

June 2014

TLOMA Today

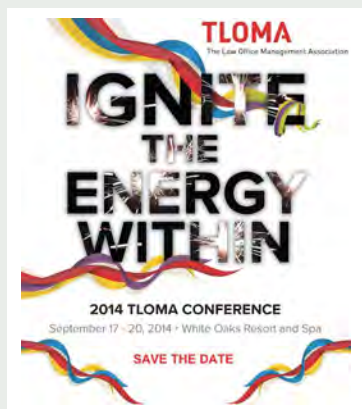
A publication of The Law Office Management Association

UPCOMING EVENTS



Calendars Mark Your Calendars Mark Your

Click on each event for more details



- **Spring Networking Event (Members Only)**
June 6, 2014
- **Key Elements of Litigation Support (Part II)**
June 11, 2014
- **Employment Law - Continued**
June 17, 2014
- **2014 Compensation & Benefits Survey RELEASE Meeting**
September 9, 2014

Check Out all Upcoming Events

President's Message

Do we say "thank you" often enough to our Business Partners ("BP's")? Do we value our...[READ MORE](#)

A Guide to Creating Your Mobile Policy Checklist Considering a policy on mobile device usage? We are here to help.

According to a survey by Cisco, 95% of organizations allow staff-owned smartphones and tablets to be connected to the company's...[READ MORE](#)

Worker/Supervisor Awareness Training and Emergency Planning

On July 1, 2014, the new Occupational Health & Safety Awareness training becomes mandatory for all Ontario workplaces covered under...[READ MORE](#)

Best Phrase Ever

A simple formula to help you halt uncivil behaviour

How often have you stood there, searching for the right words to say to put the brakes on unprofessional behaviour that was offensive...[READ MORE](#)

What Are You Selling - Wisdom or Blocks Of Time? The Billable Hour

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Now that the warmer weather has finally arrived in Toronto, I'm getting quite a few patients who are ready to shed some pounds...[READ MORE](#)

TLOMA Today

Editor: Janet Baker
Advertising: Liz Barrington

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PRESIDENT'S MESSAGE

By: Karen Schrempf

Do we say “thank you” often enough to our Business Partners (“BP’s”)? Do we value our relationships?

TLOMA indeed values its relationships with our BP’s. On April 10th, the Board and Conference Committee hosted a reception in honour of the BP’s who have been associated with TLOMA for as many as 25 years plus, and for as little as a year. This was our second annual event where we host BP’s that have participated in the previous year’s Conference. Several of them conveyed that our Association of law firm administrators is a unique group. And why is that you might ask? Because aside from the level of sharing amongst our members, in other industries in which the BP’s conduct business they are never honoured, and they are genuinely appreciative of the thanks and recognition given by TLOMA. It matters to them!

Last year we celebrated the 25th anniversary of our Conference and BP’s who have supported TLOMA from the outset of our first Conference. At the 2013 ALA Chapter Leadership Institute, Liz Barrington and I attended a session on building relationships with BP’s wherein a panel of BP representatives conveyed what benefits they derive from their sponsorships and where they feel tradeshow events fall short. They understand we are not furnishing our entire office with new furniture, computer equipment or new software each and every

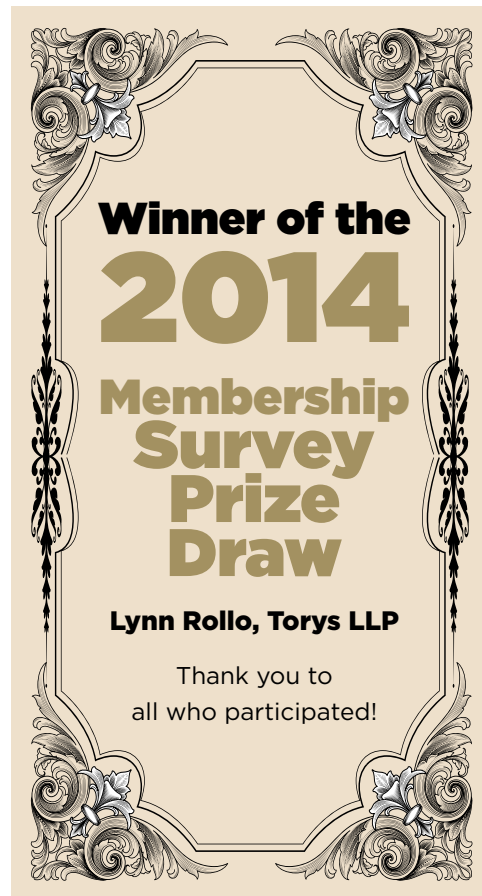
year, and that we have existing relationships with service providers, but when we need their services or products they simply want an opportunity at our business and in the meantime, we can refer our colleagues to them.

Relationship building is a big part of the value they garner – similarly, these are relationships we as administrators want to develop so that when we are seeking a service or product we know what’s out there and have a comfort level with a BP which enables us to make good decisions for our firms. Our sponsors and tradeshow participants contribute not just substantial money from their budgets to support TLOMA and its members, but resources in terms of time and people. Our time and attention is what they want most!

Our Conference relies heavily on the financial support of our BP’s at all levels. Without a doubt we would not have the caliber of event in terms of education, speakers, and venue without their support and which makes our Conference affordable at the registration fee of \$860 for three amazing days! This year’s *Ignite the Energy Within* Conference will be held at White Oaks Resort & Spa from September 17th – 20th. Registration is open!

At our BP event last month three of the attendees spoke about their relationship with TLOMA.

Al Monteath, Vice President of Business Development, Magnum Fine Commercial Printing – they have sponsored and supported TLOMA for more than 25 years and have been producing our TLOMA TODAY newsletter for more than 10 years. We are pleased to welcome Magnum as a Platinum sponsor again in 2014.



