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Watch for the next issue in your Inbox in September 2011.*

In This Issue

Cloud Computing Ethics

The Graying of the Profession

Making the Most of the Articling Year

Get Ready for the Future

Previous Relationship Not Sufficiently Related to Constitute Conflict: MBQB

Are Law Libraries Outmoded?

ABA Techshow Takeaways

Typography Tips and Formatting Fixes

Upcoming CPD Programs: LSM

Cloud Computing Ethics

With new cloud services being developed every day ([Services for cloud computing booming](#), [Cloud Integration for iPhone, iPad and the Post-PC Era](#)) and increasing numbers of lawyers signing on ([Cloud computing on the rise](#), [Working in the clouds](#)), there's been a corresponding increase in the number of opinions on the risks and ethics of the new technology. The Office of the Privacy Commissioner released its [report](#) on the consultations it conducted on online tracking, profiling and targeting, and cloud computing in May. The section on [cloud computing](#) identifies the benefits and risks of web-based services. Interestingly, privacy shows up in both categories: some argue that the use of better security mechanisms and the development of technical standards in the cloud will improve privacy, but most agree that entrusting client data to a cloud provider is risky and question whether PIPEDA provides an adequate regulatory framework. The Slaw article [Increasing Clarity on the Ethics of Cloud Computing](#) discusses two recent "important and encouraging developments on the ethics of cloud computing": the [draft proposals](#) from the ABA Commission on Ethics 20/20 which, among other things, propose amendments to their Model Rules of Professional Conduct to address lawyers' confidentiality-related obligations when using technology; and the NC State Bar [Proposed Ethics Opinion 6](#) on the use of SaaS in law firms.

The Graying of the Profession

The cohort of baby boomers about to reach traditional retirement age will soon have

to face the sensitive topic of when and how to exit the practice of law. As noted in the *New York Times* article [Easing Out the Gray-Haired. Or Not](#), transitioning older workers is especially tough in the legal profession where partners may not be given "the same courtesies or deference there was in years past because there is less money to go around." Many Canadian law firms have addressed the issue by introducing mandatory retirement policies, but these are likely to be challenged as this *Globe and Mail* [article](#) reports. One such challenge is underway in B.C., where the B.C. Supreme Court has just released its preliminary judgment in [Fasken Martineau DuMoulin LLP v. British Columbia \(Human Rights Tribunal\)](#), 2011 BCSC 713. The court found in favour of the 66 year old Vancouver lawyer who is fighting his law firm's mandatory retirement policy. They upheld the B.C. Human Rights Tribunal ruling which found that partners of the law firm were employees and therefore subject to the province's human rights legislation.

While it's tempting to avoid difficult conversations, ignoring reality is never good practice. Because there are ramifications beyond the individual lawyer or firm, law societies and insurers across Canada are encouraging members to engage in conversations about retirement and succession planning: [Passing the baton: Older lawyers need to start succession planning](#), *Lawyers Weekly*, May 20, 2011. These materials on succession planning are a good starting point:

- The May/June 2011 *Law Practice* magazine is a [Succession Planning Special Issue](#). It includes these articles: [The Elephant in the Room](#), [A Short Course in Succession Planning: Transitioning Practices and Clients to the Next Generation](#), [Financial Aspects of Succession Planning](#) and [Mentoring: The Prelude to Succession Planning](#);
- Law Society of B.C. [Bencher's Bulletin on Succession Planning](#);
- Law Society of Upper Canada [Guide to Closing Your Practice](#).

The Law Society of Manitoba is planning a continuing professional development program on succession planning, to be held in October 2011.

Making the Most of the Articling Year

The start of a new articling year is a great time for both firms and students to reflect on how to make the most of this shared experience. The CBA Practice Link article [How a well-developed articling plan contributes to your firm's success](#) examines this topic from both sides. It includes a list of the traits law firms value in students and a summary of what it takes to be a successful mentor. [Become an articling superstar](#) and [10 things you really need to know to practise law](#), both from the latest edition of *Canadian Lawyer's 4 Students*, offer practical advice to students on enhancing their articles. And, for a perspective from the other side of articles, take a look at [Bidding adieu to articling: Lessons learned through these 10 gruelling months](#), or at [Crunching the numbers: Associate profitability](#), which discusses why it's important to continue professional development beyond the articling year.

