

JUNE 2017

LPM

LEGAL PRACTICE MANAGEMENT

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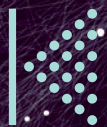
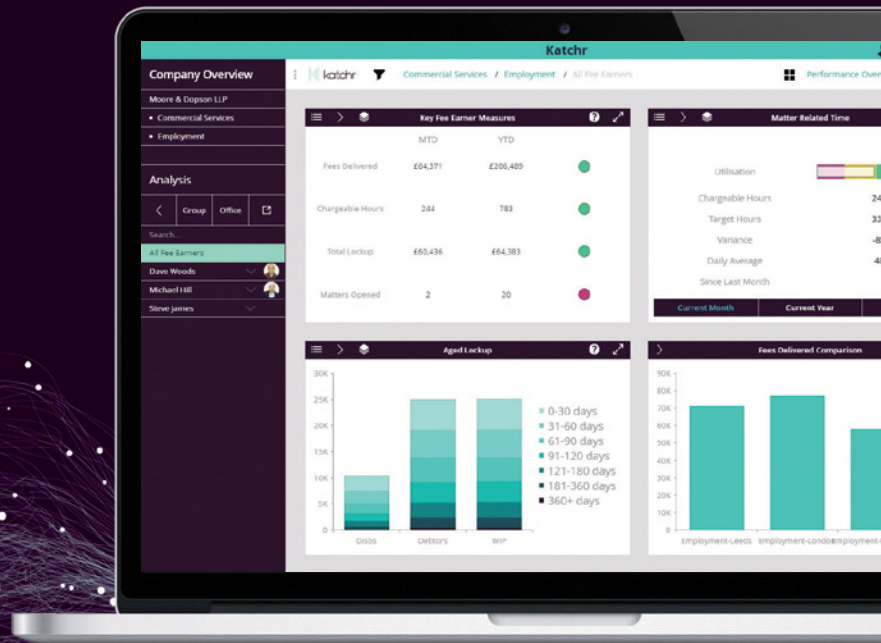
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WELCOME

The world of legal services is undergoing enormous change – and you can either cower behind your walls or break them down to build a better business

Like death and taxes, change is one of the certainties of business life. That wasn't always the case for the legal industry – for a long time there was little change at all. But in around a decade, legal has gone from being a dusty 'one-horse town' in terms of technology and commercial thinking to talking about artificial intelligence, driving profitability, and how to attract young, diverse talent. Firms are even thinking about the opportunities of emerging technologies such as driverless cars for law firms (did someone say 'moral coding'?).

Change isn't always good. Firms have to fight off digital criminals who are better equipped than ever to steal money and sensitive data, and at a time when facing a compliance countdown towards the EU's General Data Protection Regulation.

This is a crazy pace of change and many in the market find it challenging. At our LPM London conference last month we polled our audience of decision makers who said the challenges of the next two years will be more serious than in past years. So SME firms know change is coming and fast – but do they know how to change? Those that weren't at the conference can find out in our **LPM London write-up on p36**.

This month we've also published a supplement alongside the main magazine on how firms can slay the 'triple discount dragon' and become more profitable. Firms are getting better at profitability but it's still not the key driving force for many – and it should be.

So until next month, LPM readers. Depending on who wins the general election (though that may also be a certainty) legal might be in for even more change soon. [LPM](#)

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



“Like death and taxes, change is one of the certainties of business life.”

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About us

LPM magazine is published by Burlington Media. Burlington Media is focused solely on people in legal business services and management – whatever size or type of legal services provider they work for.

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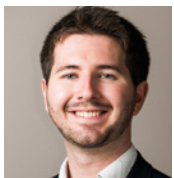
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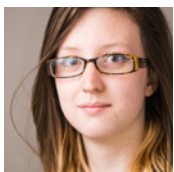
Contact us



Rupert Collins-White is editor-in-chief of LPM magazine. He has written about the legal sector since 2005, before which he endured years as an IT hack until he tunneled out with a plastic fork.
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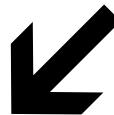
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IN PRACTICE

Edited by Patrick Wingrove

SNAPSHOT ELECTING FOR CHANGE

The time since last month has flown by, LPM readers, and the general election is almost here. But whatever your political views, it seems that a Conservative win wouldn't be great news for a considerable number of personal injury law firms. **The Conservative Party pledged in its election manifesto to: "Reduce insurance costs for ordinary motorists by cracking down on fraudulent and exaggerated whiplash claims."** The document did not specify how the pledge would be carried out, but it may well mean resurrecting the Prison and Courts Bill, which includes a proposed tariff for road traffic accident whiplash claims that could significantly reduce the amount claimants would receive for whiplash injuries.

The Scottish government is also pushing ahead with reforms that could have a significant impact on their legal sector. **Scotland's version of the Clementi review**, which laid the foundations for the Legal Services Act in England and Wales in 2007, **was launched in April 2017, and will involve a panel of non-lawyers and lawyers examining legal regulation** - with a focus on unregulated providers and their impact on consumers.

And it seems training reforms are also on the table in England and Wales. **The proposed changes unveiled by the SRA in April 2017 will be implemented in September 2020**, and will mean that wannabe solicitors won't have to go through the legal practice course and a two-year training contract to qualify in the future.

The regulator said that the new structure would "get rid" of the LPC "gamble" of paying large upfront costs of £15,000 to go through the course with no guarantee of a training contract or qualifying as a solicitor.

But these training reforms won't be a "panacea for diversity" though they could make a "significant contribution," according to a report



commissioned by the regulator. The report also warned that the reforms would make the training market "more complex to navigate" - putting more responsibility for career development on trainees and less on universities and employers.

Meanwhile, non-lawyer managers are setting the bar very high for equity partners in large firms. **A survey from accountants MHA said fee income per partner in larger firms rose from £770,000 to £1.4m last year** - the main reason for which was a fall in equity partner numbers, helped by an increase in profitable work that was driven by commercially minded managers.

Perhaps we could do the same in Westminster - it might make politics easier to get behind. [LPM](#)

✓ Have you got a story or report for us? Write to lpm@lpmmag.co.uk

"Well I probably won't vote the same way as those English dogs," thought Angus. "But I do like their Legal Services Act."

IN NUMBERS

Lack of interest

Research from the Ministry of Justice reveals that many people still don't seek legal advice when they need it.



of adults had a legal problem in the previous 18 months

But only



of people with legal problems used a solicitor

And, it seems



are the most likely age group to seek legal advice

Source: The Legal Problem Resolution Survey, MoJ (March 2017)

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SAMANTHA JAGO
PARTNER, RHW
SOLICITORS

Cybersecurity should have already been at the top of law firms' agendas prior to the attack on the NHS. Certainly we were aware of cyberattacks because we've had scam emails coming through to us and we've had to tighten our security. But the challenge is finding a balance between tackling cyberattacks and ensuring work isn't interrupted - we obviously want to take all precautions to ensure the firm isn't taken over by ransomware, but we still need clients to get information over to us and for that not to be held up too much by cybersecurity precautions. Clients similarly want easy access to their lawyers - but firms need to take every precaution to ensure client data isn't compromised.



With a recent malware attack hitting the NHS and infecting 200,000 computers across 150 countries, we ask LPM readers:

“Should cybersecurity be at the top of firms’ agendas? How should firms deal with the threat to their businesses?”



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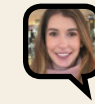
CAROL BROUGHTON
OFFICE MANAGER, SIMONS
MUIRHEAD & BURTON

Yes definitely. Over the past few weeks we've had someone targeting our firm by using an email address very similar to the managing partner's to impersonate him. At a glance it looked completely legitimate. To tackle cybersecurity issues we have several firewalls in place and a team responsible for it - but it's a difficult battle to fight.



ROSS CARR
PRACTICE MANAGER,
BAKERS SOLICITORS

The attack on the NHS hasn't moved it up our agenda as we work entirely on personal injury cases. But it's certainly made us more aware of cybersecurity and made us revisit policies, plans and initiatives that we already had in place to make sure they're still as watertight as they were when we put them in place. And firms should certainly be working to put security provisions in place if they haven't already, as the EU's General Data Protection Regulation is fast coming this way.



EVANGELISTA DIVETAİN
PRACTICE MANAGER,
PROELIUM LAW

Definitely - we're all over it and in close connection with cyber professionals. I think the problem when it comes to firms tackling cybersecurity is that it's a very complex subject. I'm not sure that too many law firm managers or lawyers would understand it particularly well - which is why perhaps firms should consider taking advice from cybersecurity professionals that have an in-depth knowledge of the subject.



JOANNA KINGSTON-DAVIES
COO, THE JACKSON
CANTER GROUP

Absolutely, I think cybersecurity was fairly close to the top of firms' agendas before the attack. Firms need to be extra vigilant when it comes to property transactions and can't really afford not to be insured against cyberattack. We're doing various things to tackle the problem - we have an insurance policy in place, and have adopted cloud-based solutions which are automatically updated with the latest anti-hacking technology. We also regularly consult with cybersecurity suppliers and are looking into ethical hacking to find out where the weaknesses are in our systems.

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ASK THE EXPERT



EU RULES SOON RULE

With less than a year until the GDPR, TL's data protection director Jenai Nissim gives her top tips on how firms can comply in time and thrive



Firms only have one more year to prepare for the EU's General Data Protection Regulation – and if you haven't already started, I suggest that you do so now. Penalties for compliance under the new regulation will be severe and SME firms in particular might not survive if they're breached and found to be non-compliant. While firms are used to demonstrating compliance, the scale of change required for the GDPR in process and behaviour will require significant advance planning and communication across a firm. There's a lot to do, so it's important to prioritise work by risk – determined by the type of personal data processed – but these steps should help you comply by May 2018.

1 First, review all the firm's data protection policies, procedures and practices to assess compliance with current law and ensure that the GDPR transition is a smooth one.

