

APRIL 2020

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KNOT RISKY?

# LPM

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## MINI COLUMN

*Michael Burne at Carbon  
gives SME law firms advice  
following pandemic pressures*

## BRAIN TRAINING

*George Bisnought at Excello  
Law on benefiting from  
agile working arrangements*



# Migration mindset

*Insights from LPM South: How are SME law firms mobilising their  
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## About us



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There's no doubt that the industry, or all of humanity for that matter, is going through some tough and stressful times. The April issue of LPM doesn't only focus on the pandemic for just this reason – read up on all the other things that still matter deeply to your business: people strategy, tech, risk and compliance and more. I hope this month's magazine gives you some sense of normality. Join us on p15 for our write-up of LPM South conference 2020, which of course, took place pre-lockdown. Josh Adcock reports in about the most important part of an SME law firm: its people.

If you are indeed after some insight or guidance for this new working environment, Michael Burne at Carbon gives some advice for SME law firms facing the pandemic (p5). And George Bisnought at Excello Law, discusses agile working arrangements (p20).

Also in this issue, check out our special supplement on risk from p23. I chat to risk and compliance experts at SME law firms to get the lowdown on the changing risk landscape – from regulation to technology, Brexit even (remember that?), and more.

I also have an announcement for you LPMers: due to the current situation, LPM will be on a print holiday until further notice, which means we'll only be publishing the digital version each month – browse past issues here: [www.lpmmag.co.uk/magazines](http://www.lpmmag.co.uk/magazines)

Kayli Olson, editor  
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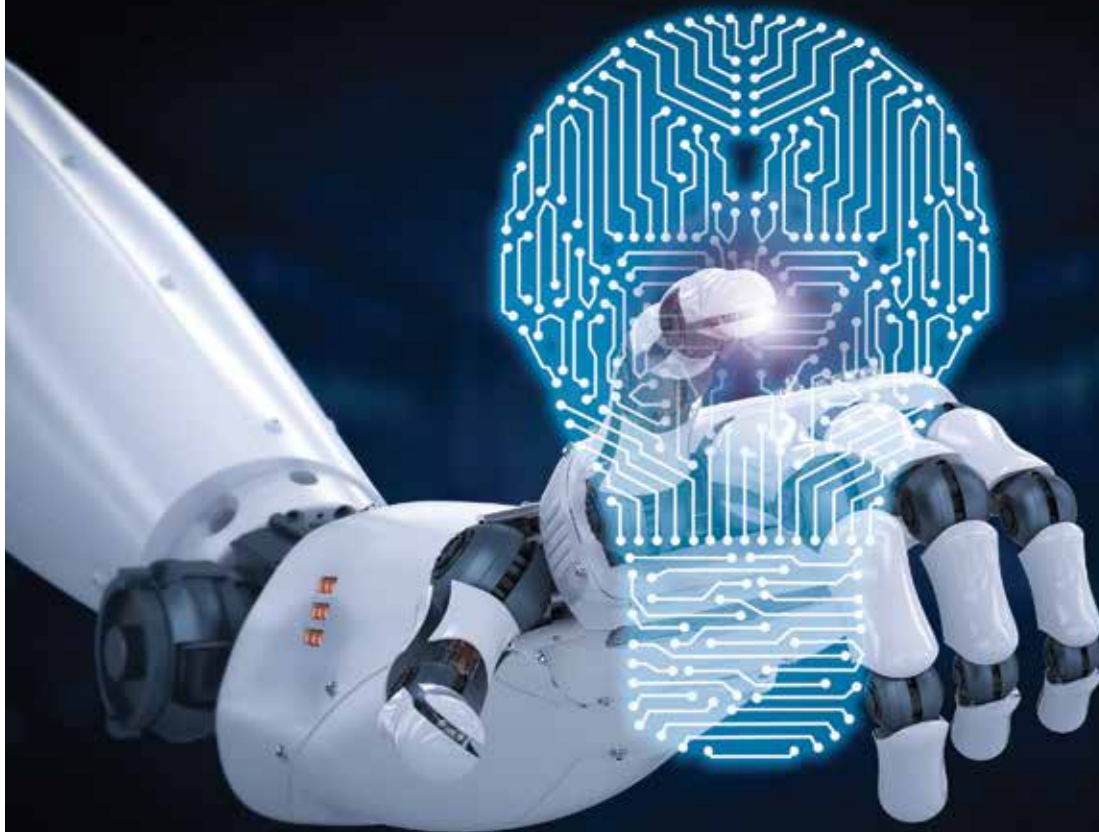
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**SUPPLEMENT  
INSIDE:  
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## Bringing Intelligent Automation to Light



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## RELATIONS REQUIRED

Michael Burne, founder and CEO at Carbon Law Partners, has some words of advice for SME law firms concerning the current pandemic

Small firms have been facing both pressure to develop, and competition from all angles, for some years. The arrival of Covid-19 has only increased the pressure; many will be forced to adapt to survive and then thrive. Most SMEs will have thought of their clients first – a laudable and appropriate response. However, survival will also require firms to focus on core business skills: we must first help ourselves to ensure that we can then help others.

There are three simple ways that small firms can focus on both their clients and their own businesses:

**1** Relationships – Much of legal practice is about the interaction of two or more people. These relationships are key to delivering great advice, and small firms have them at the heart of their businesses. Clients may equally be able to help their lawyers, and vice versa. Just asking is the key and making the connection the aim.

**2** Keep it analogue – Many smaller firms may not yet have invested in cloud-based IT systems or whizzy new apps to deliver services. And yet a telephone and a desire to help clients will go a very long way to preserving and protecting those relationships and the incomes they drive. Ask yourself how you can use analogue more effectively.

**3** Collaboration over competition – Not every firm has to have all the answers. In some cases, connecting with other firms and collaborating instead of competing may be the route to surviving. Better still, these links may lead to a stronger future. Does another firm have the tech you need? Do you have the lawyers they don't?

Evolution is based on adaptation. Now, more than ever, businesses across the world are having to adapt. Some will fall, only to be re-born. Others will simply stop altogether. And yet, there is a real opportunity to be the change and not a victim of it. **LPM**



*A telephone and a desire to help clients will go a very long way to preserving and protecting those relationships and the incomes they drive.*

## REJECTING ROBOTS?

Research conducted at the end of 2019 by digital intelligence company ABBYY found that while 19 out of 20 businesses have adopted some form of automation, only one in 20 use the full stack. Robotic process automation (RPA) is the least popular form of automation in terms of adoption – only 24% of UK businesses have invested in RPA. The banking and finance services sector takes first place with 38% investing in it; manufacturing comes in second at 23%

Legal sector adoption of RPA lags behind other industries, at only:

**6%**

**82%**

of businesses saw a return on investment within a year

**30%**

saw a return of at least double the original investment

**71%**

of those that combined RPA with content-centric process automation found even greater benefits than those that used RPA alone

Source: Research by ABBYY published December 2019

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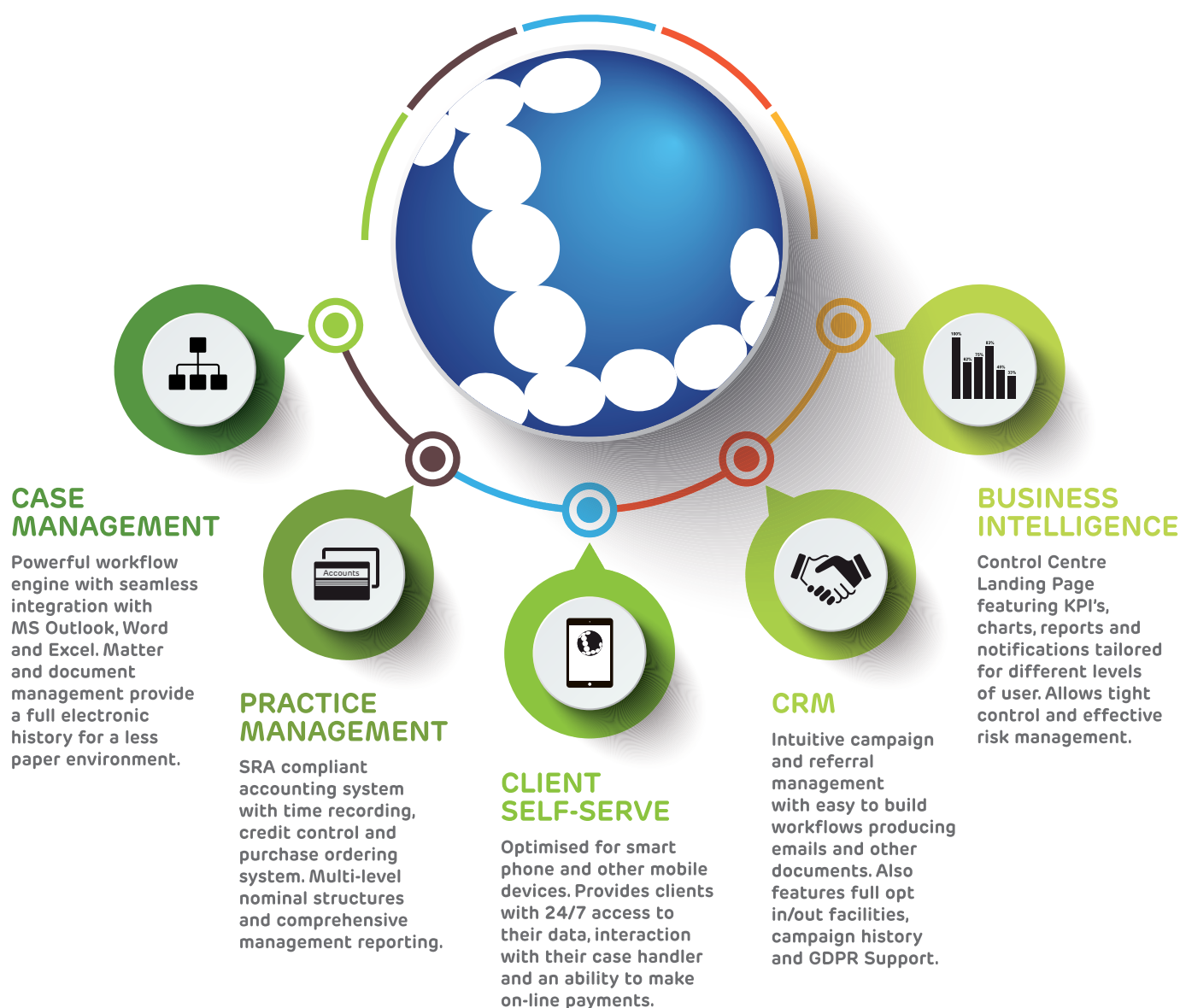
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*Rather than talking to the wrong contacts, it makes sense to have up-to-date records and a solution that provides a holistic view of communication*



# The linchpin to growth

BRIAN COVENTRY, THE DATA OPTIMISER

It was an absolute pleasure to be at this year's LPM South, catching up with acquaintances and meeting new contacts. In our presentation, we shared our data-driven insights. Our main takeaway for delegates was that leveraging existing data is the vital clue to revenue growth.

