

MARCH 2020

# LPM

LEGAL PRACTICE MANAGEMENT

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COLUMNISTS  
AND ADVICE  
FROM PRACTICE  
MANAGEMENT

## LPM AWARDS

*LPM Practice Excellence  
Awards 2020 winners are  
announced*



## COLUMNIST

*Joanna Kingston-Davies  
at Jackson Lees on  
leading with kindness*

# Cash à la carte

*What are the key ingredients for a successful SME law firm  
financial strategy?*

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# WELCOME

## About us



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I hope everyone had a smooth February – I nearly forgot about that extra day we had slip in this year! And if you were able to beat the storm to join us for LPM South, thank you for attending and I hope you stayed around for our LPM Practice Excellence Awards ceremony – winners announced on pp20-21. Well done to everyone who was shortlisted and congratulations to the winners! Want to get recognised for excellence in legal practice management? Keep an eye out for next year's awards.

And, if you missed out on LPM South, you can still join us at LPM North in Manchester on 24 March. To find out more and book, visit: [www.lpmmag.co.uk/event/lpm-north-2020](http://www.lpmmag.co.uk/event/lpm-north-2020)

In the meantime, it's time to get down to business. What's cooking in SME law firm financials? Josh Adcock reports (p14).

Worried you might be pushing people too hard? Joanna Kingston-Davies, group chief operating officer at Jackson Lees, talks about how you can be kind and still be a successful leader (p5).

And, if you're wanting some inspiration from outside the legal sector, blast off to another world as I report in from the Westminster Business Forum on space sector challenges and innovation (p30).

Kayli Olson, editor  
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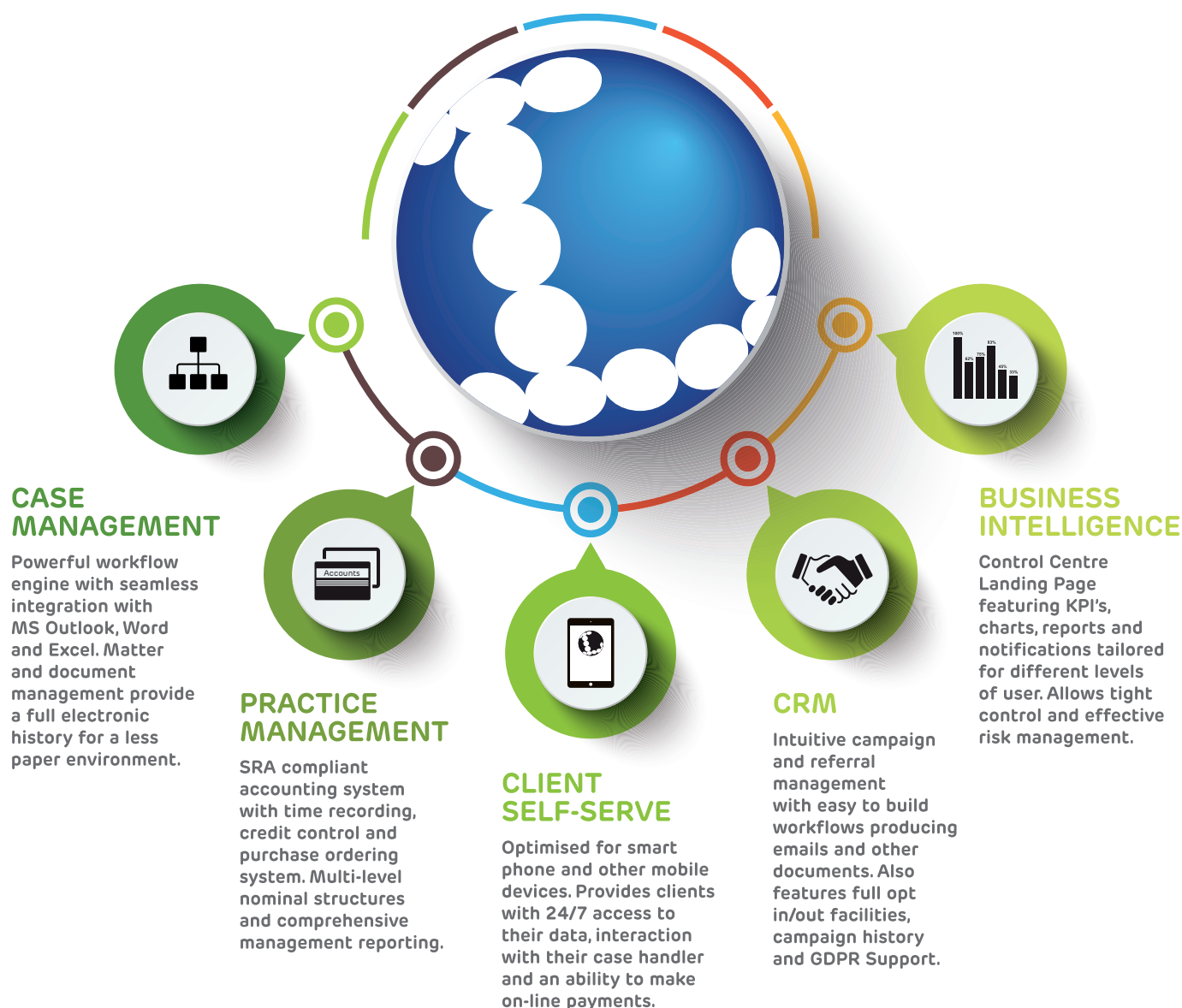
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*I didn't need to adjust my leadership style. I could be tough, successful, commercial – and kind*



## My kind of success

JOANNA KINGSTON-DAVIES, CHIEF OPERATING OFFICER

I was blown away to be named one of 2019's 50 Leading lights for kindness and leadership by Women of the Future. Kindness hasn't always been seen as a positive thing in the legal sector, so it meant the world to be able to celebrate it as a key element of successful leadership.

About 18 years ago, I had a fantastic annual appraisal but one comment haunted me: my boss said that I needed to toughen up and be far less sensitive and emotional. It came from a good place – he didn't want me to take other people's problems too much to heart. It was typical of the corporate environment back then. Success was defined by how tough you were; emotion didn't have a place at work. Soft emotion that is – I never saw anyone call people out for displays of anger. Compassion, empathy and passion about what I do are some of my key traits so telling me to curb them was tantamount to telling me that I needed a personality transplant.

I wrestled with that comment for years – adopting a tone of voice that never quite felt authentic because I was not being 100% true to myself.

It wasn't until I joined Jackson Lees that I was able to optimise the value I add to a business in bringing out the best in others by being myself. A few years ago, our CEO told me that a lot of the value I brought to the business was through being consistently kind and empathetic – regardless of how challenging the individual or set of circumstances – and that neither I nor the business would flourish as effectively if I restrained myself. The confidence that his comment gave me was incredible, triggering a

lightbulb moment. I didn't need to adjust my leadership style. I could be tough, successful, commercial – and kind. And just like that, I was free.

Leaders in any business have a duty to show empathy, kindness, and vulnerability. This helps people set realistic expectations for themselves and gives them confidence in fulfilling their own roles. Over the last few years, many people in leadership positions have confided in me that they were scared to say certain things to their teams – I told them that showing emotion is the best thing they can do and will gain them their team's respect. I delivered a training course last year where someone became visibly moved when I talked about how I deal with occasional sleeplessness at 3am. I checked whether they were ok afterwards, and they told me the relief they felt that someone at my level experienced the same thing was huge. It's human nature to assume that we're the only ones who feel a certain way, and to bury feelings for fear of reprimand. We need to change that.

People need to have confidence that leaders will guide them and manage things well – but they need to see real people and not super-human beings, otherwise they'll feel inadequate because they can't live up to that perceived – and unrealistic – benchmark.

