

# Law & Legal Affairs

## Legal Update

### NEWS

■ MCGRIGORS was named the Scotland Intellectual Property Firm of the Year Award at the recent Managing IP Awards in London. Now in its fifth year, the awards programme recognises firms engaged in the most innovative intellectual property work.

Head of the firm's contentious IP team, Jim Cormack, and team members Nicola Borthwick, Arwen Berry and Robert Johnson picked up the award in person at a ceremony at The Dorchester Hotel. Mr Cormack said: "The award recognises the high level of expertise we offer on a daily basis to a wide range of clients who face a multitude of challenges when dealing with IP matters."

■ LAWYERS working in the Scottish Government's legal service and the Office of the Scottish Parliamentary Counsel have been involved in a schools project that aims to inspire the lawyers of the future.

The project, which aims to increase understanding of the role the law plays in society, has been implemented in two schools so far.

A spokesman for the project said: "For example, after dramatic Parliamentary debate and tense cross-party negotiations to secure last-minute amendments, the landmark Facilities for Teenagers (Scotland) Act was passed by Musselburgh Grammar School. This followed hot on the heels of

a tough package of innovative measures to tackle vandalism promoted by Bowhouse Primary in Grangemouth."

According to the organisers, the classes were designed to make kids draft, debate, promote answers to problems in their local area and to help them to discover how the law can be a constructive force

"One primary five pupil said: 'I didn't know I could make a change. Now that I know I can, I feel really, really great - I feel like an adult.'"

The spokesperson added: "These two projects have arisen out of informal contacts from family and friends and more potential projects spring up every month. 'We are more than keen to share our experiences with anyone else who thinks that their local school might benefit from such a project."

"We are happy to share materials and ideas or simply have a chat about how much fun we've had! We would also be keen to hear from anyone who has done anything similar."

For further information, contact Chris Birt at christopher.birt@scotland.gsi.gov.uk

### PEOPLE

■ Solicitor advocate William Summers has been appointed as an all-Scotland floating sheriff, based in Stirling.

A commercial mediator, Mr Summers is a specialist in civil litigation with Davies Wood Summers in Aberdeen and a former tutor in civil advocacy at Aberdeen University and civil reporter to the Scottish Legal Aid Board. He is likely to take up his appointment in September.

### EVENTS

■ AN international conference in September will look at the use of mediation in the construction industry and discuss how current practices are deployed in Scotland. With talks from Lord Glennie on courts handling of construction contracts and John Sturrock on the growth of mediation, the event will also include a construction case study and a mediation simulation.

It will be held at 29 Royal Exchange Square, Glasgow on Thursday 9 September from 9.30am - 4.00pm.

For more information, e-mail Audrey.Meikle@gcu.ac.uk or call 0141 331 8458.

■ MORISONS is hosting a book launch for a new publication on wills and succession planning that offers a compre-

hensive guide to making a will.



Written by John Kerrigan, the book aims to be an in-depth, practical and academic guide to wills and succession

planning and, it is claimed, will appeal to people considering preparing a will as well as to solicitors, academics and professionals working in the care industry.

At the launch on Thursday 19 August, John, who is a partner at Morisons will provide topical case studies as well as practical advice on the subject with an opportunity for questions.

■ The AGM of the Scottish Young Lawyers Association is to be held in Glasgow and Edinburgh on 3 August.

The meeting will be at the offices of Burns at 120 Bothwell Street and in Edinburgh at the offices of Digby Brown offices at 160 Causewayside, Newington, with the two meetings linked by video conference.

All members of the association are welcome to attend as is anyone interested in joining. Membership is open to undergraduate and postgraduate law students as well as trainees and solicitors up to ten years qualified.

Any enquiries should be sent to sylawwebsite@hotmail.com.

# It's time firms get tweeting to find potential new clients

More and more lawyers are using Twitter as a powerful business tool, writes David Lee

IT is a phenomenon that divides families, friends and professions. You can become totally obsessed by it - or just dismiss it as a modern fad that will soon be replaced by something else. Yet many lawyers who are passionate about Twitter insist it has gone far beyond a passing trend - and become a genuine business tool for the profession.

Firms that continue to have a 'stubborn streak' and refuse to embrace Twitter risk losing out on business and being left far behind, according to regular users of the social media conversation site.

Michelle Hynes McIlroy says she was shocked to see how few delegates at the Law Society's conference on alternative business structures earlier this year raised a hand to say they used Twitter - although the Law Society itself was an early adopter.

Ms Hynes McIlroy, marketing manager at www.roadtrafficlaw.com, who posts tweets as @roadtrafficlaw and @legaleaglehm, says lawyers who use Twitter properly are definitely picking up business.