Morgan MacLeod, Ringmaster, Cubicle Fugitive – CF were engaged in 2011 to develop a new website for TLOMA. After winning our RFP, CF continues working with us in our marketing initiative which commenced in late 2013 and recently included a survey of our BP’s selected from different industries with varying years of association with TLOMA.

Philip Gerlach, VP Corporate Accounts, HBF Gunlocke – interesting story where Philip is concerned as he learned about TLOMA at the ALA CLI referred to above which Liz and I attended last July. He sat on the panel that spoke about value derived from dollars contributed. We spoke to him about our amazing Association and with



President's Message Continued...

the development of a new distributorship and showroom in Toronto the timing was perfect to meet all of you at last year's Conference. So while the relationship is young, he is incredibly excited about their opportunity with TLOMA. Gunlocke was a silver sponsor at last year's conference.

TLOMA Update – Our marketing initiative is proceeding and after completing a survey of our membership with an outstanding 80% participation rate (thank you!), and the interviewing of 12 BP's, we are now working on branding enhancement initiatives to grow the Association and deliver increased value to its members. The other initiative identified at the 2013 and 2014 Boards' Strategic Planning Session held last November was the development of a new position of Administrative Assistant to support our Director of Administration, Liz Barrington. With a continuing expansion of responsibilities, an increase in number of committees and Board related meetings, and to develop and ensure effective succession planning in our Association, the time has come to add to our "head office". As I write this column the posting of this new position is underway. If you know of anyone suitable for this opportunity, please refer them to Liz or any member of the Board.

From John Lennon, food for thought and inner reflection:

"When I was 5 years old, my mother always told me that happiness was the key to life. When I went to school, they asked me what I wanted to be when I grew up. I wrote down "happy". They told me I didn't understand the assignment, and I told them they didn't understand life."

Karen Schrempf

2014 TLOMA President

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Marc Gordon

Become a Branding Champion will show you how to develop an effective message that reflects your values and clearly shows the benefits you can offer your clients.



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Accessibility for Ontarians with Disabilities Act. Where Have We Been and Where Are We Going? Help your firm prepare for what's coming next.

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On April 10th, 2014, the Board of Directors and Conference Committee hosted a reception in honour of our Business Partners. As Sponsors and Trade Show participants, TLOMA would like to thank our Business Partners for their continued support, contributing toward making our Annual Conference a complete success!



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By: Tawfick Nadir

A GUIDE TO CREATING YOUR MOBILE POLICY CHECKLIST

CONSIDERING A POLICY ON MOBILE DEVICE USAGE? WE ARE HERE TO HELP

According to a survey by Cisco, 95% of organizations allow staff-owned smartphones and tablets to be connected to the company's systems. The same report also predicts that the average number of connected devices per knowledge worker will reach 3.3 by 2014, up from an average of 2.8 in 2012. Are you one of those companies? If yes, then you need to consider having a Mobile Device Policy.

This guide will help you approach policy challenges with regards to Mobile Policy and also help you to create a Mobile Policy without having to spend time with time consuming research.

There are many drivers which should cause a firm to consider a policy around mobile device usage.

1. Mobile is here to stay

Think about having a Bring Your Own Device (BYOD) model. This model benefits both the employees and the organizations; the employees can use one device for everything and the organizations do not have to pay for additional devices or service plans.

With BYOD, employees can only use personally owned approved devices to access Company's Systems. Access to Company's Systems may include send/receive emails, Wi-Fi access to corporate network and files through BlackBerrySecure Work Space.

2. Data Availability

The workforce is becoming more mobile. Hence, data and information should be available, anywhere, anytime to help business decisions. A rapidly evolving business environment requires quick decision making. Thus, availability of data and information is important to help with decision making. Consider your mobile workforce and the method by which you want to deliver data and information to them.

3. Security

Users are accessing more applications. This increases security risks. Therefore, organizations should use only approved apps. When deciding on approved apps, consider companies like Apple or BlackBerry which both vet their applications before making them available on their App Stores.

When considering a security policy it should include these mobile security measures:

- Password/security requirements
- Data encryption
- Device authentication
- Full or selective wipe of devices
- Application delivery
- Access to work resources such as network drives and documents

Suggested end user policies include:

- Take the necessary measures to ensure adequate physical security for the mobile device
- Keep the operating system and applications installed on the device up to date.
- Do not store sensitive company data in unapproved applications on the device.
- Report a lost or stolen device immediately.

4. Organization-owned devices

Not all staff members get the same devices. Align workers into groups and assign each group type a type of device. For example, Managers may

be eligible for an advanced tablet and smartphone, while other staff members might be assigned more basic model of each. This strategy will help to implement a cost effective Mobile Policy.

5. Liability and privacy

This is very important in a BYOD environment. There should be a clear line demarcation when it comes to liability and privacy matters. The following statements can be considered and should be clearly stated:

- The organization will not assume liability for personal devices.
- It is within the rights of the organizations to monitor a staff member's mobile device activities while the device is connected to the firm's network.
- The organization will not attempt to access a worker's private data but may do so inadvertently.

Define the goals and scope of a Mobile Policy early in the process. These goals and scope should be around the following:

- Add to work-life balance
- Support collaborative work
- Enhance organization productivity
- Improve management of mobility costs
- Enhance the security of corporate data

Mobile workforce is a reality. It should however be governed by a security framework which benefits the company's business strategy.

Tawfick Nadir is the Lead Consultant at Triella, a technology consulting company specializing in providing technology assessments, consulting, maintenance services and CIO-related services to small and medium sized firms. Tawfick can be reached at 647.426.1004. For additional articles, please visit <http://www.triella.com/publications.html>. Triella is a Citrix Partner, VMware Partner, Microsoft Small Business Specialist, Microsoft Silver Partner, Dell Preferred Partner, BlackBerry Alliance Partner and Authorized Worldox Reseller. © 2014 by Triella Corp. All rights reserved. Reproduction with credit is permitted.

