

MARCH 2018

# LPM

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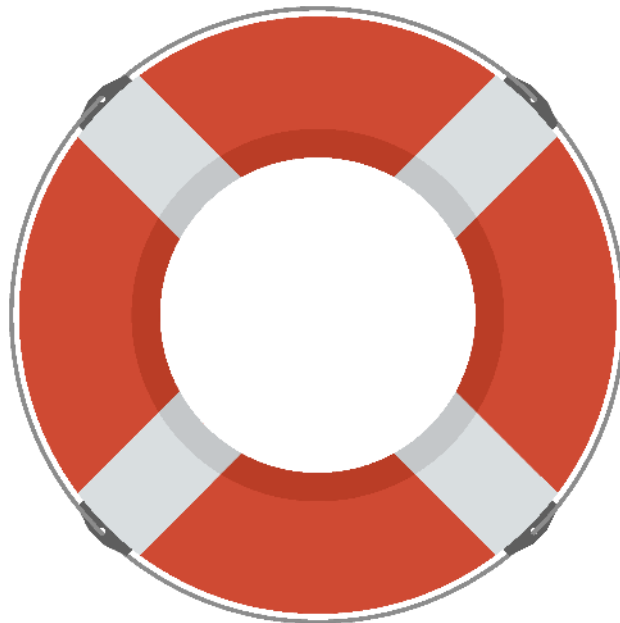
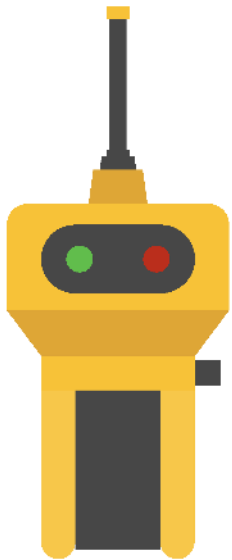
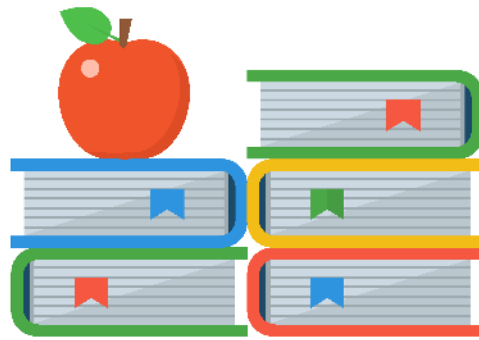
## HARD KNOCKS

*Morton Fraser's CEO on  
facing a data ransom attack*

## BRAIN TRAINING

*Stephens Scown's managing  
partner on setting up a shared  
ownership model*

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# Survival guides

*How to make sure your firm keeps  
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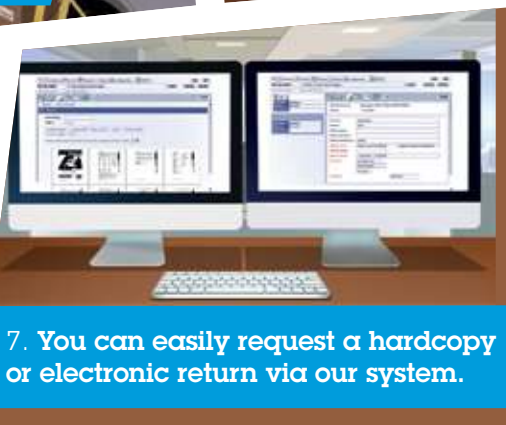


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# WELCOME

*In the wild, the fittest survive. In business, however, it's the most prepared that keep going.*

The worst has happened. A pipe has burst and your office is immersed in a foul-smelling swamp of murky water. No one can get in and your furniture and tech have been destroyed. Rats have found a new bathing spot around the server. How do you keep the business going?

This is just one possible disaster scenario that almost every business today might face at some point. The thing that gets you might be a severed internet line, a fire, ransomware attack or even a volcanic eruption. They all sound awful, but if the firm doesn't have a plan for what to do to keep operations running while it recovers, it could be so much worse. The office might only be uninhabitable for two days, but that's two days of not progressing matters or pursuing new business – and for an SME, that's a big deal.

That's why we've gone to business continuity specialists and SME legal leaders to find out what firms need to do to ensure continuity in the event of disaster. Read our feature on p26.

Of course, continuity forms just a small part of a broader risk management strategy. Alongside this issue, this month we have a supplement all about how firms can improve risk management broadly. Make sure you give it a read.

One person who knows all about averting disaster is Chris Harte at Morton Fraser, who two years ago led his firm out of a data ransom catastrophe. Find out how he did it in this month's Hard Knocks article (p24).

Finally, I'm sad to announce that this will be my last editor's letter as I'm moving on to pastures new. It's been a privilege to edit this fine publication for the past two years, and I'm confident that I'm passing it into good hands. [LPM](#)

Patrick Wingrove, editor  
@LPMmag | [patrickw@lpmmag.co.uk](mailto:patrickw@lpmmag.co.uk)



*“No one can get in and your furniture and tech have been destroyed. Rats have found a new bathing spot around the server. How do you keep the business going?”*

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ISSN 2596-9737

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# Contact us



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**Emily Nash** is LPM's client services contact – and resident musician. Want to advertise in LPM magazine or feature in our awesome advertorial section? Then get in touch with her. [emilyn@lpmmag.co.uk](mailto:emilyn@lpmmag.co.uk)



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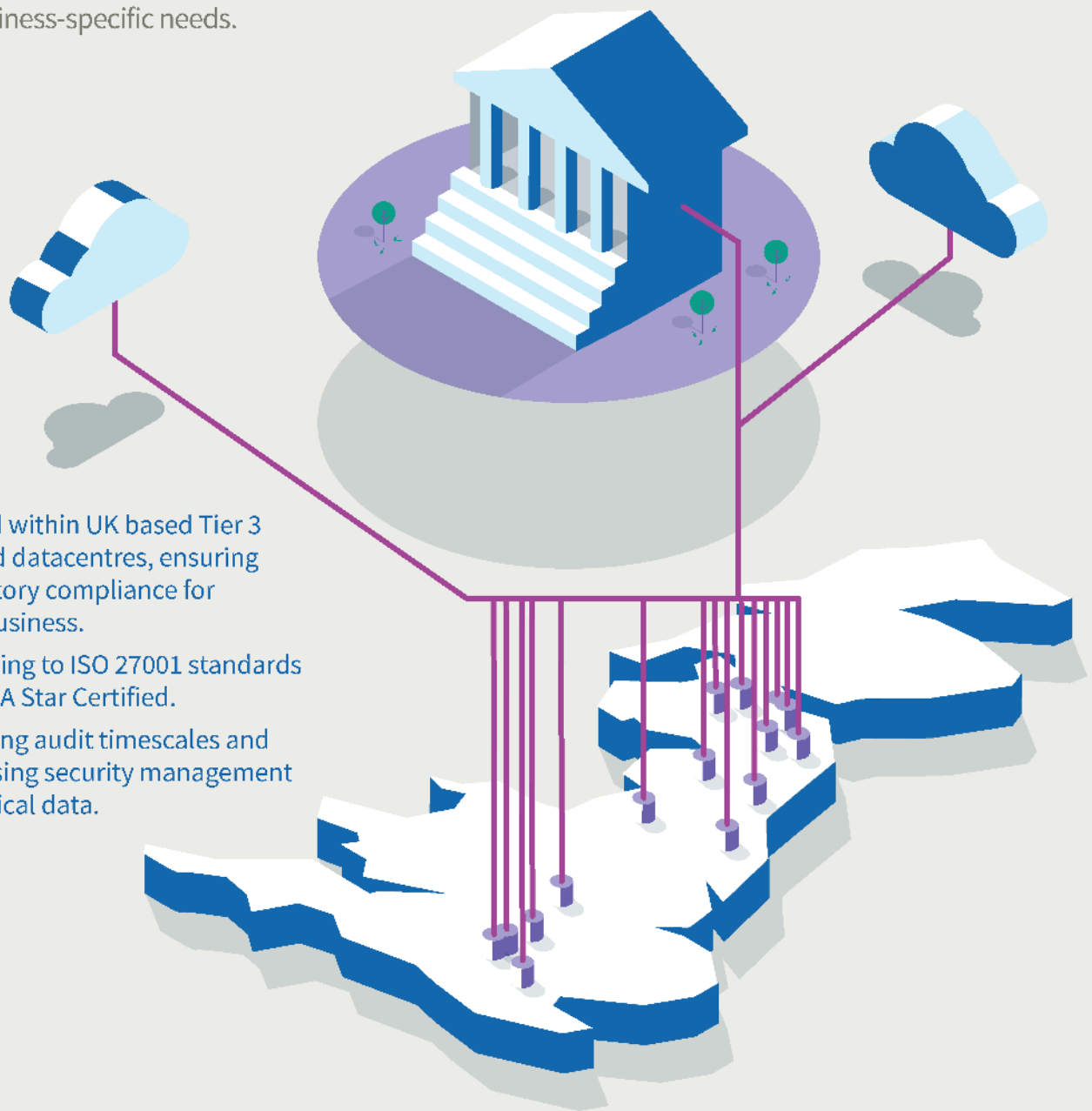
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# IN PRACTICE

## SNAPSHOT THE FINAL COUNTDOWN?

As if the anticipation of the EU's General Data Protection Regulation wasn't causing enough panic among legal practice managers, **ministers have now agreed that the upcoming personal injury reforms will be implemented in April 2019.** The initial focus will be on implementing the changes in relation to road traffic accidents, which suggests that changes to other types of personal injury will come later.

This news came shortly before **SRA figures were released that suggested that hundreds of firms will be at risk after the reforms are introduced.** Of the 10,506 firms operating in England and Wales, 768 are considered to specialise in personal injury work – the criteria for 'specialise' being that half of their turnover was generated from PI over the past year. Further analysis showed that PI firms are likely to be based in the north-west of England – so the region's economy may suffer a bit of a blow after the reforms go through. The changes have been a long time coming, but they're still a shock for plenty of firms nonetheless. A year is not long, but if those PI firms that stand to be most affected start to change now – either by branching out into new areas of law or implementing systems to make transactions more cost-effective – they should be ready in time.

Of course, these changes won't affect one PI firm that has appeared in LPM numerous times, Asons, because it's been a year since the SRA shut it down. **Asons' former principal solicitor, Kamran Akram, is to face a disciplinary tribunal over allegations of acting where there was a conflict of interest and inflating costs.** These claims are as yet unproven.

On to some cheerier news for lawyers and managers. **Legal professionals will escape the artificial intelligence revolution relatively unscathed** compared to other occupations, according to a report by accountancy



giant PwC. The research suggested that high educational achievement was a key factor in this outcome, which is why professionals, along with senior officials and managers, were the occupations considered least at risk from automation.

It seems that change may be on the cards for legal regulators – or at least they want it to be. **Several regulators have urged the Legal Services Board to use its review of the internal governance rules to give them greater independence from their representative bodies.** The SRA said the LSB should rewrite the rules to “support the maximum regulatory independence possible” and allow it to become a separate entity from the Law Society. And there we were thinking that those two love birds would never split .... [LPM](#)

✓ Have you got a story or report for us? Write to [lpm@lpmmag.co.uk](mailto:lpm@lpmmag.co.uk)

“It turns out you really can't do what I do,” said the lawyer to the robot. “Because I'm a total smarty pants!”

IN NUMBERS

### On the move

Research from Search Acumen shows that conveyancers have experienced their first annual workload drop in six years

Conveyancing volumes shrank by

**12%**

last year – the first annual drop since 2011

The average firm completed

**171**

transactions in 2017, down 11% from 2016

Yet the number of active firms only dropped by

**1%**

year-on-year, but 28% since 2007

Source: Search Acumen Conveyancing Market Tracker 2017





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# YOUR VIEW



**SIMON GOLDHILL**  
CEO, METAMORPH LAW

Yes, but this doesn't mean that SME firms need to be guinea pigs. Much that can help to improve both back office and client-facing delivery is already available and accessible to our market. Innovation at this stage means the implementation of existing technology in a market that has been slow to adapt, rather than developing new applications.



