SPRING 2005

MANAGING RISK

LAW FIRM RISK MANAGEMENT

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New Employee Consultation Guidance

The DTI has issued new guidelines on Regulations giving UK employees the right to be consulted and informed about key decisions affecting their jobs.

The Information and Consultation of Employees (ICE) Regulations 2004 will be phased in over the next three years, giving smaller firms more time to prepare. They apply to firms with 150 or more employees from 6 April 2005; and to firms with 100 or more employees in 2007 and those with 50 or more in 2008.

They allow employers to agree consultation arrangements with employees to suit their particular circumstances. The DTI claims they will facilitate voluntary agreements and allow pre-existing arrangements supported by personnel and management to continue. Employers and employees can agree on the subjects, timing and method of consultation; set up arrangements that apply to several companies as a group; and different consultation arrangements in different parts of a company, for example, at different locations or covering different sections of the personnel.

After the Regulations come into force, employers need take no action unless personnel request for negotiations. On a request, the negotiation of an information and consultation agreement must occur against the benchmark of “standard information and consultation provisions”, which the Central Arbitration Committee may ultimately enforce in the event of a failure to agree.

Libel Risk Reduced

Staff responsible for online content will be relieved at the outcome of a recent interpretation of online libel laws by the Court of Appeal.

In ***Jameel v Dow Jones***, a Saudi sued a US publisher for defamation on a web site in this jurisdiction on the basis that the

continued on P3

Welcome to the Spring 2005 issue of Managing Risk

This issue publishes a feature focusing on e-conveyancing developments with a particular focus on risk issues for law firms. As the new electronic model beckons, managing these risks will be vital.

Managing Risk **is proud to be partnered with HSBC Insurance Brokers Ltd., in the identification of risk issues and the drive towards effective risk management at all levels, in law firms of all sizes.**

IN THIS ISSUE

- ***In Conversation:*** **Julia Graham, Risk Manager, DLA Piper**
- **Legal Privilege and Three Rivers**
- **Special Feature E-conveyancing Risk**

CONTENTS

In this issue:

NEWS

News	Page 1
Comment	Page 2
IT News	Page 4
Law News	Page 5
Conferences & Events	Page 16

FEATURES

Legal Privilege Tim Ashdown	Page 6
Managing Sickness Absence William Downing	Page 7
In Conversation Julia Graham, DLA Piper	Page 8
E-conveyancing Feature	
The Practical Challenge Mark Slade	Page 10
Volume Conveyancing Fiona Gregory	Page 11
The Fight Over HIPs Rupert Kendrick	Page 12
A Target For Phishers? Raymond Perry	Page 13
Risk Syndrome Chris Spencer	Page 14
Risks of LLPs Simon Young	Page 15

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From the Editor's Pen

In the event, the Clementi Review of Legal Services did not throw up as many surprises as at first seemed likely.

Perhaps it was because there had been so much speculation beforehand that whatever recommendations emerged, they would already have been considered.

However, if they are adopted by whatever government is returned to power, there is no doubt that they herald a sea-change in terms of how the profession will deliver its services in future. Potential new service providers are already in the starting blocks, awaiting the starting pistol.

Actually, the properly managed and commercially aware law firms have a head start and should see off most of the competition for their work. It is the less well organised practices that may find their existence under threat – from clients who nowadays pay less respect to loyalty than to speed and economy.

The arrival of e-conveyancing – which is the main thrust of this issue – does offer law firms an opportunity to regain the high-ground, which is felt by many firms to have been lost to others in the mix: lenders; estate agents; financial advisers; and volume conveyancing organisations. But it can only be recaptured if firms are aware of the risk issues that arise – both competitively and operationally – and take steps to address them.

The e-conveyancing feature in this issue addresses some key strategic and operational questions for law firms:

- the need for a strategic plan;
- the importance of technology;
- the need for trained personnel; and
- the challenge of the competition.

Firms with solutions to these questions need have no fear for their futures.

Rupert Kendrick LL.M
Editor

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WEB4LAW

(continued from P1)

web site was accessible from England and that he had a reputation here to protect. In fact, the UK web site had only been accessed on five occasions.

The Court of Appeal said it will no longer allow this type of claim – finding that the costs would be disproportionate to the achievable benefit of the claimant. The action was struck out as an abuse of process. The decision will comfort web site owners, but is unlikely to be upheld in claims where the claimant has a significant connection to UK jurisdiction and can show the defamatory words have been read by more than a few people.

In a separate development, an Australian landmark decision that material posted on a web site is published where it is downloaded and read, appears to have settled.

Joseph Gutnick claimed an article, posted in October 2000 on the Barron's Online Magazine web site, which is published by Dow Jones, was defamatory. He took action against Dow Jones in Victoria, where his business is headquartered.

He argued that the case should be heard in Australia, because he wanted to re-establish his allegedly damaged reputation there.

Dow Jones claimed the material was published in the US, where the company and its web servers are located and where most of its target readership resides – and therefore any case should be heard there – claiming that otherwise web publishers would be exposed to defamation suits worldwide. Dow Jones lost its appeal to the Australian High Court in December 2002.

Gutnick received an apology, $180,000 and $400,000 in legal expenses, according to ABC News Online. *(www.out-law.com)*

Confidentiality Protection Guidance

The UK Patent Office has issued guidance on Confidential Disclosure Agreements, in order to help inventors keep their ideas secret while also obtaining advice or investment.

An invention must not be in the public domain before filing the patent application. If the inventor has disclosed details of how the invention works the application could fail. Only confidential disclosures are considered not to be public.

Confidential Disclosure Agreements (CDA) are used when confidential information is exchanged between parties to record the terms under which that information is given. CDAs can be complex and costly to prepare, or inappropriate.

The Patent Office has therefore issued guidance to help inventors.

"We are committed to helping British inventors bring their new ideas to market," said Andy Bartlett, Innovation Champion at the Patent Office. "In the early stages of developing a new product or process, inventors can be torn between the need to guard their secrets whilst also seeking financial support or technical advice.

Disclosing the invention to some people is inevitable for many inventors, so we wanted to take the worry out of drafting a CDA."

New Insurance Rules for Small Companies

Companies employing only their owner no longer have to buy employers' liability compulsory insurance (ELCI) from 28 February 2005, when the Employers Liability (Company Insurance) Regulations 2005 came into effect.

Minister for Work, Jane Kennedy, said: "Hundreds of thousands of limited companies, where the owner is the sole employee, will benefit from the new rules. Removing the requirement to purchase ELCI could save companies hundreds of pounds each year."

It is estimated that around 300,000 small companies will be able to take advantage of the rule change. The Association of British Insurers estimates that the average saving for each company might amount to around £250 a year.
"This change will bring small companies who have a single employee who owns the company into line with similar unincorporated businesses," said Ms. Kennedy.