2 Carry out a data-mapping exercise to identify categories of personal data that your firm captures and processes. You won't know exactly how the GDPR will affect you otherwise.

3 Look at all the types of processing your firm carries out and ensure that these can be justified by one of the processing conditions.

4 If consent is relied on to process personal data, review all relevant consent wording to ensure that it

adequately explains what processing will be carried out and that the data subject's consent is validly obtained.

5 Check all existing privacy notices and consider the changes needed to comply with expanded GDPR requirements.

6 Look at current procedures for dealing with requests from data subjects and consider how these will need to be amended. What additional procedures will need to be put in place to ensure compliance?

7 Check whether your existing systems can enable data deletion and rectification if individuals' rights are exercised. Ensure that new procurement takes account of these

requirements.

8 Data protection impact assessments will become compulsory under the GDPR in some cases. So, it's a good idea to start looking at how your firm will carry out these assessments now.

9 This is a very important one. Review existing data breach management procedures and think about changes to ensure swift escalation of data breaches.

10 Finally, consider current employee training on data protection and ask yourself whether this is sufficient for the business to understand how to comply with the GDPR and quickly identify data breaches. [LPM](#)

GDPR ALL CHANGE

WHEN THE EU'S GDPR COMES INTO EFFECT ON 25 MAY 2018, CHANGES BUSINESSES WILL FACE MAY INCLUDE:

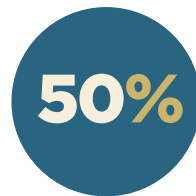
- 01** Creating and maintaining documentary evidence of data processing activities.
- 02** Requiring unambiguous consent and clear affirmative action from individuals.
- 03** Giving individuals more access to their data and information on how it's used.
- 04** Facing increased fines for data breaches – 4% of global annual turnover.
- 05** Appointing a data protection officer, if the business employs more than 250 staff
- 06** SME firms may also need a data officer if personal data is vital to operations
- 07** Being held liable for breaches as a data processor in their own right.

US DATA ROAMING

BUSINESSES THAT WANT TO TRADE WITH THE SINGLE MARKET, INCLUDING THE UK POST-BREXIT, WILL NEED TO COMPLY WITH EU DATA RULES. ACCORDING TO PWC, US MULTINATIONALS ARE ALREADY PLANNING FOR THE GDPR:



said they'd considered compliance with the GDPR



said that GDPR compliance was a top priority



plan to allocate \$1m or more to GDPR compliance

ARE YOU UNDER-PREPARED?

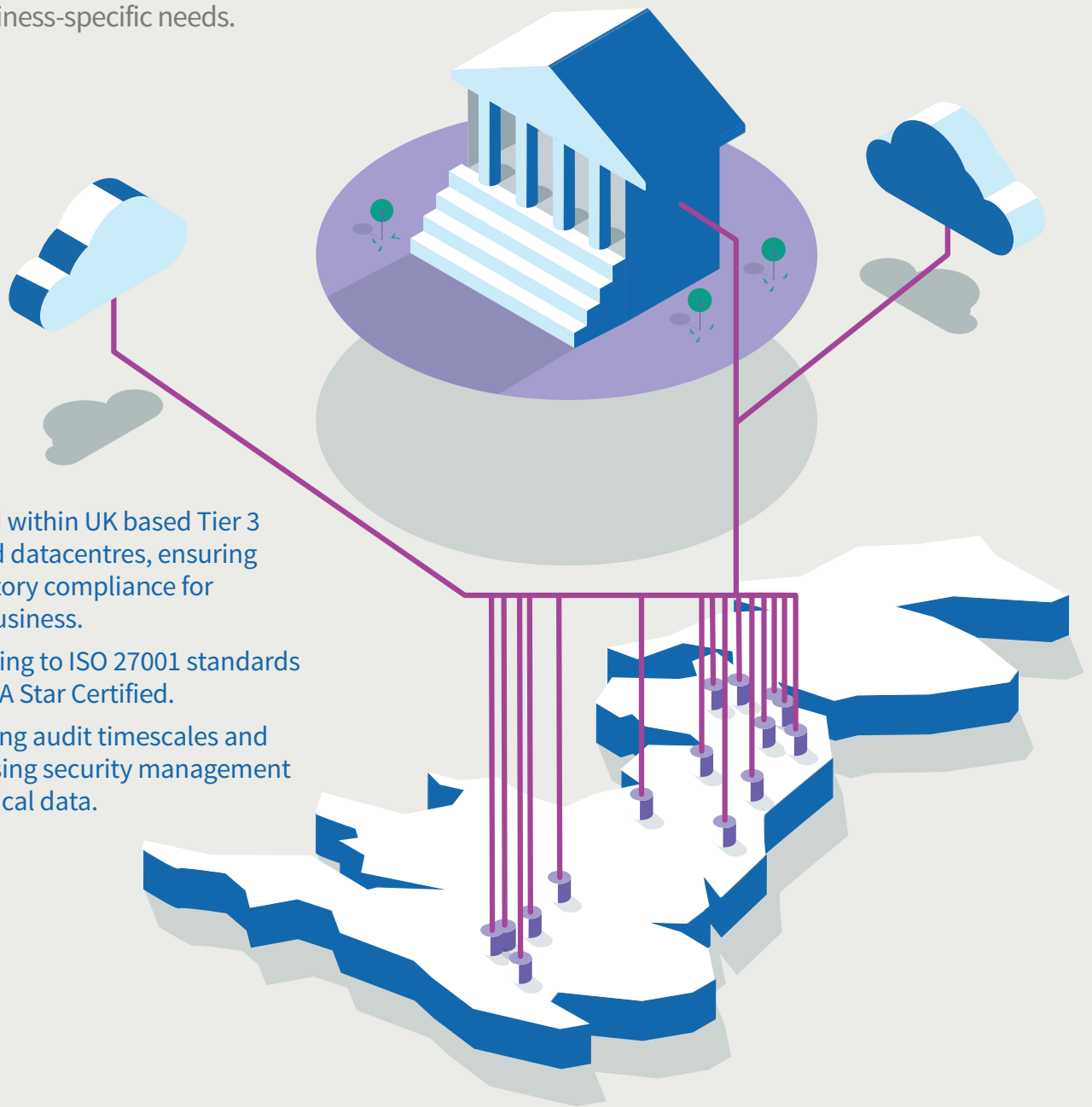
In our LPM Legal IT landscapes report, 45% of respondents said either the relevant people in their firm weren't aware of the GDPR's impact on their business (or they didn't know if they were), while 25% didn't know if their firm was ready to treat an individual's data in the 'correct' way.



For more insights from LITL, download the full report: bit.ly/2kOoTjZ

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HR AGONY AUNT

HANDLING HIPPOS



Polly Jeanneret, LPM's HR guru, on dominating partners and ex-employees' social media contacts

Q I have recently been made up as a partner at a 10-partner firm. In the first few partner meetings, it has become clear that there is one partner who completely dominates and no one else gets a look-in. I'm pretty demoralised by it and cannot see a future for myself there.

A Is this the Trump effect or has he or she always been like this (see LPM March 2017), I wonder? Before we pick over the options available to you with a Hippo (highest-paid person's opinion) in the room, let's remind ourselves of one positive: the firm was sensible enough to make you a partner, so the partnership is not all bad.

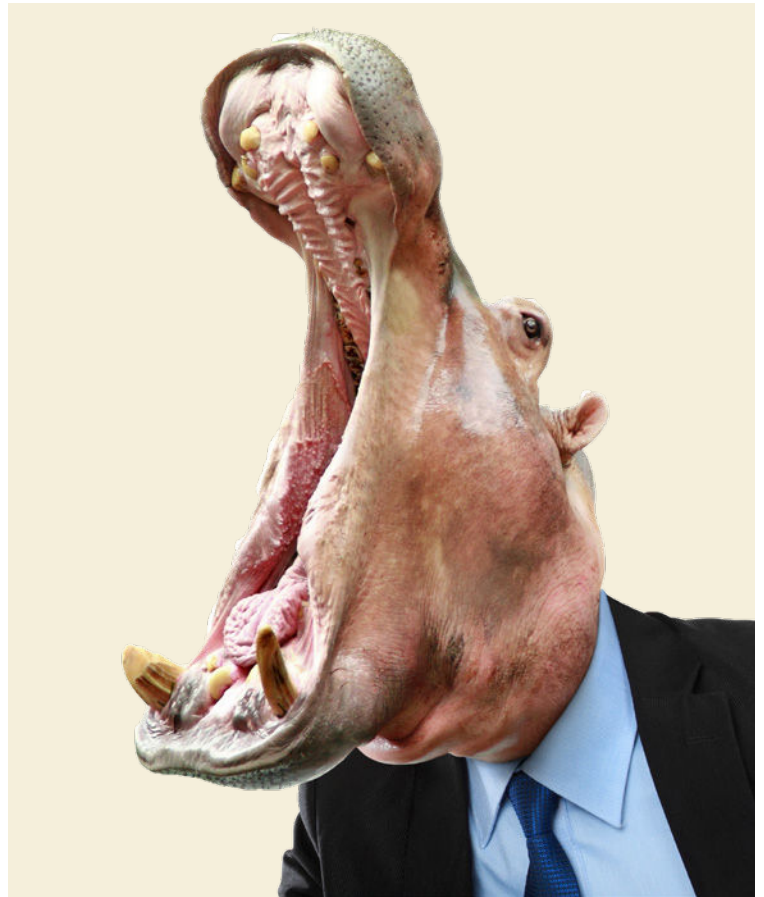
But a dominating partner is pretty bad news. Not only is it undermining for all the other partners, it can also lead to poor decisions and, worse, seriously bad

decisions. Studies show time and again that the ability to speak openly with your boss is absolutely key to sound management. My favourite report is a critique of a Korean air disaster which argued that the crash was partly as a result of a culture of deference in Korea, such that a co-pilot wouldn't dare to refute their captain's decision-making.