**PETER AMBROSE**  
MANAGING DIRECTOR,  
THE PARTNERSHIP

Law firms' experiences with technology often follow the same path as those using dating websites – bright promises followed by crushing disappointment. Smaller firms should avoid being the guinea pigs for enthusiastic technologists offering artificial intelligence – otherwise dubbed 'innovation'. These early days have a definite 'South-Sea-bubble' feel about them. Ask users what wastes their time and do the dull work first – implement case management properly and clean up data before being tempted by the silver bullet of AI.



*With our Legal IT landscapes research showing that most legal management leaders don't think their firm is spending enough on 'new' tech (AI, homegrown dev, etc) we ask LPM readers:*

*“Should firms spend more on innovative technologies?”*



**JASON RAHMAN**  
OFFICE MANAGER,  
SYKES ANDERSON PERRY

There is a well-known saying that you only get out of something what you put into it. That saying is particularly true when it comes to investing in legal IT innovations. Staying ahead of the competition with streamlined workflows from great CMS software, or being able to satisfy the demands of the new GDPR and many other compliance issues, is a matter of letting your software work for you. For example, a paper-light office may seem daunting, but with the right investment, and data in a secure hosted environment, expensive office space becomes less of an issue.



**SIMON SLATER**  
CEO, PEMBERTON GREENISH

More than 60 SME law firms have no choice but to invest in business-as-usual tech because a leading vendor is withdrawing support for one of its practice management systems. This kind of thing is almost certainly why the perception has emerged that such firms are not being progressive enough. But in reality this could work in their favour – first, because by the time these firms have replaced their PMS the big law early adopters of AI and process automation products will have ironed out any wrinkles within the new technology. And second, SME firms will be more accustomed to investment in technology being a regular and ongoing budget line.



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# GETTING ENGAGED



Polly Jeanneret, LPM's HR guru, on topics from LPM London, such as colour coding and millennials

There was a moment at the LPM London 2018 conference when I found myself wondering what kind of a person I was. Don't worry, I wasn't having an existential crisis. I was listening to the CEO of a successful legal aid firm discuss psychologist Don Lowry's four-colour personality test and its role in retaining the best talent.

Was I a 'red' personality - good with numbers, direct and quite impatient? Or 'yellow' - imaginative, bubbly and optimistic? A laid-back 'green' or an aloof thinker in 'blue'? Brian Cullen, the CEO giving the talk, demonstrated how knowing our staff so well that we understand what kind of people they are could lead to a more harmonious and cohesive workplace. If you have a reticent blue in the room, you need to give them the time and space to speak up and not let the yellows or reds in the room dominate, because it will be well worth at the end of the day.

The blue may well have the best idea out of everyone. I am definitely

going to spend the next few months trying to colour-code my workmates. I'll let you know how it's going.

But categorising people in this way can also be unhelpful - aren't we massively oversimplifying the complexities of what it is to be human?

This question came up at the conference in discussions about millennials and how to engage them. Is it fair to compartmentalise anyone born between 1985 and 2000 and say that they have a specific set of traits?

The problem is that, as anyone who has recruited or managed a millennial will testify, they are different in certain respects to those who are doing the recruiting or doing the managing - but, of course, they are not all different in the same way.

What came up at the conference was that law firms are doing lots of interesting things to face up to the millennial minefield. We heard about 'baby boards', a mirror image of the senior management board made up of millennials who were given certain tasks

to agree on and implement (such as office space and décor).

I can see why they would love this - it appeals to their penchant for collaboration and their desire to be trusted by their elders. We heard about intense feedback/performance review processes (do a lot of it, in a very structured way) and about the importance of corporate values (make sure you brainstorm what your firm's values are in order to give the millennials the meaningfulness they crave from their work).

But I also know that there are limits to this categorisation and that some truths are there for all generations. In a Chartered Institute of Personnel Development (CIPD) Employee Outlook

survey, respondents were asked what they really wanted from work, and then categorised the responses into different age groups. The top three wants were: job satisfaction, flexibility and nice people to work with. These three wants were the same for every age group. So there is one very cheap (though not easy) way to engage millennials and retain the best talent - be nice to everyone all of the time. [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](mailto:ASKPOLLY@LPMAG.CO.UK)**



The Insights Discovery System, a colour-profiling tool, is useful for effective communication between people with different personalities. Red represents assertive and competitive people - blue, analytical and precise - green, calming and caring - and yellow, dynamic and creative.

At this year's LPM London conference, Brian Cullen, CEO of Jackson Lees, said it's important to remember that everyone has all of these qualities but they tend to lead with one. But he added that the firm had found the technique to be massively successful in relation to the make-up of teams for specific projects, and for the make-up of its board - especially in relation to understanding where we're all coming from. **If you missed LPM London, you can see Brian's talk at LPM Birmingham on 24 April 2018.**



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## BOOK REVIEW

# KEEPING IN STEP WITH THE TIMES?

The first thing you'll notice about this book is the colour – a luminous yellow with a stark black title that will stand out on the bookshelf and perhaps draw glances from fellow commuters on the train. That's where I see this book finding an audience. It's not a desktop bible, but it may provide some light relief on journeys to the office – and will probably be forgotten soon after.

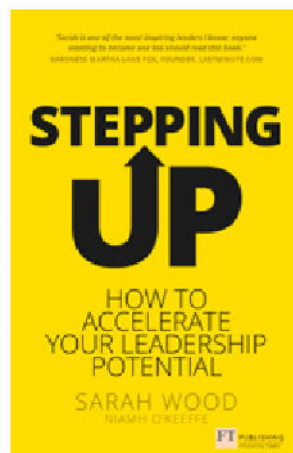
Stepping Up promises to "accelerate your leadership potential" by taking you through what leadership means in the digital world and how millennials understand it – requiring a combination of ambition and empathy.

There's much to be admired in this book's sentiment. For example, I wholeheartedly believe in running a business that puts its people first and rewards talent and teamwork. The book rightly pitches leadership as something that anyone can aspire to and even demonstrate in their everyday roles, but recognises that there is no 'cookie cutter' template for a great leader. The authors also stress that a leader is a leader regardless of gender, race, religion or sexuality. I completely agree with these ideas – and I imagine that plenty of other legal management leaders would as well.

But this book has two considerable faults. First, it is extremely light on detail. The slim volume is divided into sections called the five Vs: vision, values, velocity, votes and victories. Each chapter takes a high-level view of key issues related to each of these headings. For example, 'vision' introduces the concept of compulsive curiosity (the idea of immersing yourself in your industry to get ahead of future trends) while looking at diversity and inclusivity.

But neither of these important issues are explored in anything more than a cursory manner. I imagine each of these chapters might make a good BuzzFeed-style blog that managers could look at to pass the time.

Unfortunately, Stepping Up seems to be another example of a trend towards self-help books that rely on acronyms and gimmicks rather than the exploration of real-life leadership from a broad range of voices. For example, the musical 'playlists' that end each chapter, which are designed to inspire reflection, are a little too mawkish for my taste. I can just about get on board with Bowie's Changes as the soundtrack to our evolving legal landscape, but I relate considerably less to Taylor Swift's Shake It Off.



**Stepping Up: How to Accelerate Your Leadership Potential** by Sarah Wood and Niamh O'Keefe

**Publisher:** FT Publishing  
**Publication:** October 2017  
**Price:** £14.99

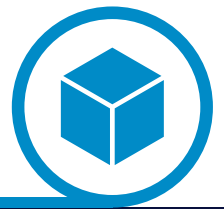


*Reviewer: Chris Setford, co-CEO, Setfords Solicitors*

This book isn't written for legal managers. I can't see Stepping Up helping to address a specific issue in legal leadership, such as managing partnership pathways or implementing AI applications. The 17 short chapters include quotes and advice from business leaders such as WPP founder Martin Sorrell and Martha Lane Fox, cofounder of Lastminute.com. The problem with borrowing from these well-publicised speakers is that it gives a narrow industry focus – plus, I've heard much of what the book reiterates from these speakers before.

My second criticism of Stepping Up is that it ignores a simple truth that successful leaders would freely admit to – that they do few of the things this book recommends they do. They often operate by gut and natural instinct – which are, of course, informed by experience and insight. But, at the end of the day, working from instinct is a far less bullet-point-friendly method of getting things done. It's that gut and natural instinct that led them to become leaders and it's what they use every day to do their job.

In the broadest of senses there is potential food for thought in this book. It reminds you to surround yourself with, and nurture, the right people. It touches on the reality of our digitally evolving landscape and recognises that intelligence isn't just 'book-smarts' – it's also emotional, entrepreneurial and digital. The problem with Stepping Up is that it doesn't offer much more than breadcrumbs on each of its topics and ignores the idea that leadership is also derived from the instinct that comes from living and breathing your business every day. **LPM**



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# CASH IS KING, PROCESS IS QUEEN

GEMMA GAREN, HEAD OF QUALITY AND COMPLIANCE



**“** *Firms don't need to hire business black belts to take advantage of LPM – there are simple and creative ways to do it within budget constraints.* **”**

The old adage that cash is king is as valid today as when it was first coined, but it's no longer sufficient by itself and managers need a new paired-up perspective. To thrive under the quick currents of change, competition and increasingly demanding clients, we need to heed a new maxim: cash is king, process is queen.

Within the top 100 and international legal sector, an acute focus on improving business processes is underway. Large firms are adopting legal project management (LPM) – not to be confused with the title of this excellent magazine – which is the application of project management principles and practices to enhance delivery of legal services. LPM has an inescapable momentum within international firms, which are deploying project managers and business black belts (process improvement gurus) to overhaul business processes.

In the SME sector, however, the LPM trend appears to be passing by largely unnoticed. But legal leaders within this sector need to take notice, because consumers are increasingly demanding that transactions be delivered with better communication, clear management of expectations and price transparency, and LPM techniques can help them meet those demands.

But firms don't necessarily need to hire business black belts to take advantage of LPM – there are simple and creative ways to implement LPM techniques within the budgetary constraints of SME firms.

One technique is to increase awareness and shift mindsets. To do that, lawyers need to think of legal matters as projects with a lifecycle that has processes for the beginning, middle and end. This shift allows lawyers to keep focus on potential pitfalls within the distinct stages of the project.

Lawyers often don't spend enough time at the beginning of the case, as they think of the issues as merely administrative and burdensome compliance. Consequently, they rush through the beginning of the process so they can get on with the case.

Managing matters as projects, by contrast, requires key issues to be considered at the beginning of the transaction to ensure a clear scope is agreed with the client. That scope will inform the legal team's ability to allocate resources and map out a realistic timeline and transparent and profitable cost structure.

Another useful tool is to provide a simple and tailored project management process that can work with legal matters. Lawyers don't need complicated Gantt charts and complex metrics – project management techniques can be tailored to the legal profession through a combination of agile methods and traditional project management principles. One process that fits well with legal cases as projects is the Boscard framework, which stands for: background, objectives, scope, constraints, assumptions, risks and deliverables.

Thinking through and documenting all these elements at the outset of the project will enable lawyers to plan ahead, manage colleagues' expectations, charge reasonable and profitable prices, and deliver services that meet and exceed client expectations. After all, cash can only be collected quickly if lawyers have efficient processes to ensure clients are happy with the legal services, which are delivered on time and on budget. **LPM**

## ABOUT

Gemma Garen  
Head of quality and  
compliance  
Ellisons Solicitors  
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# AFRAID OF YOUR OWN SHADOW IT?

DAVID WOOD, IT DIRECTOR

At the beginning of the year, IT leaders and security consultants across the UK will have been asked to gaze into their silicon balls to predict their business's biggest security challenges for 2018. Shadow IT - when an end-user has the audacity to use their own equipment, apps, online services or software to achieve goals rather than the IT provided - will have ranked highly on their lists, I'm sure.

Many of my peers tout that shadow IT is a bad thing. It erodes their budgets, can duplicate data and empowers Voldemort (OK, I made up that last one). They also often fall back on the old deal breaker that shadow IT undermines the long-term stability of their business's security platform. But I just don't get it. We are essentially talking about staff members who are trying to get their jobs done, so rather than simply condemning shadow IT, we need to be asking why it even exists in our organisations.