The legislation provides that an owner/sole employee is not required to purchase ELCI if the business remains unincorporated.

However the incorporation of a business creates a separate legal person, the company, who acts as the employer and a requirement to purchase ELCI.

A summary of responses to the consultation is available on the DWP website at http://www.dwp.gov.uk/ ublications/dwp/2004/ ria/elci_sum _resp_final.pdf.
Web site: ***http://www.dwp.gov.uk."***

Small companies may no longer have the risk of missing an insurance renewal.

IT Risk Watch

A Round-up of some of the latest IT Risk Issues

Backup and Recovery solution for City Law Firm

Lewis Silkin is the first legal client to have chosen Datashare's Cerberus Data Backup and Remote Systems Availability solution that ensures a guaranteed recovery time for its critical IT systems and data.

The managed service will provide a disk-based back-up of the firm's operational data and make its critical systems, including document management, Microsoft Exchange mail and file and print systems, available over the Internet in the event of a disaster.

The system enables the firm to back up and restore files, directories, mail boxes and individual mail items in seconds. By introducing this service, it is hoped that it will benefit from a reduction in insurance premiums for business interruption.

Jan Durant Head of IT at Lewis Silkin said, "Cerberus has been chosen to limit our exposure, deliver a better client experience and provide our services with a competitive advantage. Furthermore, we do away with our dependency upon individuals because it is a managed end-to-end solution that has no reliance upon key people being available."

Further information: *www.datasharesolutions.com*

Conversation Recording Alarm

A new service allows individuals to record their telephone calls with companies, opening up a whole new debate on the issues of privacy in telecommunications. It enables callers to record and store a phone call.

The user can retrieve the call at any time through the Internet or telephone. The service is relatively inexpensive and requires no special equipment.

UK law in this area requires compliance with:

- Telecommunications and Privacy Regulations 2003;
- Regulation of Investigatory Powers Act 2000;
- Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000;
- The Data Protection Act 1998;
- Human Rights Act 1998.

Compliance with the legislation is not always clear – but organisations failing to comply face penalties. Companies will have to ensure that staff designated to deal with complaints will need additional training as compliance becomes more complex.

Further information: *www.eversheds80.com*

Confidential Data taken for a Ride

A global survey of 900 taxi drivers shows that thousands of valuable mobile phones, Pocket PCs and laptops are forgotten in taxis, every day. In the last six months in London alone, 63,135 mobile phones (an average of three phones per taxi), 5,838 Pocket PCs and 4,973 laptops have been left in licensed taxi cabs.

Businesses and individuals are being urged to use the password and encryption facilities available on the recent crop of high memory capacity mobile smartphones, in order to protect the sensitive information held on them.

The survey in London was conducted by TAXI, published by the Licensed Taxi Drivers Association and Pointsec.

Hackers can steal information and assume the identity of the user both in their personal or business life.

Magnus Ahlberg M.D. of Pointsec, commented, "My advice to any mobile worker is to talk to the IT department about taking responsibility for security, this way your back is covered if you do lose your mobile device. Legislation is becoming more specific in this arena and there is a good chance we shall soon see legal action taken against individuals and organisations that do not protect information they store on other people."

Further information: Yvonne Eskenzi: 020 8449 8292; e-mail: *Yvonne@eskenzipr.com*

Law Firms' Web Protection

Law firms can now get guidance on security issues for their use of Internet technologies.

The Internet Policy Toolkit, launched by the Law Society's Law Management Section (LMS) and written by *Managing Risk* Editor, Rupert Kendrick, will enable law firms to develop their own technology usage policies. The toolkit covers issues including monitoring use of e-mail and Internet, management of a firm's website, as well as business continuity and disaster recovery.

The Toolkit has been expanded to address many law firms' next big IT spend – mobile technologies. This will be particularly helpful for lawyers who work away from their office. It will be regularly updated to incorporate new legal provisions and information technology solutions.

Law Management Section members can now download the Toolkit from *www.lms.lawsociety.org.uk.*

Organisations wasting Millions Each Year

FAST Corporate Services and the British Standards Institution (BSI) have launched FSSC-1:2004, (FAST Standard for Software Compliance), a standard for software compliance to help organisations ensure they are not using illegal software, and risking penalties.

The standard is launched in the wake of new research showing that nearly half of all UK organisations (1.8 million businesses) are vulnerable to legal action due to software non-compliance. The research also shows that companies are wasting money by investing in applications that staff do not use. At least 30 per cent do not monitor how regularly applications are used within the business and could therefore be paying for licences that are no longer required.

The BSI has developed the 'FAST Standard for Software Compliance – FSSC-1:2004' which consists of four main disciplines:

- establishing policies and procedures for the use of all software;
- carrying out a full enterprise-wide electronic audit of all systems;
- reconciling the audit of software holdings against licences; and
- on-going management

Further information: *0118 988 2992*

Money Laundering Privilege Decision

The recently reported Court of Appeal decision in ***Bowman v Fels 2005 [EWCA Civ 226]*** restricts the duty on solicitors to have to report on wrongdoing by clients involved in litigation. Caution is needed, however. The case is limited in its application and does not apply directly to non-contentious advisers.

The issue of legal professional privilege has been one of the most complex and problematic elements of the money laundering regime created by the **Proceeds of Crime Act 2002.** Confusion has arisen as privilege is a specific defence to the charge of 'failure to disclose' (section 330) but is not referred to in the 'principal' offences of concealing (section 327), arrangement (section 328) and acquisition, use and possession (section 329).

Even more confusingly, whereas the specific law of privilege seems to be invoked by section 330, which provides for the defence to apply where the information comes to the adviser 'in privileged circumstances', a lesser test seems to be suggested in the offence of tipping-off (section 333), which provides for a defence under that section merely where a disclosure is made by a 'professional legal adviser'. The inescapable conclusion is that these provisions are bad law, drafted in haste, which have caused confusion and concern for those affected by them over the last two years.

The main finding is that normal involvement in litigation or related negotiations does not mean that the firm will become involved in an 'arrangement' under section 328 and the need for a disclosure to NCIS for consent to continue does not therefore arise. This runs counter to the earlier and rather problematic case of ***P v P [EWHC 2260]*** which had suggested that a disclosure was necessary and that the firm could not take any steps in litigation while consent was awaited.

On this basis, the issue of whether privilege applies to the principal offences becomes secondary since litigation disclosures would not usually be needed, but it was held that if Parliament had intended to waive the normal principles of litigation privilege, it would have done so explicitly.

Web4Law director, Matthew Moore, who has delivered many training sessions on the topic, comments, "This decision will be seen as commonsense by most and will be a great relief to reporting officers who have been troubled by family law disclosures in particular.