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By: Shyamala Nathan-Turner

WORKER/SUPERVISOR AWARENESS TRAINING AND EMERGENCY PLANNING

Worker and Supervisor Awareness Training

On July 1, 2014, the new Occupational Health & Safety Awareness training becomes mandatory for all Ontario workplaces covered under the Occupational Health & Safety Act (OHSA) regardless of the company's size or sector. Under this new requirement all workers and supervisors must complete this basic awareness training. Workers are required to complete this program as soon as practically possible. Supervisors must complete this program within one week of working as a supervisor.

The worker's program must cover the following:

- The duties and rights of workers under the Occupational Health and Safety Act (OHSA)
- The duties of employers and supervisors under OHSA
- The roles of health and safety representatives and joint health and safety committees under OHSA
- The roles of the Ministry of Labour, the Workplace Safety and Insurance Board (WSIB) and health and safety system partners (entities designed under section 22.5 of the OHSA)
- Common workplace hazards such as slips, trips and falls; working near motorized vehicles or machinery,

workplace violence or repetitive movements

- The requirements set out in Regulation 860 (Workplace Hazardous Materials Information System) with respect to information and instruction on controlled products
- Occupational illness, including latency

The supervisor's program must cover at least the following issues:

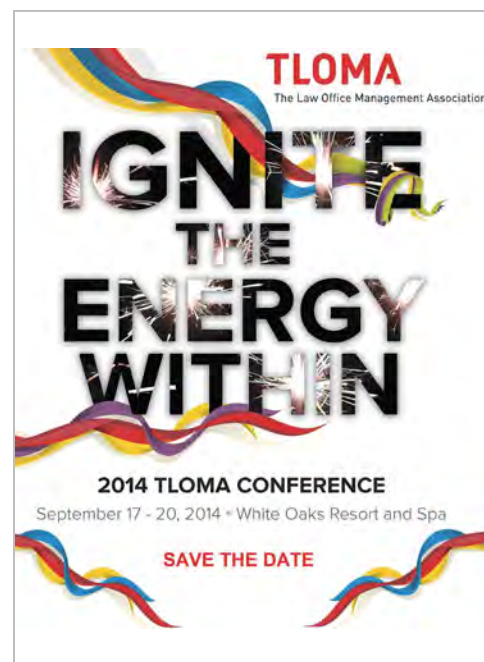
- The duties and rights of workers under Occupational Health and Safety Act (OHSA)
- The duties of employers and supervisors under OHSA
- The roles of health and safety representatives and joint health and safety committees under OHSA
- The roles of the Ministry of Labour, the Workplace Safety and Insurance Board (WSIB) and health and safety system partners (entities designed under section 22.5 of the OHSA)
- How to recognize, assess and control workplace hazards, and evaluate those hazards
- Sources of information on occupational health and safety. What are "common workplace hazards"? Are they general hazards or workplace specific?

While the Ministry of Labour does not require workplaces to submit records of training, workplaces are required to keep and make available the records of all staff who have taken these programs.

[Contact us](#) for further information on these training programs or to book a course.

Emergency Planning

Emergency planning is an important part of your safety program for the workplace as well as for home. In the workplace, being proactive can reduce the emotional, social and economic tolls that emergencies can take. Planning and training can make all the difference when dealing with an emergency situation.



[Readiness Assessment](#)
[Emergency Plan Components](#)
[OSHA Requirements](#)

Sources

[National Safety Council](#)

Shyamala Nathan-Turner is the Vice-President, Sales & Marketing of F.A.S.T. Rescue, a trusted leader in health & safety training, products and safety programs. We have helped companies navigate the complex requirements of the various provincial and government regulations, by providing product solutions, such as defibrillators, first aid and oxygen equipment; a variety of on-site and online training courses; and pro-active safety programs to ensure that your organization is consistently up to the required safety standards. Beyond fulfilling the legal requirements of a workplace, we can help you take care of your most valuable business asset - your people. F.A.S.T. Rescue Inc., The First Stop for All Your Health & Safety Needs, Phone: (905) 760-2045, Toll-Free: (866) 706-SAVE (7283), Email: info@fast-rescue.com, www.fast-rescue.com.



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By: Sharone Bar-David

BEST PHRASE EVER A SIMPLE FORMULA TO HELP YOU HALT UNCIVIL BEHAVIOUR

How often have you stood there, searching for the right words to say to put the brakes on unprofessional behaviour that was offensive or belittling and being at a loss to find those words?

I'm referring to one of those situations where someone said or did something, and your inner canary got triggered -- that little internal voice that alerts you that the invisible line between what is okay and what is not okay has been crossed <http://www.sharonebardavid.com/wp-content/uploads/2013/05/Trust-the-canary-in-the-coal-mine.pdf>. Similar to the canaries that coalminers used to take down into the mineshafts with them, who would die if poisonous gases were present, your own inner canary manifests in the form of a strong inner sensation that tells you that something is fundamentally wrong about the situation. It may come as a physical sensation, such as a pang in your stomach, or a sudden and overwhelming sense of discomfort. While you may not be able to verbalize it, you intuitively sense that something about the situation 'isn't right'.

For example, you might be taking part in a work related conversation, when suddenly someone makes a nasty comment about a colleague who is not present. You are immediately flooded by overwhelming discomfort accompanied by an inability to respond in the moment. That's your canary's warning, right then and there.

Chances are that when you encountered situations such as these, you said something that made the situation worse (at least some of the time). Or that you said nothing and then replayed the could've-should've record in your mind a million times. And chances are that if as a manager you are a devout follower of the "praise publicly, correct privately" golden rule, you may have found yourself even more paralyzed if this canary-triggering situation took place in public.

From as early as 35 BC, Publilius Syrus asserted: "Admonish your friends privately, but praise them openly". Managers everywhere are taught this rule as a way to maintain people's sense of dignity. Plus, people respond better to criticism when there is no 'observer effect'. And, of course, you mitigate any risk of harassment complaints being launched against you, or the risk of causing bystanders to get uncomfortable or upset.

