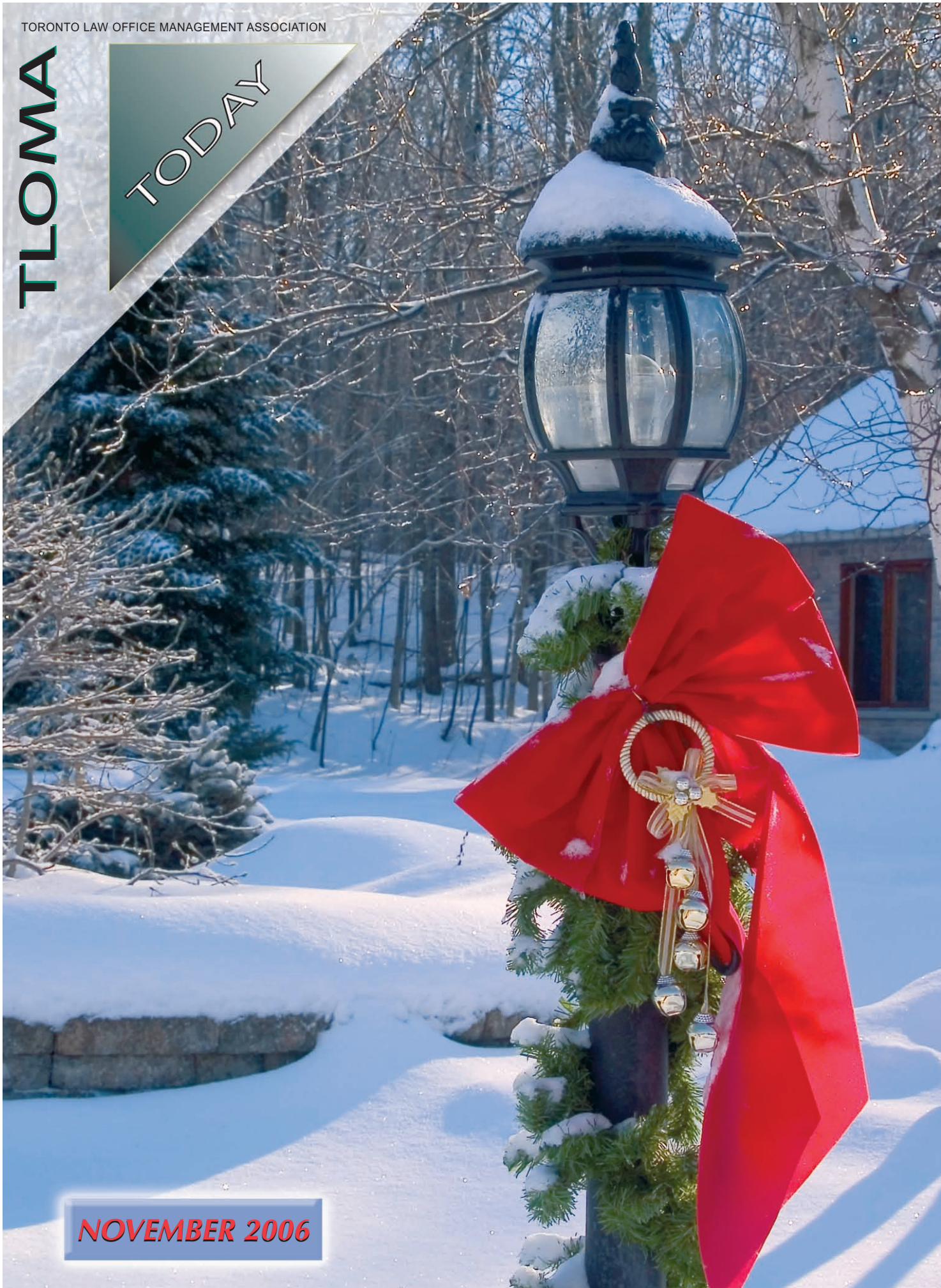


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Always Up & Running



I have just received word that my November President's message is due – yikes – oh what to write. I sit here pondering as I try to juggle performance assessments, benefit renewals, budgets and all of the many other things that take one away from the former tasks. I do this at the same time as receiving the odd email from my daughter and her ski coach from Copper Mountain, Colorado. You remember, the same daughter who helped me with my speech for the conference! The life that our children live! Anyway, all of these thoughts have led me to my topic for this month...Developing Oneself!



Looking after yourself first is certainly a theme that came through loud and clear from many of the sessions at our recent Conference. We learned that our innate need to help others must be pushed aside for time to first deal with our own needs. In doing so, we are in a better position to then turn our attention to everyone else. How often have you dropped the items related to you from your "to do" list in order to get through so many of the tasks that are for others? I reflect back on so many of Loretta Laroche's very witty and yet valid comments in this regard. Do you remember how she tried to get us to have the courage to be okay with having "to go pee". I mean, how sad is that!

So I am writing to tell you that I am incredibly guilty of the above. I am a woman and a mother which, forgive me for stereotyping, automatically puts me in this category. Then throw in working at a law firm and I am done. Only a few weeks ago, my husband and I were discussing how easily (well not that easily, but relatively so) we dish out money for our kids to fully participate in their various activities. Yet we would not dream of spending a fraction of that money on ourselves. I don't actually want to go to the opposite extreme here, however I do believe that stepping back and looking at your situation can give you fresh insight.

So here is what I have learned from the last few weeks of introspection. I need to make time for myself as an individual, as a couple, as a family unit and as a friend. I need to do things for myself (albeit small) which remind me that I am worthy. I need to watch my kids and learn from them while at the same time continue to teach them. I need to think about continuing to develop myself and not wait for someone else to do it for me. So now the big question is, will I? As someone in HR I am constantly stating that the first battle is recognising what needs to be done. Clearly I am there. Yet the bigger battle remains, how to get there.

As I sift through the emails from my daughter and updates from her ski coach, I am amazed at how the world of sport appears to me to be a perfect model for setting goals and marking accomplishments for oneself. It seems so easy and obvious, and yet I know it really is not. In my daughter's case, she knows what milestones she is working towards for the upcoming season. She trains on and off snow, has time trials, goal-setting exercises and video analysis of technique, all to prepare her for these races. With each race, she knows her success or lack there of. Yet, at the end of the day, all of the training and planning will not make her a great skier – but it will make her a better skier – and who knows! She learns to really focus and, in the world of individual sport, to think of herself. Ah Ha – the trick.