In a fast-paced and unstable world, togetherness has never been so important. Team and collective responsibility can easily be nurtured and grown through kind and compassionate leadership. Kindness is good for mental health and fosters a positive working environment. A happy and engaged team will be more productive, and have more fun! **LPM**

### LPM FIRM FACTS

**Jackson Lees**

**Revenue: £11.8m**

**Corporate status: Ltd**

**135 fee earners, 280 total staff**

**Offices: Liverpool, Manchester, Hoylake, Birkenhead, Heswall**



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“

*Expertise is a hygiene factor allowing you to trade, but it won't make you memorable*



# Unforgettable you

SCOTT BROWN, THE MEDIA MIND

In a crowded market space, you need to stand out and have a point of difference to get noticed. Easy to say, but not easy to achieve.

Memorable brands are seldom born overnight unless they're outrageously different or controversial – the legal sector has never felt comfortable doing this, probably for all the right reasons. So, what can be done?

The most important thing to consider is that people only know what you tell them. Carefully planning your course of action and having sight of your end goal is the starting point. If you don't know what you want, then how are you going to get it?

Positioning yourselves as experts in a competitive market is generalist and undoubtedly what nearly every law firm across the land professes to be, but it's not enough. You need to not only prove it, but consistently achieve results. And more importantly, you need to tell people about it.

A solid brand needs its core – the staff, the offer and its promise. Each component needs to be fed the right information. Your staff are your ambassadors – they need to know everything. Without a shared vision, and knowing how you intend to achieve it, how can they contribute? Without their buy-in, you've stumbled at the first hurdle.

Think long and hard about your offer. Just because you've always done something doesn't mean you need to continue. If you fail to deliver something in an exceptional manner, then you shouldn't have done it at all. Here's a simple rule for brand management – be remembered for not only being experts but for being the best. Expertise is a hygiene factor allowing you to trade, but it won't make you memorable.

Make sure that cultural habits across the firm are customer-focused and add benefit to their

journeys with you. Reliability needs to be ingrained – for example, always make sure that enquiries are followed up with a speedy response...and not next week.

There's an old adage that awareness plus delivery equals reputation ( $A+D=R$ ). If you fail to make people aware then they will never know; if you fail to deliver, they will always know. This impacts your reputation, so communicate clearly when promoting your firm to both colleagues and clients, but never promise something you can't deliver. Consistency without compromise to achieve your brand positioning is where weaknesses can creep in; under pressure it's easy to settle for a quick solution. Insist that every single piece of the jigsaw is 'on brand' – delivered to the standard decided from the outset. This contributes to achieving your end goal or vision. Everyone in or around the firm needs to live and breathe in the same manner; they must want to associate with your vision and brand.

With all that said, engagement is key, even once you think you've succeeded. Keep in front of your audience (staff and clients) as we all forget things and will need updates. Image association is also important, so make sure that the image you portray every day will get you followers – loyal staff and, more importantly, clients.

One final thought: the 2019 John Lewis Christmas advert wasn't perhaps as consistent as previous years. I hear you saying 'I don't remember it that well' or 'did I even see it?'. Compare these responses to previous years, where it was difficult not to see or hear about it. This past Christmas and New Year period saw John Lewis suffer one of the worst trading times they have had in years. Brexit coincidence? I leave you to ponder the reason. **LPM**

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*Always plan for the unexpected. A healthy firm should have access to sufficient capital and cashflows to be able to fund the firm for the foreseeable future*



# Feeling healthy?

KATE ARNOTT, THE NUMBER CRUNCHER

Finances make or break the success and future potential of any law firm. Cash remains king for law firms looking to flourish and prosper. With the end of the tax year looming, now is a good time to assess the true financial health of your firm.

A sound financial base is vital to any firm; strategic decisions based on inaccurate or incomplete information are doomed from the outset.

Allocating sufficient importance and resource to getting the finances of your firm right, and making sure your key team members fully understand the information being prepared – and reviewed – allows firms to be agile enough to make sound commercial decisions.

Data from the Solicitors Regulation Authority shows that firm closures outstripped firms openings between August 2018 and August 2019 – and over half of these closures related to cessation of operations rather than mergers or acquisitions.

Should you worry? No, but be proactive. Get the right systems in place now.

The current climate means great opportunities for existing firms; the more robust your financial systems and processes the better placed you are to deliver to your clients and thrive.

In light of the new accounts rules coming into force, firms need to have systems and controls in place to ensure compliance. While it's not a requirement, setting out written financial management policies is advisable – this helps your staff understand what's expected of them and why this is important; it helps demonstrate compliance with the rules and encourages best practice across the firm, building a culture of financial awareness.

Designing a financial strategy that aligns with the firm's long-term goals and short-term budgeting requirements is critical. Having a clear vision of where the firm is headed is needed to ensure the strategy is meaningful and of use. Is there a desire to sell the firm in the foreseeable future? Is this a firm you plan to stay in and develop until retirement?

Budgets looking forwards (for a minimum of 12 months) should be drawn up, and actual performance should be monitored against these. Without a detailed budget in place, it's very difficult for a firm to understand how vulnerable it is to changes in fee income or rising overheads. A rolling cashflow forecast should also be incorporated into any financial management pack.

Regular monthly financial reporting is needed, with balance sheet reconciliations performed and reviewed to ensure no nasty surprises will be found moving forwards.

Always plan for the unexpected. A healthy firm should have access to sufficient capital and cashflows to be able to fund the firm for the foreseeable future, and to allow it to be agile and responsive as and when needed.

This month's take homes? Keep challenging your finance team to prepare more accurate and relevant management information. Make sure your team understands what it's being presented. Ensure your financial reporting pack is comprehensive and useful, including budgets, cashflow forecasts and balance sheet reconciliations.

Our experts and our comprehensive free guide – The roadmap to your financial future – can assist you. The guide is available at [www.macintyreHUDSON.co.uk/publications/articles/the-roadmap-to-your-financial-future](http://www.macintyreHUDSON.co.uk/publications/articles/the-roadmap-to-your-financial-future). **LPM**

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*Your plan should involve analysing your applications and determining whether they'll require complex integration to be utilised within the cloud*



# Migration mistakes

NICK HAYNE, THE DATA MASTER

Discussions around whether a business should have a cloud strategy have been replaced by those around how the change should be made. And while there are many undeniable advantages to cloud provision, the following common mistakes should be avoided:

**Lack of planning** – Before migrating anything, you need to consider security, management and finance. Audit these areas to determine which critical features you'll migrate, the order in which they'll move, and how long they'll need embedding before moving to the next feature.

The audit will also establish a 'chain of governance', making it clear exactly who in your businesses is responsible for which aspect of the migration. Finally, a detailed plan set down in writing will create a record that can be used to monitor progress and be a reference point if problems arise.

**Sticking with legacy systems** – Don't simply migrate legacy solutions without considering whether a cloud-specific solution might work better for your business. Many cloud solutions offer massively increased functionality, and assessing before migrating could save a lot of future time and expense.

Your people will continue to use the old functionality of legacy systems, even after switching to more efficient cloud solutions with more features, unless you plan for this prior to the shift. Compare your existing systems and cloud-based alternatives, then plan training for your people to take full advantage.

**Focus only on cost** – For many, migration to the cloud is driven by the desire to cut costs through increased efficiency and productivity, but a focus on finance that dictates the service provider can also be a problem.

While competition may drive down prices, it

still pays to interrogate the providers you're considering, assessing their offer in terms of security, compliance, performance and uptime, not just cost.

**Leaving it all to the provider** – Your chosen service provider cannot handle absolutely everything; they'll only be responsible for factors over which they have control, like your service infrastructure.

Issues such as cybersecurity will still be in your hands and it's vital to build a full picture of where the responsibilities are divided between your business and the cloud provider before migration.