This echoes insights from the latest LPM Legal IT landscapes 2020 report indicating that it's time to 'beef up business basics' as data and analytics move to more SME legal leaders' top of mind. But why is data the linchpin?

There's always the risk that clients move away when conversations and the level of engagement fade, or the main contact from your team moves on. There are also ongoing issues with data silos as well as different departments and team members working with the same contacts without knowledge of one another's insights.

Knowing the total spend on the services you market, the percentage of wallet share you win from a client, and how much referrers generate for you is crucial. Ensuring you're managing all your key relationships effectively is vital to this dynamic. Leveraging existing data to nurture these relationships is therefore essential to grow a firm.

However, you need the visibility to manage, protect and grow the relationships that drive your revenue. So, how can this be achieved?

**Real-time data** – We all know that a missed cross-sell is your competition's open door. If this happens for clients, it happens for referrers too. Feeling underserved, they move away as well.

Rather than talking to the wrong contacts, it makes sense to have up-to-date records and a solution that provides a holistic view of communication. This allows you to understand who the right people are, both in-house and client-side.

Accessing data in real time is critical to managing your key relationships. Correlating communication with the services your clients are engaged with ensures you're all singing from the

same song sheet.

You're busy professionals and so are your clients, so understanding the nuances of any prior business transactions places you neatly on the front foot to start and build any ongoing client engagement. Viewing real-time data will help you target your topic of conversation in a timely manner and provide the potential for cross-selling.

**Succession planning** – So often we hear stories from clients about how there's no clear picture of interaction with them after a colleague changes role or moves on from the firm. They don't have that long-standing team member to liaise with, keeping them in the loop and making them feel special.

We know that nurturing relationships within the business is key for growth. Having knowledge of communication patterns can provide important insight into who the ideal successor should be, so that transition is seamless and relationships are well suited.

**Maintaining and developing mailout lists** – Opportunities can be missed simply by not having a clear view of email exchanges between the firm and client. Ensuring you have this information at your fingertips allows you to see opportunities and enables you to step in at an early stage where you see risk. Measuring frequency of communication from within the firm can shed light on these critical relationships.

By now you will have added those all-important new contacts to your database and updated the details of acquaintances that you met at LPM South. But do you have a clear picture of existing communication to understand the business development possibilities? And, have you identified those known relationships within the firm to garner the potential of existing data for revenue growth? A simple installation of a platform such as Client Sense allows you to automatically join the dots. Perhaps it's time to unearth the linchpin of key relationships and leverage your existing data. **LPM**

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*There are now 'intelligent' automated pdf forms that allow fee earners to populate data fields within a pdf, from which the data is then extracted and injected into your PMS*

# Auto onboard

GARY SHAW, THE LEGAL WIZ

Imagine a world where adding automation to your firm could save you seven months of time per year? A bold claim you may say – but it's entirely possible and proven.

In today's legal world, alongside solving legal matters for clients, fee earners are expected to be involved in business development, accountancy, compliance, administration, and so on, all of which add to pressure on day-to-day life. As a result, little time is left to explore new innovations. So how do we break this cycle of working harder to maintain client satisfaction and still accommodate continued growth? Automation is enabling firms to work smarter, not harder.

LPM's Legal IT landscapes 2020 report highlights that firms are half as automated as they could be – which is a huge void of missed opportunity. One of the big problems that law firms face is that they don't know what automation they want or need. Perhaps the biggest pitfall is that automation seamlessly runs behind the scenes and is often forgotten and not talked about. So how can firms research and request something if they don't know it exists?

The largest part of introducing automation is identifying the areas that would benefit from it. It's important for you to highlight with your providers areas of opportunity, even the little tasks that may seem too minor to automate but would still benefit.

A big area crying out for automation is operations and admin tasks; all too often clients get the short end of the stick due to a firm's inability to handle the ever-increasing daily volume of client admin tasks. And, let's face it, everyone is under pressure to deliver more while making sure that there's no compromise on quality.

There are now 'intelligent' automated pdf forms that allow fee earners to populate data fields within a pdf, from which the data is then

extracted and injected into your practice management system automatically.

A huge range of such automated pdf forms are available for the legal industry right now. They focus on family proceedings, property, police station attendance forms and more. They allow fee earners to work offline, speed up workflows, improve data accuracy and remove the requirement for entering data multiple times.

Last year, we worked with a well-known SME law firm to create automated police inception pdf forms, improving the accuracy and completeness of data. About 35 minutes are now saved onboarding each client. The net result is an annual saving of seven months' work, which is over half a salary. This new integration is having such a big impact that the firm had to undergo a restructuring to redeploy client-onboarding staff to focus on higher value activities.

Using this automation removes the process of your client visiting your office with their ID documents. You can send them a link to a secure area of your website, which allows them to scan their utility bills and passport, alongside facial recognition to verify their identity. This is then passed back to fee earners automatically so they can proceed to the next step – vastly reducing the time for onboarding clients. Then, once the case is closed and you seek payment from the client, you can embed a payment button in your final email, which takes the client to an online payment portal – allowing them to pay their fees online, from any device, securely. All of which provides a much smoother customer journey, start to finish.

These are just a few examples of what you should consider as simple automations. They take away human error and the mismanagement of sensitive data, improve your client journey, drive additional revenue and provide that all-important competitive edge. **LPM**



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# Help yourself

ALEX WILLIAMS, THE TECHNOLOGIST

Arguably we're already in, or are entering, the fourth industrial revolution, defined by the World Economic Forum as 'a new chapter in human development, enabled by extraordinary technology advances ... The real opportunity is to look beyond technology and find ways to give the greatest number of people the ability to positively impact their families, organisations and communities'.

People within organisations have long been overlooked as the most important asset to a business – not in terms of knowing you need them, but more along the lines of how they're treated and made to feel. Having great technology is one thing, but without great people backing its utilisation, there may be no real tangible benefits.

The leadership and personal contributions of individuals can set a business apart from competitors, which is why firms that put focus on their employees and those employees' welfare are the ones that tend to thrive in their industry. John Lewis, for example, is a clear leader in employee engagement across the retail sector.

Having a people-centric workplace results in committed and engaged employees. Staff should feel valued by the firm they work for –

by the firm placing them as its central focus rather than hard numbers, sales and profit. Obviously, these things are important, but placing more emphasis on human concerns and interactions will have a positive impact on productivity. Organisations that have a thriving workplace culture tend to grow a lot faster than organisations that don't. It fosters an environment of communication, fairness and trust – helping employees feel empowered.

This means they work better and harder, which has a positive impact on the way they treat your clients and how your clients feel about your business.

It also helps to attract valuable talent and retain the talent you already have. A high staff turnover is typical of a business that does not invest well in its people. Through a people-centric workplace,

a good work culture can be established, with meaningful interaction and professional development to show true care for employees.

At Tikit, we're all about 'helping you to help them'. We believe that our people, and your people, should be at the forefront of a business, and that our technology acts as the enabler to aid you in achieving that objective. Working collaboratively alongside you as your partner – rather than just a supplier – we can help you to achieve this. **LPM**



*Organisations with a thriving workplace culture tend to grow a lot faster than organisations that don't*



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*No matter how strict the security provisions of a cloud provider are, businesses should never make the mistake of thinking they can relax their own cybersecurity efforts*

# Concerning cloud

NICK HAYNE, THE DATA MASTER

There's no downside to cloud, right? The case for cloud computing has been set out at great length and there's no doubt that utilising its power and convenience – in public, private or hybrid forms – is now mainstream business practice.

However, the counter argument and potential risks specific to the cloud are not so often discussed, despite there being some major pitfalls for the unwary.

**Scale can be expensive** – cloud offers flexibility and scalability, but it, of course, comes at a cost. When the demand on your systems spikes, rather than slowing down as it did in the past, the cloud expands provision to meet demand. But the meter is running and the additional provision could bring a nasty bill at month's end.

**Breach of contract** – cloud providers can make use of the data they handle, typically to improve their service – or so their Ts&Cs state. The problem is that the data you're storing is likely to include material from your clients.

And in the world according to the General Data Protection Regulation, it's likely that your customers have their own strict data controls in place. Yet the data storage conditions set out by cloud providers could make it impossible for your customers to work with you and still meet their own data protection rules. Read the small print.

**Humans create risk** – the sheer amount of data stored on the largest cloud providers makes them an irresistible target for hackers and criminals. Companies like Apple and Google have the resources to invest in the very best cybersecurity, of course, but these systems count for little when the end user is targeted.

Targeting of this kind takes the form of tricks

such as phishing emails and fake login pages. The sheer scale of cloud provision means that hackers can launch millions of such phishing attempts while only needing a handful to be successful – they only have to be lucky once.

No matter how strict the security provisions of a cloud provider, businesses should never make the mistake of thinking they can relax their own cybersecurity efforts.

**Data flow charges** – there are 'hidden' cloud costs, and data transfer is one, which is exacerbated by the cloud's ability to scale up instantly to meet demand. If your website handles queries and the demand suddenly spikes, then when your systems respond to the massive influx of extra queries, extra data flowing from your part of the cloud could trigger a larger-than-normal bill, unrelated to the users on your system.

**Keep what you need** – the cloud sells on its ability to store massive amounts of data but, just like adding bigger cupboards at home, this means it's easy to fall into the habit of retaining every bit of data you handle. However, indiscriminate storage will create massive and unwieldy blocks of data.

The problem then is that storing data you don't need comes at a cost – which increases imperceptibly, so it's rarely challenged. And, as the volume grows, actually finding what you need within it becomes time and labour-intensive. And data breaches revealing client data become an even bigger risk.

