

MAY 2019

SHOWCASE INSIDE:
EYE IN THE SKY

LPM

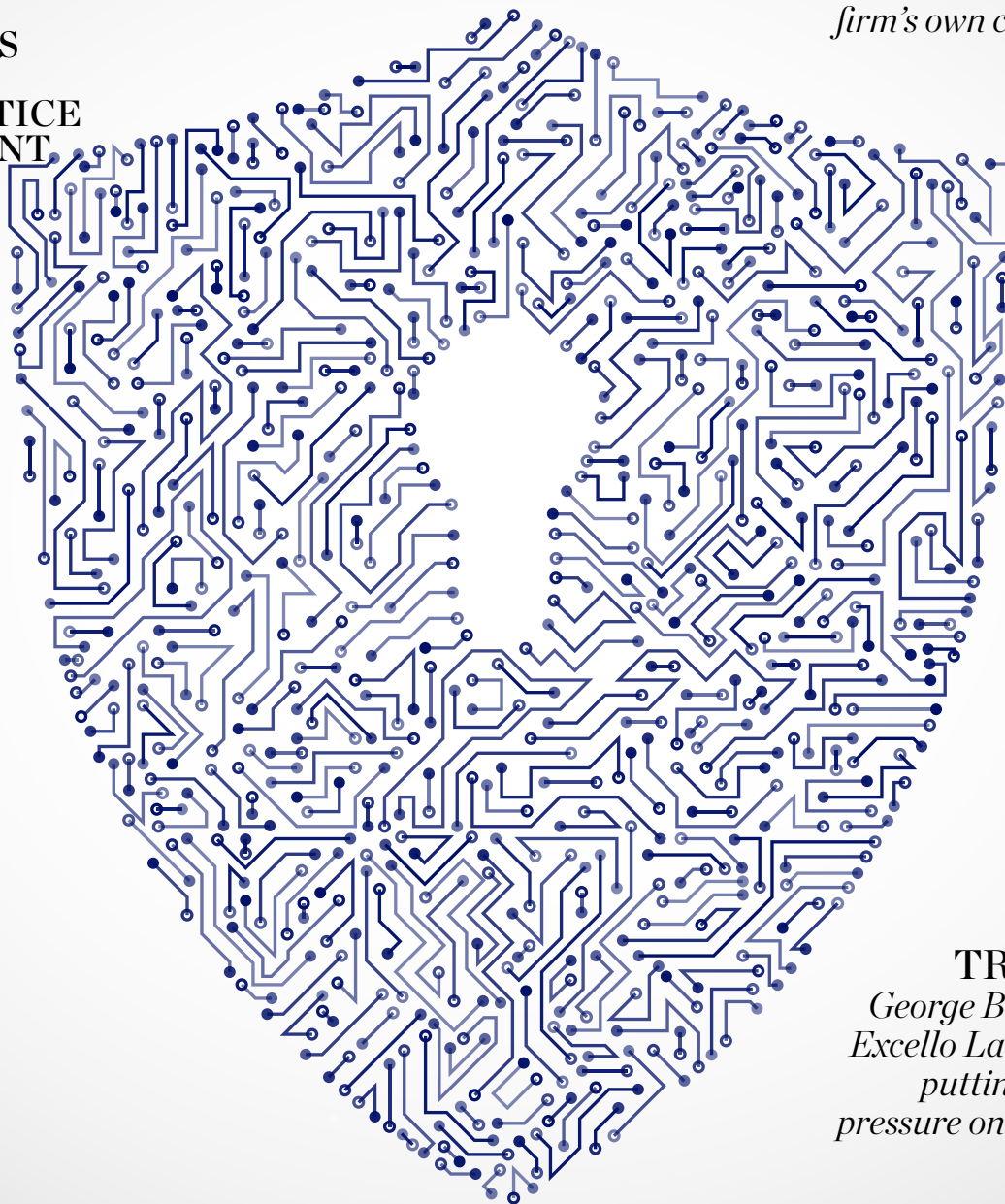
LEGAL PRACTICE MANAGEMENT

EXPERT
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LPM ASKS

*Angus Whyte at Land
Law on designing the
firm's own cloud-based
platform*



BRAIN TRAINING

*George Bismouth at
Excello Law discusses
putting too much
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The right protection?

*How well are SME law firms handling client data a
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Another May another mention of the General Data Protection Regulation (GDPR). Much has happened since the go-live date of the regulation deadline a year ago this month, when most law firms scrambled to put in place the technologies and policies for compliance – or at the very least, put together a solid plan to wave in front of the Information Commissioner's Office if it came knocking. But, as LPM writer Josh Adcock so elegantly points out in this month's main feature (p24), that was a different time indeed. The world has moved on. So too, it would seem, have the SME law firms we've interviewed for this issue. See how your firm compares to the compliance practices of others this month, and perhaps you'll rethink what you already put in place on that fateful day ... let's not yet worry about what this may mean if Brexit happens later this year.

Can your fee earners handle the truth about billable hours? George Bisnought at Excello Law discusses partner pressures and how they might hurt your business more than turn a profit (p30).

And finally, I want to say a huge thank you for all of the LPM Practice Excellence Awards entries we've received this year! It's firms like yours that really make our first awards worth it. Best of luck to those that entered – and don't worry if you missed out this year, we'll catch you next time!

Kayli Olson, editor
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INSIDE:
EYE IN THE SKY



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REGULATION RADAR

The Council for Licensed Conveyancers (CLC), overseen by the Legal Services Board (LSB), is planning to streamline the rules on how CLC practices handle client money.

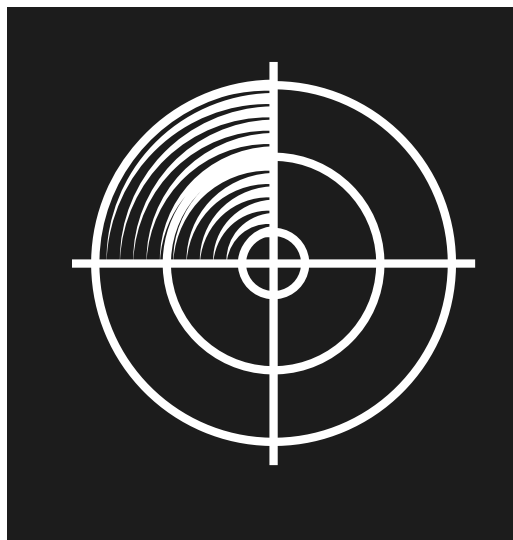
The specialist regulator is launching a consultation on the proposed changes to its Accounts Code, in which the reform will set out to change the format of the accountant's report as well as reduce the time limit on practices for delivering the report from six to three months.

Simon Blandy, director of regulatory standards at the CLC, said: "Misuse of client money is one of the key risks to consumer protection. Effective mitigation of this risk continues to be a priority for the CLC. The changes we intend to make will provide greater clarity for CLC lawyers and practices, making sure there is a clear focus on the real risks to client money."

The CLC amendments will also enable firms to use third-party managed accounts (TPMAs) as an alternative to regulated practices holding client money.

The CLC said that the use of TPMAs would "appear to offer practices the opportunity for more streamlined management of client funds, allowing them more time to focus on other aspects of the transaction".

Practices will also be able to move aged balances of up to £50 (the current limit is £20) into their office account in the event that the client cannot be located – and donate sums up to £10 to a nominated charity. They'll continue



to be liable to account for those funds if the client subsequently makes a claim.

A review of the Accounts Codes is set to be completed by July 2019. From there, the proposed changes will be sent to the LSB for approval, with the aim of an enforcement date of January 2020. **LPM**

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DATA BYTES

Is Brexit uncertainty creating more flexible working spaces?

"With less than a month until we are due to leave the EU, lack of clarity is understandably making businesses restless. Part of the response to this is to hold back on making big decisions, to avoid getting locked into long-term contracts which may then not be fit for purpose. Office leases, for example, could end up determining a future location for up to ten years. However, the vote to leave the EU accelerated a trend that was already happening: the shift towards flexible working.

"Advances in technology have allowed people to work remotely, and this change requires both startups and larger corporates to scale up and down the size of their office space as they need. The steady month-on-month increase over the last year is evidence of this growing trend, and we're expecting this to increase significantly over the next few months," says Tushar Agarwal, CEO and co-founder of Hubble.

Source: Hubble 2019 analysis of its dataset on London flexible office spaces

95%

increase in search demand for flexible office spaces from January 2018 to January 2019

5.7%

average month-on-month increase of flexible offices

10 MONTHS

The average contract length in a flexible office space

IN NUMBERS

Well-beings

The legal sector voices concerns over mental health and stress in the workplace, a report finds

76%

of respondents feel that stress/mental wellbeing in the legal profession is a major issue

66%

of respondents currently experience high levels of stress

1 IN 4

think that more can be done to support them in the workplace

Source: Bellwether Report 2019: Stress in the legal profession

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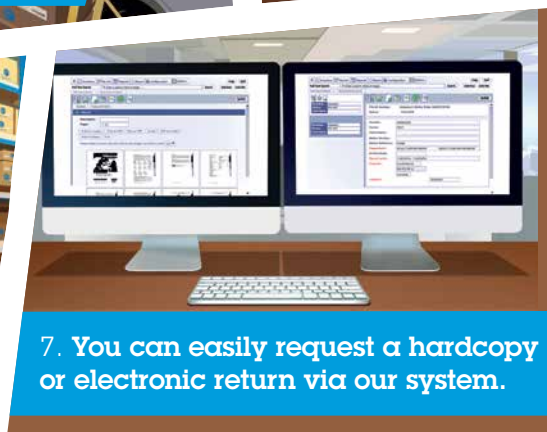


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TOO OPINIONATED?

LPM's people guru, Polly Jeanneret, discusses getting suited and booted, going 'PC-mad' and hiring Oxbridge-educated only staff

Q What's all this furore over lawyers avoiding wearing brown shoes with blue suits?

A There is no furore: there is a social media furore and that is not the same thing. For those of you who may have missed the non-furore, it all started with a report on social media from a conference where a City partner (unnamed) is said to have advised young, presumably male, lawyers to steer clear of this colourful brown/blue combination. But has this City partner not read about Baker McKenzie's business-casual-every-day rule introduced last year? Isn't this brown/blue thing pure snobbery? Keep your dress codes simple not sartorial, I say. You can still keep in a caveat that staff "should all dress appropriately to reflect our working commitments on any given day," as Baker McKenzie put it.

Q We have a partner who takes the line that the world has gone 'PC-mad' and he's not allowed to express his opinions anymore. He's even hinted he is being discriminated against. Does he have a case?

A I've met this guy, haven't I? Or maybe there's more than one of them out there ... either way, he doesn't have a case. Political correctness is not a belief, and being anti-politically correct is even less

likely to be a belief, however strongly he holds these views. But I'm wondering whether this is someone who feels a tad disenfranchised by modernity, and that behind all the rants there are some more simple concerns that could be resolved.

Q Not that I think it is a great recruitment strategy but would we be allowed to recruit for 'Oxbridge-educated' candidates only, like a firm in the US did recently?

A Probably legal but definitely passé: even magic circle firms don't admit to recruiting in this way. This concerns a UK legal recruitment agency that published a job at an unnamed US law firm with an Oxbridge-only criteria for the position. But Clifford Chance went CV-blind way back in 2014 (in the final round of interviews the panel do not know what university or school the candidate has been to). Even the likes of Freshfields Bruckhaus Deringer and Linklaters use contextual recruitment (joining an estimated 70 firms and now even some barrister chambers). It has been pointed out, however, that perhaps what the firm was after was not so much a candidate with a spiffing education but one with fabulous connections. Perhaps not so passé after all? **LPM**



Keep your dress codes simple not sartorial, I say. You can still keep in a caveat that staff "should all dress appropriately to reflect our working commitments on any given day ..."

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CLOUD LANDING

Angus Whyte, managing partner at Land Law, on why the niche commercial property firm designed its own cloud-based platform

Q Why did the firm decide to design its own IT platform?

A Commercial property is among the most document-heavy practice areas in the legal sector – the work has a lot of moving parts. For example, a single transaction can easily generate dozens of lengthy documents as well as layers of title information that has gone before. A firm like ours ends up working on multiple projects with different individual clients throughout the year – it's a lot to keep track of. And though we've continued to digitise our practice over the last decade or so, the pace of change in technology and the rate at which we have grown means that we needed a more flexible and capable system than was currently available to manage our entire administration – so we set out to design our own. Our aim is agility – we want to be able to store the more than three million documents that we've accumulated since the firm was founded, but also operate to the best of our ability. Speed, convenience and avoiding wholly unnecessary fees are very important to us

and our clients, and we must be able to do so without compromising on security. Technology in the legal sector continues to transform relationships with clients. For us, we've already seen the clear benefits from using our own system, even in the very short time since it went live.

Q What did it take to design your own system?

A We use Box.com to allow clients to view their files in real time. It costs £20 per user per month, which is phenomenal value. Everything I have worked on over the last 20 years, I can see on my phone. I'm blown away by it. We had a previous solution but would have struggled to make it compliant with GDPR. Box is already compliant, and you can do things like grant people the right to view something for a limited period of time. So, the agent recently told me that they'd given 22 people access to a marketing pack, and asked, "Which are the best bids?" I could say, "Those are the 13 people who have gone in, and this is what they downloaded." We have also moved all of our

accounting to the cloud (to Xero). It's less than £100 a month for all the accounting software. Every bill we've ever done, every disbursement issued, is all available. It also links directly with our bank. Because it's cloud-based, our partners can be given various levels of visibility. And our cloud-based time-recording system allows fee earners to bill through Xero.

