

SEPTEMBER 2017

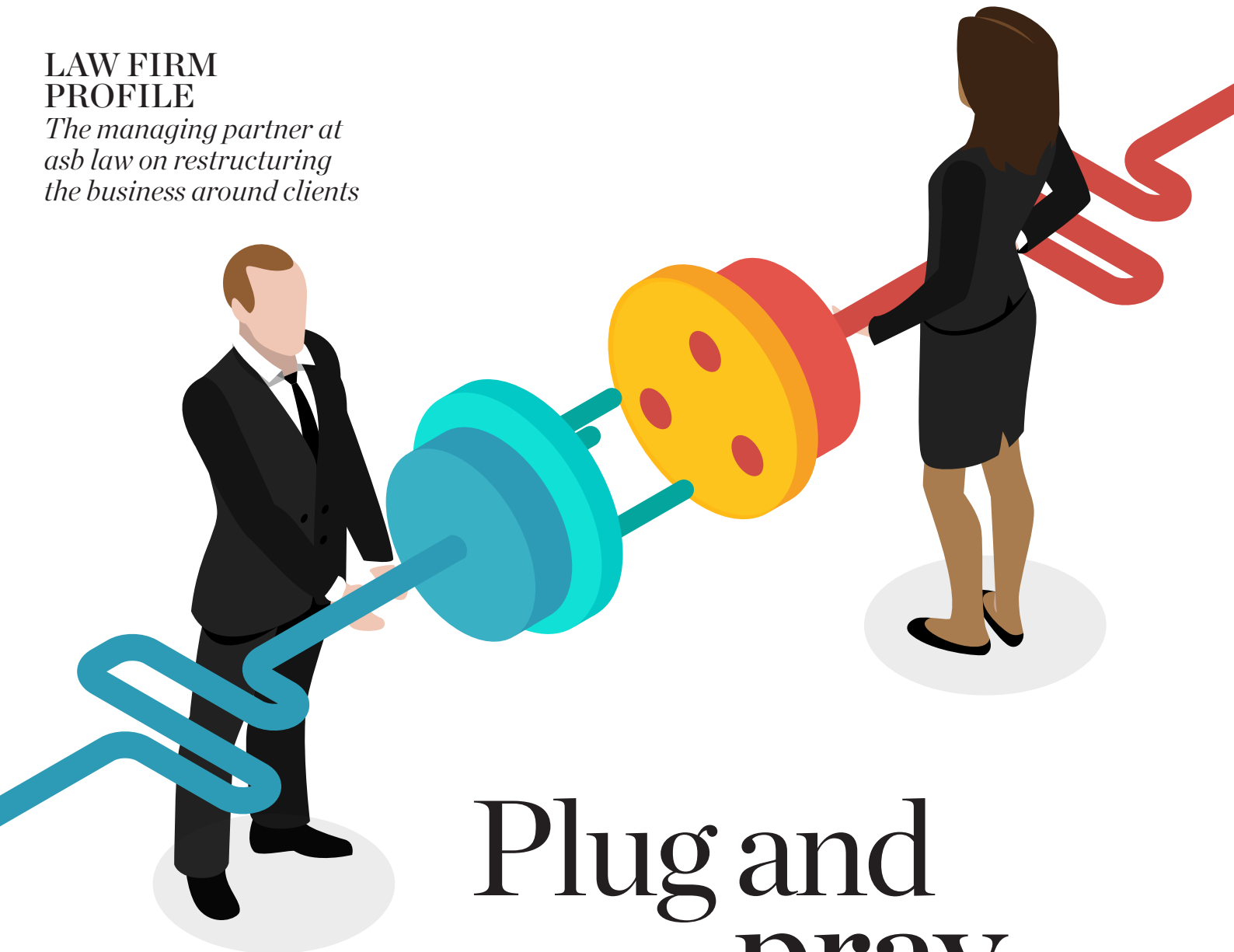
# LPM

LEGAL PRACTICE MANAGEMENT

THE ONLY  
MAGAZINE  
FOR LAW FIRM  
MANAGERS

## LAW FIRM PROFILE

*The managing partner at  
asb law on restructuring  
the business around clients*



# Plug and pray

## BOOK REVIEW

*McCarthy Denning's  
CEO reads Radical  
Business Model  
Transformation*

*Mergers are good for business when they're done  
right. How firms ensure a successful union, though,  
is the difficult bit*

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# WELCOME

*Mergers are too often led by ego. If firms want the benefits of a union, it needs to be done for the right reasons and with the right partner*

A merger can be great for business, there's no doubt. Rapid expansion and market penetration is compelling, especially when compared to the effort of organic growth, and with the market becoming super competitive it's not surprising that more SME firms are considering a merger.

But unions are often fragile – some fall apart after less than a year and others shrink as rapidly as they grew. We wanted to find out why that happens so that any merger-inclined readers can follow in the footsteps of their successfully joined peers. LPM's talented assistant editor Kayli Olson took the reins on the article (p26). I won't give too much away, but it's clear that law firm M&A is too often led by leadership ego ...

Mergers may not necessarily concern you, of course – but I know what will. The EU's General Data Protection Regulation is less than a year away, and LPM's research (numerical and anecdotal) suggests most SME firms aren't ready. My advice if you haven't started preparing is do so now – because nothing short of a complete data processing overhaul will make the firm compliant before May 2018. If you get stuck, read what legal managers and the ICO had to say about it in our GDPR supplement. Summer reading you can depend on.

Elsewhere in the magazine, new columnist and operations director at Riverview Law Will Taborn considers the future of disruptive tech in legal business (p17) while on p15 Sean Stuttford at Thompson Smith and Puxon delves into the complexities of change management.

Enjoy this month's issue, dear reader. I hope it will be a shining light in your life now the summer is almost over.

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



*"Unions are often fragile – some fall apart after less than a year and others shrink as rapidly as they grew."*

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# About us

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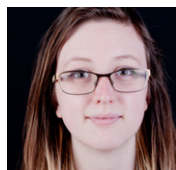
## Contact us



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# IN PRACTICE

## SNAPSHOT THY WILL BE ONLINE

Firms will be super grateful now that the summer holidays are almost over – every extra person in the office counts when getting their heads around an abundance of regulatory and legislative developments heading this way.

Perhaps here's some good news for will and probate firms – depending on their flare for innovation. Statutory independent body the **Law Commission wants England and Wales to become the first major jurisdiction in the world to allow electronic wills.** The organisation proposed at a wills consultation in July that the lord chancellor be given the power to introduce e-wills by statutory instrument.

Another perhaps more shocking, or uplifting, (depending on where you stand) proposal to the lord chancellor came from the Legal Services Board. **The LSB gave accountants the green light for full legal services offerings by formally recommending the lord chancellor approve an application by the Institute of Chartered Accountants in England and Wales** to become an approved regulator and licensing authority for all reserved legal activities. Duncan Wiggetts, executive director of professional standards at the ICAEW, said the LSB's approval was a positive step for consumers.

News coming out of the Ministry of Justice definitely won't sit well with many law firms. **The MoJ has confirmed that the Civil Liability Bill will include raising the small claims limit for personal injury claims and introducing a fixed tariff for compensation.** The bill will take forward reforms contained in the Prisons and Courts Bill which was dropped in April 2017 in the lead up to the general election.

This news comes despite research suggesting that such **PI reforms could push 80% of RTA cases into the small claims courts** since that many were settled for under £5,000 over the past year. (Lobbying group Access to Justice



commissioned economics consultancy Capital Economics to analyse figures supplied by 58 firms which settled 171,939 claims in the previous year.)

But perhaps firms shouldn't worry too much about legislative changes when they could worry about the onslaught of cybercrime. **According to the Solicitors Regulation Authority, reports of cyberattack against law firms reached record levels in the first quarter of this year.** The regulator said there were 45 reports of digital attack in 2017's first quarter compared to 35 in the second quarter of 2016 (the previous record) and just 19 in the last quarter of that same year.

Best get cancelling everyone's holidays to find the time for training around cybercrime for 2018 ... **LPM**

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

"The weather's still nice, I wonder if I could write this will outside on my iPad ... But will I get wifi?"

IN NUMBERS

### Record cybercrime

The SRA has suggested in its 2017/18 Risk Outlook that cyberattack on law firms has reached record levels



was stolen from firms in the first quarter of 2017



was stolen in the first quarter of 2016



of these crimes involved conveyancing

Source: SRA Risk Outlook 2017/18 (July 2017)

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**JULIE RIXON**  
PRACTICE MANAGER,  
THE FIRM SOLICITORS

Employers should recruit by basing decisions not only on the abilities and skills of the potential employee but also the benefits to be gained by any differences. Employers can create a positive internal environment by creating opportunities for every employee to achieve their personal potential while also reflecting the external marketplace.

## YOUR VIEW



**MATT MALONE**  
HEAD OF HR, MOGERS  
DREWETT

Absolutely. It's an ongoing challenge to retain and attract real talent into the firm. We recognise that every person is unique, with different circumstances, motivations, skills and abilities. By working with these differences, not against them, we can maximise the strengths of everyone to help the firm achieve its wider business objectives.



**MARK BRIEGAL**  
PARTNER, AARON  
AND PARTNERS

Yes. Our aim is to employ the very best people who will deliver the very best outcomes for our clients – and to achieve that want to be wholly unbiased in our recruitment and promotion policies. A diverse workforce is often a more effective workforce. Diversity can be limited by the applicants that firms receive and, away from metropolitan areas, that can make greater diversity more difficult. We strive to present an image that will attract the best candidates irrespective of their background.

*With the recent news that BSI, the business standards company, has launched a new standard for diversity and inclusivity, we ask LPM readers:*

*“Do firms need to be better at supporting diversity, and why?”*



**SANDRA HORWOOD**  
PARTNER, QUALITY  
SOLICITORS J A HUGHES

Yes, firms do need to be better at supporting diversity as their client bases are becoming increasingly diverse in terms of background and culture. Because of this cultural evolution it's vital that teams reflect this diversity, to ensure clients have equal access to services while maintaining high levels of professionalism and expertise. It is also important that an equal opportunities policy is employed and adhered to during the recruitment process to ensure the best candidate is appointed for positions regardless of background.