In my case, such a thought-out and intricate plan would probably become a stalling tactic for taking ownership of some of this realization. Instead, I will begin with small steps and as they say at Nike, *Just do it!*

Now, how about the rest of you?

*Georgia Rennick
Director, Human Resources
Aird & Berlis LLP*

Nov 2006

Inside this Issue

- ❖ Law Firm Advertising
- ❖ Robin Sharma - Keynote Speaker
- ❖ Workshop: Why Electronic Documents are Different
- ❖ Workshop: Distributed Work: A Key Component of Business Continuity Planning
- ❖ Workshop: Building Trust in a Law Firm
- ❖ Workshop: Marketing? Isn't That Something You Can Do?
- ❖ Workshop: The HR Audit: A Powerful Business Tool
- ❖ Workshop: Marketing via Blogs & RRS: Back to The Future of Lawyer Marketing
- ❖ Workshop: The Great Divide
- ❖ Loretta LaRoche - Keynote Speaker

Schedule of Events

HOLIDAY SOCIAL

Friday, December 8, 2006

MARKETING SIG

Tuesday, January 16, 2007

*Single issue: \$8.00
Yearly Subscription: \$50.00*

LAW FIRM ADVERTISING. THE SILVER BULLET

No it isn't.

"We need to market our firm. Let's get an ad done."

An all too familiar call-to-arms in law firms of any size. And the result is the tragedy we are forced to witness across the pages of legal and some business publications in Canada and the U.S.

Often advertising is the first resort when firm revenue hits a bump in the road. Why? Possibly because it is familiar, a tangible response and so many other law firms are doing it. Let's walk through some universal advertising basics. Oh, and please excuse me as I will be using the "S" word (Sales), because that is what lawyers do to get new business (knowingly or unknowingly).

What Is The Purpose Of Your Advertising?

As we begin our journey, please consider these two statements:

- You cannot be chosen if you are not found.
- Buyers are more comfortable with the familiar.

We will revisit these statements in this and the following article (next issue) "*How To Create An Ad So They Do Give A Hoot*".

Hopefully, before the point in time when the decision is made to go ahead and advertise, you ask yourself and all of the firm's decision makers: What is the purpose of advertising? What result should the advertisement achieve? Why? Think hard; the answers are not always obvious.

Here is one company's opinion:

"The purpose of our advertising is not to sell more. It's to do with institutional publicity, whose aim is to communicate the company's values... We need to convey a single strong image, which can be shared anywhere in the world," Luciano Benetton, Founder and Chairman, the Benetton Group.

What do you think is behind the new Porter Airline advertising? They are announcing their existence. But that's not good enough. They have to answer a key prospective customer question, "Why should I care?" In a highly competitive marketplace they need to differentiate themselves and give their targeted user a compelling reason to try Porter. They are doing this by basing themselves downtown, by offering competitive pricing, by offering the

TLOMA TODAY ADVERTISING RATES & INFORMATION

The Toronto Law Office Management Association Newsletter is published ten times a year from September to June inclusive. The following rates are effective October 2006.

RATES AND COPY SIZE

Back Page	Color	7w x 10h	\$1,025.00
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Quarter Page	B&W	3w x 5h	\$ 230.00
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Volume discount is negotiable.

If you wish to participate in the newsletter by way of advertising or editorial please contact:

Marva Bethune

Editor

mbethune@torys.com
416.865.7519

Liz Barrington

Director of Administration

TLOMA

lbarrington@tloma.com
416.410.1979

little things (including politeness and service) that other airlines don't, by creating a compelling image consistent with their business strategy, and by building a convincing reason for you to become a customer. To their credit, Porter didn't fill the full-page advertisement with the single statement, "Your lowest fare airline to Ottawa".

Advertising is not a short-term proposition.

Yes, we all want new clients and more business, but can an advertisement deliver on this weighty request? Maybe. Ultimately. Unless you are a Leon's furniture and appliance store with brand name refrigerators on sale this Saturday discounted by 80%, do not expect the phone to ring when you place your advertisement. There are exceptions such as certain personal injury and family law

Continued on page 3

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practices, but if you have a business-focused practice, it will take time and recurring advertising exposure (which means recurring cost to place the advertisement).

Exposure is what advertising does, but it is not how we evaluate success. The purpose of advertising in a law firm is not mere exposure. It should be to generate a measurable response that advances a sale. Yes, this could be a tactical response to a simple strategy to maintain top of mind name awareness among a specific target audience to support other tactical sales efforts.

It's All In The Mind

Advertising deals with individuals' (no matter how sophisticated, knowledgeable, educated or experienced they may be) feelings and emotions. Powerful appeals to human nature are built in to strong advertisements regardless of whether the service provider is a courier, a bank or a law firm. Here is one rung in the strategic ladder where so many law firms tumble. To craft the appeal requires an understanding of the psychology of the buyer, their motives, attitudes, as well as the influences on them such as immediate business pressures and reference groups,

social class and culture. People don't choose what they like based on advertising; they choose it based on the frame of reference and other triggers. Seldom is a corporate commercial law prospect landed as a client as a result of an advertisement.

The Bland, The Generic And the Horrible

You have to have a point to your advertising. Whether you are selling beer or litigation counsel services you risk wasted time and money if you create, or have an expert create, an advertisement without a well thought-out copy strategy. It is an invaluable guide. So many legal advertisements crash and burn because the creative resource presents a 'neat' graphic illustration, a startling photograph or a catchy phrase. The message becomes subordinated and the effort is destined for failure. On the other hand, how many more chess pieces, boxing gloves, compasses, Greek pillars, jigsaw puzzles or less than photogenic partners can the world endure? The Copy Strategy will cause you to stop and think about your practice and a message point that is not generic,

Continued on page 4

bland or meaningless, but something realistic, relevant and motivating.

What Can Advertising Do?

