

# MANAGING RISK

## LAW FIRM RISK MANAGEMENT

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# Lexcel 2004 is Unveiled

*The 2004 version of Lexcel is now unveiled. Firms undergoing an assessment or an annual maintenance visit will be entitled to choose whether to be assessed to the new or old standard until October this year.*



Matthew Moore

Web4Law has played a significant role in the recent review of Lexcel and has been awarded the contract to provide training in the scheme for the Law Society. Matthew Moore will be the principal trainer under the new arrangements and will be assisted by associate, Peter Warner.

To supplement the new standard, a team of experts from Web4Law has written a new version of the

Lexcel Office Procedures Manual which Law Society Publishing expects to be available in April. As with previous editions of this work, there will be an accompanying CD that will enable firms to load up the document as a precedent to work from. In addition, Matthew Moore is one of the principal contributors to the Assessment Guide which will contain the authoritative guidance for firms on the Lexcel applications.

For details of guidance on the new version of Lexcel, including details of how Web4Law can assist with the transition to the new standard for firms that have already succeeded in gaining certification to the former version, see page five.

### New Lexcel Explained

Matthew Moore comments, "The previous version of the Lexcel standard dated from 2000 and was shaped by issues that were then very topical in the profession. Chief among these were the, then recently published, Costs Information and Client Care Code and the abolition of SIF with its consequential move to a commercial market for law firm indemnity insurance.

"The new version of Lexcel is again shaped in part by management issues that law firms are now having to confront. The use of e-mail and the Internet has mushroomed in the few years since Lexcel was last updated and there are now important provisions requiring an information technology strategy and greater evidence of compliance with related provisions (4.4)."

Most law firms will be subject, even if only in part, to the Money Laundering Regulations 2003 and this also features at 1.9 in a new section on management policies. The increasing focus on the need for improved client service shows itself in a new provision requiring client surveys.

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## Backup Direct partners with Lawyers Online

*Backup Direct has teamed with Lawyers Online Ltd to provide secure and hassle-free online data backup to UK law firms.*

**It claims to be a data backup service that is simple, proven and automated. Users can specify what data they want to be protected on PCs, servers or across a network. The data is automatically encrypted, uploaded and stored at secure UK data centres. As the service is online, there is no capital equipment to buy or maintain – instead, clients pay a simple fixed monthly fee.**



Brett Raynes,  
Director, Backup Direct

Because the data is sent over the Internet using high levels of encryption, users need only a reliable, secure connection to the Internet, making Lawyers Online the natural choice of partner for the legal market.

Lawyers Online currently provides broadband, e-mail and hosting services to more than 1500 firms and barristers'

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Editor: Rupert Kendrick LL.M

Editorial, subscriber, advertiser and reprinting enquiries  
to the Editor *Managing Risk* at:  
Ebony House, 15, High Street, Sharnbrook, Bedfordshire  
MK44 1PG  
Tel: 01234 782810  
E-mail: [rupert@web4law.biz](mailto:rupert@web4law.biz)

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## From the Editor's Pen

### IT based Risk Management...

Page 3 of this issue carries an article by the Editor addressing some of the issues that arise as a result of a new IT management requirement incorporated in the Lexcel Practice Management Standard 2004.

In law firms, the traditional approach to risk management is to ensure, as far as possible, the adoption and application of correct procedures throughout the practice in the management of its workload. Lexcel is, in effect, a portfolio of best practice across a range of law firm activities.

The checking mechanisms, or procedures, are undertaken operationally – by personnel in a senior position and familiar with the requirements of the Standard. Compliance is audited from time to time by external assessors.

However, if you have guessed that the mercurial and inquisitive nature of IT is unlikely to allow matters to rest there, you have guessed correctly. Two or three years ago, an American software house released *RiskWatch TM* – a software solution which enables risk assessment to be undertaken across a range of commercial and professional activities. The software even enables an assessment to be made against compliance with ISO 17799. For further details, see [www.riskwatch.com](http://www.riskwatch.com)

In a separate development, at the recent Business Continuity and Risk Management Expo 2004, held at ExCel, London, another solution was on view. Palisade introduced its new solution *@Risk* ([www.palisade-europe.com](http://www.palisade-europe.com)). Fundamentally, it is an add-on to Microsoft Excel, the spreadsheet solution used virtually worldwide. But to regard this as a simple extension of a spreadsheet application would be simplistic.

The overall function of the solution is to provide risk analysis; decision analysis; and statistical analysis across a range of commercial and professional activities. With the provision of appropriate data, the solution enables:

- the selection of values recalculated without limit according to data entry;
- chronological decision-making according to importance and urgency;
- identification of values and their ranking in order of importance.

So far, the main takers of the solution are major corporates in the commercial sector, but it can only be a matter of time before one of the major law firms tests a risk management tool of this type – and sooner rather than later, clients begin to require law firms to have risk analysis software at their disposal. The *Clementi Report on Legal Services* may herald the arrival of major corporates as legal services providers. Expect them to manage legal risks with this type of software as a matter of routine.

#### Managing Risk Survey

The survey enclosed with the last issue resulted in extensive feedback. The comments were truly encouraging. *Managing Risk* is the only independent publication that focuses on all aspects of law firm risk management, in all areas of practice, at all levels.

Our editorial policy is to identify new and existing areas of risk and, through experts in the field, to try and find practical, cost-effective and manageable solutions that law firms can implement.

Thanks to all those who responded. Keep us informed of your needs in this area so that we, with the help of our partner, HSBC Insurance Brokers Ltd., can identify solutions for you.

#### This Issue

Coverage of risk issues is wide and varied in this issue – reflecting the emerging profile of risk issues in the legal sector.

Anti-money laundering strategies and the new Lexcel Standard make the headlines, but all our features have important implications for law firms.

Rupert Kendrick LL.M  
Editor

# IT Risks and the new Lexcel Standard

*Editor, Rupert Kendrick explains how and why the new Lexcel Standard addresses the management of IT risks*

**The revised Lexcel Standard includes specific reference to required performance in respect of the use and management of information technology in law firms. The purpose of the IT standard is like other areas of the practice that require management, to: increase efficiency; operate more cost-effectively; compete more effectively; manage risk more adequately; and so, enhance the operational performance.**

The Lexcel Standard therefore makes the requirement at section 4.4 for a 'policy on the use of IT facilities within the practice and any planned changes'. This operates so as to ensure that any firm achieving accreditation is actually planning and managing its IT strategy, as opposed to reacting to its IT needs with a 'fire-fighting' approach.