Q Why use cloud-based solutions?

A We've always digitised clients' property portfolios, but I also wanted to enable them to view their files in real time whenever they want so that they don't need to call us. They might have multiple solicitors advising them, but our portals are up to date so they can find the information, even via their smartphones. Also, you want all fee earners, whether on a bus or working (as our finance specialist does) in a holiday home in Switzerland, to see exactly the same information. We only use products that open up their APIs so that we can bolt on things that make different

elements of our software packages talk to one another. You never have the same data stored in two different places. People can log into a portal index to see what's changed, or it can be set up so that they get notifications.

Q How long did it all take to implement?

A We took our accounting function to Xero in January 2017, and switched over to Box in January 2019. However, we've been doing this for 14 years and it's gone through different iterations. It is a process, but an SME law firm could do it tomorrow if they wanted to – if you have a hierarchical folder structure, you can easily migrate that to Box.

Q What advice do you have for other SME law firms looking to do a similar project?

A Don't be mean about monthly subscriptions! Also, get top advice – we have two employees who work on our IT, in addition to consultants and developers. And don't get locked into bespoke software – go for generic products. **LPM**

Get to work

Britain's 'long-hours culture' is not having a positive impact on productivity, according to recent analysis of working hours and productivity by TUC. Analysis shows that more working hours does not equate to being more productive.

In Denmark – the country with the shortest hours of work per week recorded – workers are 23.5% more productive than their British counterparts, who work four hours more by comparison. And workers in Germany work 1.8 hours a week fewer than those in the UK but are 14.6% more productive.

Full-time employees in Britain worked an average of 42 hours a week in 2018, nearly two hours more than the European average. This works out to an extra two-and-a-half weeks per year. Shockingly, the average full-time week in Britain has decreased by a measly 18 minutes over the past decade. This rate is nowhere near fast enough to close the gap with other countries in the EU, which work fewer hours and generally produce more work. Even if the EU average stayed the same, at the current rate it would take 63 years for UK workers to get the same amount of free time as those who work in the EU.

And with stresses high in the legal profession and mental health and wellbeing driving more awareness of better work-life balance, a change to working hours would be welcome.

HOW HARD DO MATURE EU ECONOMIES WORK?

Country	Avg full-time employee hours 2018	Hourly productivity 2018
Denmark	37.7	123.5
Netherlands	39.0	118.5
Italy	39.0	90.6
Belgium	39.0	122.7
France	39.1	115.0
Ireland	39.4	162.7
Sweden	39.9	117.2
EU-28 avg	40.2	91.4
Germany	40.2	114.6
Austria	41.2	111.4
UK	42.0	100.0

Source: TUC 2019 analysis of Eurostat and OECD databases



What Amazon in particular has done is raise the bar of customer expectation about what is 'normal'. The speed at which Amazon can process and deliver your item to you is truly remarkable



FORGET ROBOTS

STEVEN TREHARNE, MANAGING PARTNER

I recently wrote an article about the impact robotics, artificial intelligence (AI) and other IT developments will have on the delivery of legal services. I espoused the need for all firms to embrace the new technology, whether it be a fundamental change to working practices or simpler changes to internal processes. I contended that this is not optional for any of us, regardless of the size of firm, market position or service line offerings.

My rationale for those assertions was based on improved efficiencies, better margins (or at worst, retention of current margins), price competitiveness, enhanced client service and – potentially – a competitive edge.

But what about the clients? What do they want?

Asking them is always a great starting point but trends and changes to client behaviours and expectations can be gleaned by looking at what is happening out there – outside of our offices, outside of the legal world and in the other world – the real world!

With the harnessing of the internet, Amazon, and other such providers, have revolutionised the way we shop and acquire products, from essentials such as food and clothes, to furniture, and everything in between. We shop online all of the time.

What Amazon in particular has done is raise the bar of customer expectation about what is 'normal'. The speed at which Amazon can process and deliver your item to you is truly remarkable. Add to that the messaging around

the item being retrieved, packaged, dispatched, with the courier and on its way to arrive by a certain time window and date – one has to admit to it being a very impressive operation.

They're not alone. Even Domino's has an app that tracks the pizza-making process and when it will be delivered. Reasonably cheap fast-food providers are mirroring the Amazon model, with success. Supermarket home delivery relies on signing receipt of the shopping by a finger scribble.

On the one hand, the advancement in the use of technology makes our lives easier and provides real-time information. On the other, it creates a challenge for us to replicate that level of service. The Amazon generation now expects it.

It is easy to equate the Amazon generation with the millennials and the bad press they tend to get. The problem is the Amazon generation includes all of us! Tech-savvy kids, silver surfers, time-poor professionals, and lucky time-rich individuals.

"So what?", I hear you cry.

The Amazon generation will expect similar levels of service from all of the suppliers they engage with, which will include legal providers. It's near impossible to provide that level of service manually so it has to come from technology, which means I end this article as it began.

"It is too expensive for us," I hear you retort. I would humbly suggest you may not have a choice! **LPM**

LPM FIRM FACTS

Mogers Drewett

Revenue: £7m

Corporate status: LLP

**50 fee earners,
94 total staff**

**Offices: Bath, Wells,
Frome, Sherborne**



Q&A

Brand new tune

Scott Brown, digital services manager at Accesspoint, on how SME law firms can achieve brand harmony

Q What does brand harmony mean?

A It's not the holy grail, but sometimes businesses really struggle to achieve it. It is when everyone who is employed by, interacts with, engages or speaks about the firm has the same thoughts, views and opinions about it – all working in harmony. It sounds simple, but in reality it's quite difficult to achieve.

Q How can your firm achieve brand harmony?

A First, you need to understand your current situation. Evaluate strengths, weaknesses, opportunities and threats by conducting an internal and external audit. Identify your brand touchpoints and your customer journey – what do they do and where do they see you? Then, agree your vision, goals and values. How do your existing brand image and values match up to your long-term objectives? Consider your image, tone of voice and communications. Then, when the time is right – promote. Develop the new brand behaviour through ongoing frequent communication. Make the process visible, accessible to all and, finally, sell the new look material – the more impetus you create, the more everyone will want to be a part of it. Address all your brand touchpoint and

customer journey aspects (internal and external) – image, attitude, behaviour, service, and value.

Q What are the benefits of re-branding?

A First and foremost, the major benefit from this exercise is that it allows you to create something new or, importantly, provides an opportunity to re-position the firm and change or improve any perceptions about the business and its activities that people (customers, staff, suppliers) in the wider world may have. That you are about to embark upon not just an image change but a cultural overhaul, gives the perception that the business is changing or has already changed, perhaps in the sense of ownership, ambition, or service offer – allowing you to tell a story however you feel best fits. Encouraging firm-wide involvement in your plans and used to its full effect as a tactical marketing tool, a re-brand can and often does increase staff motivation and performance. This results in a better bottom line.

Q What does this really mean for your law firm?

A Well, if managed correctly, it allows you to re-position the business and sell where you ultimately want to be. People love to see and read about success. Through PR, give them what they want. For staff, it's an opportunity to communicate to them where the business is

going. An internal launch or soft launch of the chosen design, ethos and direction for the 'new look' business will get total buy-in and create teamwork toward a common goal. Branding, or good branding, starts from within and collectively works out to the wider audience, providing stronger foundations to build on. Everyone in the business sells the same dream and tells the same story. Good brands don't just change the look – it's complete ownership by all the stakeholders which will affect motivation, quality, association, desire and ultimately bottom line profit. This whole package then starts to create 'Brand Equity' – your return on your investment.

Q What does it mean to have brand equity?

A It's the value you may get from the brand, if you were to sell the business, but equally (if not more importantly) the benefits of having a well-respected and recognised brand attracts interest and more business. Recruiting staff and generating leads are a primary example of this. It's about buying into a brand through and through; from junior level employees to CEO, all should have the same vision and values – hugely powerful for selling. Everyone talks about the business passionately and consistently! You can have a well-known name but for all the wrong reasons and it will be worthless, whereas if you do it right your investment will more than pay for itself several times over. **LPM**

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Sure, your business may not have violated any rules as of yet, but without a suitable plan of action for handling data, and dealing with subject access requests, you could be walking on a tightrope



GDPR savings

DARREN GOWER, THE TECH GURU

A year on from the introduction of the General Data Protection Regulation (GDPR), and adhering to its policies has never been more important than it is today. Not just from a compliance perspective – and being compliant will save you from being issued with fines – but in terms of the security of your law firm.

Research recently unveiled by the government shows that GDPR has, at least in part, contributed to the decline in cyberattacks against businesses in the UK. In fact, the number of companies who have experienced some sort of breach or attack went down from 43% to 32%.

According to the government's report, each cybersecurity 'breach' or 'incident' costs large businesses an average of £22,700. So GDPR is a cost-saving exercise in more ways than one – it can prevent you from being fined and protect you from malicious attacks.

GDPR compliance pleases the regulators, it's good for your clients, and it also has a positive effect on your bottom line. Which is why it's so surprising that many firms don't have efficient systems and processes in place to ensure everything is above board.

Sure, your business may not have violated any rules as of yet, but without a suitable plan of action for handling data, and dealing with subject access requests, you could be walking on a tightrope. It only takes one failure for the regulators to step in and start issuing penalties.

Implementing an entirely new system, or modifying the one you have, might be an

expense you're not happy about paying. But it will undoubtedly save you money in the long run. An efficient, modernised organisational structure can make all the difference.

That means centralising data, rather than spreading it out across various platforms throughout your business. Effective search tools will enable you to comply with subject access requests in a timely manner, and discard appropriate data when necessary, to avoid being pulled up by the regulator.

While a base system that improves efficiency across the board will enable firms to better comply with GDPR, there are more specific solutions available, built in a more bespoke manner, particularly for this area of compliance.

Workflow systems dedicated to subject access requests, or the individual rights of users as established by GDPR, can maximise efficiency even further, and ensure you're doing everything you can to save money for your business. Likewise, there is more you can (and should) be doing to reduce your risk against cyberattacks than simply adhering to GDPR. And the government's report acknowledged as much. Many SMEs do not have cybersecurity policies in place and have not engaged in any formal cybersecurity training.

So when firms do implement those systems and processes that will allow them to comply with GDPR, and therefore potentially save on costs, it's essential that they look into what else they can be doing to ensure all their data is safe. It keeps the regulator happy, and it keeps clients happy. **LPM**

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The new approach puts each individual firm in the position of deciding for themselves how they protect client monies going forward using the key principles in the new rules as a framework

Radical new approach

KATE ARNOTT, THE NUMBER CRUNCHER

It has finally been announced that the new SRA Accounts Rules are being adopted from 25 November 2019. The question being asked by firms is, “are the changes that dramatic?” Will solicitors, especially those involved in the finance aspect of the firm such as Compliance Officers for Finance and Administration (COFAs), be spending the next six months preparing for a radical transformation in how they account for client monies? The answer seems to be ‘maybe’.

If you take an overview of the new accounts rules, then the word ‘radical’ could be deemed appropriate. The current 53 rules in place have been culled to only 13 and fill only seven pages. The new rules are the third stage of a three-phase review process of the current account rules and the protection of client funds in general. This third phase has been a change to the accounts rules themselves, which have moved away from their ‘prescriptive and restrictive’ nature to focusing on key principles and requirements for keeping client money safe.

What does this actually mean for firms? These new rules are supposedly designed to give law firms greater flexibility and ease the prescriptive burden of past accounts rules. They have been tagged as simpler and easier for firms to understand. It should also make it easier for new firms to enter the market and shift the focus of scrutiny onto higher risk areas as opposed to more ‘technical breaches’ of the rules.

All sounds good so far? Surely these new rules should be far easier to comply with?

The new approach puts each individual firm in the position of deciding for themselves how they protect client monies going forward using the key principles in the new rules as a framework. In

reality, the likelihood is, certainly in the early stages of implementation, that firms will continue to follow the prescriptive nature of the current rules instead of deciding alternative arrangements.

However, there will be times of confusion as well. The new definition of client monies has been heralded as a change that could cause firms to fall foul of the rules unwittingly. Agreed fee arrangements, failure to notify clients of intentions, COFAs actively signing bank reconciliations, the option of not having a client bank account at all, payment of residual balances to charity: all of these areas could mean firms need to make changes to current procedures to ensure compliance.

We suspect there will be a cautious approach to self-governance with no immediate radical change; effective systems should be compliant but strong financial management should always include (and we would strongly recommend that now more than ever) a regular review of existing systems to ensure that their accounting procedures and processes will enable them to remain fully compliant.

Ensure staff are fully conversant, organise training of decision-makers and finance staff, undertake a health check on current systems. Remember there will be no honeymoon period with the SRA anticipating a seamless transition to the new framework. Having the correct systems and controls in place remains key as ever to the protection of client money and key to avoiding the headache of non-compliance, leaving firms free to enjoy the greater flexibility now afforded to them to manage their businesses from November. **LPM**

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It can now be tough to predict costs if 'pay as you go' cloud services are being used. Bills can vary, budgets can increase and planning becomes more difficult. Ask yourselves who is in charge?