**Migrating everything** – Migrating to the cloud, then working backward to discover which applications can't deliver the performance or user experience expected, is wasteful and could damage your business.

Your plan should involve analysing your applications and determining whether they'll require complex integration within the cloud – then you know what not to shift before doing so.

**Continuity and disaster planning** – Cloud provides uptime percentages that conventional infrastructure could never hope to achieve – but downtime cannot be ignored.

When serious problems occur, you'll need a plan to recover your business-critical processes and data without relying on the provider's automatic solutions, using the same systems and safeguards you relied upon prior to cloud migration.

If you're still assessing the benefits of cloud migration for all or part of your business, then a cloud-enablement workshop will help to identify any of the likely issues, long before they become a serious problem, during or after your migration. Use your time wisely and plan every step carefully. **LPM**

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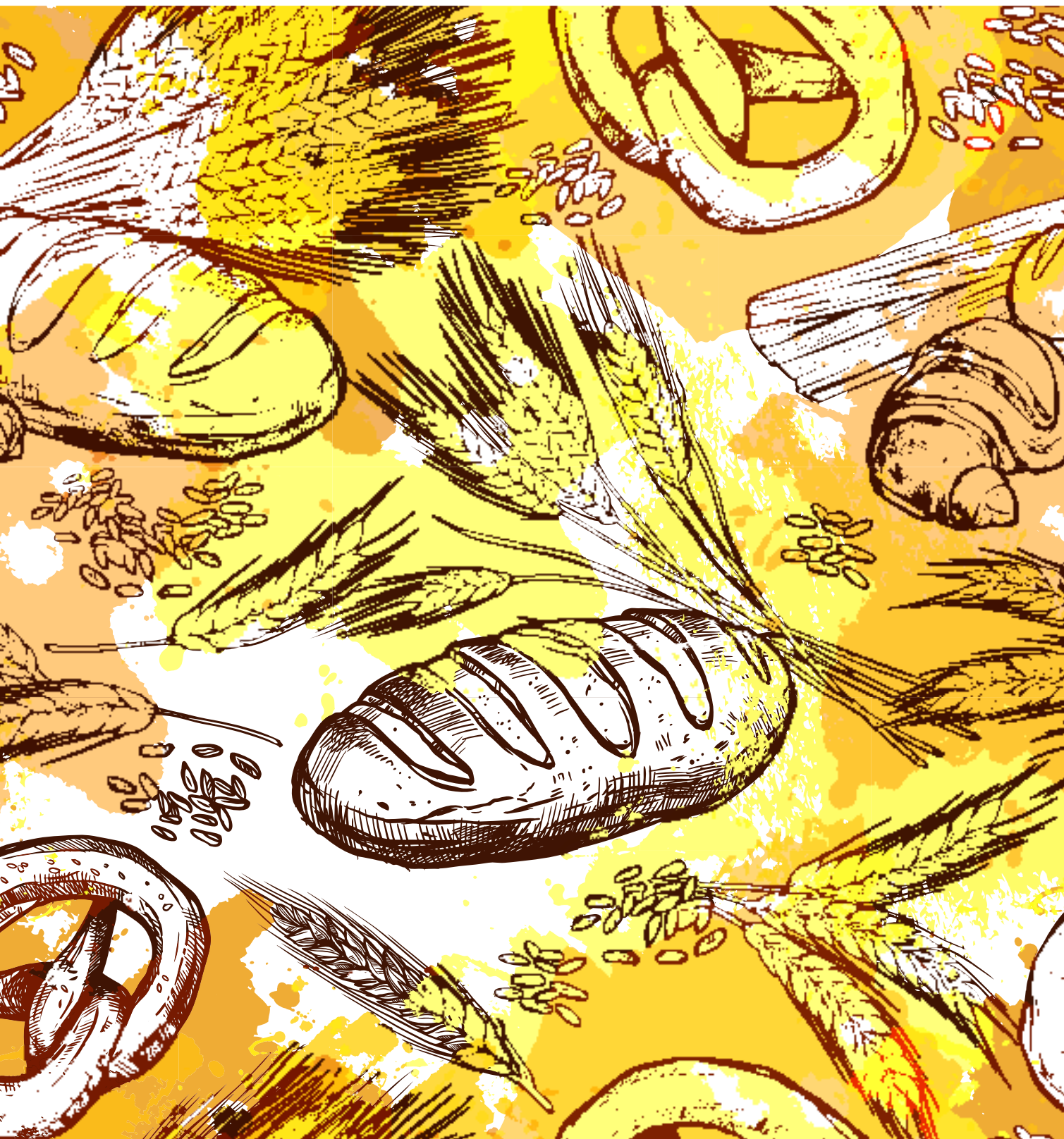
# CLEAR VISIONS

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**Amanda Hamilton** at the **National Association of Licensed Paralegals** on the future of the paralegal role



# Taste for finance

As a new financial year approaches, Josh Adcock investigates how SME firms are optimising their processes for better finance strategy – what's the best recipe for raising your game?



As we draw close to the end of one financial year and the start of the first full year of a new decade, it's no surprise that many SME law firm leaders have budgets and financial strategies at the top of their minds. There may not be a magic finance wand to sweep away all the business-as-usual challenges that plague many a law firm, but there are various processes and strategies that could offer the financial stability firms are looking for. And there's still plenty that can be done if firms want to improve profitability and become lean, mean, legal-advice machines.

## PRACTICE MAKES PERFECT

There's certainly no lack of hunger for being the best out there: at Midlands law firm Thursfields, finance director Julia Warrilow says growth is high on the agenda. "We have some ambitious targets for next financial year – we expect organic growth alone to be around 10%. But getting there will require us to continue down the more specialist route."

The number one challenge to this growth, she says, is a lack of qualified staff, an issue exacerbated by the firm's geographic location. "The large Birmingham law firms push newly qualified salaries up so we'll need to be competitive to attract those people."

Keeping the cash coming in to meet that raised cost will therefore be a priority, she says. Warrilow adds that her firm is looking at a number of projects to maximise revenue from existing clients and new ways of generating that revenue – intelligence for which has come out of regular financial catchup meetings with practice leaders at the firm.

"Perhaps instead of doing 10 transactions for £2,000, we could do half the transactions but generate the same amount of revenue. That's a strategy we're going to apply across more of our teams – our commercial teams brought up those ideas and we thought it was a good initiative to have on our radar."

## PROCESSING POWERS

Process and efficiency are two aspects of legal work that both make a difference to the bottom line and can seem like insurmountable challenges for SME firms. For instance, certain areas of legal work lend themselves to planning more than others, says Lucy McEntaggart, head of client and business services at A City Law Firm – but careful application of process can help.

"By its nature, it's difficult to predict peaks and troughs in areas like litigation. But in our other

specialist areas we monitor when a case might come to a close and plan ahead."

Watching the progress of a case, she adds, can help secure future work through cross-selling and maintaining long-lasting relationships. "We also cross-check when a case comes to a close and ensure we're educating clients on our other available legal services. Clients will often use us for litigation, for example, but not realise that we have commercial, technology and intellectual property arms."

She suggests it's important to be more commercially minded: "It's about partnering with clients and taking on that trusted adviser role."

Mindset and behaviour can't be discounted from this equation, however. Arif Kamal, chief finance and operations officer at Hunters Law, believes fee earners have more to do in the cross-selling game, as many prioritise being a lawyer over being a businessperson.

"Lawyers are part of the business as well as being members of the profession. It's a matter of inducing collaborative, 'one-firm' thinking, rather than individual thinking," he says.

Correctly scoping a case and then collecting fees on time is also part of the bigger finance puzzle – one that Kamal says his firm has recently addressed by adding an alert function to the case management system.

"We scope matters and costs to make sure we're pricing jobs properly. But now, when a certain level of work in progress is reached on the system, an alert is sent to the fee earners concerned to say, 'We've reached 75% of the estimated quote you gave to the client – will it finish within estimate? If not, inform the client now'. It's a matter of being proactive and keeping the client informed, but it's also about better working capital management."

