

Working on the move

LUIGI BENETTON TORONTO

In an already mobile profession, some lawyers have gone to the ultramobility edge.

To stay on top, these ultramobile lawyers have developed special practices to keep them balanced on that edge.

David Woolford, a partner with Cassels Brock & Blackwell LLP in Toronto, routinely conducts business from home, the cottage or far-flung locales.

Kevin Davidson, a general civil practice attorney based in Appleton, Wis., about three hours northwest of Chicago, spends 80 percent of his work hours elsewhere in the Badger State.

For New York based employment attorney Jason Stern, that figure is 90 percent. "I'm in the office once or twice a month," he said.

All three have it easy compared to Henri Alvarez, international commercial arbitrator and partner with Fasken Martineau Dumoulin LLP. His "jurisdiction" may include a construction camp 10,000 feet up in the Andes or a cement plant in the heart of the Philippines.

"I always want to stay on top of all of my cases and keep the procedure moving," said Alvarez. "As the chair of a tribunal, if you don't respond quickly, things will drag."

Those who go mobile travel

light.

Davidson said his "office" consists of a Dell laptop and Motorola mobile phone.

A string of bad luck running Windows computers and evangelism from the Mac-converted led Woolford to buy a three-pound MacBook Air laptop. Unlike some businesses, Cassels Brock information technology staff support the Mac, and it has proven a viable choice for Woolford.

Completing many lawyers' portable setups are smartphones, like Blackerrys, and USB memory keys, which have largely replaced other media for quickly transferring files from one computer to another.

Packing light means taking less paper. Many ultramobile lawyers tend to espouse paperless office principles.

But the paperless rely heavily on dependable data access, which isn't always there. Alvarez takes hard copy of documents he expects he will have to deal with during a trip.

"For example, I have to sign and issue orders," he said. "Typically I will not allow anybody else to sign the order for me."

"In Peru, there was no way to get a written copy out from where I was," he continued. "I couldn't fax

my signature. I couldn't transmit it electronically. All I had was intermittent telephone contact." Alvarez made an exception to his rule and called to ask another member of the tribunal to sign a document on his behalf.

"Even paperless lawyers like me have to deal with paper," Stern complained. "I encourage both clients and adversaries to e-mail me copies of everything, but some attorneys are tree-killers."

A light front office can necessitate a heavier back office to handle more of the processing. Woolford uses Citrix, Word and the Internet when remote.

Davidson uses Dell DataSafe Online backup service to safeguard his documents on remote servers. He also works with a virtual office service. The trend to online services, while not strictly necessary, appeals to lawyers who might not visit the office often enough to synchronize and back up their information regularly.

The obvious need for an Internet connection leads the ultramobile to opt for cellular data access. Davidson, for instance, bought a wireless access card from Verizon for his laptop. Should lawyers have Bluetooth-equipped phones and laptops, they can tether laptops to the Internet wirelessly using their phones as modems.

The need to work on the road does not negate the need for secu-



Kevin Davidson's spends most of his time travelling around Wisconsin, his "office" consists of a laptop and cellphone.

rity or privacy. Virtual private networks work over the air as well as through cables, and all business information needs to travel through a virtual private network (VPN) to protect it from snoopers.

A certain type of phone-related privacy breach puzzles Davidson. "I still see people talking about things that are private and privileged out in the open," he said. "People lose track of where they are."

Mobility suggests perpetual action, which can keep lawyers from thinking about the planning and organizing they need to keep their practice on track. Davidson finds and occupies a quiet space in courts, hotel lobbies or other places ("I'm not into coffee shops," he said) for an hour every day to

handle correspondence, daily planning and the minutiae of his practice.

And his office? Davidson uses it primarily for meeting clients and quiet planning time.

Remember: Mobile connections can be tenuous at best. This goes for both remote areas and big cities. Due to a gremlin's antics in the cellular grid, Stern received my interview call several hours after the fact. (He promptly left sheepish apologies in both my voice and electronic mail.)