But here's the catch: when it comes to maintaining a civil, respectful workplace, the 'correct privately' notion is not only flawed, it is potentially harmful. In fact, in the respect arena the opposite applies: 'what's done in public should be corrected in public'. When public behaviour that is uncivil or offensive takes place with no managerial response, employees (and bystanders) will rightfully conclude that this behaviour is condoned. Furthermore, by responding in private and not publicly, you miss invaluable opportunities to set the standard for all to grasp and follow.

It's easy to say that what's done in public should be corrected in public, but in real life there are several formidable barriers to doing so. One such barrier is the fact that the Canadian workplace tends to be confrontation-averse -- it's not 'The Canadian way' to deal with controversial issues directly and publicly. Then there's your (conscious or unconscious) need to be liked, which may make you hesitant to take a stand that will compromise your popularity. Add to that your feeling unsure about the best way to respond and



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Best Phrase Ever

**A simple formula to help you halt uncivil
behaviour Continued...**

questioning your own skill to do so, and you have quite a set of hurdles to jump before you overcome your impulse to do nothing and take the risk of responding in public to inappropriate behaviour.

Finally, most situations involving offensive or crossing-the-line behaviour happen very fast. It may be a comment, a sneer, a joke, a gesture. The speed with which things happen, often in the midst of a busy environment, makes it difficult to respond immediately.

So in those situations where you need to respond in public, in the moment, you should always work towards the same objectives, regardless of the specifics of the situation: Get the behaviour to stop. Maintain the dignity of those involved. Send a clear message to observers. And,

of course, reinforce organizational values.

Stopping inappropriate behaviour, whether in public or private, is a delicate and complex matter. The challenge is to do it well while still meeting these other objectives. If you decide to respond in public, then I recommend that whenever possible, you keep it short and light. Set the standard in a way that is least likely to leave scorched earth behind. True, at times you will need to be more heavy-handed, such as when you might say "this type of talk is unacceptable, and continuing with this can be subject to serious consequences". But best is to avoid that formal approach unless it is absolutely warranted. And whenever possible, a short rather than long response is your best way to stop the behaviour while maintaining everyone's dignity.

So allow me to share with you a priceless phrase that will solve all that. It's a phrase that managers who participate in my workplace incivility training sessions

repeatedly say is helpful and practical. It does the job of stopping the behaviour while also allowing everyone involved to save face.

And here's an even better piece of news: you'll be able to easily recall this industrial-strength phrase anytime you really need it, because it comprises of only four simple words. Whether in private or public, when your inner canary gets triggered, you will still be able to remember and say these words.

So here it is (are you ready?), short and elegant: "Let's not go there".

It's as simple as that. These four words will bring the behaviour to a halt without shaming or blaming. And you can walk away knowing that you did not go along with the behaviour or condone it.

Furthermore, this short phrase is highly versatile:

You can deliver it in a light hearted way or be dead-serious.

You can use different voice pitches – high, low or anywhere in between.

You can emphasize different words ("let's not go THERE", or maybe "let's NOT go there").

You can be quick as lightening, or slow as molasses

You can use it in conjunction with other messages, adding it before or after, as in: "that comment is inappropriate, let's not go there", or "Let's not go there. Our goal is to respect each other".

So, are you ready to practice? Try saying it out loud. Just go ahead and do it:

"Let's Not Go There!".

Sharone Bar-David is president of Bar-David Consulting, a firm dedicated to creating civil work environments and coaching abrasive leaders. She is the author of the forthcoming book Trust Your Canary! Every Leader's Guide to Taming Workplace Incivility. Reach her at sharone@sharonbardavid.com.

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By: Paul Kuttner

WHAT ARE YOU SELLING - WISDOM OR BLOCKS OF TIME? THE BILLABLE HOUR

While the management at The Big Soup Company sleep, they are making money. While the partners at Bacon, Lettuce & Tomato LLP sleep, they are losing money - Overheads are churning, no revenue is coming in.

Nearly all law firms make their money by billing their clients by the hour. The more hours billed the more money the firm will make. As clients will point out, more hours billed do not mean a lawyer is more productive or harder working.

In-House Lawyers Are Way More Sophisticated

Today, the purchase of legal services by in-house lawyers is way more sophisticated than it was say 5 or 10 years ago. That's because the buyers are former partners or senior associates from known law firms and they know what goes on behind the curtain. They know where the inefficiencies reside and want no part of them. They are subject to their own management's corporate budget pressures and no longer have the luxury of a bottomless well to fund legal services. This applies not only to large, high profile cases, but to the

mundane every day work that is handled by outside counsel.

Law firms operate on a cash flow basis. There are no retained earnings. Smart firms create contingency provisions against some future cash need. There is no physical inventory - Just a bunch of super-smart brains packed into an office. And WIP. And receivables in various stages of decay. So it is a straightforward business model - Cover your operational costs annually, add in something extra for yourself (Net distributable profit) and enjoy your evenings and weekends with friends and family.

Charge What You Are Worth

Let me ask you - What's wrong with this picture? Lawyers are generally paid for their time. The actual output of effort almost always bears no relation to the real value that will accrue to the client as a result of receiving the document, guidance or advice. What a great investment - I spend say \$10,000 for a few hours of advice and I parlay that into a \$1 million revenue reality. Who needs Lotto Max?

Remember what happened the last time a designer came in and you asked them to update your logo? They gave you an estimate of say \$5,000 or \$10,000 and you gave them the go-ahead because 'that's what logo design costs.' Did you ask how many hours this would take? Probably not, because you bought the value proposition - the perceived value to you of their work. Nothing wrong with that. You bought their expertise not a block of their time.