## **Management issues**

The requirements of the section are most specific. They include:

- responsibility for IT contracts; management and training;
- IT planning;
- data protection compliance;
- general regulatory compliance;
- ensuring user safety;
- appropriate use of e-mail and attachments, both externally and internally;
- back-up and disaster recovery strategies.

Recurring throughout these requirements is the implication that this is risk management by another name, because failure to manage any of these matters effectively will be damaging to the practice.

## **Responsibility**

These requirements raise the issue of how they are to be managed. Who is to have overall responsibility? Whoever is appointed will need to overcome the natural resistance of lawyers to IT

strategies and drive forward a programme of education and training.

They will need to have a measure of knowledge and authority in such matters as: the firm's services; competing software solutions and costs; and installation procedures and training requirements.

## **Business Plan**

The Standard requires the practice to have a business plan and this is critically important when devising an IT strategy. The strategy must be underpinned by the business plan otherwise it will be irrelevant and ineffective as a business tool. So, the practice must ask itself some pertinent questions:

- where does the practice want to be in terms of its profile?
- what steps are needed in terms of IT to enable the practice to get there?

Properly analysed answers to these questions will enable the practice to identify the type and cost of IT investment on a reasoned assessment.

*This operates so as to ensure that any firm achieving accreditation is actually planning and managing its IT strategy, as opposed to reacting to its IT needs with a 'fire-fighting' approach.*

## **Internet technologies – e-mail**

These are new technologies and therefore present significant risks. A firm-wide policy is necessary to ensure sensible use and to minimise risk. Any policy should address procedures for: sending and receiving e-mail; e-mail content and style; permitted and prohibited usage; relevant legal and regulatory issues; security; and professional issues, such as the use of disclaimers and confidentiality notices.

Monitoring e-mail use can give rise to particular problems. Complex legislation and codes apply, breach of which can lead to criminal sanctions, such as the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 and

the Code of Practice of the Information Commissioner relating to monitoring.

The overriding principle is that e-mail messages are to be controlled and processed to the same standards as normal correspondence.

## **Internet technologies – the World Wide Web**

The Internet stands to be a powerful business tool for research on anything of concern to the practising lawyer, including the law itself, or a disturbing waste of staff time. The observation has been made that everyone with access to the World Wide Web is just three clicks away from criminal behaviour in the event of certain downloads.

Specific criteria should be established in the practice for: permitted and prohibited uses; security issues; monitoring procedures; and compliance with relevant legal and regulatory issues and codes.

## **Internet technologies – electronic legal services**

The trend for practices to offer services electronically to clients is likely to develop, especially with the imminent arrival of e-conveyancing and e-litigation.

A sensible policy should address: the key legal, regulatory, professional and codified provisions; procedures for on-line contracting and handling of electronic payments; education and training facilities; authorities required for:

- concluding contacts electronically;
- giving undertakings electronically;
- serving and receiving proceedings electronically.

## **Risk management**

It is apparent from the issues raised above, that the new Standard is heavily geared to the better management of risk, quite apart from the overall objectives mentioned earlier.

A little analysis of the key features above will demonstrate just how exposed to risk a law firm is in terms of cost, damage to reputation and civil and criminal liability, if it fails to take management of its information technology seriously. That is why the Standard now requires a carefully managed approach to IT strategies. •

## Lexcel 2004 (continued from P1)

Matthew Moore adds, "For those familiar with Lexcel 2000, the most striking aspect of the new version will be its layout. Formerly, there was a long section F on case and file management, but this is now helpfully split into three separate sections dealing with supervision and risk management (section 6), client care (section 7) and case and file management (section 8). The improved layout is likely to be helpful to firms and consultants alike.

"Perhaps the greatest challenge in the new standard is the much greater requirement for management commitment to the quality programme. The previous version of Lexcel was largely confined to 'inputs', with the result that if a process could be shown to be in existence it was unlikely that the assessor would be able to find fault with it. There are now references to management having to be able to show that it has considered issues, as in the review of health and safety (4.2). There is a new

requirement for a 'written quality policy' (1.4) which must link into the 'overall strategy of the practice'. There is emphasis on continuous improvement through the quality programme with an annual review and the need for a process for people in the firm to be able to suggest improvements.

"Initial reactions to the new standard have been favourable and we look forward to working with our client firms in relation to its implementation," he says. •

## SurfControl launches UK's first Enterprise Risk Audit to pinpoint online legal and IT Threats

**IT departments need better help to quantify online risk and SurfControl, a leading Web and e-mail filtering company, has launched its free Enterprise Risk Audit – the first tool to help the IT departments calculate corporate risk from online activity.**

Enterprise Risk Audit provides organizations with:

- risk ratings – automatically calculated;
- corporate and independent legal risk assessments;
- best practice recommendations.

The solution aims to convey IT-borne risks in business terms against a backdrop of legislation and emerging end user trends.

Martino Corbelli, Director of Marketing for SurfControl says: "As the Internet and our use of it develops so do the risks. What we want to achieve with the Enterprise Risk Audit is a means to get IT and business professionals to take a closer look at the risks in their organisations. The idea is for them to use our tool to fine-tune their existing policies and practices to provide better protection to the staff and the organisation as a whole."

Stephen Ollerenshaw of specialist IT and e-commerce law firm, Technology Law Alliance agrees: "Many businesses now understand that they have a potential liability for the use of the Internet and e-mail by their employees, for example; the possible distribution of defamatory, discriminatory or inappropriate information. The resulting damage to the goodwill and reputation of a business can be very serious. This risk needs to be managed by a combination of IT, HR and legal expertise. Any system that helps identify any gaps in the policies and

## Backup Direct (continued from P1)

chambers as well as legal IT companies. "We are certainly aware that more of our members have adopted some form of data backup since the demise of the Solicitors Indemnity Fund. The commercial risk assessment methods of insurers naturally favour those firms trying to minimise the bad effects of data loss, theft or damage. On this level alone, the new service could pay for itself with reductions in PI insurance premiums", says Alan Tomlinson, Business Director of Lawyers Online.

The service is available on a risk-free trial from [www.lawyersonline.co.uk/backup](http://www.lawyersonline.co.uk/backup) where trialists can also earn free CPD points. Prices are fixed per month based on the amount of data being protected and start at as little as £10. There are no set up fees or software fees. [www.backupdirect.net](http://www.backupdirect.net) -e-mail [brett@backupdirect.net](mailto:brett@backupdirect.net)

procedures of an organisation would be effective in managing these risks."