The cloud still offers a huge range of benefits for the average law firm, but now that the rush to join the club has died down, due consideration of some of these 'gotchas' will help with future digital transformation decisions. **LPM**

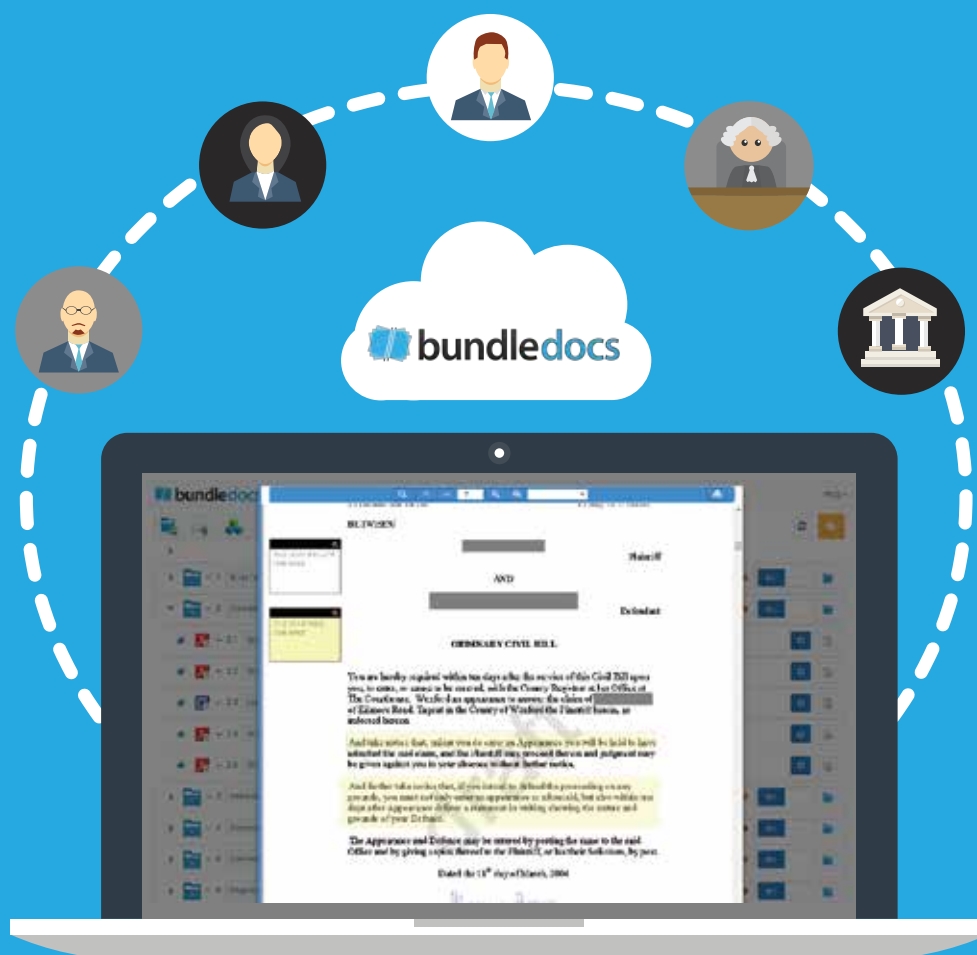


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## FEATURES INDEX

# BUILDING UP PEOPLE

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My mind to your mind

How can SME law firms unleash the power of their people? **Josh Adcock** reports in from LPM South 2020

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Working out

**George Bisnought** at **Excello Law** outlines the mindset needed for agile working and how firms can benefit



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**Practice and Case Management**



# My mind to your mind

People, culture and collaboration strategies sat high on the agenda at LPM South 2020 in London. Josh Adcock reports on the insights gained and ideas exchanged at this meeting of minds

With all the constant buzz around technological gizmos, gadgets and thingymabobs, it can seem like the true foundation of any business – people – are sometimes overshadowed in the world of legal practice management. Fortunately, LPM South 2020, held on Monday 10 February in London, took a look at the discussions around law firms' people strategies and challenges, exploring the many ways in which culture, change management and talent topics can affect law firm growth and success.

Of course, a little scene-setting is necessary – so the day began with a rundown of attendees' thoughts about the legal market and its future, outlining the direction of travel for SME firms in 2020. LPM's creative director, Rupert Collins-White, walked the audience through our 2019 conference polling data (published as a supplement alongside our December/January issue), starting with the perceived threats facing the market. Across all three of LPM's conferences in 2019 – South, North and West – finding high-quality staff topped the list of challenges to firms' growth, followed by barriers to creating change.

Then it was time to ask this year's attendees for their thoughts and points of concern, with a fresh round of polling. Getting a broad gauge of firms' attitudes, a near-majority (47%) of attendees rated the challenges facing their firms in the next two years as 'similar to past years', but these respondents were closely followed by 41% who said that the challenges would be 'more serious than in past years'. 'Finding high-quality staff'

remains the biggest perceived challenge facing firms, with 45% of attendees still listing this as their biggest hurdle in 2020 (only slightly less than the 49% who said the same at LPM South 2019), and claiming second-place was still 'creating change in the firm' (38% – an increase on last year's 32%). With these two factors sharing people and culture in common, we had the thrust of the day's talking points clearly laid out.

## BREAKING BARRIERS

Disruption was certainly a big area of discussion, across many sessions – and the impact that disruptive forces can have on business growth need to be seriously considered. Edward Whittington, managing partner at Moore Blatch (to be known as Moore Barlow once its merger with Barlow Robbins comes into effect in May 2020), offered his lessons and thoughts on fostering firm culture to achieve rapid growth in his talk titled 'Breaking the £10m/£15m sound barrier'.

Getting past this growth phase and into the next bracket is a common challenge, one that often sees firms pouring investment into their technology (see boxout on the Legal IT landscapes data session). Whittington outlined the culture and mindset side of his approach to tackling this barrier – in other words, if you want to grow, you have to do things differently. Pointing out that the world is experiencing the technological changes of the fourth industrial revolution, Whittington emphasised the need to



accept that change is coming, whether firms choose to embrace it or not.

Grappling with those changes means more than just bringing on new technologies – he said Moore Blatch’s business strategy priorities start with ‘why’, then ‘what’, and finally ‘how’.

The first is a matter of defining a firm’s purpose, he said. At Moore Blatch, this means creating an environment where people can be their best. The second point involves a clear vision around the strategic drivers attached to clients, finance, and people. And the last point requires senior leadership to be role models who can foster culture and business values. These three points, he said, will attract great people, interested M&A parties and lateral hires.

“Growth becomes part of delivering the firm’s purpose, and your staff become your advocates – growth follows those measures,” he said.

## TALENT VISION

Of course, as our earlier poll indicated, finding – and then keeping – talented staff who can become advocates is an increasingly important challenge for SME law firms, and a big part of the growth jigsaw puzzle. One need only look at the polling data at the start of the day to see just how significant of a barrier the lack of talented people is currently perceived as being for SME firms.

So, it seems apt that Michelle O’Hara, commercial and HR director at Thursfields, took up the gauntlet and approached the hiring and retention topic.

As a growing practice, O’Hara explained that Thursfields has not been immune to the pressures around recruitment – the firm’s solution, she said, has been multi-pronged.

To begin, Thursfields had to engage with external parties. “We found that we needed to really sell our business to recruitment agencies in order for them to sell us to potential employees.”

Working with agencies to develop a long-term

rapport, rather than seeing them as a barrier or additional burden, she said, was key to finding the right talent.

Next, the firm had to sharpen its vision and purpose to make a compelling sell and attract talent. Lawyers, O’Hara said, want autonomy, but the unique selling point for Thursfields had to be autonomy combined with accountability.

A more open-minded approach to recruitment – as well as flexibility – has been a crucial component of finding great talent in places where other firms may not look. For example, firms could work to grow their awareness of unintentional bias in the hiring process, such as the drawbacks of looking more favourably at candidates with a similar background to one’s own. For starters, firms should look to recruit from beyond the traditional, Russell group graduate pool and consider their preconceptions about who will make a successful lawyer and a good investment. “Give talent a go, regardless of whether they fit a certain shape,” O’Hara said.

Alternative routes into legal also shouldn’t be seen as lesser than the academic route – for instance, O’Hara said that Thursfields has had great success with a CILEX-trained fee earner who now brings in revenue equal to almost six times their salary.

To illustrate, the room then took part in a game of recruitment – assessing the merits of a handful of hypothetical candidates purely on their



*We found that we needed to really sell our business to recruitment agencies in order for them to sell us to potential employees.*

Michelle O’Hara, commercial and HR director, Thursfields



on-paper attributes – which served as a jumping-off point for discussion throughout the room.

The last piece of the puzzle is retention. She said that Thursfields made 22 lawyer hires in 2018, but subsequently struggled to retain them all. It came down to management capability – lawyers and managers weren't given adequate management training, so the firm had to upskill its people.

LPM South attendees cited a number of working benefits and perks likely to keep people in the business, with one common offer being a free day of leave for birthdays. But more substantial measures included flexible working – which, at Thursfields, had little disruptive effect on the firm, O'Hara said, and was likely the strongest motivating factor for people when weighing up their job options – ahead of the salary question.

For SME firms, several attendees felt it could be crucial to hire locally as this makes staff more likely to 'bed-in' and stay at the firm long-term – this strategy also synergises with methods of employment, such as apprenticeships, that appeal more to a local community, and offer an alternative avenue for hiring legal staff.

## CHANGING TIMES

The issue of technology is never far from firms' concerns today – whether talking about its benefits or disruptive effects. Kirsten Maslen, director of strategy, small law and academic at Thomson Reuters, addressed this in her session on innovation in the client-onboarding journey. Maslen identified three broad areas that firms have been investing in to grow: business development activities, staffing, and improving productivity – all these areas, she noted, could be affected by automation.

But, while change in these areas could have great benefits, several attendees – some of whom had implemented automation in their firms – pointed out the greater cultural challenges of implementing technology or new ways of doing things. Partnership models, in particular, were identified as an obstacle, whereas clients and "new blood" coming into law firms expect innovative ways of doing things to be readily embraced. One attendee said that partners don't really appreciate the reasons for using new client engagement technologies, for example, and why they can't just "pick up the phone to clients, rather than using a client portal."