Getting those processes right is crucial, though getting lawyers to adopt new behaviours can be notoriously difficult. Warrilow, who began her career outside the world of legal and came into Thursfields as a finance manager before becoming



*It's a matter of being proactive and keeping the client informed, but it's also about better working capital management*

Julia Warrilow, finance director, Thursfields



*Being able to project more accurately can help us predict where the business needs more attention and where we should focus our growth*

Lucy McEntaggart, head of client and business services,  
A City Law Firm

finance director, has been implementing her working practices and professional insight in all of the firm's departments.

"It's taken us a few years to standardise our budgets, but we're now there across the business. This is the first year I've really seen an acceptance that we need to stick very closely to budgets and targets – from director-level fee targets all the way down to trainee targets."

Converting the firm from a traditional partnership to a limited company has created a lot of benefits for Thursfields, both culturally and financially, Warrilow adds. "It made a big difference. The money the firm brings in belongs to the company, not the partners, and we always retain at least 10% of profits for the company – we've actually retained more than that and built up a buffer.

"We don't have to borrow to pay tax – the only thing we have on any kind of repayment scheme is professional indemnity insurance. We're in a position to 'speculate to accumulate', as they say, and we can afford fund a good number of lawyers and trainees each financial year now from that buffer," she says – a big help when it comes to the growth the firm wants to achieve.

## ON REPORTS

Information is power – perhaps for none more so than the finance function. McEntaggart at A City Law Firm says getting a better insight into the numbers is an important part of growing the business. "Being able to project more accurately can help us predict where the business needs more attention and where we should focus our growth."

At Primas, managing partner Adam Kerr also cites the power of accurate financial reporting to help generate revenue. "Our practice management system has some analytical functionality, including client profitability and utilisation reporting. It enables us to identify where we need to improve or areas where we're doing particularly well – it sometimes highlights positive things we weren't expecting."

Kerr says his priorities for the new financial year are likely to be typical for many firms, but adds that Primas merged in December 2019 with Freeman Fisher – which changed the landscape in terms of planning the financial year. "Bringing two firms together obviously changes your

financial plans, as well as the business strategy going forward. Financial transparency from both firms – combined with good, realistic planning – is therefore key to making a success of it."

Perhaps more important, he says, is to have the teams from both firms fully engaged when it comes to the financial strategy. "Financial planning is the more passive part of the process; equally important is the active part – implementing that plan. That requires buy-in from everyone at the firm, which, in turn, requires everyone to understand what's planned and what their respective roles are. We've found people are far more engaged if they feel connected to the strategy."

## ENGAGE SYSTEMS

Technology is, of course, integral to businesses today – hence the importance of getting systems working at Primas after its merger. But careful utilisation of data and tech can also be a value-add for firms, offering new opportunities to improve efficiency and increase revenue.

Kamal says Hunters is keen to optimise its data stores and analytics. "We're looking at our current PMS, which is Tikit Partner for Windows, to see how we can exploit it even further and understand what the data is telling us. There's so much data we haven't really utilised yet."

The large amount of historic data the firm has is part of the challenge: "Trying to get to grips with how much of our data is actually useful will be time-consuming," he says.

What about making existing processes more efficient? In January 2020, Kamal says that Hunters introduced automatic electronic billing processes. "It's reduced the time it takes to process invoices. There's no paper audit trail anymore – it's all electronic. So, there's no toing and froing – we used to deliver invoices in envelopes by hand between our three buildings – it took up quite a lot of time."

And what of the much-hyped artificial intelligence (AI)? He says it's not the solution the firm needs at the moment, in spite of how much the sector seems to like talking about it. "AI has received a lot of attention in the press in recent years, but we're not exploring that just yet."

Kerr says that Primas has also embraced being digital and has benefited as the firm has grown. "We're a paperless firm, to all intents and purposes. Everything is run from our PMS, including financial reporting, and invoices are all emailed out."

It's been that way at the firm, he says, since its inception seven years ago. "It can be quite difficult to change to that way of operating if you haven't always done it that way. We felt it would be easier to grow by being paperless from the start – which has proven to be the case," he says.

But, it's equally as important to understand the correct approach to the technology as it is to select the right technology in the first place, it seems. At A City Law Firm, McEntaggart says her firm wants to make more use of the technical features in its client relationship management

## What's in store?

JMW is a full-service firm that began in Manchester before adding a team of family law practitioners in Liverpool. Growth has been rapid, and Louise Busby, finance director at the firm, says JMW is on course to grow by 23% this financial year, through a combination of organic growth and the opening of a London office in April 2019. The firm has ranked among the UK's larger firms for several years, but its financial success story parallels some of the challenges faced by SME firms.

"Maximising working capital is always high on my agenda," Busby says. "Clichéd as it sounds, cash is king, and we analyse trends daily. That also means drilling down into each department, understanding the work and profiling working capital optimisation, as it differs widely from team to team. For example, a clinical negligence file can take years to settle, as opposed to a fixed-fee residential transaction that will complete in a couple of months."

Much like at Thursfields, Busby says JMW has placed a high priority on developing its existing tech. The firm runs Proclaim as its

case management system (CMS), which it has customised through JMW's team of five developers. "New projects this year include a new time-recording system and a bespoke management and financial reporting dashboard platform using Tableau. Both will integrate fully with our CMS. The dashboard will eventually replace traditional reports and will report real-time data and provide KPIs at a few clicks of a mouse."

The cultural approach to systems and processes is also crucial when considering lateral hires, she adds. "As a result of our growth, we're often bringing new people in, and they will have their own ways of working from a previous firm. So, we need to make sure everyone is following what I call 'the JMW way'."

"We want to ensure that each fee earner adopts the same approach to the system. That helps manage risk and optimises efficiencies through standardisation and workflow process. For instance, in the high-volume, fixed-fee practice areas – which are about 25% of our business – it's extremely important to make sure the IT processes are as slick as possible," she says. **LPM**

### LPM FIRM FACTS

**Primas**

**Revenue: £3.5m**

**Corporate status: Ltd**

**36 fee earners, 40 total staff**

**Offices: Manchester, Cheshire, London**

### LPM FIRM FACTS

**JMW**

**Revenue: £38m**

**Corporate status: LLP**

**387 fee earners, 556 total staff**

**Offices: Manchester, Liverpool, London**

### LPM FIRM FACTS

**A City Law Firm**

**Revenue: £1m**

**Corporate status: Ltd**

**10 fee earners, 16 total staff**

**Office: London**

### LPM FIRM FACTS

**Hunters Law**

**Revenue: £13m**

**Corporate status: LLP**

**70 fee earners, 110 total staff**

**Office: London**

### LPM FIRM FACTS

**Thursfields**

**Revenue: £8.9m**

**Corporate status: Ltd**

**75 fee earners, 155 total staff**

**Offices: Birmingham, Worcester, Solihull, Halesowen, Kidderminster, Sedgley, Stourport**

system, Osprey, in future, as it offers a number of reporting features helpful for the firm's growth strategy.

"It's an investment, and we want to ensure that our fee earners are using it to its greatest potential – so that we can make financial projections for the next quarter and use it correctly as a business tool. Plus, there are a lot of features that can help with reporting and overall strategy – up until now, I think we've been using it at a basic level."

Warrilow says that, although Thursfields' PMS, SOS, has features that include integrated time recording and a financial package, it doesn't quite fulfil all the firm's needs as it is. "We've chosen to invest in developing the existing system further with workflows for each practice area and scripting many functions to make everyday actions more streamlined and automated. We previously had someone in that role who chose to leave and become a barrister, so now we're looking to recruit someone new. We see it as quite an important investment."