"It is a case on litigation privilege, however, and issues of disclosures in non-contentious law remain unclear. The judgment refers in part to advice privilege as well but this is not part of the *ratio decidendi*. We have to hope that the approach advocated by this case can be extended more generally to the rest of the professional sector.'

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Legal Privilege floating down 3 Rivers

Tim Ashdown, partner and head of litigation at DMH Stallard, outlines some practical lessons to be learned from the 'Three Rivers' decision

Legal hearts fluttered when the scope of legal professional privilege was called into question by the Court of Appeal's decision in *Three Rivers (No. 5)*. Many were relieved when the House of Lords unanimously overturned this decision on 11 November 2004, clarifying the extent of privilege in *Three Rivers District Council v Bank of England [2004] UKHL 48 (Three Rivers No. 6).*

Privilege
A summary of privilege was that communications between a legal advisor and client for seeking or obtaining legal advice, are privileged, and need not be disclosed to a third party including the court. The only exemptions related to fraud, criminal activity and other information disclosable in the public interest.

The two types of privilege are:
Litigation privilege – communications between a lawyer and/or the client and a third party, where the dominant purpose is to obtain legal advice for existing or contemplated litigation; and
Legal advice privilege – communications between a lawyer and client relating to legal advice.

Facts
This litigation arose from the Bingham Inquiry into the Bank of England's supervision of BCCI during its collapse. The Inquiry sought disclosure of certain documents and communications created by employees of the Bank for the purposes of the Inquiry. The Bank of England resisted disclosure on the grounds that the documents were created on an occasion covered by legal advice privilege. The Court of Appeal held that the Bingham Inquiry was merely investigative in nature and not adversarial. In the opinion of the Court, legal advice privilege existed 'only in relation to advice on legal rights and obligations which could become the subject of litigation and also required knowledge of the law.'

This raised two questions: (1) did litigation privilege cover non-adversarial proceedings, such as the Inquiry; and (2) did it extend to advice not confined to the law?

Judgment
The House of Lords held that the correct test for legal advice privilege was that established in ***Balabel v Air India [1988]*** which stated that: 'legal advice is not confined to telling the client the law; it must include advice as to what should prudently and sensibly be done in the relevant legal context.' Legal advice privilege will apply to advice offered by a legal advisor using their legal skills. The dominant purpose test, essential for determining litigation privilege, was held to be irrelevant for legal advice privilege.

Lord Carswell suggested that the Court of Appeal was incorrect in confining legal advice privilege purely to communications between the Bingham Inquiry and its lawyers, stating 'I do not propose to express any opinion on ***[Three Rivers (No. 5)]***. Having said that, I am not to be taken to have approved of the decision... and I would reserve my position on its correctness.' The House of Lords emphasised the essential need for legal advice privilege in legal matters, such as conveyancing or drawing wills. It questioned whether litigation privilege is purely confined to adversarial proceedings, but, as this issue was beyond the scope of the appeal, no conclusions were drawn.

In summary, it was found that there is an unquestionable need for legal advice privilege, and it includes advice on what should prudently and sensibly be done in the relevant legal context, that is, all advice provided by lawyers in their capacity as lawyers. The inability to provide privileged commercial advice to clients could have created widespread difficulties. It is a relief that privilege remains intact. •

Practical 'Risk' lessons:

Knowing your client
The decision reinforces the fact that the privilege is that of the "client" and that legal advice privilege does not cover communications with third parties. We therefore must:

- be thorough in identifying precisely to whom the advice is being given;
- consider this when preparing retainer letters;
- establish who requires the benefit of privilege and whether the contractual relationship with our "client" will achieve that;
- establish who is authorised to instruct us and receive our "advice", when taking instructions from employees of corporate clients.

Some commentators have suggested that the solution is not to define the client at the initial stage of instruction, but to do so when the issue of who is entitled to privilege is raised. This would create all sorts of problems when complying with Rule 15 and the Money Laundering Regulations.

Document management
The decision also reinforces the absolute necessity of creating, and retaining, contemporaneous notes recording the advice given, the circumstances in which it was given, and to whom.

Tim Ashdown may be contacted at Tim.Ashdown@dmhstallard.com

Managing Sickness Absence

William Downing

William Downing, Partner in the Employment Group at Trowers & Hamlins, identifies the key issues for the proper management of persistently absent employees

Employers faced with employees who are persistently absent, or who have long-term illnesses, must ensure they manage this absence effectively. Failure to do so can result in expensive claims for unfair dismissal, breach of contract and disability discrimination, as well as damaging employee relations.

Putting a policy in place

A comprehensive sickness absence policy should be put in place, providing that employees must report any absence from work to their line manager on the day that it occurs, and on all successive days of absence. An employer should also ensure that employees keep in regular contact during the course of their absence to enable plans for cover to be made, as well as to enable the provision of assistance and support to the absent employee.

Following fair procedures

Where regular patterns of short-term absence or unexplained absences occur, a meeting should take place with the employee to discuss the reasons for absence. The outcome of the meeting may result in one, or more, of the following options:

- a referral to an occupational health physician;
- the setting of attendance targets;
- making changes to working hours or conditions; or
- the issuing of a formal oral warning.

If, after a set period, the situation does not improve, another meeting should be held to assess the situation which may result in a formal written warning. If there is a continued failure to improve over a further period of time, the final stage of the procedure will be triggered. This may result in dismissal.

Persistent short-term absences should be seen as a capability issue, as the employee is failing to fulfil contractual obligations. The same is true for long-term absence from work. An employer must take potential disability discrimination considerations into account. It will be fair to dismiss an employee for capability reasons but only if a fair procedure is followed.

An employer should always include a requirement in employees' contracts for the employee to undergo an occupational health assessment at its request; otherwise, an employer will need the consent of the employee to obtain a medical report. A medical report will be key to determining what adjustments ought to be considered and whether a dismissal can be a reasonable decision to take.

On receiving a prognosis that the employee is unlikely to be able to return to work in the foreseeable future, the employer should consider the following issues:

- is a second medical opinion or further examination appropriate?
- are there any other roles within the organisation which the employee may be able to undertake?
- are there any reasonable adjustments that can be made to the employee's job role or working conditions that would enable a return to work (this is particularly important to consider if the employee is suffering from a disability)?
- is any form of ill-health or early retirement appropriate?

A discussion should then take place with the employee and their views on the best way forward should be sought.

If a decision to dismiss the employee is taken, the letter of dismissal should set out the reasons for the decision and the various matters that have been considered. It is essential that the process by which the decision is reached is carefully documented and carried out in accordance with the employer's capability procedure if one is in place. In addition, the employee should be given the opportunity to appeal the decision.

Employers must ensure that, when taking the decision to dismiss any individual, whether on grounds of long-term sickness or any other grounds, they comply with statutory dismissal procedures.