The answer may lie in necessity. Do your IT departments, like mine, focus on projects that impact the organisation's bottom line (that is, boosting matter numbers and improving the client journey)? And is this often at the expense of internal-facing projects that affect the user experience or streamlining of the staff journey? You can't deliver everything, and when staff are stuck between a rock and a hard place they'll choose to get the job done. They may get into trouble for using rogue IT, but they won't mind if it stops them getting sacked for not hitting fee targets.

We all have gaps in our IT offering, so we should look at how we can utilise shadow IT rather than stamp it out. If we are going to make the most of it, we need to address our perceived shortcomings to convert this problem into a valuable innovation tool.

Shadow IT generates frustration because most of it is carried out behind the IT team's back. The solution to this problem and the perceived issue of security is the same - drag shadow IT out into the light. For when you illuminate rogue IT, it just becomes regular IT.

Once you know what you have, you can grade your security risks against the opportunity costs lost by stifling citizen developers. You can then manage how shadow IT integrates with the core data and where it stores that data. Granted, this will add an overhead to the existing IT workload, but this is offset by increasing your development team tenfold with developers that have a deeper understanding of how the end users do their work.

The increase in innovation is not the only benefit. I have spent years trying to get resistant staff to engage with company-provided IT systems, but trusting in the user's choice and working with them on future development will generate buy-in, which is passed on to other IT-approved solutions as well.

Citizen developers will become commonplace in practices in coming years and will drive the biggest changes to innovation. Users will make things work the way they want to work, in or out of the office and at the times they find themselves to be the most productive. If you become the department of 'no', staff will work out how to work around you rather than come to you with new, creative or innovative ideas. **LPM**



**“** *We all have gaps in our IT offering, so we should look at how we can utilise shadow IT rather than stamp it out.* **”**

## ABOUT

David Wood  
IT director  
FDR Law  
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# A REVIEW TO THRILL

DAVID WOOD, THE STRATEGIC

“Gaining and analysing feedback is imperative for business owners to understand their service or product delivery.”

Obtaining a good review is a positive way for any business to promote its brand, services and products and to secure new customers, since it provides a reference for future customers. It will also give business owners and managers insight into how their company is performing in terms of public perception.

But more importantly, a good review delivered across search engines, social media or advertising sites helps businesses develop a culture of client engagement. Too often, firms collect service feedback by sending out online or postal questionnaires and do nothing with them, but gaining and analysing feedback is imperative for business owners to understand their service or product delivery (or what went right and what went wrong). That understanding provides a platform for change, as it allows managers to identify business elements, such as people, processes or systems, that need to be improved.

So, how do firms ensure that their clients leave reviews? The problem with postal and online reviews is that the feedback rate tends to be low – most businesses will be lucky to achieve a 10% return rate. Plus, the cost of sending the letter and processing the data upon return is high. And while an online questionnaire might be the most efficient means of getting reviews for firms with many clients, a business with few clients or one that wants to drive reviews to support a marketing strategy needs to have better solutions for client engagement.

Actually, law firms have a unique opportunity within the professional services market to engage with their clients, since they tend to develop strong and trusting relationships. As such, a direct

call, during a case or at its conclusion, to obtain feedback will often achieve a positive response from people prepared to provide it.

By engaging with clients directly, the firm can achieve several important outcomes. The firm demonstrates to its clients that they're important, whether the case has ended or not, and obtains feedback by asking and recording some simple questions. Practices can also use the opportunity to seek permission to post comments on their websites, encourage clients to leave a review online using platforms such as Google or Yell and tell them about other services it provides. You may be surprised how many clients are prepared to leave a positive review online after you've taken the time to call them.

In terms of data capture, the firm can also use the call to collect client email addresses and start to build up a database, and to obtain clients' consent to hold information and 'market' to them in line with the upcoming GDPR. Whether your firm outsources this function or tackles it in-house it is an imperative part of any marketing strategy.

If your business obtains a bad review it is important to respond to this and show the public that you are dealing with it. Ignoring a bad review looks unprofessional and will increase any negative impact that review is having. People do not expect to see 10/10 scores every single time. It arguably looks manufactured and is probably unrealistic.

A balanced review profile is not devastating to a business. While you should celebrate your positive reviews you should also embrace your negative ones, and respond appropriately in terms of how you deal with them and how they reflect on your service. **LPM**

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# THE CASE CONTINUED

NATASHA RAWLEY, THE FILE QUEEN

Last month I left you with a case study of a client's office move that helped them push the firm into some great GDPR process changes. Today we continue.

One of the key challenges the practice manager faced in this move was around the firm's onsite deed/will room. While the manager tried her best to get this room outsourced using us, the partners were adamant that it would remain onsite.

The room was a GDPR nightmare – wills and deeds were consistently taken without notification, and when (or if) they were returned they were normally placed in an incorrect location. Security was a key issue because the room was never locked, and there was no way of tracking what deeds or wills were housed in it.

The firm's fee earners found the room to be such a nightmare that they started to store deeds and wills in their own office storage areas – another GDPR problem. The practice manager consulted with us prior to the move as she knew this was the perfect opportunity to reset this process.

With the constants of the GDPR and keeping the room onsite in mind, we created a new deed/will room process. The room in the new premises was set up using our mobile ActiveWeb software. Once the shelving had been erected and health and safety checked, the ADDS team went into the new premises and placed shelf location codes on each shelf space, and a computer and barcode scanner were set up within the room.

Each will and deed was removed from the old room and barcoded and registered before being assigned to a relocation crate. Once the relocation crate reached the new premises it was scanned right away, along with each deed and will, into a holding area and then scanned into its location.

Deeds and wills were then assigned to locations by scanning the barcode on the file and the location barcode of the shelf it was to be housed on – meaning a full audit check had been carried out of each will and deed and the firm could keep track of them.

Three PAs were put in charge of the area and shown how to use ActiveWeb mobile to search for wills and deeds, check their status, sign them out to members of the team and assign them back into the locations on return. Full GDPR-accountability win with this new process!

I'd like to end this column by saying a massive thank you to all those LPM readers who popped by our LPM London conference stand in February. It was so great to see you all and I hope you all had a chance on the lucky dip – there were some fab prizes in there.

What an amazing array of speakers! We love the LPM conference, as not only does it mean we get to meet new contacts and current clients, but we also learn an array of information to pass on to our clients. If you couldn't make it to London then do come to Birmingham in April! [LPM](#)



“ *The room was a GDPR nightmare – wills and deed were consistently taken without notification, and when they were returned they were normally placed in an incorrect location.* ”

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# DOWN TO EXPERIENCE

CLAIRE SMITH, THE CLIENT SERVICE CHAMPION



“ *The onus is on practices to ensure they offer a consistently brilliant experience at every touch point.* ”

In one of Money Penny's first columns for LPM back in 2015, we wrote about how the traditional nine-to-five working day was disappearing. Fast-forward three years and it seems that it has indeed gone. Vanished. Vamoosed. The great disappearing act has occurred because technology has profoundly changed the way we behave as consumers and altered our perceptions of what a good or quality service looks like.

The same is true in law firms and we are seeing a growing number of practices that are keen to get ahead of these trends and offer the best possible service to their clients. But what does that really mean? How can law firms create a first-class customer journey to meet or even exceed modern expectations?

The good news is that firms don't have to go to great lengths or expense to see quick improvements. The first and most important step is being available when, and in a way, your clients want.

It might sound straightforward, but so many firms fall at this hurdle – be it missing someone on the phone in the morning, not replying to an email at lunch or not providing a way for clients to contact the firm on your website after the office door has closed. No two clients are the same, and they will naturally want to reach out at different times and in different ways.

A combination of clever tech and our amazing people has given us the ability to always be available, and the onus is on practices to ensure they offer a consistently brilliant experience at every touch point.

This change is being recognised in the legal sector. Indeed, demand for our telephone answering service continues to rise, and 24% of legal clients are seeking receptionists to answer calls around the clock.

We've also seen a huge uptake from legal practices of our Live Chat service since it was launched last year. This added communication tool is proving a worthy investment for firms. A recent analysis of our data found that 35% of live chats answered on behalf of our legal clients resulted in a high-quality new business enquiry. That's over a third more enquiries almost overnight. A sobering thought for those missing out. In contrast, the reduction in call volumes – minimal.

Like most law firms, you'll have no doubt invested much time and resource into marketing your services to generate the most enquiries possible and maximise your ROI. Every penny of that is critical to success, conversion rates and driving growth. But that money is only well spent if you are there to wow and capture the responses.

Of course, providing this high level of service around the clock puts a lot of pressure on those delivering them. So the question is this: how do you meet these growing needs? Do you increase staff numbers in-house or does it make more sense, both commercially and financially, to work with a partner to whom you can outsource, either fully or on an overflow basis? Or a combination of the two. There is no one-size-fits-all solution.

But one thing that is for certain is the unprecedented opportunity this step-change gives firms to gain a competitive advantage. By putting yourself in your clients' shoes and communicating with them on their terms, in the way that they want, you are not only delivering a great service but building stronger and longer-lasting relationships. If you do that, you can't go far wrong. [LPM](#)

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# ALL THE SMALL THINGS

DARREN GOWER, THE TECH GURU

A good customer experience should be a given in any transaction, but we all know from experience that that's not always what we receive. Sometimes an experience is sullied in a very deliberate manner – I'm sure everyone reading this will have had a meal ruined by a rude server at some point. But often it's simply the case that a few basic touch points have been overlooked – and that's a shame, because the business could prevent the occurrence of frustrating experiences if it just identified and addressed a few simple issues. This goes for law firms as much as for any other business.

I'll give you an example of one of my own recent legal purchases, which fell far short in terms of leaving me feeling that the job was well done. It was something that I suspect plenty of you will have either delivered as part of your business or received as a consumer – a remortgage.

My first disappointment came when I received a bundle of documents in the post, and I was asked to fill in some basic details such as name and address. That was frustrating because that data had already been taken by the lender, yet there I was having to take time out of my evening to resubmit it. Adding insult to injury, the documents were ropily photocopied and I had to fill them out in pen (I'm much more accustomed to a keyboard). The lender and law firm not sharing data electronically was, and continues to be, a missed opportunity.

Now, imagine my delight when I was told that I would have access to an online portal to track the progress of my file. That access was very important to me, as I wanted to make sure everything was going to plan before my discount rate ran out. My joy was quickly extinguished, however, when I found that my basic details, which were pre-populated in the system, were incorrect. Again, efficient sharing of the original data collection exercise would have avoided this issue.

And despite being promised that things would be run through the online portal, I was later faced with more paperwork. The ability to sign a document electronically would have been welcome, since I, like many consumers today, have a growing dislike of hardcopy paperwork in all areas of my life.

Finally, the online portal was clearly not telling me the full story. I knew that certain tasks had been completed in the transaction, but they were not appearing as updates on the screen. It looked as though whatever case management system the firms were using was not talking properly to the portal. I also suspect that one person was updating the CMS while another was manually updating the portal.

This is not the full story of the disappointments I experienced, just some examples where it was clear that the firm's systems and manners were not up to scratch. They were all low-hanging fruits that could have been picked to make me a raving firm fan rather than a grumpy old man. But since those touch points weren't addressed, I will not be recommending that law firm anytime soon. If other clients feel the same way, that's a big problem for the firm, especially since remortgage work is notoriously low-margin. To be more profitable, firms must embrace better, cleaner, and more efficient ways of working. **LPM**



“ My joy was quickly extinguished when I found that my basic details in the system were incorrect. Efficient sharing of the original data collection exercise would have avoided this issue. ”

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# WIN THE DATA

GRAHAM MOORE, THE DATA GURU



“ We’re told the future of legal services is AI: AI means machine learning and that’s all about data. ”

Does your firm have a data strategy? According to a study conducted by Harvard Business Review, less than half of an organisation’s structured data was actively used in making decisions and less than 1% of its unstructured data was analysed or used at all. Perhaps more shockingly, more than 70% of employees had access to data that they shouldn’t. Based on my experience with law firms, those figures actually seem quite good.

