

*Mark the dates in your calendar and book now*

## Strategic thinking key at 'Fresh Tracks'

**M**ark your calendar for the BCLMA Conference *Fresh Tracks* June 14–16 at the newly renovated Hilton Whistler Resort and Spa.

Strategic thinking, planning and leadership skills are the topics being explored at this year's conference. Our presenters include Steven Haines, CEO and founder of the Centre of Strategic Management, and Richard Worzel, Chartered Financial Analyst, leading economic forecaster and futurist.

Whether you are an administrator, manager or a functional specialist, these sessions will provide you with the necessary skills and tools to facilitate change of any kind in your work; whether it is to sell an idea to upper management, or create and deliver a new cost-effective process or system at work.

*Fresh Tracks* kicks off Thursday evening with a welcoming reception and dinner, followed by some lively evening entertainment.

The first educational and interactive session begins Friday morning after the breakfast buffet. Stephen Haines will lead a workshop entitled *Strategic Thinking & Planning, and Leading Company-wide Change*. Conference delegates, he says, will learn the processes, tools, tips and techniques to plan positive changes for their firm, large or small, and how to implement them. He also says the dynamics and psychology that make it difficult to introduce new business services, policies, processes or systems into the workplace will be reviewed.

A late-afternoon trade show, reception and prize ceremony will be followed by a fabulous dinner at a lo-



cal Whistler restaurant.

On Saturday morning, Richard Worzel's presentation, *Responsive Leadership in an Era of Change—Rehearsing the Future*, will outline how to use scenario-planning concepts to

prepare for a range of possibilities a firm or department might face. He will lead the group in scenario-planning at the workshop.

The conference closes Saturday at noon, so delegates can relax and enjoy all the wonderful sights and activities Whistler offers.

This conference represents incredible value. Most meals are included in the registration price, and sponsors' contributions ensure that the price is only about half the actual cost.

Take advantage of the early-bird savings by registering before Monday, April 16. Contact Jane Kennedy for details and registration: <membership@bclma.org>

### *How to be a champion to your partners*

## Overhead cost reduction wins minds

BY DOUG AUSMAN  
RATCLIFF & COMPANY

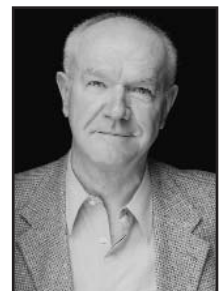
**T**he lawyers of a firm are responsible for generating revenue, but their Administrator should be looking for every practical opportunity to minimize costs because every dollar saved is more than a dollar earned.

Your law firm likely has to incur \$3 in expenses to earn \$4 in revenue, for a profit of \$1. However, \$1 saved is fully \$1 profit. Generally, you don't have to incur any costs to save \$1.

It is typical that expenses will increase each year simply because of regular price inflation. In our example, just to cover an additional \$1 in expenses, your lawyers must find ways to increase revenue by \$4. If the firm needs to also add \$1 to profit, your lawyers now must find ways to

increase revenue by a total of \$8.

The law firm's Administrator, Accounting Manager or Facilities & Services Manager can be a real champion in the eyes of their partners whenever cost-efficiencies are realized. Even if your law firm is doing well, financially, your partners will be delighted when your actions help increase their profits.



Doug Ausman

### WATCHING THE BOTTOM LINE

Firstly, expenses should be closely monitored every month for any unexpected variations. Comparing the month's

*Continued on page 2* →

→ Overhead reduction: Continued from page 1

expenses against the budget will show any significant variations. Don't let months go by without analyzing why costs are higher than budget. The sooner you find out why, the sooner you can take action. If you fail to monitor expenses in this way, or delay taking action, the partners will wonder why you didn't respond to rising costs when they review their financial reports.

Secondly, monitor the expense recoveries which are billed to clients: photocopies, printed copies, faxes and long-distance phone calls. If these recoveries are less than

budgeted, determine the reasons why and take action to maximize these recoveries. New electronic devices that track expenses and include those expenses in your bills to clients, with some mark-up, are expensive, but it's more expensive not to have them.

Thirdly, pick a couple of expense categories for thorough examination even if the costs are in line with your budget. It may be that you have been

paying much more than necessary for certain expenses for years. You can easily take advantage of the fact that there is a great deal of competition to supply all the products and services you require for your law firm to operate.

For example, cellphone plans are becoming less expensive, but someone at your company must take the initiative and spend the time with sales reps from several different service providers in order to get the best deal. Be prepared to have them analyze the calling pattern for each lawyer to see which plan option presents the best value for that lawyer.

Couriers are also prepared to sharpen their pencils and offer lower rates if they realize they might lose your business. You may think it doesn't matter

Continued on page 3 →



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→ *Overhead reduction: Continued from page 2*

since law firms include the cost in their bills to their clients. However, there is a way to capture the savings to the increased profit of your firm. Ratcliff & Company reduced its courier costs by 23% three years ago.

Stationery companies which provide office supplies, paper and toner cartridges can also offer competitive

pricing. For example, Ratcliff & Company is reducing its overall office supplies expense by almost 25% even after shifting from non-recycled to 100% recycled paper for copiers and printers.

**DOING THE HOMEWORK** You might wonder if you have the time and skills to determine which suppliers will give your firm the best price. How do you ensure that you are comparing apples to apples?

One solution is to hire a cost-management firm. They do the due diligence for you at an extremely affordable rate. Your fee will be a portion of your actual, verified savings for an agreed period of time. After that, 100% of the savings accrue to your firm.

Excelera Consulting is an example of a company that acts as an independent broker to obtain lower prices for the same items you currently purchase from your suppliers. Excelera works for its clients directly; they are completely independent of suppliers.

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tailed specifications, issue Request for Quotes documents to the available suppliers, analyze their responses, and outline for you which supplier will give you the best price.

Because every potential supplier receives the same product specifications, the process is fair and objective, and avoids giving proposals to you which cannot be compared.

You may often find that the best new price comes from the supplier you're already using. In the case where you decide to switch suppliers, Excelera will manage the transition for you.

A half-dozen senior managers at Greater Vancouver law firms have already used Excelera's services to save their firms significant amounts of money on expenses.

**LEARN HOW** Come to BCLMA's lunch seminar on *Overhead Cost Reduction* at The Four Seasons Hotel on Thursday, May 10.

Excelera Consulting Group Partners Doug Robertson and Drew Martin will co-present. A panel of BCLMA members will outline their experiences and answer your questions. ■■

## WRITING? CONTRIBUTING? WE'D LIKE YOUR HELP

**T**OPICS would be pleased to welcome *you* to the Editorial Committee. Writers/contributors are desperately needed!

You need not be a professional writer, and *you* will be supported by an enthusiastic team that works well together and has fun doing so! (The food is good, too.)

Please contact Stephanie Cornell if *you* are interested in contributing to the BCLMA's interesting and informative magazine.

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# How to navigate your way through the hazards of a networking event

BY BAILA LAZARUS

Is it better to hold a plate of food or a glass of wine at a networking event? (*Answer: wine.*)

Is it okay for a foreign guest to make sounds at a dining table in order to indicate their pleasure from the meal? (*Answer: no.*)

When are you expected to down the complete contents of your glass at a toast? (*Answer: never.*)

These are the types of questions that etiquette educators face every day, trying to make the business world safe from false moves and faux-pas; and while most people might not be tempted to follow the Chinese tradition of *ganbai* (a toast that means *dry glass*), that doesn't mean there aren't etiquette minefields out there.

It's all about creating a favourable impression, said Connie Sturgess, founder of Western Protocol and Eti-

quette, "while making other people feel comfortable around you."