Cloud sprawl

NICK HAYNE, THE DATA MASTER

While on the surface many businesses remain reticent about adopting cloud services, there are a significant number who will be unaware just how much cloud usage there is within their organisation. Cloud can be invisible, locked up in individual user accounts and never registered on any asset list. In fact, now might be a good time to try to understand your organisation's true cloud usage, unless you have become blinded by cloud sprawl.

Find out who is making the purchase. The ease of purchasing cloud has contributed to increased adoption. Anyone can purchase cloud services – and we're now even witnessing employees buying their own apps (some free), because they believe it'll help them get their jobs done more efficiently. Take Mailchimp, the email sending and tracking software, which many people wouldn't think twice about using and importing contacts to, so they can distribute a company newsletter – but when that individual leaves, does the account leave too?

We often try to manage cloud the same way we managed traditional IT purchases, but the purchasing models are now fundamentally different. CFOs struggle to understand what their IT budget is, given the cloud sprawl within the business can mask the real IT spend. It can now be tough to predict costs if 'pay-as-you-go' cloud services are being used.

Bills can vary, budgets can increase and planning becomes more difficult. Ask yourselves, who is in charge? Who is responsible for cloud services across your business? Who decides what to buy and when? Is it always the IT department? Or does the marketing team buy their own apps? Does HR use its own HR tools, purchased locally?

Previously, it would have been the IT director signing off on budgets with finance. But now, reflecting cloud sprawl, it's typically down to

the finance director. Some businesses develop a joined-up approach to cloud purchases – finance signs off on the business case, IT is notified, and then everyone discusses how the new service will sit alongside current systems and how the cost will fit into the IT budget.

But I believe there are many more organisations that do not benefit from a joined-up approach. These organisations are unaware how rampant cloud is across the business, with any original cost savings expected from a cloud migration, lost owing to the number of new services added each year. Key to solving this is to bring back control. When I considered this topic, I thought about how organisations might better control cloud sprawl, but I'm not convinced they can. As managed IT service providers, we can recommend developing asset registers for cloud services, and standardising the process for purchasing them, but is that realistic in a busy commercial environment? Perhaps we have to accept that cloud will have to fully mature within organisations, before we can hope to start controlling it more thoroughly. In the meantime, some thoughts to ponder:

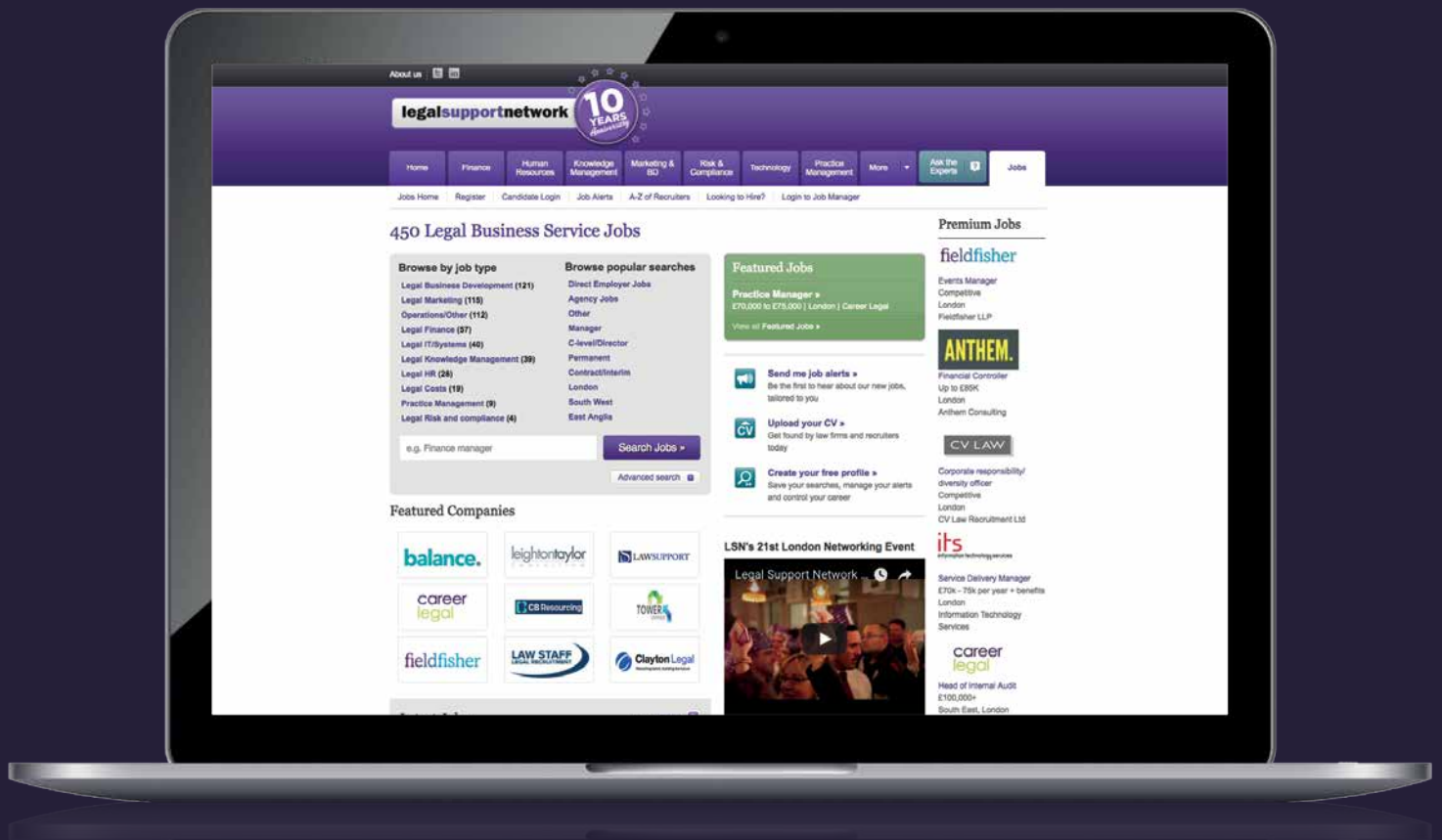
- Are you overprovisioning cloud services? Many times, out of fear, clients overprovision and end up paying more than they need to.
- How are you managing user logins for cloud services? You should have a central system for keeping track of user logins for the different cloud services used across the firm, just in case a vital employee leaves with that knowledge.
- Do you have a purchase code? In your accounting systems a code to track when cloud services have been purchased will make for easier reporting.

While some may argue this is not sprawl but a new period of enlightenment, I would paraphrase French philosopher Voltaire and remind everyone that, without adequate management of all cloud services, 'with great flexibility, comes great complexity'. **LPM**

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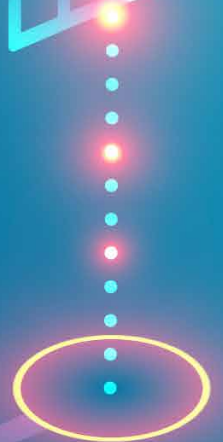
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LPM

LEGAL PRACTICE MANAGEMENT



EYE IN THE SKY

SME law firms are learning to trust the cloud and are working smarter and more flexibly

BUSINESS INFORMATION FOR EVERYONE IN PRACTICE MANAGEMENT





System comforts



Greg French, managing director at AFG Law, says Pulsant has been an integral part of the firm's move toward modernisation. He discusses security, flexibility and peace of mind

AFG Law is a high-street firm based in Bolton and has been established for over 120 years. In 2016 it went through a change of management; Greg French and Anita Boardman took over as managing directors with a drive to modernise the firm.

It was clear that an IT overhaul was part of that revamp for modernisation, says French. AFG Law had been using a local company for its technology. "It was all very traditional. We still had servers on premise and the estate was reaching end of life. We also felt that our past IT provider was reactive rather than giving us suggestions. We wanted to move forward."

He says AFG Law had doubts as to whether its past IT provider could support the firm and they wanted to work with a supplier that had knowledge of the legal market and expertise in technology, to be able to give the firm solid strategy advice and the flexibility to carry it through.

"Going with Pulsant was a no-brainer really. In early conversations with the team, they had all of the answers and clearly explained the layers of security they could implement, how costings would work, ongoing training and links with Cyber Essentials. Pulsant had all of the answers to our problems."

CYBER SURE

This year, AFG Law plans to complete the Cyber Essentials Plus accreditation, take on new premises and maintain profitability.

French says there's been pressure from indemnity insurers and lender panels to make

sure that law firms are as cyber proof as they can be.

"We just had our indemnity insurance renewed. In the process, we went to a few different insurers and they were all keen to ask what we were doing about IT, whether we were cloud-based, where our data is hosted and what our cybersecurity plans were.

"Cybersecurity has been high on everyone's priority list. We also recently had an audit with the legal aid agency and the topic has come up with lender and bank panels, which are key for conveyancing matters."

AFG Law has already completed Cyber Essentials, and Pulsant has been instrumental in that, French adds – and Pulsant is currently working with the firm to get them to Plus level.

With the advent of the General Data Protection Regulation (GDPR), cybersecurity and use of client data have never been more important – SME firms have no excuse not to be on top of it. French says there's nothing to stop a client from going next door if they know that a firm is being breached through lack of security.



Going with Pulsant was a no-brainer really. They explained everything we needed to know and had all of the answers to our problems



With Pulsant, it's been plug and play. They helped us with the IP addresses but, basically, we were able to do everything ourselves. Being able to set up a standalone office with minimal fuss and expense was really excellent

"Pulsant gives us peace of mind as far as IT security is concerned. The team at Pulsant also got us started on GDPR compliance well ahead of the game."

AFG Law had a business day where everyone could get involved and be educated around the firm's business plan, have staff awards and so on, he explains, and a couple of people from Pulsant came up from London to speak to the staff at the beginning of the process.

He says they went over the journey that AFG Law would be embarking on with Pulsant, advantages and workings of the cloud and key information surrounding GDPR.

"It was brilliant – they got all the staff onboard at a very early stage. And they didn't have to come up to Bolton for an hour but they did. They had an open floor and answered any questions, no matter how ridiculous or petty they seemed. They just wanted to give everyone that peace of mind that we knew what we were doing and how it would lead to a better working environment."

PREM AND PROPER

The firm has outgrown its premises, and as a short-term option it's taken rental of another property in Bolton. French says that, previously, it would have taken months to work out the old IT system server being onsite as well as the cost of desktops and so on.

"With Pulsant, it's been plug and play. They helped us with the IP addresses but, basically, we were able to do everything ourselves. Being able to set up a standalone office with minimal fuss and expense was really excellent."

As well as facilitating an easy office move, using Pulsant enables AFG Law staff to work

securely and agilely outside of the office, he says. This was also something pushed out of the change of management at the firm in 2016; French says the board of directors are all fairly young and forward-thinking and want to work smarter.

"We have a lot of people who are out of the office, whether that's sitting in court or working at home – especially in the nature of work for the family department. Now they've got full access to their case and systems to work wherever they are. All they have to do is login."

French says the firm had tried to set up remote working with its previous supplier but found it extremely hard and quite expensive.

In terms of concerns around security, AFG Law has dual factor authentication logins. And since everything is stored in the cloud, if something happens to someone's laptop there's nothing on the desktop as far as loss of documents or client information is concerned.

French adds: "The cost of replacing equipment is pretty cheap. The damage that could be done to the firm's reputation and bottom line in the case of a breach is not so cheap."

Agile working improves the work and demeanour of existing staff, makes the firm a more flexible workplace and therefore also helps with recruitment, he says. The offer of agile working is very attractive to new staff.

Being in the cloud also means that AFG Law can budget more effectively than in the past – it knows exactly what it costs per month for a new user, "down to the penny", French says.

MARKED FOR SUCCESS

"On the actual go-live date, we couldn't have asked for anything better – there was minimal effort and any issues were minor. It was well handled by Pulsant, and AFG Law was sufficiently prepared."

Prior to the go-live, Pulsant had basic guides that went over what the firm needed to do, how to logon to the system, and what the user interface looked like.

French says the firm has never had as much technical capability as it does now with Pulsant. "We've never been able to lockdown computers before. But now we can work in a really secure and efficient manner. And everyone is now on the same page in terms of working method – everything is saved on our practice management system, whereas before, people had a habit of



LPM FIRM FACTS

AFG Law

Revenue: £3.5m

Corporate status: Ltd

26 total staff

Offices: Bolton, Bury



“

The cost of replacing equipment is pretty cheap. The damage that could be done to the firm's reputation and bottom line in the case of a breach is not so cheap

ABOUT US

Pulsant is a leading provider of hybrid IT solutions, including managed cloud, professional services, datacentre and infrastructure services
www.pulsant.com



saving things to the desktop.

“It's introduced standardisation of work, which means we're doing things properly now. Staff had all of that training beforehand and adoption was really cemented across the business then.”

Pulsant's development team stayed with the firm for six weeks after go-live until they were satisfied that everything was running properly.

And if AFG Law have any issues or inquiries, staff have an online guide to walk them through how it can be resolved.