- **Advertising establishes contact:** It builds awareness and attracts attention. You might say that this is a good thing, but always ask “To what end?” Years ago a mentor of mine in Europe explained the value of relevant awareness to me like this “It’s easy to attract attention – wear lederhosen to a black tie event.”
- **Advertising can subconsciously build preference:** Research shows that that familiarity can positively impact the buying decision.
- **Advertising can influence some perceptions.**
- **Advertising educates and develops prospects.** It helps educate and helps differentiate benefits from features.
- **Advertising can challenge emotions.**
- **Advertising can attract attention.**
- **Advertising can reduce cost of sales.** Knowledgeable prospects often know exactly what they want to buy reducing the time needed to sell them.
- **Advertising helps sell existing clients more services.**
- **Advertising helps reinforce other purchase decision criteria.**
- **Advertising keeps you top of mind.** You want to be thought of first when prospects are considering a law firm for a particular matter.
- **Advertising extends your message reach.** You are one lawyer, perhaps fifteen in total at your firm – how many prospects can you personally reach?
- **Advertising contributes to building and maintaining your desired image.**
- **Advertising can boost firm morale and be used as a management tool to focus lawyer efforts.**
- **Advertising can create industry buzz –** Anyone NOT on the Lax O’Sullivan Scott LLP Christmas card list?

The Case Against

On the other hand, if you are only prepared to dip your toe into the pool, advertising may not be for you and will not resolve your client acquisition problems.

- If you decide to run an advertisement or two to see if the phone rings, you will almost certainly be disappointed and view the expenditure as a waste of money — which it almost certainly would be.
- If your firm's advertising insists on making use of the idiomatic imagery — the scales or the chess metaphor, take a pass. These themes will offer convincing

testimony that your firm is one of the herd, unable or unwilling to stand for something unique or relevant.

- If you insist on the marketing committee being the creative resource you are in more trouble than you realize and probably hurtling towards certain communication oblivion.
- If you can't agree on a relevant focus and answer the questions, “What is the purpose of advertising? And why?” Save your money.
- If your advertising cannot paint an illuminating picture of what it would be like to do business with your firm and the benefits that will accrue, redirect your money to the annual firm picnic.

Advertising works. Rather, strategically focused, relevant and smart advertising works, and usually in combination with other well thought out marketing and sales activities. If you fiddle around the edges please heed the advice of that guy with the neat Dutch accent in the TV ads who says “Save your money.”

Paul Kuttner in a principal of innovate! Marketing and has been providing marketing, coaching and business development support to law firms in Canada and the USA for 15 years. He works with firms of all size and levels of marketing sophistication. Paul can be contacted at paul@innovatemarketing.ca (www.innovatemarketing.ca).



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KEYNOTE SPEAKER ROBIN SHARMA

Robin Sharma travels the world coaching people to achieve success. His brand of success, however, is not just about being the best in your field and making scads of money, it's about being who you are meant to be, reaching your own potential. His advice was to be honest, caring, never stop learning, find a cause that is more important than yourself, follow your dreams and be passionate about life. He did not try to make it any more complicated than this. In fact, his advice was to keep life simple.

His sincerity and passion made you listen.

Who We Are Meant To Be

So, who are we? How do we get there? We all basically know who we are; it is the "how do we get there" part that we need help with. Robin's advice was to start small, nurture a dream, accept a little criticism (the road to greatness is paved with stones thrown by critics), do something you are afraid to do and start today. Yes, start

today, do one little act each day. Daily acts of little things compound into massive gains.

Refuse to be small and don't worry about what people think.

Be a Good Leader

Remember your goal is to become who you are meant to be. Always speak the truth even if your voice shakes. Build self-esteem in yourself and in others. Try to see things as others see them. Robin made his point with a story about a toll booth collector who wanted to be a dancer and therefore, listened to music and danced in his booth all day. The other collectors thought he was really off-the-wall BUT he saw himself as getting paid for practising and the other collectors who sat there all day as being in vertical coffins.

Support those around you, make them feel safe, give them courage to overcome their fears and help them achieve their

Continued on page 6

goals. Don't be so concerned about being interesting. Instead, be interested and be a good listener. Take responsibility for yourself and for others. You do not need a title to be a leader. You need to take initiative and lead where you are planted.

Be an Extraordinary Connector

People today are too connected to technology, computers, email, voicemail, text messaging, and not to other people. How often do we actually spend time speaking with real people? In order to build better relationships, we need to connect to people. You can connect with even the most difficult person if you find the right thread. Even if you have something bad to say, say it in a respectful manner. It is too easy to build fences and much better to build good relationships.

In this world, it is relationships that are most important.

Be an extraordinary performer

To be an extraordinary performer we need to be constantly learning and growing. To do this, we need to take ourselves out of our comfort zone, take a few risks and face our fears. Expand your knowledge and learn from new experiences. When was the last time you did something you have never done before?

Learn from conversations with those you admire and those you don't. Try having a conversation with someone you may feel has nothing to offer, you may be surprised.

Get working on those new ideas. Don't let your fears stop you. Face them, deal with them and grow. After all, success is just a numbers game; the more you try, the better your chance of success.

Always be innovative. Maintain that hunger to succeed.

If you eat 3 times, you will be fed If you read three times you will be wise (read 30 minutes a day).

Ideas are the currency to success.

Personal Leadership

Take responsibility for your own well-being. Make time for you, your health and your family. When was the last time you did anything for you? (I've heard that in more than one session). If you have to, get up one hour early, take the extra 60 minutes to exercise, to read, to do whatever you feel you need/want to. Try to connect with nature and find the beauty and peace. Give yourself some space for creativity. Always make time for your family.

Busy people make time. Your schedule reflects your priorities.

Continued on page 7



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Think about your Legacy

Every day there are wonderful things in life to celebrate. Find them, celebrate. If you cannot see them, look for them. They are there. If you want to do something, take a trip, fly a plane, whatever, do it now. Tomorrow may never come. See every day as a new adventure, realize your potential and be that person you are meant to be. At birth the baby cries and the world rejoices. At death the world cries and the soul rejoices.

*Summary of the session provided by:
Catherine Kellett
Office Administrator
Rogers Partners LLP*

**CONFERENCE WORKSHOP -
DAN PINNINGTON, DIRECTOR,
PRACTICE PRO, LAWPRO
WHY ELECTRONIC
DOCUMENTS ARE DIFFERENT**

As each day passes, we move ourselves and our organizations closer to a fully digital world and for most of us, it brings a great deal of excitement and anticipation that perhaps one day we can finally say, 'gone are the days of paper and pen'. For others, this brings a great deal of anxiety, frustration and perhaps denial. In the session "Why Electronic Documents are Different", Dan Pinnington took us through an intricate journey of defining this digital world and opened our eyes to the reality of today.