The lesson appears to be, firms might firms speculate to accumulate – they should be putting in the hours, and the money, because investing in people, processes or systems might just pay off. **LPM**







# Support act



Amanda Hamilton, chief executive at the National Association of Licensed Paralegals (NALP), on the role of paralegals in the future of the legal services sector

Let's face it, the way the legal sector is developing means that, over time, fewer consumers will be able to afford the services of solicitors or barristers – simply because of the fees that are being charged. This, fuelled by the lack of legal aid now available, means that more consumers will be turning to alternative professions to assist with their legal problems, especially at the lower end of the scale.

Paralegals are emerging as the go-to profession for such assistance, but the profession still remains an unknown and unrecognised quantity – that is, to all but the professional paralegals themselves.

## MORE THAN A HELPING HAND

Even solicitors and barristers are confused, since most believe that 'paralegal' is a by-word for a law-graduate would-be solicitor.

This is not necessarily the case; many individuals are qualifying as paralegals independently. Since this is happening exponentially, the conventional professions really should recognise paralegal qualifications, especially if they are bespoke and regulated by a government body on a national basis. Unfortunately, this is not happening since they appear to be being rejected out of hand.

Completely dismissing alternative routes to qualifying as a paralegal is stepping on dangerous ground indeed, especially if the qualifications being dismissed are nationally recognised and regulated. Studying academic law is studying the law, whatever name the qualification is given.

Solicitors do not have the monopoly on good practice because they gained a qualifying law degree and passed the legal practice course. You only need to look at annual statistics

provided by the Office of Legal Complaints (Legal Ombudsman) and the Solicitors Regulation Authority to understand this premise. Without a shadow of a doubt, paralegals will play more of a key role in the future of legal services – especially in assisting consumers with everyday matters. These professionals will sit alongside solicitors and barristers in the legal sector – filling a gap, and a need, that's currently being underserved.

Paralegals are already an important, if not very visible, section of the legal services industry – and this will only increase. Law firms should recognise the opportunities this brings them and the sector as a whole and embrace paralegals as one of the ways consumers can have access to justice, legal advice and support.

As part of this, it's extremely important that paralegals are robustly trained and qualified in order to build trust with consumers and for the sector in general. Currently, the lack of respect towards individuals who have qualified by alternative routes is not adding to the trust-building process nor the credibility of the profession – and it is indeed a profession.

Ofqual is the government body that accredits nationally recognised qualifications such as GCSEs and A-Levels. And organisations such as NALP are offering robust, fit-for-purpose paralegal qualifications regulated by Ofqual. If these qualifications are an acceptable part of the academic training and qualifications process, then why are the paralegal qualifications offered through Ofqual not accepted in the same way?

It's important to note that paralegals are already taking up the slack left by the withdrawal of legal aid. They work alongside solicitors and barristers, in that they deal with the small, low-end claims and matters that



*The lack of respect towards individuals who have qualified by alternative routes is not adding to the trust-building process nor the credibility of the profession ...*

solicitors and barristers are not prepared (nor would it be financially viable for them) to deal with. So what's the problem?

### WHO'S REGULATED?

The paralegal profession has come a long way in the last thirty years. Admittedly, there's no statutory regulation as there is for solicitors and barristers, but that's not actually their choosing.

The government has expressed its intention not to statutorily regulate paralegals because it believes that: 1) there is far too much regulation within the legal sector already and 2) there is no need to regulate paralegals. It could be argued that the 'need' to regulate paralegals will change as the growth of the paralegal profession gathers pace, and the belief that all paralegals are merely would-be solicitors fades. In addition, there's a false premise that paralegals only work for solicitors and, therefore, come under their umbrella with regard to regulation.

If this remains the viewpoint of government then, in order to ensure synergy with the other legal services providers, there needs to be an acceptance of the paralegal profession by the

sector generally, the role they play, and a recognition of the paralegal self-regulatory body, NALP. As an awarding organisation through Ofqual, NALP plays an important part in ensuring that Paralegals are properly trained and qualified moving forward.

In the future, anyone wishing to embark upon a career as a professional paralegal should have some specifically recognisable qualification under their belt (in the same way that solicitors or barristers have) as well as being part of a respected professional membership body (in the same way as solicitors and barristers are). This will give confidence to anyone utilising their services that they are properly vetted and trained. It also ensures that each paralegal member understands their role in the sector in relation to other legal services providers, as well as the services to consumers that they can and cannot undertake.

The future of legal services must depend on synergy, trust and acknowledgment between the legal service providers and only then can there be clear and transparent information imparted to consumers. **LPM**

**LPM****PRACTICE  
EXCELLENCE  
AWARDS****CATEGORY  
ONE****THOMSON REUTERS®**The Institute of  
Legal Finance  
& Management**CATEGORY ONE****CLIENT STRATEGY AND ENGAGEMENT****Winner: OTB Legal**

For its entry on the successful launch of its website, built in-house, which uses an online questionnaire to match potential clients with a service that matches their needs; including web pages that provide an overview of application stages, pricing and a free downloadable guide

**LPM****PRACTICE  
EXCELLENCE  
AWARDS****CATEGORY  
TWO****THOMSON REUTERS®**The Institute of  
Legal Finance  
& Management**CATEGORY TWO****PEOPLE STRATEGY AND ENGAGEMENT****Winner: Higgs & Sons**

For the launch of its Service Awards aimed to recognise, reward and share best practice, and promote fresh approaches to its commitment to clients by learning from outside the legal profession in a year-long initiative alongside its service ambassador





### CATEGORY THREE

## SERVICE DELIVERY EFFICIENCY OR INNOVATION

### Winner: Muckle

Developed an online debt recovery system called BevRobot (after the firm's debt recovery manager) that enables clients to have 24/7 access to services. It uses machine learning to help predict the percentage likelihood of the debt being collected for the client, and gives it a 'Muckle score'



### CATEGORY FOUR

## PRACTICE DIRECTOR/MANAGER OF THE YEAR

### Winner: Kirsty Pappin, Edmonds Marshall McMahon

In 2019, Kirsty rolled out project after project, from IT data migration and overhaul, to the introduction of an app-based HR system, new fee-earner bonus model, employee benefits, and a refresh of the firm's logo and website – among others

# LPM

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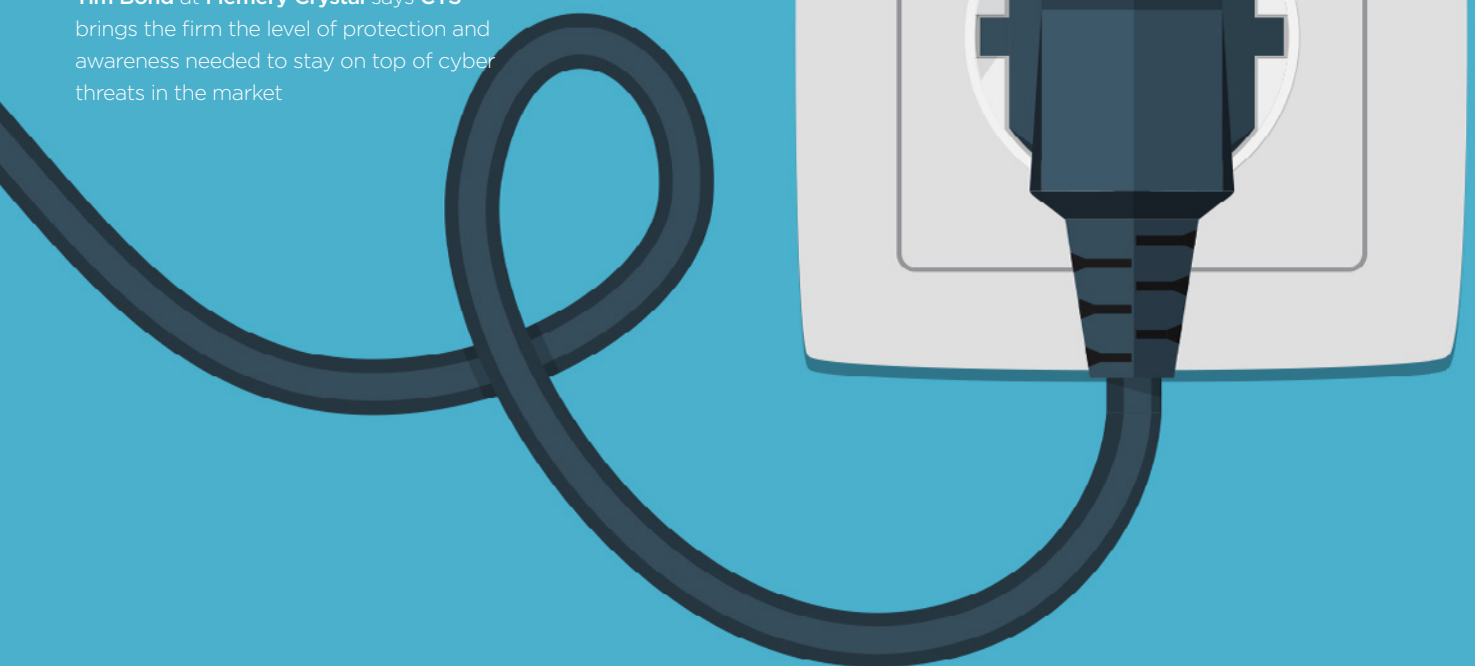
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# BREXIT THROUGH THE GIFT SHOP