He adds that if staff need to call Pulsant for whatever reason, nine times out of 10 the person on the other side of the phone can deal with the

request there and then, owing to the technical expertise of Pulsant's staff.

“There's plenty of ongoing feedback and reporting as well. For example, the firm is trying to become paperless, so we agreed a certain amount of storage when we started. We've been reaching our storage capacity, and Pulsant sends out warnings and advice before we hit that mark,” says French.

AFG Law has never been in a better position to deliver legal services, he says. The firm's move to Pulsant means that staff can work to the fullest in this modern world – it's no more playing catchup. **LPM**

STRATOSPHERIC STRATEGY



Andy Bevan, cloud sales specialist – legal sector at Pulsant, on making a case for Microsoft Azure, and what SME law firms can learn to love using the cloud

The cloud conversation has been doing the rounds for the past decade. Over the last few years, it has shifted from talking about whether to migrate, towards how to get the best out of the technology. There's no doubt as to the benefits – increased agility, faster time to market, resilience and mobility. And as the technology has matured, the traditional arguments against uptake (largely centred on elements like security) have fallen away. In fact, often data is safer in the cloud than hosted on-premises.

But looking at the legal sector, is cloud adoption inevitable? The short answer is almost certainly yes, in the long-term, especially in a hybrid environment. Looking at migration overall, 451 Research predicts that 60% of workloads will be delivered from the cloud by the end of the year and more than half of those (38%) will be public cloud deployments. This forecast is supported by the growth of the public cloud market itself; Gartner expects it to grow 17% to £155bn by 2020.

MAKE IT PUBLIC

Historically, law firms have been hesitant to adopt cloud, preferring private cloud models when they did decide to make the leap. Private cloud provides the additional security and compliance assurances that many organisations demand. But it can be both expensive and inflexible. Public cloud can add definite value to operations and in the last 18 months firms have demonstrated an increased appetite for adoption – largely because the main issues around cost, lack of skills, security and data sovereignty have been overcome.

There is a greater understanding around the commercials of public cloud, that is, making costs more predictable, working with service providers to overcome skills gaps and security concerns, and changes that public cloud vendors have made to their operations.

Microsoft, for example, established two datacentres in the UK in 2016 to make it easier for public sector organisations and those businesses that have specific requirements around the handling and storage of sensitive data. It also means that

organisations can use Microsoft's set of productivity and collaboration tools (Office 365) without sending data overseas.

STRONG FOUNDATIONS

Looking specifically at Microsoft Azure, it has a definite role to play in enabling better practice within law firms, especially smaller concerns.

One of the key selling points of Microsoft Azure is that Microsoft is a name we're all familiar with; most companies already use some form of it, whether that's Office 365 or Windows Server 2016 (and now 2019). This familiarity can help mitigate the cultural changes needed with cloud adoption. If you have an existing Microsoft estate, it's a smoother transition to cloud because you're not fundamentally changing the way you're working. From an operational point of view, your knowledge of your existing Microsoft infrastructure can help reap the associated benefits. If you're already using Windows Server 2019, for example, it has the built-in capability to back up to Microsoft Azure.

This extends to security too. As a law firm, if you're using Windows then you're using Active Directory to authenticate your users. Active Directory is a key element of Azure Active Directory, which means that if you move to Azure you can easily extend your services without having to change your user logins, authentication and access control.

ALL ABOUT THE MONEY

A further powerful reason for choosing Microsoft Azure is the commercial benefit. With Microsoft Azure, you're able to optimise your existing licensing agreements and leverage that structure when migrating to cloud. In fact, in some instances having existing licensing agreements may make it easier to capitalise on some of the associated services.

More than this though, changes in the market over the last year or so have made migrating to public cloud more cost effective. In the past, it was often cheaper to build out a cloud estate on your premises than move to public cloud. Now, however, there are a number of service providers who are



ABOUT US

Pulsant is a leading provider of hybrid IT solutions, including managed cloud, professional services, datacentre and infrastructure services
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able to help you continually monitor and optimise your platform to minimise spend. For example, where you use regular and consistent capacity, perhaps if you moved your case management system to the cloud, with few spikes or variation in usage, you can obtain reduced pricing for your services using reserved instances. These costs are fixed for a time, thereby making it easier to predict costs and budget accordingly.

You can get the best mix of commercial models by using reserved instances for your predictable capacity, and adding pay-as-you-go options for instances where you will consume more (or less) compute, or need to scale up quickly.

APP STORE FOR CLOUD

Building on the Microsoft legacy, there is also the Azure Marketplace to consider. Whenever you need a service or application, it needs to be developed

and optimised for your environment – which, of course, takes time and money. With the Azure Marketplace, all services offered here have already been optimised and, most importantly, certified for running on Azure, making it easier to deliver the functionality you need at a price that suits your requirements.

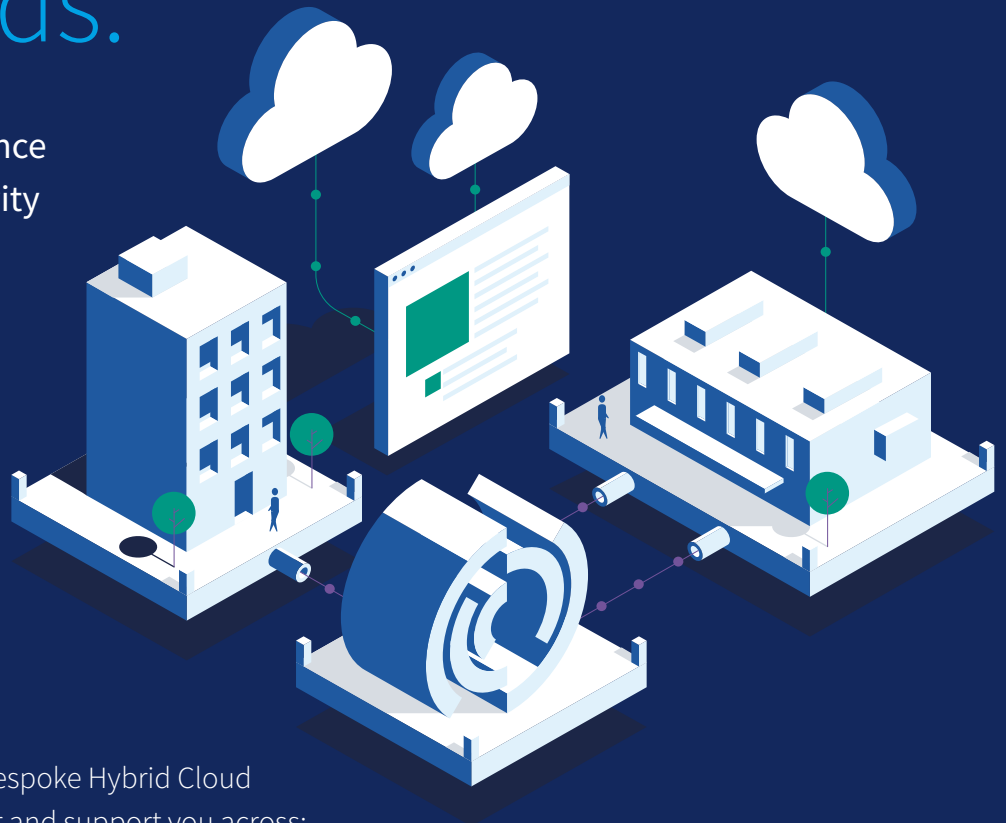
The fact remains that SME law firms are still cautious when it comes to moving to public cloud. While the benefits are clear, there are still challenges, especially when selecting public cloud, such as Microsoft Azure, over private cloud. In reality, you won't be using one or the other, but likely a mix of both models – a hybrid environment. This approach is ideal for dealing with issues around which workloads to move to cloud, which are better suited to private cloud environments owing to regulation or other requirements, and which will perform well in public cloud. **LPM**

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State of the GDPR

On the anniversary of GDPR coming in to force, now is a good time to survey the lay of the land and check up on the health of SME law firms' relationship with the regulation. Josh Adcock reports

In May 2018, legal businesses were nervously anticipating the coming of the General Data Protection Regulation (GDPR) and envisioning an avalanche of subject access requests and data breaches. But the past is a foreign country – they do things differently there. One year on and firms are no longer holding their breath – it's May 2019, a strange time indeed, but with the benefit of hindsight, what have firms learned about their own businesses and the importance of protecting data?

"It wasn't the most accessible piece of legislation," says Sharron Athay, compliance and risk manager at Bristol-based Meade King. She says it was a hard process, but that, once the firm had got to grips with the letter of the law, understanding how to apply the regulation to the practice was not a tortuous process.

In preparation, Athay says, "We conducted a data audit and essentially looked carefully at how we held data, why and how long, and the risk of a breach – it was quite prescriptive."

Similarly, at Bowling & Co, practice director David Downham and IT consultant Jon Gough worked closely together in the runup to compliance. The most obvious area they chose to focus on was the firm's data protection policy. When the two of them spoke to LPM in September 2017 for our Data with destiny supplement, they were looking at creating a data map to ensure the firm had a handle on its data stores.

However, as the existing policy was based on the Data Protection Act 1998 (DPA), and because the firm already adhered to ISO 9001 standards, there were in fact relatively few changes to make. "It wasn't really a massive overhaul – more than anything, GDPR focused our minds on what data we were holding," Gough says.

While there were many areas of focus, Michelle Edwards, compliance solicitor at Taunton-based Harris Fowler, says that her firm prepared for 25 May 2018 by performing audits both of IT

systems and of human processes and procedures.

"We audited the manual postal process where items were passed between fee earner and supervisor before being returned to a secretary – we realised there was a risk of documents being scooped up with other papers by mistake. We had to ask ourselves, 'What personal, sensitive information could accidentally be released?'"

Robert Bond, partner at Bristows – which has improved its data hygiene and GDPR compliance significantly since he spoke to LPM in September 2017 – says the firm prudently revisited its data retention policy, implemented more regular reviews of legacy data and mapped out its "data estate".

But Bristows was well prepared for the changes surrounding clients' consent to having their data used for marketing purposes. "Both pre- and post-GDPR we reviewed our client relationship management (CRM) database to see whether we had the necessary permissions to continue marketing."

Bond says lot of law firms contacted their current and past clients to re-affirm consent, and unsurprisingly had about 80% not respond.

At Meade King, on the other hand, more stringent measures were required. "We essentially wrote a new data protection policy and reviewed our security and internet policy very carefully," says Athay.

The firm chose to avert the risk of ambiguity over client consent. "We opted everyone in our database out of all mailshots – we couldn't be

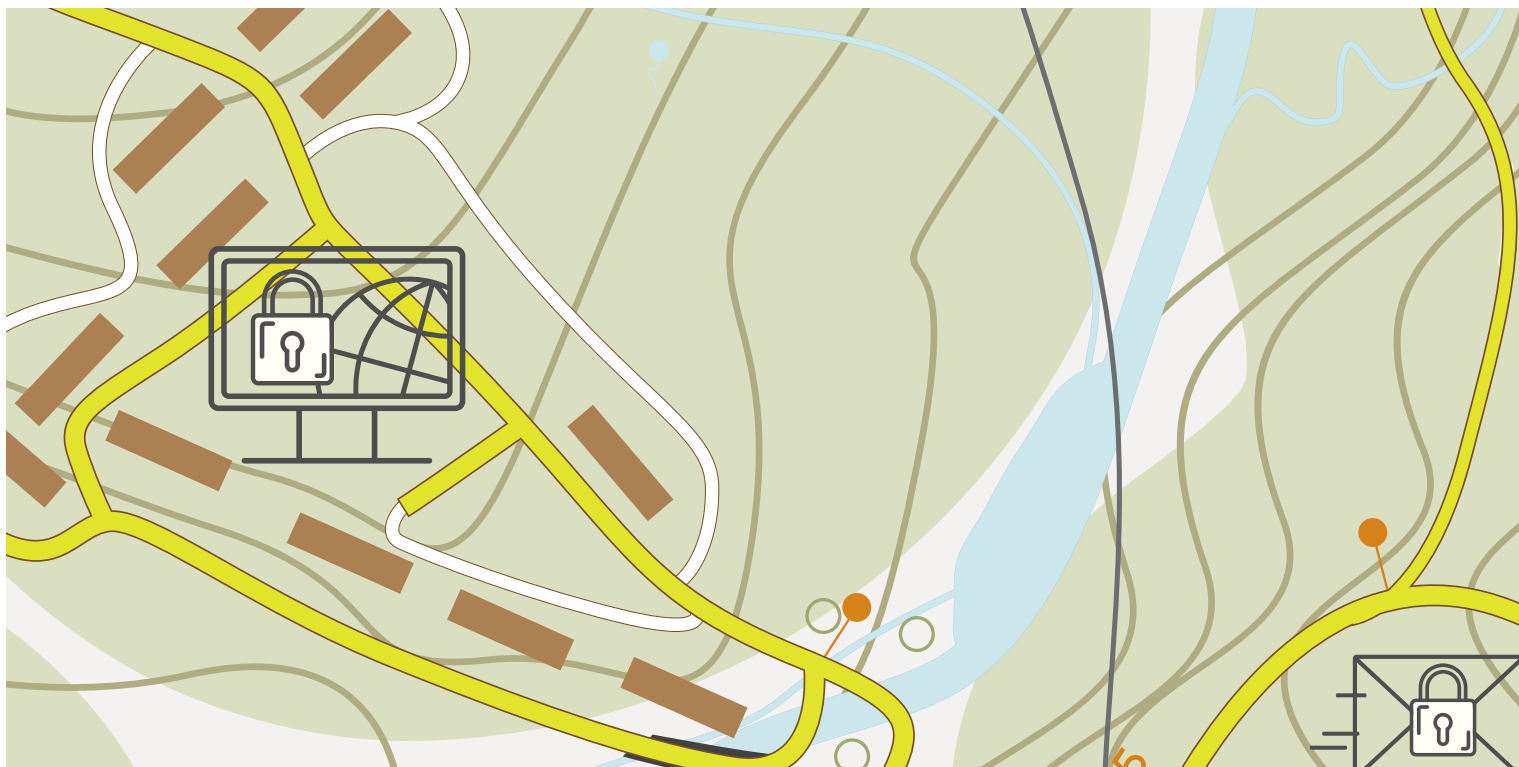


We realised there was a risk of documents being scooped up with other papers by mistake. We had to ask ourselves, 'What personal, sensitive information could accidentally be released?'

