LEEDing Law Firms: The Business Case for Sustainability

The recent economic downturn and softening of the commercial real estate market have offered law firms a unique opportunity to optimize space and reduce occupancy expenses. This case study shows how one firm took advantage of new lease arrangements to reduce its footprint, while making a strong commitment to both historic preservation and environmental sustainability.

A New Approach to Leadership: How Women Are Influencing Leadership Values

Sally Helgesen and Julie Johnson, authors of The Female Vision: Women’s Real Power at Work, and John Alexander, Faculty in the Leadership Fellows program at Elon University School of Law in Greensboro, N.C., discuss the unique perspective women bring to decision making and leadership, as well as the relevance of leadership to the practice of law.

Improving Associate Morale Through Career Coaching

Career development coaching for associates can bring many benefits to the law firm, ranging from improved retention and increased productivity to stronger collaboration and personal and professional satisfaction. As a result, client satisfaction increases as associates remain with the firm and relationships strengthen.

Outsourcing, Offshoring, and Right Sourcing for the Future

Changes in market conditions are driving law firms to rethink outsourcing and offshoring legal and business support services. From a library perspective, presenting a case for reallocating resources through centralization, process improvement, and outsourcing noncore functions will demonstrate the value proposition of knowledge and research services.

Untangling the Tangled World of Government Compliance

Government regulations have made compliance a challenge. The anticipation of increased regulatory mandates has caused many companies to reevaluate their risk process. To succeed today, risk management must be better aligned with a company's goal-setting process as well as fully integrated into all of its business units.
Book Review: Total Recall: How the E-Memory Revolution Will Change Everything

What if you could remember everything? Drawing on their experience with the "MyLifeBits" project at Microsoft Research, the authors explain the benefits of the Total Recall revolution—an earthshaking and inevitable increase in electronic memories that will change the way we work and learn, improve our health, and unleash our creativity.
The Role of the Alternative Fee Manager

The AFA manager plays a critical role in getting the alternative fee arrangement done. From having the fee conversation with clients, crafting an appropriate AFA, and helping build the budget, to moving the AFA through the firm's approval process and presenting it to the client, the successful AFA manager must possess a multitude of skills.

There are multitudes of articles on alternative fee arrangements (AFAs) that speak to what they are, why they should be used, and who is using them, but not many speak to how they actually get done. This article will take an in-depth, practical look at the potential roles and responsibilities of an AFA manager (or equivalent) for a law firm, and will explore the various hands-on tasks related to AFAs.

AFAs?

For the purposes of this article, AFAs are everything but straight hourly billing. Discounts are considered straight hourly billing, using different rates. Therefore, in general, AFAs include:

- **Fixed (or Flat) Fee**: A set fee for a defined amount of work. This fee could be for an entire matter, a group of matters, a stage of a matter, or even discrete tasks within a matter.
- **Fee Caps**: A maximum amount that will be paid, typically calculated by using hours and rates, so that actual hours up to the cap will be paid, but nothing over the cap can be collected.
- **Discount/Bonus**: This fee has many variations. The basic idea is that a discount (against hourly or fixed fees) is given if goals are not met. When goals are met or exceeded a bonus may be given.
- **Contingency**: This is the classic fees-contingent-on-success approach used by personal injury lawyers. However, this structure is being used for a broader range of plaintiff-based work and occasionally partial contingency fees are used.
- **Blended Rates**: This fee assigns one billing rate for all timekeepers, or has one rate per type of timekeeper (e.g., partners).

For a more involved description of AFAs, check out the ACC Value-Based Fee Primer, a resource in the ACC Value Challenge, at http://www.acc.com/legalresources/resource.cfm?show=967965.

Talking with Clients

An often missed component in the process (and a best practice) is the essential first step: talking with the client. Too often inaccurate assumptions are made about a client's fee needs and concerns. This leads to poor client acceptance and likely failure if an AFA is utilized. The conversation with the client should focus on the client's fee goals, beyond just saving money. Without this key information, any AFA is a shot in the dark at an unknown target.

Having fee conversations with clients, in my opinion, is the highest value an AFA manager provides. Lawyers tend to shy away from these conversations. The ability to facilitate a discussion on the pros and cons of each AFA type and help the client understand the client's own fee
needs is a new and unique skill set for law firms. A level of trust and competence with a firm's lawyers must be established before this role is realistic.