Thomson Reuters and John Grayston, founder, specialist EU regulation and trade law firm Grayston & Company, talk salami slices, chlorine-washed chicken and the Trump factor – the Brexit trade deal

**B**rexit is now real. On 31 January, the United Kingdom formally left the European Union. The next phase is an 11-month transitional period to negotiate a new relationship with the EU – a trade deal in particular. Meanwhile, in the United States, President Trump has said he wants a US-UK trade agreement implemented by the end of the year.

To deliberate about what happens next and how multinational companies will be affected, Thomson Reuters turned to John Grayston, who has practised EU law in Brussels for 15 years and in 2007 founded Grayston & Company, an independent law firm specialising in EU regulatory and trade law.

## DEAL WITH IT

**Is a UK-EU trade deal and a clean break likely in 11 months?**

It's a very ambitious timetable. It could be realistic if the UK agreed to maintain EU standards and EU rules – that is, to remain bound by the EU single market rules. This looks politically unlikely, however. And the further the UK wants to move away from being bound by EU rules – opening the door to a more US-centric Trump trade deal – the more difficult it becomes to reach a conclusion on the EU deal by December 2020.

**What's the likely scenario if there's no deal at year's end?**

I think at this stage, Boris Johnson is politically so strong that there's no point in discussing whether or not he's going to allow an extension. But I would suspect that if, towards the end of the year, it proves impossible to reach a new trade agreement to enter into force on the first of January next year – in some shape or form there will be an extension.

My caveat is that one of the routes around that would be that, rather than having an extension, Johnson would keep his political pledge – UK ends the transition on 31 December 2020 – but then instead enters into a series of sectoral deals, what I

call the 'salami slice' approach. Instead of the comprehensive deal with the EU in a single document, the UK would agree to specific deals for specific issues. And outside of these deals the standard World Trade Organisation terms would apply.

Messy perhaps, but far better than a no-deal hard Brexit. So, for example, I'm working for a UK motor vehicle manufacturer, and I've said to them that one of the options could be a trade agreement to deal with the motor vehicle industry to allow that to carry on doing its business. Of course, they would be very happy if that was the case.

Industry wants matters to be settled. The uncertainty of Brexit has been, until now, whether the UK would actually leave. Now, the uncertainty shifts to how the UK will agree to terms of trade with the EU for the future. Even now, there are murmurings that, while Johnson talks the talk regarding the UK leaving definitively with a free trade agreement on 31 December 2020, there are some who still believe that he's looking for a much closer trading relationship with the EU.

This would be news to President Trump, who clearly believes that the UK will be willing to throw its hand in with the US.

**What about a Canadian deal?**

The thought of the moment, as Prince Harry and Meghan have headed off to Canada, is that the UK is looking for a Canada-style deal with the EU. (Note: the Comprehensive Economic and Trade Agreement, a free-trade agreement between Canada and the EU, went into effect provisionally in September 2017.)

That would be a more distant relationship with the EU than that previously negotiated by previous prime minister Theresa May. It would, in particular, raise lots of compliance issues for companies in the UK. Because, as you know, a free-trade agreement – free-of-duty access to the EU – would only be available for qualifying products – those that are





deemed to be of UK origin. Take, for example, a UK company who today is importing from China and then selling into the EU. Those goods would not qualify as UK-origin under a Canada-style agreement – so they would pay customs duties on import into the EU.

That's why I talk about another period of uncertainty to determine what's actually going to be the commercial deal.

#### What are the likely challenges during the UK-EU trade negotiations?

I think the idea that it will be easy for the UK to negotiate this trade deal, because we have been an EU member state and therefore have applied the EU rules, will quickly be seen to be misleading.

The value of the current state of harmonisation between EU and UK rules will be lost entirely if the UK maintains its desire to set its own rules and standards.

Indeed, the whole intention of leaving is that we go off and do our own thing, make our own rules, so I can't see any reason why the UK would want to leave the EU only to then maintain all of the EU rules. That's just madness. And if this is the plan it would be far better to remain a member state.

Balancing that, President Trump is facing an election in November and wants to do a "great, a fantastic, trade deal" with the UK, with Johnson. For Trump, the deal needs to be clear and simple if it is to be complete by the time of the US presidential election. The more Johnson is tempted to go with the US deal, the more he knows that an EU deal will become impossible within the same timeframe.

#### How else might the US influence or impact the negotiations?

Some of the rhetoric about the UK-US deal is overblown, but there are political concerns. For example, what happens to the National Health Service? Do we open the National Health Service to competition from the US? The irony being that this increased competition is thought to perhaps increase prices to the National Health Service. This is not specifically my area, but I'll just say that's a political issue, I think, first and foremost.

The technical issue that is most often expressed is this: folks in the States seem to be living quite well, but they regularly eat products that the EU has banned on health grounds – chlorine-washed chicken and hormone-produced beef, to list two examples. So, if we have a trade deal with the US which allows chlorine-washed chicken into the UK, the EU will not allow chicken from the UK into the EU unless it comes with a certificate saying it's not US-origin and there will be rigorous checks on importation. This means administrative and costs penalties for UK producers.