Michelle Edwards, compliance solicitor, Harris Fowler



GDPR



confident that the processes we had in place were compliant with the GDPR.”

TECHNICALLY CORRECT

Cybersecurity is of course a key element of risk – many firms sought external solutions to ensure their compliance with GDPR’s security requirements. As Bond explains, law firms are often seen as the weak link. “Why hack a defence company when they can hack the law firm that’s managing a patent application?”

Athay says that Meade King changed to a new IT provider, Oosha, to enhance the firm’s preparedness for malicious behaviour. She says: “They were offering extra safety and security measures, as well as external phishing attack testing, which we hadn’t been provided with before.”

At Bowling & Co, Downham and Gough say the firm was already looking at a major infrastructure refresh, which should be completed this year. Technical awareness in the legal support industry, Gough says, has been fortuitous. “It’s good timing, because we’ve been able to reflect our GDPR needs in the planning stages of our new infrastructure.”

Edwards says that Harris Fowler identified email security as a focal point that was high on the risk register. The firm began using Mimecast, as messages can be encrypted and revoked, as well as Zylpha software and Visualfiles, to safeguard data transfer, in preparation for GDPR. The firm also made sure to encrypt external devices.



Our staff have to allow the IT department to put encryption software on any laptop or phone people use at home or elsewhere

Michelle Edwards, compliance solicitor, Harris Fowler

“Our staff have to allow the IT department to put encryption software on any laptop or phone people use at home or elsewhere,” she says.

Bond at Bristows says that law firms are a frequent target for spear-phishing attacks, but the answer to this problem lies as much in the training of staff as in the tech. “We have e-learning modules on data protection and cybersecurity, as well as a recent repeat round focused on spear-phishing.”

STAFF OF POWER

Clearly, technology is by no means the silver bullet – people and process matter, too. Edwards says sensible yet simple solutions, such as a paper file logging system, were implemented at Harris Fowler. “To prevent the wrong paper attachments going out to clients, we now put them into a plastic wallet, so they’re bound together. That’s cut down on the risk of human error,” she says.

Bond says Bristows has improved the visibility of reminders about shredding documents and has a clean-desk policy to prevent accidental loss of documents.

Training staff to keep these kinds of prudent behaviours in mind remains one of the most important issues for SME law firms in relation to GDPR.

Downham at Bowling & Co says the key message of his firm’s training was the equal and individual responsibility within the firm around the protection of clients’ data. “We put on an awareness campaign internally. We don’t want to scare people, but staff have to understand their responsibility in taking care of client data. After all, the firm’s reputation could be at stake.”

Gough found that it was helpful to make the training as relevant as possible. “The topic itself is a bit dry, but getting some real examples, making it very specific and explaining how GDPR might affect you, was useful,” he says.

At Harris Fowler, Edwards says the firm wanted to reassure staff they would be supported in

LPM FIRM FACTS

Meade King

Revenue: £3m

Corporate status: LLP

20 fee earners, 47 total staff

Office: Bristol

LPM FIRM FACTS

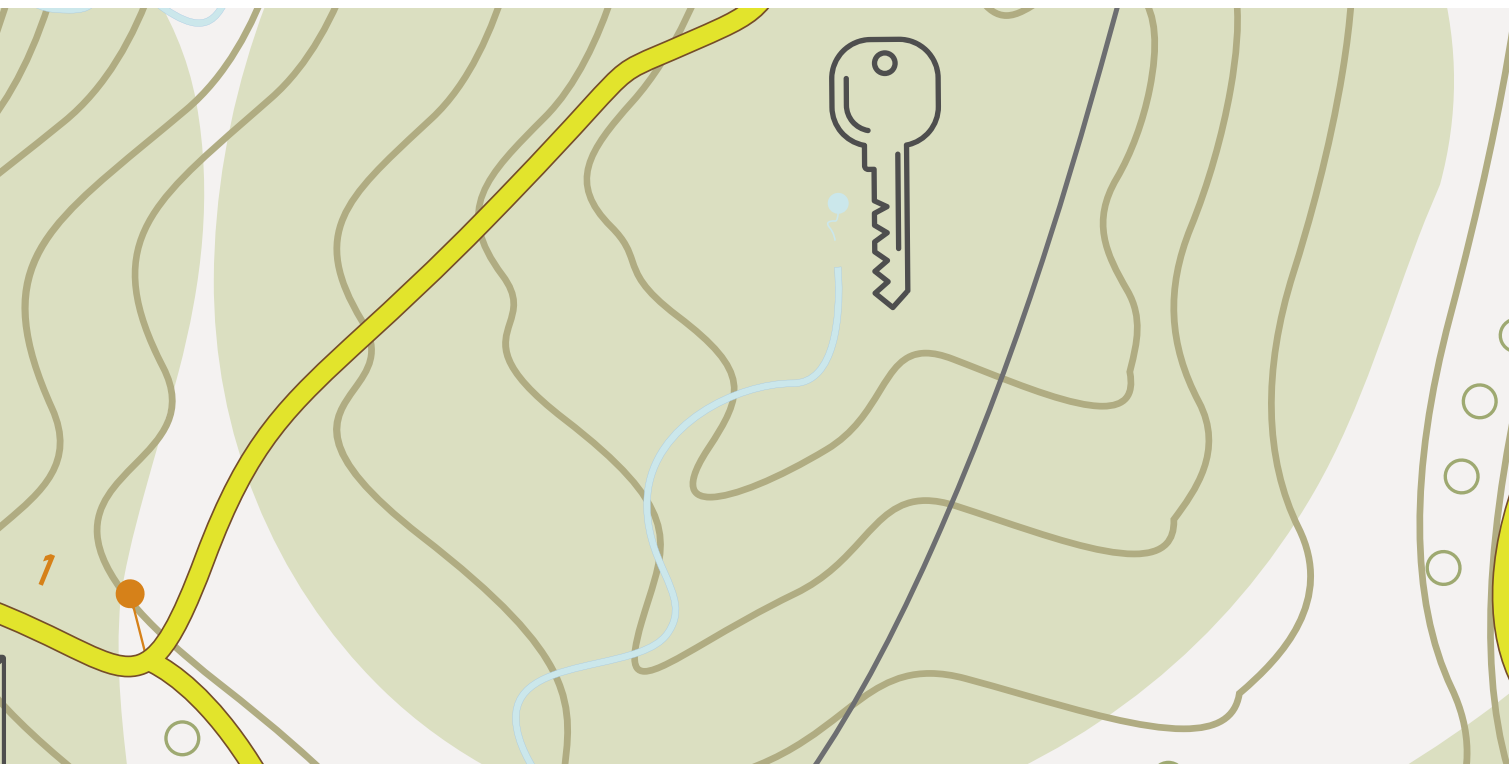
Bristows

Revenue: £45m

Corporate status: LLP

186 fee earners, 283 total staff

Offices: London, Brussels



dealing with a data breach by the Data Protection Officer (DPO) and compliance team – the key message was: “Be open”. Because firms must now (under GDPR) report a breach within 72 hours of becoming aware of it, the urgency of encouraging staff to report potential data breaches is critical. This was a big change for firms as reporting was voluntary under the 1998 DPA.

PICK YOUR PARTNERS

Finding external help has been more of an issue than might have been expected for firms, leaving many to deal with the new legislation as best they can by themselves. In spite of Gough having suggested to LPM in September 2017 (in our supplement on GDPR) that firms might want to take external advice and bring in training consultants, Downham says it wasn’t so simple.

“We couldn’t find external training that was suited to us. I had to do my own research and put on my own PowerPoint presentations.”

He adds that Bowling & Co is a member of LawNet, a network of approximately 75 independent law firms, which provided some helpful training. But, Downham says, it didn’t go into as much depth as he did for research.

So far, the firm has managed with its own resources. “We haven’t brought in an external consultancy yet. But we haven’t ruled that out.” Downham says providing the internal training is something of a “hidden cost”, which all businesses will have to keep in mind in future.

Firms also found that their existing third-party partners were a potential risk to compliance with the GDPR. Bond at Bristows says one of the major projects the firm undertook was a review of its contracts with third-party vendors.

He says: “We send documents to translation agencies – and those contain hugely confidential personal data. I did a review of 27 agencies in the lead up to GDPR and not one had terms and conditions that would have satisfied both their obligations and ours as the data controller.”



We couldn’t find external training that was suited to us. I had to do my own research and put on my own PowerPoint presentations

David Downham, practice director, Bowling & Co

Edwards says that Harris Fowler put a lot of thought into how it used outside parties and made sure any third-party partner had minimal contact with clients’ personal information.

Some unavoidable external entities are still problematic, however. “The courts want to use generic email, instead of Mimecast. And we deal a lot with medical experts – some are old school – we’re slowly having to educate them as well,” she says.

CRISIS OF AUTHORITY?

Data breaches are not restricted to law firms or even to businesses, as a recent Home Office apology to EU citizens applying for settled status demonstrates – the government department accidentally revealed 240 personal email addresses, according to a BBC news story. So, what are the regulators of law firms and other government bodies doing to keep on top of GDPR?

Edwards is of the opinion that the Information Commissioners Office may be the weakest link, as she feels it was not prepared for the number of reports it might receive, nor did it focus in the right places: “They look at the big ones – Cambridge Analytica, for example – but are they looking at the little law firm and what it’s doing?”

She also says that the courts have seemed slow to realise potential risks, though a joint notice issued at the beginning of April 2019 by HMCTS, the Law Society and the Bar Council

LPM FIRM FACTS

Harris Fowler

Revenue: undisclosed

Corporate status: Ltd

44 fee earners, 95 total staff

Office: Taunton

LPM FIRM FACTS

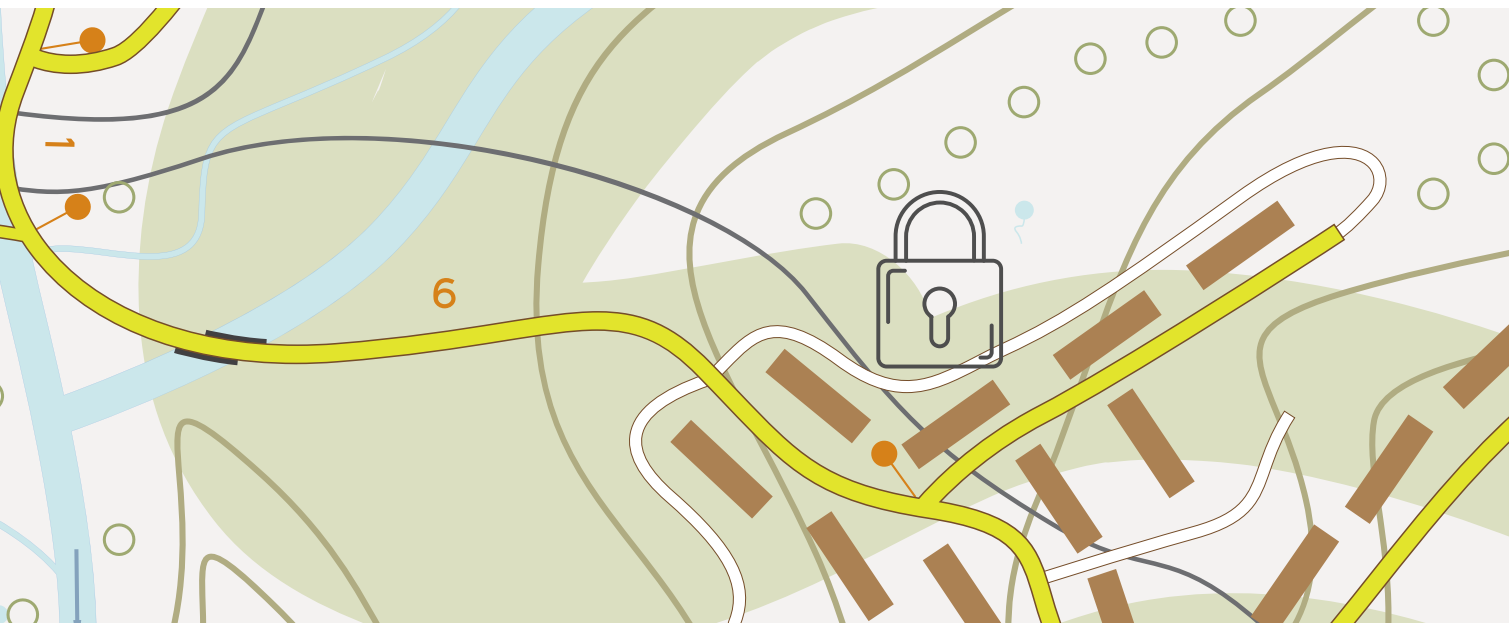
Bowling & Co

Revenue: £3.5m

Corporate status: Partnership

32 fee earners, 51 total staff

Office: London



suggests they have recently caught up. “You used to leave court bundles behind and the courts would shred them or tell you to pick them up the next day. Now they’re saying it’s your responsibility to ensure they’re removed.”