Disability Discrimination

Long-term illness may also amount to a disability under the **Disability Discrimination Act 1995 (DDA).** Essentially, the **DDA** provides that it is unlawful for an employer to treat an employee less favourably as a result of any disability they suffer. It also imposes a duty on employers to make reasonable adjustments to accommodate the employee's disability.

A disability is defined as a recognised physical or mental illness which has a long-term adverse effect on the employee's ability to carry out normal day to day activities. The effect of the illness is long-term if it has lasted for 12 months, or is likely to last at least that long or for the remainder of the employee's life. An employer should always obtain a satisfactory medical report to give an indication of whether an employee's illnesses amount to a disability under the **DDA**. A medical report can also be used to pinpoint adjustments that can be made. Whether or not the adjustments are reasonable to make will depend upon various factors set out in the **DDA** and in guidance, but will include cost and practicability. •

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Managing Risk in a Global Law Firm

Julia Graham

Julia Graham, Chief Risk Officer, DLA Piper Rudnick Gray Cary UK LLP, explains to the Editor how a broad risk management background has helped with the challenge of risk issues in a global law firm

"It was my plc background and breadth of experience in financial services risk management," explains Julia Graham, recently appointed Chief Risk Officer at global legal services organisation, DLA Piper Rudnick Gray Cary (DLA Piper), following DLA's merger with US based Piper Rudnick on 1 January 2005.

She's probably right. Her reply to my question about how, as a non-lawyer, she managed to infiltrate a major city and international legal services organisation is decisive and confident.

"I spent over 25 years in the insurance industry with Royal Insurance, now Royal & Sun Alliance (RSA). I trained as an underwriter and held a number of business management roles in marketing, business development and central services. In particular, I handled professional risks insurance for RSA. As long ago as 1995, I recommended that the organisation develop an internal risk management function – and, as a result, I was their first risk manager.

"Shortly after my appointment, which was at the time of the Cadbury Report and the Manchester bombing, there was a realisation of the value of effective governance, risk management and controls, including business continuity management."

I wondered how it was that she took the quantum leap from an industry immersed in risk management to a profession where, in theory at least, risk management is a relatively new phenomenon. "I was headhunted," she says. "My experience in managing risk in a highly regulated environment involving the Financial Services Authority (FSA) in an international organisation like RSA gave me a great learning experience. And I liked the idea of a new challenge."

And her reasons for joining DLA Piper? "I was impressed with its 'can do' attitude and commitment to risk management – there was no need for me to sell the concept. Risk management was in the culture – it was accepted as good management practice, voluntarily and not driven by regulation."

So, what has her experience in the insurance industry taught her about the qualities of a risk manager? "They're a blend of different attributes," she says, authoritatively. "I brought experience of risk management in a large corporate plc. But I'm also a non-lawyer, and I think that's an advantage. I have a corporate, not legal, background, but my experience taught me that there were common processes for organisations in terms of the issues to be addressed, such as engaging and managing client relationships, legal and regulatory issues. They are associated with being part of a multi-functional global organisation – business continuity management, people risk issues and security, for instance."

"It's also important to be able to manage in a changing environment – particularly appropriate to the legal sector at the moment, with, for instance, an active environment of mergers. Included in this is also the rising phenomenon of the globalisation of law firms and the need for a risk manager to be able to operate in a multi-jurisdictional environment." *

What does she think are the big risk issues for law firms? "This was a question I asked the business on my arrival," she says. "I wanted to update the out risk register, and to re-cluster the various risks into manageable categories. My approach is to categorise them into six groups:

- strategic risk (including reputation risk), for instance, strategic planning, mergers and acquisitions;
- group risk, involving the management of a full range of services across international boundaries;
- operational risk, which would include issues such as failed processes, health and safety, security and business continuity management;
- financial risk, which whilst part of the risk framework is headed and managed by the CFO;
- legislative and regulatory risk , which is DLA Piper's response to the rising tide of regulation and compliance and
- business risk, the risk associated with engaging, managing and closing clients' files and matters – including for example the management of potential conflicts of interest.

"I also thought it important for there to be a range of management backgrounds and not simply lawyer-based. So, lawyers head up 'group', 'legislative', and 'business' risks.

"Our philosophy is that risk management shouldn't be a 'tick-box' exercise and that it is a knowledge-sharing exercise where we manage the intellectual content of risk as well as the process."

Within those categories, she says there are various easily recognisable risk factors, which, more or less, apply to all law firms of all sizes. She runs them off without a moment's hesitation. "I'd want to look at all of these in any law firm:

- reputation risk – which probably features top of all law firm risk

managers' agendas – perhaps from missed deadlines or incomplete documentation;
- globalisation – which needs a strong corporate management infrastructure;
- processes and procedures, for instance, timescales and deadlines;
- flexibility – using lawyers' intellect more intuitively and not pigeon-holing them into specialisms at too early a stage in their career;
- training and education – particularly knowledge management, an issue that DLA Piper takes very seriously, in terms of invested time, effort, currency and secure accessibility.

For DLA Piper, globalisation is a critical issue. In January 2005, DLA merged with US-based Piper Rudnick. This will continue to involve a host of new issues and risk challenges.

For many law firms, risk management is a concept that has yet to be addressed as a practical, as opposed to a theoretical, issue. I asked her what she feels are the common features that need to be present for a law firm to implement the practicalities of a risk management strategy.

DLA Piper London

"Risk management must be embedded in the governance strategy and general management practices of the firm. Leadership comes from the top. For instance, here, I work for the senior partner, and I report to the managing partner. Having agreed our overall risk policy, we are now forming a risk committee of senior partners and directors empowered by the board and who will sign off risk management policies and procedures and mediate on exceptions to these across the organisation, which may allocate management or delegation of a particular issue. The committee comprises the senior partner, board members, CFO, chief risk officer, a regional managing partner, and the legislative/regulatory risk manager – others will be co-opted as the need arises."

"Risk management is part of the way we do our business. It's just part of good management, really. And to be implemented, it has to be real. We don't believe in a set of manuals gathering dust on the shelf – at DLA Piper, the Intranet is a vital tool in the implementation process to ensure quick, concise and effective communication.

"From my perspective, it means a focus on discipline and efficiency. Coming in as an outsider, I've been very impressed with the speed and quality of decision-making and the lack of bureaucracy in DLA Piper. It's my job to add value to the organisation, underpinning this with a sound strategy for managing risk."

I suggest that it's all very well talking about risk management, but it needs a structure to enforce it or 'embed' it as she puts it. "There has to be a mandate. Mine comes from the senior and managing partners. In many law firms, responsibility rests with different partners with a plethora of committees responsible for different areas of risk – which can lead to a silo effect. With the emergence of global legal organisations, the management structures are beginning to converge – they're having to, so they can catch up with the speed of development. At DLA Piper, I think our corporate structures are both 'joined up' and agile."