The first question we were asked was "do you know everything that is on your computer?" A daunting question for anyone, even the computer savvy folk. It is also a question that brings with it both paranoia and curiosity. The answer is simply that the majority of us 'regular people' do not know what is on our computer. And the scariest part of this fact is that most of us know there is something on our computer that we don't want others to see. One common example of this is that we have all received an email from someone where they tell you to delete it upon receipt. Many of us do, yet the message is never really deleted. Okay, okay, for those non techies, I can sense you are sweating bullets. Relax, but don't relax too much. There is a saying "9 lives of a message." Dan illustrated how a message gets delivered from the sender to the recipient. The point to the flow chart was to demonstrate that the trace of the message can be logged or more importantly, not actually deleted. Especially if the

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organization backed up that mailbox to disc or tape, depending on the retention schedules of that organization, that message may live for a long time. Therefore, it is interesting how long a message can live even when it was deleted upon receipt.

At this point in the presentation I panned the room and started to notice many of my fellow TLOMA members biting their nails in rapid succession and one individual ran out the room in a mad panic (still haven't seen him). It was also at this point when Dan knew he had us captivated. There is something about making your audience nervous that motivates them to pay closer attention.

While we were all on the edge of our seats, it was a perfect opportunity for Dan to move into a basic Hardware 101 overview. It was important to explain where and how data is stored on the hard drive. However, rather than bore you with the tech talk such as sectors, bits, tracks and clusters, all you really need to know is one fact; on average one third of the contents of a hard drive is deleted content. Many of you have probably just re-read the last sentence in disbelief

Continued on page 8

and have a burning follow up question such as “how to I get rid of it?” This is when Dan said the same word my wife has been saying every Saturday morning, you need to “scrub” your hard drive.

After learning the details of how bits and bytes are not just a snack we love to eat, we learned that the term scrubbing in the context of e-discovery is synonymous with the way we use it in relation to our household terminology. For instance, to my wife, scrubbing is something I never do around the house and it is something I am supposed to do more of. However, Dan explained that scrubbing our computers hard drives may be just as important as scrubbing the toilet. This is because most people have some data that they would rather not share with others - passwords, personal information, classified documents from work, financial records, self-written poems, the list can be continued forever. Your first thought may be that when you 'delete' the file, the data is gone. Not quite, when you delete a file, the operating system does not really remove the file from the disk; it only removes the reference of the file from the file system table. The file remains on the disk until another file is created over it, and even after that, it might be possible to recover data by studying the magnetic fields on the disk platter surface. Before the file is overwritten, anyone can easily retrieve it with a disk maintenance or an undelete utility.

In addition to scrubbing hard drives, many of us in the legal industry know that there is also a need to scrub documents.

For instance, documents can have extra data or information attached to them which cannot be found easily. However, it is this extra data (otherwise referred to as metadata) that can lead to embarrassing situations or even complaints from a client. I know I have received a resume or two that had track changes enabled (a form of metadata) and I am sure the person authoring the document didn't want me to know some of the information that was deleted. I have also heard about situations where lawyers use precedent documents and publish the final document in less than an hour. Then they turn around and bill the client for three hours of work. Obviously this is unethical behaviour, however, in both of these situations, the users didn't scrub the document. For many of us the term is used daily in a law firm and if your firm isn't using a metadata cleanup utility, they should.

Following the presentation it was more clear to all of us that we are definitely moving towards a fully digital world. And in closing Dan left us with some marching orders. Appreciate how e-documents can impact your organization and understand why e-documents are different. In summary, rather than be reactive and frustrated with the direction we are moving, be proactive and get ready for the days when we all say gone are the days of paper and pen.

*Summary of the workshop provided by:
Carl Chapman
IT Manager, Canadian Offices
Baker & McKenzie LLP*

• • • NEW MEMBERS LISTING • • •

First Name	Last Name	Firm Name	Position
Nixon	Wu	Gardiner Roberts LLP	Manager, Information Technology
Lynne	Rollo	Torys LLP	HR Consultant
Diane	Cunha	Torys LLP	HR Consultant
Jerry	Tynski	Torys LLP	Manager, Compensation & Benefits
Joe	Scutella	Agro Zaffiro LLP	Office Manager
Bonnie	Boivin	Robins, Appleby & Taub LLP	System Supervisor
Albert	Poon	Epstein Cole LLP	IT Support Technician
Lily	Hou	Fasken Martineau DuMoulin LLP	Assistant Controller
Jim	Knafo	Daoust Vukovich LLP	Managing Director
Sophia	Gast	McCarthy Tetrault LLP	Manager, Systems Support
Lisa	Coole	Borden Ladner Gervais LLP	Manager, Facilities & Office Services
Janet	Baker	Hughes Amys LLP	Accounting Administrator

**CONFERENCE WORKSHOP - GEORGE HORHOTA, SUITWORKS INC.
DISTRIBUTED WORK: A KEY COMPONENT OF
BUSINESS CONTINUITY PLANNING**

Distributed office facilities is a growing trend in North America; a phenomenon quite different from the telework experiment of the 1990s. There is an increasing focus on disaster planning and business continuity, in part because of the recent experiences with SARS, the east coast power black out and the 2006 alleged terrorist arrests. Because of Toronto's highly concentrated business district, it is at greater risk than many global metro areas.

Law firms, many of which have chosen to locate within Toronto's "ground zero" of vulnerability (the blocks surrounding King and Bay streets), have an increased risk of business disruption. During a crisis, clients will rely on their law firms more than ever. There is increasing attention being paid to business resiliency.

Data and disaster recovery are one half of the business continuity model - people recovery in many ways is the area of greatest vulnerability. Equipping and paying for

"hot" desks (stand-by offices waiting for a disaster) is very expensive. This is where Distributed Work comes in.

Distributed Work Programs offer a portfolio of workplace locations for employees who chose to give up their assigned corporate office space. Often corporate space is 50% underutilized. The diverse locations included in a DWP might include some work from home, some time in the corporate office (hotelling) and some time in satellite/community office space.

The restructuring and reduction in expensive corporate space helps to fund the provisioning of community-based workspace (the IT support and facilities needed) but closer to home. In some companies in the United States where this has been implemented, there are waiting lists for participation. Bell Canada, Bank of America, Aetna Insurance, Boeing and IBM have implemented Distributed Work Programs.

Continued on page 10



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The drivers for Distributed Work programs are:

- Global competition forcing cost reductions - real estate is often the second highest expense after salaries
- Business resiliency - business continuity planning and “people” recovery
- Demographics - both the GenX and Boomer generations are seeking work/life balance
- Knowledge workers are an increasing percentage of the work population, with GenX and Y also being technology adopters and life balance seekers. There is a war for talent as two workers exit the field for each one entering.