At Bowling & Co, the feeling is similar. Downham says: “The Law Society provided guidance, but I don’t think it was enough. They didn’t provide much training material either – nor did the Solicitors Regulation Authority.”

GET WITH THE PROCESS

Subject access requests, and the ability to deal with them, was another concern for SME law firms. But the proof is in the pudding – Downham says: “We thought that after midnight on 25 May we might need more resources to cope with the requests – but we’ve not had a single legitimate one. Hopefully our reputation means clients trust us with their data.”

While most SME law firms will be exempt from the GDPR’s requirement for a firm to have a nominated DPO, Downham says Bowling & Co chose to nominate one, for the sake of client trust. “We wanted to make it clear to clients that we have a named DPO.”

Edwards at Harris Fowler says, in her experience, perceptions may have become more acute, but the practicalities have remained unchanged. She says there have been few actual data access requests. “We’ve always been in a position to be able to give clients a copy of their file, and they continue to ask – even though they occasionally do use the language of GDPR.”

Furthermore, she says that clients seem less concerned about their personal data than one may have expected, possibly due to public awareness of the highly regulated nature of solicitors’ work. “They’ve become more suspicious about giving their bank card details for conveyancing, for example, but they don’t seem to register things like their medical records as being personal data.”

Bond says Bristows has also seen a trend among clients who misunderstand the role that law firms play when handling personal data.

“Some clients have sent large data processing agreements, because they’re treating us like other vendors. But we’re not ‘processors’ in

relation to personal data – we’re a ‘controller’ in our own right. There are times that we provide hosted portals for clients – then we’re a processor. We had to build that distinction into our terms of business.”

Meade King carried out a lot of work on the processes of responding to a data access request, Athay says. Having received only one request thus far may make that work seem redundant, but she says the systems are now in place for any future deluge.

MY GDPR WILL GO ON

These firms all seem to be sending the same message: compliance with GDPR is an ongoing process, and a continuation of existing requirements. Bond says it’s not a “point-in-time issue”. And Edwards explains that Harris Fowler have continued to review their processes over the last 12 months: “We didn’t just say, ‘oh, that’s GDPR out of the way.’” Similarly, Athay says the focus on GDPR brought the existing issues over client confidentiality more sharply into focus.

Many seem to perceive a positive aspect to compliance with the regulation. Gough at Bowling & Co says it’s been helpful to take a step back and look at GDPR as a business element, rather than regulation. He says that, in some ways, the buildup to implementation was like the millennium bug, in that tensions were high but then little happened.

He says it’s best to think of the measures GDPR has prompted as preparatory measures.

“Procedures have been tightened and brought up to date. It’s like having a fire engine on standby – it just sits there until your house catches fire.”

Bond says that the regulation has prompted Bristows to look more closely at the quality of its data. “We’ve looked at our client database and thought about whether we can improve our marketing messages and how we collect data.”

GDPR has been a wake-up call for many SME law firms – both in terms of what they could do in future to protect themselves and their clients’ right to privacy and digital self-determination, and what they’re doing right already. As a guide to best practice around data and confidentiality, GDPR is hardly the monster firms first feared it to be. **LPM**



Procedures have been tightened and brought up to date. It’s like having a fire engine on standby – it just sits there until your house catches fire

Jon Gough, IT consultant,
Bowling & Co



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Practice and Case Management



You can't handle the truth



George Bisnought, founder and managing partner at Excello Law, says the current law firm model of incentivising lawyers is flawed

There is an old joke about a lawyer standing at the pearly gates, protesting that he's too young to have died. St Peter replies, "Well, judging by the hours you've billed your clients, you must be at least 300 years old."

The pressures many lawyers feel under to bill the maximum possible number of hours are no laughing matter. Such pressures are increasing and are leading to concerns that some lawyers feel pressurised into dishonestly inflating their bills.

Of course, billing a client for more hours than were actually worked is not merely dishonest but fraudulent, and therefore a criminal offence. Section 2 of the Fraud Act 2006 defines fraud with admirable clarity. The offence is committed if a person dishonestly makes a false statement with the intention of making a financial gain for themselves. Despite this, 'padding time' as it is innocuously known, is increasingly commonplace in the legal profession.

It is notoriously difficult for an aggrieved client to prove how long a particular task took. Although in 1994 Webster Hubbell, a US Deputy Attorney General, was convicted of fraud for overbilling his clients, such convictions are rare. In all but the most egregious cases, clients have no choice but to operate on trust.

RE-ROUTED

In many modern law firms, the route to promotion is through maintaining high levels of billable hours. Lawyers are often placed under pressure to hit unrealistic targets. Such working conditions have bred a culture where clients face, at best, a lack of real transparency over the fees they are charged. At worst, lawyers (often referred to as 'fee earners') are driven to dishonesty, feeling under pressure to stray from their professional

ethical duty to act in the best interests of each client. The incentives to increase the hours billed include end-of-year bonuses, promotion to partner, or retaining partnership status.

A former partner at international law firm Kirkland & Ellis recently admitted to significantly overcharging clients during his professional career. He blamed increasing pressure to hit or exceed billing targets in order to hold on to his 'star lawyer' status.

In 2013, DLA Piper hit the headlines when emails from its lawyers were published, which included comments such as, "I hear we are already 200k over our estimate - that's team DLA Piper!" and "random people working full-time on random research projects in standard 'churn that bill, baby!' mode ... That bill shall know no limits."

Nearly a decade ago, the then chief executive of the Solicitors Regulation Authority warned that UK clients were often left ignorant of the costs being run up before they were hit with a large bill at the end of the matter. Since then, the culture within the UK legal sector has become ever more competitive, making the problem even more acute.

The law firm model of incentivising lawyers to bill high in order to reach partnership is flawed. Invariably, it leads to some ambitious lawyers taking short-cuts, such as overcharging. While, in theory, achieving the holy grail of partnership is supposed to be merit-based, and decided on several criteria, billing often forms a key part of the decision-making process.

A number of UK law firms have annual billable hour targets of over 1800 hours. Annual billable hour targets for associates of over 1,400 hours are quite usual. However, Yale Law School estimates that hitting a target of 1,832 billable hours involves working 3,058 hours, taking into account lunch breaks, commuting and

LPM FIRM FACTS

Excello Law

Revenue: £10m

Corporate status: Ltd

90+ fee earners, 115 total staff

Offices: London, Birmingham, Leeds, Liverpool, Chester



The legal sector needs to catch itself before the fundamental principle of putting the client first is forgotten

administrative work.

This increasing emphasis on quantity of time, rather than the quality of work, is unsustainable. The legal sector needs to catch itself before the fundamental principle of putting the client first is forgotten. It is imperative that clients know that when they engage a lawyer they can trust the bill they will receive.

Most recently, the High Court overturned a decision by the Solicitors Disciplinary Tribunal, in which a solicitor was fined £30,000 for overcharging, as too lenient, ruling that he should be immediately struck off for dishonesty and producing bills that were “unreasonable and disproportionate.”

NEW DIRECTIONS

In the UK, alternative fee arrangements are becoming more common, as firms move away from hourly billing. The options include fixed fees, flat fees and success fees, or some combination of these. Technology is likely to accelerate such trends, as software and artificial intelligence is increasingly used to perform legal tasks.

Firms should create cultures where lawyers are encouraged to take personal ownership of the relationship between lawyer and client. Providing transparency around billing is a vital step towards giving clients full confidence in their lawyers.

Firms can creatively adopt alternative fee structures, which place a greater emphasis on value and service. By removing billable hour targets, firms can foster an environment where lawyers work more collaboratively. Such an approach can enable lawyers to have honest conversations with their clients about fees – without the background pressure of that dreaded ticking clock. **LPM**

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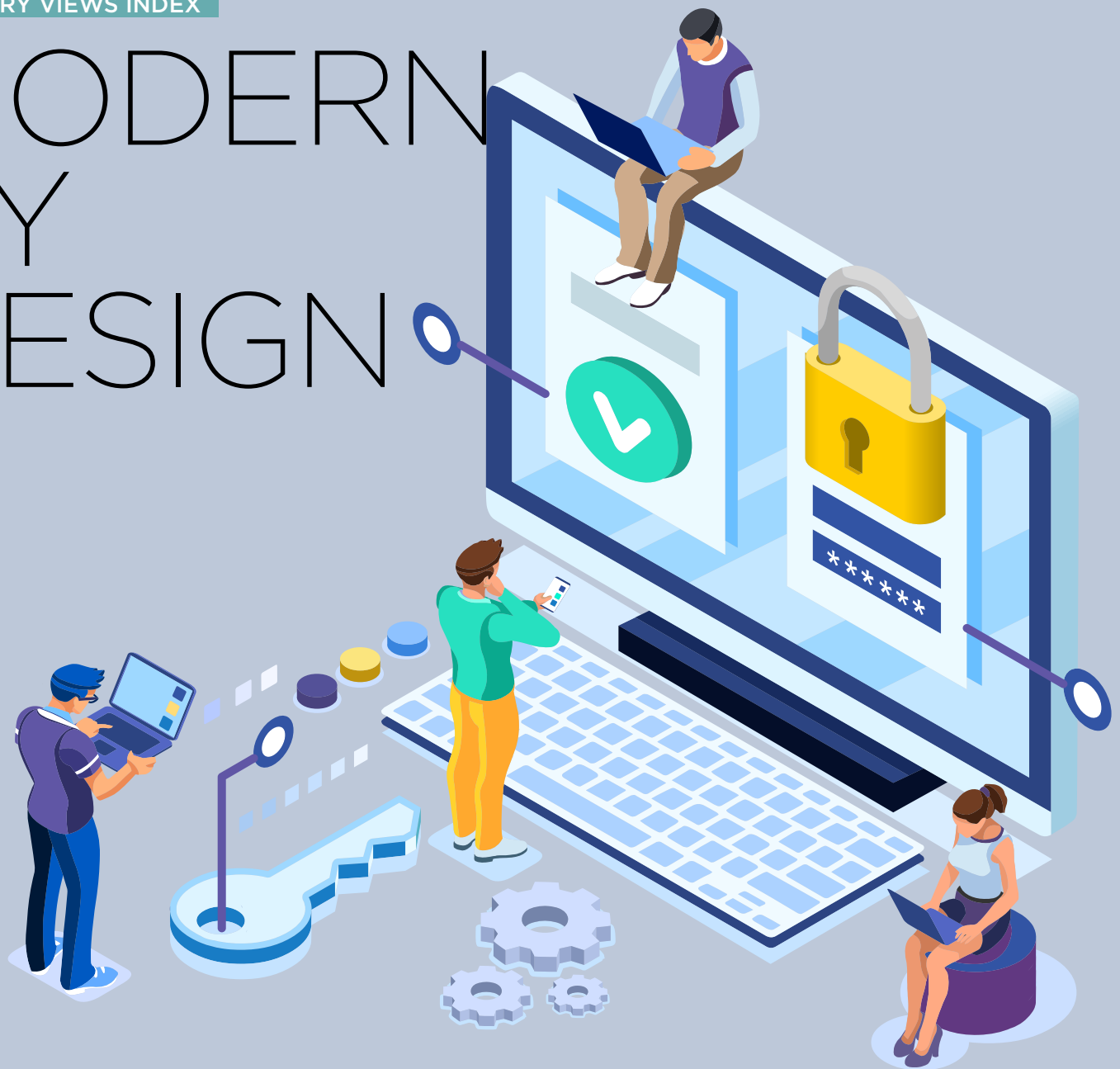
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FORWARD FACING



Chris Minnoch, CEO at LAPG, on how moving to Accesspoint for cloud hosting and IT support has helped his organisation become more agile

It's not a stretch to say that, in representing legal aid practitioners, LAPG (the Legal Aid Practitioners Group) also enables the most vulnerable members of society to access quality legal services. However, it's a small organisation, heavily reliant on subscriptions. Members interact with its services primarily through the website, which serves as its storefront. There is no IT department.

So, when this website was targeted by a ransom attack in 2017, it was devastating. Or rather, it would have been if Accesspoint Media Services had not stepped in, rebuilding the site from scratch and getting it back up and running in a matter of days. Minnoch remembers Accesspoint telling him to "Just take down the website, give us the background data and we'll rebuild it."

BECOMING AGILE

Accesspoint not only rebuilt the website, but did so with a better version of the hosting software. It was more secure, and much more straightforward to edit. "It looks and functions better. It's easier for us to do what we need to do on the back end, such as adding content and hosting videos," says Minnoch.