I would wait and see. Perhaps the partner likes to show off a bit when someone new joins and the meetings may yet settle down.

Q We believe that a senior ex-employee has a whole host of our clients as LinkedIn contacts and may try to reach out to them. Should we ask him to remove them?

A Sometimes there's a technical answer and a 'get real' answer. The courts



have suggested that, technically, the details of a firm's clients that are contacts on a LinkedIn account are the property of the firm, not the individual. Putting aside the practicalities of actually ensuring that an ex-employee disconnects (or is it 'unconnects'?) from the contacts in question, this is definitely a scenario where prevention is way better than the cure. In future, you should ensure that social media accounts are covered in restrictive covenants in employment contracts and

draft a robust social media policy.

Q This general election - should we, as a firm, be doing something around it?

A No. Clients don't want any more briefings and staff don't want any more polls. [LPM](#)

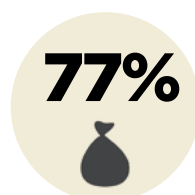
Polly Jeanneret is an expert in HR and an employment lawyer at Halebury to boot - she's seen and heard it all.

Send her your HR questions: ASKPOLLY@LPMAG.CO.UK

THIS MONTH IN NUMBERS

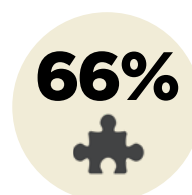
WHAT LAWYERS WANT (FROM WORK)

RESEARCH FROM RECRUITMENT COMPANY HAYS SUGGESTS FEE EARNERS AREN'T ONLY MONEY-MOTIVATED (AT LEAST, NOT ENTIRELY)



of lawyers cited financial reward as a work priority

But



said they'd take a pay cut for a job that was a better cultural fit

And



not actively looking for a new role would move jobs for work-life balance



BOOK REVIEW

WISDOM CONDENSED

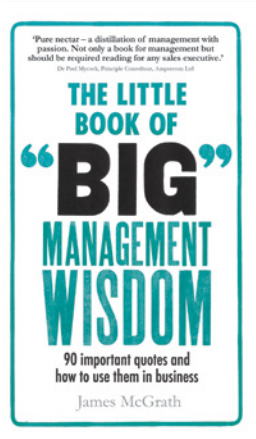
In a world that's becoming increasingly competitive and uncertain because of events such as Brexit, we all want to secure a competitive advantage – but we also know that our ability to manage will be the key sustainable advantage that can really create positive change in our businesses. For those managing SME law firms, *The Little Book of Big Management Wisdom* by James McGrath provides a well-written and well-structured read that will be beneficial to managers at all levels.

The book has an interesting structure. It sets out 90 quotes from business leaders such as Warren Buffet and Peter Drucker – and a few surprising ones from a former US president and even Elvis Presley – that are meant to inspire the reader. With each quotation, the author outlines what it means and how to use it, and asks the reader to consider what to do in the context of their current projects and then suggests questions to ask themselves about key elements that may need considering.

I did exactly what the author suggested and reviewed the whole book, and then selected some key areas that I was pondering as part of my role. Business strategy is a specialism of mine, so I read the chapter on planning first. Firms are notorious for creating complicated business plans and then consigning them to the bottom drawer while everyone gets back to the day job – so firm managers could certainly benefit from this section. The chapter uses a diverse set of quotes from figures in the military, business, academia and politics to demonstrate that we need to think more about the process of management and how we benefit from it – rather than how to create a perfect blueprint.

I also liked the managing people and teams section of the book, which included one of several quotes from Drucker. It points out that whether we manage teams, client relationships or our own workloads, we often don't see the common themes that could enable us to be more productive as individuals, teams or firms. The insights in this chapter and the quote "the manager's job in 13 words" are fundamental to great management and we'd probably all benefit from reminding ourselves of the right 'what to dos' and questions to ask ourselves.

The chapter on motivation includes useful thoughts and insights from Frederick Herzberg to George S Patton and is worth contemplating for every aspect of your team and marketplace. Having experienced 'silo mentality' so often and a reluctance among law firm employees to share knowledge in a competitive environment, this book made



The Little Book of Big Management Wisdom: 90 Important Quotes and How to Use Them in Business by James McGrath



Reviewer: John Kennedy, head of client services, Wildbore & Gibbons

Publisher: Pearson Business
Publication: November 2016
Price: £12.99

me think that a key challenge in SME firms is to raise the profile of how better management can work for us all in terms of productivity. Embedding a belief in empowered management is still a challenge for us all and not one that we always embrace for the good of the team. Those with an interest in management will be easy to convert, but the key management challenge for SME firms has always been to create an atmosphere and culture of progression and collaboration – internally and with clients.

The book does, however, have its limitations (although some of them are somewhat understandable in the context of modern business history). For a start, there are too few quotes from women – which is a real drawback since they constitute half of the workforce, half of a firm's client base and, in my experience, more than half of the better managers in SME firms. There are also too few comments from experts in emerging markets or from diverse backgrounds.

However, *The Little Book of Big Management Wisdom* will help support managers in their roles, and help them engage and move the thinking and practices in their firms forward. The book encompasses a range of accessible and pertinent management knowledge that can help you discuss and apply ideas that can support the implementation of new management practices. In law firm management, we know the levels of resistance there can be to changing our practices and behaviours – even if the change is of benefit in the longer term. McGrath's book can provide support from dozens of mentors, examples from successful leaders, and give you useful insights for managing yourself, your career and your firm into the future. **LPM**

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SHOULD THEY STAY OR GO REMOTE?

EMMA SELL, PRACTICE MANAGER



“Remote working isn’t for everyone, but common thinking is that it’s what millennials want – or certainly a key driver for them when choosing an employer.”

According to Trades Union Congress figures, the number of people regularly working from home has increased by a fifth over the past decade, to nearly 19% – that’s roughly 4 million people. Government research also shows that there are around 4 million more workers who would like to work from home but aren’t given the opportunity.

What was inconceivable a few years ago is fast becoming the norm. But why the huge increase? Do staff like it? Can it help employers?

It may appeal to businesses from a financial perspective. With the cost of office space rising, particularly in London, along with business rates, the ‘hotdesking’ model adopted by some law firms is one way of reducing overheads. It’s also felt that firms which offer remote or agile working have better motivation levels and increased retention.

Allowing staff and making it easy for them to work remotely removes stress for both employer and employee if staff are faced with unexpected circumstances – such as a rail strike or last-minute childcare issues. An already stressful situation is then negated by the certainty that the employee will still be able to work and their employment record won’t suffer. Employers are also satisfied that the day isn’t wasted.

The option to routinely work from home may also appeal to staff. Less commuting could create a better work-life balance, and fewer interruptions from telephones and colleagues could help employees accomplish more than they would in the office.

Opponents of routine remote working would say this is the very reason they don’t like it – there

is no escape from the office after a bad day, and no home to go to. Employees can feel isolated with no one to discuss work with or just rant at.

Routine remote working isn’t for everyone, but the common thinking is that it’s what millennials want – or certainly a key driver for them when choosing an employer. And, more often than not, millennials are now the employees that law firms are attempting to recruit.

Research shows that while Generation X is financially motivated, millennials care more about growth opportunities, good management and work-life balance. They want to be judged by output, rather than hours spent in the office, are not so keen on creative and fun office environments, and they want flexibility.

All law firms are different, and the types of work they carry out will determine the viability of remote working. But removing the red tape and being open to flexible working arrangements can work for both parties.

While my firm hasn’t adopted a formal written remote working policy, all staff have the option to work from home when they need to – because of dreaded train strikes or simply to get their head down on something tricky. Flexibility may work best when a common sense approach is adopted and staff are reminded about issues surrounding confidentiality. Our IT system means that the need to remove client files from the office is obfuscated, and we have a BYOD policy to avoid client data being stored on personal hard drives.

Routine remote working may well be the future – but as we foster a collegiate and collaborative environment, a full-time virtual office may be a bridge too far. **LPM**

ABOUT

Emma Sell
Practice manager
BDBF
www.bdbf.co.uk



Employment Law

Revenue: £2m

Corporate status: LLP

14 fee earners,
18 total staff

Offices: London

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Criminal Disclosure Checks



DVLA Report – UK

VIDEO THRILLED, CLIENTS ARE STARS

PETER CARR, IT HEAD

Video communication is an excellent and underused means of contacting clients. Video can offer firms a unique selling point – face-to-face time with lawyers whenever and wherever they are. This means that if a client is on holiday, for example, fee earners can still meet with them and progress their case – making the firm more productive and providing a high-quality and personal client service at the same time.

Yet in LPM's 2017 Legal IT landscapes report, only a third (36%) of SME law firm managers surveyed said their firm had some form of external desktop-to-desktop video communications. Why this is the case remains a bit of a mystery – but it could be that the traditional lawyer is just plain uncomfortable in front of a camera.

On the other hand, bright young lawyers have grown up with this technology and want to use every tool available to help meet targets and grow their client base – so perhaps we'll see the number of firms using video increase soon. Clients have also started to expect it. Has a client ever said to someone in your firm: "Do I need to come in to the office, can't you just Skype me?" I'd be surprised if not.

Another reason firms might not have adopted external video comms is because until recently video solutions weren't very good – at least not for businesses. Fisher Jones Greenwood has long tried to use video comms as a way of reaching clients – but traditional video conferencing hardware was expensive and difficult to use, and although Skype was free and familiar, it lacked a 'professional feel' and couldn't be managed centrally.

But this is no longer the case. In 2016, the firm found a single cost-effective solution quite by chance. Skype for Business was included in our Office 365 subscription and ticked all the boxes that the firm wanted in a video collaboration tool.