*Enquiries to: [surfcontrol@eclat.co.uk](mailto:surfcontrol@eclat.co.uk)*

## Money Laundering Compliance – what to tell clients?

An issue causing concern in many firms is what to include in client engagement terms in relation to the new reporting regime. Web4law's Matthew Moore says, "Under certain circumstances, the adviser will need to breach the time-honoured duty of confidentiality by reporting knowledge or suspicion of illegal activities. Is it appropriate to warn the client of the risk of a report? It is an issue on which the Law Society has provided little advice in its otherwise extensive advice to the profession."

There are different schools of thought. One says that clients have a right to know about the regime and it is part of the solicitor's role to advise the client on such an important issue. Countering this is the argument that there is little point in doing so – it may cause alarm in some (innocent) clients and could lead them to go elsewhere to firms that do not provide such warnings. It might even be that a warning could amount to collusion in an 'arrangement' which might then arise, though this is unlikely.

"It is again family law that raises the greatest concerns. The case of **P v P** arose in part because of the duty of open disclosure that is special to ancillary proceedings. The Solicitors Family Law Association advised members in February to include a warning that clients will commit a criminal offence if they enter into an arrangement knowing that anything forming part of the settlement could be regarded as criminal property under the **Proceeds of Crime Act 2002**.

"They also suggest in their recommended wording that clients should be left in no doubt of the duty to report and that they should consider dealing with any 'irregularities' first through an accountant before the financial issues are addressed. The wording also refers to the fact that accountants are under a similar duty under the Act."

The guidance also deals with ongoing matters where no advice has yet been given on the duty to disclose and the action to be taken where proceeds of crime do seem to arise as an issue.

Web4Law's Matthew Moore, offers a warning, "It doesn't follow that what is appropriate for family law will necessarily be right for other specialisations. Whether it is appropriate for advisers to be so open about the regime in the absence of the family lawyer's duty of open and full disclosure will remain a matter of choice." •

# LEXCEL ADVICE from Web4Law

We have a team of expert consultants who can advise generally on the Lexcel programme or provide specific advice on particular elements. Our experience is that most firms have a manual which is largely compliant with the new Standard but often need assistance to make the procedures a reality. We prefer to work with firms to help them develop the necessary system rather than impose a standard package. Firms wishing to obtain specific advice on elements of the new standard might like to consider:

## Structures and Policies

Advice on limited liability partnership conversions, strategic elements of quality management systems, provision of money laundering advice and training for compliance with the MLR 2003 and section 1.9

## Strategy, the Provision of Services and Marketing

Business planning and marketing reviews – chairing of partnership weekends a specialisation

## Financial Management

Training on time capture and enhanced financial controls

## Facilities and IT

Fixed price computer use audit and report service

## People Management

Training in all elements of recruitment, appraisal and people management skills, advice on partner appraisals and reward schemes

## Supervision and Risk Management

Advice on the development of risk strategies and training in supervision – our experience being that partners and team leaders often fail to take their supervisory duties sufficiently seriously

## Client Care

Advice and training in all aspects of improving the services provided to clients

## Case and File Management

Advice on the development of appropriate systems and procedures and staff training to enhance awareness of the system – if this is a problem try our 'quality quiz'!

## LEXCEL CONVERSIONS WITH WEB4LAW

- Advice to management on what is entailed in a conversion
- Fixed price Information Risks audit and report
- Cross referencing and checking of current manuals

# Law Risk Watch

A round-up of some of the latest risk issues

## Durant -v- FSA

The Information Commissioner has issued guidance on *Durant v The FSA* of which concerned a subject access request by an individual who disagreed with the FSA over what personal data he could access.

The Court of Appeal's decision allows a more commercial interpretation of the Data Protection Act 1998. The Information Commissioner has issued guidance at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

The Information Commissioner's view is that not all data that identifies an individual will be personal data.

It depends whether it affects the privacy of the individual. Also, fewer paper records will be relevant to subject access requests, as strict criteria are necessary to disclose them.

Therefore, where the name of an individual is used solely in relation to their business, it is far less likely to be regarded as personal data, because it concerns the business, rather than the individual.

Organisations can now arrange paper records to limit the risk of subject access requests, by making sure the contents are thoroughly organized, so reducing archiving.

## Major family law firm takes up content productivity software

Manches is deploying Workshare 3 (see *Managing Risk*, Winter 2003, pp 8-9) across its office network as part of its complete technology overhaul.

More effectively managed e-mail attachments and revisions are possible making it easier and faster to incorporate changes from other people. Workshare 3 prevents documents from crashing during the review cycle due to different document formats being used, while automatically protecting them from inadvertently disclosing sensitive information hidden as document metadata.

"We are focused on providing a high level of service to our clients, which we deliver on time, in a cost effective manner," says Derek Brookes, IT Director at Manches. "Managing large volumes of document amendments from multiple authors, in multiple Microsoft Word formats, via e-mail, can become a serious cost issue when your document crashes and one of your fee earners spends 12 hours trying to fix it."

On average, Manches edits and reviews 10,000 documents per week and creates another 5,000 documents from scratch. These documents can contain between 600 to 800 pages and are regularly worked on by as many as 12 to 20 people, internally as well as externally to the business.

[www.octopuscomms.net](http://www.octopuscomms.net)

## More DP Guidance

The Information Commissioner has announced measures after calls for greater guidance on interpreting the Data Protection Act 1998. They include strengthening the Data Protection Helpline, developing more practical and user friendly guidance for organisations, a renewed call for responses to the 'Make Data Protection Simpler' Consultation and a commitment to plain English in all communications.

## Data Protection offshore

The EU Commission has now added Guernsey (Guernsey, Alderney and Sark) to the list of countries providing adequate data protection. EEA countries may now export personal data to companies located there without breaching of Principle 8 of the Data Protection Act 1998.

Guernsey does not include Jersey, which still operates laws similar to the Data Protection Act 1984. Therefore, special care is needed not to transfer personal data to Jersey without taking the necessary precautions required by the Data Protection Act 1998.

The Isle of Man is also about to qualify as a safe destination for the transfer of data.

Web sites routed from spammed messages.

Internet users are also advised to avoid replying to junk e-mails: as well as encouraging spammers, this confirms the email address to the spammer and puts your address on a premium list.

Users are being advised to use an alternative e-mail address for routine Internet mail, and, where possible, to use a mixture of letters and numerics in an e-mail address, since it is harder for spammers to correctly guess their own IDs and passwords.

Sarah Kidner, senior research with *Computing Which?*, said that vulnerable consumers will be tempted by e-mails offering bogus loans and debt-busting schemes which often sound too good to be true – because they are.