Since her company joined Twitter in September 2009, she says: "We have listened to conversations by potential clients and new clients, instructed counsel and pushed traffic to our website which has increased by over 200 per cent in the last year."

"When I asked the audience at the conference how many people used Twitter, I was shocked to see only a few hands raised. If Scottish lawyers are not listening to all these 'I need a lawyer' tweets, who is?"

Ms Hynes McIlroy, who has established a new twitter account called @legaleaglettes within the last few weeks, says is not just a question of using Twitter for the sake of it - but making sure you use it strategically.

"Twitter is a unique tool with tweets being directed out into the virtual world but the nature of the beast itself is that tweets are often swept along and missed by the very person they are aimed at. Using twitter strategically by sending tweets out and also engaging with clients is one of the keys for both @legaleaglehm and @roadtrafficlaw."

"The 1,980 people whom I follow on Twitter are potential clients and the 860 following me are also potential clients. There are 273 million tweets every day; some are about the law and legal issues. Boundaries and jurisdictions do not exist in the virtual world; the sharing of information between inhabitants occurs all day every day."

The Law Society of Scotland is belying its stereotypical image of dusty Drumsheugh Gardens tradition by using Twitter as an important communications channel (@lawscot), increasing traffic to its website and the Journal Online and encouraging engagement from members.

Gillian Meighan, the Society's head of corporate communications, explains: "We went through a little of the 'should we shouldn't we' debate before realising you just have to jump in and do it. We are pleased we did as it has linked us up to many contacts and become an important communication channel within a year."

Neil Stevenson, the Society's Director of Representation and Professional Support, who tweets as @StevensonLaw, says: "We have started to pick up bookings for courses through Twitter and we are definitely reaching more younger people who would not have communicated with the Society normally. It is increasingly showing up as an extremely useful business tool."

Mr Stevenson says there is an increasing

"The 1,980 people I follow on Twitter are potential clients"

Michelle Hynes McIlroy



Road traffic lawyer Michelle Hynes McIlroy

realisation of the value of Twitter across the legal profession, but admits there is still a degree of scepticism.

"I've discovered at least 20 major firms and numerous smaller ones 'tweeting', but many of us from the legal world are still finding our feet," he adds.

"The enthusiasm for social media still tends to come from individuals, rather than the overall business and many are still sceptical. I suspect even some of my colleagues wonder why on earth I would chose to use my time doing this, but the response is that I've made contacts and had conversations I would have just never had through other medium."

## Law Society heavily criticised over proposed

### CHRISTOPHER MACKIE

A CONSULTATION on the future constitution of the Law Society closed on Friday with a late flurry of stinging criticism laid against the Society for its reform plans.

The Society's problems began with a complaint by the Scottish Law Agents Society that the consultation process had passed by with the "vast majority" of Scottish lawyers unaware of

proposed changes that SLAS claimed would amount to a "radical overhaul" of the Society's rules.

Later, the Glasgow Bar Association launched an even more outspoken attack on the proposed changes, branding the exercise a "charade", "insulting to the profession" and "some sort of joke".

In its submission to the consultation the GBA complained that the proposed rules disen-

franchised solicitor members, claiming that they stopped the Society membership having influence over the council. And they said the recent flurry of membership activism, that saw the Society forced to alter its policy on alternative business structures, would not be possible under the new rules.

The GBA submission states: "We presume that the drafts on the Law Society website are intended to be some sort of joke."

Effectively, they provide that under no circumstances will the membership ever have any say in what Council does or in the running of the Society."

"Clearly the attempt at democracy this year has so rattled the Executive that the membership require to be disenfranchised. Had these provisions been in place, none of the successes of the last year would have been possible."

Among the changes put for-



says lawyers who use Twitter properly definitely pick up business

Picture: Wattie Cheung

Brian Inkster's company Inksters was the first legal firm in Scotland to use Twitter and he now uses five different applications, including one on crofting law (@CroftingLaw), family law (@ScotsFamilyLaw) and others on property and the firm's overall business – as well as his own, more personal Twitter feed.

He says: "I have made many good friends on Twitter over the past year and am meeting and connecting with new ones on a regular basis.

"Twitter is great for making connections with like-minded people and exchanging ideas and information. Many of these connections are other lawyers or people involved in the world of law. This has led to

a lot of profile-raising opportunities, all of which could indirectly result in potential clients finding me and my firm.

"It has also resulted in the direct referral of clients to me and my firm by people I tweet with. This doesn't happen overnight but takes time to develop once you have built up the connections and trust necessary. I have likewise made referrals to other tweeting lawyers in areas of the law or jurisdictions that my firm does not operate in."