Get Ready for the Future

The author of the *Canadian Lawyer* article [Notable developments south of the border](#) urges lawyers to contemplate two legal developments in the United States which may impact Canadian lawyers in the future. The first is the New York State Bar Association [Report of the Task Force on the Future of the Legal Profession](#) (summarized [here](#)) and the second is a senate bill introduced in North Carolina which would, if passed, allow for up to 49 per cent non-lawyer ownership of law firm professional corporations. A third sea change in legal practice is discussed in the *Washington Post* article [New Washington law firm looks to break the billable-hour mold](#), also summarized on the ABA news page: [Legal Entrepreneur Forms DC Law Firm that Shuns Office Face Time and Lawyer Rainmaking](#).

Previous Relationship Not Sufficiently Related to Constitute Conflict: MBQB

In [Lander v McDonald](#), 2011 MBQB 107 the court confirmed an earlier master's [decision](#) dismissing a motion to remove the plaintiff's counsel as solicitor of record because he had acted for the defendant in the past. The court found that although the parties in the two

matters may have been related, the actions themselves were not related in any way. The court also found insufficient evidence to support the argument that the lawyer had gained knowledge of the defendant's mental state (an issue in the present case) when he represented her seven years earlier.

Are Law Libraries Outmoded?

The digitization of legal materials has changed the way law libraries function and caused librarians to reconsider the place of print materials in an online world. This [series of Slaw articles](#) on the trends, theories, and realities that have influenced the redesign of the new library at Osgoode Hall Law School will be of interest to firms who are considering whether to maintain print collections, subscriptions or even physical library space. Of particular interest is [Part 3: Is There a Place for Law Reports?](#)

ABA Techshow Takeaways

As in other years, the Law Practice Management section of the American Bar Association has posted many of the materials from its 2011 Techshow online. The [March/April edition](#) of *Law Practice* magazine, a special feature on the show, covers a variety of topics. Two of the most popular programs from the show are summarized in [60 Apps in 60 Minutes](#) and [60 Sites in 60 Minutes](#). And, for the first time, [PowerPoint presentations](#) from many of the sessions have been made available for download.

Typography Tips and Formatting Fixes

Lawyers can improve the readability of their documents (and save clients money) by following the simple tips outlined in these articles on document layout and typography: [Conforming to type](#), [Artist-Turned-Lawyer Highlights Typographic Detail in Legal Docs](#), and [Layout tips for legal arguments](#). The first two articles discuss the book *Typography for Lawyers*, which argues that good typography is part of good lawyering. The third article identifies some of the common formatting errors made by lawyers and offers many suggestions for improving document layout.

Upcoming CPD Programs: LSM

[New Code of Professional Conduct](#) - If you haven't yet fulfilled your obligation to complete some form of training on the new Code by December 31, 2011 the Law Society has scheduled several more dates for live and video replay programs. Live programs will be held in The Pas (June 10, 2011) and Winkler (August 12, 2011). The September 14, 2011 Winnipeg program is full, but may be attended by teleconference, and there are four video replay programs scheduled throughout the summer.

If you missed the live presentation in April sign up for Frank Sanitate's [Time Mastery for Lawyers Live Telephone Seminar](#) - Participate from the comfort of your office or home and learn 100 ways to maximize your productivity and job satisfaction.

Fee: \$299 US for all three modules (plus your normal charges for long distance call)

Module 1 - July 6, 2011 - 1:00 to 3:05 p.m. (Central Time)

Module 2 - July 13, 2011 - 1:00 to 3:05 p.m. (Central Time)

Module 3 - July 20, 2011 - 1:00 to 3:05 p.m. (Central Time)

To register and for a full program description, go to

<http://qualitytimepros.com/atty/outline.html>

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