But that wasn't all. Even before its website was hacked, LAPG had realised that it needed a more robust IT infrastructure. It also wanted to move to the cloud. Minnoch says that it had been years since the organisation had had a permanent home. "We go to lots of meetings with partner

agencies. We need to be agile and connected."

LAPG had turned to Accesspoint Technologies, with whom it already had a longstanding relationship, and who offered them a competitive rate. "They set up a cloud-based email and IT infrastructure," says Minnoch.

Having access to shared drives and the email system, no matter where the team happens to be working, has been nothing short of life-changing. "There's only three of us. Sometimes we're all out and about at the same time. Sometimes we're all working from home. It's made that a lot smoother and more connected."

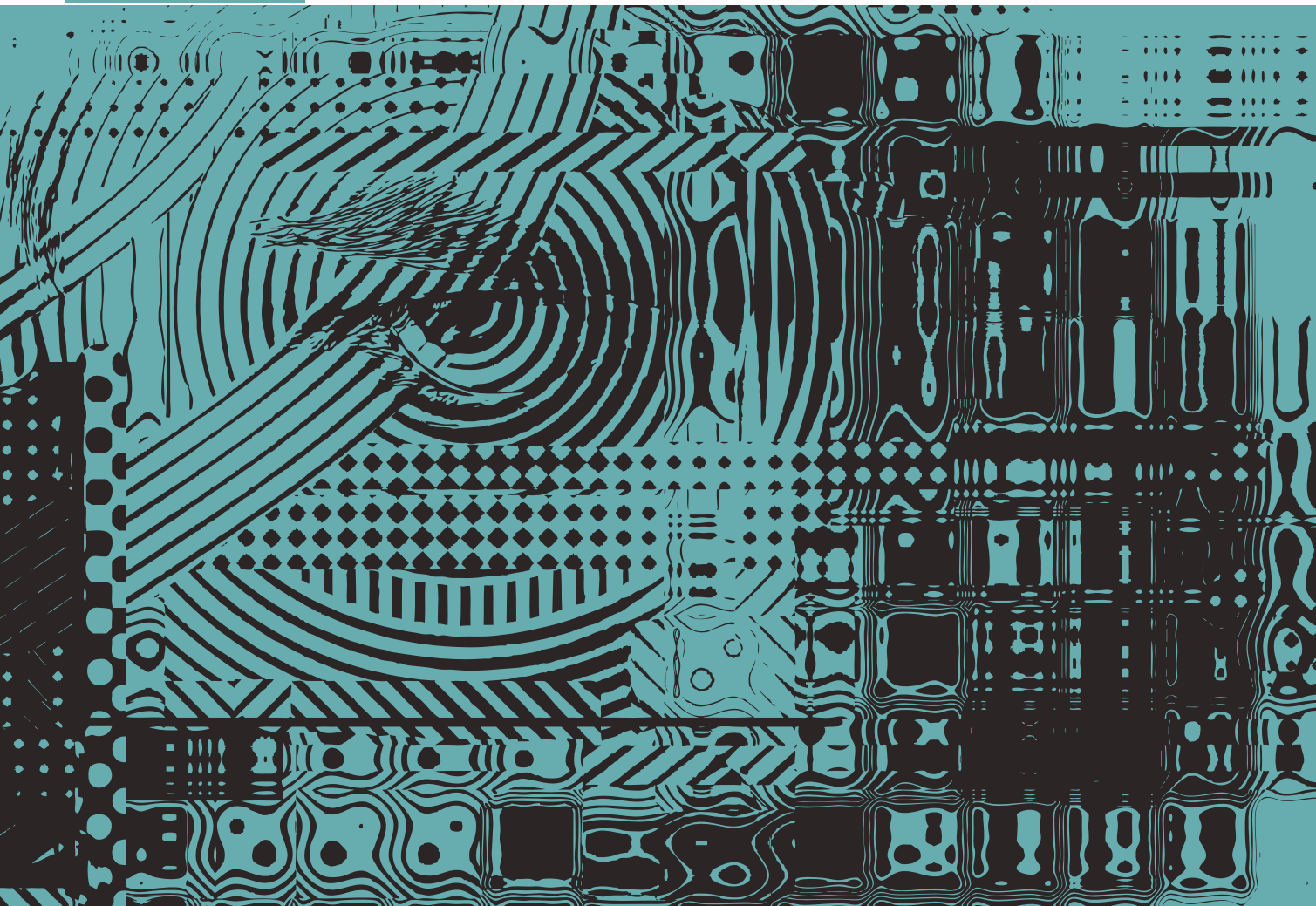
The system that they had before going cloud-based had relied on a fixed location. "Now we can operate out of any premises," says Minnoch.

CLOSER CONNECTIONS

It's not just about efficiency and reducing cost. There is the membership to consider. "It's partly about helping us connect more easily with our membership," says Minnoch. LAPG needs to keep in touch easily with both current and potential members. With the number of legal aid lawyers being reduced owing to cuts, membership continues to be a big challenge. "Having Accesspoint on board, supporting our IT and our events, as well as sponsors and exhibitors, enables us to connect with our members," he says.

LAPG's membership is wide, and includes barristers, solicitors, paralegals and cost draftsmen (hence their use of the term





ABOUT US

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

www.theaccesspoint.co.uk



'practitioners'). "They improved our ability to connect with the legal aid community more broadly. The website enables us to have an e-commerce platform, and host training modules so that members can access our training services and modules."

Another way that LAPG cements its connections with members is through the LALY (Legal Aid Lawyer of the Year) Awards. "Accesspoint had worked with us for a number of years. They understood the business and what we do, and how important it was to have a website to do things such as managing our LALY nominations."

The nominations had been a paper-heavy task running into thousands of pages. Accesspoint built an online nomination form to automatically generate entries into PDFs. The nomination process could then be managed from the website's back-end. "So, the people who are making the nominations just have to go online and fill it in and then attach the nomination. This streamlined the nomination process. Also, we can access the nominations from wherever we are," says Minnoch.

AN ONGOING RELATIONSHIP

Minnoch is full of praise for Accesspoint's "extremely responsive" troubleshooting and support services: "When something's gone wrong, they've responded immediately with an IT engineer. At the moment, we're leasing an office from a member firm, so we rely on the speed and



Having Accesspoint on board, supporting our IT and our events, as well as sponsors and exhibitors, enables us to connect with our members

reliability of their broadband."

This looks like just the beginning of LAPG's relationship with Accesspoint: "There is a lot more functionality on the website, particularly the back end. We're working with them to build a secure membership area.

"So, having that capability means that we will be able to interact more with our members, and provide them with better services. And that is one of our main objectives, to enable our members to do their jobs better so that more members of the public can get access to advice." **LPM**

TICKET TO PERFECTION

Lee Salih and Ian Bury at GloverPriest discuss how Tikit Partner for Windows and Perfect Portal make the firm a more transparent and efficient business

For any SME law firm, growth is a tantalising goal that brings with it its own challenges. Lee Salih, business director at midlands-based GloverPriest, says that his firm aspires to be “the largest independent law practice in the Midlands.”

Being an amalgamation of eight previously independent firms spread over three counties, the firm wanted to unify its branches’ disparate working practices and drive up efficiency by bringing its workflow systems together.

For example, although its conveyancing work, a particularly important strand for the firm, had a case management system, its other work streams broadly didn’t.

The firm also wanted to maintain its role as a local, high-street firm. It was important that customers still felt connected to their legal professionals, says Ian Bury, the firm’s business development manager.

“We wanted to develop the business to become one of the region’s top conveyancing firms, while at the same time maintaining a space and atmosphere where people can walk in and see the conveyancers face-to-face.”

TRANSPARENCY FIX

So, GloverPriest sought solutions. Salih says: “We went to market to find a system that could encompass everything from cradle to grave, that tied together our accounts, case management and conveyancing systems.”

Tikit’s Partner for Windows (P4W), Salih says, was one of the only systems that covered all case management workflows and had the ability to integrate with other systems.

“It has enabled us to have one system across all our offices and drive a consistent approach to our service delivery,” he says.

But the key to the project’s success was the integration of P4W with Perfect Portal, which really cemented the firm’s goal of streamlining input from clients.

Bury says that previously, quotes would be provided via Perfect Portal, but would have been processed in an Excel spreadsheet, Word document or even in an email. The process can now move from quote straight to creating the matter in half a dozen clicks, he adds.

Salih adds: “It gives us transparency around workflows across all the practice areas we deliver in – so wills, probate, conveyancing and commercial are all in one place.”

This also helps to keep the regulators happy, he says. “It sets us up for what’s coming, for example, meeting the SRA’s price transparency guidelines or justifying billing. We’re really able to put ourselves in the best position to embrace compliance and any changes that come our way.”

UP, UP AND AWAY

The improvements in efficiency that have resulted from the integration are also a huge boon. Bury



Now that we’ve integrated, the process is seamless – information is transferred straight from Perfect Portal

Ian Bury, business development manager, GloverPriest



says that accuracy has noticeably improved, saving time in the process.

"Before, legal secretaries would end up duplicating information as they had to transfer data over manually, which introduces a margin for error. Now that we've integrated, the process is seamless – information is transferred straight from Perfect Portal."

On a firm-wide scale, the results have a significant impact. "Our secretaries say it's saved them, on average, five to 10 minutes per case," Bury says.

That represents roughly a 5% saving per day, which, as the firm opens between 7,000 and 10,000 cases a year, is a substantial amount of time, he says.

And GloverPriest sees the potential for further improvements using the systems. Bury says: "We're looking to centralise our processes and reduce time taken even further. I'm looking for my team to actually transfer and open the matter, which we never could have done before – there were the separate quoting and Tikit processes. Now they sit side by side and talk to each other."

Bury adds that the integration has led change at the firm. "We've adjusted the way our end statements are produced for clients to reflect the way the information is shown in the portal – so clients better understand the process."

SOWING SEEDS

In addition to allowing the firm to assess best practice for its workflows, integration presents

the possibility of connecting lawyers' work on matter lifecycles more directly with clients.

Bury says GloverPriest has found a strong desire to work with apps, which will enable staff to update clients at key milestones.

The firm isn't quite at that stage yet, Bury says, but once implemented, clients will be able to track their case in real time, which he believes they will relish.

Just as success breeds success, so too does change breed change, it seems. "Now we've embraced the integration and seen the impact on the business, we want as many things to be integrated into Tikit as possible."

The firm is looking to introduce other features that Tikit enables, like Adobe Sign. He says: "Clients are used to digital documents – why not use it, if we're able to?"

Salih adds that integrating P4W and Perfect Portal has also helped GloverPriest to realise its strategic goals – streamlining its processes and improving its legal service delivery will pave the way for the firm to become a leader in the region.

"And because of the improved billing format that goes to accounts, we've been able to grow our business without having to invest in more people in our accounting department."

Integrating Tikit P4W has been a welcome evolution for GloverPriest. It allows the firm to bring systems together, knocks down the walls between client and firm, and gets the whole firm singing from the same hymn sheet. And Bury says the firm isn't looking back. **LPM**

ABOUT US

Tikit is a leading provider of technology solutions and services to legal and professional service firms.

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RESEARCH REVELATION



Karl Moore, director at Tinsdills, on taking the full suite of LexisNexis products and how it helps the firm reduce paper usage and risk – in a drive to modernise

For a law firm with a long history, the journey to modernisation can be a difficult one. Tinsdills is based in Stoke-on-Trent, with four offices in the region, and has been practising in the area for nearly 350 years.

Director Karl Moore says that recently the firm has undergone some important changes to the way it works, with the aim of modernising its practice, for staff and clients alike – to do that Tinsdills uses the full offering from LexisNexis.

The practice has always had quite a major litigation bias, particularly on the personal injury (PI) side of things. And Moore says, as you can imagine, with everything that has been happening in the PI marketplace over the last several years, it's made life significantly more difficult – especially with the introduction of fixed costs and legal aid cuts.

"Changes to the legal market make improving our processes and services even more important in terms of efficiency, and also profitability."

Moore says he's always been keen to try to get all of the firm's processes under one roof, but only recently has it been a viable option for the firm.

"We've subscribed to LexisNexis for about 12 years now – and because of the work that

LexisNexis has done on its services, we've decided to take on the whole suite of products. And it's been really super."

A LEAF ON THE WIND

A lot has changed for Tinsdills over the last few years, and Moore says the firm has a number of process efficiency and project management projects on the go. And the way the firm works now is miles ahead of where it used to be.

"In the bad old days when we were taking products in loose-leaf form, it was seriously a full-time job. Someone would have to try and keep everything up to date and there was always the danger of a couple of pages being wrong, which creates a wreck going forwards."

He says that now, with Lexis PSL, you can drill down into Lexis Library. "It makes life so much easier, and staff can really put their energies into what matters. The product is much more user-friendly that it used to be.

"Paper copy, in some ways, is only as good as the index at the end of it. It's so much easier to find the material you want when everything is digital. And it saves so much time, which reflects back to the efficiency and profitability of the firm."

