



## eLaw - Practice Management Update

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### Leave to Appeal Denied on Merchant GST Decision: SCC

The Supreme Court of Canada [denied leave to appeal](#) the Federal Court of Appeal decision in [Canada v. Merchant Law Group](#), 2010 FCA 206 on March 31, 2011. This was the decision in which Merchant Law Group was found liable for the GST it failed to collect from clients on what it thought were exempt disbursements. Merchant argued, unsuccessfully, that it was acting as agent for the client when it incurred disbursements for searches, courier costs, transcripts, certificates, etc., and that these expenses were therefore GST exempt. The Court of Appeal found that an exempt disbursement may become taxable if it is an input to a lawyer's services as was the case here. The court proposed a solution to this situation at para. 33: "...a written agreement appointing the lawyer as the client's agent, expressly delineating the scope of a genuine agency relationship between the lawyer and client and directing that certain disbursements be incurred and paid on the client's behalf." Tana Christianson's article in the [October 2010 Communiqué](#) provides more detail.

### Minimal Standards for Technology Use - Understanding the Ethical Implications of Technology for the Practice of Law

Recent [cyber attacks](#) at four Toronto law firms and this [Public Safety Canada warning](#) highlight the need for law firms to review how they protect their firm and client data. All forms of technology are vulnerable to security and privacy breaches, requiring lawyers to stay current on password protection, encryption, metadata, malware, and cloud computing.

Although there are many excellent articles and guidelines dealing with this topic (see, for example, [Guidelines on Security and Privacy in Public Cloud Computing](#), or [The Lawyer's Guide to Mobile Security](#)) until recently "there has not been a single, comprehensive document lawyers could look to for clear guidance on what minimal standards should be adhered to for on-premise, cloud and mobile technologies." The International Legal Technology Standards Organization aims to change that according to this [Slaw post](#), which notes the [release](#) of a [draft set of standards](#) on April 11, 2011. The standards are grouped in four interdependent areas (local network, cloud services, access devices and ethical considerations) and may apply differently depending on the size and location of the law firm. The ILTSO is [seeking feedback](#) from legal professionals worldwide.

## Build a Better Website

If your firm doesn't have a website or your site is in need of an update these articles review the basics of website design and search engine optimization, two key concepts to understand at the website planning stage. [Website 101](#) and [Website 201](#), both Slaw posts, summarize presentations from the April ABA Techshow on website basics. The first deals with domain names, hosting, content management and security, and the second explains how to get noticed and ranked by search engines like Google (see also [SEO and Your Firm Website: Getting Found](#) on the optimization topic). [Nine Questions to Ask About Your Firm's Website](#), [The Importance of Having A Web Presence](#) and [Twelve Key Components to Building a Successful Website](#) cover similar territory in more detail and provide links to resources and examples.

## Solicitor Client Privilege Overview

The Canadian Bar Association has published a discussion paper on solicitor-client privilege by University of Ottawa professor Adam Dodek. The paper, [Solicitor-Client Privilege in Canada, Challenges for the 21st Century](#), provides an overview of privilege in Canada and internationally, and identifies current challenges and opportunities in this area. The CBA Ethics Committee has also recently published the following related document: [FAQs on Solicitor-Client Privilege and Confidentiality](#).

## New on CanLII

CanLII has added [tables of contents](#) for legislative offerings from five provinces including [Manitoba](#) (Acts only), [Alberta](#), [New Brunswick](#), [Nova Scotia](#) and [Newfoundland and Labrador](#), making it easier to navigate within the texts and to create hyperlinks to a heading, section, or subsection of an enactment.

They have also [announced](#) major improvements to their search tools, including increased search engine speed, more specific highlighting of search terms within documents, and search based RSS feeds which alert you via your RSS reader when a case matching your query is published on CanLII.

On the last point, the article [Life Hacks for Lawyers: Search-based RSS](#), posted on The Stream, will explain why this is an important development and walk you through how search based RSS feeds work on CanLII and elsewhere. [Life Hacks for Lawyers: Getting a Boost on Precedents](#), an earlier article by the same author, explains how you can use CanLII to find on point precedents for unfamiliar pleadings (a task which is simpler in B.C. due to their [Court Services Online](#) e-search function which allows users to search and view court records and documents).