The firm uses Skype for Business in many ways. Staff use it internally, especially younger employees, for instant messaging in place of email or a phone call. Quick HD video meetings also save time travelling between branches. But more importantly it's the ideal tool for our clients. They can use their normal Skype client, but if they don't have an account they can use a link to redirect to a web version. On occasion, we've never physically met a client – yet a strong lawyer-client relationship is maintained through the face-to-face meetings video comms enables.

Furthermore, when fee earners review or draft a contract it's sometimes easier for them to discuss the details with clients as they go. The document sharing part of Skype for Business allows collaboration between lawyer and client – and documents can be edited by both sides in real time, which saves time and costs for both parties.

For IT managers, the solution offers end-to-end encryption of a conversation – providing security and confidentiality. And for the end user the Skype for Business interface is likely familiar since there are 300 million regular Skype users.

Video comms could give SME firms a significant competitive edge over their rivals, so I suggest you adopt a solution that's right for you if you haven't already. There are plenty of advantages to be had in the future as well – watch out for Skype Translator which can simultaneously translate 40 different languages at once. If this were adopted into a video comms solution, it could help firms easily expand their operations overseas. [LPM](#)



“Video can offer firms a unique selling point – face-to-face time with lawyers whenever and wherever they are.”

ABOUT

Peter Carr
IT head
Fisher Jones Greenwood
www.fjg.co.uk

Revenue: £7.29m

Corporate status: LLP

58 fee earners, 162 total staff

**Offices: Colchester,
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GET READY FOR GDPR

NICK HAYNE, THE CLOUD EXPERT



“ *Though the UK is leaving the EU, organisations will still need to be GDPR-compliant until Brexit in 2019 and after if they want to do business in the bloc.* ”

Along with Brexit, the General Data Protection Regulation (GDPR) is the focus of many business conversations at the moment. The time until GDPR implementation, however, is significantly shorter than the countdown to Brexit - businesses will need to comply by 25 May 2018.

Though the UK is leaving the EU, organisations will still need to be GDPR-compliant until Brexit in 2019 and after if they want to do business in the bloc. Businesses that don't want to comply will have to prove that they don't hold personal data. In the UK, and they can do this by regularly completing a data protection impact assessment (DPIA). If this process isn't followed, however, they could be fined up to 2% of global annual turnover - because fines are issued for not following process as well as breaches under the GDPR. There will also be stiffer fines levied on organisations that suffer data breaches because of non-compliance - up to 4% of global annual turnover or £20m (whichever is larger).

But how can companies determine if they are GDPR ready? First, they can answer eight simple questions, which are: Do we store any information related to people? Can people be identified from the data we hold? Where is this data (including data held on your behalf by third parties)? What type of personal data is it? Have you classified whether it's sensitive or not? Do you know how long you should be keeping that data for? Do you have the appropriate consents from the individuals to hold/process their data? Are you able to delete the data on request? Do you know if you should be deleting that data on request?

Have your staff had proper training to understand how that data should be handled? With third parties, do you have a formal contract in place?

In addition, there are frameworks and certifications that can be implemented ahead of May 2018) which address both cybersecurity and GDPR compliance. The IASME Governance assessment, which is mapped to ISO27001, includes a Cyber Essentials review and a GDPR component. Cyber Essentials certification is also beneficial for GDPR compliance as it is a government-backed risk management framework that addresses 80% of the everyday cyber threats a company may experience.

It evaluates controls around firewalls and internet gateways, secure configuration of systems, access control, malware protection and patch management.

Organisations are assessed and once controls in place are verified the business becomes Cyber Essentials certified - something that demonstrates to insurers, suppliers, partners and clients that it's taken cybersecurity seriously and has the means and methods in place to mitigate the risk.

Businesses need not go it alone in terms of GDPR compliance and Cyber Essentials, as there are providers that work with businesses to achieve this certification, and work on closing any gaps highlighted by assessments and reviews.

As we get closer to the deadline, the focus on compliance will only intensify. Organisations need to ensure they have the right checks and measures to avoid severe penalties. The good news is that there is still time, but the sooner this is addressed, the better. **LPM**

ABOUT

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FIRMS UNDER THE HAMMER

JANINE PARKER, THE BROKER



Conveyancing solicitors and their indemnity insurers face a potential influx of professional negligence claims for failing to advise clients and mortgage lenders of soaring ground rent clauses on leasehold properties. Several developers sold new-build properties as leasehold rather than freehold in recent years – and now over 4m homes in England are leasehold properties.

Many owners are unable to sell their homes because surveyors are finding considerable differences in the value of properties with and without the onerous ground rent clauses. In several cases, developers sold the leasehold of new-built houses to investors who are now asking owners for vastly inflated sums.

To many solicitors, these ground rent clauses will appear innocuous, especially as they can be found in standard lease contracts. For example, there are leasehold properties that have sold because of ground rent doubling at 10-year intervals or less. These clauses purport to cover inflation, but a ground rent of just £250 per annum will have risen to £2,000 after just 30 years – far in excess of inflation.

Some developers are including lease clauses stating that ground rent would increase at a percentage of the rentable value of the property. Solicitors dealing with commercial conveyancing will have come across this, and these types of clauses have found their way into residential conveyancing.

Some lenders are now insisting that the ground rent must not be allowed to increase during the first 21 years and that ground rent can't rise to an unspecified amount.

What can firms do to mitigate their exposure? First and foremost, they should establish whether conveyancing staff are suitably experienced to assess ground rent clauses. All staff handling conveyancing need to be made aware of the issue and know what to look out for to spot onerous contract terms.

Prompting fee earners to carefully check any rent review clauses will assist in the future, and check and record if ground rent payments are up to date. If not, record details of the arrears and check what period is covered by the last demand.

Where a formula is included in the contract, fee earners should ensure that the increases in ground rent won't be onerous on the leaseholder or negatively affect the future saleability of the property or lease extensions and check carefully whether the freeholder is trying to change the ground rent arrangements.

Always make sure clients are aware of their obligations to pay ground rents and the implications of any future increases. For example, some ground rents are set to rise with inflation and it's worth checking whether that's based on the consumer price index or the retail price index.

Finally, if there are any closed files from the past seven years that you think may be high risk, then a review or audit is recommended. Ensure staff apply the necessary due care and attention when reviewing leasehold agreements. While it's understandable that firms don't wish to jeopardise valuable relationships with clients, landlords, lenders or introducers, you must consider the impact of a negligence claims wave should your staff fail to make clients aware of onerous contract terms. At all times, remember the professional duty to act in clients' best interests and not compromise independence. **LPM**

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MOBILE MATTERS

Do SME firms need to be more flexible to be successful?



Richard Higgs, sales director at Tikit, delves into the benefits and considerations of setting up a flexible working structure

Today's lawyers spend much less of their working life at their desks. For several years now, law firm workers have been able to work from home and occasionally from client sites – but now expectations are increasing. Employees working remotely want the same access to their firm's practice and case management solution that they'd have at their desk.

Millennials joining the workforce also have an expectation of mobile working – although some partners from the baby boomer generation may be resistant to the need for that way of working. There is, however, a growing realisation that firms need to keep up with rivals when it comes to flexibility if they're going to offer competitive service levels and attract talented staff.

Employees' immediate priorities for the corporate information they need on the move are easily met. Most solicitors want access to their work email from a mobile device and

many firms have been enabled to do this through discrete, secure email access via a Microsoft Outlook or Exchange app. Providing equivalent access to the firm's core practice and case management system is more of a challenge, especially for small IT departments. Practice and case management solutions were traditionally locked-down on-premise solutions and weren't designed with secure mobile working in mind.

And when firms are looking to purchase new technology to enable mobile working, security is often the number one concern. When asked for LPM's Legal IT Landscapes research: "Is cybersecurity high on your firm's management meeting agenda?", 94% of legal leaders responding said it was.

In the latest mobile systems, however, there is nothing of value on the mobile device itself – it simply enables a secure view of the data held centrally on practice and case management systems. Compared with carrying around a

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mass of confidential client files on paper, having locked-down mobile access to well-secured systems arguably presents less of a risk when it comes to loss or breach of confidential information. If an employee loses their mobile device, it can quickly be shut down and wiped before anyone has chance to have a crack at the password.

INTEGRAL INTEGRATION

There's also a pressing need to implement a range of well-integrated technologies to deliver the breadth of features lawyers need to work effectively on the move. Without integration, it's not going to be possible to achieve desired flexibility and mobility.

Full integration is necessary to eliminate duplication of information and make applications easy to use. Risk considerations relating to data aren't just about loss or theft – it's important to avoid situations where data is updated in one place and not in others, or where conflicting data is held. Not only does this have repercussions for customer service, but it may also have far-reaching compliance consequences. Best practice is to have one central source of reliable data, with all associated applications drawing on that.

SME law firms with a one or two-person IT department or an outsourced facility face a resourcing challenge in integrating new solutions for mobility. It's a good idea to tap into the expertise of the firm's practice and case management system supplier to source additional applications that will work well with the core system. Tikit's approach is to choose best-of-breed examples in each area – from Workshare for document comparison solutions and BigHand for dictation to Mimecast for email management – to supplement the features of its core practice and case management system.

Employees sitting on a train don't want to have to trawl reams of documents and data to find the information they need about a client. They need to be able to access a summary or a subset of information, including: the matters clients have with you, the balance of their account, and who the main contacts are associated with that client. Tikit's Partner for Windows (P4W) practice and case management application provides all of that alongside time recording, accounting, billing and compliance features.

It's common to see lawyers at their desk

catching up on three days' worth of time recording they couldn't do on the go. The mobile version of Tikit's Carpe Diem enables both time recording on the move and provides access to summary information held in P4W on their clients and matters. Carpe Diem is available as a mobile app that sits just as happily on the desktop, smartphone or tablet. With cloud-based delivery of the time-recording software platform, it's possible to be working from a desk, record some of the time you've spent, leave the office and then get on the train and pick up the activity in the same place you left it.