In a world of fair barter, lawyers lose. You are bartering your time and staggering neuron activity for cash. Sure you can boast that you were the lead negotiator in a deal worth \$blah, blah that was reported in the newspapers. You billed the client a \$ a bunch. But in the end, the client realized an obscene return on what you considered to be a decent bill, even after that disputed charge which you wrote off for the sake of harmonious future relationships. Ooops.

What Are You Selling – Wisdom or Blocks Of Time? The Billable Hour Continued...

Soon after the merger, the power base shifted and the ‘other’ law firm now does all the work.

So among mere mortals on this planet, you are spider-man/wonder woman smart. Why haven't you figured this out yet and done something about it?

Why Is The Billable Hour System Bad For Lawyers?

Stress.

As a non lawyer myself, what did I miss? Where is the stress in accounting for every 30 minute increment of yesterday? And the rest of the week/month/year? Of course, if you plan to spend a good portion of your career at this firm, the stress will be exaggerated by your awareness that you have a billing target that someone is monitoring every month. Weekends, vacation, family time..... sure they are yours for the taking. Just hit your billable hours target and enjoy.

Incentive to overwork a file.

Or put another way – the thoroughly researched and perfectly worded contract. The average lawyer is usually an above average bright individual who prides themselves on working hard and working efficiently. But the billable hour system only rewards the amount of time worked and does not reward efficiency and hard work. Unless the pipeline is backed up with new work waiting to be attacked, what is the incentive to finish fast? Sitting around in the non-billable zone? This can, in some situations, lead to an emotional conflict of financial incentive and personal integrity. But if you are truly efficient and manage to deliver a good work product reasonably quickly, why not benefit from this efficiency and put your rate up? Because of the ‘time x rate’ math, you might still be less expensive bottom-line than other lawyers.

Incentive to maybe inflate hours.

It is very difficult to bill 2,000 client hours each year which is actual time spent on client matters. How many hours do you spend in the office each year? Start with the 2,000 expected billable hours and add in practice and possibly firm related administrative matters, internal meetings, meeting prospective clients, attending conferences, networking and sales activities, mentoring, work related reading, CLE, personal time in the office, carrying out routine tasks around the office..... Because billable hours focus on time spent rather than work accomplishment, there could be (not saying it happens...) a temptation to inflate hours, which is unethical and potentially damaging to client relationships.

The billable hour is destructive

A lawyer's value to a firm is almost exclusively rooted in how many hours he or she bills and collects annually. The obvious result of this business model is an emphasis, at every level, on billing as much time as possible – the model rewards this behaviour. Lawyers are becoming increasingly disaffected.

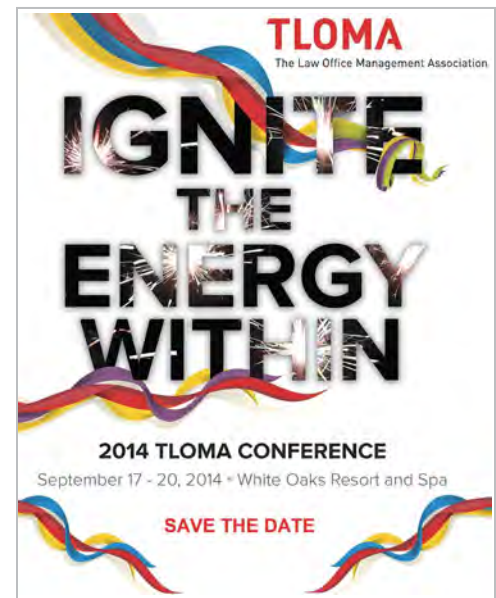
Hourly billing does not promise quality or value to the client

The lawyer makes a one-dimensional time entry into the system, the firm registers a receivable, the client is billed a dollar amount, yet none of these actions support or ensure productivity, efficiency or consistent work product quality. Another completed widget in the bin....

The billable hour is particularly harsh on women and can fuel gender bias in firms

Plenty has been written, spoken, commissioned, preached, blogged, championed, demonstrated and highlighted, yet still the profession insists on shedding itself of excellent, productive talent.

Hourly billing is deeply embedded in the legal profession's culture, and is the basis



for lawyer assessments, promotion to partnership, staffing and cost accounting. A deeper reason why lawyers and clients have not yet abandoned hourly billing is simply that it is often hard to know whether alternative, or “value-based”, billing provides an appropriate or fair measure of what a lawyer's work is worth. Neither lawyers nor clients have much experience in figuring out how to calculate the value of legal work, other than by measuring time.

Alternative Billing Structures

Alternative billing has been associated with commodity work for decades in Canada. Fixed fees are common for personal services commodity legal work such as residential conveyances, wills, etc. However, alternative billing is not common for most business law and commercial litigation work in Canada. Personal injury firms, some specialty litigation boutiques and class action firms have broken the mould. You might be pleasantly surprised at the reaction if you raised the topic in discussion. Alternative billing does require good conversation with your clients as one size does not fit all.

The legal profession's user base now recognizes the inherent benefits in shifting some or all of the legal fee risk to law firms. Also, you might have noticed the rationalizing of law firms by corporations, using a smaller number and expecting much greater efficiencies and collaboration

What Are You Selling – Wisdom or Blocks Of Time? The Billable Hour Continued...

among the approved list of firms. First and foremost, shifting the fee risk to the law firm aligns the law firm's incentives with the client's, and moderates the risk to the client. Clients also value alternative compensation arrangements because they can provide predictable cash outflows and budgeting. We are seeing the growing emergence of firms negotiating a lower hourly rate on specific files with a 'kicker' at the conclusion if successful – and this kicker can be very, very sweet.

Determining Alternative Billing Approaches

The type of legal work performed for your clients, the nature of your client base, the competitive environment in which your firm practices and the client's perception of the value of the legal work performed will be critical factors in determining

- a. Whether your firm should volunteer, or
- b. React to external pressures for alternative billing arrangements from your clients or as the result of competitive pressures created by other law firms.

Your partners' responses to the following questions will offer valuable insight about the firm's willingness and ability to initiate one or more types of alternative billing arrangements.

