



Welcome to the Spring/Summer edition of our newsletter for 2007. There are going to be a lot of new changes implemented for the legal profession, which will be covered in this and future issues of our newsletters.

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## Law Society's Software Solutions Guide

The 2007 edition of the Law Society's *Software Solutions Guide* is now available but questions have been asked about its relevance in today's market. Charles Christian, the independent legal IT analyst and advisor to the Law Society for the guide, brought this subject to the fore in a recent edition of his *Legal Technology Insider* newsletter with the headline "Guide 'no longer relevant'"



The guide now includes only 14 of 40+ suppliers with the latest retiree being Axxia Systems who join other big names like Videss, Civica and Edgebyte in withdrawing from the guide stating a poor return on investment (it costs about £10,000 each year to have an entry in the guide).

Professional Technology has never been featured in the guide having made the decision early on that the guide did not offer either value for money from the supplier's point of view or enough in-depth information for the lawyers at which it was targeted.

I wonder how many of you are long enough in the tooth to remember the Law Society's original recognised software list? Way back in the 1980s, when computer systems were only just entering the legal arena and were aimed primarily at the accounts department, the Law Society decided it should vet all software to ensure it was fit for purpose.

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*"The Guide now only includes 14 out of 40+ suppliers"*

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This was a wonderful idea and, of course, Professional Technology's Quaestor system was one of the first to become accredited. However, with the growth in the market, vetting each and every system became too large a task so the Law Society changed to a recognised supplier list. This list did exactly what it said on the tin - each supplier of computer systems had to

submit accounts, client referrals and other pertinent information and, assuming the Law Society thought they were good enough, they went on the list. The list was not some flashy brochure like the present guide and the work involved in maintaining it was minimal so this kept costs down whilst giving prospective purchasers a list of suppliers who were, in the Law Society's view at least, up to the job. We have always wondered why this changed to the present guide which is extremely expensive to produce and offers prospective purchasers little more information than can be found in some of the free guides other than its nice glossy format.

Do you think the new guide, with its lack of listed suppliers, is of benefit to prospective purchasers of legal IT systems? Or would you like to see a return to the old recognised supplier list, assuming it encompassed a majority of suppliers as it used to? Or do you think the time for such guides and lists is gone as most of this information can be found on the Internet with a few

clicks of the mouse? Let us know what you think by e-mailing [Wendy\\_Collins@ptuk.co.uk](mailto:Wendy_Collins@ptuk.co.uk) or by calling her on 01634 815517.



## E-mail

E-mail is fast becoming the preferred method of communication by clients, agents and other contacts that law practices have to deal with on a day-to-day basis. Whilst many firms have embraced e-mail within their working practices few have actually considered the implications of doing so. In this article we are going to look at what you should consider before, during and after you decide that e-mail is a legitimate medium for communication with your clients, agents or other parties.

## Guidelines and Policy

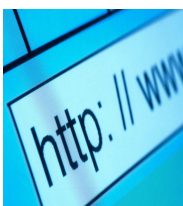
Firstly, the Law Society has issued some guidelines on e-mail use and policy. These can be found in full at the link below and we would strongly advise you all to download this document for perusal.

<http://www.lawsociety.org.uk/documents/downloads/emailguidelines.pdf>

There are many things you should be aware of when sending an e-mail but probably the most important is that the E-Commerce Directive requires solicitors providing services electronically or advertising electronically to provide clients with certain information:-

1. name, address, e-mail address and VAT number;
2. where price is referred to, clear indications of price;
- 3 professional details, as follows:-
  - If the office is in the UK, the client must be told that the service is provided by solicitors of England and Wales, regulated by the Law Society, and how to access the Society's rules. This can be done by providing a link to [www.guide.lawsociety.org.uk](http://www.guide.lawsociety.org.uk).
  - If the solicitor is based at an office in another EU state, the client must be told that the service is provided by a solicitor of England and Wales, registered with (for example) the Athens Bar, and how to access the rules of that Bar.

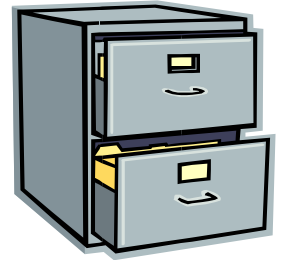
This means that any and all e-mails that you send out should include this information in addition to any disclaimer that you might want to add such as those common on faxes.



You also need to show this information on your web site if you have one so if your site does not show this information get on to your web site designer to get the changes put in place.