This way of working couldn't be achieved with traditional mobile apps that work independently and don't integrate with the main practice management system. The risk with these traditional apps is that data could

be recorded twice or time-recording data won't be captured by the firm's core systems. But Carpe Diem is now available on Microsoft Azure – providing a cloud option with the same functionality, but none of the on-premise infrastructure and

management which could prove prohibitive for the smaller firm.

“Full integration is necessary to eliminate duplication of information and make applications easy to use.”

MAXIMISING MOBILITY

Historically, replacing a practice and case management system was a huge investment of time, money, and change management. But today, retaining the core solution and bolting on fully integrated functionality is much less disruptive.

For many growing SME firms one of the highest overheads is premises. Law firms with growth ambitions could benefit massively from mobile technology, as it can underpin hotdesking and remote working that reduce the firm's requirement for expensive physical desk space. Furthermore, the flexible, mobile-enabled law firm is far more attractive to tech-savvy young lawyers and to clients who are looking for lawyers, who are working with modern collaborative technology. A 24/7 economy also means that clients are increasingly demanding self-service technologies, such as Tikit's FormShare module, so they can complete forms and submit information electronically to their lawyer on the go. Secure access to data is also key to the future success of any law firm. [LPM](#)

UPWARDLY MOBILE

Richard Higgs, sales director, and Adrian Jones, product and development director at Tikit, speak to LPM about seizing a competitive edge with all-encompassing flexibility

Businesses in the UK are becoming increasingly agile by adopting technology that makes them more adaptive and flexible. SME law firms have traditionally been resistant to such change, but are now recognising the need to adapt to their surroundings if they want to survive in an ultra-competitive, post-Brexit market.

Tikit's sales director Richard Higgs and product and development director Adrian Jones say that consumer demands have changed enormously in recent years and firms need to look at becoming more agile if they want to attain competitive advantage.

Jones says: "The days when firms could open at 9am, close for lunch, and finish at 5pm are long gone. Consumers are more mobile and expect legal services to be the same. They don't want to wait to progress a matter until their lawyer is back in the office – they want to progress it as soon as possible."

Mobile working delivers multiple benefits to firms, but for Higgs its key outcome is driving productivity across the business.

"The time that fee earners spent travelling was traditionally unproductive – which was tough for firms whose fee earners travel regularly." He adds that he's not alone in this view – 81% of SME firm managers surveyed in LPM's 2017 Legal IT landscapes research agreed or strongly agreed that mobility technologies were fundamental to making law firm employees more productive.

Although firms could become agile with on-premise software, for Higgs and Jones the key to truly agile working is adopting cloud-based software.

Higgs says: "There are enormous opportunities to having legal tech in the cloud, including greater flexibility and security – those that aren't in the cloud may be missing a trick." He adds that having systems in the cloud not only allows law firm staff to work remotely but helps the business to scale easily and gives some access to solutions they previously couldn't afford.

"SME firms now have access to the same tools as the big legal players – which can drive efficiencies through automation and better collaboration and enable cost savings that can be passed on to clients."

Jones adds that perhaps the most important aspect of cloud-based solutions is that they foster unity and can be tailored to the business. Employees work on the same systems over multiple devices, and managers can pick and choose solutions to suit different departments.

"Firms pay for cloud solutions on a per-user basis – so if they want a document management tool for just the commercial department, they only pay for the number of people to have that solution. One of the strengths of the Tikit Partner for Windows (P4W) platform is that all matters and data still exist in one central database – so the rest of the firm still has access to those files."

MOBILE ADVANTAGE

Improving productivity is often a key goal for SME firms – 60% of respondents to LPM's 2017 Cloud leaders research said productivity was a key benefit of cloud IT. Higgs says this is because some firms have always needed to be mobile – and without the right tools, have suffered from poor productivity. Other firms, however, want to become more flexible to improve their client service but fear productivity will suffer.

He adds that firms shouldn't expect employees to be able to do everything from a mobile device, but work such as document reviewing and comparison, time recording and data capture could be done remotely.

Jones says that time recording is often a key concern for law firms, since doing it badly could have significant repercussions for profitability.

"Finance and operations teams may rely on recorded-time data for timely billing and cashflow, and to price legal solutions to ensure they're profitable as well as price-competitive – but fee earners sometimes fail to accurately record time if they don't have the tools to do it in real time or if they need to prioritise

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Left: Adrian Jones, product and development director.
Right: Richard Higgs, sales director, Tikit

remunerated work.” But, he adds, cloud-based solutions such as Tikit’s Carpe Diem enable solicitors to record time across any platform from virtually anywhere – which facilitates accurate and efficient time recording.

But perhaps an equally crucial area of work that could be done remotely more often is document production. Higgs says organising and editing documents in a productive manner not only drives efficiencies across the business but keeps firms compliant – which is particularly important as the EU’s General Data Protection Regulation is fast approaching.

“NetDocuments, which is available with P4W as a third-party integration solution, is entirely cloud-based and massively extends the capability and flexibility of remote workers. It allows them to easily organise and edit documents on the go – so they can spend more time on client service when they’re back in the office.”

Jones adds that the opportunities around mobile document production aren’t limited to editing. Law firm workers can also foster greater collaboration with colleagues and clients by comparing documents on the

move with solutions such as Workshare.

“Cloud-based document comparison solutions enable workers to go through the process of comparing various versions of documents when out of the office.” He adds that many solutions offer this capability, but a benefit of Workshare (also available as a third-party integration solution with P4W) is that staff can selectively upload documents from a P4W case file to the Workshare Connect portal and invite clients to review or update those documents.

Capturing client and matter data is another area where significant efficiencies can be gained. Higgs says that Tikit’s FormShare enables workers to send out pdf forms to clients which they complete and send back.

“The beauty of FormShare is that it automates client data capture – which maximises efficiency. Fee earners can use travel time to complete or send out forms to clients and, when they’re submitted, the product automatically extracts the data, puts it into the P4W database and can generate other processes such as conducting ID and anti-money laundering checks.”



AN EASY SCALE

But the benefits of agile working don't stop at increased productivity. According to Higgs, cloud-based software solutions enable firms to scale easily with minimal additional costs.

"Employees can access the same tools as their colleagues from home – so firms could implement a hotdesking policy which would allow them to expand their workforce without bringing on the costs of a larger workspace." He adds that a flexible working set-up could have the added benefit of improving recruitment and retention by giving staff a better work-life balance.

Jones adds that legal businesses also don't need to worry about the costs of expanding their IT provision because they're calling on external resources. They can bring on more staff, open a new office, or even downsize operations without incurring significant additional costs.

"Cloud solutions give firms enormous flexibility in their IT infrastructure. They can increase their provision if they have a big project and decrease it when the project's finished and don't have to invest in new servers if they open a new office."

But perhaps the most important cost-saving aspect of cloud-based solutions, according to Higgs and Jones, is that they drive down the associated costs of legal tech and give firms access to solutions they previously couldn't afford – according to LPM's Cloud leaders report, the cloud enables 34% of respondents to afford

or choose systems or services that they would not otherwise have used.

Higgs says: "In the past, if firms wanted a document management system like NetDocuments they would have had to shell out for service and hardware costs as well. With these third-party integrations being offered as part of Tikit P4W, firms don't need to invest in servers or people to run them." As such, he adds, the hardware costs that were once a considerable barrier to tech for SME firms have been knocked down.

Jones adds that cloud-based solutions can easily be budgeted for by a firm's finance department.

"Solutions such as NetDocuments are priced on a SaaS basis. Firms pay for exactly what they use and know exactly what it will cost them every month." He adds that the price of these solutions includes regular automatic updates – which eliminates the cost of buying an updated software package and the time it would take for employees to reinstall it across the business.

SAFE IN THE SKY

Firms could also benefit from improved security by adopting cloud-based legal tech. Higgs says that firms have traditionally been reluctant to put data or systems in the cloud for security reasons – but cloud computing gives SME legal businesses a level of online security they might otherwise be unable to afford.

"With Tikit, for example, security is always a key focus. We spend a lot of time and money that the average SME

“ *If all of your systems and data are stored on an internal server then your business is vulnerable. Imagine what would happen if a flood or fire destroyed that server.* **”**

Adrian Jones, product and development director, Tikit

firm simply couldn't on making sure our solutions are secure. If you take Tikit's FormShare as an example, the forms sent to the client can be password protected and there are other layers of security in there – so it's much safer than traditional data capture methods.”

Jones adds that in terms of disaster recovery and business continuity, cloud computing offers considerable advantages over on-premise solutions.

“If all your systems and data are stored on an internal server then your business is vulnerable. Imagine what would happen if a flood or fire destroyed that server – it could ruin the business.”

He adds that business continuity is built into cloud-based solutions because they keep data and systems safe and secure away from the office, and ensure that if the business loses access to the office, employees can simply work from home.

FLEXIBLE SOLUTIONS

Although it's fundamentally about greater productivity, cost savings and security are enormous advantages of cloud computing. Perhaps the key advantage of Tikit's solutions is that they're part of a package that's completely flexible and can be tailored to the individual business's needs.

Jones says that some of Tikit's solutions may be more useful to some practices than others, or might be more beneficial to different departments within one business.

“Cloud computing enables firms to pick exactly which products they want and operate them in the P4W platform. For example, if a firm's commercial team wants to use Carpe Diem as a more flexible solution, they can do that.” He adds that the beauty of the system is that no matter which solution is used, the data is stored in a central database that's accessible across the business.

Higgs adds that Tikit P4W's ability to incorporate third-party integrations such as Workshare and NetDocuments makes the system even more flexible.

“There are law firms or departments such as commercial that don't see themselves as sitting in a case management silo. They want document management – so if they already have P4W they can easily integrate that into that system.” He adds, however, that third-party integrations are also available individually.