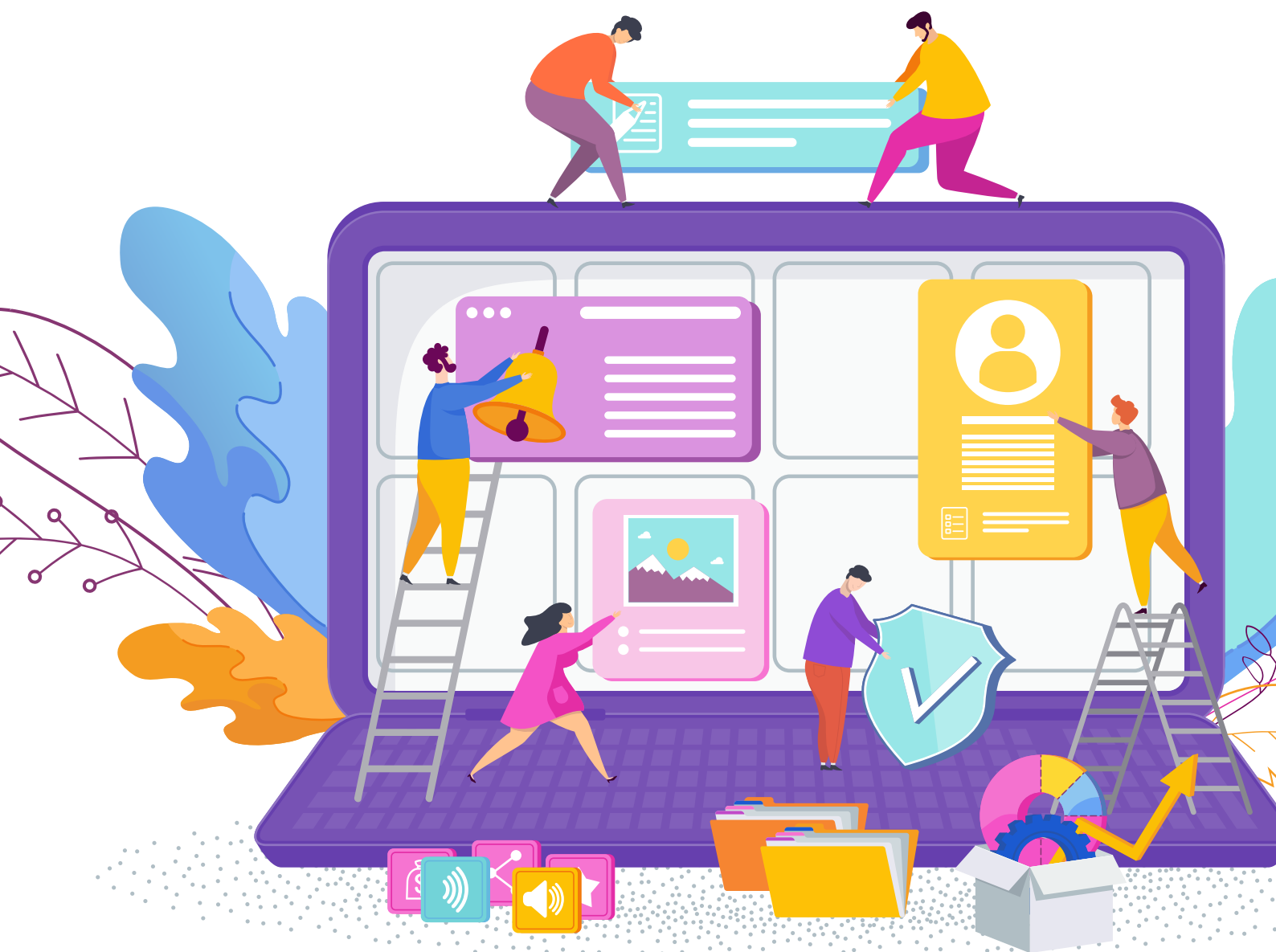
#### RAINBOW WHEEL

So, there is a lot to address during the 11-month transition period. The vagaries of the day-in, day-out negotiations are probably going to be too complex to monitor directly, but everybody needs to keep a careful watch on the overall timetable to understand whether we are progressing towards a January 2021 new trade agreement or a hard-deal Brexit. **LPM**

#### ABOUT US

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# WEB SIGHTS



Maud Rousseau, managing partner at Propero, discusses the recent Solicitors Regulation Authority rules and the importance of good marketing and compliance

These days, full regulatory compliance seems to be the holy grail for professional services. Legal practices in particular are quick to publicise their credentials to industry regulators and clients, and big money is being spent on hiring heads of marketing and compliance to legitimise these claims. But how compliant is the legal sector really, and what exactly does compliance mean in 2020?

## FOR CLARITY'S SAKE

According to research published by the Solicitors Regulation Authority (SRA) in 2019, an astonishing 56% of firms were deemed

completely non-compliant, while an overwhelming 78% were declared only partially compliant. This means that, at best, just 44% of law practices are safe from censure, though the number could be as low as 22%.

The problem is that, right now, the industry is suffering from a lack of clarity. Until recently (25 November 2019), the legal sector was bound by the SRA Handbook, a long set of guidelines that held firms accountable on a number of procedures. Those guidelines have since been scrapped and replaced with a different set of rules in the form of a new SRA Handbook and transparency rules – which sought to introduce a level of transparency and fairness to the



*The problem up to now has been that marketing and compliance teams in law firms have had sole responsibility for adopting changes to meet SRA regulations foisted upon them*

advertising of costs and services.

It's clear that firms and practices are still governed by the SRA, but because of complacency within the industry, ignorance, or lack of success on the part of the SRA in publicising the changes effectively, confusion reigns. Partial compliance at least demonstrates some desire to keep on the right side of these new rules, but a general lack of awareness is keeping these practices from following through.

### MAKE AN EXAMPLE

So just what do these compliance rules involve? At a basic level, they obligate law firms and freelance solicitors to publish clear and prominent information on price, service and regulatory matters with regard to specific legal services. These materials need to be published at whatever is deemed the first point of contact. This is usually a practice's website, but sometimes refers to published materials and social media if the practice does not have a functioning website.

However, the penalty for non-compliance on these matters is still not fully understood. The SRA have counselled that it can result in an offending practice being levied with a fine – though how big that fine might be is unclear – or potentially, even more drastically, having the practice shut down. The problem is that, because the rules have only recently been implemented, a test case for the severity of the SRA's sanctions has not yet been established.

This might sound like good news in that the SRA (as yet) has not actively pursued anyone for a breach. But the fact is that when the first test case comes, it's likely to be against a big law firm, and the penalty is likely to draw on the full extent of the body's powers in order to make an example for others to avoid. And given that, as it stands, over three-quarters of legal practices are non-compliant, everyone is at risk of being that

first case – which will be used as a warning shot by the regulator.

What can practices do to mitigate the risk of penalty? Having worked closely with both the SRA and the Law Society for a number of years, we have seen that it's best to have a professional marketing agency carry out an audit of these websites and publications and make recommendations to ensure full compliance with these new rules. The problem until now has been that marketing and compliance teams in law firms have had sole responsibility for adopting changes to meet SRA regulations foisted upon them, which were poorly understood in the first place. What an outside marketing service offers is bespoke, working closely with different teams and respecting the nuances that make each firm unique.

This can be done in a number of subtle ways, and is normally most effective when it's done off the back of wider improvements to published company materials – for example, updated blog content, staff profiles, information on services, improved website design, and so on. The legal sector is in need of a modernisation overhaul in general, and many practices are already in the process of improving their images for 2020. It would be relatively easy for these firms to incorporate compliance into their new designs and do the diligent thing by seeking out marketing agencies who both know the ins and outs of the SRA changes and are competent enough to conceptualise forward-thinking design and content.

Indeed, from our perspective at Propero, we want to relieve the already huge pressure on practices and educate the sector on the importance of compliance going forward. After all, the clearer your costs and services are, the more honest you appear to prospective clients, and the more clients choose your firm over the one offering a more opaque alternative. **LPM**

### ABOUT US

Propero Partners is an award-winning professional services marketing agency. It initiates conversations with right-fit new business enquiries and hands them over to you to close into sales.

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**Propero.**

# CYBER MINDED

Tim Bond, IT director at Memery Crystal, says CTS brings the firm the level of protection and awareness needed to stay on top of cyber threats in the market

For specialist London-based firm Memery Crystal, being thoughtful is more than just providing a good service to clients – it's also about thoughtful use of IT. This includes having a cloud-first strategy and solid security practices.

"Like many firms, we woke up to the fact that information security – incident reporting and responses in particular – is a real and significant threat to the business," says IT director Tim Bond.

"Considering the profile of some of our clients, there would be huge reputational damage and professional embarrassment that would come if we were breached."

As an SME law firm with a small IT team, being able to pass something on to an expert to manage enables Memery Crystal to focus on the work directly linked to the business and really add value, he says. And CTS does just that.