## Archiving and Storage

Once you have sent your e-mail and received some back what do you do with them? Many firms print them out and file them along with the rest of the paper file but this is an ineffective and inefficient method of storage. At present there is only a requirement to store such communications so you are not breaking any rules by doing this but the future is definitely electronic with proposed legislation progressing through the EU right now which would mean you have to store such records in an electronic and searchable form. If you read the Law Society's guide:-



1. Section 3.17 of the guidelines says that firms should look seriously at electronic archiving of e-mails.
2. Section 3.18 reminds you that "significant and substantive e-mails" should be stored in a suitably managed electronic storage system.

*"E-mail will be quicker, cheaper and infinitely more searchable than a paper based solution"*

This definitely makes sense as electronic storage of e-mail will be quicker, cheaper and infinitely more searchable than a paper based solution. Paper has been the preferred medium in legal matters for centuries and giving it up to store important information electronically is not easy but storage, retrieval and regulatory issues should persuade firms to investigate technology that allows easy search and retrieval of electronic content.

Hard copies take significantly longer (and cost significantly more) to search and retrieve than an electronically archived version. Saving a paper copy of the original provides inadequate back-up or contingency in the case of a natural disaster and does not preserve all of the metadata associated with the e-mail such as who the original author was, whether it has been modified, etc.

There is one final issue here which is especially relevant to users of Microsoft's Outlook mail client but which affects many other mail programs too. Outlook stores your e-mails in a file known as a "PST file" (because of the extension that Outlook gives to the file). These PST files are notoriously difficult to backup and manage - do you even know where on your computer your PST file is kept? Generally, they are scattered about your network on individual PCs which is neither safe nor manageable. Implementing an e-mail archiving system will eliminate the need to keep track of these individual PST files as well as giving you some measure of backup should a user lose their copy.

## SPAM or Junk e-mail

As stated in the Law Society's guidelines, unsolicited bulk e-mail (Spam) can be a significant problem for firms using e-mail. Most large organisations find that much e-mail traffic is unnecessary and time-wasting. Users often send e-mails about trivial matters and use large copy lists. The solution is proper training and guidance in the use of e-mail but this does not solve the problem of spam - which is usually a form of advertisement. Spam can add significantly to the general problem of e-mail overload.

The Law Society reckons that up to 50% of unfiltered e-mail on the Internet can be described as spam but our research shows this figure to be nearer to 90% once your e-mail and web site addresses have been in use for more than a year.

The guidelines also say that filtering software is available to reduce the amount of spam arriving in users' inboxes but very few law firms are using such a system. Microsoft's Outlook mail client software has an inbuilt junk e-mail filter which, if your PC is setup correctly, will be updated on a regular basis with new spam definitions. However, this is a far from ideal solution as its detection rates are quite low and it can often flag mail as spam when it is actually quite legitimate e-mail. What is needed is a far more comprehensive system which uses a variety of techniques to identify spam e-mail and which learns from the kind of e-mail you send what is junk and what is not. This last point is particularly important for solicitors as their business often refers to things which would trigger most junk e-mail systems. For example, most people receiving an e-mail about mortgages would actually be receiving junk e-mail offering them mortgage deals, usually from the United States. However, solicitors regularly send and receive e-mail about mortgages so would not want these relegated to a junk e-mail folder or, worse, deleted altogether.

## What Should You Do?

Firstly, you must design and implement an e-mail policy (see the Law Society's guidelines as mentioned above). Without a coherent policy you will have no control over your personnel and the e-mail that they send and receive.

What you do next will depend on whether you run stand-alone e-mail solutions on one or more PCs or if you have a central e-mail system such as Microsoft Exchange Server.

If you run stand-alone e-mail solutions based on, for example, Microsoft Outlook Express then you should:-

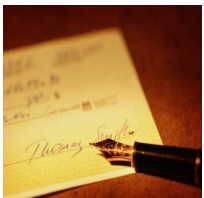
1. Define an e-mail signature that includes the prerequisite information as outlined above. This will ensure that every e-mail that goes out has the required company information and disclaimers attached to it.
2. Make sure your junk e-mail (spam) filters are up to date and enabled. Many ISPs (Internet Service Providers) now provide some level of spam filtering before the mail gets to your desktop but you might consider additional third-party anti-spam systems such as those from Symantec, McAfee or numerous other providers.
3. Ensure that you keep copies of all e-mail in a folder hierarchy which makes it as easy as possible to find them again should you need to. Some firms store them under matter numbers, others under client names and others still under fee earner folders. Whichever approach you choose you must be able to backup this information in case of a subsequent catastrophic failure of your PC.