Benefits of DWP:

- Creates a culture of achieving work “anytime anywhere”
- Reduces need for implementing and testing separate BC planning
- Leverages the worker’s home space in an emergency
- Distributed IT tested and sanctioned
- Variety of “command centres” in an emergency
- Builds skills and confidence in “remote” management
- Encourages deployment and use of collaboration tools and communication methods
- Generates substantial real estate savings to fund the DWP.

*Summary of the workshop provided by:
Wendy Wiltshire
Manager, Information Technology
Blaney McMurtry LLP*



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**CONFERENCE WORKSHOP -
ALEX TODD, PRESIDENT OF
TRUST ENABLING STRATEGIES
BUILDING TRUST IN A LAW FIRM**

Lawyer Jokes. There’s a plethora of them and everyone has heard at least one lawyer joke. Have you heard this one?

Q: Why won’t sharks attack lawyers?

A: Professional courtesy!

Most lawyer jokes speak to a general feeling of breach of trust and the blurring ethical lines. To engage the services of a lawyer, it’s important for clients to feel a certain level of trust, but more and more the lack of trust is eroding the platform of the legal industry.

The Gallup Organization, in one of its polls, tested the public’s perception of certain professionals vis a vis their honesty and ethical standards, and the results of the poll revealed lawyers scored just slightly ahead of car salespeople.

So where does trust start to go wrong? David Maister, when speaking to the value of trust in a law firm environment, is quoted as saying:

“Most partners were recognized and rewarded for being the smartest person in the class or the most accomplished. They have rarely experienced or understood the power of succeeding as part of a larger group or team. Their focus tends to be selfish and self-serving, even narcissistic. The result is that the firm resources are squandered and poorly used, clients don’t get the best lawyers assigned to their files, and the firms are less profitable. This selfishness also leads to a short-sighted approach to decision-making that inhibits long range success because investments of time or money that don’t yield immediate results are rarely made”.

Alex Todd, President of Trust Enabling Strategies, in his presentation to TLOMA conference attendees on “Building Trust in a Law Firm”, provided an explanation of where the legal industry has gone wrong and strategies on how to rebuild the “trust” factor.

Impact on Business

When asked why trust is important in a law firm environment, TLOMA members responded by identifying the following conditions: reputation, confidentiality,

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greater efficiency, retention of staff and attracting employees, effective leadership and repeat business. Now compare that to what experts have identified as the value of trust, and you'll see that TLOMA members concur with the majority of expert observations:

- a) *price* - consumers shop at businesses which have earned their trust
- b) *profitability* – businesses who deliver on their promises are more profitable
- c) *performance* – if people trust each other, less effort is required to monitor others and they can apply extra effort doing their jobs
- d) *productivity* – empowering work teams and creating a flatter organizational structure
- e) *employee attraction/ retention* – creating an engaging and empowering workplace.

Definition of Trust

The closest kind of trust is self-trust and the farther you go away from yourself, the harder it is to trust. For example, we know Tiger Woods is a great golfer, but would you trust him to do an equally good job at flying a commercial plane? Probably not! So trust is always contextual. If you had to

think of trust in the form of an equation it would look something like this:

“A” trusts (or relies on) “B” (the sources of trust which can be a person or thing) for (a specific outcome) “C”.

To trust someone or something, we create a situation of acceptable uncertainty. We demonstrate a willingness to increase or decrease our vulnerability to rely on implicit or explicit information.

Conditions for Trust

For the condition of trust to exist, we must a) establish trust, and b) ensure trust.

The establishment of trust comes from conditions that leave little doubt in our minds or a perception of “certainty”. Trust is established through:

- a) experiential sources (i.e. objective opinions such as an eye witness)
- b) authoritative sources (i.e. subjective opinions such as expert opinions) and

Continued on page 12

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- c) empowerment (i.e. the ability choose such as ability to choose a jury).

To ensure trust, we develop a level of acceptance from:

- a) motivation (i.e. predictability of the trusted party)
- b) ability (i.e. aptitude, knowledge, behaviour and disciplines employed to consistently deliver expected value)
- c) risk transfer (i.e. mechanisms and processes that transfer risk away from the relying party).

The Trust Policy

To achieve the benefits that TRUST brings (*price, profitability, performance, productivity, employee attraction and retention*), a positive step is the development of a policy. The key to policy development is to focus on the conditions of trust (**establish trust** and **ensure trust**), and being mindful of the balance between the two. Too much weight or the omission of information on either side of the scale may render the policy ineffective. Alex Todd offered TLOMA delegates the following tips to develop a successful company policy to enhance trust within our firms.

*Summary of the workshop provided by:
Margot Biermann
Office Manager
Sack Goldblatt Mitchell LLP*

Trust Enablement™ Governance Policy

Establish Trust	Ensure Trust
<p>Experiential <i>Make sure your words match the message</i></p> <ul style="list-style-type: none"> • the firm shall define, implement and document the experiential sources of trust that providers of stakeholder resources can rely on to establish the higher levels of trust they require to provide such resources. 	<p>Motivation <i>Be predictable in the long term</i></p> <ul style="list-style-type: none"> • the firm shall define, satisfy and document the levels of “acceptable uncertainty” (in other words trust threshold) required by providers of stakeholder resources. • the firm shall define, implement and document applicable motivation (decision-influencing) mechanisms that establish and enforce the methods for acquiring stakeholder resources.
<p>Authoritative <i>Inform (when you become unpredictable) and be very careful of keeping secrets</i></p> <ul style="list-style-type: none"> • the firm shall define, implement and document the authoritative sources of trust that providers of stakeholder resources can rely on to establish initial trust, prior to providing such resources. 	<p>Ability <i>Be predictable in the short term</i></p> <ul style="list-style-type: none"> • the firm shall define, implement and document its ability to solicit, acquire, steward and productively apply stakeholder resources.
<p>Empowerment <i>Let your needs be known, learn to say no and dig into the dirt</i></p> <ul style="list-style-type: none"> • the firm shall provide stakeholders with access to resources and information they need to determine the validity of their contributions to the firm’s business and mean to express their preferences. • the firm shall periodically review and adjust its Trust Enablement™ policies, standards and procedures in order to optimize them for changing business conditions. 	<p>Risk Transfer <i>Believe the other person is competent</i></p> <ul style="list-style-type: none"> • the firm shall define, implement and document mechanisms and/or instrument that transfer risk away from providers of resources.