"We urge people not to follow the links embedded in these e-mails or to take up the offers on their Web sites," she said, adding that, if user's mailboxes are unattended, there is a risk that they could crash to the high volumes of spam.

"Avoiding spam isn't always easy, but having a code of good practice could help consumers lessen the number of spam messages they receive," she explained.

[www.which.net](http://www.which.net)

## Consumer's Association warning over 'Spam'

The Consumer's Association, publisher of the *Which?* series of magazines, has warned PC users to be on particular alert for spammed e-mail, which it says is a problem getting worse all the time.

After considerable research, the Consumer's Association advises PC users to avoid putting their e-mail addresses in the unsubscribe section on

# Client Money Manager, a service from HSBC Bank

**Sukhi Dhaliwal,  
Assistant Product  
Manager at HSBC  
Bank Plc., describes  
Client Money  
Manager**

**Client Money Manager (CMM) forms part of an extensive range of electronic banking services available from HSBC.**

**It is a specialised PC based system designed for organisations that have to manage and monitor the money they hold for large numbers of clients. The system provides a simple, convenient and cost-effective way to keep track of the amount you hold for each client and the interest you need to pay your client.**

#### **What does CMM do?**

CMM is a flexible PC based solution allowing an organisation to manage its client account base, increase income and reduce administration time. The service allows you to separately display each client's monies in separate 'sub-accounts', within CMM. A central account held with HSBC may earn a better rate of interest on the combined clients balances. The system will also allow payment of interest at different rates to clients (where you are able to do so).

The system provides a fully automated solution for the segregation of groups of accounts and balance management.

#### **How does CMM work?**

Your organisation must open and maintain a CMM account with HSBC – an 'iceberg account'. This account contains your client's funds. The account is also used for making and receiving payments.

Your organisation will access and manage the iceberg account, make balance transfers, initiate payments and allocate receipts to the underlying client sub-

account(s) that exist within the iceberg account, keeping you in control. Using the CMM software, your organisation will be able to open and manage sub-accounts for each of your clients and pay interest on the funds held (as appropriate).

There are no restrictions on the number of client sub-accounts that can be opened and maintained within CMM, nor are there any restrictions on the length of time each must be open.



HSBC Tower

The service has full security functionality to manage access privileges as well as an audit log to monitor / track activity on the CMM system.

#### **What organisations use CMM?**

CMM is designed specifically for organisations which hold / manage funds on behalf of other individuals or organisations. They include:

- solicitors;
- accountants;

- financial institutions;
- insurance companies;
- fund managers;
- stockbrokers;
- government bodies;
- property management companies; and
- charities.

#### **What are the potential benefits?**

- Simple, cost-effective solution for controlling multiple accounts;
- Reduction in administration;
- Improved financial management and control;
- Full audit and security features to control and restrict access to named individuals;
- Electronic management / reconciliation information and ability to link with in-house accounting packages;
- The ability to print statements for individual client sub-accounts on your own headed paper;
- Multi-currency accounts;
- Real-time reporting, including transaction history for all sub-accounts from set-up date, plus interest accrued and paid, for end of tax reporting period;
- No ongoing charges after the initial set up costs.

#### **Systems specification**

- CMM can be run on any PC running a Microsoft Windows operating system.
- CMM can operate on a Local Area Network (LAN) or standalone PC.
- Access to the bank is via Reflections, a communications software package installed on a PC at your premises.

#### **Installation and support**

- Full installation and training is provided as part of the CMM set up costs.
- The CMM service is supported by a dedicated helpdesk, operating Monday to Friday between 9am to 5pm except on Bank Holidays.

#### **Further information**

If you would like more information on our Client Money Manager service, please contact your local HSBC Bank branch. Alternatively, please visit our website at [www.ukbusiness.hsbc.com](http://www.ukbusiness.hsbc.com).

# Handling The Renewal Submission



Peter Glanfield

**Peter Glanfield, Professional Indemnity Underwriting Manager for W.R. Berkley Insurance (Europe) Ltd. explains the requirements for successful indemnity insurance renewal**

**The first impression of your firm's attitude to risk management is how your proposal form, and supporting information, are compiled.**

Last year, we saw over 2000 proposal forms – so what will make your practice stand out from the rest? If a proposal form is illegible or incomplete this will not encourage underwriters to look favourably at your practice, or your attitude to risk.

Make sure the following are included in your insurance submission:

- a clear and concisely completed proposal form;
- a risk management questionnaire;
- updated SIF claims summary print;
- updated Qualifying Insurer claims prints since 1 September 2000;
- any practice literature that will provide useful background information to your firm;
- all other material facts, good or bad.

The practice should also provide any additional information regarding paid claims or reserved matters that show on either the SIF and/or the Qualifying Insurer claims prints. For example, if the practice had problems with a successor practice or the unfortunate experience of a rogue partner, details of how it was handled will give an insight into your attitude to risk.

### Practice risk management

Indemnity insurance is rated on the following factors: area of practice discipline; claims history spanning ten years; number of partners; location; gross fee income; and risk management procedures. However, the most important factor is not what you do, but how you do it.

The following Quality Standards are recognised by W.R. Berkley:

- Investors in People (IIP);
- ISO 9001;
- Legal Services Commission Quality Mark (LSCQM); and
- Lexcel.

Due to the nature of each of these procedures, only some apply to certain areas of the practice, for example, LSCQM will only apply to the accredited department; and IIP will only apply to the staff rather than the work undertaken.

Lexcel is the only 'all-round' Quality Mark that deals with the whole practice, and is the most important. W.R. Berkley looks very favourably upon those practices that are accredited or committed to it. We believe that once a practice has met the standard, the procedures will enhance, not only practice efficiency, but also internal risk awareness. By having designated lines of supervision, back-up diary dates, file check lists, and complaints procedures in place, this will assist the practice in making fewer mistakes and reducing the number of claims and circumstances being notified to insurers, so having a positive knock-on effect on premiums.

### Supervision

Designated lines of accountability should allow all fee-earners to be monitored, not only for the number of active files worked on at any one time, but also the type of work undertaken. It is essential that one fee-earner is not stretched beyond capability for

volume and legal expertise. This monitoring practice should assist in minimising the claims and circumstances notified arising from general fee-earner error.

File audits undertaken on a regular basis will also benefit and aid the supervision aspect of risk management. All fee earners, including partners, should be subject to auditing. This will also encourage communication amongst fee-earners, which is an essential part of risk awareness. A problem shared .....!