While talk of big data is everywhere and machine learning (which relies on data) is apparently the future of legal, the GDPR is making everyone jittery about what data they hold. So, do you need a data strategy, do you know the value of the data you currently hold, and how can you generate business value from that data?

The value of data can be assessed from two opposite angles: what to do with it to derive extra value for business owners, and the potential cost to the business of losing or corrupting it. We can use data to learn about the past and to gain understanding and insight – for example, all of our historic transactional data regarding time spent and bills paid should provide insight into potential pricing strategies for future work. We can also use data to help predict the future. Is there a trend in our new instructions when we analyse monthly by postcode, or by sector? Identifying such trends is the first step to understanding the drivers, which can then feed into predictions about future changes.

And we can use data to identify current problems, such as where the most significant risks facing the firm today are. Analysing transactional data from practice and case management systems can identify exceptions to the rules and provide early warnings to those responsible for risk.

These simple examples all have one thing in common – they rely on good-quality data. In conversations I have with law firms, the most commonly voiced reason for not making better use of data is that the data quality is too poor. What can be done? Well, the first action is to recognise the value of data and the potential it holds. A well-implemented GDPR compliance programme would be a good start here – the process of identifying what data a firm holds and why is mandatory. But the real value should come from treating this as a strategic task, not an administrative one.

To help you gain better value from your data, here are a few simple recommendations to get you started. First, capture data in the right form. Structured data (such as databases) is so much easier for systems to interpret than unstructured data, such as Word documents. When you write to your client informing them of a fee estimate, record it in the database first and automate that into the document, rather than just burying a figure in a document that will never be accessible for reporting.

Don’t use spreadsheets. Spreadsheets are loved by accountants, but they are prone to manual error and difficult to manage, and create silos of information owned by different teams. Then, start exposing and reporting on your data, however poor the quality currently is, to drive improvements in data collection and entry.

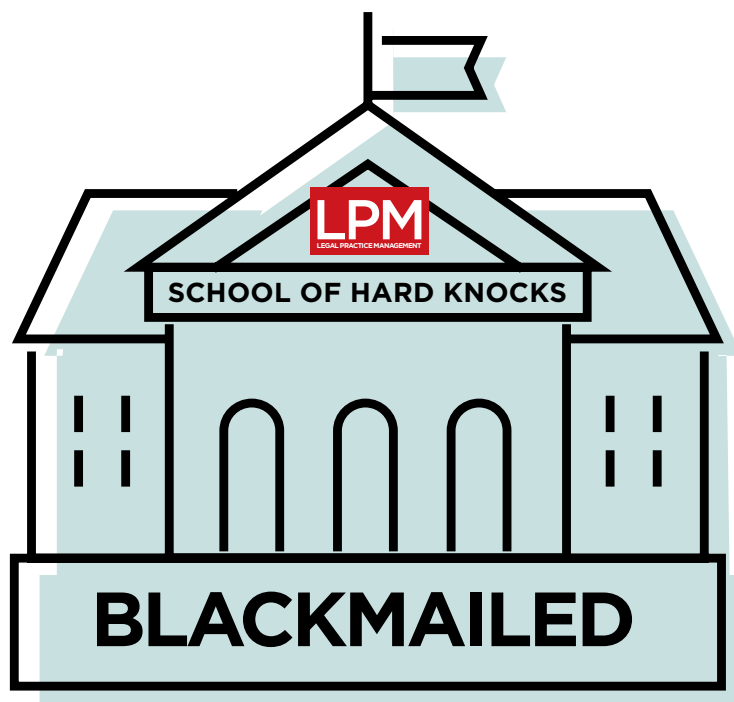
We’re told the future of legal services is AI – AI means machine learning and that’s all about data. But right now, today, your firm has data with significant potential value and you should have a strategy to exploit that. [LPM](#)

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## LESSON: WHAT TO DO WHEN YOUR FIRM'S DATA IS HELD RANSOM



Chris Harte, CEO at Morton Fraser, tells Patrick Wingrove about how his firm was held ransom by a cybercriminal and how the leadership responded

The web is wonderfully useful for law firms but it has also made life much easier for crooks to blackmail them. We saw the clout ransomware can carry last year when the program dubbed Petya brought the UK's largest law firm DLA Piper to a standstill for at least two days – but extortion targets aren't always so large, nor is malware used in every case.

Edinburgh-based SME firm Morton Fraser felt the sting of digital blackmail in December 2015 after it received an information-desk email demanding a five-figure Bitcoin sum for the return of client data. CEO Chris Harte says: "We got a message saying: 'We've accessed your data and will return it for X amount or release it if you don't pay up', and knew the threat was genuine because the messenger attached snippets of case names they could only have seen in our files." Remarkably, after five days of 16-hour shifts by IT and management teams, the firm came out unscathed.

But such an attack can be enormously damaging if not handled correctly. Ride-hailing firm Uber was heavily scrutinised last year when it came out that it had paid hackers \$100,000 to keep a breach quiet and destroy all stolen data. But SME law firms, which have reputations built on confidentiality and integrity, would suffer even more in a similar situation.

### INTO THE PLAN

Harte says that to avoid such a scenario it's vital for a blackmailed firm to engage its incident management plan (IMP). "Part of

the reason we survived this attack was that some of the path we took was mapped. The first step was to get the police involved – people often forget that cybercrime is a crime because it's on the computer, but the authorities should be informed just the same as if a house had been burgled.

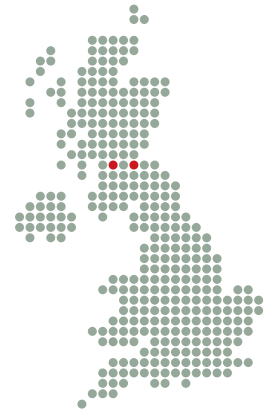
"Our IT people also launched an investigation into the breach. Fortunately, it was relatively easy to find out where the breach had occurred and who was affected because the ransomed data was held on an extranet, which we used to give certain clients access to some of their information. It took longer to find out exactly what data had been taken." But, he adds, even the best-laid plans can't account for every scenario and there were a few key decisions that needed to be made quickly.

### PRICE TO PAY?

Perhaps one of the most difficult yet necessary decisions blackmailed firms will face is whether to pay the ransom. Paying up might seem like the best option to protect clients and the firm's reputation, but there's no guarantee data will be returned – and because businesses rarely admit to paying, since few want breaches publicised in the first place, no one really knows what the likelihood is of getting the information back.

Harte says firms shouldn't pay the ransom since it may end up being more damaging.

"The police told us that it was up to us whether we paid, though they recommended that we didn't, and we took their advice. We couldn't be seen to be funding crime – our



"Because we were open and upfront from the start, none of our clients were eager to cast blame once the situation was resolved."

clients would be less likely to use us even if their data was returned, which wasn't guaranteed. So, we took that option off the table, even when the hacker lowered the demand to a four-figure sum."

## DISASTER DIALOGUE

Harte says that whether a firm decides to pay the ransom or not, the most important part of damage limitation is being open and communicating with affected clients.

"Businesses are often afraid of finger pointing when they come clean about a breach, but we found that because we were open and upfront from the start, none of our clients were eager to cast blame once the situation was resolved."

He adds that the leadership contemplated keeping the news from clients until they had more information on how much data was stolen, but decided it would be better to tell them sooner rather later.

"The key to communication in this instance was to manage expectations. We gave the information we had and informed them that a third party was investigating the incident for us and that we'd have more answers by a given time and date.

"But this turned out to be the right course of action. A couple of our clients were large organisations with their own dedicated cybersecurity teams, and they were pleased that they had the information they needed to put their own people on it and help

manage their own relationships with their stakeholders and regulators."

Harte says that rather than damaging the firm's reputation this level of openness enhanced its client relationships, since many approached it after the issue was resolved with positive feedback and queries about how they might handle a similar situation.

"We found out how much data was stolen after about two days and the amount wasn't extensive – some case names but not any vital documents or details. So, we could have got away with saying less to clients if we'd waited, but we developed more trusting relationships because we didn't.

"Besides, if it had turned out that the data stolen was more extensive, the first question clients would have asked is: 'Why am I only hearing about this now?'"

Morton Fraser has since upped its cybersecurity game by introducing new processes, buying high-tech systems and plugging its data leak. But Harte says security was already high on the agenda when the firm was breached, and that any business, no matter how well protected, could be hit by a ransom attack.

"You see horror stories of digital crime in the news all the time, but nothing brings it into perspective like when it happens to you. But as long as the leadership remains calm, follows an established plan and is open and transparent about the situation, they should be fine. **LPM**

### LPM FIRM FACTS

**Morton Fraser**

**Revenue: £20m**

**Corporate status: LLP**

**191 fee earners, 282 total staff**

**Offices: Edinburgh, Glasgow**

## WHAT TO DO

Chris Harte, CEO at Edinburgh-based Morton Fraser, on what firms should do if their data is stolen and held to ransom

**1** Follow your incident management plan. There are decisions you will need to make on the spot, but your IMP will guide you through the basic steps you should take. If you don't have one, make one!

**2** Call the police – which should be one of the first steps on your IMP. You wouldn't not call the police if your office was burgled, so why should that be the case for data?

**3** Start an investigation into how the breach occurred, what was stolen and who it affects. This could take a long time

but it's vital that you have as much information as possible for damage limitation, for yourself and for clients.

**4** Decide if you want to pay the ransom or not. Just remember that there's no guarantee you'll get the data back, and paying criminals might be worse for the firm's reputation than just losing client data.

**5** Be open and transparent with clients from the get go. They will be less likely to point the finger if they're kept in the loop and can make their own plans.

# SAVE THE DAY, SAVE THE BUSINESS

Can SME firms learn to be better prepared so that if (or when) disaster strikes they'll be able to keep on going?  
Patrick Wingrove reports

Organisations can pay a high price for their use of technology. An increased reliance on digital systems means firms are more vulnerable to cyberattack, system failures or internet outages, all of which can deliver a nasty blow to bottom lines. The disruption caused to this year's Winter Olympics in Pyeongchang, South Korea, serves as a reminder of the results even a relatively short-lived disaster can have – just 12 hours of downtime on a widely televised event is expensive. One might also shudder to think of the economic effects DLA Piper are likely to have suffered in 2017 after ransomware stalled activity for about two days.

But it isn't just tech failures that hang over firms like a professional-services Sword of Damocles. Legal businesses must still contend with the possibility of fire, flood, disease, storm and even – as any firm with staff travelling in April 2010 will tell you – volcanic eruption.

While businesses should, and often do, put preventative measures in place, the sheer scale and unpredictability of disaster today means they can't possibility stop them all. The aim, therefore, should be to ensure the continuous provision of services, communications and infrastructure that are essential for running a practice. One way this can be done is by developing and putting in place a robust business continuity plan – which can help manage downtime in most scenarios and limit the likelihood of reputational damage.

Gianluca Riglietti, research and insight manager at the Business Continuity Institute (BCI), says such a plan is vital to help businesses mitigate losses and recover quickly should calamity strike.

"Disruptions do happen – and whether they are non-physical, such as a cyberattack, or physical, such as an active shooter situation like we saw in Paris a few years ago, firms need a plan to ensure staff are kept safe and operations are kept afloat." He adds that, for example, some US businesses were better prepared than others to handle the effects of hurricanes Harvey and Irma, precisely because they had a pre-developed continuity plan in place.

## SEARCH YOUR ARMOUR

In an ideal world, businesses would be able to plan for every eventuality, no matter how trivial. But since that's impossible, a good business continuity plan prepares businesses for all types of disruption by ensuring its prioritised activities can be continued.

Riglietti at the BCI says practices should conduct a business impact analysis to determine those priorities. He says that the analysis is made up of four parts: a basic, high-level analysis of the business; a product and services analysis to help identify and prioritise products or services in terms of risk; a process analysis to determine the processes required to deliver services or products; and an activity analysis which focuses on the delivery of the business's most urgent products.

"There are a lot of different levels in a business impact analysis, going from top management all the way to an operational level. It's also crucial for firms to go through a sort of threat and risk assessment evaluation to establish which threats are closer to them than others."