After seven years learning about and teaching etiquette, she finds the

most common problem for most people in business is wondering how to join conversations at networking events and conferences.

"Most often, the biggest fear is breaking into a conversation; that seems to be fairly consistent," said Sturgess. "Beyond that, conversation starters seem to *Continued on page 5* →



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→ *Etiquette: Continued from page 4*

be a big deal to people.”

She has some simple suggestions, starting with avoiding a standing conversation of two people. “Often two people are discussing something specific to the two of them,” said Sturgess, suggesting, instead, that you join a group of three or more.

As to conversation-starters, “They never have to be profound or extremely intellectual,” she said. “All you’re trying to do is break the ice with somebody, and establish common ground. It could be as simple as, ‘I love it when events are held at this venue, the architecture is so great.’”

At a conference that brings people from outside your area, “Where are you from?” is an often overlooked, but simple conversation-starter.

But never be negative, warns Sturgess. “Let’s say it’s a yearly conference, and someone says, ‘I can’t believe they’re having it here again.’” In such a case, don’t agree, but redirect the conversation, she said.

Getting too personal too quickly is a definite no-no, as well as entering into

discussions about religion or politics. “With everything that’s going on in the world, you can open up some really heated discussions,” Sturgess said.

#### **BUILDING RELATIONSHIPS KEY**

Carey McBeth-Cooper, founder of Essential Etiquette, adds that a networking event isn’t a place to discuss business at length because you’re actually there to get to know each other.

“People want to build relationships with those whom they know, whom they can trust. I will never talk business at a networking function,” said McBeth-Cooper, adding that she’ll talk about the basics of her business so they know who she is; but she’ll use the time more to build a connection.

McBeth-Cooper has some basic dos and don’ts for those attending events such as networking cocktails or breakfasts:

“Number one is: always show up on time,” said McBeth-Cooper. “That’s going to be the best time to network because you’re going to be with like-minded people who have respect for time.”

She suggests that people eat before an event so they won’t have to worry about mixing food and shmoozing. “I always suggest that people not eat during those [social or networking events]; it’s a social minefield of things that can go wrong. You could have food on your face or in your teeth just when someone comes up to talk with you; you’ll be awkward trying to shake someone’s hand while holding food. You never look good or professional when you’re holding or eating food.”

If you do have to eat at an event, go early, have some food and then go to the washroom to check your face, teeth and clothing for errant food particles, suggests McBeth-Cooper.

Some other networking traps that McBeth-Cooper has seen are: being caught without enough business cards; or going to an event with the one person that you know, because then you often end up talking to that one person and not mingling.

If a co-worker comes up as you are talking with a group of people, and you’ve forgotten the names of some of the people

*Continued on page 6* →

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→ Etiquette: Continued from page 5

you were introduced to, just say, "Ok, there are five of you here; you're going to have to help me out again," and they'll re-introduce themselves, said McBeth-Cooper. "You'll look bad if you don't at least try to make the introductions. Etiquette is about how you treat other people," she said.

Brenda Welock is the Co-ordinator of Continuing Professional Education in the faculty of Commerce & Business Administration at Douglas College. She has offered a course by McBeth-Cooper through the college because of the important role she feels etiquette plays in business.

"It's such a competitive marketplace these days, it's essential to differentiate yourself, especially for en-



**"ETIQUETTE IS ABOUT HOW YOU TREAT OTHER PEOPLE," SAID MCBETH-COOPER**


trepreneurs," said Welock. "I think etiquette does this; it's an important tool. And the neat thing about etiquette is that it's not a gender-specific thing. Women have to take care of the same details as men. It's more than just knowing what fork to use. Overall you have to *Continued on page 7* →

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→ *Etiquette: Continued from page 6*

have a sense of what's appropriate and what's not. It's all part of earning the trust of your clients.

### ETIQUETTE QUIZ: ARE YOU FOLLOWING PROTOCOL?

- When looking for people to talk with at a networking event, do you:
  - Approach a single individual standing away from the group?
  - Approach a group of two people and introduce yourself?
  - Approach a group of three or more and introduce yourself?
- When chatting with someone at a networking function, should you:
  - Pick an interesting topic; something you heard on the news that morning?
  - Pick a more benign topic, such as talking about the venue where the event is being held or where you're both from?
  - Complain about the weather, since it's a common topic?
  - Talk about business—that's why you're there?
- A co-worker comes up to you as you're

- talking with a group of four or five people. You'd like to introduce them but you've forgotten some of their names. You:
- Joke about it and say, "OK, there are five of you here; you're going to have to help me out."
  - Go around introducing the ones you can and saying, "Sorry, I've forgotten your name," to those you can't remember.
  - Lean over and whisper to your colleague that you can't remember all the names.
  - Don't worry about it; your colleague should take on the duty of introductions.
4. You're inviting a potential client to lunch. You:
- Allow the client to choose the restaurant.
  - Find out if the client has any dining preferences, and choose the restaurant yourself.
5. If you sit down at a table and you forget which side your bread plate and your water and wine glasses are on, you:
- Lean over to someone next to you and ask.
  - Make a joke to everyone about how confusing table settings are.
  - think about a BMW.
6. Someone at the table asks you to pass

- the salt. You:
- Ask them if they'd like the pepper also.
  - Pass the salt and pepper.
  - Pass them the salt.

#### ANSWERS:

- 1a or c: Avoid groups of two as there is more of a chance they are engaged in a conversation specific to the two of them.
- 2b: At a networking event, you're there to build relationships, to get to know the person. Don't delve into controversial issues that might be too hot to handle, don't be negative and don't jump right into business.
- 3a or b: Everyone forgets names. Accept it and deal with it directly. If you don't do the introductions, you don't look good.
- 4b: Make things as easy as possible for the client by finding a good restaurant and taking care of reservations yourself.
- 5c: BMW stands for (left-right) bread, meal, water/wine. If you make a joke about being confused, you may come across as hesitant.
- 6b: Pass the salt with the pepper, so if someone else wants both, they won't have to ask two different people. ■■

This article is reprinted with permission from: *Meeting Places Magazine*

## We got stuffed on Thanksgiving. What did you do?

Whenever Thanksgiving arrives, we always stop and reflect on life and the things that we hold dear and are grateful for.

We are grateful to have so many amazing and wonderful clients whom we hold in the highest esteem.

**Thank you!**

We are thankful to have had the opportunity to assist you and get to know you. We look forward to helping you move forward and to meet your needs as they arise.

Our entire team is thankful to be working towards your continued success and we will continue to hustle our buns for you.

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# 'Almost 100' at December fête

BY STEPHANIE CORNELL

**O**n Dec. 6, 2006, BCLMA members celebrated the holiday season at the annual Holiday Party.

We returned to Bridges Restaurant at Granville Island for another outstanding event. Almost 100 people attended, making the evening a fantastic success.

Congratulations to our door-prize winners. Prizes were provided by the BCLMA and our generous sponsors, Systems Auditing and TOS International.

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- ✓ Barb Marshall; Fasken Martineau
- ✓ Kerri Antifaev (formerly Pearce); AHBL
- ✓ Bonnie Kirk; Lawson Lundell
- ✓ Sheila Ausman, wife of Doug; Ratcliff & Co.
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# 2,010 OPPORTUNITIES

A Vancouver Olympics executive told us the other day that in its first four years, it spent 5% of its \$2 billion budget to operate the Games. "In the next three years, we'll be spending the other 95%."

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Who are you going to rely on for that stream of information about the 2,010+ opportunities? Conferences... every six months? Nope. Local news media? They aren't interested in the business of the Games, like we are; they don't provide you with 20 or 25 business stories a week about the Games, like we do. We're the only news service that names the players, tells you how to contact them. We ask them what they're doing, when and why. We look to the near future, so you can use the information. We follow the money, so you know where it's going. And we're completely independent of VANOC and its friends, so we pull no punches, play no favourites.