**ANN MCDONAGH**  
OFFICE MANAGER, DGB  
SOLICITORS

Firms do need to become more involved and supportive of diversity as the world is now a more diverse place. Unfortunately, many firms seem to only pay lip service and tick boxes without thinking past disability or LGBT to the wider spectrum of diversity we encounter every day. Unconscious bias is part of human nature but can be challenged and broken down with the right training and consideration.



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LPM is happy to introduce the first in a series of Q&A style columns from BPP University Law School for fresh perspectives on solutions to law firm talent challenges

Q&amp;A

# New ways in

Tricia Chatterton, BPP's training guru, answers your questions on changes to solicitors' qualifying exams and how they will affect firms

**Q** I've heard that the SRA is planning a change in the qualifying exams solicitors will take. What's that about?

**A** Within the next few years, the Legal Practice Course (LPC) and Graduate Diploma in Law (GDL), which students have to complete if they don't have a law degree, will no longer be compulsory.

Over time they will be replaced by a range of new preparatory courses for the new Solicitors Qualification Examination (SQE). The proposed SQE will be a centralised series of examinations in two parts and two years' work experience. According to the SRA, the new SQE should help keep training costs down and, they say, create a more effective, standardised 'entrance exam' for people seeking a career as a solicitor.

**Q** But we don't hire trainees so it won't impact us, right?

**A** These changes will impact any employer recruiting junior lawyers from 2020. After that date, it's likely that many newly qualified solicitors (NQs) will lack the skills and expertise the profession has come to expect of its NQs. For example, a graduate having passed the SQE will not necessarily have any of the knowledge or skills associated

with some key areas of practice for many firms, including family, employment, immigration, commercial or IP law. Consequently, you'll need to be a lot more forensic when it comes to assessing the capability and suitability of potential candidates you recruit and you may find yourself having to put in place a great deal more remedial training to make up any shortfall.

**Q** What can my firm do about this?

**A** Fortunately, there is a better and less haphazard solution and BPP University Law School is currently working with a range of firms to develop a number of new programmes, including a graduate entry solicitor apprenticeship. This programme will ensure that graduates are ready for practice as qualified lawyers while also preparing them to pass the SQE. And all law firms, regardless of size, will be able to offer this training programme, with the government funding 90% of the cost for small and medium-sized employers with a payroll of less than £3m. This means that training your own pre-qualification graduate talent will no longer be

primarily the preserve of larger firms. Yes, it will mean a big cultural shift if you have no tradition of hiring unqualified recruits. But the alternative is to have inadequately trained NQs on whose knowledge and skills you may no longer be able to rely. **LPM**

**Tricia Chatterton has worked in legal higher education for the past 17 years. She is a solicitor (non-practising) and director of legal apprenticeship programmes at BPP University Law School.**

**Send her your apprentice and graduate recruitment questions: [TRICIACHATTERTON@BPP.COM](mailto:TRICIACHATTERTON@BPP.COM)**

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## HR AGONY AUNT

# CORBYN AND GONE



Polly Jeanneret, LPM's HR guru, answers questions about expressing views on social media and politics

**Q** An employee has been found on Facebook criticising our firm and her male colleagues for leaving her isolated. Some partners feel there may be some truth in it and want to take this further while other partners want the employee sacked for bringing the firm into disrepute. Which path would you take?

**A** Talk about rock and a hard place – plus the added joy of a potentially divisive issue to spoil the next few partners' meetings. Given that last month FB crossed the Rubicon to boast 2 billion users a month (that's more than a quarter of the world's population), the argument for reputational damage is strong and I am sure that you have all this clearly spelled out in a social media policy (ahem). But (and that's a 'but' the size of a bus), you should all know by

now that procedure precedes pressing the panic button. Follow a procedure (talk to this employee, talk to others, investigate the circs – with an open mind) and then – and only then – consider an 'invitation to leave'.

**Q** In the light of the latest general election, an employee approached me (informally) to say that he felt uncomfortable about expressing his political views in the office because: "The PC thing to say is that you support Corbyn." What should I do?

**A** This is actually a thing in British life: the 'shy Tory factor'. It was once given as the reason why pollsters sometimes get elections wrong (as they famously did in 2015 by predicting a hung parliament when the Tories ended up winning by 12 seats). I do recall that there is received wisdom that one

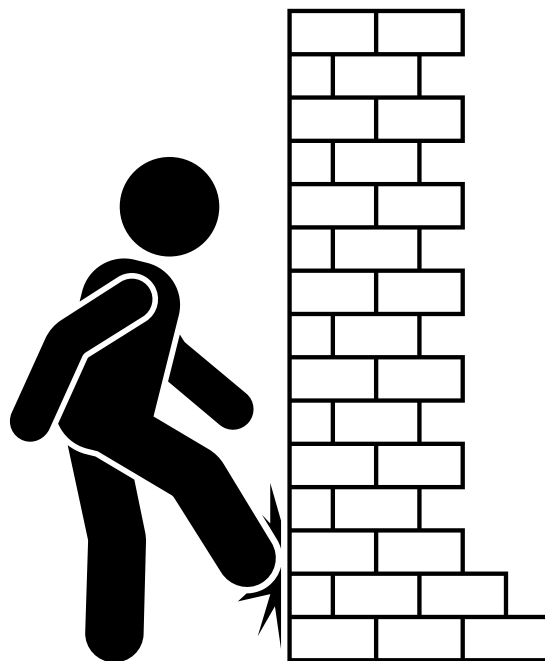
should never talk about politics or religion in 'polite society'. But that would be against his right to freedom of expression (Article 10 of our Human Rights Act 1998) and in breach of your equal opps policy.

My ideal outcome here would be to let it lie and do nothing for a bit because after Wimbledon and the summer holidays everyone will have hopefully forgotten about politics for at least a day. If it doesn't all blow over,

sweep the sheds on this one: you need some detail. Who said what, when? Because it may be that this is a case of perception and that these strident Corbynites are not that bothered by having Tory work colleagues after all. **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)**



## THIS MONTH IN NUMBERS

## CLIENTS UNDER THE HAMMER



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## BOOK REVIEW

# MODEL FOR CHANGE

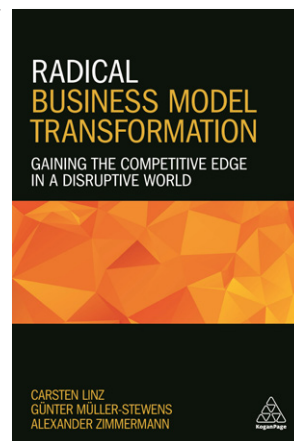
For many reasons, this is a book I don't want my competitors reading. Radical Business Model Transformation's premise is that in many industries and markets existing business models are under threat – and authors Carsten Linz, Günter Müller-Stewens and Alexander Zimmerman ask whether existing models can be defended or if radical change is needed. The target reader is a business leader in an established firm. And against a backdrop of technological advances and evolving markets, characterised by frequent new entrants emerging with very different business models, the message to that reader is clear – a radical rethink of existing business models is needed to survive and prosper.

The authors bring to life the four main categories of a business model: product, platform, project and solution, and make excellent use of case studies from big brand names such as Amazon, Dyson and Netflix. The book outlines three domains that business leaders of established firms will have to change to effect a radical change to an existing business model. The customer-facing front end is summarised as the value proposition offered to the customer, while the back end is the organisation's infrastructure required to run the business, and the monetisation mechanics is the method used to create the firm's revenue streams.

Although none of the case studies used are of law firms, it is easy to see how the principles could apply. As in other industries, the competitive advantage enjoyed by new entrants in terms of launching with the latest technology and optimum use of resources (the back end) means that the older more established brands face a very real threat to their front-end offering and ultimately revenue streams.

It's clear from this book, and comes as no real surprise, that it's significantly harder to change an existing business model than to enter a market with a more contemporary offering. The challenge to existing firms is that changes to a business model will potentially be very costly and are likely to be met with fierce resistance from existing stakeholders. It could take considerable time before the benefits of such a change are reaped. The authors are keen to highlight that it is the mission of this book to help business leaders of existing firms who have identified that radical change is needed succeed in their transformation process.

The method used by the book to offer support is a detailed analysis of case studies that continually reference core domains needing change (front end, back end and



**Radical Business Model Transformation: Gaining the Competitive Edge in a Disruptive World** by Carsten Linz, Günter Müller-Stewens and Alexander Zimmerman



*Reviewer:*  
Warren Wooldridge,  
CEO, McCarthy Denning

**Publisher:** Kogan Page  
**Publication:** January 2017  
**Price:** £29.99

monetisation mechanics). This is undoubtedly a very clever technique as it's hard to argue with so many success stories. Perhaps the greatest asset of the book, however, is the conclusions drawn that cut across these case studies. Entrepreneurial leadership, for example, is considered an absolute core ingredient for success. The ability to exploit unseen opportunities with a novel approach that encourages further entrepreneurship throughout the firm is key.

Interestingly, in many of these case studies further entrepreneurship needed to be brought in from outside the firm, or even the industry. This is clearly happening in the legal market, and the message from the book is that those who are slowest to change have historically been the first to decline. The demise of the once market-leading video rental chain Blockbuster, for example, is a haunting example of how fortunes can change relatively quickly.

Another example which resonates well in the legal market is the constant advances in technology and the attitude towards working habits. The two are intrinsically linked, allowing core workers to work as effectively, if not more so, away from the bricks-and-mortar office.

There's frequent referencing to the traditional firm and its approach and the threat posed by new business models. For those of us who have nailed our colours to the 'new' it's a comforting validation that we're best placed for future growth, while being aware that in the right hands it's still possible for existing firms to make the radical change needed to blunt this advantage. **LPM**

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# CHANGES OF PACE

SEAN STUTTAFFORD, COO

Over change is an inevitable part of business life. Your firm may have a new strategy for gaining competitive advantage: perhaps there is a plan to move to new offices, drive improvement in realised rates, reposition in the marketplace or just cut costs? Whatever change is planned, decisions taken should be consistent with the distinctiveness of the firm.

It's not uncommon in these circumstances for there to be a bold announcement from the firm's partners only for the execution to be left to mid-level managers. The main problem with this approach, particularly in professional service firms, is that partners set the standards by which everyone else will assess themselves and must be seen to be leading the change by staff at all levels.