If you are running a unified e-mail system such as Microsoft Exchange Server the options available to you are more comprehensive and you can automate a great deal of this work:-

1. By using a junk e-mail filtering system such as GFI MailEssentials you can ensure that spam e-mail is filtered out before it ever hits your user's mailboxes. The MailEssentials product allows fully configurable junk e-mail detection with some neat options such as an automatic white-list (anyone you send mail to is automatically added to a list of people from whom you will always receive mail) and Bayesian analysis which studies the mail in and out of your practice to learn what is legitimate e-mail and what is rubbish. In our studies, GFI MailEssentials removes over 99% of junk e-mail accurately first time.

2. The MailEssentials system also allows you to add standardised disclaimers and company information on all e-mails that leave the premises. This means you do not have to configure each PC individually but can enforce a company wide policy for e-mail.
3. Whilst the MailEssentials product offers a simple kind of mail archiving, its bigger brother MailArchiver gives complete control over archiving both inbound and outbound e-mail. Mail is stored in a fully searchable database and the system can be setup with fully configurable retention policies to ensure that mail that is no longer needed is removed from the data store. Users can recover lost mail items in their mailboxes and administrators can interrogate anyone's e-mail to find lost or important items. In addition, mail can be categorised automatically based on key words, senders, receivers, etc. so that searching becomes even more straightforward.

Professional Technology has been supplying the GFI mail products for a number of years and they are fully proven in the field. If you would like any further information on these products please contact us.



## Bowers & Jessup

Edward Ellis has left the partnership of *Ellis & Jessup* after many years leaving Adrian Bowers and Linda Jessup in control of the well established practice based in Folkestone, Kent. The practice's new name of **Bowers & Jessup** reflects the new partnership structure and although the firm continues in its core activities of conveyancing and property work Adrian and Linda are looking to the future.

Ever mindful of technology, the partners have installed all new IT equipment using Microsoft's Small Business Server as its backbone, networking all personnel across their office. Small Business Server enables the firm's communications by providing a robust Internet firewall and caching system in the form of Microsoft ISA Server and e-mail and collaboration facilities using Microsoft Exchange Server and the Outlook e-mail client.

The practice has also upgraded its Quaestor for Windows practice management system to the SQL Server version which offers faster and more robust storage as well as enhanced opportunities for data publication such as Internet access to matter status, web reporting, etc. (although this has not been implemented at the practice presently).

Threat management is a new "buzz" term in the IT industry but it really means protecting your IT systems against viruses, Trojans, SPAM e-mail and so on. Bowers & Jessup's system is protected by McAfee's Total Virus Defence system integrated with anti-spyware software from the same source. This centralised system ensures that all servers and PCs on the network are protected constantly. In addition, the practice has implemented GFI's MailEssentials anti-spam e-mail system to eradicate junk e-mail which can be a great drain on business time these days.

We wish Adrian and Linda the best of luck in their new format.

## New Regulations for Legal Letterheads.

From the 1<sup>st</sup> July, 2007 Solicitors are required to have the words "Regulated by the Law Society" on their firm's Letter Head. They are now regulated by the Solicitors Regulation Authority (SRA).

The Secretary of State for Constitutional Affairs is expected in the near future to adopt the new [Solicitors' Code of Conduct](#). This will require solicitors to include the words "Regulated by the Solicitors Regulation Authority" in place of "Regulated by the Law Society" on their Letterhead. Once the new code has been adopted, transitional arrangements for the change will be announced.

Firms will be allowed to use either statement for a few months - both before and after the new code comes into force. In the meantime, firms should avoid ordering large quantities of stationery referring to the Law Society. Until the transitional arrangements are announced, Letter headed paper should continue to refer to being "Regulated by the Law Society".

## Future Changes to our News Letters

Is this end for paper documents as we know it? From the end of March we hope to send a monthly newsletter out via email. As the above article on e-mailing intimates, in this day and age where most communications are transferring over from hard paper copies to computerised copies and with environmental issues on every one's mind this has to be the best way to go.

There will be a mechanism to unsubscribe from the newsletter should you no longer wish to receive it.

Let us know what you think by e-mailing [Wendy\\_Collins@ptuk.co.uk](mailto:Wendy_Collins@ptuk.co.uk) or by calling her on 01634 815517.

If you would like more information on any of the topics covered in this Newsletter then please contact us at the address to the right.

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