Clients are pulling in opposite directions on automated onboarding, others in the room pointed out, as older, private clients are "frankly frightened" by automated processes, with the result being the need to run parallel onboarding streams. However, others noted that corporate clients are in favour of these systems, creating challenges for firms dealing with multiple client types.

Maslen also highlighted the endemic nature of technological hesitancy, pointing out that even larger firms still aren't fully onboard with process automation. "We often find firms are not using 100% of what they've bought from a vendor," she said.

The issues might yet be more easily solved than expected, however, and firms may need to simply accept the need to adopt systems and work them out. Another attendee felt law firms may need to "hold our noses" and commit to new technology, as more automated work tends to be performed by younger, more tech-savvy paralegals in any case.

## LISTENING POSTS

We also heard from Emma Sell, recently made Fox & Partners' first ever chief operating officer, interviewed by LPM editor Kayli Olson. They spoke about the power of collaboration and unity. Sell explained that she had been asked by the firm to "come in and shake things up," and that part of that remit was to instigate having a commercially-minded culture at the firm, focusing on





## Agile minds

One of the less-obvious people-focused sessions this year was our talk unpacking the results of February's LPM Legal IT landscapes research. Hosted by LPM creative director Rupert Collins-White, the session went over the results, and turned up a number of interesting trends, including where SME firms feel their competition is, as well as how much they're spending on technology.

He noted that we always see a spike in IT investment at the £10-15m annual revenue barrier line, as firms at this stage of growth are likely either to be bought or struggle on to grow into the next revenue bracket.

One notably people-related tech issue brought up, however, was agile and flexible working. The results found that 87% of firms say their employees are asking for flexible working arrangements of some kind, and that, in both large and SME law firms, businesses seem set on doubling the number of people who work from home – which is likely to result in a huge additional tech requirement. With the Covid-19 pandemic sweeping the globe and affecting the way millions work, those requirements may become a pressing necessity in the near-term future.

While most SME firms, 85% overall, said they didn't currently employ significantly more people (>10%) than they have desks to sit at, a majority claimed that they would be moving towards this way of working in the next five years (51%). **LPM**



*It's important that we turn down a client if, for whatever reason, we feel we can't or shouldn't take them on*

Emma Sell, chief operating officer, Fox and Partners

internal collaboration. "Any clients are the firm's clients, not a particular lawyer's."

As a boutique partnership and employment firm that services corporate entities and other professional services organisations, Sell said external collaboration is also vital to the firm, as it often works with other law firms and professional businesses. She said it's crucial to really understand what clients want from legal services, and how easy it can be for firms to offer the wrong services.

But it's not just the legal services that influence client engagement and satisfaction. Sell said that understanding how even seemingly trivial issues affect clients has been on the radar for a while.

"One client listening piece we're working on is our hold music. It can really put people off, especially if they're already on edge about an issue they're calling us to talk about. And it can also make the firm sound cheap – people listen and think 'that doesn't sound like what I want'."

This mentality also means becoming savvy about the work the firm takes on. She said: "It's important that we turn down a client if, for whatever reason, we feel we can't or shouldn't take them on. Clients appreciate

that attitude – it shows we've listened and truly care that they receive the service they deserve, even if it's not from us."

Closing out the conference was Sarah Bar-Lev, head of people and change management programmes at the UK Ministry of Defence Strategic Command. Her keynote speech – or 'Idiot's guide to managing change' – outlined the importance of paying close attention to how change is handled in an organisation.

Being constructively critical of those approaches was a key factor defining the recent change management history of the Ministry of Defence, she said. Internal polling in 2019 found that only 23% of staff felt that change was managed well and 70% of programmes failed, prompting a re-assessment of the ministry's approach and resourcing measures in change management.

One potential reason for the failure of change programmes, Bar-Lev explained, was the reluctance of executives to buy into new initiatives – mirroring some of the comments from attendees earlier in the day. If executives don't use it or see the business value, they're unlikely to buy in. Tackling these factors is key to making change happen, and she advocated for investment in professional people-change specialists, while also championing an approach that puts people first in all organisations.

The only constant for legal, it seems, is change – and, as people are the ones absorbing, approaching and, sometimes, generating that change, it only makes sense to invest in them first and foremost. Keeping an open mind on hiring, embracing constructive critique and listening to clients' and employees' desires look like the real differentiating factors for the future of SME firms. **LPM**



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# Working out



George Bisnought, founder and managing partner at Excello Law, discusses the ins and outs of agile working for an SME law firm

**A**gile working doesn't just represent a new way of working – it represents a new way of thinking about working. The way law firms operate is changing rapidly, as courts move online and technology transforms how we work.

Automation and artificial intelligence stand poised to change the business of law forever. Law firms need to learn how to adapt rapidly in order to thrive amid such transformative changes.

Agile working means empowering people to anticipate and respond to rapidly changing business conditions, technological developments and client demands. The concept of workplace agility is sometimes misunderstood as just another way of talking about flexible working. Yet it means far more than just using technology to enable remote working or offer flexible working patterns. It means empowering workers to creatively and rapidly exploit opportunities in their area as they arise.

It's true that agile working can be done at home, on the train or in a hotel. However, the essence of agile working is not where it is done. Its essence is the ability to engage the whole firm in an ongoing project to continuously find ways to service clients in more creative, innovative, efficient and customer-centric ways.

An agile workforce cannot be purchased off the shelf. Building it takes time, and it requires the cultivation of a creative mindset in your workforce. This means encouraging people at all levels to continuously search for innovative solutions to problems, and then to rapidly implement such solutions.

Agile workers may well utilise new technology, but that is just one aspect of agility. For it to really work, agile working has to become part of an organisation's overall business culture and strategy – to become embedded in its very DNA, throughout the entire organisation.

## PAST POLITICS

At Excello Law, we've operated an agile working

model ever since our firm was founded in 2009. In building one of the first limited company, new-model law firms, it was inevitable that we would need to be agile, and that we would attract people who embrace innovation.

We started out with a blank canvas, looking afresh at new ways to build a commercial law firm from scratch. We were able to strip out overheads that clients found unnecessary. We adopted technology to help achieve better results for our clients. However, change is about more than technology and processes. It can also be about creating a new and more positive workplace culture.

Law firms are widely known for office politics and all the attendant drama and negativity this can produce. We strove to build a more collegiate, positive and friendly workplace, where people could thrive.

Over the past few years, we have seen a significant number of law firms bring out agile working policies. While this is a positive step for the legal profession as a whole, I sense that some are being implemented for the wrong reasons. Indeed, I have spoken with solicitors who were not even aware that their firms had an agile working policy, despite the fact that it had been heavily publicised in the legal press.

Businesses need to champion agile working as a fundamental part of their company culture. It involves internal teaching, communication and cultural change. An agile workplace certainly cannot be built by telling the world about it – but not your own staff.

## VITAL CHANGES

Sometimes, businesses can be sincere in their efforts to change how they operate, but they can make the mistake of changing for change's sake. Plans for implementing change have to be realistic and they should make real business sense. Introducing agile working may well involve changes to existing work practices. However, more importantly, it requires new thinking in the workplace – as well as new thinking about the workplace.





It's not just partners and lawyers who need to become more agile in their approach to work. In order to achieve meaningful change, it's vital to include everyone – at all levels of the firm – in your effort to be agile. Workers at all levels will invariably have useful ideas as to how to achieve better ways of working within their specific niches. This is the case for secretaries, clerks and receptionists. Each knows better than anyone else the specific challenges they face in their role – therefore, they're best placed to help identify solutions.

People at all levels of the firm should be encouraged to share their ideas and empowered to change their working practices where it makes sense to do so. People will then take greater ownership of their work. They will also enthusiastically implement any useful new changes, since they have had a hand in designing them. This inclusive and empowering approach improves morale, as well as employee wellbeing and job satisfaction. Changes to working practices that are imposed from the top down are often met with resistance. By contrast, changes which are introduced, and led, from the bottom up will be rapidly adopted.

Agile working should ultimately help to deliver a law firm's key objectives. It can do this by improving client service levels, business efficiency and therefore profitability. It empowers workers by giving them flexibility and control – which improves their quality of life and morale. This results in increased productivity, less absenteeism and greater staff retention.

When it's implemented properly, the benefits of agile working should accrue right across your firm. The creation of an agile workplace can have a positive impact on your bottom line, your staff and their families and, ultimately, your clients. **LPM**



*Agile working means empowering people to anticipate and respond to rapidly changing business conditions, technological developments and client demands*