Paul Bennett, partner at north-west firm Aaron





& Partners and former chair of the Law Society's small firms division, adds that an impact analysis is vital to zoning in on how common threats can have a specific impact on a legal business. Two standard risks for legal businesses, for example, are technology and internal staff - but where and how they're likely to strike will depend on how the business operates.

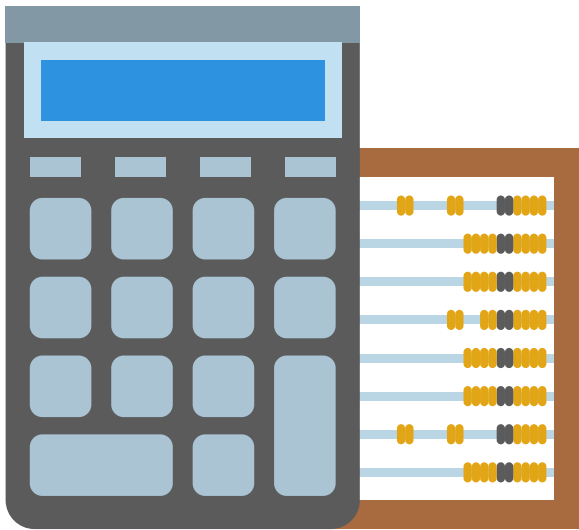
"When legal leaders talk about risk they instantly think of the client account, but actually a bigger threat is often who has access to the business's funds, because a malicious internal person could easily jeopardise those. But the firm might find that main threat to their funds is from malicious external people gaining access through the business's digital gates. They won't know what's under threat and from whom until they take a closer look at the business."

He adds that it's important for management to assess what those risks are by looking at who needs to be given which levels of access and why. Given that law firms are people businesses, people will inevitably be central to an impact assessment.

By the same logic, he says, attention should be paid to the impact of losing key members of staff for prolonged periods of time, whether that be due to illness or travel disruptions.

And, of course, an assessment will help legal management leaders determine where more specific threats lie. Paula Fowler, managing partner at Essex firm Fisher Jones Greenwood, says the potential for disaster will often vary according to types of work done.

"Conveyancing, for example, is an ideal target for fraudsters since there's the potential to steal



“Every manager, assistant or head of department usually has a line manager or superior to answer to, but ultimately it’s clients who expect guaranteed availability and provision of services.”

Carl Holton, compliance and facilities manager, QualitySolicitors Davisons

hundreds of thousands if not millions of pounds in one fell swoop. So, there are specific considerations there for how a firm will maintain business continuity in the event of a successful digital heist.”

**SYSTEMS TO THE RESCUE**

The next step is working out how threats could be handled to ensure business continuity – and like any good strategy, it should be underpinned by a set of objectives. Carl Holton, compliance and facilities manager at Birmingham firm QualitySolicitors Davisons, says managers will likely need to consider dozens of scenarios as part of their continuity plan, which can be a daunting prospect. The important thing when developing the plan is to keep focus on the core reason for it – clients.

“Every manager, assistant or head of department usually has a line manager or superior to answer to, but ultimately it’s clients who expect guaranteed availability and provision of services. Keeping the client’s viewpoint in mind as you resolve the issue will determine the firm’s capability in dealing with major incidents as it works towards recovery.”

Bennett at Aaron & Partners agrees with Holton, and adds that the key factor in guaranteeing availability is, of course, safeguarding client communications.

“There needs to be a plan in place for how lawyers will communicate with clients should staff lose access to the office or its systems.

Being able to redirect office phones to mobiles is one possible solution.

“I was once faced with a situation where a client’s whole office was flooded, and the thing that saved a lot of hassle and money was that they were able to reprogram the phones remotely and keep in contact with customers.”

He adds that on another occasion, adverse weather conditions stopped employees getting to the office at a firm he advised, and it used the same capability to redirect phone calls to fee earners working remotely. Of course, other remote-working technologies might also form an integral part of a business continuity plan. John Kennedy, head of client service at London IP boutique Wildbore & Gibbons, says firms need a way of enabling fee earners to work when access to the office or its facilities is impossible. If the business has cloud-based systems, he adds, that task becomes much simpler.

“Let’s say there was a big issue around the Barbican, where we’re based, and staff were on their way to work. We have all their home and mobile numbers on hand, so we could call them up, tell them of the situation and get them to work from home, a café or anywhere else with WiFi, and they could continue working using the cloud.” He adds that the cloud is also essential to business continuity from a security perspective.

“Ransomware is a big worry for firms since stories of the Wannacry malware infecting the NHS hit the headlines. But if all your systems are available on the cloud and data is backed up, a ransomware attack is easier to overcome.”

Holton agrees with Kennedy, and adds that firms’ ability to backup data and store it remotely is a key benefit of the cloud.

“It’s a matter of making sure information is protected and accessible from virtually anywhere. The problem with hard disks is that they can be destroyed or left behind, and without the company and client data on it, the business won’t be able to continue its activities.”

But Fowler at Fisher Jones Greenwood points out that firms should not be completely reliant

**FIRM FACTS**

**Aaron & Partners**

**Revenue: £8.7m**

**Corporate status: LLP**

**68 fee earners, 118 total staff**

**Offices: Chester, Shrewsbury, Manchester**

**FIRM FACTS**

**Wildbore & Gibbons**

**Revenue: Approx £3m**

**Corporate status: LLP**

**Eight fee earners, 20 total staff**

**Offices: London**

**FIRM FACTS**

**QualitySolicitors Davisons**

**Revenue: £6.3m**

**Corporate status: Limited company**

**24 fee earners, 150 total staff**

**Offices: Edgbaston, Cotteridge, Sutton Coldfield, Weoley Castle, Colmore Row, Solihull**

**FIRM FACTS**

**Fisher Jones Greenwood**

**Revenue: Over £7.3m**

**Corporate status: LLP**

**58 fee earners, 162 total staff**

**Offices: Colchester, Chelmsford, Clacton-on-Sea, Billericay, London**





“The procedure needs to be as agile as possible, because people may not have time to read a lengthy manual in a crisis, especially where people’s lives might be in danger.”

Gianluca Riglietti, research and insight manager,  
Business Continuity Institute

on technology, since it’s often failed systems that are the problem.

“Technology fails – it’s one of the main reasons for having a continuity plan these days – so firms must have contact details and plans backed up to physical files. It’s a little archaic, but I carry around details of all the staff I need to contact in an emergency in paper form. Equally, if we were to suffer a supply chain failure, we also have supplier details backed up on paper.”

## PEOPLE POWER

The key to business continuity lies in the execution of plans as much as their development. A firm’s staff need to know what to do in the event of disaster, but they won’t if no effort has been made to prepare them. Riglietti at the BCI says: “As part of your business continuity plan, you need to carry out exercises, have training and education sessions about continuity, and when a crisis actually happens, have a well-rehearsed procedure to follow and refer to.”

He adds that the procedures should be in paper and digital form and employees should be informed where to access the information.

“The procedure needs to be as agile as possible, because people may not have time to read a lengthy manual in a crisis, especially where people’s lives might be in danger. You should definitely have one in place, but it should be supported by training and exercises.”

Training, on the other hand, should be given at the earliest opportunity and consistently, accor-

ding to Holton at QualitySolicitors Davisons.

“New employees should be given induction training that includes health and safety, IT and security awareness. We get them to sign off that they’ve understood what we’ve told them, which is stored on their HR file. And then, every six months to a year, we send everyone in the firm out for the same training and go through the same process again.” He adds that if any changes are made to the plan, they are communicated to staff via the firm’s online shared area.

Bennett adds that alongside training, role playing or ‘road testing’ a plan is another important element in ensuring continuity is established in the event of disaster.

“Take the military as a role model. The armed forces wouldn’t follow a path of action before they had tested it, and neither should a law firm. It should be tested every one to two years, depending on what’s an appropriate time for the risks the business faces.” Fowler at Fisher Jones Greenwood agrees with Bennett and adds: “We do a periodic test of our people and systems by shutting systems down, putting them back up again and measuring the effect that downtime has had on people and how well the continuity plan was carried out.

“We learn from that. Sometimes we realise our systems aren’t as good as they should be, or someone hasn’t responded in the right way.”

Catastrophe seems to be looming everywhere these days, but that shouldn’t be cause for total panic. While even the best-laid prevention plans might come undone, firms today have access to technologies that make it easier than ever to continue operations after disaster strikes. Of course, systems need to be combined with staff training and effective communications to ensure everyone knows how to use them, and what to do or where to go in a crisis. Ultimately, if a good plan is in place and followed well, even the biggest disaster shouldn’t kill off the business forever – whether the leadership will, of course, is another question. **LPM**

“Take the military as a role model. The armed forces wouldn’t follow a path of action before they had tested it, and neither should a law firm.”

Paul Bennett, partner, Aaron & Partners, and former Law Society small firms division chair

**FIRM FACTS****Stephens Scown****Revenue: £19.3m****Corporate status: LLP****Offices: St Austell, Exeter,  
Truro**

# Own initiative



Robert Camp, managing partner of Stephens Scown, reflects on the process and power of moving to a John Lewis-style employee ownership model

Stephens Scown was the first large law firm in the UK to give all eligible members of staff an equal share in its profits. In a sector that has traditionally seen partners alone share in the profits, it is a move that has attracted interest from across the UK – and not just from within the legal profession.

## FIRST FOR IT

This type of approach is very new for law firms, but I have always tried to look outside the sector for best practice. I've admired John Lewis's way of doing business for a long time, and have drawn inspiration from it.

This is all about giving everyone who works here a real stake in the business. No matter what role someone has, or what their perceived seniority is, we are all part of the same firm. When I asked staff how the profit-share should be distributed, the overwhelming response was by way of an equal sharing, which certainly surprised our board. However, we listened to our staff and now recognise that an equal sharing of profits is the best way to engage everyone. Everyone's contribution to the firm is equally important, and now their share of the profits is too.

There's a big difference between being an employee and an owner, and that's now starting to be felt across the business. In particular, we've been able to show our staff that the profit share isn't just related to turnover, but that looking at marginal cost savings and efficiencies can have a dramatic impact on profit.

After several years of planning and discussion, we announced our plans in March 2016, after receiving official approval from the Solicitors Regulation Authority. The scheme came into force on 1 May 2016. The firm's staff have since chosen to call the scheme 'Scownership' and given it the strap line 'there's no place like Scown', with all those eligible now known as 'Scowners'.

Although the scheme wasn't officially in place in 2015/2016, we issued a bonus to all staff as though it was. When the first official year of employee ownership ended in April 2017, the firm was able to share profits of £800,000 equally between all eligible members of staff – an

increase of 10% on the previous year. This is an achievement that all of the staff take great pride in, particularly in the context of the uncertainties and challenging economic times we're facing. Staff are eligible to become part of the employee ownership scheme six months after passing their probation period. Part-time staff receive their profit share on a pro-rata basis.

## BEATING THE CHALLENGES

As a law firm, Stephens Scown faced additional complications when it introduced its employee ownership scheme. The greatest challenge came from the Solicitors Regulation Authority, as this is a completely new model of law firm ownership and satisfying their concerns regarding compliance and control required some innovative and complex proposals.

The main area of concern for the SRA is to ensure the ownership and control of regulated law firms remains with qualified solicitors. It was therefore necessary to create a structure that allowed staff to feel they were now 'owners' of the business, but at the same time ensured day-to-day control of the firm remained with partners of the LLP. This was achieved by creating a corporate partner in the LLP, the shares of which are owned by the Employee Benefit Trust (of which all eligible employees are members).

However, the firm's persistence has been worth it. Scownership definitely reflects the culture of the firm. We also hope that it'll be a powerful motivator for staff, and therefore have a direct impact on growth, client service, engagement, and ultimately, the success of the business. We have a strong focus on the client here, and I firmly believe that happy staff give better service, which results in more satisfied clients.