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Nelligan O'Brien Payne

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2006 Educational Conference



CONFERENCE WORKSHOP - MARGARET MACCAFFREY, CANTERBURY COMMUNICATIONS MARKETING? ISN'T THAT SOMETHING YOU CAN DO? HOW TO HELP YOUR FIRM REALIZE ITS MARKETING GOALS

Margaret provided us with valuable information and insights on what we, as law firm administrators, need to know when marketing our firms. She also helped us define our role and the roles of the partners, associates and marketing professionals.

In order for the law firm administrator to do a great job of marketing our law firms, we need to know the answers to what would seem like very basic questions. But, in reality, a lot of firms do not know the answers to these questions. You will also need to know these answers if your firm will hire a marketing professional. You need to have a very good understanding of what your firm does, who they do it for and what you want to accomplish with your marketing plan.

Know Your Strengths

What do we do? Which are our profitable practice areas? Do we have any developing niches? What are our strengths - as a firm, as practice groups, individually? Were you the

first at anything? Are you the biggest? Do you have a unique piece of work?

Know Your Clients

Who do we work for? When did they first come to us? Who refers work to us? Where are our clients located? Why do they stay with us? How much do they pay us? Who are our top 25 clients? Will our top 25 clients be with us next year? What industries are they in? What's in their futures? How many repeat clients in last five years? How many new clients? Are we keeping or losing clients? What other firms do they use? What share of their legal work do we get? Is it more, the same as or less than last year?

If litigation or personal injury, are we keeping or losing referral sources? Who refers work to us? Who referred our top 25 clients? Who are our largest sources of referrals? Who doesn't refer work to us? How do our referral sources find us?

Are we serving local, regional, national or international clients? Are there prospective clients in those areas? Are there un-served legal needs those areas? You can get a buy-in if you know clients in the area.

One way you can get to know your clients and their needs is to do a client satisfaction survey or a clients needs survey. You can incorporate the survey into your annual review of services. Clients truly appreciate it. And then you will need a system for tracking how you are doing with your clients and compare it from one year to the next.

Now what? Where do we go from here? You have to decide this. How do we get there? You will need to set goals. Margaret recommends that we set **SMART** goals. S - smart M - measurable A - achievable R - relevant T - timely.

Hiring a Marketing Professional

At this point in the project you need to ask yourselves more questions.

What help do we need? Can we produce a marketing plan in-house? Can we train our lawyers to develop business? Can we produce our own marketing materials? Can we

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evaluate what we've done? What were the results? This is where learning to say NO comes in.

Why hire a consultant? Here are some reasons: We don't know what needs to be done. We know, but don't have the expertise. We know we have the expertise but we're stretched to the max. We know we have the expertise but the lawyers aren't listening to us.

When hiring a consultant, you will need to be clear about what you want and what you need. You will need to manage the expectations of the lawyers and the relationship with your consultant. It is important to take the time to ensure you have hired a good fit.

How do we choose a consultant? Word of mouth or ask friends in other firms. Ask lots of questions. Has the consultant done this kind of work before, for this kind of firm? Can the consultant provide all the services we need? Can the consultant provide references? Would we like working with this consultant?

When working with marketing professionals, for best results give your consultant time and information. Involve

them early, tell them about your clients, tell them what you want to achieve and your goals.

Other Helpful Information

If 80% of your business comes from 20% of your clients, keep in mind that it is easier to get work from existing clients than to find new clients.

One of the biggest complaints that clients have about law firms is that they don't know what business their clients are in.

80% of buying decision is made by word-of-mouth referral.

Remember to always thank referral sources let them know the result (without breaching confidentiality of course).

Referral sources: #1 is existing clients, #2 is previous clients, #3 is opposing counsel or other lawyers, #4 is professional acquaintance and #5 is friends, neighbours, former classmates.

Who did your lawyers go to school with? This can be a foot in the door as they may know someone at one of the companies that you want to do work for.

Large companies want to know how much work you are going to refer to them so don't forget that referrals are a two way street.

Your lawyers need to network.

Often, when clients don't refer work to you it is because they were not asked.

Keep on radar - make sure everyone knows when you have done something that puts you on the map.

Clients like to have someone just down the street.

If you know where clients are located, this will identify areas into which you may like to expand.

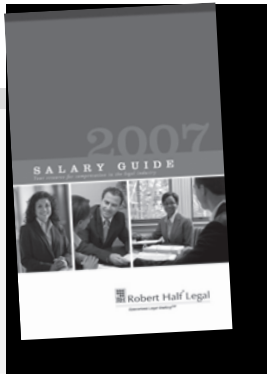
Margaret also helped us disprove the Myths about Marketing:

You don't need marketing, just do a good job for your clients and you'll get more clients. As lawyers progress, they need to aim higher and they need to go after the word of mouth referral. If they don't progress, they will not be at the level they should be and they won't reach their potential. The lawyers have to develop business.

You can't market litigation. Well, you can market litigators.

Marketing is up to the firm, I'm too busy with clients. You can be too busy with what you are doing now, but one day you may find you're not be busy enough.


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Why do we need more clients? Too busy with ones we have. People are genuinely busy or have genuine feelings that they are too busy. However, if you don't look for more clients, one day you may find that you have none.

Rainmaking is a talent you are born with. You've got it or you haven't. There are many styles of developing business, such as team styles. Team a rainmaker with someone who is good speaker. Not everyone has to be a rainmaker.

Marketing should be left to the professionals. The professionals need help. Ultimately, lawyers have to go out and market. Administrators and professionals can organize the events that provide the lawyers with the opportunity to market. One tip for associates would be to make friends at their level, and the partners need to let associates do that.

You have to be an extrovert to develop business. You need to look at marketing as sales. You don't sell someone, you help someone. Ask about them and their business as this will help you find ways that you can help.

No advertising beats word of mouth recommendations. You need to make sure people know who you are as well as your accomplishments.

You can't compete with the big guys. In your area or your niche, you can be very competitive with the big guys.

You can't sell legal services on the web. Anyone can have a really great website. This is the great equalizer and where we call all compete with the big guys.

Joe General Counsel is a neighbour and he'll give me work. Neighbours will give you work but you need to engage them in talk about business and how your firm can help.