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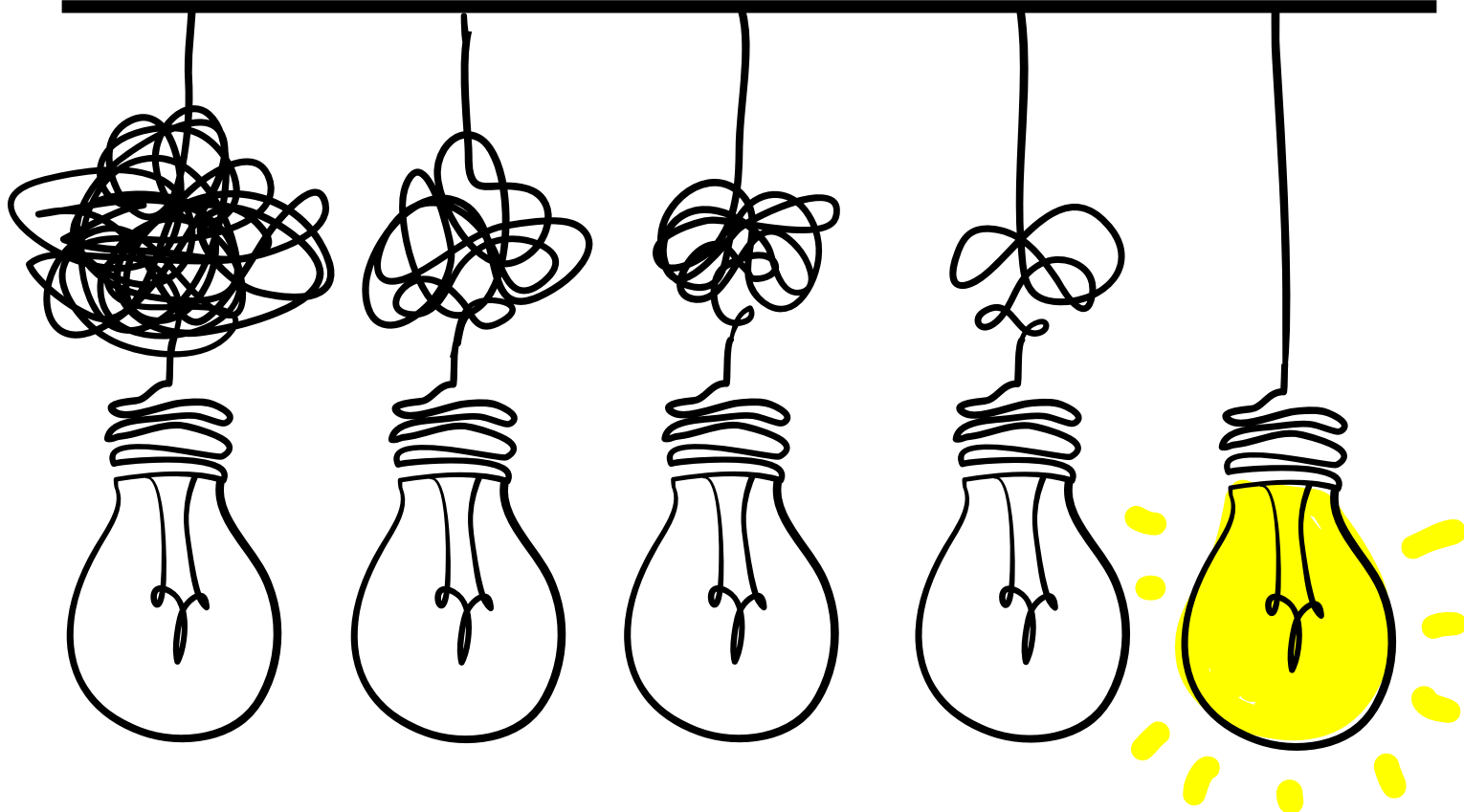
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# LPM

LEGAL PRACTICE MANAGEMENT

# KNOT RISKY?

*Are SME law firms getting  
in a twist, or successfully  
unravelling current and  
upcoming challenges in risk?*



# Night light

A switch has been flipped and challenges in the market only continue to rise. What are SME law firms shining the light on in terms of risk and compliance? Kayli Olson reports

Challenges in the risk landscape only continue to grow. With changes around the new Solicitors Regulation Authority (SRA) handbook in place, as well as the anti-money laundering (AML) fifth directive, and an increase in threats to cybersecurity, 2020 was already destined to be a risk-filled year. And the professional indemnity insurance (PII) market was already very volatile.

At this point in time, Jayne Kendrick-Jones, head of client care at Nockolds says, the number one concern is, of course, the Covid-19 pandemic. "We must make sure we look after our staff and clients to minimise the impact of this outbreak on our business."

"In this fast-changing situation, with travel restrictions and office and school closures in place, our business continuity team is regularly reviewing and testing our plans and procedures – ensuring that we can continue to deliver the highest levels of client service, whether that be from our offices or with staff working remotely."

Sarah Charlton, legal practice tutor and examiner at the Institute of Legal Finance and Management (ILFM), agrees that the current pandemic is a big concern: "A lot of SMEs are going to struggle, some might even close, as they'll be unable to resource the working capital needed to ride the storm."

Kendrick-Jones adds that the resulting effect on

the global economy is also of huge concern and remains uncertain. But it doesn't stop there, Brexit uncertainty continues to impact many of her firm's service areas.

"We have experienced people holding off engaging legal services during the transition period, and we expect this to continue until the government announces whether a deal has been negotiated and ratified with the EU."

## A CAN OF WORMS

Charlton says, in terms of regulatory pressures, AML is by far the greatest area of concern. "Fraudsters will use client information for anything from selling houses that don't belong to them all the way through to providing banking facilities to someone." There are so many ways fraud can find its way inside a firm.

Alison Lyman, compliance manager at Peace Legal, recalls a money laundering situation that was caught at her firm – where client's grandparents refused to hand over bank statements showing the origin of their gift money, which was being used to purchase a property.

She says it's important to follow up on things that don't sit quite right. After all, SME law firms don't have the luxury of not paying attention – one accident could land a firm in a serious situation, which would damage the firm's reputation as well as incur a fine.



**LPM FIRM FACTS****Peace Legal****Revenue: Undisclosed****Corporate status: Ltd****6 fee earners, 21 total staff****Offices: Barnsley****LPM FIRM FACTS****Nockolds****Revenue: £9.5m****Corporate status: Ltd****64 fee earners, 156 total staff****Offices: Bishop's Stortford, London****LPM FIRM FACTS****Rix and Kay****Revenue: £6.5m****Corporate status: LLP****58 fee earners, 110 total staff****Offices: Ashford, Brighton, Seaford, Sevenoaks, Uckfield**

Kendrick-Jones says AML also remains a concern for Nockolds – as it does for most other law firms. “The fifth AML directive has required us to reassess our procedures, and we train our staff regularly to ensure we don’t unwittingly open the door to money launderers.”

“As we have a large conveyancing department, it’s essential that we have appropriate risk-based systems to prevent money laundering, terrorist financing and breaches of the financial and economic sanctions regime. We’ve independently opted to implement these risk-based practices across all our non-regulated legal services to ensure consistency but this, of course, increases our compliance burden.”

She says, from a compliance perspective, there’s certainly a lot of pressure that comes from the SRA. The new SRA rules aim to drive higher professional standards and set out what regulation stands for and what a competent and ethical professional should look like. Although shorter, they place more responsibility on the shoulders of individual solicitors, as well as firms, and those working for legal practices particularly in relation to integrity and breach reporting.

Though this may be true, Charlton at the ILFM stresses that the core principles remain unchanged and therefore, “if you weren’t lying to the court and third parties before, and you have kept client money and assets safe, then you’re likely to be good. The detail within the handbook has changed but the core message behind it hasn’t, so I don’t think SMEs need to worry or see too much more risk here.”

**CONTINUING CHALLENGES**

Tracey Sullivan, quality and compliance manager at Rix and Kay, says with more regulation comes more pressure on how SME law firms allocate resource and time. “When the General Data Protection Regulation came into force, it was a massive task to review our processes and roll that out across the firm.”

Kendrick-Jones says data protection is something Nockolds worries about. “GDPR and data protection are a day-to-day pressure – an email or document sent to the wrong client by mistake can result in both a data breach and an SRA serious breach. Nockolds’ reputation and the health of the business depends upon it keeping clients’ information and money safe.”

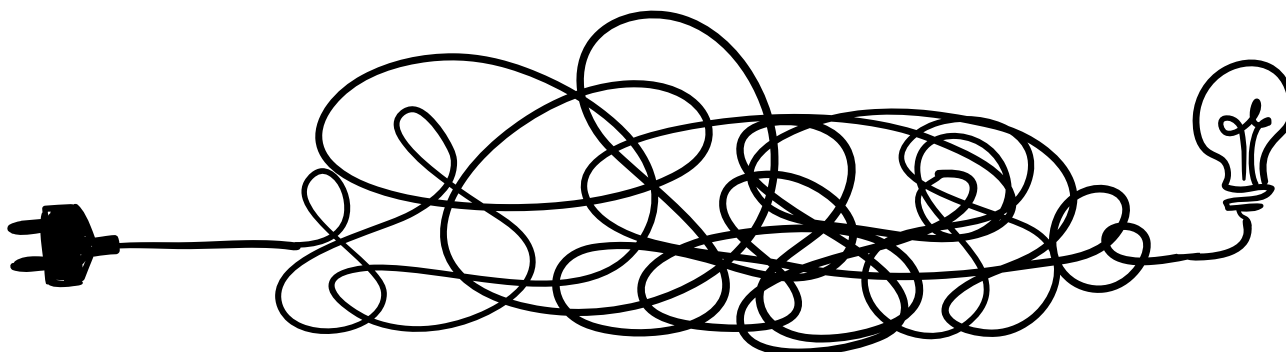
After GDPR deadline, unlike what some people thought might happen, there wasn’t a flood of data subject access requests (DSARs) that hit the market – and depending on the practice areas and type of clients your firm instructs, you may not get many even these days. But the ones that do come through, can be awfully time consuming – according to those who attended the compliance clinic at LPM South conference 2020.

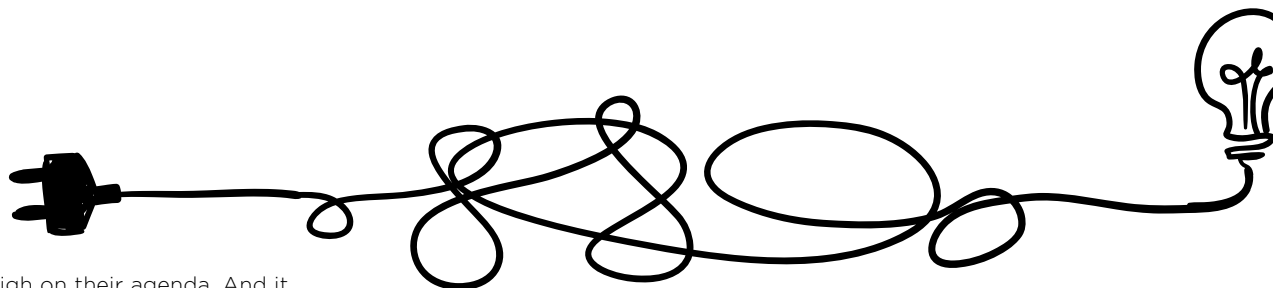
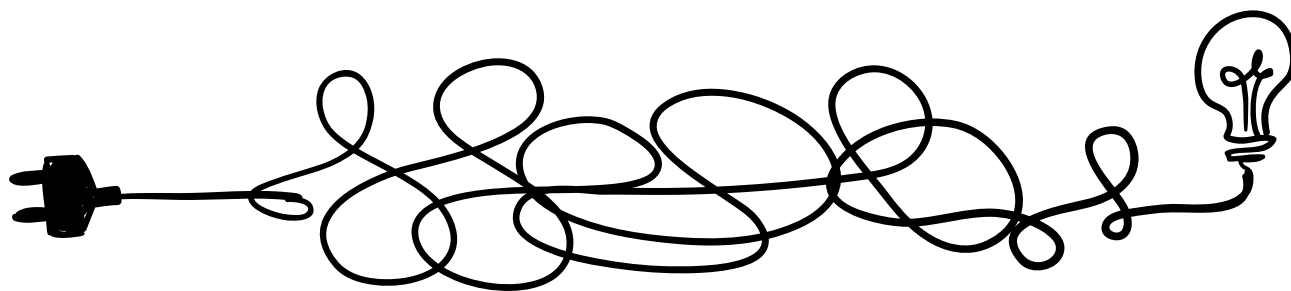
Speaker Gemma Garen, head of quality and compliance at Ellisons Solicitors, mentioned at LPM South that there are two types of motives behind a DSAR – genuine requests for data, usually for a file transfer or auditing purposes, and requests that come via unhappy clients looking to, for lack of a better term, make a fuss.