## PEOPLE POSITIVES

In addition to our people appreciating it, I think our clients are impressed too. We have become known as a company that listens to our staff and treats them well. Our new employee ownership trust is another manifestation of that. When we ask clients for feedback on service, our reception team and legal secretaries are often praised as





much as our lawyers. Clients like to know we value the contribution of all staff and share profit equally, regardless of job role or seniority. Many of our clients are also entrepreneurs, and I know they like the fact we've done something different here, and are showing the way.

We've also noticed how 'Scownership' has been picked up by people wanting to join us, in particular graduate recruits, who are impressed by the common purpose and goals that it engenders.

The firm is known for its employee engagement in any case – becoming the highest-ranking law firm in the prestigious Sunday Times 100 Best Companies to Work For list (reaching number 16 in the medium-sized business category). Based entirely on anonymous feedback from staff, the survey is itself a good barometer of a firm's level of employee engagement.

### CULTURE COMES FIRST

Generally, I would advise anyone

considering introducing employee ownership to spend time getting the culture of the organisation right first, and then to create a scheme that fits in with that culture. Don't create a scheme to try to change the culture. In fact, we spent five years changing the culture before implementing Scownership, and it has certainly worked for us.

For any other firms who may be considering employee ownership, the need to be deeply committed must be in place. It's a much greater challenge for firms in the legal sector than for many other businesses, because of the level of professional regulation, so the intention to go for it must also be embraced by all the firm's partners. You must expect the project to take some time, so don't set unrealistic timescales.

It's also crucial to involve staff in the process at the outset. This has been a journey that has taken us several years. From a very early stage we let staff know

that this was what we were planning, so that we had their buy-in and understanding. I think that level of communication is important so that staff understand, and don't feel like something new is being imposed on them. My philosophy is to ensure that we explain to staff why we are doing something, rather than just what we are doing.

Stephens Scown's journey to employee ownership has not been an easy one, but it has been well worth it. It has been exciting and rewarding to become the first large law firm to create an employee ownership scheme, reflected in greater staff engagement, interest from clients and other professionals and considerable interest from new people wanting to join the firm. I'm proud of what we have achieved with Scownership. I also know there is much more that we can do, and that this is just the start of another exciting journey. I'm looking forward to see how the firm progresses. [LPM](#)

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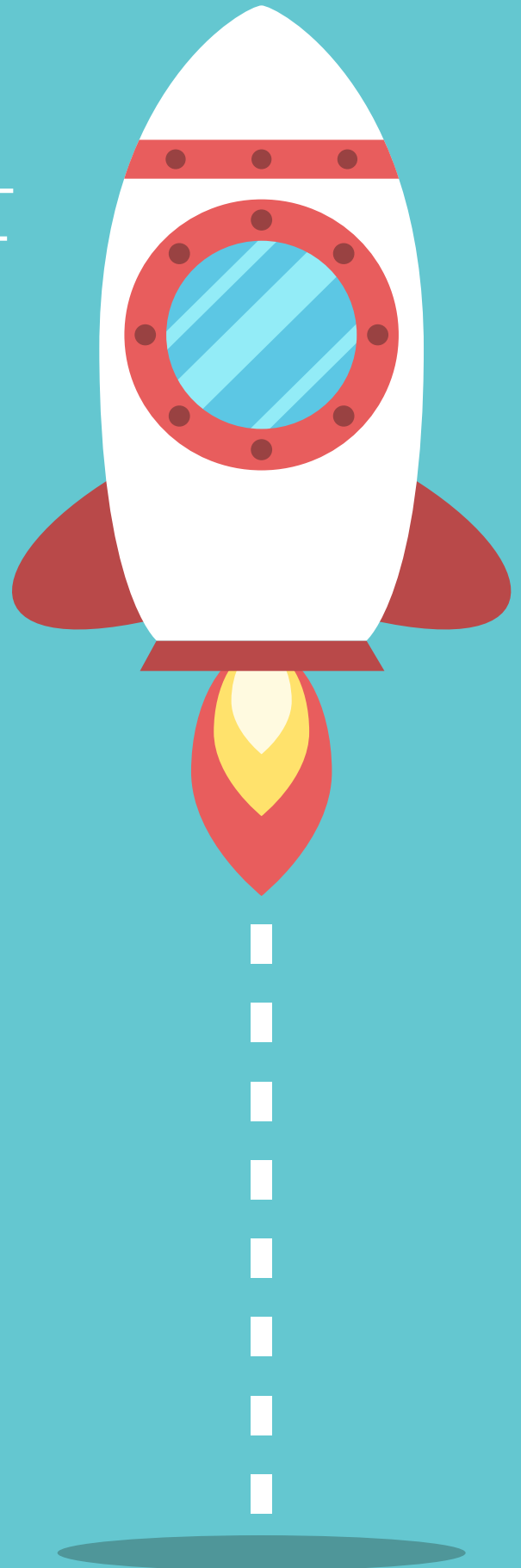
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# THE CASE FOR TECH



Adam Bullion, head of marketing and product at InfoTrack, sets out how firms need technology if they want to be competitive – and avoid going the way of Blockbuster

Having attended numerous law conferences, I always find there is someone who will stand up and suggest that technology used by solicitors is out of date. But in my opinion, that is not necessarily the case. A better way of looking at it is to ask whether law firms are using the right systems, because technology can be pivotal to how you service your clients, add value to your business and create a point of difference.

Sadly, the legal market has been let down by false dawns and unfulfilled promises by tech providers, and this has led to firms continuing to do what they have always done, rather than asking themselves what's best for them, their staff and their clients. The technology that exists for law firms has become disparate and tends to work in isolation, meaning practices must visit multiple websites to conduct their tasks rather than a central hub – the CMS. How is it then possible to believe any advertising that says: "We'll make you more efficient and more profitable." Legal workers then have a mindset of thinking everyone is the same as them.

Law firms need to remain open-minded, curious, and garner an education around the market. That's not easy. So, what is our view of the market and what can we do?

## DEMANDING CONSUMERS

In many client-facing industries and professions, the landscape is constantly changing, with consumer attitudes toward technology and services advancing rapidly. It's already visible within the motor industry, for example. It's a rainy Sunday afternoon at home, and you're thinking about buying a car. If it's a new car, you are more likely to go direct to a manufacturer's website and

configure a vehicle to your own specification to get an idea of what it will be like first. Manufacturers are good at giving a breakdown of costs very early in the purchase, to tempt you into buying from them. To do that, they also incorporate insurance, finance and road tax into that price, so although you are dealing with the DVLA, and insurance and finance companies, you are doing it all through one place rather than visiting multiple sites. It's even possible to live chat for immediate answers to questions. Today, we no longer have to enter a building to make an inquiry and establish a price. That's what we have become accustomed to in terms of immediacy of service.

While we may not want to be compared with car manufacturers, there's no denying that they have developed an effective approach. By using technology to provide transparency through price at the early stages, they can appeal to their customers faster and give them the information they need to make decisions throughout the process, all from a single place.

## GREAT EXPECTATIONS

In research that has recently been conducted by InfoTrack, 41% of respondents who have moved home over the last three years said they now want to self-serve information, demonstrating a real synergy in the way they buy a vehicle or order an item using the likes of Amazon. Consumers want the ability to log in and view progress themselves, and at a time that's convenient to them. Indeed, the research shows that the expectation of a phone call is down, as people no longer want, nor expect, a call. In fact, the number of people who expect 'digital communication', in the form of instant messages, text or portals is up 86%, and that

### ABOUT THE SPONSOR

**InfoTrack** provides award-winning technology, challenging and evolving the way firms access data from a range of sources including Land Registry, Companies House, HMRC and more.

[www.infotrack.co.uk](http://www.infotrack.co.uk)







figure excludes emails. Overall, the consumer has changed thanks to the technology they are using.

This proves that there is a real shift in the market, and these consumers are of a variety of ages, genders and backgrounds. Clearly, technology isn't just for millennials.

At the LPM London conference in February 2018, where I was fortunate to sit on a panel, a question was asked as to whether technology should be focused for Generation X rather than the millennials. The reality is that technology is being adopted and used by consumers of all ages, both in their personal and professional lives. That's because it's incredibly intuitive and easy for people to use. Look around you and you'll see people of all ages using technology already. Think about what apps you are using on your smart devices.

Do you use Uber or a bank account app via your mobile? Do you have an Amazon Echo or a Google Home in your house? Such is our demand for immediate responses, these assistants are now making

**“Do you have an Amazon Echo or a Google Home in your house? Such is our demand for immediate responses, these assistants are now making it easier to ask a question and receive a quick answer.”**

it easier to ask a question and receive a quick answer. That's responding to a need to be more efficient than keying in a question to Google. Our behaviour has been influenced by this type of technology - the kind that is responding to a need - a more efficient way of finding information.

The shift continues to be driven by businesses (startups and established) implementing technology that offers a smarter way of conducting tasks, and



that encourages people down this route.

Peter Carr, partner and head of IT at Fisher Jones Greenwood (FJG), was also on the aforementioned panel, and he discussed their recently implemented chatbot – a form of artificial intelligence that enables the client to ask specific questions of that firm in order to make a decision. Although this isn't currently commonplace, the approach is correct, as FJG demonstrates how it really is catering for the consumers of now with an understanding of how they behave with technology. Ultimately, whether the time is now or in the future, it will be ready and able to deliver on its clients' needs, which is for immediacy, because with the likes of Amazon's Alexa and Google Home, we are now interacting in a very different way, and we are becoming accustomed to having immediate responses and to conversing with something that isn't actually human.

## EVOLVING SERVICE

Working in what is essentially a service-based industry, we consider 'service' to be a very important word. But we need to delve into the meaning of the word. It no longer means simply giving your clients a phone call and an update – the word service has naturally evolved to incorporate technology. To customers, service now means that the firm is talking to them in the way they prefer and at a time that is convenient to

**“It stands to reason that if clients can't get that quote from their couch on a Saturday evening via one firm's website, they will simply move onto one that can generate the information immediately.”**

them. Servicing new business doesn't have to be tricky if you have the right technology in place, but remember that it all starts with first impressions.

So, think for a moment on how your firm quotes for new business. How long does it take from a phone call to sending the quote out? If you are unable to quote on the phone or with immediacy, you may have lost your potential new client to another firm that can conduct the same task within a minute or two and can provide the information over the phone or electronically via its website. The recent InfoTrack home-mover research demonstrates that 39% of movers now look to instruct on the first quote. Interestingly, this has decreased from 50% some years ago because movers now often request multiple quotes. It stands to reason that if they can't get that

quote from their couch on a Saturday evening via one firm's website, they will simply move on to one that can generate the information they need immediately, and that provides them with the ability to hit 'instruct' at a click of the mouse.

### VALUE ADDS

The value of technology cannot be understated within a law firm. Not only does it allow you to deliver on the needs of clients, the implementation of technology means you apply real value to your business. In 2006, the biggest businesses in the world by market cap were generally oil giants such as Exxon and Total. By 2016, however, this same chart is occupied by technology companies, including Alphabet, Facebook, Apple and Microsoft. Similarly, in April 2017, Ford, the largest manufacturer of vehicles in the world, was knocked off its perch of market value by Tesla. The importance here is to understand that placing technology at the heart of a business is now where the value is seen. Ford is an automotive brand trying to become a technology business, whereas Tesla is very much a technology brand with an automotive business. That's no longer lost on Ford - its global CEO recently admitted that simply building vehicles wasn't going to win them back any market value.

Although law firms can build their own technology, this naturally comes with high maintenance costs, a continuous investment of funds and the employment of specific departments to maintain and build integrations. Luckily, there are several legal tech providers now incorporating solid third-party integrations, particularly in the case management area, so your firm doesn't have to. Also, at this lower price point, firms of any size can have access to the same powerful integrations that can help deliver the best possible experience for users and service to clients, whether it is procuring information or creating seamless workflows.

### CHANGE MANAGEMENT

There are barriers to change within any organisation. Change is huge and often resisted by staff who might have reason to say no or an excuse to avoid it. The reality is that clients and consumers are changing and firms need to move with the times. When implementing change, it's important to bring the staff on that journey and ensure you sell them the benefits in terms of their time so they can buy in to it.