One of our subscribers, a municipal executive, told us the other day: "The thing I like about your service: you don't have an attitude. You just tell us what's going on." If you're serious about doing business with the Games, be serious about where you find your opportunities—and ideas. Subscribe now.

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# YOU BE THE JUDGE

**T**his new feature of TOPICS, compiled by Vancouver lawyer Paula Butler, is designed to get you thinking and discussing intriguing workplace scenarios that might happen—or have happened—to you.

Read the case below, aimed to challenge your management ability. Then, click here <[www.BCLMA.org](http://www.BCLMA.org)> to go directly to the BCLMA website. On the homepage, click on the **Respond to Topics Scenario** button to arrive at the You Be The Judge response form. Describe how you would answer the question at the end of the scenario. **Submissions are 100% anonymous. Neither sender's name nor Firm name will be revealed to the Editors - only your response.** Next edition, we'll print a selection of the anonymous responses—and provide a new scenario.

## THE CASE OF JOHNSON & JONES

**S**herri Johnson started working at the law firm approximately six months ago, in a junior accounting position.

After she had been at the firm about three months, Sherri was asked to get some information from Mr. Jones, one of the most senior partners at the firm, for the annual audit.

The first time Sherri tried to talk to Mr. Jones, she booked an appointment with his assistant. Mr. Jones never bothered to show up for the meeting, nor made any attempt to contact Sherri to re-schedule.

Sherri then tried to speak to him at the close of business on the following day, without setting up an appointment. When Sherri arrived at Mr. Jones's office, the door was open. Before she could speak, he yelled, "Can't you see that I'm busy!"

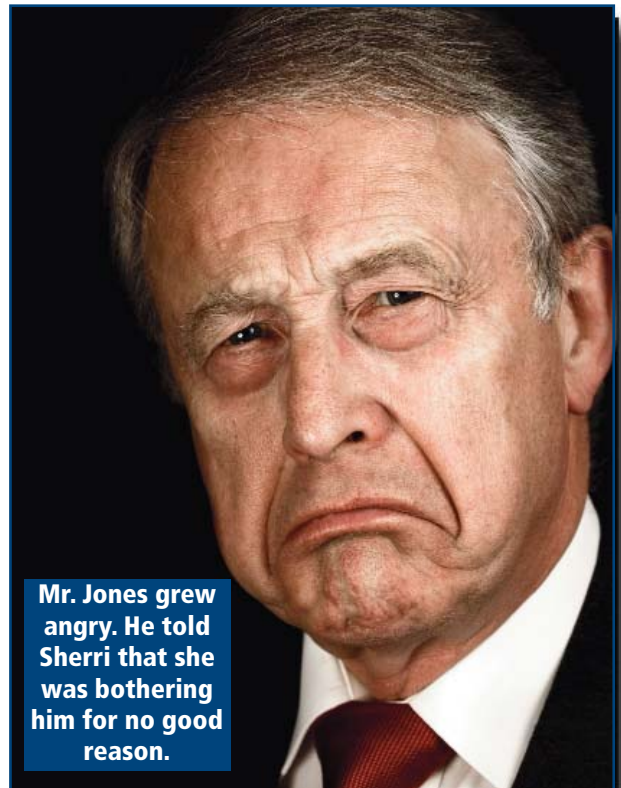
Sherri went back to her desk, upset and uncertain of how she should approach Mr. Jones.

Last week, Sherri decided to again make an appointment to see Mr. Jones. When she arrived at his office, she advised him that she needed some information from him for the auditors.

Mr. Jones grew angry. He told her that she was bothering him for no good reason, and that she should have the information she sought. He said that he was sick of all of the "true incompetence" in the accounting department, and that he couldn't believe the "idiots" that were getting hired into the accounting area. He then screamed "Get the hell out of my office!"

Sherri fled to her manager's office and burst into tears, asking her boss what she should do.

*You are Sherri's manager; what do you tell her?* ■■



**Mr. Jones grew angry. He told Sherri that she was bothering him for no good reason.**

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# Innovation in a law firm requires creative thought and planning to make it happen in an effective way

BY TIM WURTZ  
BAKER NEWBY LLP

Look around. Does your partnership and senior management have a clear and shared understanding of how the legal industry may be different five, 10 or 20 years from now?

While this easily falls under the umbrella of strategic management, real success will most likely become increasingly reliant on a firm's propensity and ability to innovate.

Innovation is the current buzz word. I have found that businesses are quick to term themselves "innovative" but it would almost seem that some companies or marketers have simply substituted the word 'innovative' for 'creative.'

Innovation is the *product* of creativity and commercialization. It is not a sum, but a product, because if one

component is zero, the outcome is zero. Creativity alone is not innovation. Innovation requires creativity to be deliberately and systematically implemented to capitalize on the idea.

Innovation management is more than change management. Change management aims to look for a way to do things better—innovation aspires to do things differently. While several of the practices of either intersect, innovation requires a more fundamental approach.

I'll first provide a crash course in innovation management, including some commonly suggested principles to help you create a more innovative climate in your own law firm. I will then highlight some obstacles in the legal profession that you will need to overcome, and finish by taking a look at some innovation in real law-firm life.

**INNOVATION 101:** Innovation can

happen along a spectrum, from incremental, through semi-radical to radical. Innovation can happen in three main business areas:

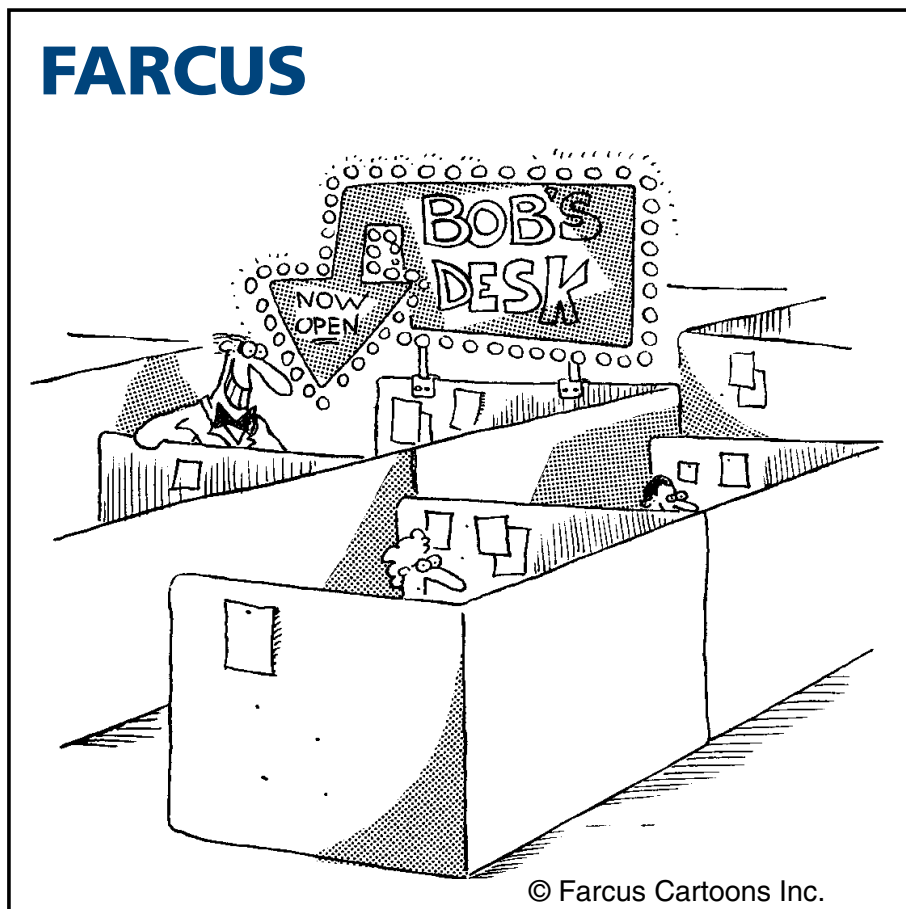
1. *Technological Innovation*, which encompasses your product and service offerings, a process technology, or other enabling technologies;
2. *Management Innovation*, including climate management and the communication of vision and objectives; and,
3. *Business Model Innovation*, which is how value is created and delivered, what is sold and delivered, and it also factors in the target client.