Michelle Hynes McIlroy is building her future around Twitter. She hopes @legaleagettes will help law students, trainees and new lawyers to connect, share information and blog about where the profession is

going. She insists lawyers have to stop thinking and start doing – and says there are two possible paths: "The first one is being adopted already and that is to simply ignore it and in my opinion rather appears to be like an ostrich burying its head in the sand. Or we can be brave and reach out our hand to the virtual world, learn its language and talk, engage and do business with its inhabitants.

"To tweet or not to tweet is still a question many firms spend so much time contemplating.

"In that few seconds it takes to tweet 'I need a lawyer' I know that I will be listening, engaging and responding – and so will our competitors."

## changes most lawyers know nothing about

ward by the Law Society are proposals to increase the size of the council to an upper limit of 60, to accommodate a 20 per cent non-solicitor element and a wider range of Scottish lawyers from sectors such as government and universities.

But the GBA points out that there is currently no legislative basis for the non-lawyer element, and as such maintains there is no need for lay members to be catered for in this way,

when the public protection element can be dealt with by various regulation committees. And it maintains that there is a persuasive argument for the size of the council to be reduced.

"Council is already too large and far too expensive," the GBA writes. "There is no need to increase the size of Council; indeed, there would be a very strong argument for Council to be less than half its present size. The suggested number of 60 is

only achieved by creating large numbers of distinct interest groups', by giving each its own representation and thereafter extrapolating these numbers so that the balance between private practice/in-house/government remains equal but the problems did not stop there, with both the Govan Law Centre and The Royal Faculty of Procurators in Glasgow weighing in with their criticism in the wake of the constitution consultation closing.



Law Society debate goes on

## Recession emphasises need for delegation and effective teams



Mike Davidson

PROFESSIONAL practices across Scotland are entering the next phase of the recession generally much leaner than before.

Work volumes are likely to be lower than they have been, so coping with a reduced team may not be presenting huge strains on your remaining resource at present, but as we move out of the recession, pressure will increase.

Ensuring this pressure is evenly spread across the whole team and that work is being done at the correct level will become a necessity for survival. So is effective delegation happening throughout your organisation?

There are many reasons why delegation does not happen. Let's concentrate on just three, all of which tend to strike at partner level:

**The fear factor.** When redundancies are happening, a survival instinct kicks in. People will want to ensure they are busy and show the organisation cannot do without them. There will be a tendency to retain as much work as possible and not to pass this down the line for the fear of exposing themselves as not being fully occupied, and thus vulnerable in any further downsizing operation.

**Being outside the comfort zone.** If work is passed down, does a partner do with their spare time? Having client work can be a good reason for not making time to look for new opportunities, but seeking new opportunities will be vital for the survival and growth of the business. In reality, many partners are uncertain as to how to go about this and prefer to concentrate on client work if they can.

**The client will only deal with a partner.** There is often a belief clients will be lost if they are not offered a partner to deal with. Has this belief been tested with clients to see if it is true?

All of these points relate to individuals, and one thing a recession highlights is the need to concentrate on the business as a whole and act as a team.

Even successful partners are unlikely to be able to safeguard their roles on a long-term basis

by hoarding client work – this does not protect the security of the firm going forward and could have the reverse effect on them as individuals.

The staff currently employed by a firm represent a cost already incurred. If the time you have purchased is not used efficiently, money is being wasted.

Let's assume you employ 100 chargeable staff and each person works 1800 hours per annum. Your 'already paid for' hours are therefore 180,000.

How much of this time actually gets recorded on time sheets on client project codes? Perhaps 80 per cent? But then, when the client is billed, how much of this recorded time gets written off as irrecoverable? Probably 5 per cent on average?

From the original hours already paid for, this means that only 136,800 hours are actually being sold, ie just 76 per cent. That equates to almost a quarter of the time you have bought which is not subsequently resold. Convert that into additional-fee income, assuming an average charge out rate of £150 per hour, and you are losing 43,200 hours which is equivalent to billing almost an additional £6.5m.

Of course, it is not reasonable to assume all time purchased can be resold in this way, but it is worth looking at the non-chargeable time of each person and see whether this can be reduced by delegating more

chargeable work to them, and getting vital non chargeable work done in a more cost effective way. Even if, in the example above,

just a 5 per cent improvement in additional time sold and recovered could be achieved, this would generate a further £1.35m of billings which would go straight to the bottom line profit.

It is worth doing this exercise on a department-by-department basis. Invariably, the best results will be achieved by freeing up partner time and pushing the work down to the team. The spare partner capacity should be used to supervise work quality but also to concentrate on protecting existing client relationships and bringing in new work.

This is likely to be a matter of training and building confidence to get out into the market.

● Mike Davidson is an Edinburgh-based partner at accountancy firm Baker Tilly and specialist adviser to the legal services sector.

"Ensuring pressure is spread across the team is a necessity"