“If a firm is quite happy with its case management system but wants a document management system for commercial work, it can buy NetDocuments from Tikit without having to buy P4W as well.” He adds that this is also the case for other Tikit modules such as Carpe Diem and TikitConnect CRM.

The great advantage with having multiple solutions integrated into the P4W platform is that it unifies businesses and makes them more collaborative, says Jones.

“P4W is the centre of an IT ecosystem, making everything easily accessible to people across the business. Data from multiple systems is stored in the same place and employees can access those systems from one platform across multiple devices.”

Many SME law firms are looking to become more agile – and the key to that, according to Tikit's Jones and Higgs, is mobility. Tikit's solutions not only make firms more collaborative but enable significant cost savings and increased security. But the key benefit of its products is firms' ability to choose exactly which systems they want and integrate those into one platform that's accessible from virtually anywhere, at any time. [LPM](#)



SILVER LININGS

Tikit's product and development director Adrian Jones and sales director Richard Higgs break down the key benefits of flexible IT solutions

1 Productivity: the flexible solutions enable law firm employees to work remotely – which means traditionally unproductive time can now be used efficiently to time record or work on documents.

2 Cost savings and price certainty: having online legal tech solutions means firms can shed expensive servers and the costs of running them. They're also priced on a SaaS basis – so firms know exactly how much their IT will cost each month.

3 Access to tech: because of the cost benefits of SaaS pricing, firms can afford software solutions that they otherwise wouldn't have been able to use.

4 Safety and security: cloud solutions have security, disaster recovery and business continuity built in. If, for example, a firm's office is struck by fire then data on cloud servers can still be accessed by employees who can work from home.

5 Software flexibility: firms don't need to buy anything they don't need – they can pick and choose the right tools for them and use them in one convenient platform.



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HEED THE WANNACRY WARNING

NATASHA RAWLEY, THE FILE QUEEN

“ *One of the biggest issues with cybercrime is how vulnerable smaller businesses are. It can have a devastating impact on turnover and reputation.* ”

As I sit down on a train to write this column, the world has woken to one of the biggest IT nightmares ever experienced. The NHS was struck by a hugely destructive ransomware attack, 'WannCry', and over 300,000 computers across 150 countries were affected by the malware strike (although these are just the reported ones).

This has been devastating to organisations throughout the world. I recall two years ago that I attended a data protection conference hosted by some awesome American IT wizards. The warning on that day to attendees was: "Malware can and will get you."

At the time, I found this strapline very threatening and thought it was a tad dramatic in my British v US manner. But reflecting over the last two years, I know people who have been personally impacted by ransomware, and have seen the threat grow at an astonishing rate. Businesses now face the prospect of cyberattack every day – and whether we like it or not, ransomware is now one of every single company's daily operational threats.

But one of the biggest issues with cybercrime is how vulnerable smaller businesses are. It can have a devastating impact on turnover while they're frozen out of data, and also on their reputation. In one of the companies I know, ransomware had been sitting on their systems for eight weeks before it was activated. This meant that not only was their network infected, but eight weeks of backups were also infected. I'm happy to say they did start trading again, but the loss to turnover was catastrophic.

So, what can small businesses do? I'm not an IT

expert, but I am a believer in learning from experiences so we can make better decisions in the future.

These attacks are all about vulnerabilities, and here are the hot tips I learned at my data protection conference:

First, backup, backup and backup – yes, that's three times. Never rely on a single form of backup. Many of our clients back up to the cloud but then also employ document and data storage companies like us to rotate data tapes/portable hard drives daily, weekly or monthly. This acts as another safety net and also a great disaster recovery tool.

Then, make sure all your IT updates are done. The NHS cyberattack reportedly happened because of security flaws in an old Microsoft OS version. Microsoft released an update yet PCs had not been updated – leaving them vulnerable.

Use virus protection software. Many people use virus protection solutions, but one of the biggest issues is making sure scans are regularly run on each PC and that the software itself is consistently updated. Automate this.

And finally, test your vulnerabilities. One of our clients hires a specialist company to attack their network and test it. Many companies do this, but the great thing about this company is they send test emails to all members of the team that contain fake viruses and worms. The team members who open them are then placed onto cybersecurity awareness courses – as staff are a business's key weak point. This is a great tool.

Bye for now, LPM readers – in my next column we will be looking at steps to tackling the EU's GDPR, which is less than a year away. **LPM**

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AGENDA

08.30 Breakfast is on us, it's time to meet your fellow delegates

09.00 **Conference chair open**

Shaun Jardine, CEO, Brethertons

9.15 **Special keynote address: A blueprint for a secure cyber future**

- How real is the threat of cybercrime?
- Once more into the breach dear friends! Educating your staff to be more vigilant.
- The true sophistication of cybercriminals.
- Will digitising my data assets just make my firm more vulnerable?
- How will digital advancement improve my clients' experience?
- Be a cyber-leader – how to reassure your clients that their data assets are protected.
- Five steps to cybersecurity – how to identify and eliminate the threats to your business

Christian Toon, chief information security officer/cyber security director/head of information security/chief protection officer, PwC

9.45 **Your toolkit for compliance**

Our expert panel will present and debate upcoming regulatory changes and how they will affect your firm's practices.

- The move away from prescriptive CPD and the introduction of statements of competence for solicitors.
- Exploring the evolving responsibilities of COPA and COFA roles.
- Destruction regulations for personal data.
- How to handle info requests post-GDPR.
- Clarifying consumer confusion in relation to unreserved work.
- Identifying threats and implementing a culture of compliance
- Data protection and information security – compliance and competence.

*Chair: Robert Bond, partner and notary public, data protection and cyber risks expert, Bristows
Steve Brooker, head of research and development, Legal Services Board
Alison North, international business consultant, AN Information
Alan Cousins, practice director, Paris Smith*

10.45 **Coffee and networking break**

11.15 **Quality over quantity**

Finding an oasis of talent when the legal desert is dry

This session highlights the importance of having a broad talent base for recruitment and inclusion which is at the heart of any successful firm. Industry experts from outside legal will explain the importance of a diverse workforce. The session will also consider how to adapt your recruitment strategy to find the right staff and keep them.

- Attracting and retaining talent.
- Self-determined job seeking – is this the end of recruiters?
- Offering workplace flexibility in order to recruit quality people.
- Succession planning for SME firms.
- Structuring teams of people to deliver the best service and improve profitability.

*Duncan Bradshaw, director of membership programmes, Stonewall
Sasha Scott, principle, The Inclusive Group*

11.45 **Breaking the mould: An examination of non-traditional law firm models.**

Exploring different law firm models to stay ahead of change and be innovative. This session explores ways to structure your firm in order to secure more business in an increasingly competitive marketplace. Learn about new ways to restructure your firm more effectively, to take a leaner approach to matter management and increase profitability.

- Improving your band in a crowded market
- Structuring an SME for maximum agility
- The pros and cons of dispersed law firms.
- Rules around agile working – what are the health and safety implications for staff working from home?
- Making virtual law firms a reality
- Working with alternative legal providers to grow your SME business.

*Chair: Lucy Scott-Moncrieff, managing director, Scott-Moncrieff & Associates
Richard Beresford, chair and co-founder, McCarthy Denning
George Bisnought, managing director, Excellio Law
Chris Setford and Guy Setford, co-CEOs, Setfords Solicitors*

12.45 **Lunch and networking**

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Call James Raven on 0870 112 5058, or email events@lpmmag.co.uk
Delegate fee: £195+VAT

13.45 Slido session

Audience interaction opportunity - Slido interactive polling and regroup before afternoon workshops

14.00 Afternoon surgery sessions

Each surgery session is centred around a particular theme, delegates will have the opportunity to attend 3 sequential sessions (each lasting 30mins). The format of each surgery may differ, for example: presentations, discursive forums and workshops.

14.00 - 14.30

SURGERY 1

Five mins to select your next surgery session

14.35 - 15.05

SURGERY 2

Five mins to select your next surgery session

15.10 - 15.40

SURGERY 3

THEME 1

Exploring business development strategies around pricing

Exploring BD strategies on pricing to keep your firm competitive in an increasingly diverse and progressive marketplace.

- Fee setting - staying competitive.
- Where the work is coming from - analyse pipeline.
- Pricing solutions and strategies.
- Software for cost budgeting.
- Tendering and securing work effectively for a fixed price.
- Pricing solutions for different practice areas (private client, crime, legal aid).
- Improving cashflow - billing the WIP, chasing debts and a structured accounting approach.

Graham Moore, managing director, Katchr

THEME 3

Pulsant Group - GDPR and cyber essentials

- GDPR - The basics
- Information Assurance - where do you start?
- How can Cyber Essentials help you prepare for GDPR
- IASME Standard - ISO27001 for small to medium enterprises
- Creating and maintaining an ISMS (Information Security Management System)

Todd Whaley, director of professional services, Pulsant

THEME 2

Quiss - Cybersecurity session - Visualising the value and vulnerability of your data

Protect and find value in your data asset. How you can expedite administration, increase transactions and improve client services and profitability through big data initiatives.

- Fortify your tech-rep with clients.
- The practicalities of cyber and info security
- Data deadlines - how long should you keep info and where?
- Improve accuracy and mine efficiently - how to save your clients time and money.
- Disaster recovery - what to do in the worst case scenario.
- Real time applications of cloud technology.

Jezz Gobran, MD, i-Secured

Matt Rhodes, commercial services manager, Quiss Technology

THEME 4

Bellwether 2017: The Art of Success

- How independent law firms are stealing a larger share of the market - is it quality or quantity?
- What's driving their success and if they are feeling confident, why?
- What makes a lawyer 'successful'?
- How does life at the smaller end of the spectrum compare to life in the top tier?
- How have past experiences shaped their ethos today?