*Summary of the workshop provided by:
Pamela Greenlaw
Office Manager
Oatley, Vigmond LLP*

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It is with great sadness that we announce the loss of Jennifer Wood, Facilities Manager at Fasken Martineau. Jennifer lost her courageous fight with cancer on the morning of Monday, October 23 at Princess Margaret Hospital. She passed away with members of her family and close friends at her bedside.

Jennifer's association with TLOMA began when she took on the position of Facilities Manager at Fasken in 1988. Since that time, Jennifer was a regular attendee at the TLOMA meetings and admirably served both Fasken and TLOMA when called upon to host meetings.

Jennifer lived in England and Italy before making Canada her home, celebrating the 30th anniversary of her arrival in Canada just last year. Jennifer later became a Canadian citizen, something of which she was greatly proud.

At Fasken's, Jennifer was a conscientious, loyal and dedicated employee. She had a wonderful sense of humor, a quick wit and a strong determination to do the best job possible at all times. As many will know, her great passion was tennis and nothing and no one could come between her and a tennis match.

We will miss her regal bearing, her purposeful strides, and her warm smile as she marched through our premises to assess what was out of place, needed repairs, or directing yet another move.

May she rest in peace.

For anyone who wishes to, donations may be made to the Princess Margaret Hospital Foundation.



CONFERENCE WORKSHOP - FIORELLA CALLOCHIA, HR IMPACT THE HR AUDIT: A POWERFUL BUSINESS TOOL

Fiorella Callochchia's dynamic presentation at this year's TLOMA conference brought home the need for HR professionals to continuously sell and market the value of Human Resources within their firms. According to Fiorella "56% of CEOs say HR is one of the three most important functions for executing corporate strategy, more important than marketing and finance." To become a key business partner in the law firm environment and to gain an understanding of how effective and efficient the firm's people practices are, Fiorella recommends conducting an HR Audit.

What is an HR Audit?

An HR Audit is a comprehensive review and assessment of all the existing HR-related systems, tools, processes and actual practices (documented or not) within the organization. It basically takes a look at anything related to how you attract, hire, orient, train, coach, compensate, reward, recognize and sometimes terminate employees.

Does your firm need an HR Audit?

Ask yourself if your firm is experiencing any of the following challenges?

- High turnover of top performers
- Low employee satisfaction or morale
- Client complaints related to indifferent or poor service from staff
- Team conflict – inter-departmental or intra-departmental
- Concerns regarding management / leadership practices and style
- Increased claims / lawsuits related to wrongful dismissals, harassment, human rights, etc.
- Potential unionization
- High levels of casual absenteeism

What will an HR Audit tell your firm?

A carefully conducted HR Audit will help you to:

- Identify the strengths or people practices that are efficient and effective therefore worth retaining or continuously improving

- Identify gaps or problem areas that require attention and improvement
- Understand whether the organization is at legal risk because of non-compliance with relevant workplace legislation
- Know and understand the key employee-related challenges so you can focus your energy, time and resources (capital, financial, people, time) on the "right" things
- Determine critical information required to develop the HR strategy or infrastructure

How do you start?

In preparing the human resources audit plan, follow these steps:

1. *Review HR practices and decide your top priorities*
 - Confirm your priorities – where will you start? What function requires the most attention?
 - Schedule meetings with appropriate people including; managers, key employees, legal and external consultants
 - Take a close look at the HR systems, policies and practices currently in place
2. *Align your priorities with the business plan*
 - What is the future direction of the organization? Growth? Restructure? etc.
 - What are some of the challenges HR has recently faced in the organization?
3. *Create an action plan*
 - Clearly outline deliverables, accountabilities and timelines
4. *Prove your value to the business*
 - Discuss results of the HR Audit to senior management
 - Measure the value of HR processes and show the return of investment
5. *Have fun!*
 - Celebrate successes or completion of action items
 - Have fun and enjoy the ride!

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An HR Audit is designed so we can identify what we do well, as well as identifying areas for improvement.

The HR Audit Challenge

A human resources audit provides the tools and direction to build an effective and efficient human resources service. It is a work in progress. There is no way to predict in advance what an HR audit will reveal. Be prepared for anything or nothing. It takes imagination and insight to get the most out of an audit, but the goal is a workplace that does the right things in the right way on the people side of its business.

*Summary of the workshop provided by:
Katie Duncan
Manager, Human Resources
Goodman and Carr LLP*

KEYNOTE SPEAKER - LORETTA LAROCHE AUTHENTIC HAPPINESS: IT TAKES COURAGE TO BE HAPPY

Loretta LaRoche literally covered the stage with her presence and personality as our Keynote speaker on the last day of the 18th Annual TLOMA Educational Conference.

Ms. LaRoche shared her passion to Stop Global Whining! With irreverent humour and an innate sense of the absurd, Loretta helped us see how needlessly complex and stressful our lives can become, leaving us crazed and humourless.

Indubitably, the roles we play in our respective law firms are of a serious nature. We experience high levels of stress and are expected to achieve great things in support of our firms' strategic goals. We are also expected to set the example of professionalism, and of course, we hope to enjoy the respect of our professionals and to be taken seriously.

Does this mean that we need to leave our true personalities at the welcome mat of our firms? Do we need to present a serious, strictly business-like persona in the office at all times? According to Loretta LaRoche, no. Thank heavens! Ms. LaRoche, believes that everyone wants love, understanding, validation of who we are, and to be happy – including lawyers!

Ms. LaRoche asked us to consider how we dialogue in our lives. How we define ourselves is what we become. Our internal mental dialogue with ourselves strongly shapes our actions. For example, if we constantly say to ourselves “I am **so** tired”, then we will be nothing but tired all the time and will not generate energy this way. Ms. LaRoche

advises greeting each day with celebration. After all, upon waking each morning we know we have made it to another day – celebrate by vocalizing “I’m back!!!” – wake the person beside you and tell them you are back as well! This should start the day on a bright note!

Ms. LaRoche highly recommends that we be **JUICY!** Spurt our energy! Be zesty and moist! At least, fake it until you make it.

Loretta recognizes that we experience a lot of **squeezing** in our law firms. “Squeezing” is what negative people do while complaining. Watch them while they ‘squeeze’ up their mouths in preparation for spouting their most current complaint. Lots of people go through their lives thriving on negativity and want to share their tales of woe, back of hand clapped to their foreheads, with absolutely everyone around them. Misery loves company! These people experience a great deal of ‘pre-suffering’; you think bad things will happen, you suffer through the thinking and then suffer again when it actually happens! Don’t be a part of their negative story! Challenge these folks to find a solution to their problem.