I ask how the strategy works in terms of consulting those who are required to implement it. "We have what I call, a 'team of champions'. We have a risk toolkit and we get feedback on implementation issues from senior fee earner level."

With professional indemnity insurers playing an increasingly important part in the way law firms manage risk, I ask for her views on their key requirements when considering a proposal. "I think it's probably the same for almost all law firms. They certainly need evidence of good processes and efficient, effective procedures in place. They need to know that the back office is well managed.

"They are always interested in ethical breaches and, of course, past claims records are critical. They look at track record and the overall quality of management in the firm. All this is really back to the point I was making earlier – they want to see commitment to standards that are embedded in the practice."

We end with what I term 'enforcement' – how to ensure that, no matter how comprehensive the risk management strategy, people actually observe it. "It's back to the culture of the organisation again," she says, with a smile. "There's no 'one size fits all'. Each firm has to look at its risks and devise a strategy that's tailored to manage them – so that staff can apply it.

"Policies should be short and sharp. We undertake file audits which are efficient and instructive, checking performance against business risk and learning together as we go. The next step is to build risk-related performance into our performance management system. This will achieve a continuous cycle of improvement. However, this is a journey and we still have some way to travel..." •

***** ***When this interview took place in November 2004 DLA was a top 5 UK, European and Asian law firm – it is now called DLA Piper Rudnick Gray Cary and is a top 5 global legal services organisation.***

Focus on E-conveyancing

E-conveyancing has been on the horizon for, seemingly, ages – but the time has almost arrived for law firms to consider how they will handle the various challenges of this new practice area of 'electronic' law.

At *Managing Risk*, we see different types of challenge emerging: the challenge of mastering the technology involved; the challenge of competing against new entrants to this market; the challenge of managing personnel with new skills; and the ever-present challenge of managing client expectations, constantly rising with the 'hype' that surrounds e-conveyancing.

This feature views various aspects of these changes.
- ***Mark Slade, partner in Fidler & Pepper, a 'high street' firm which has long championed conveyancing technology, looks at the challenge for small firms.***
- ***Fiona Gregory, law firm consultant, considers the risks of volume conveyancing.***
- ***Raymond Perry, solicitor, investigates general risk issues in the electronic process.***
- ***Chris Spencer, solicitor and case management software developer, identifies the key risk areas that technology will need to address.***

The Practical Challenge

Mark Slade

Mark Slade, partner in Fidler & Pepper, and pioneer of electronic conveyancing in small firms, looks at some of the competition issues to be addressed if firms are to survive in the new market

It is a time of great change for conveyancers. We are primarily a high-street based firm with six partners, with a strong bias towards conveyancing and have made the fullest possible use of technology.

Case management systems
Our case management system is the most important work tool in our office, but it is just a tool and on its own does not make for more efficient working. It does, however, address some key competitive risk issues:

- Efficiency – firms can analyse how they work and question why and how it can be changed.

- Correct levels of expertise – every task should be performed by someone who can confidently handle that task but who is not overqualified to do so. Routine tasks should not be performed by a solicitor.

- New services – information is produced quickly and easily – from progress letters to clients, to online instructions and case tracking – services that clients may consider when selecting competitors.

Electronic Searches
The inefficiency of manual searches is obvious, with different personnel involved in a process that delays transactions and which is repeated for every search.

We decided to adopt electronic searching procedures:-
- searches are requested online from a site linked to our case management system with the address details pre-populated;
- the user selects the required searches;
- the user confirms to the case management system the amount of the search and a transfer chitty is produced which is assigned to the file.

Payment is made centrally for all searches and this procedure covers all the searches for any property. Electronic searching saves half an hour of office time, per matter.

Online Case tracking
We regard this as a positive service and offer it to all clients. They see a series of steps; a list of diarised reminders and file notes. Some solicitors are horrified at the thought of clients viewing file notes. The secret is to ensure staff realise that file notes may be viewed by clients.

This facility is very useful. It gives clients an insight into what we are doing. If it is apparent that, say, seven telephone calls have been made without reply, they realise the matter has our attention. The system is welcomed by the over-anxious client. Instead of telephoning frequently, they check the web site, knowing they are not bothering us by doing so.

Our experience of offering this service has been overwhelmingly positive. The ability to check the web site is often mentioned in client feedback questionnaires as a reason clients would recommend us to their friends. •

Key competition issues

- New facilities need to be embraced and used as effectively as possible. Firms can be sure their competitors will address them.
- New skills may be needed but these can be brought in. Remember that some personnel in the firm may already have the necessary skills and would champion new facilities.
- Changes are most effective when they start to happen and personnel recognise an improvement.
- Developing a culture, where everyone questions how they work, is vital.
- Smaller firms have a definite advantage. The cost of technology has fallen and is now easily affordable. The greatest advantage for the small firm is speed. The ability to make, and act upon, quick decisions should not be underestimated – and a feature that innovative members of large firms envy.

Mark Slade may be contacted at mslade@fidler.co.uk

Risk Management in Volume Conveyancing

Fiona Gregory, solicitor and law firm consultant, recalls a conversation between a cautious Risk Management Partner (RMP) and the Head of a Volume Conveyancing Unit (HVU)

RMP: Should the firm be involved in such high risk work as volume conveyancing?

HVU: If properly supervised and managed, volume conveyancing is, in fact, low risk. While there may be a high number of claims in conveyancing, those that relate to residential conveyancing tend to be of low value, with much higher claims arising from commercial conveyancing.

There will be a higher number of claims than for other work types simply because of the larger number of conveyancing transactions carried out.

RMP: Can we reduce exposure to higher risk work types such as leasehold, shared ownership, unregistered and high value properties?

HVU: You can, in a number of ways. The first is by declining to act where certain work types are involved.

The second is to price the work at such a high rate as to be unattractive to the client, or to justify it being handled solely by an expert.

The third is to ensure that your case management system can deal with such work types in sufficient detail so as to remove the risk of overlooking certain steps, documents or procedures, and to ensure staff are adequately trained in such areas.

RMP: If we use a case management system, won't unqualified, inexperienced staff be handling files, so increasing the risk of mistakes because they do not understand what they are missing?

HVU: A case management system is a tool to aid fast and efficient processing and production of letters and documents and an automated diary system. The case flow incorporates reminders and check lists to ensure that nothing is overlooked in a standard transaction.

It substantially speeds up obtaining searches and other information through automated connections to web sites, such as Searchflow for searches; Companies House for company searches; or the Inland Revenue to check stamp duty land tax liability or exemption.

A case management system provides considerable processing efficiencies, but much still depends upon the right person being fully trained to carry out the right task at the right time. A team structure ensures that this occurs.