### Simple risk management procedures

Diary dates are an essential part of daily practice life. A missed diary date can lead to missed limitation dates and a complex personal injury claim that has missed the limitation date can lead to a substantial claim against the firm. Implementing the diary procedures from Lexcel, or a similar risk management program, will minimise this particular risk.

Failure to adhere to correct procedures still leads to one of the main sources of client complaints to a practice. Handling these complaints in a pro-active manner can give re-assurance to even a dissatisfied client. We strongly believe in pro-active claims management.

The findings from complaints records can produce risk management procedures in themselves. By collating the complaint information, the practice may find that a particular fee-earner is mentioned on more than one occasion. A particular failure, such as a missed diary date, could be a recurring complaint. The findings might lead to a revision of existing procedures, for instance, supervision structure, change of fee-earner workload, or additional fee-earner training.

### Conclusion

An indemnity insurance submission is a first opportunity to demonstrate risk management awareness. When selecting who to insure, and what price to set, we are looking for well-managed practices with risk management at the heart of their philosophy. It is not what you do, but how you do it. The cost of risk management can, and should, ultimately save you money.

A practice that is risk aware should equate to a good insurable risk. •

# Risk Management – the Case for Training



Peter Warner

*In the second of his two articles, Peter Warner, solicitor, concludes his look at key risk management training strategies*

**Undoubtedly, risk management (RM) must move within the organisational context from its adoption on a piecemeal basis to become fully integrated as part of mainstream management practice. *Managing Risk* (Spring 2003) explained the reasons why firms should provide training and coaching in risk management issues.**

But – who should be trained, and how can the scope content and frequency of training, and the variety of training methods be identified to ensure effective learning?

Initially, RM must be defined and agreed by the partners at a strategic level and the benefits need to be ‘sold’ to the firm as a whole. This can be through facilitated workshops so participants can identify and evaluate the types of risk and agree effective mitigation and management of those risks. The focus is not only to reduce risk exposure, but also to seek opportunities to take risks where those specific risks are managed better than competitors.

## Who should be trained?

Key messages on RM should be conveyed to everyone with an appropriate understanding of the issues. Sessions should cover partners, fee earners and members of staff. Partners should consider strategic aspects, as well as the day to day management of client matters and fee earners.

For fee earners, the emphasis will be on file and case management, with guidance on supervision and communications with others in the practice – both professional colleagues and support staff.

Support staff training should not be neglected. Given that more than 70% of claims arise through failures in administration and service delivery, it is vital that there are no ‘weak links’ in the chain of communication, both within the firm and with the client.

Staff involvement also makes clear the importance and their role in RM. They are often ‘at the sharp end’ in terms of client contact and can be the first to be aware that matters are not proceeding smoothly.

## What topics should be included?

An initial review of all risk assessment data is a useful starting point to determine areas of concern. This includes consideration of claims, complaints, client feedback, file audit results, the non-compliance findings of any external assessment (such as Lexcel or ISO 9000), staff feedback and performance appraisals.

## Partners

Examples of issues to address in partner sessions on strategic issues may be:

- on an historic basis, which worktype(s) give rise to the majority of claims?
- are there any trends or underlying problems that can be discerned?
- are any of the offices weaker (or stronger) in managerial/supervisory resources than others?
- what is the complaints profile – are they increasing – are clients being lost?

- are there uniform, consistent policies and procedures, followed by everyone?

These issues need to be considered in advance of any facilitated workshop. The aim of the facilitation will be to assist with the development of clear actions to be taken by participants.

## Fee earners

For fee earners, the emphasis will be on ensuring that they are all receiving a clear and consistent message on RM that sets out the partners’ position and the responsibilities of fee earners. The bulk of the content will concern procedural case management issues in the context of RM – explaining that there is a purpose behind particular procedures and explaining the consequences of non-compliance.

*Initially, RM must be defined and agreed by the partners at a strategic level and the benefits need to be ‘sold’ to the firm as a whole.*

## Support staff

Training sessions will be relatively brief – emphasising the importance of their role and the part they have to play in RM. It might be instructive to inform them of the cost of the firm’s professional indemnity cover to illustrate how seriously the partners regard the issue.

Remind staff to consult a fee earner or partner with any concerns – for example, the omission of the ‘terms of engagement’ letter to a client or on receipt of a complaint.

Staff may often provide an early warning of something going wrong. Remember – much of good RM practice is about preventative measures.

Finally, it is essential that you keep everyone advised of any changes that may affect them. Having conducted your initial round of training sessions you must ensure that ‘refresher’ sessions are available for either internal transferees or new recruits. •

# Legal Advice Privilege



Nicholas Bird

## Nicholas Bird, Assistant Solicitor, Reynolds Porter Chamberlain, considers recent case law on risks arising from the duty of confidentiality

A solicitor's duty of confidentiality in relation to a former client is an issue fraught with difficulty and one with which the courts have grappled on a number of occasions in recent years.

### Practical approach

In doing so, they have generally adopted a practical and common sense approach, both in terms of analysing the existence and relevance of confidential information and in sanctioning measures to prevent its disclosure.

### Koch Shipping

Perhaps the best recent example of such an approach came in the Court of Appeal's judgment in *Koch Shipping v Richards Butler* [2002] EWCA Civ 1280: TLR 21/8/02. The claimant ("K") obtained an injunction restraining Richards Butler ("RB") from acting for its opponent in arbitration proceedings on the grounds that there was a real risk of confidential

information relevant to the arbitration being disclosed, since the solicitor ("P") who had worked on the matter for K at her previous firm had recently joined RB as a partner.

While it was accepted that P had relevant confidential information, she had offered undertakings not to discuss the arbitration with anyone at RB, not to communicate with the RB case-handlers and not to attend departmental meetings (both P and the RB case-handlers were part of RB's shipping department).

The case-handlers had offered undertakings not to discuss the arbitration with any other fee-earner at RB. B also sat on a separate floor from the case-handlers.

In granting the injunction, Andrew Smith J had concluded that there was a real risk of inadvertent disclosure of relevant confidential information by P. He indicated that he would have refused an injunction if P had offered an undertaking to work from home until the arbitration proceedings had concluded.

### Bolkiah

The Court of Appeal said that the proper test in such circumstances was that set out by the House of Lords in *Bolkiah v KPMG* [1999] 2 WLR 215 of whether there was a real, as opposed to a fanciful or theoretical, risk of disclosure.

It rejected RB's contention that the judge had applied the wrong test, but, emphasising the highly fact-sensitive nature of such cases, found that there was no real risk of disclosure.