Jon Whittle, market development director, LexisNexis

15.45 Afternoon coffee break and networking

16.10 Cultural evolution and revolution

- Changing culture - progressing from lip service to honest and embedded changes.
- Value, culture and brand - how to get everyone singing from the same hymn sheet.
- Agile working - reduce overheads and offer flexibility to attract staff.
- Cultural evolution in a time of merger/acquisition.

Joanna Kingston-Davies, group chief operating officer, The Jackson Canter Group

Brian Cullen, group chief executive officer, The Jackson Canter Group.

16.35 Use technology effectively to counter technology risks efficiently

- Global trends of technology in business
- How is technology transforming business?
- The true sophistication of cybercriminals.
- Five steps to cybersecurity - how to identify and eliminate the threats to your firm.

Andrew Sheldon, co-founder, CTO/head of innovation, Evidence Talks

17.00 Conference chair close

Shaun Jardine, CEO, Brethertons



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Postlethwaite Own goals

The management team at Postlethwaite speaks to Patrick Wingrove about how their employee ownership model has been good for business

Law firms are often more resistant to employee ownership than other business types – perhaps because the idea of receptionists receiving the same bonus as fee-earning lawyers is just too different for partners to accept. Five years have passed since the introduction of alternative business models opened the gates to employee ownership schemes, but just two law firms are full members of the Employee Ownership Association – and both are SME practices.

The firm at the smaller end of that list is Postlethwaite – a London-based practice that itself specialises in employee ownership law. Managing director Robert Postlethwaite (pictured centre) established the firm in 2003 after working as a partner and head of employee share schemes at a top-100 firm.

“I’ve always been interested in employee ownership as a way of structuring a business, so I decided to set up a firm that would do just that. I don’t think employee ownership is necessarily the right solution for every single organisation in the land, but it has a lot to offer a variety of companies.”

The firm began as a traditional partnership, but soon grew large enough to adopt an employee-ownership model. Postlethwaite says the transition was a natural progression for the business and has been enormously beneficial.

“As we grew the idea of adopting a shared model became very compelling – partly because of the clear benefit of the model and partly because it seemed right to practise what we preached.” He adds that Postlethwaite was initially able

From left to right: Kirsty Lawson, solicitor; Pam Farrance, practice manager; Stephen Chater, solicitor; Robert Postlethwaite, managing director; David Reuben, shares plan director; Judith Harris, solicitor; Emma Wise, director

Disclaimer: Postlethwaite has provided legal services to Burlington Media in the past



Postlethwaite
EMPLOYEE OWNERSHIP LAWYERS

LPM FIRM FACTS

Postlethwaite

Revenue: £750,000

Corporate status: Limited company

Six fee earners, nine total staff

Offices: London

Specialisms: Employee ownership

to make non-lawyer employees owners without becoming an ABS because they would hold fewer than 10% of the business's shares. But the firm became an ABS in October 2016 to ensure everyone could be part of their shared model.

"We became a limited company with shares and made everyone a shareholder. Some staff have more of a stake in the business than others - those that have been here longer or have more senior positions, for example, may have more shares. But the important thing is that everyone who works for us is given the drive to do the best work they can."

Practice manager Pam Farrance (pictured second from left) adds that traditional partnership models also give staff a chance to own a stake in the business, but are nowhere near as inclusive.

"There are some people in our business who wouldn't have a chance to own part of it because they're not lawyers. But they are key parts of the business and should be given the same opportunities as anyone else. The idea that you're either in or out just doesn't work for us."

Postlethwaite says that there are enormous benefits to making everyone shareholders - but perhaps the most important is getting staff to focus on financial results.

"There is a direct connection between how the business does and how everyone is rewarded. It's psychological - if everyone benefits personally from bonuses and dividends based on how well the business performs, they're more likely to do their best work all the time." He adds that part of the firm's reward system includes a firm-wide performance element - which is based on overall business performance rather than individual achievement.

But for an employee ownership law specialist, making a success of shared ownership is about sales as much as keeping the workforce motivated. Solicitor

Judith Harris (pictured second from right) says that the benefits Postlethwaite employees enjoy makes selling employee ownership much easier.

"It's one thing to know the ins and outs of tax benefits surrounding shared ownership, but it's another to say that we've personally experienced and seen the results of them. I imagine you'd be shocked if a social media consultancy didn't have Twitter, for example."

But ownership isn't the only incentive initiative Postlethwaite has introduced to motivate staff. Farrance says the firm also adopted flexible working to make sure employees could maintain a decent work-life balance.

"We are quite flexible in terms of how people work and have family-friendly policies that allow them to work around school holidays." She adds that Postlethwaite combines flexible working with a coaching and listening management style to ensure that staff are fully

"There are some people in our business who wouldn't have a chance to own part of it because they're not lawyers. But they are key parts of the business and should be given the same opportunities as anyone else."

supported and able to do their best work.

Postlethwaite adds that supporting staff and making them part owners of the business are the key elements for the firm's growth plans.

"We plan to bring on more people and are planning to offer them a share of the business as well. Everyone that comes to Postlethwaite will be given shares - there won't be a cut-off point for that. And this dedication to the employee ownership model and to staff has made us an attractive prospect for solicitors and business-support staff looking for a better way to work."

He adds that he and the firm are also planning to promote the benefits of employee ownership to businesses across the world as part of their plans to develop.

"We're doing our bit over the course of this and next year to raise the profile of wider employee shared ownership. For example, I recently spoke at a conference in Ukraine over Skype about it. They're very curious about employee ownership as a business model, so I spoke to them about what's happening in the UK, what companies are doing and why they're doing it."

When asked what advice Postlethwaite could give to SME law firms that might be considering some form of shared model, he said each case is unique.

"Employee ownership isn't for everyone - for example, an international practice such as an IP firm will have to consider the tax and regulatory requirements of other countries." He adds that if firms wanted to explore it they should carefully explore which approach to take.

"They're better off doing that than taking some off-the-shelf solution. Every firm has its own objective that it wants to achieve with something like this - and what may work for 'John-Lewis-style' law firm Stephens Scown may not work for other practices." **LPM**

SMASHING SILOS

If SME firms want to thrive in an ever-changing world then they need to change with it. From widening recruitment nets to rethinking price, the 2017 LPM London conference showed that legal businesses need to knock down old methods if they want to build a better future. Patrick Wingrove reports from the conference

The world has changed enormously since the last LPM London conference, and if SME firms want to thrive they need to change as well. But there are considerable barriers to break if firms want to achieve success – an especially fitting theme in America Square, the venue for 2017’s LPM London conference, which holds part of the City of London’s Roman wall.

The key message from this year’s conference was that, much like the City’s citizens demolished their wall when it became a hindrance, firms must knock down outdated assumptions, processes or structures if they want to change and build towards a better future. And the need to break barriers to change is perhaps more pressing than ever – firms are becoming increasingly affected by regulation, technology and client and talent expectations (not to mention Brexit).

But it was reassuring to see that most of the audience knew the severity of the tests coming their way – **almost three-quarters (72%) of the audience in our on-the-day polling said that the challenges their firms face in the next year to two years will be more serious or much more serious than in past years.** But despite the challenges coming SME firms’ way, **85% of the audience said that they were either cautiously optimistic or very optimistic about their firm’s place in the legal market of the future.**

And perhaps they have good reason to be. Over the day, speakers and sponsors spoke about breaking down barriers to attracting a new and diverse pool of talent, accelerating profitable growth and making the most of technology. Perhaps this message was best summed up by the



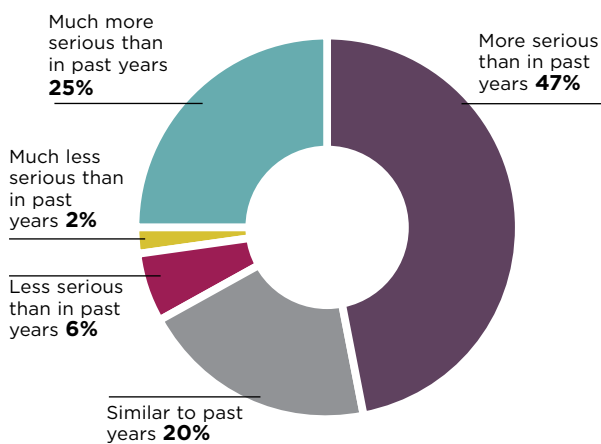




“You need lawyers to provide legal advice and if you don’t have happy solicitors then you don’t have happy clients.”

Chris Setford, co-CEO, Setfords Solicitors

HOW WOULD YOU RATE THE CHALLENGES YOUR FIRM FACES IN THE NEXT YEAR TO TWO YEARS?



conference’s finishing keynote speaker Richard Watson, futurist in residence at Imperial College London and author of *Digital v Human*, who said cataclysmic predictions will only come to be if we let them and that it’s difficult for people to accurately predict the future because it’s based on their’ current perception of the world around them.

“There was an article in the Times in 1896 predicting that in 20 years every street in London would be under 10ft of horse manure. That’s a funny prediction because it didn’t happen, but at the time it was very

serious. Of course, it didn’t happen because someone invented the horseless carriage.”

FUTURE OF THE PROFESSION

A key theme during this year’s conference was technology – specifically, how it could deliver new opportunities to legal practices in the future.

Richard Roebuck, speaker and managing director of Accesspoint Technologies, said that as technology advances, a business-as-usual approach to legal services isn’t an option for most legal businesses.

“Innovation in and around the services firms provide and how they deliver those services will become a significant differentiating factor between ourselves and competition going forward. Technology will have a large role to play in that.” He added that firms need to take a look at their own landscape to find out what the future may look like if they want to develop a meaningful IT strategy and break through old barriers to success.

“There are many ways technology could transform legal. The impact AI will have on legal in the future will be profound – Riverview Law is working with Liverpool University right now to see how far AI can be used in a real-life commercial law firm. This has come off the back of Hodge Jones & Allen’s work with UCL academics to create software that assists and assesses the merits of personal injury cases.”