RMP: How can a team deal with a file adequately with so many people involved and when everyone can blame someone else?

HVU: There is a clear hierarchical structure with clearly defined roles and tasks, supported by the case management system allocating, or escalating, certain tasks to certain members of the team by role.

Purely administrative tasks, such as opening the file or applying for searches, are carried out by junior members of the team. The progression of the case – chasing for outstanding documentation or information and liaising with the various parties on non-legal matters – is carried out by a case processor. The legal work – checking titles, searches, mortgage offers and dealing with legal enquiries – is dealt with by the lawyer.

All need to be thoroughly trained and experienced in their primary roles and there will be some crossover for the development of team members into new roles. Therefore, expensive lawyers spend time dealing with legal issues and not processing. This gearing results in lawyers dealing with higher volumes of files as part of a team.

RMP: Who supervises the team?

HVU: Team lawyers supervise the work of their team members, when signing off files for exchange or completion, or when dealing with the legal aspects of the file. As the team sits together in open plan, the lawyer can hear at all times what is being said on the telephone by the case processor and can easily answer any queries. The lawyer sees incoming post for the team before it is allocated to the case processor for action. The lawyer signs all non-standard outgoing post for the team and can be copied in on all outgoing client e-mail.

Client satisfaction questionnaires are sent out on every transaction and the results monitored. There are regular file audits and staff appraisals. Referrer service standards are monitored and reviewed monthly as to performance levels, with a bonus scheme promoting high standards.

Team managers supervise the process, the teams as a whole and the lawyers in particular. They liaise with referrers and deal with complaints, which relate mostly to service delivery failures and rarely negligent advice. Constant in-house training enhances or refreshes skills and legal knowledge.

Overall, large increases in work volumes are accompanied by dramatic falls in risk related issues. •

Photo: Taylors, Bedford

Volume conveyancing can be low-risk

Fiona Gregory may be contacted at fionaandrew@talk21.com

The Fight over HIPs

How can Home Information Packs help minimise the risk of law firms losing to competitors? Editor, Rupert Kendrick, explains

The Home Information Pack (HIP) may well eventually prove to be the battleground over which control of the conveyancing process is fought.

Control

Whoever is responsible for preparing the HIP will have essential information about the property and will surely hold the high-ground in the subsequent management of the transaction.

The HIP will consist of:

- the Home Condition Report (HCR) provided by accredited home inspectors;
- searches and information regarding the title of the property.

Cost risk

Responsibility for preparation of the pack seems likely to fall either to the sellers' solicitors, or the estate agents. So far, the government has taken the view that, in the same way as 'contingency' type fees, there should be a 'no sale, no fee' arrangement in financing HIPs.

Will solicitors, estate agents, or any others involved, be prepared to underwrite such a loss (estimated at £700 or so per HIP) if a transaction does not proceed? Law firms may have to factor in the potential cost of abortive transactions, when considering the overall economic case.

IT

Efficiency, cost and accuracy will be key watchwords in gaining instructions to prepare the HIP. How can law firms meet this requirement? It already seems likely that IT will play a prominent part even though, at the moment, the legislation specifies that the HIP shall be in written form.

Already, one leading organisation (neither a law firm nor an estate agent) is looking at an electronic solution. It already supplies a wide-ranging property search service. The HIP can be added to these services. Software will enable an HCR also to be ordered via the web site – perhaps supported by a panel of surveyors available for selection by whoever is preparing the HIP. The costs model has yet to be resolved. Perhaps a 'pay as you go' basis will be most likely.

Competitive advantage

There will be a distinct competitive advantage for law firms with integrated IT systems forming an easy method of managing and exchanging documents and data – particularly HIP documentation, which can be seamlessly transferred between representatives.

It is likely that solutions for HIPs will be available well ahead of the implementation date in January 2007. Many law firms will want to trial pilot schemes during 2006. Pilot schemes are likely for early adopters and law firms wishing to be at the forefront of this technology.

The emergence of electronic HIPs offers forward-thinking law firms an opportunity to reclaim the high-ground in the conveyancing process – but they have to move fast. If they don't, somebody else will! •

E-CONVEYANCING

THE IMPLICATIONS FOR LAW FIRMS

Training from Web4Law

The model for electronic conveyancing introduces an entirely new way of performing conveyancing transactions. Internet technologies introduce new stakeholders and new competitors. Clients will want to take advantage of technology to ensure instructions are undertaken promptly, accurately, efficiently and cost effectively, fully exploiting the benefits it has to offer.

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This practical course outlines the new legal and electronic framework underpinning the e-conveyancing model, exploring it from the perspective of the busy practitioner and identifying new marketing approaches to meet - and beat - the competition.

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*** critical technologies relating to e-conveyancing in practice**
*** agencies and public bodies involved in the process**
*** essential steps in e-conveyancing procedures**
*** professional issues arising in the e-conveyancing model**

£600 + VAT for a Two Hour Seminar

For further details and reservations, contact
Rupert Kendrick, LL.M solicitor, Ebony House, 15, High Street, Sharnbrook,
Bedfordshire MK44 1PG;Tel 01234 782810; or by e-mail to Rupert@web4law.biz

WEB4LAW

E-conveyancing – a Target for Phishers?

Raymond Perry looks at some of the potential risks involved in the introduction of e-conveyancing

Lawyers are familiar with exhortations about the need to be ready for the e-conveyancing revolution. Part of the e-conveyancing revolution – electronic searching – has already arrived.

Computer literacy
The Land Registry has a good record with the deployment of technology but the e-conveyancing project is complex. Assuming the Land Registry finds a way through the technical and organisational minefields, e-conveyancing will inevitably require solicitors to become more computer literate. This may be hard to achieve in practice. E-conveyancing has some particularly complex aspects from a user's point of view – especially in relation to digital signatures. It also requires users to devote time and money to computer security.

However, one advantage of technology is that – in some respects – a sole practitioner in a provincial firm can derive as much benefit from it as a large City firm. For example, everyone obtains the same benefits from e-mail, although this becomes less so where the complexity of computer systems increases.

Large firms can afford dedicated teams of specialist IT support staff; smaller firms cannot. Smaller firms must therefore be careful how they manage the transition when e-conveyancing is introduced.

Usability and security
Introducing e-conveyancing then becomes rather tricky from the government's point of view. The system's user base will be a large and diverse group – geographically widely distributed – but with only limited technical proficiency. This gives rise to a major difficulty with e-conveyancing. It is the need to strike the right balance between usability and security.

It is difficult to judge accurately in advance the true extent of transactional risk from fraud with e-conveyancing. Computer security is a 'weakest link' issue. As with Internet banking, the weakest link is on a user's network, beyond the control of the Land Registry or whoever operates the EFT system.

