

## Definitely Mabey

### Out with the old in with the new (maybe)

During 2013 we talked about a number of challenges including:



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- Consensus decision making's focus on common knowledge whereas innovation requires a focus on the uncommon.
  - The continued strife between partners seeking a managed professional business and those seeking the historical autonomous partnership.
  - The continued quest for client value in finding the right balance between price, response time, service levels, and quality.
  - Work-life balance is really up to the lawyer to decide and the firm to respond.
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- The difference between systemic and organizational problems facing the profession and the need for the Canadian Bar Association to focus on the former and leave it to firms to focus on the latter.
  - Environmental scan of our neighbours to the south and what they are thinking about and doing.
  - The future of the legal profession and the risk of hanging too much “hope” on the Legal Futures Initiative of the CBA being able to provide cookie-cutter solutions.
  - The conflict between the knowledge service delivery marketplace law firms compete in and trying to measure their financial value with a historical measurement unit such as the billable hour.
  - The impact of the pace and degree of change on legal professionals and the resulting sense of “learned helplessness” that is creeping through the profession and firms which can be attributed to a perceived sense of having no control over the outcome of a situation. Break-even analysis as a tool to assist firms in achieving some degree of economic sustainability in challenging economic times.
  - Key performance indicators in the Canadian legal marketplace based upon fiscal 2012 results.

I wish I could assure any readers of the column of an entirely fresh array of topics for 2014 but I would be ignoring the truth that many of these topics and issues are not going away any time soon.

***"Some of next year's columns will focus on:"***

In broader terms I anticipate some of next year's columns will focus on:

**Process re-engineering:** the need for law firms to alter their delivery of legal services methodology as much as their structure.

**Pricing:** in the mature marketplace that Canadian law firms, for the most part, operate in, this will become one of the single most important roles in firms (yes human resources, technologists, and marketers you have heard me right).

**Cost management:** this goes way beyond the price of paperclips and pens and into structure/governance and the underlying philosophy of how firms spend monies.

**Mandatory training:** firms can no longer afford the "opt out if you want" training approach employed by firms in the past because of both the increasing cost of technology and the fact many firms are using a small percentage of the computing power of existing applications.

**Mothballing marketing departments:** firms will be more driven by business development efforts than historical marketing ones, which will have an impact on legal directories, publications, marketing staffing levels, advertisements, and ancillary expenditures. The focus will be back to a "people to people" approach with business development research one of the fastest growing expenses in firms.

**Women lawyers in management roles:** with record numbers of women entering law school but no real headway into the number of women in meaningful management roles in firms (approximately 24 per cent at recent CBA law firm management conference were female lawyers) there is a need to explore what is and can be done to create opportunity for their participation.

At the same time I expect we cannot lose sight of some standing topics such as:

**Key performance indicators:** more likely U.S.-dominated numbers as Canadian ones are much harder to come by.

**Legal Futures Initiative:** while not ignoring the world perspective, it has the potential to provide some unique insights into the Canadian profession – whether it will or not remains to be seen.

**Innovation:** both the critical need for law firm innovation to thrive in the challenging time that lies ahead and how firms might encourage lawyers to embrace innovation even though foreign to their nature.

Hopefully some benefit will be derived from addressing these topics and others in the minds of the readers and not just be a therapeutic exercise for me.

But given the flat to downward economic times I am seeing for 2014 for the legal profession in Canada (note there will always be exceptions) readership is optional but dealing with these and

other issues is mandatory.

## Holiday cheer

Another holiday season is upon us. My wish is that you will take a break from the hectic pace of working life and to relax and enjoy some of it with friends and family. At any time of year, and especially at this time of year, it is the good things we need to focus on. Friends and family should be our focal point, if for no other reason than they are with us unconditionally in the challenging as well as the good times.

It is also a time to take stock of the events of 2013 and to appreciate the successes you have experienced, no matter how large or small, and the efforts of everyone who has contributed to these successes.

I would be remiss if I didn't thank each of you who, for whatever reasons, have taken the time to read my ramblings again this past year. I know you have choices and that you make this column one of them is very gratifying.

Until next year, remember

*"life is a mystery to be explored  
and not a problem to be solved!"*

### Comments or Questions?

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