You need to determine your firm's current innovation-investment portfolio, the mix between technology, management and business-model innovation, and your firm's propensity to how it mixes incremental-to-radical innovation, and determine any existing or potential sources of bias.

Many principles and frameworks for successfully implementing innovation are presented by various research authors. A few common principles include:

1. *Leadership:* You need rock solid leadership in your day-to-day business decisions, rather than grand statements with little or no follow-through. Top-down management support is critical for innovation initiatives, as it is for most initiatives within a law firm.
2. *Balance:* Balance the freedom required for creativity with the restrictions necessary to capture the value of the ideas. That way your firm generates successful new ideas and then gets the maximum return on its investment. This includes developing an environment that fosters creativity. One notable innovative company outside of our industry, Google, uses a 20% rule: employees are encouraged to spend one-fifth of their time looking for new ideas or developing existing ones.

Such brainstorming can provide a constant pipeline of ideas for you (via the capture process) to filter, in order to *Continued on page 11* →



© Farcus Cartoons Inc.

**Bob, being innovative, finally got the recognition he felt he deserved.**

→ Innovation: Continued from page 10

find the ones that properly fit your firm.

3. *Alignment:* Align your vision, mission and actions. A cohesion of ideas is critical to successful innovation. Every single person in the firm must be on the same page.

Trivial differences in opinions or actions by senior partners or managers, or even the most junior staff, are lethal to an innovative climate. You must neutralize organizational antibodies that kill off or hinder good ideas simply because they are different from the norm.

Of course, organizations are usually set up in such a way so as to ensure the Way Things Are

Done are always done that way until changed from the top. It's the organization's way of ensuring a consistent product—including knowledgeable legal advice—and to ensure there's no internal confusion about the expected inputs and outcomes of various internal processes in creating or supporting that product.

Self-correction in that flow—the outcome is flagged by staff or supervisors as being 'abnormal'—is an example of the antibodies.

If a firm is to set up a process or culture of developing creativity within the firm, that process and the 'normal' work flow have to be isolated from each other until the new method can be properly evaluated, and then properly incorporated into the usual work flow, instead of it happening spontaneously.

The simplest way a law-firm administrator can have both creativity within the firm, and a consistently improving product as a result, is to use that method or something similar.

4. *Network:* Create innovation net-

work, and other industry leaders could identify opportunities never before contemplated in the legal-services sector.

6. *Forward:* Do not let the past determine your future. Everyone carries their own set of built-in assumptions

about what the legal industry is, who our clients are, who the competition is, what our clients want and how we deliver our services.

Break down these boundaries, and encourage everyone to become more accepting of the unfamiliar. Research shows the more often people are exposed to something, the more positive they feel about it.

7. *Attaboy!* Reward innovative efforts. The golden rule of "reward the behavior you want to encourage" holds true if your firm wants to nurture an innovative environment.

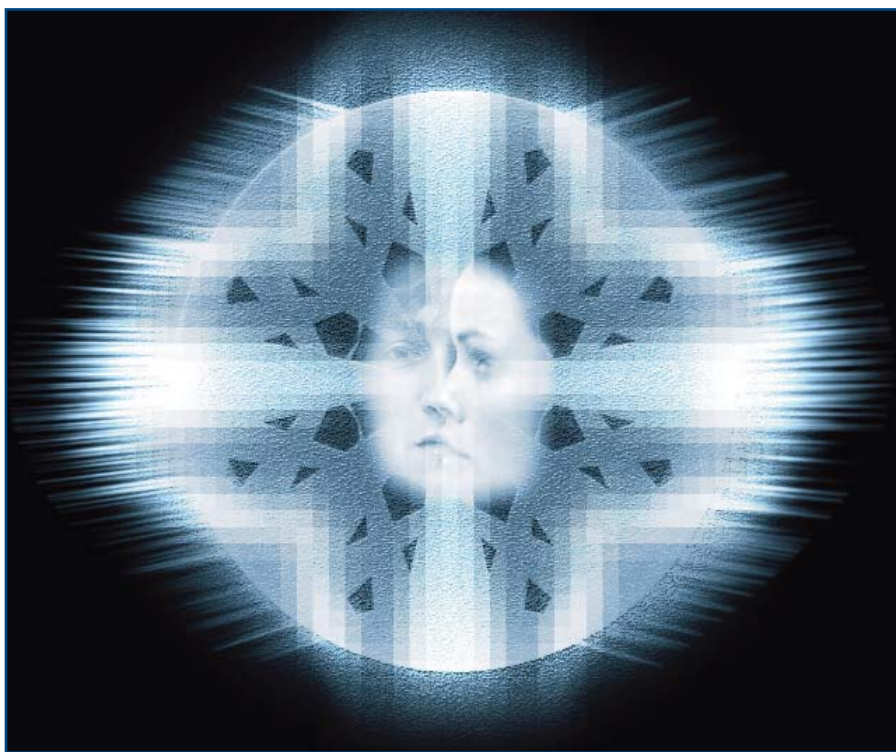
Reward success *and*—here's the kicker—reward the extraction of useful experience from failures. This will make it known to your people that your law firm's climate is conducive to learning from mistakes and to taking calculated risks.

You need to make it known that there are no bad ideas, and that any effort towards innovation is welcomed and appreciated.

**INNOVATION OBSTACLES** There are overwhelming, inherent tendencies in the legal profession that make innovation difficult.

First, the education of lawyers includes training and acculturation that makes them resistant to change. Law schools offer management-style electives, but rarely, if ever, make them part of a curriculum.

A lawyer's practice is rooted firmly in the power *Continued on page 12* →



**FACE IT:** How many faces do you see in this painting by Rosa y Dani? One? Two? Creativity in a law firm also needs to be developed, encouraged and integrated so there's no confusion in how the firm is run, nor compromise in the product delivered to the client. How many faces are there in the art work? Two, if you look closely; one if you glance at it from a distance.

works inside and outside the organization. This could also be described as reaching out for new voices. Take a cue from your suppliers or customers, noting their internal operations. There are many opportunities to innovate by simply collaborating with your clients.

In addition, companies like World Services Group, Lex Mundi, or Meritas are a few by-invitation-only legal networks that link your firm with others throughout the world.

5. *Out, out:* Look outside the box. Innovation often entails using an old idea in a new context, or in new ways and in new combinations.

What may seem a commonplace idea or infrastructure in another industry may ignite a reformation of the legal-services industry if it can be identified and adapted. Consultation with academics, clients, gov-

→ Innovation: Continued from page 11

of precedent. They don't want to change, and are suspicious of change efforts. Senior partners have become successful using tried-and-true procedures to achieve great economic success—who are we to compromise this achievement by saying things now have to be done differently?

Second, in a law firm context, the billable-hour is still king, and any other activity that uses up any part of a billable hour from the day is seen as a waste.

Fairly progressive firms have overcome this mindset to embrace the importance of a strong focus on practice management and marketing.