Technology, often wondrous and liberating, is not foolproof. But in 2008, most people understand this and take it in stride. Technology writers might even poke a little fun at the ultramobile New Yorkers among us. ■

Winning the war on talent

Retention

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Finally, there are the "willing workers," which represent just over a quarter of lawyers and who like to be managed. They aren't particularly passionate about the law nor are they willing to sacrifice their personal life for career advancement. But they also have a "relatively high satisfaction" rate.

Based on these four segment profiles, the "Understanding Associates" survey concludes that current approaches to associate development and retention seem to be effective only in meeting the needs of career practitioners.

"Many firms are therefore only appealing strongly to about a quarter of the associate population and the ability for firms to address themselves to the other groups will be key to winning the 'war for talent.'"

Says Childers: "The environment is clearly different this year than it was last year, but certain things remain the same. The key to holding onto the associates you most want to keep and developing

them into the partners of the future is getting them interesting and challenging work."

There may be another segment of associates not identified in Hildebrandt's list according to Calgary corporate and securities lawyer Mike Thackray has accessed: the entrepreneurial associate.

His energy-sector law firm, Thackray Burgess — styled as a professional corporation with seven shareholder lawyers, including himself — has 29 lawyers who work as consultants. Though they have offices on the premises and access to secretarial support and administrative services, they're not on salary. They're paid by the hour; the firm receives a portion of the hourly rate they charge to clients.

The idea is based on the commoditized oil and gas transaction services, which is one of the firm's specialties and was a booming business for Calgary lawyers two decades ago, says Thackray, who is also a scheduled panelist at the CBA session on associate retention.

"With the consultant model,

lawyers can work as hard or as little as they like."

While there's no financial security with the compensation scheme, only a handful of lawyers have left the firm because they felt uncomfortable with the absence of a financial safety net.

"The lawyers we attract are risk takers — and to be even more crass about it, greedy," says Thackray. "They do the math and determine that if they work hard they're going to make a lot more money than their contemporaries."

Despite his success with the consultant model, he's unaware of it being replicated in Canada or the U.S.

"We started this way, but a traditional law firm would have a hard time walking into an associate's office and saying 'We've changed the rules and are morphing to this new system.'"

"They'd lose at least half of their associates."

Still, he gets calls about his entrepreneurial approach. Thackray says that many of them come from "interested dissatisfied associates." ■

Gen X: Find a mentor

Gen X

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Tap into experience

Here's the rub: No matter what you think of aging leaderships' values or pursuits, truth is they have amassed a lifetime of experience and knowledge. Yes, there are some knowledge hoarders, but many boomers may simply be unaware that they aren't sharing. Here's what you do: Look for potential teachers, coaches or mentors who demonstrate qualities you admire or possess knowledge you want. Seek them out and enlist their help.

There are some selling skills involved here, so don't just blast into their offices and demand your share of the intellectual wealth. Be cool, you may need to convince them as to why they should help you. Sincere flattery can go a long way, but go easy on the schmaltz. By taking charge of the process and developing relationships, you can harness the insights gleaned from their experience and help them better understand you and your goals.

To the power of X

I am not preaching insurrection or a *coup d'état*. But continuing to live with policies, priorities and directives of an older generation that do not address many of your shared concerns is unproductive. Explore the common ground that exists among your Gen X colleagues and start to introduce policies to better serve your common goals. Selling Tip #1: Lead with the benefit to the firm.

Look over your shoulder

Frequently Gen Xers are described as cynical and indifferent. But now, it's time to step up. Why? Look over your shoulder. There are some rambunctious, tech savvy Gen Y kids behind you who don't have anywhere near the patience you exhibited. ■

Paul Kuttner is a principal of innovate! marketing and a baby boomer. Many of his Gen X clients are future law firm leaders-in-waiting.