The problem, fundamentally, is that no matter how compelling the case for change is, varying degrees of resistance will always occur. In a professional services firm, where internal conflict is often avoided, unchallenged resistance can bring a change programme to a grinding halt. Leaders should make sure that they identify enablers and barriers to change – and there are tools that can assist with this process. In the past I have found that a simple 'forcefield analysis' list can produce a useful snapshot of resisting and enabling factors.

Alternatively a 'stakeholder map' indicates not only the impact of change on different stakeholders in the firm but also their power to influence and their most likely status as determined through experience and discussion – either for or against the recommended change.

In the early stages, leaders should also create a feeling of some urgency for the change programme. An effective way of doing this could be by discussing scenarios around specific threats to the business and how these may play out in the future. An often overlooked area to help strengthen change arguments can be from the firm's clients. Even if staff are sceptical, they will listen to their key clients. Don't be afraid to talk to clients about the changes you are making and obtain their feedback and support.

Communicate the change programme effectively throughout every level of the organisation by bringing together a cross-department liaison team to provide a consistent message and continue building urgency around the need for change.

Leaders will also be the key to overcoming inertia. To generate and maintain some momentum from the point of announcing a change strategy, the firm should achieve some visible quick wins over and above any already implemented management changes. To help with these easy wins, ensure decisions are made quickly and not revisited. Openly empower and assist individuals, supportive of the intended strategic direction, to develop initiatives and give timely rewards to those that make exceptional efforts to progress the firm's strategy.

Finally, make the changes part of the core vision and values of your firm. As Harvard professor and business management leader John Kotter made clear in his model, eight steps for leading change, anchor change in the core culture of your organisation. Leaders can do this by openly discussing successes, ensuring any new staff are already in tune with the change programme and making sure change is seen in all parts of the organisation. **LPM**

*“The problem, fundamentally, is no matter how compelling the case for change is, varying degrees of resistance will always occur.”*

## ABOUT

Sean Stuttaford  
COO  
Thompson Smith and Puxon  
[www.tsplegal.com](http://www.tsplegal.com)




**Revenue: £4.2m**

**Corporate status: Limited company**

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# APPETITE FOR DISRUPTION

WILLIAM TABORN, OPERATIONS MANAGER

There has been considerable change in legal services delivery over the past few years because of technology. Firms now have access to huge amounts of information online, as well as cloud tech, video-link court hearings and automation technologies – including AI, which is becoming more prevalent in the legal sector. But while many firms have grasped the need for change and embraced technology, there are still firms that view it with suspicion – yet the legal sector is ripe for disruption, as demonstrated by Kira Systems, RAVN ACE, ROSS Intelligence and Riverview Law's Kim.

To understand how to react to this change, firms need to understand what's driving it. Put simply, it's driven by consumers. Technology puts power in clients' hands, and they now want greater transparency and more for less from law firms. Some argue that the 2008 financial crash is responsible for this market-savvy way of thinking, but at most the recession merely accelerated it.

So, looking at the horizon, what do we think the next decade will develop as a result of new tech? As consumers insist on greater clarity, legal businesses will have to ask themselves: How can we deliver the best service in the most efficient way? Technology can help by using management information and collated data to assist businesses in identifying trends and giving them access to real-time data. In this way, firms can make sure that the right person is doing the work, at the right time, for the right price – whether that work is undertaken internally or externally. Driving efficiencies in this way allows lawyers to be pushed higher up the value curve to do more complex work and identify future sales and business forecasts – providing insightful information to the business such as where a contract is in negotiations and the likely date it'll be signed.

Times are changing and businesses need to be open to changing with them. It is worth noting that we've already seen considerable change in the accountancy landscape, including the Big Four offering legal services – it will more than likely filter down.

As a result of this we will see further rises in propositions, including various legal services becoming commoditised – being marketed and priced as a product. Deregulation has already had a commodity impact and the rise of the alternative business structure shows this to be the case. There are several ABSs seriously shaking up the market in various ways and this will drive diversity of legal practice. The prevalence of technology will be the key differentiator.

But the great news is that while technology may be novel in the legal industry, it's well-understood in other sectors. Take ATMs – when they first hit the high streets, many people lauded the death of the bank, but they actually made banks cheaper to run, and able to place people in more specialised positions.

The change in the legal industry is growing in intensity. The pressure is on businesses of all sizes to do more with less and to prove the value they deliver is also growing. Law firms that embrace that change and that take the time to understand their client's value are setting themselves up well for the future. **LPM**



**“** *Technology puts power in clients' hands, and they now want greater transparency and more for less from their law firms.* **”**

## ABOUT

William Taborn  
Operations manager  
Riverview Law  
[www.riverviewlaw.com](http://www.riverviewlaw.com)

**Corporate status:**  
**Limited company**

**200 total staff**

**Offices: Wirral**

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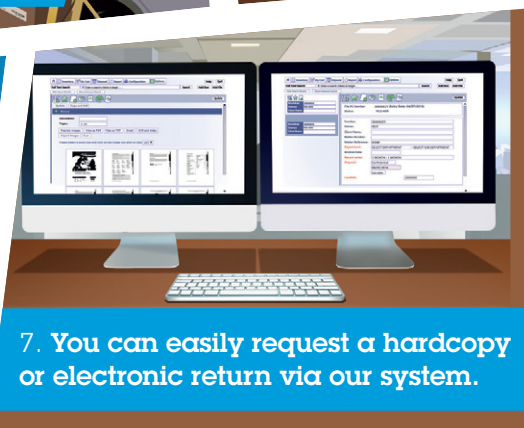


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# COMING UP CLOUDY

NICK HAYNE, THE CLOUD EXPERT



Law firms face most of the same challenges as other businesses — from budgetary constraints and skills shortages to cybersecurity and productivity challenges. But legal firms must also face compliance and regulatory challenges that can have a significant impact on operations in terms of steep fines, reputational damage and action by the SRA.

There's no easy way around these challenges, and for many firms seeking solutions is merely a cost of doing business and operating within a highly regulated industry.

Then there's the issue of a changing workforce — we are more scattered than ever before, more demanding in our technology requirements (think about the influx of millennials) and want to work differently. Bringing staff together from across disparate offices with those that work remotely or travel frequently can bring an added level of complexity to operations. The question for IT managers, and indeed even practice managers or partners, is how you keep staff happy and productive while maintaining high levels of security and compliance.

For many firms, technology has played a leading role in helping overcome issues, particularly around security, access control and network safety, and IT-related compliance. One of the best examples here is hybrid cloud. It's not anything new for businesses but its flexibility and functionality is driving a rise in adoption.

We're all aware of the benefits of cloud — cost-effectiveness, scalability, agility. And those same advantages apply to hybrid cloud. But for legal users, hybrid cloud provides the perfect balance: public cloud services for areas that are not governed by regulation, like hosting email servers, and private cloud storage for critical business data and applications. The latter is more secure because cloud providers typically provide much higher levels of security in their data centres than firms could provide in-house.

There are also better opportunities for disaster recovery and business continuity. In the event of a disruption, be it a network error, rail strike or weather event that makes it difficult for staff to get to the office, data and applications remain available and are backed up off site.

Of course cloud doesn't solve every single issue, but it does add value. It even supports the use of other business applications and services that can be used to solve other challenges. Desktop-as-a-service (DaaS) or virtual desktop services are applications legal firms are readily adopting. DaaS securely provides a common set of productivity and line-of-business applications to all end users, allowing consumption of these services from any device, at any time, from any location.

But it's not just the use of technology that has a role to play — it's the use of the technology vendor, too. They have the security credentials, industry expertise and the ability to understand specific business requirements and challenges. What this means is that you're not getting a standard solution, but rather a tailored approach based on what you actually need to meet your objectives.

In an ever-changing industry, keeping up with market trends, increasing internal pressures and evolving regulations, legal firms need a host of tools and resources to ensure they can meet all requirements while still driving themselves forward — from technology, to experienced technology partners. **LPM**

## ABOUT

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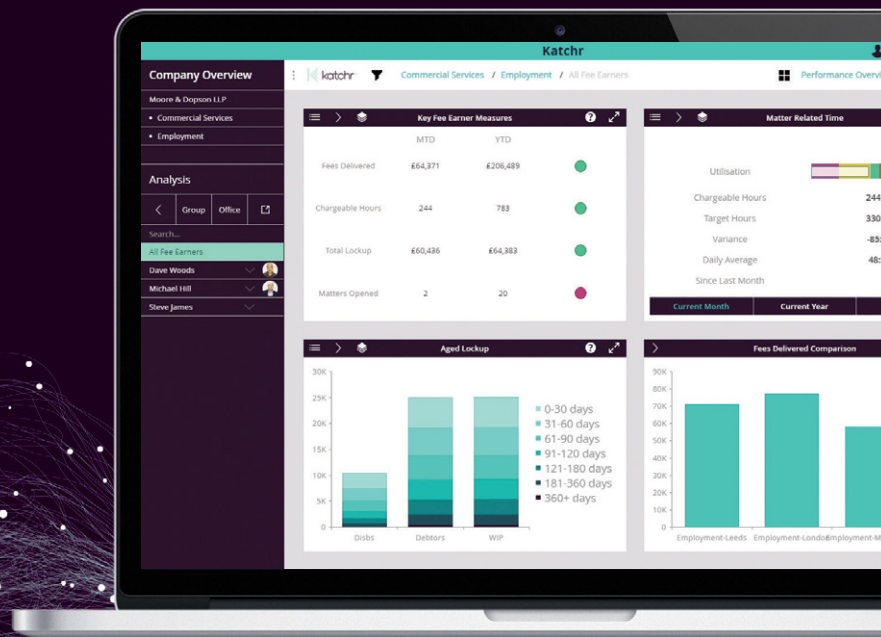
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# TAKE COVER FROM CYBERCRIME

JANINE PARKER, THE BROKER

The CEO of insurance firm Lloyd's of London, Inga Beale, said on the Today programme in July 2017: "The cyber market at the moment we estimate is about \$3-3.5bn, probably in the next three years that could easily double."

In any class of insurance this would be enormous growth, and we can only speculate whether this increase will be down to a greater number of businesses purchasing cyber cover or prices starting to rise dramatically. A reasonable assumption is that it will be a combination of the two.

In previous articles in this magazine we addressed the General Data Protection Regulation (GDPR) that's coming into force in May 2018. We've looked at the fact that SME law firms hold far more sensitive and personal information than they might expect. A firm might hold medical records, bank details and passport information about clients, all of which can be manipulated and used by criminals – as such, firms are much more attractive targets than they realise.