'Phishing'
An illustration of just how difficult it can be to achieve security in these circumstances is provided by the proliferation of 'phishing' attacks on customers of Internet banking systems.

Fake e-mails sent in 2004 targeting customers of the Halifax Internet banking service were sophisticated and certainly appeared to come from the Halifax. If the recipient clicked on a link in the e-mail they were directed to a bogus website in Russia. This opened a copy of the genuine Halifax website along with a separate window (not genuine) containing a request for the user to enter sensitive information, such as passwords and user names. If disclosed, this information would potentially allow the customer's account to be looted.

'Phishing' is relatively straightforward from a technical point of view and does not even require the attacker to take control of, or install a Trojan horse program on, the victim's computer. According to the Association for Payment Clearing Services, one of whose objectives is to protect and enhance the integrity of the payments industry, some 2,000 Internet banking customers have fallen victim to such attacks in the UK over the last 12 months.

Training
It seems reasonable to expect that the e-conveyancing system will also be targeted. The profession has been told that the e-conveyancing Network Access Agreements, to which conveyancers will have to sign up to use the system, will not be onerous. But at some level, the Land Registry will have to frame the terms of use to make conveyancers liable for losses caused by breaches of security on the part of the user – if only to avoid the moral hazard that would arise if lawyers were not responsible in such circumstances.

This means more training for conveyancers and more time spent on back-office tasks, such as security – all of which will cost money. Conveyancers will have to master more aspects of technology. Will this burden be offset by some new competitive advantage? Unfortunately, this seems improbable.

Competitive risk
There is no evidence that this advantage is sufficient to drive 'old-fashioned' conveyancers out of business. For paperless transactions and EFT to operate efficiently, they will have to be used by everyone, so after an introductory transitional stage it would be logical for the Land Registry to move to compulsory use.

For all the promises surrounding its introduction, e-conveyancing seems unlikely to change the structure of the conveyancing profession – or the process of buying and selling a house – to any great extent. On the positive side, from the point of view of existing conveyancers, e-conveyancing is unlikely to lead to new players – such as banks and supermarkets – entering the marketplace, given the slim profit margins which exist at present. The additional costs imposed by e-conveyancing are unlikely to improve these. •

Raymond Perry is a partner in Davies and Partners, Gloucester and a writer on issues involving the Law and IT. He is the author of a forthcoming book on the e-conveyancing revolution, Future Conveyancing due to be published in 2005. E-mail: mail@raymondperry.co.uk.

The Conveyancing Risk Syndrome

Chris Spencer, solicitor, identifies key features that should be present in IT solutions to address risks arising in the e-conveyancing process

Managing a conveyancing file has always been about managing risk. There are key areas where technology can address risks arising in the conveyancing processes.

Key risk areas

These risk areas include:

- professional risks, such as client care procedures and money laundering;
- conflict of interest checking;
- tracking and reviewing activity and progress;
- integrated document management, comparison, indexing and versioning,
- monitoring fee-earner activity;
- ensuring observation of deadlines;
- effective time scrutiny and project management;
- historical record keeping to track activity during a particular period;
- swift recovery if/when disaster strikes;
- planning and reporting aspects of risk management;
- access to legal reference material in electronic form;
- secure online estimates, instructions, searches and progress updates; and
- accurate and secure financial data for the practice and its clients.

However, while e-conveyancing (the transformation of the current paper-based conveyancing system into electronic form, using electronic documents, requisitions and signatures) offers the convenience of 'dematerialisation' it also increases the risk of abuse.

Key risk management requirements

Part 5 of the Land Registry's document Defining the Service E-conveyancing (July 2004) includes the following requirements suggested as being applicable to the security – that is, risk management – aspects of the service.

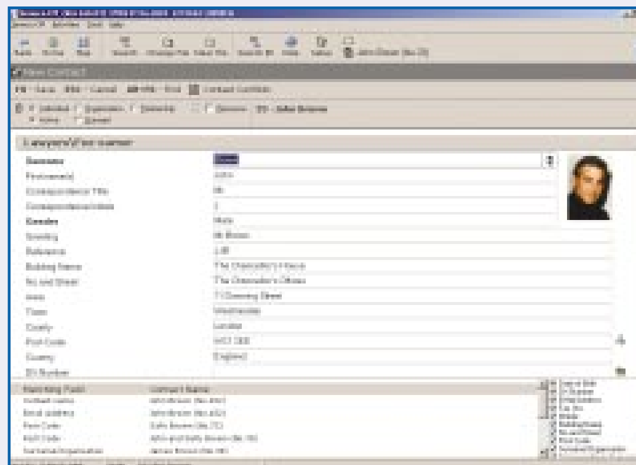
5.1.1 Security

5.1.1.1 *Security is one of the key requirements for all the stages of the conveyancing and registration processes, including the associated electronic funds transfer service. This includes physical, logical and procedural security measures, as well as the security of e-documents or data.*

5.1.1.4 *The E-Conveyancing service must strike a balance between security, usability and cost. Access must not be irksome or onerous, but equally security must not be compromised. Security must not be cumbersome and should not reduce usability and scalability.*

Security must be protected by a series of steps. It should include:

(i) access to the system being by secure password or other additions or alternative access restrictions.



Contact list

(ii) users being given only the access they need; and even administrators should be subject to cross-checks requiring authentication by another person in certain situations – for example, larger payments or extra-ordinary dealings.

5.1.2 Integrity

5.1.2.1 *The E-Conveyancing service must provide assurances on the integrity of data and messages exchanged through it.*

5.1.2.2 *It will ensure the integrity of data and messages against accidental or deliberate malicious alteration from the point at which they are sent by the originator to the point at which they are received.*

5.1.2.3 *Integrity of the service must be demonstrable such that any changes to any data or message between the sender and the recipient can be identified.*

There should be a full audit trail of all information managed in the system. Data should be stored in securely encrypted databases, so that copying the database and interrogating them using another tool will offer the attacker no benefit. Similarly, only administrators should be able to carry out certain acts such as deleting activity reminders, deleting or moving file contents or closing or destroying electronic files.

5.1.3 Authenticity

5.1.3.1 *The E-Conveyancing service must provide assurances as to the identity and authenticity of the sender and recipient of data and messages.*

As well as providing biometric authentication, there should be integration of digital and electronic signatures within the system, to ensure authenticity.

5.1.5 Audit trails

5.1.5.1 *Comprehensive audit trails of all activities that take place within the E-Conveyancing service will be required.*

A complete (and tamper-proof) auditing utility should be built into the system from its initial design. A 'bolt-on' solution will not suffice.

Summary

The e-conveyancing service must strike a balance between security, usability and cost. Access must not be onerous, but equally security must not be compromised, and should not reduce usability and scalability.