Employees need to have a balance in their lives and if you can sell the benefits of saving time through the benefits of great technology you can also help them understand how simple it can be. Demonstrate the positive points most relevant to them, the simplicity and 'smartness' of the technology, and employees are

**“To see what impact adoption of technology can have on a business, law firm or otherwise, we can reflect on the stories illustrated by Kodak, Blockbuster and many others who failed to adopt future-thinking technology.”**

much more likely to want to come on that journey with you. Choose your suppliers carefully - select those who will be able to offer you that future technology that allows you to change the game, win new business and deliver different aspects of what I have talked about throughout this article.

### DIFFERENT IS GOOD

To see what impact adoption of technology can have on a business, law firm or otherwise, we can reflect on the stories illustrated by Kodak, Blockbuster and many others who failed to adopt future-thinking technology at pivotal times and refused to change. Around the world about 11,000 startups are created every hour, and many are beginning to offer legal services. These are the businesses that will be building and competing with law firms in a very short space of time, and firms need to be prepared. There is an immediate opportunity for practices to start thinking about how technology can be utilised to give them a real edge.

Using the right technology not only gives you efficiency, it gives you a differentiation. That's important because the InfoTrack 2017 home-mover research suggests that consumers struggle to see the difference between solicitors, which, when coupled with the inability to get an immediate response, leads them to shop around.

However, if you've got an ability to quote immediately, send contracts and information out via a portal, have documents signed electronically and provide a streamlined and seamless online service, it really will set you apart from your competition. Using the right technology empowers you, whether it's AI or simply easier and more enjoyable technology that performs multiple tasks and reduces the amount of rekeying.

In summary, small, medium and large law firms need to ensure that all levels of staff are open-minded to what is out there in terms of technology and understand where their future lies. Steve Jobs alluded to the notion that if clients are asking for technology you are possibly already too late. When we know people are already asking to talk to your firm out of hours, we also know that Peter Carr at Fisher Jones Greenwood is delivering a solution. If you are doing the same thing over and over again and you aren't winning new business, have you looked at new business management systems such as lead management tools? If your client asks you not to post anything to them, do you know which electronic solutions exist to obtain an electronic signature? Ultimately, incorporating simple, smart technology builds value into your business, creates a point of difference and is pivotal to how you service your clients. And it doesn't need to be expensive. **LPM**



# COMPLY IN THE SKY

James Letley, CEO of LayerV (part of Pulsant), on how firms can manage risk and stay GDPR compliant with the help of managed IT and public cloud

The headlines stamping the first quarter of 2018 reveal a world that's both volatile and vulnerable – particularly within the digital sphere. Last January, for example, the head of the UK's National Cyber Security Centre warned that a major cyberattack on the UK is imminent – and it's not a matter of if it will happen, but when. That story doesn't bode well for firms facing a regulatory landscape that will become much harsher after the implementation of the General Data Protection Regulation (GDPR).

James Letley, CEO at cloud-computing consultancy LayerV, which was acquired by Pulsant in August 2017, says that with just under three months to go, every law firm must consider its risk exposure and how that might impact compliance with the EU's new data rules.

"Look at some of the legal industry specific breaches that have occurred over the past year, such as the DLA Piper ransomware attack or the leak of the Paradise Papers, and look at the leaks from some of the banks to the tax authorities. Data breach is a big risk for firms – it will be even more so after GDPR fines come into place – and it should be on the minds of everybody who has access to data at an administrative level."

But Letley says that while managing GDPR compliance and mitigating risk might seem a bit like navigating increasingly stormy seas, law firms should be fine so long as they have the right equipment and know-how in place.

"Cloud computing, for example, can help legal businesses manage compliance because providers have to follow security standards and audits that a practice might not have the time or resources to meet. And if firms combine the benefits of technology with new and improved processes, they'll likely never have to face the wrath of the ICO."

## KNOW YOUR DATA

Given that the GDPR represents the greatest shift in data protection rules in 20 years, it likely features

highly on firms' risk and compliance lists this year – if they haven't already started to tackle it. Letley says that when firms come to implementing compliance, they should remember that they can't begin to mitigate risk until they know what data they have, where it is stored and how it is used.

"Practices need to undergo a full data audit. Only once they've mapped their data can they determine where the risk lies and what you need to do to lock that down.

"We've done this for several law firms, and helped tackle the risk by identifying weak points and processes that need to change within the organisation."

Letley adds that, in his experience, the biggest challenge in getting ready for the EU's new legislation is getting staff to embrace the change and help mitigate risk wherever possible. "Change management is a tricky process no matter the undertaking – it can be very hard to get people, and perhaps especially lawyers, to change the way they've been doing things for years. But it's something we've had a lot of experience with, and while getting acceptance is challenging, it's also essential for firms that want to stay compliant."

## CONTINUOUS COMPLIANCE

But while GDPR risk management starts with the firm, says Letley, it doesn't have to stop there, since practices can mitigate much of their data risk by moving their systems to a managed cloud-based infrastructure.

"Managing risk comes down to audits and checks to a large extent. Those checks can be automated within the public cloud using rules that check best practice for security and compliance.

"For example, one rule might check compliance next to ISO 17001 standards, and if it ever comes up with a scenario where the firm isn't compliant, it can flag that up in a dashboard and send the warning through to engineers to investigate and resolve." He adds that another example of one of these



“ *Managing risk comes down to audits and checks, which can be automated within the public cloud using rules that check best practice for security and compliance.* ”

automated rules is one that checks and flags whether any of a firm's data is being stored in servers outside the EU.

“As you're probably aware, the GDPR states that data must be held in countries with the same standard of data protection legislation as EU – so if data is stored on US servers, for example, that's a breach. A rule on the public cloud could check for that and flag it up to a compliance or data protection officer.”

These are just two of hundreds of automated risk management rules that help maintain continuous GDPR compliance and risk management – and Letley says that having these in place delivers numerous advantages to law firms.

“Probably the greatest benefit firms can reap from having systems on the cloud and running these checks is they can maintain compliance even when no one is in the office. All those checks are carried out 24/7 and monitored by a full-time security team. Compliance reports

are generated regularly and flagged to the right people.”

He adds that this capability delivers considerable efficiency and cost-saving benefits to firms that can be passed on to clients.

“While the GDPR is essentially a series of best practices and ultimately a good thing for clients, the time managers or fee earners might spend on it does detract from time that could be spent adding value to the client service. If firms use a managed IT infrastructure, however, they can stay fully compliant and free up their time to do what they're best at – delivering high-quality legal services.”

While the implementation of the GDPR in three months might seem like a dreadful prospect for many firms, there's still time to prepare. Those that audit their data, introduce the right processes and leverage the right technologies can comply in time – and save considerable time and money. [LPM](#)

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A portrait of George Psiharis, vice president of business operations at Clio, wearing a dark suit and white shirt. The background is a blurred office interior with large windows and a red light source.

# THE KPI FIRM IS KING

George Psiharis, vice president of business operations at Clio, sets out how firms can introduce the right KPIs to drive competitive advantage

British businesses need to become more efficient. In the November 2017 Budget, Philip Hammond outlined that poor productivity is a big problem for the UK since the Office for Budget Responsibility downgraded its estimate of productivity growth by 0.6% for the next five years. The legal industry wasn't exempt from this forecast.

In fact, research from legal management software developer Clio suggests that the legal industry is suffering from quite specific productivity problems. According to its Legal Trends Report 2017, based on 60,000 Clio users and non-users, the average law firm missed out on approximately six hours of billable time a day last year.

George Psiharis, vice president of business operations at Clio, says firms are losing revenue when only 2.3 hours on average are being utilised by solicitors – the rest of their time is largely taken up by administrative tasks and interruptions. “This level

of productivity just isn't sufficient in the legal industry, where clients expect high-quality legal services for less money and better communication. So much of this time could be spent on value-adding work and bolstering competitive advantage.”

But, he adds, this data is only indicative of the industry broadly, and if individual firms want to improve their productivity, they need to find out where and how their performance is lacking. Legal leaders can gain greater insight into their firms to find out where efficiency wins could be made, he says, by collecting and analysing data and introducing the right set of key performance indicators (KPIs).

“KPIs act as a navigational compass for businesses, allowing them to understand which parts of their operations perform in line with benchmarks or expectations, and which don't.

“Most law firms already use a few key performance indicators, such as fees billed and chargeable time.



But these KPIs aren't sufficient by themselves. It doesn't make sense to use only those indicators when firms now have access to data-capture tools that can help them develop a better understanding of the business's performance and where its efficiency shortfalls are."

### EFFICIENCY PATHFINDER

Psiharis says that the first step to putting the right KPIs in place is a simple one – count.

"It's easy for firms to become consumed with their day-to-day demands, but they need to make a concerted effort to track exactly what's going on in every transaction." He adds that the process of recording should start from as early as the client-inquiry level and move straight through to operations. "The firm needs to build a comprehensive and accurate picture of how many inquiries are being successfully converted, how many hours are spent providing a service and what constitutes the service. For example, if firms charge a flat fee for their services, it's also worth looking at how much time they spend on specific cases and services to ensure their model is profitable – or to look for ways to improve efficiencies and margin."

He adds that firms can accomplish this level of recording by introducing data-capture systems and regularly reviewing recorded information. Although Psiharis recommends using a cloud-based practice management system to keep track of things like time and revenue, he says that the system a firm decides to implement should be based on what works best for them. It could be a tech-based recording system or something simpler if that's what they're comfortable with.

"The most important thing is getting into the habit of tracking stages of transactions and reporting on them regularly. All teams should be made responsible for tracking what they do and should review that data on a monthly basis against targets." Psiharis adds that firms can incentivise these behaviours with their workforces by introducing gamification or incentive-based programmes.

There are several metrics that firms should curate from the data they capture to gauge productivity, he says. "Firms should look at their utilisation rate, as we call it, to analyse how many hours a fee earner spends on billable work compared with their available working hours. They should also look at their collection and business development rates –

how much time do fee earners spend chasing cash or finding new clients." He adds that such insights allow the firm to be more proactive and targeted in deciding the improvements they want to make in the way they operate and serve their clients.

### PROCESS IMPROVEMENT

Psiharis says that once firms have measured and reviewed their performance with KPIs, they should be in a much better position to work out where efficiency wins could be made. As an example, if a firm is suffering from poor billable-hour utilisation because fee earners spend too much time on cash collection and lockup, there are several solutions the firm might implement to resolve the problem.

"Firms might consider revisiting the types of clients they bring on board or look into alternative fee structures or payment methods, such as setting up an online payment system. In fact, part of our study found that firms that offered online or credit/debit card processing collected fee around 30% faster than firms that didn't."

Equally, he adds, if the firm finds that its primary efficiency killer is fee earners getting regularly interrupted, they might invest in automated communication solutions.

"Responsiveness is vital for firms that want to get ahead of the competition, but if a fee earner has to stop working six or seven times a day to speak with clients, that will have a negative impact on their productivity.

"If that is a big problem for them, they could invest in answering services that integrate with their CRM system or an automated reply solution that lets the clients know their issue will be seen to." But these are just a couple of examples of how firms might improve efficiency after working out how or if they're underperforming. Psiharis says there are multiple processes or technologies firms can introduce should they see fit to.

"It's just about finding ways of doing things faster and with less interruption to fee earners' billable hours. If firms can do that, they can become more competitive and profitable entities in the long run."

Improving efficiency is a key driver for firms, but they can't know which part of the business needs to be improved until the data is captured and performance is measured next to KPIs. Once firms start using KPIs as a navigational compass, they can start to introduce time-saving solutions into operations and drive competition. **LPM**

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# PREVENTION AND DETECTION

There are steps that firms can take to secure their data, whether staff are in the office or on the go. Nigel Redwood, CEO at Nasstar, tells *LM* how firms can leverage technology to tightly bolt their digital gates.

Cybercriminals are finding ever more sophisticated ways of stealing money and sensitive information from increasingly digital businesses. Their tenacity is unlikely to slow down because as their methods improve so does their capture rate – and, unlike other illicit activities, the chance of eventual capture and punishment is relatively low.

Fortunately, while criminals' capabilities have developed, so have business's means of stopping them. Nigel Redwood, CEO at Nasstar, says prevention and detection technologies are developing quickly and can help firms stop digital burglars in their tracks.