Talking with Your Lawyers

AFA managers can provide guidance and coaching to firm lawyers to help prepare them for fee conversations. Lawyers will benefit from coaching on how to ask fee questions such as: "What keeps you up at night when you think about law firm fees?" or "What will fee success look like a year from now?" Lawyers should also be coached on actually listening to the clients' answers since fee conversations need to be a give-and-take process that responds to client needs as they surface.

Crafting the AFA

Once a client's fee needs and concerns are understood, the AFA manager can play a central role in developing an AFA that fits the needs of the client and matter in question. To illustrate this effort, consider a client that has a cash flow issue. In this circumstance, cost savings may well take a backseat to predictability on a monthly basis. Therefore a fixed fee per month over a year may fit best. In another situation, an in-house lawyer may be under pressure to meet or beat whatever budget number is given to leadership. In this scenario, staying under that number is of prime importance, suggesting a fixed fee is most appropriate for the entire matter.

Whatever the situation dictates, a valuable function of an AFA manager is helping the lawyers involved develop a client-driven, formfitting AFA.

Understanding Scope

Project scope is a new and potentially scary term for lawyers, especially litigators. AFA managers should be prepared to hear push back like: "There are too many variables to determine the fee for this matter." When an AFA manager hears these statements, he or she should treat them as an opportunity to help walk lawyers through a scoping process. A few questions about which variables will most likely impact the cost will lead lawyers down a path of defining the variables and isolating them for an AFA. Using this process, many AFAs will actually end up with a list of out-of-scope factors, instead of an in-scope statement of work.

On to the Budget

Most AFAs benefit from some sort of budget. These budgets can range from a single number to detailed plans using phase and task codes. AFA managers are typically not in a position to actually build a budget since this requires extensive knowledge of a matter type, type of practice, and the client's situation and needs. However, since lawyers prefer not to use budgeting tools, AFA managers can work with the lawyers, using spreadsheets or the budgeting systems while the lawyers provide the input. This approach also ensures the budget is actually captured and entered into the right systems. Many times the lawyers involved will want to look at past matters to use as templates or building blocks for new engagements. AFA managers can assist in finding past examples best suited for this step.

Modeling the Budget for Profitability

Once a budget is developed, the next step is acquiring some basic parameters from the lawyers involved in order to model the arrangement for profitability. Of course, the more detail in a budget, such as specific timekeepers and number of hours per task, the more accurate the modeling will be. The modeling effort also includes experimenting with different approaches to help lawyers understand and appreciate the financial impact of different staffing models. Good advice here is to start with less detailed budgets and move to more detail as needed. There are a number of systems on the market to help with this modeling.

Approval Process

With an appropriate AFA type chosen, and a reasonable budget and useful prediction of profitability in place, the next step is moving through a firm's approval process, be it a single partner approval or a formal leadership review approach. The basic concept is to present the designated firm leadership with the right information for review and consideration. The challenge is to keep it as simple and straightforward as possible, while ensuring enough information was captured and shared about the AFA.

Riskier and less understood proposals may require calls or meetings with leadership to ensure the deal makes sense. Many times in these approval processes, an AFA will undergo modifications to make sure it meets the financial requirements of a firm. In best-case scenarios, these modifications will also benefit the client.

AFA managers must possess good communication and organizational skills to ensure approval processes are streamlined and effective, making the best use of non-billable time for the lawyers involved.

Sharing the AFA with the Client

The best method for presenting the approved AFA to the client is in person. If that is not an option, then a video conference or phone call can work. The last resort is email, as it is the least effective way. Discussions about fees are very sensitive and involve a lot of listening. AFA managers can play two roles here: coaching and presenting. Lawyers
will benefit from coaching on how to present AFAs (or any fee deal for that matter) to clients in thoughtful and positive ways. Additionally, clients typically respond well to neutral, nonlawyer participation, thus increasing the success rate of AFA pitches.

**Dealing with Success**

All AFA requests should be logged. This can be done in spreadsheets, AFA software, or homegrown systems. One challenge for AFA managers is that existing systems are designed more for the AFAs acquired and not the ones missed. Having a complete log of all AFA activity is critical for understanding and improving AFAs over time.

Work acquired under an AFA should be entered and flagged in all of the relevant systems. Obviously billings will need to be properly formatted. Beyond that there will be a growing demand for expanded and improved monitoring of AFAs. Strong monitoring tools are necessary for firms to understand AFA performance and continually improve it.

At the end of an AFA engagement, reviewing the deal is the final step. These reviews provide feedback about the AFA process, so future AFAs benefit from the lessons learned and mistakes are not repeated.

