about a year now and I like the focus involved and learning different techniques. I think it's important for people to do exercise or activities after work just to get moving and relieve stress. I used to do a lot of horseriding in France – I went to the French national championship when I was 13 – but it's not realistic to do that regularly when I live in London. However, I do travel to a stable in Sussex every other weekend for some horseriding – which I love. [LPM](#)

I don't go with the partners to visit combat zones yet, but I may have some combat zone training in the future so I can do that.



ALL ABOUT

Evangelista Divetain

Works in London

Likes house music

Dislikes geese