

The drivers for Distributed Work programs are:

- Global competition forcing cost reductions - real estate is often the second highest expense after salaries
- Business resiliency - business continuity planning and “people” recovery
- Demographics - both the GenX and Boomer generations are seeking work/life balance
- Knowledge workers are an increasing percentage of the work population, with GenX and Y also being technology adopters and life balance seekers. There is a war for talent as two workers exit the field for each one entering.

Benefits of DWP:

- Creates a culture of achieving work “anytime anywhere”
- Reduces need for implementing and testing separate BC planning
- Leverages the worker’s home space in an emergency
- Distributed IT tested and sanctioned
- Variety of “command centres” in an emergency
- Builds skills and confidence in “remote” management
- Encourages deployment and use of collaboration tools and communication methods
- Generates substantial real estate savings to fund the DWP.

*Summary of the workshop provided by:  
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**CONFERENCE WORKSHOP -  
ALEX TODD, PRESIDENT OF  
TRUST ENABLING STRATEGIES  
BUILDING TRUST IN A LAW FIRM**

Lawyer Jokes. There’s a plethora of them and everyone has heard at least one lawyer joke. Have you heard this one?

*Q: Why won’t sharks attack lawyers?*

*A: Professional courtesy!*

Most lawyer jokes speak to a general feeling of breach of trust and the blurring ethical lines. To engage the services of a lawyer, it’s important for clients to feel a certain level of trust, but more and more the lack of trust is eroding the platform of the legal industry.

The Gallup Organization, in one of its polls, tested the public’s perception of certain professionals vis a vis their honesty and ethical standards, and the results of the poll revealed lawyers scored just slightly ahead of car salespeople.

So where does trust start to go wrong? David Maister, when speaking to the value of trust in a law firm environment, is quoted as saying:

*“Most partners were recognized and rewarded for being the smartest person in the class or the most accomplished. They have rarely experienced or understood the power of succeeding as part of a larger group or team. Their focus tends to be selfish and self-serving, even narcissistic. The result is that the firm resources are squandered and poorly used, clients don’t get the best lawyers assigned to their files, and the firms are less profitable. This selfishness also leads to a short-sighted approach to decision-making that inhibits long range success because investments of time or money that don’t yield immediate results are rarely made”.*

Alex Todd, President of Trust Enabling Strategies, in his presentation to TLOMA conference attendees on “Building Trust in a Law Firm”, provided an explanation of where the legal industry has gone wrong and strategies on how to rebuild the “trust” factor.

**Impact on Business**

When asked why trust is important in a law firm environment, TLOMA members responded by identifying the following conditions: reputation, confidentiality,

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greater efficiency, retention of staff and attracting employees, effective leadership and repeat business. Now compare that to what experts have identified as the value of trust, and you'll see that TLOMA members concur with the majority of expert observations:

- a) *price* - consumers shop at businesses which have earned their trust
- b) *profitability* – businesses who deliver on their promises are more profitable
- c) *performance* – if people trust each other, less effort is required to monitor others and they can apply extra effort doing their jobs
- d) *productivity* – empowering work teams and creating a flatter organizational structure
- e) *employee attraction/ retention* – creating an engaging and empowering workplace.

### Definition of Trust

The closest kind of trust is self-trust and the farther you go away from yourself, the harder it is to trust. For example, we know Tiger Woods is a great golfer, but would you trust him to do an equally good job at flying a commercial plane? Probably not! So trust is always contextual. If you had to

think of trust in the form of an equation it would look something like this:

“A” trusts (or relies on) “B” (the sources of trust which can be a person or thing) for (a specific outcome) “C”.

To trust someone or something, we create a situation of acceptable uncertainty. We demonstrate a willingness to increase or decrease our vulnerability to rely on implicit or explicit information.

### Conditions for Trust

For the condition of trust to exist, we must a) establish trust, and b) ensure trust.

The establishment of trust comes from conditions that leave little doubt in our minds or a perception of “certainty”. Trust is established through:

- a) experiential sources (i.e. objective opinions such as an eye witness)
- b) authoritative sources (i.e. subjective opinions such as expert opinions) and

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- c) empowerment (i.e. the ability choose such as ability to choose a jury).

To ensure trust, we develop a level of acceptance from:

- a) motivation (i.e. predictability of the trusted party)
- b) ability (i.e. aptitude, knowledge, behaviour and disciplines employed to consistently deliver expected value)
- c) risk transfer (i.e. mechanisms and processes that transfer risk away from the relying party).

## The Trust Policy

To achieve the benefits that TRUST brings (*price, profitability, performance, productivity, employee attraction and retention*), a positive step is the development of a policy. The key to policy development is to focus on the conditions of trust (**establish trust** and **ensure trust**), and being mindful of the balance between the two. Too much weight or the omission of information on either side of the scale may render the policy ineffective. Alex Todd offered TLOMA delegates the following tips to develop a successful company policy to enhance trust within our firms.

*Summary of the workshop provided by:  
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Sack Goldblatt Mitchell LLP*

## Trust Enablement™ Governance Policy

Establish Trust	Ensure Trust
<p><b>Experiential</b> <i>Make sure your words match the message</i></p> <ul style="list-style-type: none"> <li>• the firm shall define, implement and document the experiential sources of trust that providers of stakeholder resources can rely on to establish the higher levels of trust they require to provide such resources.</li> </ul>	<p><b>Motivation</b> <i>Be predictable in the long term</i></p> <ul style="list-style-type: none"> <li>• the firm shall define, satisfy and document the levels of “acceptable uncertainty” (in other words trust threshold) required by providers of stakeholder resources.</li> <li>• the firm shall define, implement and document applicable motivation (decision-influencing) mechanisms that establish and enforce the methods for acquiring stakeholder resources.</li> </ul>
<p><b>Authoritative</b> <i>Inform (when you become unpredictable) and be very careful of keeping secrets</i></p> <ul style="list-style-type: none"> <li>• the firm shall define, implement and document the authoritative sources of trust that providers of stakeholder resources can rely on to establish initial trust, prior to providing such resources.</li> </ul>	<p><b>Ability</b> <i>Be predictable in the short term</i></p> <ul style="list-style-type: none"> <li>• the firm shall define, implement and document its ability to solicit, acquire, steward and productively apply stakeholder resources.</li> </ul>
<p><b>Empowerment</b> <i>Let your needs be known, learn to say no and dig into the dirt</i></p> <ul style="list-style-type: none"> <li>• the firm shall provide stakeholders with access to resources and information they need to determine the validity of their contributions to the firm’s business and mean to express their preferences.</li> <li>• the firm shall periodically review and adjust its Trust Enablement™ policies, standards and procedures in order to optimize them for changing business conditions.</li> </ul>	<p><b>Risk Transfer</b> <i>Believe the other person is competent</i></p> <ul style="list-style-type: none"> <li>• the firm shall define, implement and document mechanisms and/or instrument that transfer risk away from providers of resources.</li> </ul>