"I like the way the service is run. CTS is a trusted adviser and natural extension of the IT department. The team is very good at reporting to us and really feels like part of our team."

## PICK UP SECURITY

Many companies don't find out they've had a breach until six months down the line when a load of data appears on the dark web, says Bond. "With CTS, we would be able to shut it down within half an hour of there being an incident. And that's a much easier conversation to have than if we found out after six months and didn't really know what happened, where it originated or what data was taken."

CTS proactively flags up any unusual or weird behaviours at the firm. Bond explains: "One thing we were concerned about was, if we do have a

significant breach or incident, one of the hardest things is working out the ingress points. But now that we're actively monitoring our estate, were the worst to happen, we should not only be able to close it fairly quickly, but also present a very accurate picture of what happened. CTS adds another layer of credibility to our information security position."

Yet, Bond says, the firm still has to be careful – the risk is that by having a 24/7 solution, staff might become complacent. "There is always work to be done around security and awareness to prevent something bad from happening."

He says the overall project with CTS has been a success, as the firm is seeing more staff bringing up security questions and checking things. "And even though we would have had a level of security in place before, it's easy for people blindly to go off and do things that they shouldn't – things that they probably didn't know were a problem to begin with.

"It's usually the humans that are the problem, not necessarily the tech, so anything that helps



*I like the way the service is run. CTS is a trusted adviser and natural extension of the IT department. The team is very good at reporting to us and really feels like part of our team*

## ABOUT US

CTS provides law firms with mission-critical managed cloud services, including IaaS, hosting, business continuity and security services.

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







to raise awareness is a good thing.”

This is especially true at the higher end. Obviously, he says, it’s the ‘bigger fish’ that are more likely to be phished. “We don’t necessarily treat them any differently; as using CTS they are more onboard with the idea of proceeding with caution as they recognise that they’re a risk themselves.”

### PART OF THE TEAM

When Bond joined Memery Crystal two years ago as its IT director, the firm had been close to partnering with CTS. “I was really impressed with their commercial and strategic approach to the problems they were trying to solve for us.

“And although (as the new IT director) I had a slightly different vision of what I wanted to do, CTS left me with a good impression – they really put an effort into building a relationship. I’ve experienced some suppliers going behind the IT director’s back and emailing the CEO, or other such. But there was none of that with CTS. They were professional and trustworthy. And as a firm, it’s important to do business with someone you trust.”

He adds that the thing that really cemented CTS as a genuine and capable partner was when, during an incident in the tendering

process, CTS showed its true colours and was “proactive, helpful and responsive”.

CTS fits into the firm’s overall IT department offering and, off the back of the partnership, Memery Crystal ran a security awareness campaign and updated its security policy. The firm also now regularly sends out test phishing emails, so people know what to look out for. Bond also ran a series of security sessions towards the end of 2019, which every member of the firm was required to attend.

Incidents get reported whenever they happen, and the firm has monthly reports for everything that’s happened over the month, including any trends, as well as fairly standard MI reports, he says. This is all complemented with regular meetups with the CTS account manager every six weeks.

“I’m not necessarily someone who needs to see an account manager every three weeks. What’s more important to me is the knowledge that I can send CTS a message if I need help and get an immediate response.”

Having that extra level of protection, alerting and awareness that CTS brings means Memery Crystal is in a strong position, he says – and can get a clear idea of what has gone wrong in the event that something bad happens. **LPM**

### LPM FIRM FACTS

**Memery Crystal**

**Revenue: £24.1m**

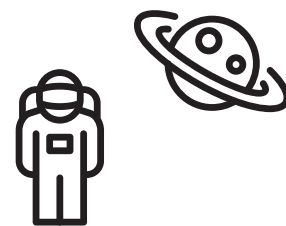
**Corporate status: LLP**

**75 fee earners**

**Office: London**

# GIVE ME MORE SPACE

What can the legal sector learn from challenges and solutions found in space? Kayli Olson reports in from the Westminster Business Forum



At the end of 2019, I attended the Westminster Forum: The UK Space sector – sector growth, priorities for Space19+ and the future for international collaboration event, partly because it sounded cool, but also because the legal sector is always asking for stories of innovation and inspiration from other industries. So why not look to space? There is a perceived notion that with space comes great transformation and innovation – but it's actually quite grounded in practice. This is what I learned about the space sector ...

A big question for the space sector at the moment revolves around finding out what the commercialisation of space looks like. Will there ever be a point where the space sector will be fully self-sustained with no form of government intervention? According to Nik Smith, director at aerospace company Lockheed Martin, the sector is still pretty immature, especially compared with the aviation sector – which many people would argue is a global, largely commercialised industry. Aviation technology is similar in age and maturity to the space sector, yet it operates very differently – for obvious risk and health reasons.

The closest comparison I can see for law firms here is to look at how other professional services work, notably accountancy firms but also the likes of architecture. But also, as space looks to commercialise, legal looks to productise. Can you package your services into one single offering for clients to buy? LPM explored this growing phenomenon for the legal sector in November 2018.

And what about all that 'innovation' happening in the space sector? Smith says: "Often there are a certain amount of assumptions made about innovation. I think, to some extent, we haven't seen great technical innovation in the space sector for some time.

"Commercial innovation can only carry

on for so long before you can get the sort of front-end, deeply technical innovation. The question is really about where the UK should be setting priorities. You'll need the funding upfront to be able to realise the commercial benefit in downstream."

James Cemmell, vice-president, government engagement at Inmarsat, says in terms of priorities in the UK, the first thing to note is that space is very much an international system and has undergone a tremendous amount of change and dislocation. "No man is an island, and the role of the government in the commercial world is absolutely there.

"We've seen a proliferation of national space agencies, and new capital coming from Silicon Valley and elsewhere, which has created new infrastructures. This, in turn, puts pressure on regulations – which are global in nature but are implemented and generated nationally. We've seen discussions and national frameworks around asteroid mining, which puts pressure on the international legal consensus, an UNCOPUOS system." (United Nations Committee on the Peaceful Uses of Outer Space).

Legal, too, has seen much change and dislocation, more in the SME market for its historical roots but also from international pressures for big law. And, replace 'asteroid mining' with 'alternative business structures' or 'NewLaw' and you get the same sort of idea on the type of pressure from regulators and the market itself.



*I didn't know using space technology would be possible; I thought it would be incredibly expensive*

But perhaps the biggest parallel legal can see in space is the sector's interest in the application of artificial intelligence (AI) – or hype thereof.

Odin Vision is not in the space industry – it's a healthcare AI company spun out of UCL with the aim of applying AI to gastroenterology. Chief executive Peter Mountney was asked to speak about the intersection of health, AI and space technology.

"What's really challenging is to be able to deliver new technology across an entire healthcare system, and the key to that is scalability. We want to do all of our AI in the cloud. So that means that, during a procedure when the doctor is using an endoscope to inspect tissue, data is going up to the cloud in real time, it's being analysed, and a diagnosis is being sent back to the hospital.

"The big problem you face with that is that you need to get the data from the hospital to the cloud. And it should be possible to deploy anywhere, not just in high-end hospitals, actually, it's the smaller hospitals that will benefit most from AI."

He says hospital IT infrastructure hasn't historically been a priority, so internal comms can't be relied on, and 4G and 5G both have holes in them – so his company went with a hybrid approach to communications, which is where the space sector comes in. Using satellite communications puts Odin Vision in the position of end-user of the space technology – the very commercialisation idea the space sector is trying to branch out on.

"I didn't know using space technology would be possible; I thought it would be incredibly expensive. But we realised it was a completely feasible solution for us, and we're very lucky and excited to use it."

Maybe shooting for the stars isn't such a far-fetched idea for legal as well. **LPM**

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A background image of a modern conference room with a large white table, black chairs, and large windows with blinds.

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