To live a **JUICY** life, laughter is a necessary component. Don’t take yourself so seriously. Navigate your day in a playful way. Access more humour daily. When serious problems do arise, injecting a little humour into the situation helps to alleviate the stress associated with the problem. Ms. LaRoche highly recommends throwing your hands in the air and doing a little ‘twirl’ – gentlemen, find your equivalent. Just the ridiculousness of the act itself will bring a smile to your face and lighten the load. Remember, we have a choice in how we respond to the stresses in our lives. You can’t ‘squeeze’ and laugh at the same time. Which will you choose?

Meditation enhances **JUICY** living and should be the art of living as opposed to a boxed session.

Ms. LaRoche delivered a very profound statement: “You are your own entertainment centre if you just show up!”

We have one life to live. Will yours be **JUICY?**

Visit Loretta LaRoche’s website www.lorettalaroche.com to view her Biography, read her interesting articles or engage in her Discussion Forum. Take the Authentic Happiness test developed by Dr. Martin Seligman at www.authentic happiness.org. Ms. LaRoche’s bestselling book, *Life is Short – Wear Your Party Pants*, introduces the power of humour to overcome stress in everyday life.

*Summary of the session provided by:
Marsha Hempel
Manager Human Resources
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CONFERENCE WORKSHOP - KEVIN O'KEEFE, LEXBLOG MARKETING VIA BLOGS & RSS: BACK TO THE FUTURE OF LAWYER MARKETING

Kevin O'Keefe led a surprisingly very interesting and informative session on blogs at the TLOMA conference. I say surprising because, as a non-IT person, I tend to glaze over once the tech talk begins. Not so this time. Kevin does not have a tekkie background. He was a practising lawyer for 17 years who started a blog on how to conduct legal marketing on the internet. Others referenced his blog, news services started referencing him and his blog, and it mushroomed.

Back to basics...a blog is an electronic log, it can be interactive or controlled. It looks like a website and can be searched like a website, but it is not a website.

Since most blog packages that you buy off the shelf are not visually very professional, Kevin suggested any lawyer who wants to blog should have a consulting firm (such as his firm - LexBlog, Inc.) prepare the blog so that it looks professional and is complementary to your website.

The key for a law firm is to start with one individual who is willing to test the blog market. The content is not about the firm, but about a very specific area of law. It is not necessarily original work, but generally clips from other articles accompanied by your lawyer's commentary on that article. The commentary should not be long but it should be substantive in nature and specific to the area of law.

Blogs must be kept up on a regular basis. Kevin stressed that does not mean daily, but can be monthly, bi-monthly, etc. The lawyer will not be required to invest a lot of time and he/she is not providing legal advice.

The more you refer to other bloggers, the more other bloggers will refer to you. Which means you'll have more references to you on the internet and a high ranking when someone googles your topic. Kevin recommended subscribing to newsservices and filtering for keywords in the relevant area of law to keep current – others are doing this as well and every time you blog, interested parties will get your name & commentary delivered to their desktop. Eventually, when columnists and writers are looking for a quote on a recent trial or piece of legislation, your name will come up to them more and more often.

Finally, Kevin noted that law firms are generally 15 – 20 years behind in technology. Don't look to other law firms for examples of blogs. He believes that in 10 years, every lawyer will have a blog.

Summary of the workshop provided by:
Helen Lee

Office Manager

Bersen Jacobsen Chouest Thomson Blackburn LLP

CONFERENCE WORKSHOP - KAREN MACKAY, PRINCIPAL, EDGE INTERNATIONAL THE GREAT DIVIDE

In both her career as a Legal Administrator and in her current role as Principal with Edge International, Karen MacKay has had considerable exposure to "The Great Divide" between generations, both practically and academically. Her presentation at the TLOMA conference mixed business analysis and operational examples to create a stimulating and informative discussion.

Throughout North America, managing the current demographics in law firms was frequently cited as a major challenge for law firms. The broad definitions of the demographic groups currently in our firms are as follows:

Pre-boomers – born 1922 – 1945 – currently senior partners and counsel in our firms. This group is dedicated, hard working and respectful of hierarchy. They don't really understand the whole "work/life balance" debate.

Baby Boomers – born 1946 – 1960 – our law firm leaders. They value consensus leadership and decision-making and are driven by the desire for both profitability and prestige/reputation. They hear others talking about quality of life and balance but they don't particularly crave this for themselves.

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Generation X – born 1961 – 1979 – junior partners – the smallest demographic group. This group values competence in leadership and is somewhat dismissive of authority. They want balance in their lives, and want to do things their own way.

Generation Y – 1980 – 1995 – associates and students. This group wants structure and to have the firm assist them with their career direction. They are motivated by working with bright and creative people, and insist on balance in their lives.

The differences in motivators and desired results for each of these groups provides interesting challenges in our firms, particularly since the law firm leaders who are now in charge of recruiting and evaluating associates and students are fundamentally on different wave lengths in terms of what an employer should provide for an employee. Many baby boomers have worked in only one career, and in many cases in only one firm, for their entire working lives. A university graduate in 2003 is likely to work in ten different jobs in five different industries before he retires. What seems natural and stimulating to this individual might seem flighty and even disloyal to his supervisors.

How to bridge “The Great Divide”? Karen suggests that simply addressing the issue and keeping channels of communication open will be essential if firms are to prosper and do well in the “war for talent” over the next number of years. A lack of understanding of each other’s issues and viewpoints will result in retention issues for firms. Turnover is costly; a recent Catalyst survey determined that losing an associate lawyer incurs a cost of \$315,000 in hard costs, down time and lost productivity. Investing in training and coaching to assist law firm leaders in their roles as mentors and teachers will be important. Exploring such non-traditional approaches as technology that allows lawyers to work remotely and valuing legal careers that do not necessarily lead to partnership will also be essential.

A firm that embraces the differences in viewpoints and perspectives offered by the different generations will find itself not only more successful, but able to provide a richer quality of career and life experience for all of its members.

*Summary of the workshop provided by:
Susan Hodkinson
Chief Administrative Officer
Goodman and Carr LLP*



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DECEMBER 2006

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8 HOLIDAY SOCIAL	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24 31	25	26	27	28	29	30

JANUARY 2007

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16 MARKETING SIG	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

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