- What is your firm's attitude/commitment toward alternative billing arrangements?
- Do your partners possess the necessary skills to implement alternative billing arrangements?

- Are there existing or potential clients that your firm may better retain, attract and serve by being willing to agree to alternative billing arrangements?
- Do your competitors' law firms offer alternative billing arrangements?
- In which practice areas is it possible/appropriate to offer alternative billing arrangements?
- Does your firm have a plan to develop the necessary skills to implement alternative billing arrangements with specific clients?
- Do you have the level of administrative resource to support alternative approaches on going?

If your partners' responses to most of the above questions are of a positive nature, and if consensus is reached among the partners to implement one or more alternative billing arrangements, the following could be considered to develop appropriate strategies for selecting and managing the most appropriate arrangements that will be satisfactory for the firm and its clients.

What Do Clients Want From Alternative Billing?

Clients want lawyers to provide more value for money. Legal charge-out rates have continued to increase through the last decade, and clients want more control over pricing and ultimate annual expense.

Clients also want more predictability in legal costs. They work within the restraints of corporate budgets – the legal department is not exempt from spending controls and their budget can never be seen as a bottomless pit.

Clients want law firms to share the risk when working for them. At the moment,

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under the hourly billing regime, clients assume all the risks. According to the invoice, the law firm is billing for time spent on the matter, not the grade of work-product quality; not the level of certainty of a positive outcome and not as a share of any payout that might accrue as a result of the transaction. Clients want to pay for results, not hours expended. And certainly not inefficiencies.

However with the right dialogue, communication and flexibility, law firms could earn valuable respect (and incremental business) from clients by collaborating and slowly testing something new.

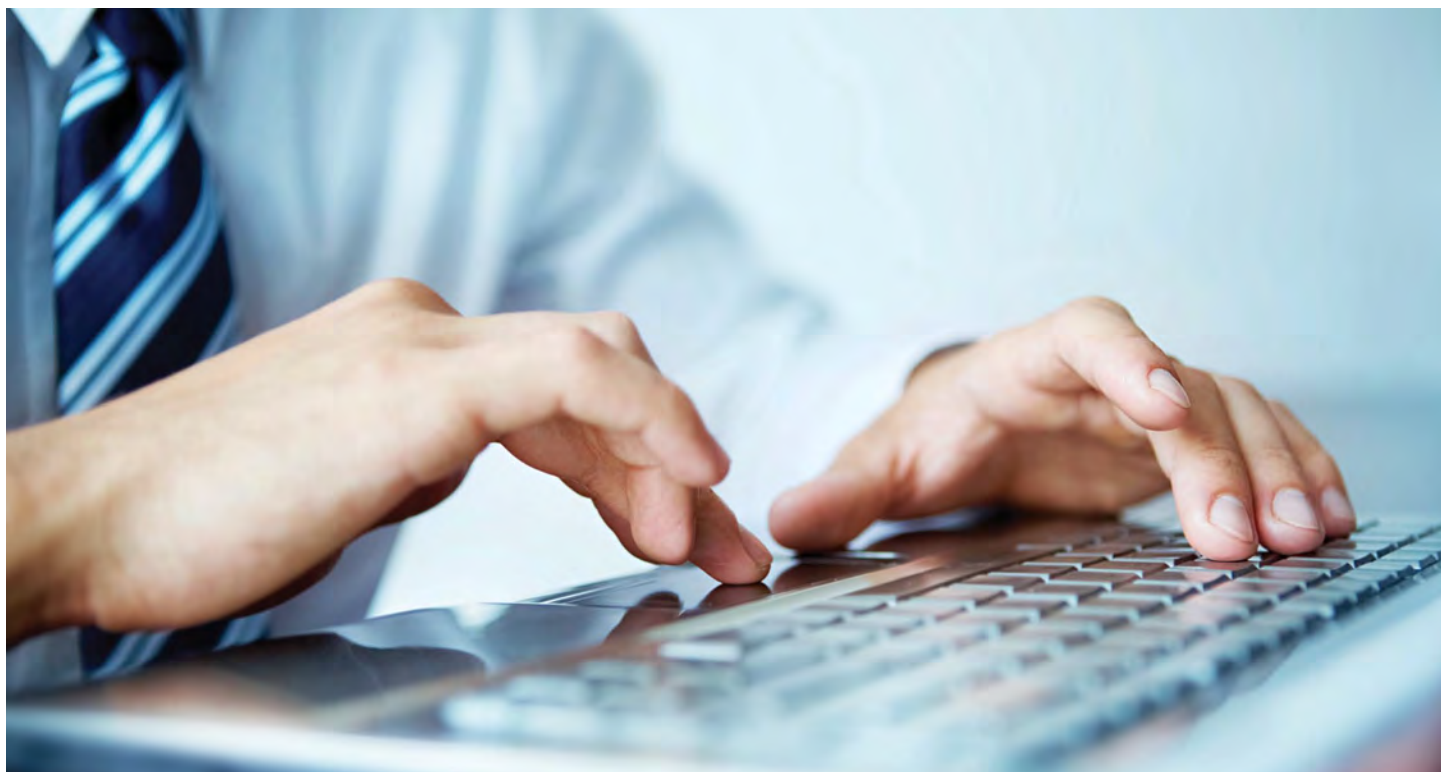
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By: Jerome Shore

BUILDING RAPPORT IN A COACHING RELATIONSHIP

Coaching is a very special learning and development relationship. In professional service firms, coaching happens among client service and internal managing professionals, often positioned as mentoring.

Rapport is special in a coaching relationship. Rapport is one of the active ingredients of coaching that makes it work. More rapport between the coach and client [the person being coached] will typically make the coaching go more quickly. Less rapport will make it less effective. What this means is that more time spent by the coach and their client up front will lead to less effort later to produce results. Less effort up front to create rapport will mean more effort is needed later to stimulate the client to right action.