AFA managers should plan on committing significant resources to AFA monitoring as they build out their AFA programs. These efforts will establish useful levels of knowledge and continually improve AFAs over time.

**What Next for the AFA Manager?**

This article describes a number of existing and emerging roles for an AFA manager. Since the world of AFAs is in such a state of flux, expect these roles to evolve and expand. The wide range of potential roles highlights a significant challenge for AFA managers: They will need to possess a multitude of skills and broad knowledge.

AFA managers can have many job titles that include terms like value, pricing, fees, project management, strategy, and others. At the core, these positions are about understanding how firms can embrace new ways of setting fees and working with clients to develop win-win fee approaches. This of course means the role of AFA managers will have increasing value at law firms and can contribute greatly to a firm’s ongoing success.
The recent economic downturn and softening of the commercial real estate market have offered law firms a unique opportunity to optimize space and reduce occupancy expenses. This case study shows how one firm took advantage of new lease arrangements to reduce its footprint, while making a strong commitment to both historic preservation and environmental sustainability.

A great deal has changed in the 30 years the firm has occupied its current space. Technology has transformed law practice and reduced the need for office space. The firm has fewer support staff relative to the number of attorneys. Library books and paper files have been replaced with electronic equivalents to a great degree. A generational and legal industry cultural shift toward uniform attorney office sizes and hoteling for part-time and visiting attorneys have further reduced space requirements. Smith Haughey also used the opportunity offered by the economy to move its sustainability effort forward. The cities of Grand Rapids, Ann Arbor, and Traverse City all have strong environmental cultures. For its size and population, Grand Rapids has the largest concentration of LEED (Leadership in Energy and Environmental Design) certified buildings in the country.

Smith Haughey's 10-lawyer Ann Arbor office occupies 5,000 square feet in the historic Schwaben Building in the center of town, just off Main Street (west of the University of Michigan's central campus). The loft-style office space was built out relatively recently, but a lease extension allowed the firm to reduce rent expense, while adding three attorney offices to the existing footprint, using a tenant improvement allowance provided by the landlord. The modifications were too minor to warrant LEED certification, but the building and office configuration were laid out in an efficient (500 square feet per attorney) and environmentally sensitive manner in the first place. Attorneys, staff, and clients love the location and work environment. Because parking can be a bit of a challenge in downtown Ann Arbor, attorneys, staff, and visitors are encouraged to walk and bike, which fits into the firm's wellness program.
Smith Haughey’s Traverse City office moved from State Street to Front Street, the main street downtown that runs parallel to Grand Traverse Bay. The 28-lawyer Traverse City office occupies about 18,000 square feet in a brand-new building with a little room to expand, in what has been the firm’s fastest growing office in recent years. The building is mixed use, with retail on the ground level (Grand Traverse Pie Company is right next door!), Smith Haughey’s reception and conference center on the corner of the ground level, attorney and staff work space on the second floor, and condominiums above. The firm adopted an open office design with large interior glass windows. Smith Haughey attorneys, staff, and clients have sweeping views of Grand Traverse Bay. The building features a geothermal heating/cooling system that pumps water out of the adjacent Boardman River, circulates it through radiant tubes in the floor, and returns it to the river. Energy costs are stunningly low. Smith Haughey’s build-out was completed to LEED standards, and the firm is likely to achieve Silver or even Gold status.

The LEED commercial interior standards were adopted by the U.S. Green Building Council (USGBC). The set of standards has become the de facto bar for measuring building energy efficiency and environmental sustainability. A summary checklist is included below, but much more detailed information may be found on the USGBC’s web site, http://www.usgbc.org.

The standards cover everything from site selection, including development density, public transportation access, and bicycle storage; to water efficiency; to energy and atmosphere, including lighting, HVAC (heating, ventilation, and air conditioning), and appliances; to materials and resources, including length of lease, building reuse, construction waste management, materials reuse, and recycled content; to indoor environmental quality, including outdoor air delivery, low-emitting materials, indoor pollutant control, thermal comfort, and daylight/views; to innovation and design; to other unique, regional factors. The LEED standards are applied on behalf of the owner or tenant by LEED Accredited Professionals (APs), who receive their credentials through the USGBC, and are generally architects, construction managers, or both.
Because LEED buildings and commercial interiors are becoming increasingly common and almost expected in some markets, many of the practices and materials required for LEED points are becoming widely available and less expensive. The main cost of LEED certification is the "commissioning" process, where the LEED APs verify and document all of the materials and processes used in the project and calculate the number of points achieved in each category. Out of a possible 110 points for commercial interiors, it is necessary to achieve 40-49 for LEED certification, 50-59 for Silver, 60-79 for Gold, and 80-110 for Platinum status.

