

## ANNOUNCEMENTS

## Forecasting the future of solo, small and mid-sized law firms



Lisa Borsook

## By Lisa Borsook

I would identify three areas in which I foresee the biggest changes:

**1. The billable hour and lawyer retention** —

Only the most profitable and progressive law firms can hope to attract the best and the brightest from the law schools and be able to afford to pay them. How law firms will remain profitable, continue to attract the brightest in circumstances in which other careers offer the promise of higher compensation in a shorter period of time and simultaneously remain flexible enough to accommodate the different values, culture and demands of

women and young associates generally — while billing by the hour to clients who are becoming increasingly conscious of what it is they

spend on lawyers — is bound to result in a change in the legal profession. This challenge to firm culture — and finding a way to balance what would appear to be competing interests, particularly at the mid-sized law firm level — will demand change in the ways that law firms are managed in order for them to thrive.

**2. Technology** — Technological change has had the single biggest impact on the way that law is practised in the past decade. What changes the next decade will bring are difficult to imagine, but I suspect that adapting to them, and paying for them, will be something with which all law firms are going to have to come to terms. It may be that technology will help us solve some of the problems associated with problem number one above, by providing to us more flexibility in terms of work arrangements, sharing of assistants, etc., thereby reducing costs and eliminating redundancy. I expect it will certainly impact the speed with which legal services are delivered; and it goes without

*The Lawyers Weekly* asked Lisa Borsook, the managing partner of Weir-Foulds LLP, a full service law firm in Toronto, to comment on the biggest changes she foresees for the legal profession and mid-sized law firms over the next decade.

saying that e-discovery is a fundamental issue with which every litigator must now contend. I would like to think that technology is a way for mid-sized firms to keep

per capita expenses at a reasonable level and assist in the retention of employees looking for alternate work arrangements.

**3. Client consolidation**

**and conflicts** — With more and more firms competing for a smaller domestic pie, and Canadian businesses being hollowed out and directed from the U.S., the E.U. and elsewhere, competition for clients at all levels will become increasingly intense. Distinguishing ourselves from the rest of the pack (and communicating these distinctions to our clients and employees) is especially important at the mid-size level, demanding that we focus even more on the specialized services that we offer, to satisfy our clients' needs and assist us in avoiding significant conflict issues.

## Rob Hyndman

It's tempting to read Susskind's work as a prediction of rapid and dramatic, even apocalyptic change for the profession. A widely-read article published in 2005 by Laura Owen, in-house counsel at Cisco, and titled "Change or Die" created the same kind of stir. Yet still the

profession resists change. It's a trite example, but as recently as a couple of years ago my co-counsel in a fast-paced transaction could not be reached by e-mail until lunch because his assistant printed his e-mails and that's when he read them every day, together with his normal mail.

To my mind, this institutional resistance to change presents enormous opportunity for agile solo and boutique firm practitioners, because recent innovations bring powerful technologies within reach of their budgets. The spread of broadband internet means that legal outsourcing is finally developing traction — in some practice areas this allows for the efficient deployment from on-shore and off-shore providers of additional personnel — traditionally a challenge for small firms seeking to scale rapidly to meet demand — at a considerable savings. New online publishing technologies allow even the solo prac-

*The Lawyers Weekly* asked Rob Hyndman, a technology business lawyer practicing solo in Toronto, to comment on Richard Susskind's extracts from his forthcoming book, *The End of Lawyers?* on *The Times* online.

itioner to reach even an international audience with sophisticated marketing and educational content that costs virtually nothing to produce or broadcast.

Inevitably, sophisticated document assembly and management technologies will move to the Web and become commoditized, allowing their deployment to "the rest of us" at a fraction of their current price.

"Small is the New Big" has become an almost commonplace observation about the impact of technology on business in recent years. To my mind, if we are at the end of anything it is the drain on the profession caused by rote, repetitive, tedious work, and solo and small practitioners are ideally positioned to take advantage of these new opportunities.



Rob Hyndman



LINDA L. LONG

LexisNexis Canada Inc. is pleased to announce Linda L. Long, Q.C. as the updating author for the looseleaf services *Alberta Family Law (Annotated Legislation)* and *British Columbia Family Law (Annotated Legislation)*. Linda was admitted to the Bar of the Law Society of Alberta in 1986. She is owner and founder of Long Family Law Group, a boutique law firm of four family law practitioners, and practises family law, collaborative law and mediation in her Edmonton, Champion and Lethbridge, Alberta offices. She also travels throughout rural southeast Alberta representing the interests of children in the care of the Alberta government. During her career she has Chaired the ADR section of the Northern Alberta Branch of the Canadian Bar Association twice, was Co-Chair of the Provincial Round Table on Court Annexed Mediation in Alberta, was appointed by the Alberta Minister of Justice as a Member of the Steering Committee for Court Annexed Mediation in the Court of Queen's Bench of Alberta and has many years of community contributions in a multitude of volunteer roles, including serving as a member of the Minister's Advisory Board on Women in the Canadian Forces for three years, volunteering and chairing two church refugee sponsorships, and being appointed to the Edmonton Region Steering Committee for the Re-Design of the Alberta Government Children's Services. Linda was recognized for her community and professional contributions by her appointment as Queen's Counsel on January 1, 2006 by the Lieutenant Governor of the Province of Alberta.

Linda and her assistant digesters Maritza Verdun-Jones, Barrister & Solicitor and Jordan Faulds, law student, University of Alberta, have assumed the responsibility of reporting case law developments in these two looseleaf publications with pride and commitment since late 2006. For further details of the publications or to subscribe to *Alberta Family Law* and *British Columbia Family Law*, go to [www.lexisnexis.ca/bookstore](http://www.lexisnexis.ca/bookstore).