Important factors were that:

- only P possessed relevant confidential information;
- her demonstration that she fully understood her duty of confidentiality;
- the fact that she had retained no documents; and
- the degree of physical separation between her and the case-handlers.

By contrast, in *Bolkiah*, a large number of people had been privy to the confidential information. Their Lordships had not been satisfied by the measures proposed to achieve the necessary degree of

separation, especially since they were to operate on an essentially *ad hoc* basis and within a single department. Perhaps the most important aspect of the *Koch* judgment was the Court of Appeal's encouragement of a "robust" approach to applications of this type. The indications thus far are that the lower courts are likely to adhere to that encouragement.

### Bodle

In *Bodle v Coutts & Co* [2003] EWHC 1865 (Ch), Peter Smith J refused to grant an injunction sought by the claimant ("B") to restrain her former solicitors from acting for a bank in proceedings she had brought against it to set aside a statutory demand in respect of a judgment obtained in 1994.

The solicitors ("F") had acted for B between 1990 – 1995 in various matrimonial matters and in the early stages of negotiations with the bank regarding the liability ultimately giving rise to the judgment debt and statutory demand. F's files for B had been released to her current solicitors in 1994 and returned after six months. F also had a lien over the files for unpaid fees and declined to release them again.

F accepted that they held confidential information in relation to B, but disputed whether any of it was relevant to the bank's action against her. The judge noted that the only issues in that action were whether the judgment against B was statute-barred under section 24 of the **Limitation Act 1980** and whether B had acknowledged the judgment debt. He considered that the events relevant to those issues could only have occurred after F's substantive retainer had ended.

At an earlier stage, the judge had directed that the files in F's possession be produced to him for examination, from which he concluded that there was no material in them which would assist B.

B's counsel objected to that procedure, on the basis that it was procedurally unfair to undertake such an examination without B's solicitors having access to the files to make comments of their own, and that such procedural unfairness was a breach of B's rights under Article 6 of the European Convention on Human Rights.

continued on P12

# DO YOU NEED A CYBER-RISK AUDIT?

Assess your firm's vulnerability to cyber-risks! Many law firms have yet to realise the full extent of their exposure to risk particularly in relation to their use of the Internet.

*Almost every website is now caught by the Electronic Commerce (EC Directive) Regulations 2002, which came into force on 21 August 2002. It is not generally realised that from 23 October 2002, Trading Standards authorities have had the power to enforce its provisions with an order carrying fines and imprisonment!*

## WHAT PROCEDURES ARE IN PLACE

to raise awareness arising of technology risks: insecure communications and data; 'hackers'; abuse of passwords; viruses; and disaster recovery?

## WHAT PROCEDURES ARE IN PLACE

to raise awareness of legal and regulatory risks in: domain name security; website information, advertising, copyright and data management; confidentiality; online advice, contracting and transactions?

## WHAT PROCEDURES ARE IN PLACE

to raise awareness of operational risks in: staff behaviour; defamation; pornography; harassment; monitoring of employee activity in using e-mail, the Internet, the firm's website; and delivery of electronic legal services?

## WHAT POLICIES ARE IN PLACE

to identify and evaluate the exposure to these risks; to develop a risk control plan; and create and maintain a risk register?

## WHAT POLICIES ARE IN PLACE

to eliminate, reduce and/or manage these risks by: the appointment of a risk manager; the assignment of suitable personnel to address: the technology risks; the legal compliance risks; the operational issues; and ensure senior management 'buy-in'?

## DON'T DELAY – GET AUDITED TODAY!

The Web4Law audit consists of a day's visit to the firm to interview any partners and staff responsible for IT use and preparation of a report highlighting actions needed and provision of sample policies. Any further advice will be clearly proposed and costed for your consideration.

**Contact Web4Law's cyber-risk expert, Rupert Kendrick, on  
[rupert@web4law.biz](mailto:rupert@web4law.biz)**

**WEB4LAW**

## continued from P10

While acknowledging that both points were, in principle, capable of being sustained, Peter Smith J dismissed them, stressing particularly that he was concerned with an application for a restraining injunction, and not for disclosure.

### Issues to consider

The judge derived four issues for consideration from **Bolkiah** and **Koch**:-

- (i) whether there is confidential information that is relevant;
- (ii) if there is, the burden shifts to the solicitor to establish that there is no risk of disclosure;
- (iii) the risk must be a real risk, but not fanciful; and
- (iv) the court must satisfy itself that there is no risk of disclosure and should not evaluate any prospect of disclosure as part of a balancing exercise in considering the application.

*The claimant made the unusual allegation that there was a duty in some circumstances to breach a confidence and disregard the absolute duty of confidence*

B failed on the first issue, since she could not establish the existence of relevant confidential information. However, the judge went on to consider whether F would have satisfied the **Bolkiah** test on the basis of the measures it had offered to put in place. These included an offer of an undertaking from F's senior partner not to afford access to the contents of the files, which were locked in a cupboard for which he kept the key.

Additional undertakings were offered to ring-fence the internal knowledge within F to ensure that the fee-earners acting for the bank would not receive any information about B's affairs unless they breached undertakings and written instructions given to them.

The senior partner offered a further undertaking to circulate a memorandum to all partners and employees requiring them not to discuss B's affairs.

The judge was satisfied that the test would have been met by the adoption of such measures. He stressed the fact that the lawyers at F who had previously acted for B were no longer there and that the lawyers now acting for the bank had not been with F when B had been a client. He therefore perceived no real risk of what he termed "contamination" in that respect.

B's counsel had expressed concern about inadvertent disclosure arising from casual or informal discussions amongst F's personnel, a concern which had also been raised in **Bolkiah** and **Koch**. Peter Smith J viewed such a risk as fanciful and concluded that confidential information could only be released if the undertakings and instructions were breached or ignored.

At one point in his judgment, Peter Smith J observed that "it will undoubtedly come as a surprise to [B], as it does to many lay people, that a client has no absolute right to prevent a former adviser acting against them".

### Marsh

Indeed, confusion may arise between the absolute duty of confidence and the more qualified rights to prevent anticipated breaches of confidence. In a recent case (**Marsh v Sofaer & Another [2003] EWHC 3264 (Ch); TLR 10/12/03**), the claimant made the unusual allegation that there was a duty in some circumstances to breach a confidence and disregard the absolute duty of confidence.