This swing of focus itself can be seen as incremental innovation if you can show that the practices have re-

sulted in increased productivity and increased revenues.



Until firms are willing to devote the time to measuring productivity, efficiency and value delivered to the client, they will not be able to move away from the prevailing time-based billing model.

Lastly, lawyers and law firms are

notorious for lagging behind the adoption curve with respect to innovation—or any new business practices, for that matter. For proof, look no further than marketing. Legal marketing only began in the 1980's, and it has now sprung into its own, new, self-sustaining industry.

Another example, customer-relation management (CRM), developed primarily from database marketing in the 1980's, is now remodeling the lawyer-client relationship, and redefining the way new clients are engaged and managed. I suspect there is still plenty of room for innovative CRM applications in our field.

**INNOVATION IN PRACTICE** There is a well-cited article by David Maister, entitled *An Innovative Law Firm*, which appeared in the inaugural issue of *Inno-* *Continued on page 13* →

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→ *Innovation: Continued from page 12*

*vAction*, published by The College of Law Practice Management.

In it, Maister describes the newly formed law firm Exemplar Law Partners, founded by Christopher Marston. This firm, in a short time, has already been featured in articles in *Lawyers Weekly* and the ABA's *Law Practice Magazine*.

A sample of the innovative practices Marston has introduced to the legal arena include:

- ✓ Billing only on the basis of fixed prices—fees are determined for each project by a pricing committee;
- ✓ Offering clients a satisfaction guarantee;
- ✓ Only hiring lawyers with business degrees or with extensive industry experience;
- ✓ New hires must accept no guarantee of a starting salary in exchange for profit-sharing participation;
- ✓ An experienced management team from non-lawyer backgrounds.

There is still no proof Marston's concepts have paid off, or will. But if

they do, his firm will have the reputable distinction of being one of the first truly successful innovative firms.

Innovation opportunities exist for

**PROPER OVERSIGHT,  
SAFEGUARDS AND  
MONITORING: CRUCIAL.  
THE POTENTIAL:  
GROUND-BREAKING**

law firms. Possible examples include reversing the outsourcing trend towards contracting companies such as *Westlaw* and *Lexis Nexis*. Their services are critical, and expensive, and are increasingly capturing a portion of the law firm's revenues.

Also, alternatives to law firms such as alternative-dispute-resolution firms (more concentrated in the U.S.) and mediation firms are increasing. Modern firms can not be complacent to this new form of increased competition.

Laura Owen, director of World-

wide Legal Services at Cisco, suggests that law firms need to change the way in which they deliver legal services. She suggests, for example, automating documents using document-assembly tools, enabling the firm to offer transactions at a fixed price, and then license out firm documents for use by clients.

The idea of Legal Disciplinary Practices (LDPs) in the UK, and Multi-Disciplinary Practices (MDPs) in Canada, are two vehicles which would break the traditional structure of law. Proper oversight, safeguards and monitoring will be crucial, but the potential could be ground-breaking.

Darryl Mountain, of the ABA's eLawyering Task Force, challenges us to contemplate what would happen if information-technology firms or marketing firms were able to take an ownership in MDPs. Imagine the motivation to use new technology to improve efficiencies and increase services, or the creative marketing tools and practices that could be introduced to the practice of law. For example, imag-

*Continued on page 14 →*

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ine the innovative approach toward legal services that a law firm wholly owned by Google would adopt.

Technology is perhaps the most highly visible form of innovation, and its success and failure can be easily observed. The recent onset of the use of blogs and RSS feeds is definitely a semi-radical innovation in law firm marketing—if that lawyer or firm can show tangible penetration of a target market by their firm’s services, or increased revenues as a result of their use. If the technology is not being used to capitalize on the lawyer’s expertise however, it is simply a creative hobby.

**IN THE END** Innovation management has been around for a long time, we’re just getting smarter about how to manage and implement it. Academic literature and trade publications abound with theories, frameworks and case studies in innovation across all industries. This article is intended to provide you a very broad overview of the topics, and hopefully inspire you to look differently at the concept of innovation, and how it can truly be embraced and implemented in your law firm.

The spirit of innovation lies in an ideology, a willingness and desire to look outward and forward to revolutionize the way in which legal services are delivered. Those that are able to generate the creative ideas, and bring them to our mass market in a profitable manner will dominate the industry.

Larger firms already have access to highly skilled and educated personnel actively promoting this innovation ideology, but be warned, the word is out, and every firm large or small has the tools to become innovative, to turn the industry upside down.

Innovation involves concepts to make you more competitive for the future, not simply more competitive for the present. Whether your firm is ready for this type of commitment is up to you. Some firms are, and you’ll definitely be hearing from them in the future.

That would be the *near* future. ■■

## MAKING THE MOVES...

**B**arb Martens, who was with Lindsay Kenney for eight years, has completed a government contract and rejoined the legal mix as Firm Administrator of Dolden Wallace Follick... **Vera Piccini**, formerly of Watson Goepel, is the new Administrator at Fasken Martineau... **Cindy Hildebrandt**, formerly of Lindsay Kenney, is the new Manager of Human Resources at Richards Buell Sutton... **Allison Milroy**, formerly of Lang Michener, is the new Manager of Human Resources at Lindsay Kenney... **Margaret Cherry**, formerly Administrator of Coutts Weiler & Pulver, is the new Administrator with Campbell Froh May & Rice in Richmond... **Carol De Long**, formerly of Richards Buell Sutton (RBS), is now the Director of Administration at Harper Grey Easton... The new Administrator at Heenan Blakie, in Vancouver, is **Donna Kitagawa**.



Allison Milroy

## WELCOME NEW FIRMS TO BCLMA

**R**oper Greyel, Vancouver: Tracey MacLean, Administrative Assistant to the Managing Partner... **Campbell, Burton & McMullan LLP**, Langley: Cheryl Scott, Administrator... **Dolden Wallace Follick LLP**, Vancouver: Barb Martens, Administrator... **Campbell Froh May & Rice LLP**, Richmond: Margaret Cherry... **Yong Chen & Leung**, Vancouver: Christina Yong. ■■

*Have there been promotions or management changes in your office? Send the details when they occur (while you’re thinking of them!) by e-mail to Topics editor Stephanie Cornell <SCornell@Van.Fasken.com>.*



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# Public-sector corporate counsel in a tell-all mood at Legal Marketing Association panel discussion

BY PAUL REYNOLDS  
AND ALLISON WOLF

**H**ow do public sector counsel view outside counsel? Do they have different roles or expectations than their for-profit corporate counsel counterparts?

Last year, the Vancouver chapter of the Legal Marketing Association (LMA) heard from the private sector. Last month, both the LMA and the Canadian Corporate Counsel Association held panel discussions with in-house counsel from several public-sector organizations. Paul Reynolds of 2nvision Consulting moderated both events.

**STRAIGHT A'S** Clear themes emerged over the course of both presentations. First, when corporate counsel talked about the outstanding lawyers and firms with whom they have worked, a number of qualities stood out:

- ✓ *Responsive:* They are prompt, with a timely response to requests.
- ✓ *Pragmatic:* They work the file appropriately.
- ✓ *Contextual:* They repeatedly invest in learning about the organization, not just for the initial sales call, and are sensitive to the organization's particular requirements.
- ✓ *Team players:* They work closely with in-house counsel and communicate well, and they keep counsel well apprised of what is going on in a file.
- ✓ *Flexible:* They work odd hours and on short notice when necessary.
- ✓ *Pleasant to deal with:* They are well mannered, and treat their clients with respect.

**HOW TO GET FIRED** The panelists also shared some examples of atrocious client service they have had the misfortune of experiencing.