While cyber insurance is priced relatively low compared to professional indemnity, the policies are of varying quality. Some policy wordings afford clients a far greater depth of cover than others. The US market is more mature than the UK, for example, and thus more developed and complex – clients must be aware of exactly what is covered by the policy purchased.

As this class continues to evolve, so does the wording. A list of coverage from a more extensive policy might include: notification costs, loss to office account, credit monitoring costs, forensic costs, business interruption, including fee protections and public relations costs. There's also regulatory compliance advice, indemnification for third-party demands, non-targeted attack cover, cyber extortion, internal error and loss, crisis management and incident response. This list alone provides an indication of the complex nature of cyber insurance. Indeed, cyber insurance itself is misleading as a phrase as the cover we are really referring to is cybercrime, fraud and data protection.

This complexity can be cause for concern in the insurance market. Taking into account the comments by the Lloyd's of London CEO and the ever-evolving cyber threat, it's worth considering what the response of the industry might be and how firms can best navigate this.

The simple answer is that if exposure and claims increase, prices will go up. Insurers cannot justify writing loss-making business to shareholders. Furthermore, they have to demonstrate that they have pre-empted certain potential threats in the market, of which cyber is certainly one. The other option is to reduce the scope of cover afforded to clients to manage their exposure. This could prove a challenge to firms who need to protect themselves when their data protection and regulatory obligations are also dramatically increasing.

If you have not already done so, investigate the cyber products that are available to your firm. At the time of writing these are competitively priced as insurers seek to gain market share. It is a product that will undoubtedly add to your firm's ability to combat the challenge of cybersecurity. If the market does begin to react by increasing prices or reducing coverage, those firms that purchased their policy sooner are likely to be in a stronger negotiating position should insurers seek to increase rates or withdraw aspects of cover. Cyber insurance is a product that no firm can afford to ignore. **LPM**



“SME law firms hold far more sensitive and personal information than they might expect.”

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# RETAIN ON THE BRAIN

NATASHA RAWLEY, THE FILE QUEEN



Wow, was that summer that just whizzed by? At ADDS we can't believe how quickly September has arrived. Here at File Queen headquarters we have been busy bees working away on client projects and feeling the buzz of the EU's General Data Protection Regulation from all sectors we serve. Last week the BBC's breakfast news focused on the implications of the GDPR's pending arrival and it was great to see mainstream media spreading the word.

In last month's column, we touched on two key concerns raised at the LPM conferences this year – cybersecurity and cost savings. And, as promised, over the next couple of issues we're going to share a couple of top tips that have worked for practice managers trying to lower costs.

This month we start with file retention – yes, that age old question of when to destroy files. An effective file retention plan will not only save you money with external archive storage providers, it will also save time and money onsite with any file rooms you have. Freeing up valuable office space means your firm can grow into that space.

But one important note: the File Queen cannot offer legal advice and we always recommend firms get their legal department to sign off retention schedules for files first. We can, however, provide you with some friendly guidance.

*“Does your firm have a file retention guide? If not, now is the perfect time to get one in place as this will be essential for the GDPR changes.”*

The first question that must be asked is: does your firm have a file retention guide? If so, when was the last time it was reviewed? Does the retention guide cover both hardcopy and electronic files? Check it over and make sure it's up to date. If not, now is the perfect time to get one in place as this will be essential for the GDPR changes coming your way in May 2018.

Now, for both checking a current retention schedule and putting one together we have some great tips on our website: [www.archivestorage.net/news/file-retention-tips](http://www.archivestorage.net/news/file-retention-tips)

There are links to CIPD's retention guidelines on this page as well as those from HMRC, the SRA and Law Society. You can also download a file-retention template to use. But even if you already have a retention schedule, have a sneak peek at this template as it may have columns you haven't included in yours yet. There are two types of template: one specifically for legal practices and a standard record retention schedule. Download both and take a look at them for ideas.

If you're building your retention schedule from scratch, make sure you can use the template and then present the draft schedule to the managing partner or your firm's legal adviser to get the permissions signed off.

You must also decide who in the firm will have the power to confirm destruction of physical and electronic files before submitting a retention schedule for approval. We always recommend that more than one person in the firm has this power, so you can keep destruction projects moving if someone's workload is high or they're away from the office. **LPM**

## ABOUT

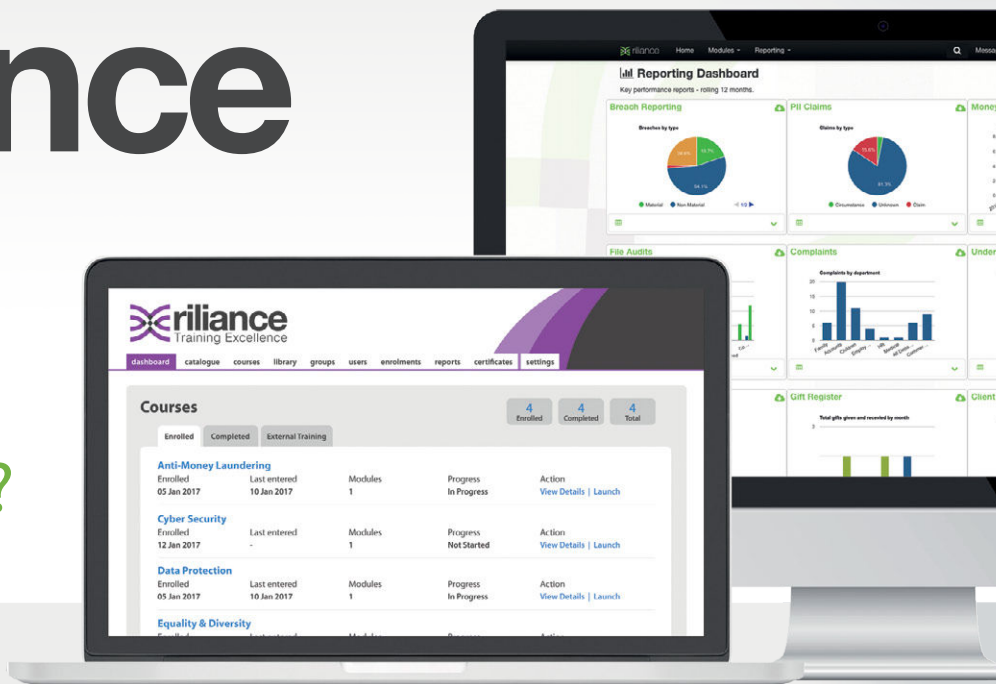
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The managing partner of Kent and Sussex-based asb law speaks to Patrick Wingrove about creating a two-tier management structure that's driven considerable growth

The traditional law firm structure is far from dead but the industry's adoption of technology, alternative structures and innovation has rekindled the conversation over whether it's the best model to drive success. One firm keeping the fire burning is Kent and Sussex-based asb law, which reorganised by removing legal practice areas and replacing them with sales and delivery teams measured by client satisfaction rather than billable hours.

Andrew Clinton, managing partner at asb law, says the move was challenging but the firm hasn't looked back. "We've addressed the organisational structure issues that were preventing us from offering clients the best possible service. It's taken time but there's real momentum now driving growth across the business."

Asb was recognised for its restructure in the Financial Times' 2016 Innovative Lawyers awards in the most innovative law firms category. But perhaps more importantly it confirmed a revenue increase of 15% in June 2017 which was reportedly due to increased service efficiency, improved client experience and better market analysis.

"The remodel enabled us to work out which clients asb wanted and how to cater to their needs – to develop fewer yet much closer relationships," says Clinton.

The sales team is responsible for determining which clients asb should work with, what legal services they want and how they want them delivered and the delivery team turns that research into reality.

"Rather than simply pushing what the firm does to the

From left to right: Nick Lakhani, finance director, Michelle Traynor, chief operating officer, Andrew Clinton, managing partner, asb law




## LPM FIRM FACTS

**asb law****Revenue: £11m****Corporate status: LLP****76 fee earners, 150 total staff****Offices: Crawley, Maidstone**

market hoping for trade, like most firms, asb developed a core client base and organised itself around it. For example, past feedback illustrated that clients became frustrated when lawyers didn't know how long a service would take or cost. That information drew our focus to creating greater certainty and predictability in our services."

Clintons adds that asb has even made the way it prices service more flexible to accommodate the way clients want to pay.

"Our clients that are large organisations, for example, have strict budgetary rules and constraints. Certain pieces of work have to be paid for from one budget and others from another, and it's important to respond to those realities."

But perhaps the key driver behind the firm's success was shedding the billable hour target for reward purposes. Clinton says firms can't focus on clients' needs when lawyers are judged purely by the amount they bill each month.

"A law firm won't drive the right behaviours when lawyers aren't incentivised to work in the right way. If lawyers know they will be rewarded based on what clients say about them, they become motivated to understand why the client wants the service and how they want it delivered so they can adapt the service accordingly."

The problem with traditional law firm structures organised by departments, according to Clinton, is that they're too inward-thinking, and asb had to break away from that way of working if it wanted to be truly client-focused.

"The Financial Times' feedback after we were nominated for their award was that asb addressed the structural issues that prevent other firms from organising around clients. When firms are organised by departments, each one works in its own silo which drives a non-collaborative, insular approach to client service."

This collaborative mentality, he adds, has

been fundamental to driving the necessary changes in the business – but it has also been a useful sales tool to attract like-minded, innovation-driven clients.

"Our way of working is as much about external as it is internal collaboration. For one, it makes the sales proposition considerably easier because they realise that we want to work in the same way they do."

But it's not just clients that the firm is keen to collaborate with. Clinton says the firm's ability to work with and develop relationships with providers is just as important.

"Just as our clients want to work with innovative organisations to develop their

interests, so do we. We have several relationships in place with the aim to produce a joint open-market proposition." He adds that asb recently developed a partnership with software provider Peppermint to give the firm's employees the right tools for its new endeavours.

"We were very keen to implement a system that was organised around clients rather than time production, as many solutions out there are. The system gives workers a single view of a client, including opportunities tied in with them."

Clinton says asb plans to improve and refine its current model to become more effective at delivering legal services and keep scaling.