So it must it be with the IT tools used to integrate with the service, to deliver better and faster conveyancing services to clients. •

Chris Spencer is development director of EMIS IT, provider of the Seneca suite of case management solutions designed to both maximize efficiency and address professional risk. He may be contacted at cspencer@emisit.com

What are the Risks of LLPs?

Simon Young, MBA, solicitor, ponders over some of the key issues for law firms considering LLP status

It is over three years since it became possible for law firms to practise as limited liability partnerships (LLP). Numbers are now in the hundreds, and growing. They appeal to firms of all sizes, from Allen & Overy LLP in the 'magic circle'; and major national firms such as Eversheds LLP and DLA LLP; to 'high street' firms with a handful of partners.

Why bother?

Invariably, the initial approach of some partners is "Why should we bother?" In the end, this usually becomes "Are there any good reasons why we shouldn't do it?"

The Law Society's Practice Management Standard 2004 is the foundation of the Lexcel scheme, and requires law firms to give active consideration to the choice of the most effective structure for their business. I believe that, in only a few years' time, it will be the general unlimited partnership which will be the exception.

Protection

The attraction is that "It does just what it says on the tin – it limits your liability". Its chief *raison d'etre* is to limit the exposure of individual principals to personal liability in the event of a wipe-out claim. It does not do away with personal liability, since there are limited powers of 'clawback' available to a court on insolvent liquidation, and there is still a remote possibility of personal (though not joint and several) liability for tortious acts.

However, it certainly offers a level of protection which is a great improvement on unlimited joint and several liability, as members' personal liability is basically limited to capital investment in the business.

Risk issues

Most lawyers focus on the question of negligence when considering what might affect them; but this is the least of the firm's risks, since systems are designed to minimise risk, and, since it is insured, the real exposure is limited, in most cases, to the uninsured excess. LLP protection would be of great importance if there were ever a claim which exceeded the amount of the firm's cover.

LLPs certainly offers a level of protection which is a great improvement on unlimited joint and several liability, as members' personal liability is basically limited to capital investment in the business

More importantly, there are matters which could lead to a wipe-out claim which are not foreseen and not insured. These include: discrimination claims (which cost one firm £900,000 earlier this year); IT catastrophes from technical problems or sabotage by a dissatisfied employee; reputational loss; or simply cumulative trading losses. The last of these may affect firms in a few years' time, in the post-Clementi era, if the profession is exposed to externally financed competition.

Many young lawyers see LLPs as the way forward and seek the protection of an LLP when deciding where to settle for their careers. There are already competitive advantages becoming apparent for converted firms.

Teething troubles

There are still teething troubles over such issues as:

- the status of salaried partners;
- whether members (and possibly others) can be referred to as 'partners';
- confidentiality / privilege issues affecting firms wishing to grant debentures;
- whether the potential residual liability of individuals can be further limited by contract; and
- the position regarding executor-appointment clauses.

Converting to an LLP

Many firms have had sufficient confidence to convert to LLP status. Registration at Companies House is straightforward. The LLP is taxed as a partnership so there is no change there (with the exception that, if it is desired to vest any property in the name of the LLP, there is a period of one year from incorporation, not commencement of trading, within which there is an exemption from Stamp Duty Land Tax available).

Third parties, such as banks and lenders may, in effect, need to give consent. Most banks are happy, in principle, with the change, since they are used to dealing with corporate entities. Personal guarantees may be needed, but this has not been a disincentive, as they can be limited, and are more attractive than the partnership position.

A major issue may be the documentation needed to record the terms of the agreement between partners and the LLP, and the terms of the transfer of business from the partnership to the LLP. Some firms may seek external assistance, especially if they intend to use the occasion to re-examine internal arrangements, and feel an independent view may help. Others will feel they have the commercial expertise to do it all themselves. In any event, the process can be accomplished in a few months. •

Simon Young can be contacted at: postmaster@syoung.plus.com

Conferences and Events

Key risk management events

13-14 April 2005

Knowledge Management for the Legal Profession;

and

15 April 2005

Role of Professional Support Lawyers, Ark Group, Jon Bradford, 020 8785 2700 – London

This sixth annual conference is focused on how to drive knowledge management into the heart of an organisation and to align a knowledge management strategy with the long term goals of an organisation. The event aims to balance technology, strategy and culture to improve an organisation's profitability and competitive advantage.

18-19 April 2005

Wireless and Mobile Summit 2005, Gartner, 01252 771060 – London

With law firms moving into wireless and remote working for fee earners, this event is timely. It will address: the business opportunities of wireless mobility; its impact on business processes and practices; mobile devices and platforms; ensuring return on investment; strategies and tools for managing wireless technologies; service contracts; and security, access control, provisioning and management.

20 April 2005

Profitable Business Development Strategies for Law Firms, Butterworths LexisNexis, 020 7347 3500 – London

This event addresses: how to conduct a full audit of current business development strategy to balance client retention against client acquisition; weeding out costly clients and eliminating loss-making activities; harnessing the full benefits of IT systems and CRM tools for future growth; implementation of feedback processes; and lessons in outsourcing.

26 April 2005

Stress and the Law, IRS LexisNexis, 020 7347 3573 – London

This event focuses on the management of stress in the workplace and addresses: employers' liability for stress in the workplace; the demands an employer can make of an employee; employers' liability for bullying and harassment; liability under the **Disability Discrimination Act 1995**; stress-related absence; and sickness and incapability procedures.

26-28 April 2005

Infosecurity Europe 2005, Register at www.infosec.co.uk. Telephone hotline: 0870 429 4406 – London

This event brings together companies and organisations concerned with the security of their information with providers of technology and consultancy services. It provides a comprehensive showcase of information security solutions and services, combining the largest information security exhibition in Europe with a free educational programme of keynote presentations and seminars from industry leaders over three days.

29 April 2005

Restructuring and Redundancy
IRS LexisNexis, 020 7347 3573 – London

This event addresses the management of risk while achieving change and covers: ensuring that dismissals are lawful; the impact of the new Information and Consultation Regulations on organisations; HR issues to be addressed in the context of mergers and acquisitions; and how employers can successfully manage changes in working practices or terms and conditions.

13-15 May 2005

SSPG Annual Conference, Solicitors Sole Practitioner Group, Stephanie Nunn, 020 7320 5801 – Cambridge

This annual conference of sole practitioners will address: the future of legal aid; retirement issues; improving profitability; maximising the benefits of IT; minimising risk with case management systems; and implementing Home Information Packs

4-6 July 2005

18th Annual Conference – Privacy Laws and Business, Privacy Laws & Business, 020 8423 1300 – St John's College, Cambridge

This three-day event looks in detail at all aspects of data and communications security – the technology, the law and the operational issues, both national and international and both criminal and civil issues. Some of the greatest experts from some of the largest organisations offer presentations and seminars.

For further information, please contact:

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