But it isn’t just technological breakthroughs in legal tech that could help firms find new gateways to success. Watson from Imperial College London said new technologies such as 3D printing or driverless cars could open doors to new types of legal work.

“Three-dimensional printing rather bumps into copyright and intellectual property. Self-driving cars will have to have moral coding. The car has to think

when it's flying down Fleet Street on Friday night at 11pm with a pregnant woman in the back and a drunk middle-aged bloke jumps into it for no reason. What's it going to do? That's got to be coded – it's going to have to kill one of them, which is it going to be?"

BREAK THE MOULD

And what about now? The conference also showed that technology is already capable of helping firms break down barriers – mainly those inhibiting better client service and business development.

During the day's afternoon workshops Graham Moore, speaker and managing director of business intelligence solutions provider Katchr, said that firms could better price their services by analysing data.

"There are pricing pressures on legal that the market hasn't experienced before – firms need to look at how they price services to stay profitable." He added that firms should also consider that clients may want greater price certainty in the form of fixed fees and that ensuring the client knows what they need to pay may be a way of breaking down the barrier to better cashflow.

Adam Clarke, delegate and managing partner at Jersey firm LeGallais & Luce, added that it's also important for firms to understand how their clients value legal services.

"You have to consider whether clients actually understand the value of what lawyers do."

But it seems technology isn't just a tool to break down pricing barriers – it can also enable firms to completely remould their business structures to better suit clients. This became clear during the conference's panel with legal leaders from NewLaw models.

Lucy Scott-Moncrieff, former LPM cover star and

managing director of virtual firm Scott-Moncrieff & Associates, said her firm started with two home-working lawyers connected by telephone but technology has enabled it to expand to 30 fee earners working remotely and connected through an array of legal tech systems.

Chris Setford, co-CEO of virtual firm Setford Solicitors, added that the 'dispersed' model enables the firm to attain competitive advantage by empowering lawyers to give the best client service.

"It's very different to the way some businesses have looked to develop. But you need lawyers to provide legal advice and if you don't have happy solicitors then you don't have happy clients." He added that in a virtual model overheads are lower because fee earners work remotely, have a better work-life balance and are often better supported so they can focus on remunerated work.

"This has had an enormous effect on recruitment – over the past eight years we've interviewed about 1,000 lawyers and had around 4,000 applications. Lots of people want to work this way."

CULTURAL EVOLUTION

Using technology to be more agile is just one way to attract talent, and over the course of the day it became clear that it's more important than ever for firms to break down barriers to better recruit and find new ways to attract a young and diverse pool of talent.

Shaun Jardine, conference chair and CEO of Rugby-based firm Brethertons, said there's a battle on for talent and some firms must compete for it or poach it.

"We find it difficult attracting talent. The percentage of the working population in Oxfordshire that's getting

"We find it difficult attracting talent. The percentage of the unemployed working population in Oxfordshire is 0.4%. So, I am not going to get people coming into my business who are unemployed."

Shaun Jardine, CEO, Brethertons



“I was speaking to a lady the other day who’d been looking for a job for a very long time. She eventually found a great job in her cultural newspaper – the story there is that the organisation went out to her medium.”

Mavis Amankwah, diversity and inclusions expert, Rich Visions



jobseekers allowance, in other words those that are unemployed, is 0.4%. So, I am not going to get people coming into my business who are unemployed.” Jardine and his firm must therefore fight to attract people from other businesses.

So, how do firms change their recruitment strategy to attract more diverse talent? Mavis Amankwah, speaker and diversity and inclusion expert at communications agency Rich Visions, said many businesses don’t do enough to reach diverse communities in terms of the channels they use.

“I was speaking to a lady the other day who’d been looking for a job for a very long time but had a great CV and lots of talent. She eventually found a great job in her cultural newspaper – the story there is that the organisation went out to her medium. So, look at diversity from a media perspective.”

Sasha Scott, speaker and principal of management consultancy the Inclusive Group, added that talented people come from everywhere and firms need to widen their net.

SME firms also need to find new ways of recruiting the millennial generation – who as a whole are less motivated by monetary gain and want greater transparency and flexibility in their working lives. Joanna Kingston Davis, speaker and COO at the Jackson Canter Group, said that if firms want to attract millennials they need to start by knocking down cultural barriers. It’s not enough for legal businesses to say they’re going to become more transparent and agile – they need to embed those changes into their culture.

CYBERCRIME AND PUNISHMENT

But while firms are knocking down blockades to change, criminals are attempting to break through

legal business’s digital barriers. The conference highlighted the fact that cybercrime is more of a threat to SME firms that even before, and they need to proactively barricade the gates if they want to stop data and funds from being stolen.

LPM London’s 2017 keynote speaker Tom Burton, cybersecurity director at KPMG, said that it’s important for all businesses to think about cyberattack in terms of risk.

“There’s been the risk of theft, disruption, sabotage and disruption to businesses through the ages, and what we’re seeing now is not different. The only difference is the bad guys have a new kitbag available to them, full of tools that they can use to achieve the same ends – far faster and at a greater scale, with far less risk to them.” He added that if firms want to buttress their security defences they need to be more proactive about how they approach the issue.

“Legal leaders need to ask the question: ‘Why would anyone attack the firm?’ Put yourself in the mind of a criminal – what do you hold of value and what would someone want to steal? You probably either handle lots of money or sensitive information.” And once firms know where they’re likely to be attacked, they can develop a strategy to mitigate risk.

Burton wasn’t the only speaker during the conference that had something to say on digital security. In the conference’s cybersecurity workshop, Quiss Technology’s commercial services manager Matt Rhodes said that good information security is about the right behaviours, which is typically driven by change.

“It’s about introducing a broad range of security measures and training staff to follow them. One of the firms I started doing work with after they had two data breaches asked me to do an audit where they are

versus where they should be. It turned out that the downstairs offices had a partner's computer screen facing the window which faced a competitor on the other side of the road – it's little things like that which need to be addressed."

CHANGE TO COMPLY FOR

Of course, firms' ability to tackle cybercrime is vitally important when there's less than a year to go until the EU's General Data Protection Regulation comes into effect. Not only will this mean that firms could be fined 4% of global annual turnover, **but three-quarters of respondents to a conference straw poll said it may also lead to group actions against firms that suffer breaches.**

Robert Bond, partner and notary public at London firm Bristows, said that once the GDPR comes in, firms which process large volumes of sensitive personal data will have to have a data protection officer.

"This officer will have to be independent and capable of reporting to the highest levels of the organisation and not be constrained in reporting non-compliance. If a member of staff inadvertently sends the wrong attachment in an email, for example, the data protection officer has the right to go straight to the SRA and Information Commissioner's Office." He added that this is a scary individual for firms to appoint and just one consideration of many that firms will need to take to comply with the GDPR by May 2018.

But the GDPR isn't the only significant regulatory burden coming your way – there's also the move away from prescriptive CPD and the introduction of statements of competence for solicitors. Katie Jackson, director of compliance consultancy Honne, said that

firms mustn't leave training until the last minute.

"Don't leave it until it's time for the annual declaration at the renewal and then come along and say: 'Actually, I didn't attend any courses this year'. Thinking about the competence statement needs to be a process in place in firms now."

The world is changing at an astonishing rate, and if firms want to thrive they need to break down old barriers to success – particularly around recruitment and retention, pricing, and business development. There are also barriers firms want reinforced – specifically digital walls protecting data and money – particularly as they're facing new data protection regulations coming in from the EU. But it's not all doom and gloom – new technologies will inevitably present new opportunities for firms to enter new areas of law and better serve their clients. [LPM](#)

LPM

LEGAL PRACTICE MANAGEMENT

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"The bad guys have a new kitbag available to them, full of tools that they can use to achieve the same ends – far faster and at a greater scale with far less risk to them."

Tom Burton, cybersecurity director, KPMG





Six of the best worst

PASSWORDS***

Password management provider SplashData published a list of the year's 25 most common security passwords - so, the worst ones possible for repelling cybercrime. And in the wake of the ransomware attack on the NHS we could all stand to take a hard look at whether our passwords are strong. What came top in 2016? There were lots of usual suspects, but also cute new entrants such as **hottie**, **flower**, **sunshine**, and **lovere** - with **football** and **princess** proving more popular than in 2015. And is **zaq1zaq1** perhaps the most unusual of the 25 most used? Sadly knocked off the list: **123456789**, **baseball**, **111111**, **1qaz2wsx**, **monkey**, **letmein**, **qwertyuiop** ... and **starwars**. Sigh.



1 Number sequences are widely used as passwords. It's understandable - numbers are much easier to remember than a random sequence of letters. But something as simple as 123456 is easy to predict and makes you very vulnerable to cyberattack.

123456

password

2 This could be the most clichéd of password fails. But laziness could cost you - or your business - a lot more than the time you perhaps save by having a memorable password to punch in.

3 I may be experiencing déjà vu? A number sequence like this might do a better job of repelling hackers if it was reversed. It's a little surprising that a classic number countdown like this doesn't cut it for the hall of fame. Not that we're recommending it.

12345

12345678

4 A good password must contain eight characters, so this is a good start. But it should be a combo of numbers and letters and have at least one uppercase letter - which isn't placed first or last in the password.

5 As much as a password may represent who you are as a person, it's best to steer clear of team names or basic words that describe your interests ... especially when you share that interest with millions of others.

football

qwerty

6 Creative? If you think you're being clever, perhaps think again. Tricks with patterns on the keyboard are not your friend, my friend. In fact, patterns and repetition in general are a big no no!



SME vulnerability

Research from market researcher Juniper Research suggests SME businesses are a big target for cyberattack - whether they believe it or not.

A huge



27%

of SMEs believe they are secure because they are too small to be of interest to cyberattackers

Yet



59%

of SMEs have been the victim of an attack