Reading between the lines of the stories we heard, here is our list of five easy ways to get fired by corporate counsel:

1. **Ignore deadlines.** When the client requests the opinion for their important meeting at 2 pm, don't

hand it in at 4 pm.

Phyllis Carlyle, City of Richmond, pointed out when she calls a lawyer to meet her on the day of a City Council meet-

ing, it is not acceptable to say no one can come until the day after. Do that more than once, and the firm will be replaced. Derek Patterson of ICBC gave much the same example.

2. **Communicate with the client as little as possible.** Don't keep clients in the dark. Keep them updated on the file, even if nothing happens on the file for weeks or even months. Stay in touch.

Lawyers forget that clients have reporting periods and budgets, so they need to be kept informed—



Paul Reynolds



Allison Wolf

whether before meetings of the Board or City Council. All panelists expressed frustration over being told that a memo or letter would be late—on the very day it had

been promised.

3. **Casual Billing:** Don't bill the client for the friendly chat you had with them on the phone. In-house counsel expressed their annoyance over casual billing. Several used the term 'complacency' and said that firms working for the public sector assume the work and easy billing will always be there so they can "milk that cow."
4. **Public:** When the client is a public agency under public scrutiny, so are your ac-

*Continued on page 16* →

## Need a firm hand with your firm's newsletter?

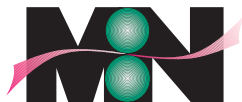
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→ Corporate Counsel: Continued from page 15

tions. You have to pay attention to how the client's image fits with your legal strategy. Advocating aggressively and sharply as possible, regardless of negative media fallout, is trouble—for you.

- 5. **Be as arrogant as possible.** When the CEO enters the room, stand up, shake his hand. Be prompt for meetings and consider your invitation an honour. Carlyle emphasized the need to be pleasant to deal with, and to come to the office with an attitude of being "part of the team," not necessarily the one in charge.

**HAVE CLIENT WILL TRAVEL** It became clear that private practitioners are still not investing the time it takes to get to know their client. Janet Toddington of Canada Post spoke of the importance of having outside lawyers visit their operations and receive briefings on their emerging business.

All panelists had in-house counsel with years of experience, but in all those collective years only one had ever received a request from a lawyer

asking to visit. None have ever been asked for their organization's annual report or for briefings on the organization's current key goals. These are obvious and simple ways to improve relations and meet expectations of corporate counsel clients so it is rather astonishing that it is rarely done.

Several counsel longed to have law firms show enthusiasm. Shelly Milne of the BC Safety Authority said she would be impressed if lawyers called her to give informal advice as this would show interest and effort.

Toddington welcomed seminar invitations. These are excellent occasions for firms to showcase their talent and demonstrate the scope of experience the firms offer.

Panelists expressed little interest in lunch invitations and even less for straightforward entertainment (e.g. sporting events, etc). Those who work outside of the downtown core frowned on lunch invitations in the city centre. Most would prefer that lawyers invest the time to see their client's operation and have coffee nearby. Another common complaint was about non-practical advice, which may be tied to not really knowing the client's culture, capacity or significant goals. ■■

*Paul Reynolds consults to companies and directors on managing legal risk. He is a former general counsel to three multinational corporations and serves as Secretary to the Canadian Corporate Counsel Association in BC. Contact Paul at <Paul.Reynolds@2nVision.com>.*

*Allison Wolf is a certified executive coach and legal marketing professional. She is the founder of Shift Works Strategic Inc., a Vancouver-based firm that provides strategic business coaching to the legal community. Contact Allison at: <Allison@ShiftWorks.ca>.*

## MAKE NOTE OF THESE IMPORTANT BCLMA DATES

*Monday, April 16, Deadline for the Early Bird Discount for "Fresh Tracks"*

*Wednesday, April 4th, Annual General Meeting, Noon at the Sutton Place Hotel. Lunch will be served.*

*Thursday, April 19th, Spring Social at Al Porto in Gastown*

*To confirm your attendance at each, please contact Jane Kennedy at membership@bclma.org*

## MEMBER NEWS

*Many new and seasoned professionals have joined or transferred within BC's legal community and our association. Don't hesitate to send your greetings and congratulations to your colleagues!*

## NEW SUBSECTION LEADERS

**New Trainers' Co-Leaders**  
*She'eli Mullin, Lang Michener  
Eva Handeland, Farris*

**New Co-Lead Facilities & Services Management**  
*Kevin Peters, Bull Housser & Tupper*

## BIG ISSUES FOR CORPORATE COUNSEL

**T**he panelists were refreshingly candid. Several guests left with valuable insight that can assist with restructuring the business development approach, responding to RFPs, standing out as great counsel, and a list of effective marketing tools.

Several emerging "big issues" for corporate counsel were also raised.

Both Dean Readman of the Port of Vancouver and Derek Patterson of ICBC spoke in detail of how important compliance program development is becoming for their organizations.

Enterprise Risk Management (ERM) is also a key focus area. ERM is driving legal needs in the areas of competition policy, environmental, and privacy. Readman said that the Port uses risk-based planning and that ERM is high on the Board's agenda.

Other big issues are customer privacy and First Nations. Andrea Brace of GVRD described First Nations issues as a new and huge factor going forward.

## MEMBER SNAPSHOT...

**V**era Piccini, previously Chief Operating Officer at Watson Goepel Maledy LLP, has joined Fasken Martineau DuMoulin LLP as General Manager. In addition to working in the legal services industry, Vera has extensive senior executive experience derived from the communications, finance and not-for-profit sectors. After many years of living on the North Shore, Vera and her husband describe their recent decision to move into Yaletown as "liberating." ■■



Vera Piccini



# Practice-driven technological training most helpful for lawyers

**BY CHRISTINA SAREMBA  
ALEXANDER HOLBURN**

It can be quite challenging to be the person responsible for technology training in your firm, especially when you are trying to get the attention of a busy lawyer who needs to balance billable time and non-billable activities, such as training.

If your goal is to increase the competency and efficiency of lawyers in using technology, then providing them with practice-driven training could be the key to addressing this challenge.

### FOCUS ON THEIR BUSINESS

Technology training needs to relate to a lawyer's practice in a way that is authentic. It must enable them to accomplish a critical task, solve a current business problem, or contribute towards achieving a business goal.

To be successful in providing such training, it is important to understand their business issues and workflow so that you can develop a strategic alliance between yourself and the lawyer. Learn to understand their challenging issue—their pain—and then tailor your training program to help reduce that pain.

The following three methods will enable you to create clear learning objectives and develop customized learning plans:

✓ *Attend practice or workgroup meetings*

You can learn a lot about the business of a practice or workgroup by attending a regularly scheduled meeting.

It may be as simple as asking the group members to share with you one or more of their current issues, concerns or strategies.

Alternately, you may want to provide a brief (10-minute) presentation to the group based on a recommendation

you may have, or to share what other groups in the firm may be doing that effectively takes advantage of technology to solve their business issues.

By attending a group meeting, it shows that you are interested in their



**LEARN TO UNDERSTAND THEIR CHALLENGING ISSUE—THEIR PAIN—AND THEN TAILOR YOUR TRAINING PROGRAM TO HELP REDUCE THAT PAIN**

business, and helps you to strategically align your training to the group's needs.

✓ *Meet individually with lawyers*

Many lawyers like the convenience and privacy of receiving personal coaching in their office, as opposed to group classroom instruction.

An office meeting provides you with the opportunity to observe how they work, as well as discuss their specific issues and business goals. You may then be able to develop a detailed learning plan and a schedule that would support and encourage the lawyer to continue with on going learning sessions.