Sullivan at Rix and Kay adds that DSARs are ‘purpose blind’ and therefore the reason for which a DSAR is being made is not a valid basis to resist the request. Recent cases make it clear that a DSAR remains valid notwithstanding that the data subject’s motive may be to obtain documents or information to assist with ongoing or contemplated litigation.

She also points out that there can be competing interests around handling data – and firms need to look out for these when drawing up a risk and compliance policy. “GDPR says you shouldn’t hold on to any data for longer than you need, but our insurers want us to keep it for a certain amount of time so that we can defend a claim should we need to.”

Data handling isn’t the only area where insurers are putting pressure on firms,





cybersecurity is also high on their agenda. And it seems to Charlton at the ILFM that we've started to adapt to working in a world where cybercrime exists: "It feels a lot more 'normal' now."

But this doesn't mean that firms should or are being complacent. Kendrick-Jones at Nockolds says cyberattacks remain a significant threat to the business. "With email modification fraud, phishing, spyware and others, we must be vigilant, keep staff informed, and IT systems and equipment up to date. This comes at a cost, but we can't afford not to take this threat seriously."

Sullivan says Rix and Kay uses the ISO 9001 policy standard, has a Cyber Essentials accreditation, and recently made a big investment in IT – including a rollout of Mimecast secure messaging – as well as separate cyber protection insurance alongside PII.

And because the firm is a member of LawNet, Sullivan feels Rix and Kay is well connected and engaged in terms of IT. And with the membership, there's huge group buying power for PII. "The cost of just one mistake with a phishing email can be devastating – and building up awareness can be the hardest thing because most breaches are due to human error."

## JUST ROLE WITH IT

Charlton says that prior to all of the current uncertainty in the market, even the SMEs that are very progressive in their ideas and strategy still risk talent being snapped up by the bigger players.

"The larger firms are likely to be in a better position to provide salary packages as opposed to just a wage. Any historical perceptions of big law lacking a work-life balance, undervaluing employees and so on has changed. Larger law firms have done an awful lot to change this image and therefore appeal to those who might have stayed within SME firms."

Therefore, resource is scarce – not just generally throughout the firm – but in positions needed to ensure quality and compliance. Charlton adds: "Often, business owners at SME law firms will wear too many hats and lack the processes that flag non-compliance or risk."

This can be aggravated by the fact that only a solicitor can be a compliance officer for legal practice (COLP). Rix and Kay has a hierarchy of support in place to alleviate the 'many hats' problem. As deputy COLP and money laundering reporting officer (MLRO), Sullivan deals with any



*Compliance is being recognised as an important function in and of itself, as opposed to being a solicitor that wears an extra hat*

Tracey Sullivan, quality and compliance manager,  
Rix and Kay

daily issues – from enquiries around ID, to source of funds, conflict of interest and so on.

If she feels that the issue needs to be escalated to the COLP or MLRO then she will liaise with them. The firm also has this hierarchy in place to support the compliance officer for finance and administration.

She says the compliance profession is definitely getting more recognition. Rix and Kay sponsored Sullivan to get a professional qualification. "Compliance is being recognised as an important function in and of itself, as opposed to being a solicitor that wears an extra hat."

Lyman at Peace Legal has also gone into training: "I'm now a Lexcel-accredited consultant and find that we now have a more proactive way of dealing with risk and compliance."

## THERE'S A PROCESS FOR THAT

Technology is a significant challenge for SMEs as they don't often have the spare capital to invest in – or the time to source and implement – the tech needed to make them competitively priced, says Charlton at the ILFM.

"I think we'll see an increase in smaller firms being priced out of the market simply due to a lack of IT investment and nothing else. IT investment isn't just a one-off payment, it has to be continuous year on year, complete with regular developments and upgrades."

She says firms can still have a presence on the high street and provide a very client-facing

## Clients' needs must

Jayne Kendrick-Jones, head of client care at Nockolds, says in recent years the firm has really focused on improving the service it provides clients. "We have used the Customer Service Excellence Accreditation to help us achieve this. We intend to use the standard as a driver to ensure that we continuously engage with clients in order to provide the type of service they wish to receive."

And in terms of issues raised by clients, she says, the compliance team is always available to speak to clients – whether this be to complain, make an observation about the service or to give feedback.

"We have recently subscribed to Trustpilot to make it easier for clients to give us feedback – whether good or bad – and we analyse the information shared and follow up on all negative comments." **LPM**

service, while utilising IT in the background to the max.

"The small firm I work for has three directors and around 23 fee earners and support staff; we have just advertised for a part-time IT person as we recognise how much of a part IT needs to play in the service that we provide going forward. And we need to make this investment now."

And, of course, it isn't just the technology that you have but the way you use it that makes the difference. Process is everything, especially when it comes to risk and compliance.

Sullivan at Rix and Kay says it can be hard to get staff to change their ways once new regulation hits the market or new technology is rolled out across the firm. "You can get push back, even in the most compliant of firms; there are characters wanting to do things their way. The way we combat this is by having an ideas forum within our intranet so people can swap ideas, make suggestions to increase efficiency, contribute to improvements and feel listened to."

"If someone has found a quicker way of dealing with something, they can make a suggestion on the forum and others can engage with it. This is regularly reviewed by our management team and we roll out things off the back of it – sometimes it might only be saving two clicks of a mouse, but it makes such a difference to everyone because they can see their ideas being considered and taken on board."

### STRAINED TO TRAIN

Ultimately, it all boils down to people. Are staff adequately trained to identify and deal with risk issues, whatever form they might take?

Lyman at Peace Legal says it needs to be an all-rounder approach: "We have a firm-wide risk assessment, risk data analysis, and other risk assessments regularly carried out on all files. We also have external and internal training for all, with regular compliance updates by email."

Nockolds also publishes monthly compliance newsletters sharing a summary of what the firm is focusing on for the month ahead. But this is just one piece of a wider solution to risk and compliance at the firm. The compliance team hold regular coffee mornings and training sessions focusing on particular compliance and

client care issues.

And where there is a big regulatory change or a firm-wide training need, Nockolds engages with external training providers and arranges for consultants to come in and present on specific subjects.

Charlton at the ILFM says: "For SMEs, compliance is likely to vary a lot more between poor and adequate than it would in a larger firm. They're at a greater risk of not being up-to-date as they simply don't always have the time to read articles, attend training courses and so on. You don't know what you don't know."

Kendrick-Jones recognises this issue, and, therefore, the firm subscribes to a compliance e-learning package, which has webinars on a diverse range of compliance topics. "All staff are allocated relevant webinars to watch to ensure there's rolling training. The webinar is followed by a test that needs passing – to make sure the training has been digested and can be applied."

Rix and Kay has a full subscription to Socrates online training. Sullivan says: "Staff have mandatory training for AML and data protection at induction and then refresher training every two years, or sooner if there's a regulatory change."

"I provide a monthly report to the strategic board that covers client feedback, supervisions complaints, claims, DSARs, internal audits and so on. I attend all monthly team meetings with a prepared, team-specific quality report and I circulate a mandatory-read compliance bulletin via our intranet every six weeks or so."

There's a huge list of solutions out there, Charlton says – it's important to take the time to listen. "If you don't listen, people will stop reporting things to you. Trained staff will increase the likelihood of a question having merit to it. Keep communicating and engaging with staff as other members may have the same question but haven't been so forthcoming."

"Like many things, you are only as strong as your weakest link – this is especially true for risk and compliance." **LPM**



# STORMING THE WEATHER



Andy Bevan, cloud sales specialist at Pulsant, discusses mitigating risk – looking at the bigger picture and what SME law firms should keep an eye on

In the legal sector, reputation is everything. Without it, it can be challenging to get a foothold in the market and build trust.

In the same vein, once a law firm has established a reputation and presence in the market, any damage to that can have a devastating impact. It's not just about damaging customer trust, there's also potential loss of revenue, and compliance implications.

At the heart of all this is identifying and managing risk. Law firms are well versed in risk. And in today's business and technology climate, risk is everywhere. You see it in mobile working and the use of cloud services to boost productivity, and in the threat of data breaches and IT failures.

One area of risk revolves around data. As the lifeblood of a law firm, data needs to be carefully managed, stored and protected. Legal businesses also need to understand the flow of that data – how it's used and shared – and the impact on risk mitigation. The key requirements for data are security and availability – and these pose a challenge to law firms, especially the IT team.

## BEYOND CYBER THREAT

News headlines tend to focus on data breaches and ransomware attacks, but law firms must focus on the bigger picture when it comes to understanding and mitigating risk, especially around data.

Risk is inherent in all operations, so managing it is about more than your security position or having a cybersecurity strategy. Yes, mitigating the impact of cyber threat is a critical part of business, but law firms and their IT departments also need to consider wider issues such as business continuity, disaster recovery and even workplace recovery.

The best way to mitigate this risk is by ensuring the right staff have access to the right information, that the data is secure, and staff can continue to work seamlessly.

In the event of a disaster or disruption, a business continuity plan enables staff to continue

operating like business as usual until the issue is resolved. A disaster can be anything – network disruption, loss of power, weather event, road closure, cyberattack – that stops staff from getting physical access to their office, or accessing the systems or documents they need.

## BROADEN THE ECOSYSTEM

Third-party providers are a significant external component to managing risk. Law firms don't operate in isolation; they depend on service providers to assist with operations. Whether these vendors are hosting data, such as cloud, or offering managed hosting, or providing another service, data could be compromised. Internally, data is protected via segregated networks, firewalls and encryption, but what assurances are there that these vendors can keep data safe? What service level agreements do they have in place to ensure data or infrastructure availability?