If you have a coaching role and you have a new client who will be a challenge, taking the time to establish rapport will make the coaching more successful. In extreme circumstances the rapport building might need to be 99% of the coaching relationship. Imagine having to coach someone who comes from a totally different culture and who may not speak your language. This

doesn't happen in the workplace very often to this degree, but in sports it is happening increasingly. For example, many players in the National Hockey League come to North America with no English, yet they still must be coached.

So what is rapport. The dictionary definition speaks of mutual trust. My favourite definition of trust is 'an absence of vulnerability'. So rapport could be considered a 'mutual absence of vulnerability'. How is that developed from the coach's side of the relationship? Here are five ideas.

1. Be curious. Ask lots of questions. People trust people who are interested in them. The reason for this is that people tend to feel isolated as life gets more complicated. And when someone pays attention to us we feel safer and less isolated.

Think of the car buying situation with the car salesperson as the coach. The salesperson who focuses on finding out the customer's needs before trying to close the sale will do much better than the salesperson who focuses on the product. When someone tries to sell us something, whether a car or an idea, if we feel they know us, we will feel safer and be more open to what they have to say.

As a coach the more you use curious information gathering to build rapport the more likely it is that your client will trust you and be coachable.

2. Be an open space listener. When you ask a question deliberately pause to let the person you're asking answer. This is a sign of respect, which builds feelings of safety and trust.

Imagine if you had an audience with the Pope. Would you ask a question and then jump in while he was answering? No, not at all. You would respectfully wait for the answer.

It is the same in building rapport. To build trust you must patiently provide an empty space for the answer to fill. Patient open space listening produces respect, an absence of vulnerability and rapport.

3. Be a flexible mirror. To make someone you're talking to feel comfortable it is helpful to mirror their demeanour. If they are slow and deliberate they will feel most comfortable if you are the same way. If you're in a hurry they will feel uncomfortable and less safe.

When trying to mirror someone look for their language pattern. Is it deliberate or fast? Try to measure their breathing pattern in the same way. Is it fast or slow? Reflect it. Watch out for their body language. If they are relaxed, don't lean in aggressively.

Being flexible in how you act around your coaching clients will help you to be a better coach. It will help you build rapport, their feelings of safety and their receptiveness to your coaching.

4. Be charismatic. When coaching act as if your client is your whole world. Focusing intently on them will build rapport. It will make them feel important and make it easier for them to trust you and this trust will make them more sympathetic to your coaching.

In order to focus intently on them get into a quiet space to coach. This should be away from distractions. Make it easy on yourself to focus. For example, don't coach



You Building Rapport in a Coaching Relationship Continued...

somewhere where there is a lot of action going on behind your client. If necessary, face a wall with your client in front of you to make it easy on yourself.

If you are distracted during the coaching session it is like saying your client is of less importance than what is distracting. What does it say to answer a phone while listening to another person?

5. Be understanding. One other way to build rapport is let your client know that you understand where they are coming from. When you acknowledge them, that is you saying and demonstrating that you understand, it doesn't mean you agree, it just means that you have heard them.

This creates an absence of vulnerability because people want to know that they have been heard. That makes them feel

important and makes it easier to trust.

To demonstrate that you understand let them know that their words make sense to you and, when possible, that you have had similar experiences and thoughts. This might be done by telling them about a personal experience that is like theirs. If that is not possible say that you understand or ask them to explain further in a way that lets them know you are interested in their experience. Being heard is a building block of trusting.

So building rapport is taking steps to create trust by creating an absence of vulnerability. This is done by helping the client to feel safe. Steps to take include being curious, creating an open space for answers to questions, mirroring the demeanour of the client, giving the client your total attention and acknowledging that they are being heard. It's all about being an excellent listener.

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By: Heather Suttie

MANAGING YOUR SALES PIPELINE RECOGNIZING IDEAL CLIENTS, ENABLING THEIR ENTRY INTO YOUR SALES PIPELINE AND MANAGING THE PROCESS

Qualified leads, strategic pricing and legal project management are all important elements of a well-managed sales pipeline. And while "sales" might be a dirty word in the legal world, it's the desired result of marketing and business-development initiatives.

QUALIFIED LEADS

Like any type of conduit, your sales pipeline must be kept in prime condition. That's why being selective about what enters the

front end of the pipeline directly affects its progress and outcome. Only qualified leads should enter your sales pipeline. Qualified leads are those that line up directly with the type of legal work you do best and that are able to afford your services.

As with other types of pipelines, it is a good idea that filters are in place, so that leads that initially seemed qualified – but have changed with time – will be sent out of the main flow, perhaps to a secondary pipeline or referred elsewhere. Non-qualified leads

are those that may be inappropriate to your exact area of legal expertise, those of a wrong size, or those that have a low financial threshold.

Some leads enter a pipeline quickly and blaze through it to become a solid opportunity almost immediately. Others can take considerable time to move through a sales pipeline, which is why patience is key to any business-development process.

Qualified leads can come from anywhere, such as those you find yourself, prospects attracted by your marketing tactics, or referrals. It is important to continually collect and enter qualified leads into your pipeline, and keep the process well-maintained even when you're busy with current client work. This is vital — when a pipeline empties or runs dry, restarting it

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Managing Your Sales Pipeline Continued...

can be an immensely stressful and time-consuming effort.

STRATEGIC PRICING

Pricing has become a more important business-development strategy and a helpful measurement of a prospective client's qualification. Pricing can come into play for a client pitch and even more so when responding to an RFP. By first employing a "Go / No Go" strategy, you can determine if you are well-suited for all, some or none of the work. Once that's decided, you can price your business to win the work you want or set a price that will enable you to lose work you don't want.

To strategically price yourself out of competition is one way to sidestep unsuitable work. Of course, the more gracious and business-like way of declining inappropriate work is to simply state that your legal strengths are A, B and C and that the client would be best served by your handling these types of files.