It can be challenging for a lawyer

to set aside time during a busy day specifically for training. Try this: suggest a 30-minute session first thing in the morning *before* they start their work day—and offer to bring the coffee and goodies.

✓ *Speak with the lawyer's support staff*

Support staff can be invaluable with helping you to understand the work process and some of the issues in getting work completed. By getting a better understanding from them, you can more easily identify ways of improving the process or tackling the issues by providing the appropriate training for the lawyer and their support staff.

Consider support staff as advocates in helping lawyers get the technology training they need.

✓ *Delivering the training*

As we said: Lawyers learn best when the training is highly focused, task oriented, and targeted to specific skills necessary for their work. A variety of things to achieve during training should appeal to the individual's learning style and preference.

Options should include a mix of:

- ✦ Brief (10 minute) high level group presentations;
- ✦ Task-focused, hands-on sessions, up to 45 minutes, with quick-reference materials or job aids as resources to take away;
- ✦ One-on-one instruction at the lawyer's desk;
- ✦ Online learning modules that can be easily accessed and available at any time. These might be placed on the corporate network.

By providing a variety of training delivery methods, you will be more likely to meet the diverse needs and interests of the lawyers in your firm.

### SHOW ME THE MONEY

It may be possible to organize the training program so that the lawyer can actually get billable work done during the session.

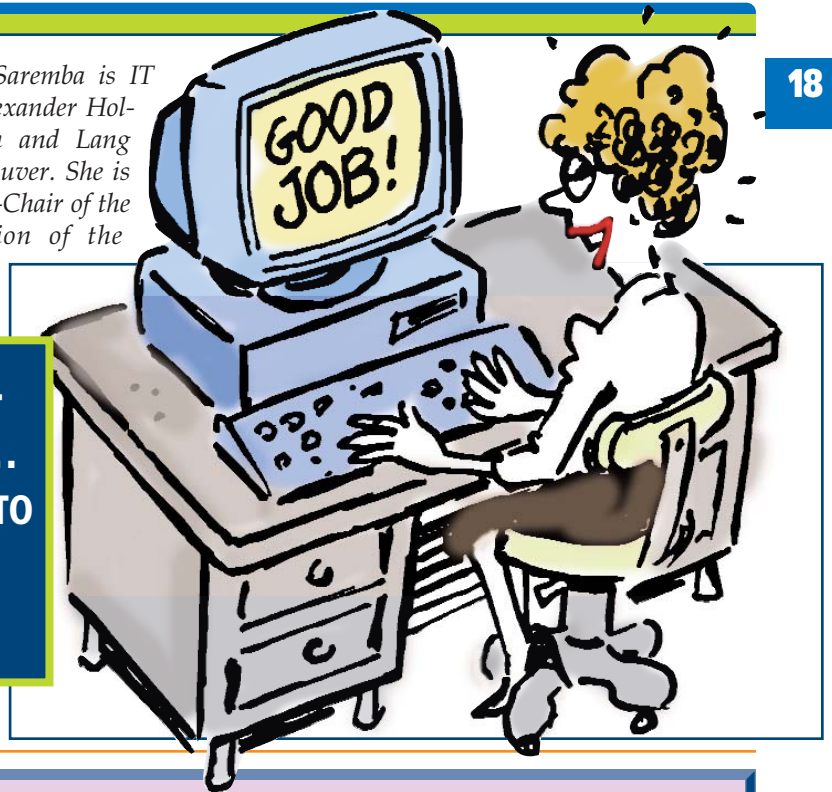
In a recent training session, I was working with *Continued on page 18* →

→ *Technology: Continued from page 17*

two lawyers who wanted to learn how to be more efficient researching and capturing information from the Internet in order to produce client reports. During the session, we searched for information that they could use to generate a draft of a client report. They were able to bill the time spent learning a new application and work process. Additionally, by focusing on the work process and business issues, the lawyers determined that the training session was an excellent investment of their time.

**LET THAT TECHNO-  
CHAMPION SHINE...  
EVERYBODY LOVES TO  
HEAR SUCCESS  
STORIES**

*Christina Saremba is IT Trainer at Alexander Holburn Beaudin and Lang LLP in Vancouver. She is the former Co-Chair of the IT Sub-Section of the BCLMA.*



#### **EVERYBODY LOVES A HERO**

Does your firm have a lawyer or practice group that has recently used technology to successfully accomplish a business goal or overcome a significant challenge?

Is there someone who has used technology to reduce court costs, improve communications with clients, or produce a better work product?

Then be sure that everyone in the firm knows about it and let that techno-champion shine. Everybody loves to hear success stories. Those stories can serve as an inspiration for others to want to do the same or better. Before and after stories, or those based on successfully solving a problem with training, can also provide excellent material for your firm's newsletter or blog.

#### **AND, IN THE END...**

Targeted training based on the needs and interests of an individual should be the basis for developing any educational program. Technology training needs to relate to the business issues and goals of the practice, and must be clear in its ability to meet the lawyer's learning requirements.

The overall benefit is that lawyers can increase their competency and efficiency in using technology. Additionally, the firm can realize a return on its investment in technology resources and training. ■

## **BCLMA WELCOMES NEW MEMBERS**

**D**anielle Payette, Manager of Administration, Boughton Law Corporation... **Leslie Green** (formerly of Heenan Blaikie), Administrator, and **Kristi Klassen**, Accounting Manager, both of Hamilton Duncan Armstrong & Stewart LLP... **Brenda Plowman**, Director of Marketing, Fasken Martineau... **Theresa Jones**, Office Manager, Nixon Wenger LLP (Vernon)... **Joanne Benincasa**, Administrator, Murchison, Thomson & Clarke LLP... **Blair Lill**, Director of Marketing, Farris... **Michelle Suchow**, Human Resources Manager; Webster, Hudson & Akerly... **Sherrin Roynon**, Administrator, Khun & Company... **Beverly Cook**, Finance, BC Courthouse Library Society... **Alfonso Bruno**, Facilities and Services Management, Clark Wilson... **Belinda Diaz**, Accounting Manager, Fraser Milner Casgrain... **Tran Bronstein**, Marketing Coordinator, RBS... **Mike Bowerbank**, Facilities, Blakes... **Lynda Mitchell**, Knowledge Management, Fraser Milner... **Alexis Neufeld**, Trainers, McCarthy Tetrault... **Ellen Zheng**, Accountant & Assistant to Administrator, Klein Lyons... **Jenny Benincasa**, Human Resources, Farris... **Christa Warner**, Finance, RBS... **Jackie Stevens**, Human Resources, Alexander Holburn Beaudin Lang... **Natasha Chetty**, Marketing, and **Danielle McGillis**, Facilities, both of Clark Wilson... **Nathalie Lefavre**, Trainers, Fraser Milner... **Richelle Forseth**, Trainers, Lindsay Kenney... **John Wong**, Technology, RBS... **Ken Wong**, Finance, Farris... **Laura Jackson**, Human Resources, McCarthy Tetrault... **Shirley Madden**, Technology, RBS... **Evenna Liu**, Office Services & Facilities Administrator, Oyen Wiggs Green & Mutala... **Elena Belanger**, HR Assistant, Borden Ladner Gervais... **Nicole Miller**, Technology, Stikeman Elliott... **Rose Marie Brennan**, Accounting Manager and Jamie Wade, Facilities, both of Whitelaw Twining... **Ingrid Miller**, Facilities, McQuarrie Hunter... **Luke Pathyil**, Finance, Lawson Lundell... **Shirley Pederson**, KM and Technology and Trainers, Criminal Justice Branch, Crown Counsel... **Christopher Schilling**, Technology, Lang Michener... **Colleen Sliman**, Finance, Waterstone Law Group LLP... **Georgina Wensink**, Interim Manager, Hartshorne & Mehl... and **Daisy Wong**, Finance, Farris. ■



**Brenda Plowman**

# A mobile staff means an increased risk of computer and data theft

BY IAN HARVEY  
PITBULL MEDIA

**K**evin Coffey is a charming, larger than life Irish-American detective with the Los Angeles Police Department. He has ice-blue eyes, a big smile and firm, engaging handshake.

