

Definitely Mabey

A rose by any other name would smell as sweet

I am well aware of the adage "biting the hand that feeds you makes for a very short-term meal strategy" but since this column is done for fun and no money what the heck.



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The following is an excerpt from a Nov. 22 post by Jordan Furlong of Edge International in his [law21.ca blog](#):

"But for my money, the main event here is the transformation of Thomson Reuters from a company that provided legal support services to law firms and law departments into, well, something brand new. It's not clear yet that we know what we've got on our hands here. Thomson has so many lines plugged into this marketplace that it is on the verge of it might already have tipped over of changing from an information services company into a whole new beast."

I now see how amateurish my thought process was back in my September column when I made the off-handed comment about "Hildebrandt, a Thomson Reuters enterprise, acquired a couple of years back in their slow-but-steady takeover of the thought patterns of the legal industry." We may not be so lucky that they settle for the "thought patterns" but may have decided to go for it all.

Let me make an early case that we are seeing the entrance of the first bona fide "alternative provider of legal services" that is not regulated by the medieval-thinking law societies.

The basis for such a declaration (and remember my opinion and \$1.63 will get you a large Tim Hortons coffee) is as follows:

- lawyers providing legal services to both in-house counsel and other lawyers: **Pangea3**, legal process outsourcing services; **IP Services**, patent research and analysis, trademark research, and protection;
- business development and marketing function: **Hubbard One**, business development technology and solutions; **Hildebrandt Baker Robbins**, law firm management and technology consulting;
- legal research & knowledge management: **Westlaw**, legal research, legislative, and case law resources; **West km**, knowledge management services for lawyers;
- Practice management: **ProLaw**, law practice management software; and
- Competitive intelligence: **Lexpert** magazine; **Canadian Lawyer** magazine; **Law Times** newspaper; part of **The Globe & Mail** newspaper; and **Elite** accounting software.

Circumstantial likely. Inconclusive probably. But does anyone believe in this many interlocking coincidences, not so much! It will be interesting to watch how the future unfolds as this "whole

new beast" materializes before the profession's eyes â€" and perhaps most interesting the profession's response to it (odds running 10 to one on "it will never work").

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Moving a little closer to home I would be remiss if the column didn't speak to the Norton Rose Group and Ogilvy Renault LLP merger. First I feel compelled, as a result of first-hand experience, to dispense with the chairman of U.S. law firm K&L Gates, Peter Kalis' alleged comment: *that it is nothing more than an arrangement and what clients need is full integration.*

With the greatest amount of respect to him, clients really don't care about how partners divide their profits; clients still hire lawyers; and what clients want is to get the best "value proposition" possible. That is in terms of:

- **Price:** perceived cost-benefits received for dollars spent;
- **Time:** speed of response;
- **Service:** extraordinary service is becoming the norm; ordinary service is becoming unacceptable;
- **Quality:** high quality is the cost of admission to the marketplace; it does not attract new clients because it's a given that a firm delivers quality service; and
- What law firms sell is knowledge.

It is this latter point where Kalis', and unfortunately many Canadian lawyers', ship may have sailed leaving them on the dock.

At a recent Canadian Bar Association law firm leaders seminar, Richard Susskind continued his relentless hammering of the point that firms need to get their knowledge management efforts in order (started for many) or they may soon find themselves "out of the game," if they are not already.

The knowledge management he speaks of is not the historical North American approach of technical software that will search everything on the system and present it to you but rather carries it to the next stage which is to pull only relevant information, adapt it to the context of the situation, and create high-quality documents that allow the knowledge to be used immediately.

Clients will no longer suffer law firms reinventing wheels on routine or even complex matters.

Tom Clay of Altman Weil Inc. pointed out at a recent talk that British firms are light-years ahead of their North American colleagues on the issue of true knowledge management. One of their many explanations is to think about knowledge management properly, it is necessary for the firms to discard an outmoded distinction between billable and non-billable legal work, the former being "real" and important, the latter being low priority. British firms have seemed to, in general, "chinned themselves" on the concept of indirectly billable work. Those who create the model documents will be creating the product that our lawyers sell.

Most businesses that sell a sophisticated and expensive product know that research and development is crucial. Not so much in the legal profession, as strange as it seems.

So from my vantage point the real "competitive advantage" gained from the Norton Rose and Ogilvy Renault merger is the sizeable leap ahead that Ogilvy has made by now having direct access to the former's knowledge management systems (even if its is not the best of the British firms it is a long way ahead of its Canadian cousins).

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It is easy to get caught up in the reason for the season being the holidays. One only has to look at the various holidays that take place in December to see how this can happen including:

- Dec. 1 to 9 - Hanukkah (Jewish)
- Dec. 16 - Ashura (Muslim)
- Dec. 6 - St. Nicholas Day (international)
- Dec. 7 - Hijra - new year (Muslim)

- Dec. 8 - Bodhi Day - Buddha's enlightenment (Buddhist)
- Dec. 12 - Virgin of Guadalupe (Mexico)
- Dec. 17 - Santa Lucia Day (Sweden, Norway, Finland)
- Dec. 16 to 25 - Las Posadas (Mexico)
- Dec. 21 - Solstice (Wiccan/Pagan)
- Dec. 25 - Christmas (Christian, Roman Catholic)
- Dec. 26 - Boxing Day (Canada, United Kingdom)
- Dec. 26 to Jan. 1 - Kwanzaa (African-American)

That is not to say, that given the stressful times we all live in, that stepping back for the holidays is not a bad reason but I continue to hope for more and at the same time be thankful for what I have - a juggling act that is not always successful. But I got some help this past year by spending time with Jimmy & Maggie, a very healthy set of twin grandbabies as they reached the ripe old age of one (my modesty prohibits me from commenting on their beauty).

I think they caused me to gain a better perspective that perhaps we have made life too complex, when really all we need is some food, some clothes, some shelter, some sleep, and a whole lot of love (and some diapers of course) and we can be very happy! Something to think about in 2011!

But I would be remiss if I didn't thank each of you who, for whatever reasons, have taken the time to read my ramblings over the past year and to wish everyone and their families the very best of whichever holiday you are enjoying this season.

Until next year, remember as Miguel de Cervantes is reported to have said,

"Love not what you are but only what you may become."

Comments or Questions?

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