"We hope to reach £17m turnover in a couple of years. If we keep putting the client first, get better at identifying opportunities for work and developing deeper relationships with clients then I'm sure we'll pull that off. The firm has no desire to undergo M&A simply to achieve scale, but will look to maximise the opportunity of a model truly geared towards the client experience."

When asked how other SME firms might replicate asb's success, Clinton says it's not his place to tell other firms what strategy is right for them, but they should try to differentiate themselves.

"The market is becoming more and more competitive and I felt that asb, being a relatively modest regional firm, needed to stand out. It might not be right for other firms to remodel their entire organisations, but they should certainly look to differentiate themselves in some way if they want to be successful."

Plenty of firms are unwilling to part with traditional structures, but as the market grows more competitive and uncertain, can they afford not to consider new ways of operating? Asb law has shown that by delivering services differently, firms can put clients first, differentiate themselves and drive sustainable growth. **LPM**

"If lawyers know they will be rewarded based on what clients say about them, they become motivated to understand why the client wants the service and how they want it."



# A fitting wedlock

There are plenty of fish in the sea for SME firms that want to merge. But how do they know if a merger is right for them, or stop it from going sour? Kayli Olson reports

Mergers are becoming popular. SME firms are increasingly seeking to grow by flugging themselves into a permanent partnership. In a straw poll of legal management leaders at the 2017 LPM London and Birmingham conferences, 44% and 39% respectively said their firm was fairly or very likely to merge with another legal services provider in the next two years. Another 6% in each city said their firm was already in the process of merging. That's a lot of merger action.

Tony Williams, principal and merger adviser at legal consultancy Jomati, says: "There's far more interest in mergers in the SME space currently than there's ever been. In reality this is due to a combination of factors, including a mature legal market, uncertainty after the Brexit vote, greater competition and succession issues. But it's proving quite difficult to actually get deals done."

While there are considerable advantages to merging, it's no secret that many unions don't work out. Mergers can unravel quickly if they're done for 'glory' rather than a specific strategic objective and without considering influential factors such as culture.

How does a firm know if merger is right for it? And if it is, how do they know the right partner to ask for their hand in merger marriage? Like any good relationship, a firm must understand itself before it can commit to another. It must know how its new partner can help make both of them better, whether it holds the same values, and perhaps most importantly whether it has any skeletons in the closet.

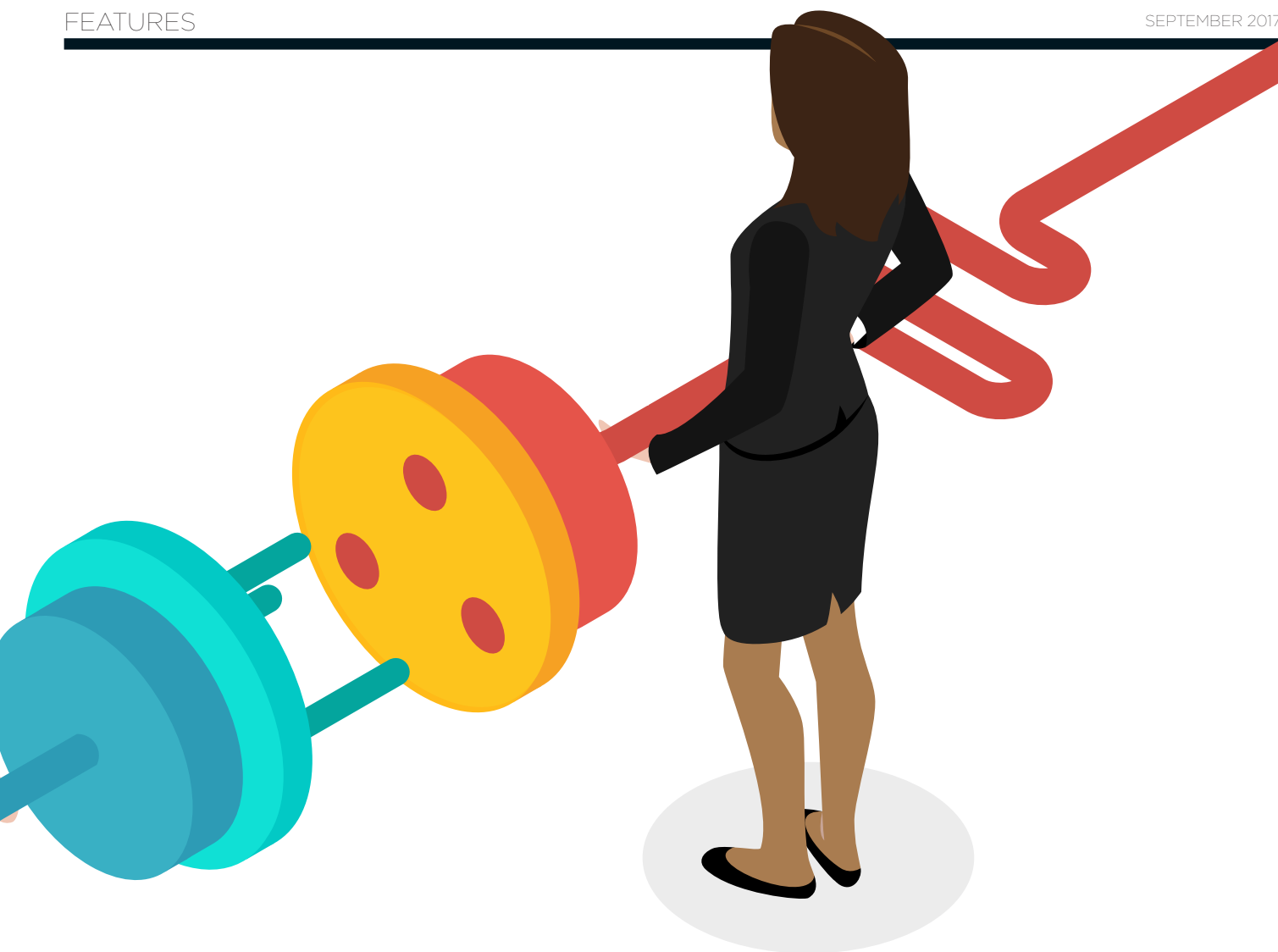
## THE FIRST DATE

One of the key reasons mergers fail is that one party (or both) has done it for the wrong reasons. Before a firm even begins its first set of discussions with a willing partner, it needs to know exactly why it wants to merge by considering its own strengths and weaknesses in the market.

Williams says that firms often don't ask themselves why they want to merge or truly consider what they have to offer.

"Firms often have rather high opinions of themselves, so it's important that they have a reality check. They need to realise where they are in terms of finance, people and services. They must also do their research on the other firm before meeting anyone there – you don't get a second chance for the first cup of coffee." He adds that some mergers are done more for glory-seeking than business strategy, and legal leaders must be careful to remove ego from





the equation.

One reason to merge may be to take advantage of gaps in the market. Chris Miller, former managing partner at Bristol firm Barcan Woodward (now Barcan+Kirby), says his firm did a lot of research before its merger in 2015 and realised that the Bristol market lacked a strong mid-sized private client presence.

"Other regions were already dominated by private-client mid-range firms, but Bristol wasn't and we knew it could be an interesting new market to enter. The best way to break into that market quickly was through a merger – we managed to fill that gap quite nicely by being primarily private client-focused but big enough to have strong visibility. We now have six offices that cover different parts of the city."

Richmond-upon-Thames firm Calvert Smith & Sutcliffe similarly wanted to grow but did its research to find out whether a merger was the best way to scale before committing to a union with Moore Blatch – announced in June 2017.

Janette Davies, former director at Calvert Smith & Sutcliffe, says: "The driver behind looking at a larger firm was that they have some facilities and experience that we didn't have. We're very strong on retaining clients and felt that the way to better our service was to offer a wider range of services within a larger firm," she says.

Moore Blatch's business development and marketing director Mark Aston adds that, from his firm's side, the union gives them a presence in a new area. "Despite us having offices here for four years, before the merger no one in

Richmond had heard of Moore Blatch – so this combination was very much a win-win situation."

But growth and visibility aren't the only reasons to merge – some may simply want to upgrade their practice management or improve their client service.

Seb Jackson became director at South Manchester-based William H Lill in 2016 – taking on an 85-year-old practice, after his father, to progress. "I knew going into the position our strength was in our ethos of staff and clients but our weakness was that we needed some serious modernising. We didn't have a case management system, didn't do any marketing on social media, and had a very basic website."

For MLP (which announced its intended merger with W H Lill in June 2017), managing partner Stephen Attree says the merger isn't about scaling for growth's sake.

"There's a bigger driver in terms of fit for client demographics and service offering. There's a whole host of reasons to consider mergers but it's important not to rush into things."

## MATCH MAKERS

Once a firm has a good reason to merge the next step is to find the right partner. According to Williams at Jomati, firms must ask themselves: "Do we have practice and client bases that are halfway compatible? What are our respective cultures like? How comparable are our financials?" He adds that without this knowledge firms may be walking into a partnership destined for destruction.

Davies at Calvert Smith & Sutcliffe says ensuring the firms' cultures align is vital for a successful merger – but that process takes time to unravel.

"You're really only going to know if your culture fits by talking. That's why it can take so long to get started, because you both have to make the decision that the cultures fit," she says.

Miller at Barcan+Kirby agrees with Davies, adding that his firm used an external consultant to confirm whether there was a strong cultural fit between firms.

"Cultural fit was the single most important factor during our merger. The consultant met one-on-one with several senior associates and other members of staff in both firms and then drew up a report based on strong and weak points of each firm. He showed us the results and it became clear the union would be based on mutual beliefs and aspirations."

Of course, he adds, there was also a social aspect to consider. It was important for partners to warm up to work well together.

"We also spent a weekend away to work out how the departments would fit together, looking at the structure of the new firm in quite a lot of detail," he says.

Moore Blatch's Aston says "people are everything" – both the deciding factor and the decision makers: "One thing we don't want is clones. We want a mixture of

personalities and experiences."

And keeping up the momentum can be hard, says Attree at MLP, because running a merger and keeping a practice running smoothly are quite time-consuming. "It's helpful to get a small team from the firm involved to help with the details and really get that integration going."

But whether a firm employs an external consultant, accountant, adviser or just gets a small team involved, anything could happen while discussions are ongoing, no matter how close to a deal the talks may seem.

Jackson at W H Lill says there was another firm he was involved with which was even closer to merging with him than he was with MLP at the time.