Pricing to win work is another matter. Conversations around alternative fee arrangements may be necessary, with the understanding that your own fiscal boundaries must be respected. This is when you need to know your costs and margins, and weigh the work in terms of immediate profitability, as well as whether it may lead to the higher-margin work you really want.

This is what a general counsel friend is experiencing. After releasing a couple of outside firms, the general counsel received an offer from a new firm to have clerks – no lawyers – do rote work that currently needs to be done. While the client is impressed, the firm is playing the long game by taking a financial loss while learning more about the client and being ready for when higher-level legal talent will be needed.

LEGAL PROJECT MANAGEMENT

Legal project management has become a much discussed topic in the legal field. However, there is a perception that LPM is more talked about than acted upon. Its principles are designed to deliver better value as determined by the client, and encompass factors such as more predictable costs, improved quality, tightly targeted service, excellent communication and reduced risk.

When evaluating a firm, Peter Gutelius, Assistant General Counsel at Royal Bank of Canada, says that having LPM as a check-the-box item isn't as important as having a management system that "creates discipline and engages people in a process."

As Gutelius points out, "Used as a tool to build a better process, it's a great idea." In the broader sense, however, he says that firms need to "better manage client expectations" and that managing a file and legal spend is a conversation that needs to happen whether or not a firm has a formal LPM program in place.

From beginning to end, a well-controlled sales pipeline enables a strong and steady flow of desired outcomes for you and your clients. Continuous conversations around costs and file control helps to manage everyone's expectations along the way.

Heather Suttie is a legal marketing and business development consultant. She works with a range of firms: global, national, mid- size and boutique. Reach her at (416) 964-9607, heather@heathersuttie.ca or www.heathersuttie.ca. This column originally appeared in Lexpert, April 2014.





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health & fitness

Beware of the Chair

The science is in and it is scary – sitting down for too long is bad for your health!

Think about how many hours a day you sit - the total may shock you. Sitting too much is now linked to an increased risk of premature death and has been associated with obesity, diabetes, heart disease and certain types of cancers. Feeling tight all the time? Sitting also affects your muscles - and not in a good way.

Good news! Small changes make a big difference. Rethink your typical work-day:

- Get moving: stand and stretch every 20-30 minutes.
- Use your phone, computer or tablet to program automatic reminders.
- Spend a lot of time on the phone? Get a headset to walk & talk!
- Get up and go to a colleagues desk instead of sending an email.
- Arrange a "walk meeting" versus using the boardroom.
- Take short breaks more often and use the stairs if possible.
- Get off one stop early from your bus or subway route.
- Buy a pedometer (or use the apps for your phone)- aim for 10,000 steps per day.

Add these exercises to your workout plan to keep your "sitting muscles" strong:

Squats – [Click here to watch a demonstration](#). Stand with your feet hip width or wider and with the weight in your heels push your hips back and descend like you're about to sit in a chair. While keeping a neutral spine and engaging your glutes lower your body until your thighs are parallel with the floor. Do this 20 times.

Plank – Focus on the core! You are in a position that looks like a pushup but you are resting on your forearms with your elbows directly under your shoulders. Hold your abdominals tight and your body should be in a straight line from your head to your heels. Hold for 1 minute.

Bridge – Lying on your back with your legs bent and heels on the ground press your hips up toward the ceiling squeezing your buttocks and hold for a count of 5 then lower. Do this 10 times to strengthen your glutes and hamstrings.

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EASY TIPS FOR WEIGHT LOSS

By: Dr. Rahim Kanji, N.D.

Now that the warmer weather has finally arrived in Toronto, I'm getting quite a few patients who are ready to shed some pounds and get their bodies' swimwear ready! Healthy and sustainable weight loss requires proper nutritional counseling and effective exercise routines, but sometimes just getting started is an issue. The good news is that there are some easy lifestyle modifications you can do that can produce great results. Here are 8 ways to start your weight loss regime:

<i>If You Usually...</i>	<i>Instead You Can</i>	<i>Frequency</i>	<i>Weight loss per year (lbs)</i>
Take the escalator/elevator	Climb the stairs for 2 minutes	Everyday	2
Use mayo in your sandwich	Use mustard or hummus	3x/week	4
Eat a large order of fries	Eat a small order of fries	1x/week	5
Watch TV after work	Do housework/a quick home work-out	30 min/day	5-10
Drive or take transit to work	Walk briskly for 20-30 minutes	Everyday	7
Snack on a 2 ounce chocolate bar	Eat a piece of fruit	2x/week	7
Eat a pint of ice cream every week	Eat 1/2 pint of sorbet	1x/week	12
Drink a can of regular soda	Drink water	Everyday	15

As you can see, even the slightest changes can have noticeable results. What's even better is that the results can be additive if you engage in many of these lifestyle modifications at once!

If you're interested in losing weight beyond this starter method, the next step is getting your basal metabolic rate (BMR) assessed. Your BMR is the minimum amount of calories your body burns simply from being alive. It's crucial to know this before figuring out how many calories you can eat, and how much exercise you need to be doing because everyone's BMR is different. This is what nutritionist and Naturopathic Doctors use to create personalized weight loss programs. It takes away a lot of the guessing game and makes diet changes much more effective.

Remember weight loss is a lifestyle change, not a dreary 2 week goal, so be realistic and have fun!

Happy spring!

Dr. Kanji is Naturopathic Doctor practicing in Toronto. He did 3 years of a Bachelors of Science at University of Alberta, before receiving early admission to the 4 year naturopathic medical program at CCNM. Dr. Kanji has seen patients in various settings, from clinics geared towards family medicine, to practicing at the Sherbourne Health Centre where he treated HIV+/AIDs patients. He has additional training in IV vitamin/mineral therapy, natural anti-aging injections, and fat sculpting therapy. Dr. Kanji offers free 15 minute consultations to members of TLOMA. Visit his website at www.rahimkanjind.com

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