## Too Much Information - Controlling Your Online Research

If you find the volume of information available online overwhelming you may need to develop a system to keep it under control. A series of three short articles on Attorney at Work will get you started with free resources to help you find, read, save and organize the information you need:

- [Developing an Online Research Workflow: First Step, Google Reader](#)
- [Developing an Online Research Workflow: Second Step, Instapaper](#)

- [Developing an Online Research Workflow: Third Step, Evernote](#)

These two articles from The Stream cover the same topic but include screen shots to illustrate how Google Reader and Evernote work:

- [Case Law: Stay Current \(and Organized\) with Google Reader](#)
- [Tools for Organizing and Searching Case Law: Evernote Premium](#)

## Tablet Wars, Smartphone Apps and More

Articles on the latest technological innovations continue to dominate the practice management literature. The 2011 [ABA Techshow Tips Special Issue](#) of *Law Practice* magazine, for example, is devoted to all things tech. It contains 15 articles which address current issues in law firm technology, from apps and software to cloud computing and security.

The introduction of the Blackberry Playbook has revived the question of whether tablets will be game changers, as noted in the Slaw article [Tablet Wars Continue](#). And, committed Blackberry users who have been waiting for the release of the Playbook may find these reviews helpful: [Slaw](#), [Crackberry](#), [Laptop Magazine](#), [BGR](#), [engadget](#), [Foxnews](#), [NYTimes](#), [AllThingsDigital](#).

Another popular topic is the growth in smartphone applications which pertain to legal practice. Take a look at these articles for advice on what apps are worthwhile and how they work:

- [These Are the Droid Apps You're Looking For](#), Slaw, March 16, 2011
- [Legal Apps for Smartphones](#)

## Model Code of Conduct Finalised: FLSC

As [announced](#) March 31, 2011, the Council of the Federation of Law Societies has approved the two outstanding rules from the Model Code of Professional Conduct that was adopted by the Council of the Federation in October 2009. At its meeting of March 17, 2011 the council approved [Rule 2.03\(3\)](#) dealing with the Future Harm Exception to the Rule on Confidentiality and [Rule 2.04](#) dealing with Conflicts of Interest. Two issues were referred to the Federation's Standing Committee on the Model Code of Professional Conduct for further review: the rule that deals with acting against current clients, and the issue of whether to include an exception to the rule on confidentiality where there is imminent risk of substantial financial injury.

## Recommended Reading

These articles may be of interest to lawyers involved in practice management:

[Cash Flow: How to Get it, How to Keep It](#) - from the [PracticeLink](#) section of the Canadian Bar Association website.

[Emerging Legal Issues in Social Media: Part II](#) by Ken Strutin, published March 21, 2011 on LLRX - this is the second in a series of examinations of notable developments in social media and legal practice. It contains links to items on social media in journals, blogs, law reviews, book and other secondary sources.

[Slaw](#) has updated its free page showing the tables of contents from the most recent issue of 20 different law journals.

## Upcoming Continuing Professional Development Programs: LSM

Register soon for these upcoming CPD programs offered by the Law Society:

[Accommodation in the Workplace](#) - Presenters will examine such current issues as family/marital status, gender identity and disability in this dynamic area of law. The

program will take place May 17, 2011, from 1:00 to 4:00 p.m. at the Law Society classroom.

[Time Mastery for Support Staff](#) and [Time Mastery for Lawyers](#) - Don't miss this opportunity to learn how to increase the organization and efficiency of your office and improve the job satisfaction of you and your employees. Frank Sanitate has taught this popular program since 1977 and receives enthusiastic reviews.

[Financial Statements](#) - Shawn Wilson, who presented the popular One Day MBA for Lawyers last January, is back for this comprehensive all-day review of the principles involved in constructing and decoding financial statements for family, business and personal injury lawyers. The program takes place on June 10, 2011 at the Law Society classroom. There will be no webcast or video replay of this program, so [register](#) early to ensure your spot.

## **Women Lawyers' Forum: MBA**

The Women Lawyers' Forum is hosting [A Fine Balance - Speed Mentoring Event for Working Women](#) from 5:30 to 8:30 p.m. on April 27, 2011. Get advice from fitness consultants, dieticians, medical practitioners and others at this fun and interactive event which takes place at the Reh-fit Centre on Taylor. RSVP to the Manitoba Bar Association.

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