"It's important to have that careful and honest assessment of personality and relationship compatibility – because you will have to go through a lot together. It's not a 'walk away' type of situation."

If firms don't make sure they work well together they'll only lose people, clients, and productivity and go back to being the same size – and the merger will have been for nothing.

Attree at MLP says: "I'm a great believer that if you have the quality and service right a sustainable and profitable business is the result – not the other way around. If you chase profit your service is going to suffer."

#### LPM FIRM FACTS

**Moore Blatch (pre-merger)**

**Revenue: £21.5m**

**Corporate status: LLP**

**168 fee earners, 282 total staff**

**Offices: Southampton, Lymington, Richmond and London**

#### LPM FIRM FACTS

**Calvert Smith & Sutcliffe (pre-merger)**

**Revenue: £2.26m**

**Corporate status: Limited company**

**11 fee earners, 25 total staff**

**Offices: Richmond**

#### LPM FIRM FACTS

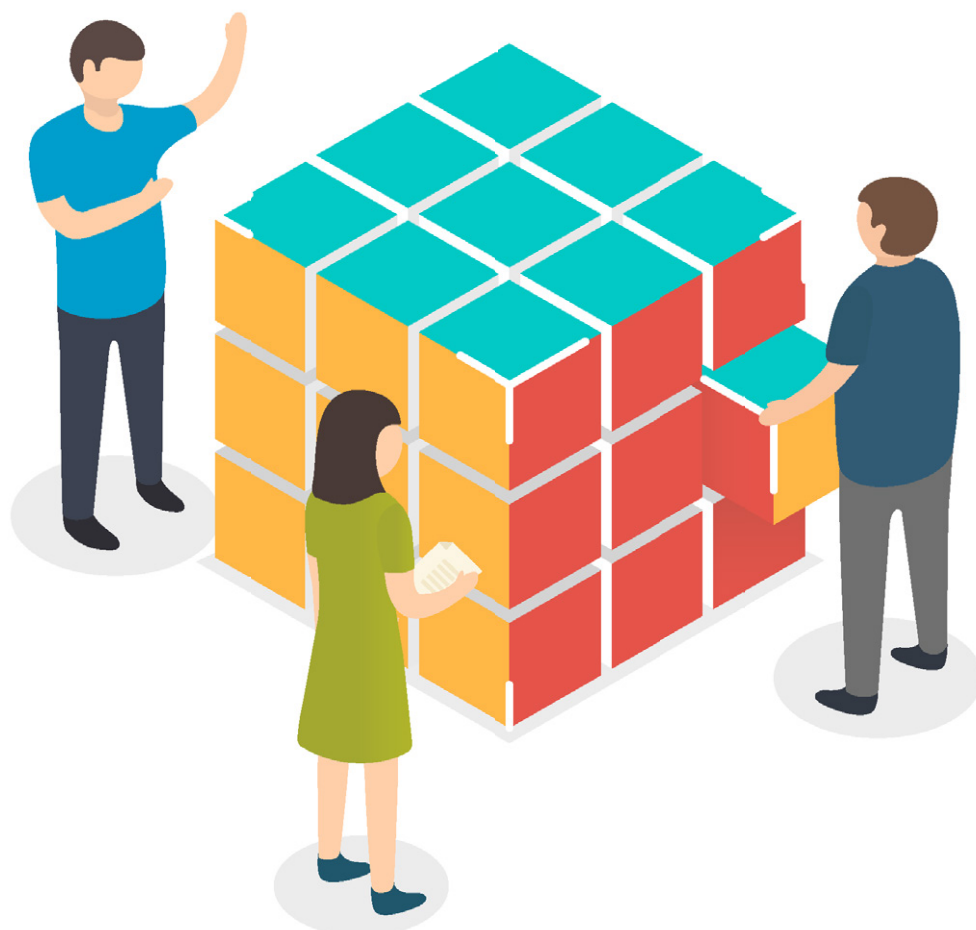
**Barcan+Kirby (post-merger)**

**Revenue: £8m**

**Corporate status: LLP**

**75 fee earners, 156 total staff**

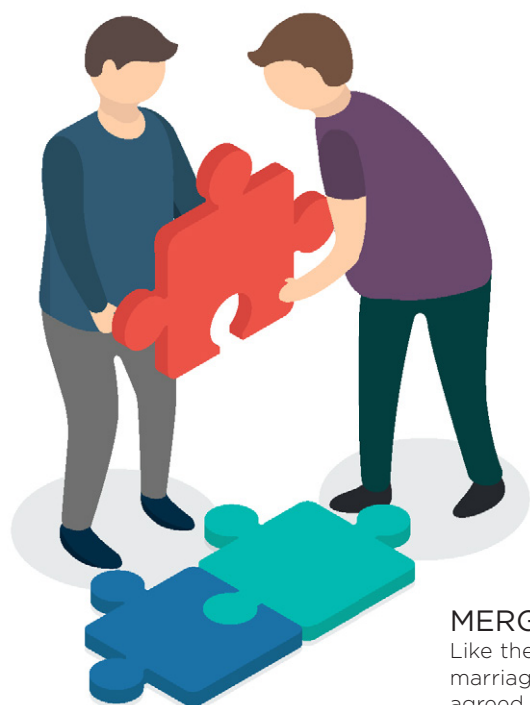
**Offices: Bristol**



"It's important to have that careful and honest assessment of personality and relationship compatibility – because you will have to go through a lot together. It's not a 'walk away' type of situation."

Seb Jackson, former director at William H Lill, now MLP





"You have to get used to trusting more people to work with you. At many SME firms, you're used to doing everything yourself."

Janette Davies, former director at Calvert Smith & Sutcliffe, now Moore Blatch

## MERGING AND LEARNING

Like the good foundations of any (second) marriage, once a businesses union has been agreed, the next big step is telling the kids.

"After many months of calls and meetings outside the office we were concerned about rumours beginning to creep out that I was spending a lot of time at Bill's house (Kirby Sheppard's managing partner)," Miller at Barcan+Kirby laughs. "We told our firms sooner rather than later so that we could start training together and hit the ground running and really begin to work together from day one."

Timing is everything. As a slightly bigger firm, Moore Blatch knew that its staff were more accustomed to this sort of change. Aston says: "We're a very transparent organisation, but at the same time you don't want to let the cat out of the bag too soon lest people start conversations they shouldn't."

For smaller firms too, it's about timing and keeping in mind the emotional aspect of change for people. Jackson says: "This has more of an impact on the Lill staff than on the MLP staff because there's more change for Lill, and that's ok."

"But not everyone's the same, people will react in different ways at different times – and it's important not to be too reactive with staff. As a leader you have to remember who is really driving this bus."

As for the paperwork, Davies at Calvert Smith & Sutcliffe says she was surprised how quickly it started to pile up, and how important it is to have an accountant or another close adviser to work alongside. "You have to get used to trusting more people to work with you. At many SME firms, you're used to doing everything yourself," she points out.

"The person in charge of the paperwork needs to know all the ins and outs of how the business works. You'll need to know everything from the cost of your indemnity premium to who the window cleaner is. You need many things at your fingertips before you start."

But Moore Blatch's Aston agrees that it's

important to remember the emotional side of mergers – because the new business can't function if employees don't feel like they're a part of it.

"It's the little things that go a long way – getting people's email addresses, job titles, and names correct. You might alienate someone by calling them Robert when they prefer Rob."

"It's about understanding that while a merger is a business transaction with an awful lot of paperwork, there's someone that at the end of the day goes home to their family and either gets up the next morning and thinks, 'I want to go into work' or will go elsewhere where they feel more welcome."

There are several ways that firms can ensure their people feel welcome in the new environment, but the surest way is to keep talking and remember that people adapt to change at different rates.

HR issues are a huge consideration, agrees Miller at Barcan+Kirby, and it's important that employees from each firm are able to work together, but also that the employee contracts merge correctly so that people are all on the same page.

"And then there's the obvious task of merging IT. Fortunately we had the same software and our systems manager was formerly employed by [IT vendor] SOS so she knew the system very well and could find a way for the firm to use it that suited both parties," he says.

Not all firms will be so fortunate in this regard. Joanna Kingston-Davies, group chief operating officer at the Jackson Lees Group (herself from legacy Lee Solicitors) told LPM conference-goers that IT is often the biggest merger challenge. Firms need to be aware of the amount of data they hold and the time it takes to roll back on IT systems, whether outsourced, cloud-based, or other (more on this p34).

Merging takes months, even years to fully complete. The acid test for success is that SME firms need to understand what they should offer in the market – is it the right reason, right other firm, that will create a better legal service to your clients? **LPM**

### LPM FIRM FACTS

**MLP (pre-merger)**

**Revenue: £1.9m**

**Corporate status: Limited company**

**22 fee earners, 31 total staff**

**Offices: Altrincham, Liverpool, Manchester**

### LPM FIRM FACTS

**William H Lill (pre-merger)**

**Revenue: £400k**

**Corporate status: LLP**

**7 fee earners, 12 total staff**

**Offices: Altrincham and Lymm**

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# NOW YOU'RE TALKING

Dan Peachey, commercial director at City Legal Translations, on the risks of bad translations and how SME firms can get accurate and flexible language services at a low cost

The world is getting smaller and SME law firms increasingly need multiple language skills to complete matters. Dan Peachey, commercial director at City Legal Translations, says the idea that only large or international firms have clients with language needs in legal services is a misconception – many SME firms provide services that require translation or interpreting.

“Small and medium-sized firms doing corporate work or family law, for example, often need to translate documents such as third-party contracts, marriage or birth certificates and even wills.”

He adds, however, that smaller firms may not have the necessary skills in-house to ensure translations are accurate. “Many fee earners and business support employees have excellent language skills – some may have trained in foreign law, for example, and are fluent in several languages.

“But they don’t necessarily speak the language as their mother tongue, which is essential for accurate translation – and they shouldn’t be wasting their time in any case when they could give the work to someone else and spend their time improving the client service.”

He adds that language is complex and words that are ostensibly the same may have different meanings in different dialects – but if a small mistake is made in a legal document or during a briefing there could be considerable repercussions.

“You don’t need to be a legal professional to know that an ‘award’ can be damages assessed by a court or a prize, but mistaking the two in a foreign language could be disastrous for the client and firm. Inaccurate evidence can cause serious harm to reputations or finances, businesses to fail or properties to be sold at the wrong price or to the wrong person.”