But he's prepared to rob you blind to make a point about how easy it is to steal not just your laptop but all the data it holds. In making that point—setting up hidden cameras at airports and parking lots—Coffey has carved out a business as a consultant advising on travel security—especially for business travelers who are most likely to be victimized.

Driving his message home, Coffey loves to show video clips of road warriors being easily relieved of their laptops as they sit in departure lounges, stand in line or even go through x-ray machines at airport security.

It seems almost too easy; travelers put their laptop on the x-ray conveyor belt and are oblivious as a thief picks it up and walks away as they are distracted retrieving their keys, wallet and other paraphernalia while others are hit while talking on the phone in departure lounges.

It's not joke. Data loss is a massive risk point for corporations globally. A more mobile workforce means more workers equipped with the necessary tools: Laptops, Smart Phones, PDAs and USB memory sticks.

That mobile workforce marches on mobile data and that's where the risk is. "IT managers used to worry about losing laptops because they were expensive," notes Coffey, whose road

show has taken him to shows like *Oprah*, *Dateline* and *20-20*. "Now it's about the data, especially personal information in that data."

While the crackhead who steals a laptop from the backseat of a rental car may only get \$50 to \$100, there's millions of dollars at stake in personal data as organizations like the Department of Veterans Affairs are



discovering.

It admitted last May that a laptop stolen from an employee's home contained information on 27.6 million veterans. Two teens were arrested af-

of Vancouver-based Absolute, the market leader in theft recovery and on board data protection. "They wanted it to play video games."

Now, however, the VA is spending millions to fight off pending lawsuits of veterans who claim their right to privacy was breached, while struggling to show that none of the files were accessed or fell into the wrong hands.

The case is the largest in a mobile technology loss, but it's not an isolated one. The same month, information on 900 Ottawa-area bank customers

was compromised when thieves stole a Bank of Montreal laptop. A month later Vassar Brothers Medical Center in Poughkeepsie, New York, disclosed a laptop stolen from the emergency department had the SIN and birth dates of 257,800 patients.

In August, the Florida Department of Transportation reported a special agent's laptop with 132,470 names, addresses, SINs, and birth dates of those with commercial drivers licenses, pilot certificates and regular drivers licenses had been stolen.

Coffey suggests for each 10,000 people whose data is on the hard drive, the cost of recovery, compliance and liability could be as high as \$2.5 million. And that's the issue, because in many jurisdictions privacy laws and corporate governance regulations require immediate disclosure in the event sensitive data is lost or stolen.

The upshot of BMO's loss was to partner with Ontario's Information and Privacy Commissioner Ann Cavoukian to issue a public alert on the issue, urging employees and corporations to

*Continued on page 20* →

**IT MANAGERS USED TO WORRY ABOUT LOSING LAPTOPS BECAUSE THEY WERE EXPENSIVE. NOW IT'S ABOUT THE DATA, ESPECIALLY PERSONAL INFORMATION**

ter \$100,000 reward was offered and the laptop and two external hard drives recovered.

"They weren't after the data apparently," says Ben Haidri vice president

Photo: dra\_schwartz

put in place precautions and policies to protect data.

“Working away from the bricks and mortar office means that you are also working outside of the traditional security layers,” says Cavoukian in launching the campaign. “You need to re-assess the privacy and security risks associated with working remotely or while traveling.”

A brochure jointly published by BMO and the IPO says all employees should check whether they are authorized to remove any client information from their organization’s premises. If they have permission to remove the data, they should also take prudent steps to ensure that not only is the device’s encryption technology and passwords fully updated and correctly configured but that they also keep it secured, either on their person or locked away.

Even then it’s not a foolproof plan.

“Some of these guys will follow business travelers to the rental car lots and watch them stow their laptops in the trunk of a rental,” warns Coffey. “They’ll follow them to a restaurant or their hotel and if the traveller doesn’t take the laptop inside with them, they’ll pop the trunk lock and take it.”

And while the most obvious threat is the physical theft, Cavoukian also says laptops, PDAs and *Smart Phones*, the “golden eggs” of identity theft, should also be protected against malicious software that might “mine” sensitive information such as passwords and financial-services access codes.

They’re even more vulnerable, not just to theft but loss. with about 80,000 left in Chicago-area cabs in 2005 alone.

“There’s definitely been an increase in what we’d call distraction thefts,” says Detective Malcolm Bow assigned to Peel Regional Police’s Lester B. Pearson International Airport detachment. “It looks like a specific group that works in teams, one to distract the victim, and the other to take his bag.”

He says they go for small bags because that’s where the valuables usu-



**FEW PEOPLE HAVE ACTIVATED THE LO-JACK ON THEIR COMPUTERS SO THEY CAN WIPE OUT THE DATA.**

ally are, especially laptop bags, hitting travelers as they chat on their cell phones or in line ups for the rental car counters or check in.

“They rob all kinds of travelers, military people, police officers and of course business travelers,” Det. Bow says. “Looking at them on the videos later it’s amazing how slick and how fast they are. But what also amazes me is that very few people have activated the *Lo-Jack* on their computers so they can wipe out the data. And it also amazes me that so few know the serial number of their laptop which makes it a lot better for us when filling out the reports.”

“There are three main types of thieves,” says Haidri. “The traditional, who are converting to cash, the disgruntled employee who steals a laptop because they feel taken advantage of, or those who feel that they’re entitled to steal as a perk.”

The rarest is the thief intentionally targeting laptops or other devices for the data they hold either to facilitate identity theft or to capture intellectual property such as proprietary designs.

Still, nefarious intent doesn’t absolve companies of their responsibility to protect the data on their devices and to put policies in place to at least prevent it from being compromised.

“It’s the cost of compliance and the

liability which is driving the market,” notes Haidri whose company has partnered with Hewlett Packard and pre-installs *Lo-Jack* in its laptop line which requires licensing and activation for a \$50 annual fee. Like E.T., it will call home to its corporate masters and report its IP address to assist in recovery.

Haidri claims that while the theft rate in companies is between 3.5% to 5%, those with *Computrace* (the desktop version) and *Lo-Jack* experience a theft rate of 0.5%.

HP’s foray into high level security is based on first-hand experience. Confidential data on more than 196,000 former employees was lost when a laptop was stolen from a financial services company working for the technology giant.

While thefts and losses happen and no software can prevent them entirely, it’s also incumbent on companies to ensure that they put prudent measures in place in the event of such an event, he adds.

These could include biometric security such as fingerprint readers, encrypted access to hard drives, or a remote wipe or delete ability, which *Absolute* provides. Both Apple and HP machines can encrypt the hard drives making the data inaccessible even if it is moved to another machine.

Microsoft is also kicking security up a notch: Its *Windows Mobile 5* operating system for handhelds allows for IT administrators to remotely wipe all data from a unit if it is reported lost or stolen, while *Windows Vista* has similar features.

But no matter how many fingerprint readers, encrypted hard drives and operating systems are involved, or the personal data policies and procedures the state or an organization imposes, the weakest link will always be the hard drive.

“It’s important to show that though the laptop was stolen, the data wasn’t accessible,” says Haidri. “If you can show you took reasonable steps you can mitigate your liability.” ■

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Photo: dra\_schwartz

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