The defendant solicitors ("S") had acted for the claimant ("M") in various civil matters. M was subsequently convicted of trading through a company for fraudulent purposes and was imprisoned. She was represented by different solicitors in the criminal proceedings. M, who had impaired intellectual ability, alleged that it was an implied term of S's retainer, where S knew she was proposing to instruct other solicitors in the criminal proceedings, to inform those solicitors of her mental capacity, or of their concerns regarding that capacity. M alleged that, if S had communicated such information to her other solicitors, she would have been admitted to

hospital, rather than imprisoned, on conviction, and sought damages for alleged post-traumatic stress disorders arising from imprisonment. S applied to strike out the paragraphs containing such allegations in the particulars of claim.

The Vice-Chancellor held that solicitor/client communications and any conclusions reached by a solicitor on information so communicated, were confidential. Without the client's consent, it is not open to a solicitor under one retainer to communicate information passed by their client to a solicitor involved under another retainer.

The mere fact that two solicitors were employed on different matters by the same client was insufficient to justify the passing of confidential information, nor did the low intellect of the client relax the duty of confidence. The offending paragraphs in the particulars of claim were struck out.

### Balancing competing interests

In essence, the law of confidentiality has reached a stage where the courts are seeking to achieve a balance between a variety of competing interests. In common with other areas in which the client's interests were perhaps often perceived to be unassailable (for instance, legal advice privilege), some of the protections are being eroded.

While solicitors are often confronted with issues regarding confidentiality for existing clients (arising, for example, from money laundering regulations), the cases considered here demonstrate the fact that the courts will not be perfunctory in considering attempts by former clients to restrain their solicitors.

Instead, the courts will require the former client to demonstrate a real risk of disclosure of relevant confidential information before being afforded protection. The courts have demonstrated a readiness to sanction procedures based on barriers and undertakings as negating a "real" risk of disclosure. The "robust" approach advocated in **Koch** looks likely to continue. •

# Risk Management Commitment

**Hayley Brooke, LLB (Hons).  
LPC, Account Underwriter,  
Norwich Union Insurance,  
identifies some key risk issues  
arising from experience with  
law firm indemnity claims**

**Risk management is becoming an increasingly prominent feature within the insurance industry, whether this is via Law Society Lexcel accreditation or alternative risk management programmes.**

This is due to the fact that consistently many claims emanate from that most fundamental risk management error, "poor housekeeping". Therefore, effective and correctly implemented risk management is viewed in a positive light by Norwich Union. Whilst we recognise Lexcel accredited firms we also acknowledge effective internal risk management programmes, which have been implemented by the practice.

## **Positive commitment**

When underwriting a risk insurers perceive long term commitment to risk management programmes positively when considering each risk and calculating each premium and excess. Risk management should form a fundamental and integral part of the business strategy of the practice and it will only be effective if all members of the practice implement it. The practice gains the full benefits of an effectively implemented risk management programme when the "domino" effect occurs, whereby the claims history improves and this is reflected in the premium and excess incurred. Whilst a practice that has only recently implemented a risk management programme will not obtain the maximum benefit immediately as exposure still exists when the new controls were not implemented, recognition will exist with regard to the commitment going forward.

## **Key elements**

Key elements of risk management which we have come across include a clear and comprehensive written retainer, which not only includes the duties for which the solicitor has been retained and details of fees but also reference to the duties, which the solicitor will not be performing, and in

transactional cases capping liability. Formal conflicts of interests checks and client vetting procedures should also be in place. While actual conflicts of interest are often considered it is potential conflicts that often result in adverse consequences. Conflicts of interest may potentially arise between husband and wife (personal relationships), directors of a company, shareholders and financiers etc. With regard to client vetting it is not only the credit and liability risks that must be considered but also the potential reputational risk to the practice. Caution should be exercised where solicitors "dabble" in areas outside their expertise. Therefore, when a practice is entering into a new area, a risk evaluation should be carried out and steps such as seeking internal and/or external advice should be considered. However in order for these



elements to be effective it is essential for the programme to be documented in a manner, which can be circulated throughout the practice, rolled out to all of the locations and updated on a regular basis. In order to ensure compliance it is essential for a training plan to be implemented accompanied by on going peer reviews including partner-to-partner auditing. A clear indication of effective risk management is where the practice takes precautionary steps to ensure that they prevent recurrence of a situation, which has previously given rise to a claim.

## **Technology**

Increasing risk management awareness is also emerging within the technology arena. Confidentiality risks associated with Internet forums are becoming more prominent. All practices should have a clear written protocol in force in relation to e-mail and the internet, which ensures as far as possible that confidential or defamatory material is not published externally. The protocol should also deal with internal e-mails which could lead to discrimination claims by employees.

Many claims arise from the lack of an effective diary system, which results in the missing of limitation periods. Therefore, a centralised diary system should be in operation whereby periodic checks are carried out and contingency plans are in place for fee earner absences. Whilst many practices view high levels of supervision as impeding their daily output, the benefits derived from the supervision not only come in the form of highly competent staff but also an element of reassurance to the client base.

These are some of the elements that senior partners should take on board in relation to risk management. Paul Redfern, professional negligence partner at Beachcroft Wansbroughs, comments "any solicitor's practice that fails to join with its insurer in setting up a good risk management system is risking not only higher premiums and claim payments but also the service to its clients and ultimately its profitability."

## **Correlation**

Therefore, whilst insurers have identified a clear correlation between well-run and managed practices that have implemented effective risk management procedures and an improved claims history whereby both the volume and quantum decline, we also recognise that there is no risk management programme, which will have the ability to legislate for all human error and that steps can only be taken to minimise or in certain areas eliminate potential risks. Norwich Union aim to insure and work with practices who have implemented a risk management programme.

Therefore practices that are able to demonstrate a clear commitment to risk management are often viewed in a more favourable light, whether this is by Lexcel accreditation or an internal risk management programme. The impact upon the premium of the risk management controls which have been implemented vary accordingly, as each risk management structure is independently assessed by Norwich Union. The advantages to the practice of a risk management programme are widespread in the context of not only insurance but also in the practice being able to offer a consistent, high level of service to its clients and employees.

# Better Delegation – Less Risk



Matthew Moore

**Matthew Moore, Director, Web4Law Ltd., explains how risk can be reduced by improved delegation procedures**

**It is easy to make the case for increased delegation in law firms. Profit lies in gearing, and the firm that expects all work to be done at senior or partner level is inevitably limiting its profit potential.**

Most firms would regard the training of juniors as an important partnership duty. Learning occurs primarily from the tasks performed by the junior fee earner on real instructions. If the supply of work is limited, development is stunted. The net effect is the overly busy partner and the disenchanting assistant who seeks a move elsewhere to develop their career.