But, Peachey says, firms can ensure accurate, cost effective interpreting and translation by outsourcing language services to a reputable supplier.

“City Legal Translations, for example, has 30 years of experience in legal translation services and can

translate quickly or interpret any language. By ensuring these matters are completed quickly, firms can provide a better client service and drive cost savings through greater efficiency.”

## FLUENT SERVICE

Peachey says it’s a common misconception that someone who can speak a language can also translate legal documents effectively.

“A language speaker and trained translator are two very different things. When it comes to translating legal documents, the translator must have native proficiency and the right specialist legal knowledge to complete the task assigned to them.” He adds that firms wouldn’t pass on a divorce to a corporate lawyer because they don’t have the right knowledge, and the same logic applies to translations.”

Translated documents may also need to be certified, notarised or sworn for a court to be satisfied that they’re true and accurate translations of the original.

“It’s very important for firms to guarantee that a document is a true and accurate translation of the original. But does the average law firm know which documents – whether they be certificates, contracts or patents – need to be certified, notarised or sworn? Do they know whether they need to legalise, swear, notarise or apostille a translation?” He adds that by not following the right process, firms could cause serious harm to a client and their own reputation.

Fortunately, says Peachey, City Legal Translations has the required skills to meet these needs.

“CLT has 2,000 certified translation experts with at least five years of professional experience – including many former lawyers and solicitors – who help support 600 language combinations and all of whom translate into their mother tongue. These people know the process a translated document needs to undergo and can provide a fast and accurate service.”

Peachey says SME firms likely couldn’t afford to bring these resources in-house and so by outsourcing translation to providers such as City Legal Translations



#### ABOUT THE SPONSOR

**City Legal Translations** has over 30 years' experience in legal translation, and in 2016 was named the UK's fastest growing language service provider by the Association of Translation Companies. [www.citylegal.co.uk](http://www.citylegal.co.uk)



they can not only ensure translations are done right but provide a higher quality and more efficient service to their clients.

"In my experience fee earners tend to leave translation to the last minute. By having a reputable translation company on stand by, the work can be done faster, freeing up fee earners' time to spend adding value in other ways to their client service." He adds that this also has obvious cost-saving benefits to the business.

But perhaps most importantly, says Peachey, third-party translators can provide a flexible service.

"If a firm is suddenly inundated by translation needs, City Legal Translations has the resources to take that work on and provide an equally fast and high-quality service. The firm only pays for what it uses – so if it has no translation work for one month, it doesn't have to pay for a translator to do nothing."

But firms may only need short one-off services to meet various translation needs. Peachey says providers such as City Legal Translations can also provide interpreters, transcription or proofreading in multiple languages, should a legal business require them.

"CLT can provide interpreters in any language for court, for taking witness statements or even for prison visits. We can also provide transcriptions in any format and translate what we transcribe, if needed."

SME law firms have more translation needs than ever before, but they must rely on trained professionals to translate and interpret in legal situations, unless they want to risk damage to the client and firm. Third-party legal translators, such as City Legal Translations, can provide a more accurate, thorough and efficient service, enabling law firms to serve clients better and win business from potential customers. **LPM**

# UNITING TECH



Joanna Kingston-Davies, COO at Liverpool-based Jackson Lees Group, sets out how her firm's acquisition was aided by Nasstar's as-a-service solutions

Mergers and acquisitions are popular with SME law firms as a means to grow and attain competitive advantage. The then Jackson Canter Group acquired Lees Solicitors in 2016 to expand geographically and grow its legal offering – helping Lees buttress working capital requirements and benefit from the advantages of scale.

Joanna Kingston-Davies, COO at recently-rebranded Liverpool-based Jackson Lees Group (she was CEO at Lees Solicitors), says: “The acquisition was an excellent move for both sides, giving us geographical coverage, work sites, infrastructure and employee engagement strategies we didn’t previously have.”

Technology was a key consideration for both firms during the transition – and is often a major challenge for firms scaling rapidly through M&A. “Both businesses needed to foster unity among staff and departments across offices in different areas of the region used to using different IT systems and

processes after the transition, and had to consider the cost and time it would take to expand the infrastructure.”

Fortunately, she adds, Lees had a hosted IT infrastructure with managed IT provider Nasstar, which was integrated into Jackson Lees over a nine-month period.

“Having an outsourced, cloud-based infrastructure made the process of expanding and unifying IT easier than it would have been if we’d had onsite servers. Systems were expanded quickly across the newly unified business to enable faster collaboration and information sharing.” She adds that Jackson Canter also recognised the benefits of having a managed IT infrastructure and were keen to follow Lees’ example.

But, she says, perhaps the key benefit of having a managed IT infrastructure with Nasstar was that the firm had access to qualified IT professionals with considerable M&A and project experience to help guide them through the process.





"Nasstar is more like a business strategy partner than just an IT provider."

### MERGER MOST MANAGEABLE

The greatest challenges for businesses undertaking a merger or acquisition are perhaps managing IT costs, limiting the disruption to operations and rolling out systems to new offices in different geographic locations.

But, Kingston-Davies says, because her firm's IT systems were cloud-based and managed by Nasstar, it was able to expand flexibly on an attractive pricing model based on scale.

"It was simply a matter of informing the provider of our needs, who then expanded our IT provision within their systems and increased our payment-per-user." She adds that it was also easier to roll out their systems across different offices in different locations because everything is stored and updated in the cloud.

In terms of disruption, she adds, Nasstar worked with the collective business and its other key third-party IT suppliers in the background to ensure a swift and seamless merging of IT systems. Over several months of planning, the two firms were assigned a project manager and engineer by Nasstar, who conducted a systems audit and tests to carry over systems and documents to a hosted platform.

"The system went live over the weekend, and nothing changed from the user's perspective. Fee earners and support staff simply came in on Monday, followed a set of login instructions and went to the same environment with all the documents and applications that they'd left the previous Friday. We also introduced a new practice management system, hosted within the Nasstar environment, on the same day. That was a huge change for our people, but was made much easier by the stability of the Nasstar platform." She adds that bringing everyone onto the same platform and enabling collaboration and information sharing between departments in a relatively short space of time significantly limited the transition's impact.

"Before that happened I couldn't do something as simple as see my boss's diary, which was a real pain. So, the fact that the transition was so seamless was a relief."

### TWO-PHASE IT

Kingston-Davies says that getting everyone in Jackson Canter onto the same system as Lees was the first phase of IT development, but Nasstar is helping develop the firm's provision further.

"When we first instructed Nasstar time was of the essence and our priority was to get everyone onto the new system so everyone's systems could speak to each

other. We're now in the next phase, which is to completely rebuild our IT platform and infrastructure."

The firm currently has six offices connected by two multiprotocol label switching (MPLS) networks – one for three of Jackson Lees' offices and one for another three. Part of the firm's second phase involves bringing both branches of the business under one network.

Kingston-Davies says that there's a clear commercial benefit of this move.

"Nasstar is able to provide an MPLS network which is cheaper and has a greater bandwidth than what we can otherwise get across both sides of the business."

She adds that perhaps the key way Nasstar continues to assist with the acquisition is through its support and service.

"Nasstar project-managed the transition above and beyond what it was contracted to do – particularly when keeping the project on track and finding solutions to any problems we encountered."

### AS-A-SERVICE ADOPTION

Nasstar's high-quality client service was a key reason for Jackson Canter wanting to adopt Lees' managed IT infrastructure as its own. Kingston-Davies says she could always rely on the Nasstar team to be there for advice and the firm's leadership was keen to keep that relationship.

"Lees began working with Nasstar in 2012 and to this day I can contact the team at any time, day or night, and any challenges we're having will be picked up quickly."

But, she adds, Nasstar's service and expertise was only part of the reason that Jackson Lees was keen to host its IT.

"Lees brought on Nasstar because it realised that it could be much more productive, secure, efficient and adaptive if it had a managed IT infrastructure. Nasstar has IT resources that we simply couldn't afford as an SME law firm – Jackson Canter realised this as well." She adds that one of Jackson Canter's drivers for the acquisition was developing better operations infrastructure, which included IT. With Nasstar's as-a-service solutions, systems are cloud-based, which enables effective business continuity. Licenses and updates are taken care of by the provider, and the firm has access to state-of-the-art systems at a fraction of the cost it would pay to have that facility in-house.

Though merger or acquisition can be beneficial to firms, the costs and stresses of rolling out a unified IT infrastructure can be challenging. But Kingston-Davies says that if firms have a managed IT infrastructure, they can scale easily and with minimum disruption, and benefit from cost savings, better productivity and efficiency, and have access to trained IT professionals who can guide them through any major IT challenges. **LPM**