Hosting providers should, as standard, be ISO 9001 and ISO 27001 certified. Depending on the types of business they deal with, they'll have a host of other accreditations such as PCI DSS. While this doesn't necessarily help law firms directly, it does demonstrate a commitment and adherence to risk-management frameworks.



*A disaster can be anything – network disruption, loss of power, weather event, road closure, cyberattack – that stops staff from getting physical access to their office, or accessing the systems or documents they need*

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These types of providers are also well positioned to dispense guidance when it comes to protecting data, networks and systems, and have the expertise to help in-house IT teams stretched for time or lacking the skills.

Cyberattackers could use other service providers, such as a managed print solution, as a gateway to access bigger, more attractive targets, like a law firm. Law firms must have the right processes, procedures and risk frameworks in place to mitigate risk, but also ensure that their technology partners do. Cyber Essentials or Cyber Essentials Plus, for example, goes a long way towards strengthening security and mitigating risk. While law firms give assurances to their clients that they can protect their data, law firms need to seek these same assurances from their own suppliers.

### **NOT A TICK-BOX EXERCISE**

Risk mitigation needs to be owned and sponsored

across the business. While this might be easier for large law firms with a dedicated chief information security officer, it's more challenging for small companies. Importantly, risk mitigation mustn't get lost in business as usual. It's a continuous lifecycle that assesses the likelihood and impact of threats, looks at mitigation strategies and ensures the business can get back to normal as quickly as possible should the worst occur. This affects the business from both an operational and an IT perspective, so both aspects need to be taken into account.

Risk is everywhere and mitigating it is an ongoing part of doing business. As the market changes, technology evolves, and staff requirements shift, the goal posts around risk also move. Plotting the best course forward then, involves clear ownership within the business, working with the right partners, understanding the latest threats, and having a continuous programme and the right processes in place. **LPM**

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# BUNDLES OF JOY

Peter Carr, head of IT and partner at Fisher Jones Greenwood, says with Bundledocs the firm can create professional-looking bundles quickly, and easily share them digitally with the client

Recent years have seen firms in the legal sector looking to modernise their practices – everything from digitisation and cloud to agile working and paper-light initiatives. SME law firms historically have struggled to keep up with the pace of change at their bigger competitors, but solutions are becoming more readily accessible – and manual processes are coming to an end.

This is certainly true for Essex- and London-based firm Fisher Jones Greenwood (FJG). Peter Carr, head of IT and partner at the firm, says before Bundledocs the post room would be tasked with photocopying all of the bundles, some of which had upwards of 500 pages.

“This would keep them occupied for a whole afternoon, easily. With Bundledocs, we can do that same job within minutes – it will all be properly indexed and the order can be shuffled

around easily. There’s a huge saving on labour, as well as on copying costs.

“We’ve been able to take on more work, but also turn that work around more quickly. And each document that goes out looks much more professional and consistent with the firm’s house style. I’ve seen some pretty horrid bundles come out of some firms, and you can’t help but think what a bad image that plants in your partners’ minds and also those of your clients’.”

## WRAPPED UP

The old way of working was not sustainable, on a number of levels. Not only would staff be tasked with the manual, boring and time-consuming job of photocopying bundles, but if a new insert came along in the middle of that work then they might have had to start it all over again – and then manually index it, says Carr.

“With Bundledocs, it’s all taken care of. You can create templates and cover pages to suit the firm’s house style – and get some really good-looking bundles very quickly.

“And we’ve started using it for things I wouldn’t have thought of previously. Not just bundles: staff are putting together reports for teams, and we’re even using it for our partners’ strategic retreat.”

Bundledocs fits nicely into the firm’s paper-light journey. Carr says FJG identified that it was paper-heavy in some departments – of course,



*Because it has a redaction tool built in, you can set up sight limits for certain parties*

## ABOUT US

**Bundledocs** allows users to swiftly and easily compile a document bundle for a number of purposes including court bundles, electronic casebooks, case bundles, ebriefs and more.

[www.bundledocs.com](http://www.bundledocs.com)







family law bundles are still printed for the courts, but areas such as litigation only really need information compiled in a pdf.

The technology also enables the firm to collaborate with clients and other parties further. "Others can contribute to our bundles. Clients can upload their own documents to it – and because it's hosted, you share that version of the document without having to send emails back and forth. Everyone can always see the current version of the bundle."

"What's more, because it has a redaction tool built in, you can set up sight limits for certain parties. For example, being able to share a bundle without sensitive or confidential data visible to the law firm – they can't modify it and will only see the bits that they're privileged to."

He adds that the redaction tool is especially helpful if you're compiling information for a data subject access request.

More on its data capability: Bundledocs also has optical character recognition (OCR) built in, which means that you can search images and text in pdfs. "All of this functionality means that you can centralise the management of bundles – so it's all easily auditable," says Carr.

## BETTER TOGETHER

FJG was one of the first UK users of Bundledocs. Carr says the platform is quite intuitive.

"Bundledocs did remote training with our family law team, and we started creating bundles that same day."

"It's one of those products that does its task very, very well. And as it has matured, Bundledocs created integration options for our practice management system, Tikit Partner for Windows. It's great to join up all the dots, which makes a good product great and makes our PMS database that much more useful."

The whole product undergoes a development cycle every three weeks and, Carr adds, the team is very good at listening to feedback.

"Bundledocs is always very open to any problems that we're encountering because IT wants to make the product better."

"In one case we had an issue where oversized pdfs weren't sizing up correctly and were getting cropped. Within a couple of days, the developers found the problem, fixed it and relaunched the product – and because it's web hosted, it was fixed without any effort on our part."

Carr says that, last but certainly not least, the firm takes security very seriously and Bundledocs has good security around it – for example, you can have two-factor authentication if you want it.

"It's software as a service – there's no infrastructure, and the integration with our PMS and any patches or updates are taken care of for us. For an SME law firm like us, it's perfect." **LPM**

## LPM FIRM FACTS

**Fisher Jones Greenwood**

**Revenue: £8m**

**Corporate status: LLP**

**75 fee earners, 160 total staff**

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

# STASIS REPORT

Kirsten Maslen, director of market development, small law and academic at Thomson Reuters, says firms must find ways to improve productivity, profitability and the client experience

The legal landscape is as competitive as it's ever been – LPM Legal IT Landscapes (LITL) 2020 report found the top perceived threat to SME firms was 'firms just like mine already in our geographies'; and among the top four was 'online businesses that don't have physical offices' and "'egal technology-based new businesses'.

## OPEN COMPETITION

So, what's driving the current market concerns? Kirsten Maslen, director of market development, small law and academic at Thomson Reuters (TR), says SME firms are right to be contemplating methods to combat these threats – for one thing, she says, consumers of legal services are becoming savvier, creating challenges around firms' profitability.

"Clients are more informed and more willing to shop around – they want price certainty but, at the same time, they're demanding quality and flexibility," Maslen says.

And this is borne out in the data collected across publications. Both LITL and [TR's Small and Medium Law Firm Report 2020: Competitive landscape \(TR SME report\)](#) make it clear changes in client buying patterns is a key challenge, Maslen points out.

However, as reflected in LITL, she says the competition for firms differs depending on their size. "Larger firms are concerned about competition coming from their peers – those competitors that focus on the quality of the client experience, build loyalty and maximise cross-sell. For smaller firms, on the other hand, the threat also comes from undifferentiated peers, which have stronger business development capabilities."

These threats include online legal service providers and alternative sources of legal advice for public clients, she says: "Lawyers creating wills and working in family law seem particularly concerned about 'DIY' law and unregulated services."

## KEYING EXPERIENCE

One area that firms need to therefore build on, Maslen says, is the client experience. "In the TR SME report, the biggest challenge cited by firms was 'demonstrating the firm's value to potential clients'. Part of the solution is going to be anything that helps firms become easier to do business with."

Developing "client personas" to break down how a given type of client wants to consume legal services is going to be crucial to achieving that.

In fact, this is one area that SME firms' competitors are already reaching into, Maslen says. Findings from the TR SME report show that 60% of alternative legal service providers are now collaborating with clients to improve their experience – yet only 29% of medium-sized, and only 19% of small law firms, are doing the same. "Many surveys across the market suggest law firms recognise that client collaboration exercises are likely to impact firm profitability – yet very few are actually doing it," she says.

To aid collaborative endeavours, Maslen says firms can embrace new processes and technologies that will also enhance productivity. "Good client experience is about breaking down barriers to accessing the service and preempting needs. To do that, processes need to be improved – which will help fee earners, too."

For example, enabling clients to collaborate by having them enter data or be able to check the progress of matters online, as well as having clear analytics about what's happening next, who's doing what and how much they've spent, can reduce lag and inefficiency, she adds.

Another area where this intertwined benefit is evident is matter intake processes. "Onboarding involves a lot of data collection – and those questions are often repeated later. Capturing those details in one place and feeding them into a draft of document or practice management system without repetition is good for fee earners and clients – neither want to be mindlessly filling in data fields."

An additional consequence of good processes, Maslen adds, is lawyers' confidence in the efficiency of the service they've provided, and therefore discounting can be avoided – another boon for profitability.

## CHANGE WAYS

Much as with client collaboration initiatives, however, Maslen thinks SME firms are not yet fully embracing automation. As reported in [TR SME report: Trends in the use of technology](#), only 20% of small law firms said that they'd automated end-to-end processes, compared with 50% of alternative legal service providers.

This is in spite of an awareness among SME firms of how much automation could help them



– and that disconnect between aspiration and the current reality is also reflected LITL. In LITL, when asked: “On a scale of one to 10, how automated is work in your firm?”, the average response was 3.2 – while the average result for how automated firms could become using technologies already available on the market was over double that, at seven.

The reluctance to embrace new ways of doing things, Maslen says, is a significant challenge for many SME firms. “When you’re an extremely busy fee earner, introducing new technology or processes can be seen as threatening, instead of empowering,” she says.

Tech vendors themselves have a large part to play in making adoption happen. “The tools have got to be easy to use. If it doesn’t work straightaway, people just aren’t going to try again.”