In the past, it was difficult to budget and

LPM FIRM FACTS

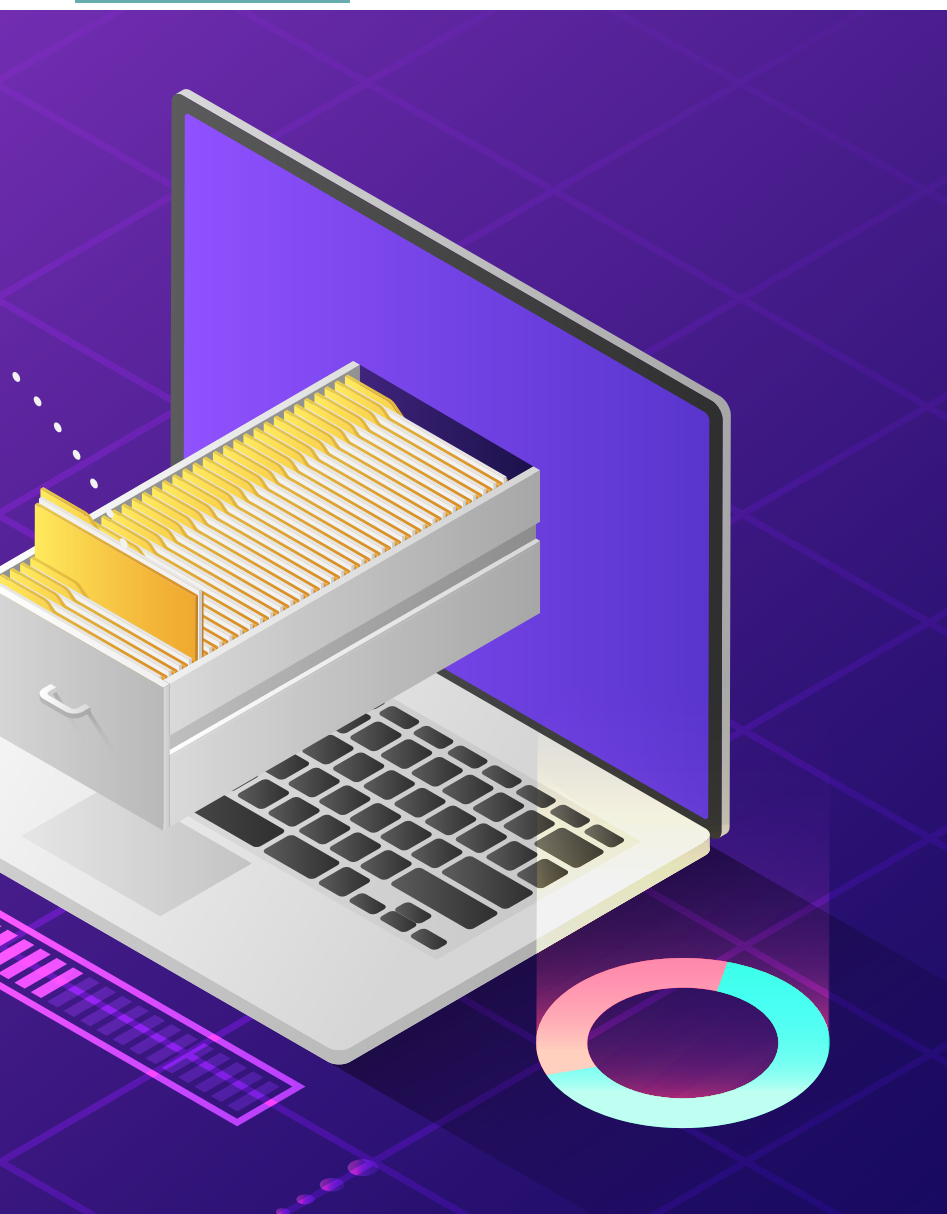
Tinsdills

Revenue: undisclosed

Corporate status: Ltd

64 fee earners, 95 total staff

Offices: Stoke-on-Trent, Newcastle-under-Lyme, Leek, Sandbach



The whole firm can share the resources from each site, which we couldn't do before. It's astonishing how much information is available to you

BIG SUPPORT

LexisNexis is absolutely brilliant for setting up your daily practice, Moore says. "You can tailor the updates so you receive as little or as much information as you want. You're being spoon-fed anything of significance that's happening in your area of work – that's a massive change from where we were in the past."

Lexis Draft has been a revelation, he adds, not just from the point of view of spotting inconsistencies in documents but also in the quality of the firm's products.

"With little, nit-picking stuff such as using square brackets in one area but round ones in another, you often become word-blind – you can read a document 10 times and still not spot the errors or inconsistencies."

"As a tool to work with, the firm has never been in a better place, really," says Moore.

And the level of support and training has been phenomenal, he adds. It's almost overkill – we can tell that LexisNexis want us to make the most of the system.

"We have a few key contacts, and they came in to run through the whole system when we went all in – they were more than happy to help, however many visits it takes."

From a leadership perspective, LexisNexis was a huge help for gaining buy-in. They spent an enormous huge amount of time explaining what they could offer and sold it to the staff in the end. And so I didn't end up trying to twist anyone's arm to drive adoption; it just happened."

Moore says the firm has someone from LexisNexis who comes in on a regular basis and is prepared to go to the offices on their own and sit down one-to-one with people if anyone's struggling to navigate the site or just wants to know how to get the best out of it.

"LexisNexis understand that, for SMEs, purchasing technology is a big deal. And the team want to make sure that we're getting the best value for our investment – and we certainly are. They couldn't be more helpful." **LPM**

maintain efficient workflows, Moore adds, as there was no predicting how many updates would come through, especially for things like employment law. "Because you'd pay per update, the cost could be quite eyewatering. The costs to maintain even one publication in some years was horrendous."

The benefits have been almost immeasurable, he says – Tinsdills has become more reliant on digital rather than hard copy, and so the firm has been able to cancel the physical subscription, which has offset some of the cost and puts the firm further down a paper-light path.

"It's been a huge benefit for Tinsdills, since we're split over four sites. The whole firm can share the resources from each site, which we couldn't do before. It's astonishing how much information is available to you."

Again, Moore says, back in the old days, you'd have to chase a particular book around the building and find who had decided that it was their personal copy. That has all gone, thank goodness, he laughs.

"At the end of the day, you want staff to go the extra mile to do research. We've certainly seen improvements in the quality of our products and services – as far as the paying public is concerned, fewer mistakes are being made and so on."

ABOUT US

LexisNexis provides a comprehensive software ecosystem designed to equip ambitious lawyers with the tools needed to be successful in the business and practice of law.

www.lexisnexis.co.uk



IN PLAIN SIGHT

Samantha Jefferies, vice president, EMEA at DocsCorp, discusses three key areas SME law firms need to review if they want to continue to be GDPR-compliant

Creating a successful SME law firm can often feel like a juggling act. And when IT and regulatory compliance are in the mix, it can be hard to find the time and resource to monitor the things that matter.

Firms had to prioritise in the lead-up to the General Data Protection Regulation (GDPR) as they could only transform and implement a certain number of solutions, but they also had to show they had robust plans in place and be well on their way along the GDPR journey.

And a journey it is, says Samantha Jefferies, vice president, EMEA at DocsCorp. "Some of those priorities have changed and evolved. Luckily, law firms have been very successful at stopping most of the security instances, apart from the ones around accidents or human error. Human error is the hardest thing to prevent, but there are plenty of ways to lower that risk."

And a year on, Jefferies says there are three main issues that law firms still need to get on top of for continuing GDPR compliance: mis-sent emails, hidden metadata and improper redaction.

DEAR MR SMITH

Figures from the Information Commissioner's Office (ICO) from Q2 2018/2019 show that there were a total of 4,056 data security incidents in this period – of those, 311 came from the legal sector (putting it in the top five industries with the most breaches reported).

Further drilling down shows that 109 incidences reported for legal were for security breaches and a whopping 200 were for disclosure of data.

"The average worker sends 40 emails a day, and the more people you have working for you the greater the risk that someone will make a mistake, especially when you're talking about confidential client data or even HR information," says Jefferies.

And, she says, the nature of sod's law is that it'll always be the most controversial documents that will go astray.

There has been plenty of bad news to warn firms about the potential harm, she adds. For example, a lawyer representing Pepsi at American firm Wilmer Hale accidentally sent a document detailing internal investigations into a whistleblower to a journalist at the Wall Street Journal.

And modern advancements to technology aren't always helpful. "Specifically, the predictive nature of emails today creates a big issue. When you start typing a name in the recipient bar of an email, options for that name automatically appear, and it can be easy to click the first option that pops up – and that's when information is sent to the wrong person."

But ensuring that email goes to the right person is only part of the story, Jefferies warns. "It may be the right person but is it the right attachment? The right version? Have you accidentally attached more documents than you intended?"

IT'S A META WORLD

But, Jefferies adds, the problem goes deeper still. "Even if you email the right person with the right attachment, what information could be exposed within that document?"

"Metadata is often overlooked. It covers a whole host of information that can be stored in a document that you have no intention of disclosing."

She says there was a recent high profile incident where someone's spouse was better at using Excel and so the person in question sent a spreadsheet home for some help on formatting. What the employee didn't realise was that that file had all of the firm's HR information included in a hidden column.

"Whenever you create or open a document, it contains your name, company name, file and folder structure, location and editing history."

Jefferies says firms need to put a metadata policy in place, one that outlines what staff are allowed to share and detail the information potentially contained in the documents they send.

"There are so many ways you can accidentally share information. For example, photos that are added to a document can contain geodata – do you really want to share where that photo was taken?"

"And if it's a case where you want to share tracked changes, there need to be steps outlining how and when that is acceptable," she says.

REDACT NOW

In a similar tune, the ICO's recent comments very



There are so many ways you can accidentally share information. For example, photos that are added to a document can contain geodata – do you really want to share where that photo was taken?



specifically touch on the issue of redaction – which is quite interesting, she says, because it's something so simple but has caused a fiasco.

"No-one seems to be immune to redaction problems. And even though solutions are widely available, I have to ask why so many people are continuing to get it so wrong."

The key is to really ensure that the solution removes the undesirable content and not just mask it, Jefferies points out. A redaction tool has to "burn" the text from the PDF to ensure it's completely removed. "People don't realise that a simple find and replace in a document is not enough; the metadata about that change still exists."

"We still hear cases of people putting a black box over text to hide it, as if they're blacking out words on paper. Or even believing that turning text white will somehow erase it. Invisibility does not equate to erasure when it comes to digital documents."

Because redaction has been in the news recently (for example, the Paul Manafort fiasco), DocsCorp has decided to run a redaction webinar, as well as put a white paper together to help firms understand how proper redaction works. "And we're targeting existing users because I think a lot of law firms are going to have to revisit their systems, usage of desktops,

and policies.

"Just because a firm might have something in place doesn't necessarily mean every single member of staff knows how to use it. It's important to continually educate them and run through different workflows."

DocsCorp also has e-learning and user guides included across its solutions that can help users if they need to learn how to do redaction properly.

Jefferies says: "Our focus has been to make our redaction workflows and other processes more legal-centric. We've added some pattern searching so if you need to quickly find phone or national insurance numbers, you can do so easily within your documents."

THE WEAKEST LINK

A year on from the GDPR coming into force and firms have taken steps towards being fully compliant. However, a firm is only as good as the people who work there, she says. "As long as the human factor is in play, there will always be an element of risk."

And Jefferies says firms that recognise and understand this will be better prepared, because they'll have taken steps to minimise the risk, by training staff and utilising technology that helps prevent data leaks before they actually occur. **LPM**

ABOUT US

DocsCorp provides easy-to-use software that empowers law firms to work safer and smarter. It has more than 500,000 users in 67 countries who rely on its software every day.

www.docscorp.co.uk



Six of the ~~best~~ worst

Passwords for 2019

Ahead of its CYBERUK 2019 conference, the National Cyber Security Centre has published a global password risk list (from the dataset of Troy Hunt) – 100,000 passwords already known to hackers from global breaches, and which should therefore be avoided. Here's the top six



123456

1 This horror of a sequence has been used 23.2 million times to access sensitive information. You may suppose that something as innocent-sounding as 'oreocookie' couldn't possibly compete. You'd be right ... but even that has apparently been seen over 3,000 times.

password

4 Words begin to fail, as they say. No, password is not a super-smart bluff of a password. However, the NCSC recommends that organisations change password policies if necessary to make it easier to choose 'good' ones. One such change would be introducing a password blacklist – as you might expect, forbidding certain choices.

123456789

2 Just three more numbers in a line, and this has been used only a third as many times (7.7m). The NCSC suggests using three "random" but also somehow memorable words. "Be creative and use words memorable to you, so people can't guess your password," says its technical director Dr Ian Levy.

11111

5 Another policy might be requiring people to use more than just a single key? Also, remember that some 'bad' passwords will be too specific to you, or perhaps time-limited, to appear in a global breach list. The name of your law firm, for example ... probably not the best idea. Nor is, say, Spring2019.

qwerty

3 This classic combination was used 3.8 million times. If you think your footie team is a better bet, guess again. The word liverpool was used 280,723 times, Chelsea 216,677 times and arsenal 179,095 times. "Nobody should protect sensitive data with something that can be guessed, like their first name, local football team or favourite band."

12345678

6 Something of a theme developing – but passwords is one area of management where we really don't want that. Also watch out for the likes of computer, monkey, dragon, superman, princess, baseball, linkedin, gwerty, iloveyou, iloveyou2 and a rather rude two-word, seven-letter offering. That's before we're even out of the top 100 ...

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