#### LPM FIRM FACTS

**Jackson Lees Group**

**Revenue: £12m**

**Corporate status:**  
**Limited company**

**126 fee earners, 265 total staff**

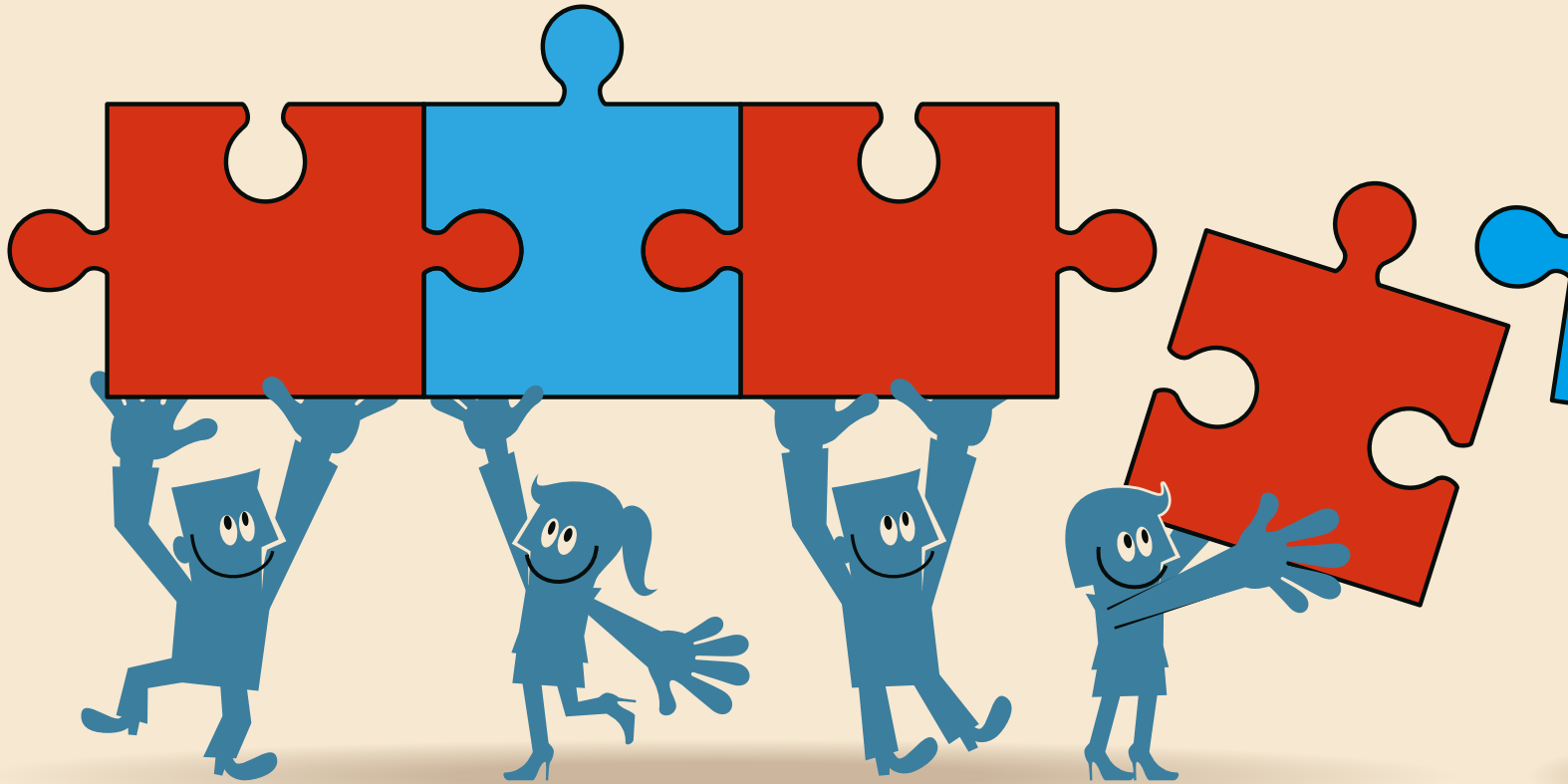
**Offices: Liverpool, Manchester,**  
**Birkenhead, Heswall, West Kirby**

#### 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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# PUT THE PIECES TOGETHER



Duncan Ogilvy, consultant at 3Kites, sets out the key challenges of mergers and how SME firms can come together to make them successful

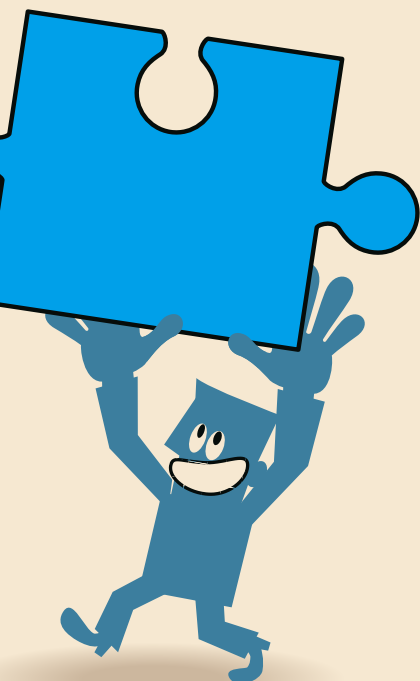
We're not at the point of frenzy but there is a significant amount of merger activity in the legal market – and there's no sign that will change any time soon. Many mergers will bed down and deliver the desired results, but many others won't. So, why do so many mergers not turn out the way the leaderships in both firms hoped? There isn't a one-size-fits-all answer to this question, but there are numerous considerations firms could take to give them the best possible chance of a successful merger.

The first pitfall to avoid is not merging sensibly or for the right reasons. The potential arguments for a merger are numerous (they could take up an article on their own) but include: scaling to take on major matters, spreading support costs among more fee earners, reducing exposure to one client or work type, recruiting to manage succession, and cross-selling opportunities – to name a few. Mergers can be a means to an end but should not be the end in itself. Two small firms in difficulty could come together

thinking it will solve their problems and end up with one larger firm in difficulty.

Even if a merger looks attractive, due diligence is needed. One dealbreaker that should be flushed out quickly is the other firm's culture and approach to management. It's hard to articulate what makes a firm tick, but as consultants who work with many different firms we know how important this can be. The leadership in both firms will need to be comfortable with each other, and have a shared view of matters such as ambition, accountability and attitude to risk.

Another dealbreaker could be financial performance and debt. Significant variation in financial performance will need to be addressed. The other firm may be capable of integration with a change in partner profit-sharing ratios or some key retirements, but if there's an underlying difference in profitability then the causes need to be properly understood before the firms integrate. Some firms avoid debt while others are up against borrowing



limits. Such differences could be managed but does it point to a fundamentally different approach to financial risk?

What about conflicts? It's no good if the target firm's best client is regularly transacting with your best client so that a merger would rule one of them out. And think about claims histories. Your firm may have an enviable claims record with affordable PI insurance, but that might end if the target firm has had a major claim.

And a merger is not just about equity partners, but about employees (lawyers and support staff) and clients – what is in everyone's best interests? Decisions are, of course, for the leadership but most will at least want to consider the impact on that wider group.

If your potential merger gets this far, the real work starts here. It's vital to consider how the project will be resourced. It will be necessary to take senior people off their day jobs to do it or seek outside help from (dare I say it) consultants. Key points of principle need to be resolved early on, such as the firm's name, where it will be located, decisions about profit sharing and the delicate matter of governance. A merger project team will need representatives from both sides, but the new firm may benefit from more streamlined management. While you will need the leadership on the merger project team you may involve outside consultants to help the management team to work through some of the detail.

Finances will feature prominently. Costs of the merger should be budgeted and a budget for the first year of the operation should be established. You should seek the help of the firm's accountants if you don't have the resources to do justice to this fundamental task. At 3Kites we are well placed to help the merger team consider infrastructure, including IT. In a perfect world the new firm would have single, firm-wide

systems on day one. Pragmatism may prevail and some systems (such as case management operating out of one office only) might initially be left alone. Or the merger may provide a catalyst for new systems, perhaps because the existing infrastructure is nearing the end or isn't suitable anymore.

Attention to staff is vital and should focus on harmonising people data, benefits selection, self-service, and broader policies such as salary levels, TUPE, redundancies and such. Everyone wants to know exactly where they stand, so if possible one wants to keep negotiations confidential until answers are available to as many of these questions as possible. Take time to bring in policies covering flexible working if it enables the

new firm to manage its premises better.

Once you are in a position to go public, communication needs careful planning. This is often under-rated – poor communication could jeopardise success if everyone is not on message.

Clients, targets and other contacts will be

the lifeblood of the new firm and must not be taken for granted. In particular, who are they and what data do you hold about them? In passing it's worth mentioning the GDPR, which will be implemented next year – this is a great chance to ensure that data held on all contacts is GDPR compliant.

Knowledge management may not immediately spring to mind on a merger to-do list, yet we believe that effective KM is a key enabler for an effective merger, and failure to plan for it can make it hard to get the best from the new firm.

With so much to think about, it's hardly surprising that some firms struggle to make a success of a merger – yet the strategic arguments in favour may be compelling and there are some highly successful merged firms around. It needs proper resource and careful planning but the prize for creating a new firm greater than the sum of its parts should make the effort worthwhile. **LPM**

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**“The prize for creating a new firm greater than the sum of its parts should make the effort worthwhile.”**

#### ABOUT THE SPONSOR

**3Kites** is a consultancy that provides the professional services sector with fresh thinking based on its unique combination of legal and IT skills and experience.

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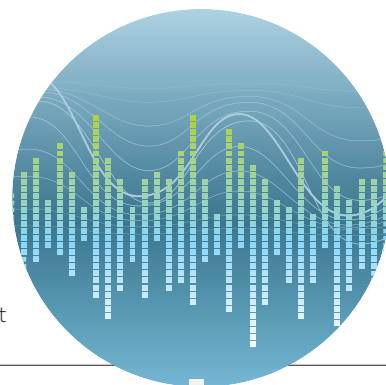




## Six of the best

# BUSINESS PODCASTS

We love a good podcast here at LPM – therefore we were surprised to find from our reader satisfaction survey in 2016 that only 20% of LPM print subscribers listen to podcasts. We thought we'd compile a list of good listens for those who do, and introduce some to those who don't



- 1 HBR Ideacast**
- The Harvard Business Review
  - Hosted by: Sarah Green
  - Listen if: You like good coverage of business management topics including interviews with founders on business problems, growth and success stories, tips for HR, finance, marketing, decision-making, and other niche topics and disruptors in business



- 2 LeftFoot**
- Hosted by: Nicole Giantonio
  - A legal business development podcast based in the US
  - Listen if: You want to learn more about developments in law firms like yours across the pond, and hear about overcoming challenges with partners, structuring, profitability and more



- 3 StartUp**
- Gimlet Media
  - Hosted by: Alex Blumberg and Lisa Chow
  - Listen if: You like stories of beginnings, failures, hardships and triumph from a mix of people and businesses ranging from American Apparel to startups you never knew you could learn from



- 4 The Tim Ferriss Show**
- Hosted by: Tim Ferriss
  - What makes world-class performers tick. Past guests include Arnold Schwarzenegger, Amanda Palmer, Edward Norton, Tony Robbins
  - Listen if: You want to improve yourself, learn from the best, get motivated to do more – from morning routines to habits to quit in order to become your best self



- 5 The Broad Experience**
- Hosted by: Ashley Milne-Tyte
  - Stories about women, the workplace, and success
  - Listen if: You want more powerful women role models and how to handle equality and diversity in the workplace



- 6 The Bottom Line**
- BBC Radio 4
  - Hosted by: Evan Davis
  - Listen if: You want a series of business discussions with a clear-cut story structure, well-spoken leaders on difficulties and how they were overcome

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**52%**



of total funds which is the national average

And, SME firms hold

**10%**



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