The real goal in developing these kinds of technologies, Maslen says, should be to empower lawyers. “Tech should make things easy. We’re talking about using automation to enable fee earners to perform more chargeable activities and be more responsive to clients.”

A large part of the challenge is also structural and cultural, Maslen says. “It can be difficult to get buy-in to explore new approaches and people don’t necessarily see the immediate need for new ways of working.”

However, she says there is hope on the horizon, too: “Firms can be too ‘top-down’ or hierarchical in their approach – but we have recently seen firms tackle this by providing a means for junior staff to surface ideas on how to do things differently.” **LPM**

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*Clients are more informed and more willing to shop around – they want price certainty but, at the same time, they’re demanding quality and flexibility*



# BRAIN STRAIN

Legal professionals are stressed out. How can the sector relieve stress and maintain productivity during these challenging times? LexisNexis discusses

Legal professionals are no strangers to stress. The long hours, the competition, the ever-increasing regulatory demands and compliance changes – it all adds up. Factor in the rapid move to homeworking and the current challenges and it's clear that stress levels are high.

Last year, as part of the comprehensive research we conducted for the LexisNexis Bellwether series, we discovered that nine out of 10 legal professionals believe that stress is an issue facing the profession as a whole – and around three-quarters of those consider it to be a major problem.

At the level of the individual practitioner, the situation seems particularly intense. Only 8% of the solicitors we spoke to reported 'low' levels of stress. For almost two-thirds, it was 'high', and one in four experienced 'very high' or even 'extreme' levels of stress in their professional lives.

So, when does stress go from 'just part of the job' to a daily struggle?

## CULTURE PROBLEM

Stress has legal professionals dancing on a knife edge. The great majority are happy with their jobs, with four out of five saying they're highly satisfied. But swathes of the profession are experiencing stress. And is it any wonder?

According to the Health and Safety Executive,

stress is "the adverse reaction people have to excessive pressures or other types of demand placed on them." But the law is, by its very nature, demanding. The professional culture of presenteeism only compounds this, with its emphasis on late nights, early mornings, and racking up the maximum billable hours. In some firms, this may not be actively encouraged, but it hardly needs to be – the underlying culture is self-enforcing. For many, it's just what normal looks like.

With around two-thirds of legal professionals reporting high levels of stress, it's concerning how few can bring themselves to declare it a problem. Even fewer can think of ways the situation could be improved. The reason? When the industry is faced with potential challenges, it tends to fall back to a 'business as usual'



*The current landscape could provide an opportunity for more firms to explore the benefits that smart investment in technology and tools can have on working practices and performance*





## Resources

**1** The NHS has a resource dedicated to how to deal with your own stress: [www.nhs.uk/conditions/stress-anxiety-depression/understanding-stress](http://www.nhs.uk/conditions/stress-anxiety-depression/understanding-stress). Also, the Health and Safety Executive offers a suite of materials for work-related stress, including causes, signs to watch out for, and suggestions to help employees: [www.hse.gov.uk/stress/index.htm](http://www.hse.gov.uk/stress/index.htm)

**2** Check out our dedicated Covid-19 area, with information and guidance on how to deal with this unprecedented challenge: [www.lexisnexis.co.uk/blog/covid-19](http://www.lexisnexis.co.uk/blog/covid-19)

attitude. But how can you solve a problem that you don't acknowledge exists?

It's something we've seen across the years when we conduct Bellwether research. The industry is confident, and this is not a bad thing by any means. But no one's inclined to change the status quo while they're feeling successful.

Solicitors know what it's like to have a fire under them. It's part of the job – pressure to get more clients, bill more hours, and perform at the highest levels. As that fire slowly builds, firms have little reason to put it out. After all, our research revealed that over three-quarters of firms included growth in their five-year plan; hard work leads to success.

But as the temperature slowly rises, how do you tell when the heat is getting dangerous? Could it lead to lawyers burning out?

### CRISIS OR CATALYST?

It doesn't take a crisis to force the issue of change, but it can certainly bring the need for change into sharper relief. It can even act as a potent catalyst.

Last year, almost a quarter of solicitors thought that more could be done to support them in the workplace. But that was then. The situation has changed and people all over the country are already experiencing new ways of working and, unfortunately, new causes for stress. More is going to be required of the legal industry in order to adapt to the needs of its professionals, as well as those of its clients.

Together, we will find a way through. Cloud-based tools can facilitate collaborative working practices, helping to ensure that those working remotely won't miss a step while working away from a centralised office. Other online tools like LexisPSL and LexisLibrary can also facilitate more flexible working needs, providing the most up-to-date UK legislation available anywhere, as well as

case law documents and quick, accurate answers to issues of law.

During times of crisis, the legal sector is of vital importance. No one should be left behind or feel overwhelmed by what's being asked of them.

This is why we have a dedicated Covid-19 blog with news, guidance and Q&As to help you adapt. Whatever the situation you're in, we aim to be part of the solution. Lacking the right tools and support shouldn't add to your stress right now.

### FUTURE FOCUS

Flexible working has often been posited as a key way to manage stress in the legal profession. Many professionals are currently experiencing an unexpected version of this agile working practice. How companies deal with this in the coming weeks will be telling.

Some SMEs are already well-positioned. Nine out of 10 of the legal professionals we spoke with in 2019 believe that the ability to remain in control during times of uncertainty is a unique benefit of smaller firms. It comes down to their ability to adapt with greater agility to changing client demands and evolving conditions, as well as providing better workplace culture and quality of life.

The current landscape could provide an opportunity for more firms to explore the benefits that smart investment in technology and tools can have on working practices and performance. This could be a turning point.

More support at work – whether through flexible working or smart tools and technologies – can undoubtedly help those struggling with stress. But there is more to be done. With the current situation forcing change, will we continue to accept that stress is just part of the job? Or will we take the opportunity to acknowledge mental wellbeing and create a new normal? **LPM**

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# REGULATION RADAR

Josh Adcock reports in from the Westminster Legal Policy Forum: The future of legal services in England and Wales – regulation, consumer protection and responding to innovation

On 25 February 2019, delegates and speakers at the Westminster Legal Policy Forum discussed the disruptive influence of innovation in legal and the future of regulation. First, we heard from Professor Stephen Mayson, lead on the Independent Review of Legal Services Regulation. Although unfinished, Mayson was able to share the key issues from his current research.

Two camps have emerged in response to his interim findings, one feeling that further reform would be disruptive and hoping to push the boundaries of the 2007 Legal Services Act, and the other advocating for an extension of regulation to currently unregulated providers and the adoption of a more risk-based approach.

Although he stressed that no formal recommendations had yet been made, “no change” was not an option.

While some in the room suggested further regulation would reduce consumers’ access to legal services, Mayson felt too few were already able to do so and that we may have to rethink what is “good enough” to both protect

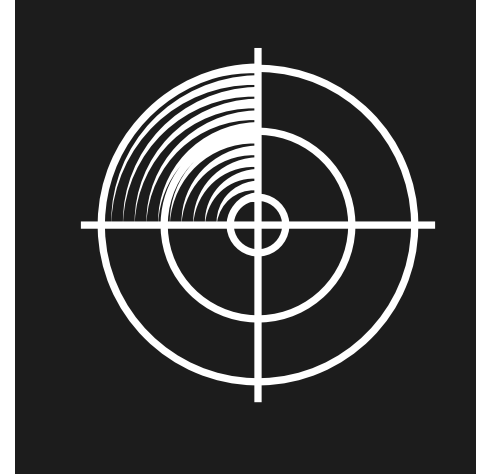
and service the public.

Lord Gold, chair for the first half of the morning, closed out the session saying he agreed with the speakers and that the time to set out a new, simpler regulatory framework was now.

In the second half, Chris Jenkins, economics director at the Competition and Markets Authority, again emphasised the need to protect consumers, citing a 2016 competition study that showed only 22% of consumers shopped around for legal services, concluding that pricing is still not transparent enough.

This part was chaired by the ‘architect’ of the 2007 Act, Lord Falconer – he closed the morning, commenting that the market is not servicing the public properly, and unmet need is an ongoing issue. New services provided by online providers has expanded options, he said, and this is a part of the discussions around regulatory policies in future.

As market forces seem unable to meet the legal needs of the public properly – whether due to cost, price transparency or trust-based issues – changes may be on the way to redress the balance. **LPM**



*Only 22% of consumers shopped around for legal services, concluding that pricing is still not transparent enough*

## REFORM READY?

Discussions around regulatory reform and lifting restrictions in the Scottish legal sector has long been on the list of to-dos – seemingly to be forever unticked. Recent news about the Competition and Markets Authority (CMA) completing its research project to examine legal regulation in Scotland might see the agenda for reform move along.

The CMA is also recommending a series of regulatory reforms, including that an independent body regulates legal services in Scotland.

Consumer complaints in Scotland have been increasing; high street solicitors are facing more challenging market conditions; and regulation in Scotland has not adequately responded to new market pressures, according to the CMA.

Cost and pricing transparency remain top of mind for the CMA – building on its previous market study into legal services in England and Wales, the CMS surveyed Scottish firms on client demand. It concluded that law firms could do a better job of informing people on what the costs will be.

Andrea Coscelli, CEO at the CMA, said

in a statement: “It’s important that people in Scotland have access to high-quality and good value legal services. In addition to increasing transparency of information, our recommendations are intended to introduce greater liberalisation that could foster growth and innovation in the delivery of legal services, which would help the sector grow.

“You might not need a lawyer very often but when you do it will often be at a crucial point in your life, so addressing



*In addition to increasing transparency of information, our recommendations are intended to introduce greater liberalisation that could foster growth and innovation in the delivery of legal services*

regulatory and competition shortcomings will make a real difference.

Here are some of the recommendations the CMA is making:

- The Law Society of Scotland to review the impact of existing price and service transparency guidance, including the possibility of mandatory rules to support it.
- Implementation of an alternative business structures scheme, and for the Scottish government to remove certain restrictive requirements of the scheme. Legislation was passed to enable this in 2010 and yet no movement has been made since.

• Introduction of an independent body to regulate the legal profession, setting standards and handling complaints, as recommended by Esther Robertson. The CMA sees that regulation from representation will increase trust in this sector and result in better regulation.

The CMA says it encourages the Scottish Government to implement the recommendations as soon as possible but understands the challenges of the current environment and the impact of the Covid-19 outbreak. **LPM**



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