"We're seeing a much greater use of artificial intelligence and machine learning in cybersecurity to monitor behaviours at the moment. Those systems let you know if there's someone doing things they shouldn't be doing within your firm."

He adds that with the GDPR just around the corner,

firms need to do everything they can to prevent a breach – which means being as wary of internal mistakes as of external threats. As such, a combination of training and implementing AI technologies is the ultimate way of keeping systems secure.

## ARE YOU LEARNING?

Redwood says that the main security concern for firms is often data breach.

"They want to know how they can be more secure – not just technically, but procedurally and tactfully as well." He adds that this isn't surprising, since an attack that leaks confidential information leads to reputational damage which can be difficult to come back from – especially as a commercial firm.

Redwood says technology coupled with better process and education is necessary to ensure that firms don't have to go through the consequences of cybercrime.



“As a managed IT provider, we spend a lot of money making sure that our perimeter is secured and our technical skills continually evolve to ensure we can. We use AI tools to look for anomalies in behaviour in the user base as well as internally, which will allow us to stop internal threats from creating a security breach.”

He says there are many data leak prevention technologies, for example, that stop confidential information from being emailed or saved to a local disk.

Document rights management technology can also enable firms to email a document outside of their domain but still keep control of it. “Firms can put limitations on who reads the document and whether it can be forwarded, downloaded or printed. And after, say, two weeks, the recipient will no longer be able to open the document,” he explains.

But that’s not all. Email encryption technologies and digitally signed emails can really help in terms of preventing fraud, Redwood adds. And there are other technologies, using machine learning, that can stop fee earners or secretaries from emailing the wrong people.

“Through machine learning, the system can determine who you normally send certain types of information to, and it will send a prompt if you’ve made a mistake, such as if you’ve typed the wrong Phil Smith into the recipient box. Little things like that make all the difference when it comes to sensitive client data.

“We can secure everything within our data centre, but we also work with firms to make sure that all of their local environments are secure – everything from their wireless networks through to the machines on the desk, through to their handheld devices, making sure that we can remotely monitor and manage all of those devices.”

Nasstar can take firms through certifications such as Cyber Essentials Plus and ISO 27001 – these will help firms build better process and understanding of data security and awareness in their user base.

## TARGET PRACTICE

Law firms are easy targets for cybercrime for two reasons, says Redwood.

“First, and most obviously, the information firms hold on behalf of their client is often private and confidential, and that can be very valuable on the open market.”

As a result, he adds, targeting a law firm

gives a hacker access to the personal information of multiple commercial organisations as opposed to if they targeted one organisation.

“Law firms aren’t just controllers of their own data but their clients’ data as well, and that makes them an appetising target. The second reason is because, historically, in-house IT departments haven’t had the budget or skillset to really keep on top of the changing demands of IT and threats on the horizon.”

That’s why it is essential that firms practice process and awareness training regularly and at every level of the organisation.

GCHQ stated in 2016 that out of 100% of instances of cybercrime only 20% could be prevented through technology – therefore the other 80% is down to better processes and people.

Redwood says: “People are far too trusting in this day and age. A good example of this is that nine times out of 10 fee earners didn’t hesitate to connect their mobile device to Costa’s wireless when sitting in the shop.

“How do you know that it’s really Costa’s wireless? It could easily be a hacker sitting in that coffee shop with a wireless router in their bag transmitting a name called Costa.”

He says it’s being aware of threats like that, and therefore not getting sucked into the consumer way of doing things when staff are working with a firm’s device, that is crucial to protecting a firm.

Something that Nasstar always recommends is using two-factor authentication alongside a username and password. Thanks to advances in gaming technologies, graphics cards are now more powerful than ever – this means that hackers can now brute force attack a password more quickly.

This doesn’t just apply to the outside world, Redwood warns. “Two-factor authentication should be used in the office as well. We’ve proven to customers that we can dress a member of our team up in a yellow bib and walk into any office posing as a tradesperson and sit unchallenged all day.

“It ultimately comes down to the right training. People need to learn to challenge themselves – if they see an unfamiliar person sitting at a desk in the office, they should go and check who they are.”

Redwood says it’s important to have solid data prevention and detection technologies, and increase security by using the cloud and training staff – all of these things will make a hacker’s life that much more difficult. **LPM**

### ABOUT THE SPONSOR

**Nasstar** is a provider of managed IT services and tailor-made cloud-hosted solutions – delivering innovative, secure and agile IT to help clients accomplish their business objectives.

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# NAVIGATING COMPLIANCE



Brian Rogers, director of regulation and compliance services at Riliance, sets out the compliance challenges that law firms will face over the coming year

We realised last year that 2018 was going to be a busy year for both us and our clients in terms of new compliance. But those law firm managers who aren't regularly engaged in compliance might not have recognised some of the challenges they're likely to face. So, what are the key challenges that your law firm needs to plan for in 2018?

The first is the Financial Action Task Force (FATF). This year, the FATF will be visiting the UK to review the nation's approach to anti-money laundering, and it is expected to spend much of its time looking at law firms. The task force is concerned that there may be items that need to be addressed within the profession, since law firms only account for a very small percentage of suspicious activity reports made to the National Crime Agency – and it wants to see if those concerns are well founded.

It's unlikely that the FATF will give any notice of its law firm visits and they will likely be intensive and invasive. Firms therefore need to ensure that they

can show compliance with the EU's Fourth Anti-Money Laundering Directive, which came into force in the middle of last year.

The next one, and it's a big one, is the General Data Protection Regulation (GDPR). This new EU regulation comes into force on 25 May 2018, and its approach has been widely publicised across the business community. Unfortunately, some law firms still think that the GDPR doesn't apply to them or that they will be able to wait until the last minute to comply with its rules.

But the regulation is the biggest change to data protection legislation in the past 20 years. It aims to bring data protection laws into the 21st century so that they're in line with the new technology that's now available. The new regulation will give data subjects many more rights, and if law firms aren't fully prepared and compliant they could face regulatory sanctions and severe fines.

More enlightened firms don't see the GDPR as a regulatory 'tick-box' exercise, but rather as a good

business opportunity for reviewing their data – handling procedures, the data they hold, the reasons they hold that data and how they'd like to use it. It's a great opportunity for a data 'spring clean'.

The Information Commissioner has said that preparing for the GDPR is not the same as preparing for the millennium bug in 2000 – in that once you've met the initial requirements everything will be okay. Firms will need to make changes to their systems and procedures and to refine these continuously to ensure compliance.

The Data Protection Bill has also been developed so that the GDPR can continue within the UK after Brexit. It's still making its way through the parliamentary system but it's likely to come into force sometime this year. It will include enhancements to GDPR, so you'll need to monitor its progress.

And who could forget the changes to the SRA Code of Conduct? The SRA's review of its handbook is continuing, and the new rules won't come into force before this autumn. There are some major changes to the rules, so firms will need to start planning for these and their consequences. Although the SRA's changes need to be approved by the Legal Services Board before implementation, its proposals are likely to be far-reaching. For example, they'll allow solicitors to practise on a freelance basis like barristers. This could lead to some solicitors choosing to leave their current firms and to become their own bosses, so you should see this as a potential risk for your firm.

Finally, we must consider news that the SRA is working on new rules which will require firms to publish their data. It's currently at the top of regulators' agendas, and the publication of your firm's data, such as pricing, complaints and SRA disciplinary details, could all have a considerable impact on your business and its future reputation.

The SRA is currently considering the format of pricing information and its context.

Pricing will be a big issue for many law firms that are in competition with neighbouring practices, with top line fees often being used in client quotes for competitive purposes while other fees are provided underneath.

The new pricing regime is likely to bring such practices to an end, so firms will need to consider how they will be able to compete in the future.

Although complaints data is already published by the Legal Ombudsman, the publication of data handled by firms themselves will be a new step. This requirement will provide clients with a clearer picture of how many complaints a firm receives and in which practice areas. Some firms might try to 'bury' complaints so that they don't need to publish them, but more enlightened ones will see the new regime as an opportunity to address problem areas.

SRA disciplinary details are also currently published by the SRA and the Solicitors Disciplinary Tribunal but in future clients will be able to get these from each firm, in the format agreed by the regulators.

Apparently, some firms have already decided that they might take down their websites so that they won't have to publish data. This would be a short-sighted approach and could do more damage than simply complying with the new publication requirements.

There are a lot of challenges to think about and meet this year. Compliance is like a never-ending train journey – you know where you need to get to but will never actually get there due to the twists and turns in the track and new routes constantly being laid. The twists and turns are the rules and your obligations – and these will continue to change as legislation changes. Regulators will want to see that you've gone a long way down the track – they won't be happy if you either haven't started your journey or have got off at the first stop. **LPM**

#### ABOUT THE SPONSOR

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# Day in the life

**HELEN PITTARD**  
 HEAD OF DISPUTE RESOLUTION AND  
 DIRECTOR OF BD AND MARKETING, 174 LAW

Pittard talks about her day in the life, creating a CRM and being the 'office geek'



**5:45am**

I have two relatively young children so I get up early, get breakfast organised and have my important first cup of coffee. I really need that cup to stimulate my brain. I take our six-month-old black Labrador puppy, Carly, out for a walk. When I get back, as the kids are getting ready for school, I have a quick look at what email activity is taking place and whether there's anything I need to be aware of first thing in the morning. Since we act for a lot of Middle Eastern and Asian clients in development work, there are often many emails in my inbox waiting to be dealt with. The volume of emails we get is huge, so if I don't stay on top of them, they become unmanageable. It's good to try and get some things sorted before I even get to the office.



**9am**

My daily goals from a fee-earning perspective are to meet up with clients and stay on top of correspondence and their cases. I very much subscribe to agile working - so in my role as a family mediator, I practise in Liverpool, Wirral, Chester, north Wales and Warrington. I have my work phone automatically diverted to my mobile and we use digital dictation. We are very secure and connected - all the VPNs are totally in sync with the office and I can work anywhere.



**12am**

Part of my workload comes from the international property development work that the firm is involved in. And while I'm not a property lawyer, I often oversee or help direct the workflow that comes in through our CMS - which I created. Because of its nature in being very time restricted, the success of a property development scheme is dependent on cashflow and fee maintenance.

Three years ago our firm had the opportunity to get more heavily involved in property development through another firm, but we didn't have a CMS system in place that would handle the new volume of work. We were pressed on time, and I knew that the software could be generated from our CRM. I just needed to create the fields and the processes within the software and it enabled us to manage the workflow, document production and, on top of that, create bespoke reporting.

It's not surprising that I'm known as the 'office geek' - if there's an issue with IT in the office, staff usually come to me to sort it. That was true even before the advent of my CMS. I think I have quite a logical brain and way of thinking. I see things as processes and I'll work through that process to see where the solution lies and invariably, I'll find a result. I'm very solution-driven and like to fix things.



**3pm**

If there are particular demands from a business perspective, then I have to manage my diary accordingly. For example, we've got our Lexcel audit on Thursday, so I have to make sure that we're ready for that and ensure that everything is done. But it doesn't always work - I've got two final hearings in court tomorrow and they tend to monopolise time with preparation and final statements. Sometimes there just aren't enough hours in the day and that does impose on time outside of working hours. But I don't think that's unique - I think people and demand are greater than they've ever been, and you've just got to find a way to make it work. I tend to do marketing and creative stuff outside of office hours, but I don't see it as work and it's really fun to do.



**7pm**

When I get home from work my kids tend to force me to switch off, which is a nice change of pace after a long day. My daughter is revising for GCSEs, so I'm currently studying English literature with her - Macbeth is my speciality. I also run, so I will often take some time in the evening to do that. That exercise sets me up to do a 10K run on the weekend. I used to do longer distances but I suffered a back injury, so I'm in recovery mode. But running is my stress release. [LPM](#)

**“ I think people and demand are greater than they've ever been, and you've just got to find a way to make it work. ”**



**ALL ABOUT**

- Helen Pittard**
- Works across all offices**
- Likes Hugh Jackman**
- Dislikes hangovers**