### Examples

Sadly, instances of poor delegation within law firms are endemic. Most groups of trainees will recount situations of being sent along to court to make difficult applications on complex matters where

they have no understanding of the issues in hand and have received little by way of any briefing. Another common example is the request to supervise the conveyancing department in their first weeks in the firm while the partner is on holiday. Most commonly of all are the instructions being limited to 'please deal' on the ubiquitous yellow 'stickie' on the file.

*Most groups of trainees will recount situations of being sent along to court to make difficult applications on complex matters where they have no understanding of the issues in hand and have received little by way of any briefing*

The main difficulty of law firm delegation seems to be one of trust and involvement. Mistakes, whether great or small, matter in the law. This can encourage the practitioner to do all or nothing on any given file. They will accept the blame for their mistakes, but not others'. This can, in turn, encourage the development of perfectionist tendencies. The perfectionist will want things done their way; delegation requires the acceptance that others may have a different style or approach which could be equally valid.

*The perfectionist will want things done their way; delegation requires the acceptance that others may have a different style or approach which could be equally valid*

### Compromise

The first step towards better delegation is therefore to review the standards expected of others. If the expectation is that work will always be done to the standard and in the manner that the supervisor expects, some compromise may be needed. This compromise should not extend to matters of right and wrong or to firm-wide style, but should apply to

other related details. The supervisor should accept that if they want the work done their way they may well have to do it themselves, but if they want to relieve the pressure they are experiencing and meet their obligation to develop others, they may have to accept that others might have a different, but valid, approach.

*Most commonly of all are the instructions being limited to 'please deal' on the ubiquitous yellow 'stickie' on the file*

When delegating, it should always be clear who has responsibility for the file itself and for the various tasks associated with it. There should be no confusion over such critical issues as to who has the main responsibility for client contact or whose job it is to ensure that progress is maintained. Requiring the inexperienced delegatee to have checks before critical steps in the progression of the instructions will be a sensible precaution. As experience grows the need for checking should also reduce.

### Hard or soft delegation?

A helpful distinction can be made between 'hard' and 'soft' delegation. In hard delegation, the delegatee has the necessary skills and experience to do the work in question. This is the best option for the supervisor as the time taken to explain the task should not be too great and the prospects of the job being performed correctly are enhanced. Quality checks might be worked in; perhaps the supervisor should check the work when it is ready to be sent out, or receive confirmation that the work has been done. Nonetheless, the supervisor should have confidence that all will happen as it should.

*When delegating, it should always be clear who has responsibility for the file itself and for the various tasks associated with it*

In soft delegation, the delegatee does not have the necessary skills and experience

to do the work in question – typically it will involve the trainee who has recently joined the department and who has not performed this task previously.

A number of difficulties arise for the supervisor, not least the time it will take them to have the work done this way.

*But if the trainee does not have the opportunity to learn, the firm is not investing in its future ability to pass work to experienced personnel*

By the time they have provided a full explanation of what needs to be done, checked it when it is submitted and then awaited the corrected item, the conclusion

could easily be that 'it would have been quicker to do it myself'.

True enough, but if the trainee does not have the opportunity to learn, the firm is not investing in its future ability to pass work to experienced personnel.

Better delegation comes from always being clear why delegation is occurring. If the aim is to have the work done cost effectively hard delegation techniques will be appropriate, but expecting work to be done correctly with minimal supervision from someone who should be a soft delegation target will only cause problems. •

*Trainees are sometimes asked to handle complex matters of which they have little understanding*



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For further information, please contact:

Janine Parker – Assistant Director/Lexcel Consultant – 0207 661 2373  
Helen Mortonson – Solicitor Account Handler – 0207 661 2089

# Conferences and Events

## Key risk management events

**16-18 April 2004**

**SOLO Conference 2004, SOLO (Chris Stocker),  
01844 216995 – Oxford**

This event addresses key issues for sole practitioners and small firms with seminars focusing on risk issues arising from: the new Stamp Duty requirements in conveyancing practice; anti-money laundering strategies; family law issues; promoting practices to meet competition; and surviving 'Tesco' Law.

**26 April 2004**

**E-communications, Privacy & Data Protection  
Conference, IBC Global Conferences, 020 7017 5503 –  
London**

This event brings together an assembly of high ranking authorities on data protection issues and is definitely a specialist event. The seminars will address the latest 'spamming' regulations; the latest legal and case law developments; security and privacy audits; workplace monitoring and surveillance; and international issues.

**27-29 April 2004**

**Infosecurity Europe 2004, Grand Hall, Olympia.  
Registration via the web site at [www.infosec.co.uk](http://www.infosec.co.uk)**

This is traditionally the flagship event for information security specialists and provides the largest gathering of information security buying and sellers. It is widely regarded as the meeting point for the entire industry and is a key event for issues affecting reputation, profits and productivity – ultimately, an organisation's survival.

**29 April 2004**

**The Law Firm Management Conference 2004,  
CLT Practitioner Conferences, 0121 355 0900 – London**

A key event for law firm management, this conference will focus on: the new rules on money laundering; data protection systems; current financial challenges for law firms; the new laws on disability discrimination; returns on web site investment; and threats to legal practice from the Clementi review.

**13 May 2004**

**Data Protection at Work, LexisNexis-UK Conferences  
& Training, 020 7347 3573 – London**

This event will cover the Information Commissioner's position on enforcement; an explanation of the Code of Practice; disclosure and workplace monitoring; employment records and medical testing.

**13 May 2004**

**Developing Effective Management Skills,  
CLT Legal Management Conferences, 0121 355 0900**

This event will focus on: managing change; motivation and staff retention; getting the best out of people; managing stress; managing client expectations effectively; and team leadership

**20 May 2004**

**Handling Sensitive Issues at Work, LexisNexis UK  
Conferences and Training, 020 7347 3573 – London**

This event addresses: new discrimination rights; harassment and bullying; disciplinary issues; absence issues; best practice guidance; handling interviews; coping with criticism and conflict management.

**5-7 July 2004**

**Data Protection Act Basic Training,  
Privacy Laws & Business, 020 8423 1300 – Cambridge**

This event will provide a clear explanation of the basic skills required to understand and comply with DPA requirements, including: workshops to analyse data collection processes; definitions of legal terminology and analysis of principles; compliant processing; explanation of exemptions; formulation of policies and procedures; good data handling practice; and professional development in data protection.



**For further information, please contact:**

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**Helen Mortonson – Solicitor Account Handler – 0207 661 2089**