Smith Haughey’s Grand Rapids office is moving into the city's Flat Iron Building (a smaller version of its New York City namesake, but with a similar triangular shape and prominent corner location) on Monroe Center, in the historic center of downtown. The building is more than 150 years old, one of the oldest commercial structures in Grand Rapids, and on the National Register of Historic Places. In addition to LEED certification (the firm is seeking Silver or Gold status), the firm's partners on the project, Locus Development, Design+ Architects, and Wolverine Construction, must remain sensitive to historic preservation requirements. Even in Grand Rapids with its many LEED buildings, the combination of a new, efficient, environmentally sensitive build-out in a very old, historic building is unusual.

Grand Rapids Office, 100 Monroe Center, NW

Smith Haughey is pleased to make a strong commitment to downtown Grand Rapids, historic preservation, and sustainability, while reducing expenses at the same time. The office build-out will combine contemporary, modern design, furnishings, and lighting, with the exposed brick and timbers of the old building. The resulting loft-style work space will be a major change from the more conventional office space the firm occupies currently in Grand Rapids. The attorneys and staff, particularly the young people, are very excited about the change. The pictures accompanying this article show the work in progress.
Smith Haughey did not pause long before deciding to pursue LEED certification in both of its major office build-outs. All of the elements of the LEED checklist are in keeping with the firm's sustainability policy and strategic plan. Many of the energy- and resource-related elements of the checklist will save the firm significant money in utility and other expenses over the life of the lease. LEED certification provides marketing benefits with clients and prospective recruits, particularly in the cities where the firm operates. Many of the design features of LEED buildings, such as maximizing natural light and outside air in the space and using low-emitting materials, are popular with attorneys and staff. All of these benefits were deemed to be worth the relatively modest additional cost of LEED commissioning. Smith Haughey is one of the first Michigan law firms to make such a strong commitment to both historic preservation and environmental sustainability. It is nice to be a LEEDer!
The post-recession economy continues to be challenged with the rapid globalization of industries and professional service firms. Faced with daunting shareholder and partnership expectations, executive leaders are attempting to prepare their companies and firms for the future. Developing priorities that form the next generation of leaders and retain key talent has influenced the traditional "lockstep" career and compensation paths in law firms and challenged corporate traditions of leadership as well. Maintaining core values while remaining competitive is highlighted during strategic management meetings and "C" suite discussions.

*The Female Vision: Women's Real Power at Work*, by Sally Helgesen and Julie Johnson, draws upon current research addressing the differences in workplace gender views. I had the opportunity to interview Sally and Julie after meeting them at a National Council for Research on Women program.

Elaine: Female and male perspectives have long been a cultural discussion. How and why did you decide to write this book?

Sally: Julie is a coach and I am a writer and consultant. We both belong to an organization started by Marshall Goldsmith in the mid-1990s called the Learning Network. It's a group of independent practitioners in organizational leadership and executive coaching that focuses on creative discussions about changes we see in industry and business. A few years ago, Julie and I were talking about how many successful women were leaving good positions. We both kept hearing the same thing from these women—"it wasn't worth it." We both wanted to explore what that meant.

Elaine: What wasn't worth it? How did you identify what these women were telling you?

Sally: Interestingly the disjunction in values at work was "not worth it" for women. There are satisfaction differentials for women that are not sustainable in the current work model.

Elaine: How do you define those satisfaction differentials?

Sally: Capacity for broad-spectrum notice, ability to find satisfaction in daily...
experiences, viewing work in a larger social context.

Elaine: That sounds a lot like "triple bottom line" for measuring success. During the December 2010 TED Conference, I watched a program with Halla Tomasdottir, co-founder of Audur Capital in Iceland. Tomasdottir was a featured speaker and she alluded to a similar focus. Since Iceland is a frightening example of how the unchecked financial market led to disastrous results, she was certainly given a lot of press. Tomasdottir's commitment to balance and female values in business seems to mirror your assessment. One of her comments was that a lack of diversity leads to sameness in doing business that is not sustainable. The business values that she and her partner are committed to are:

- Risk awareness: we will not invest in things we do not understand
- Straight talking: using simple language people understand—even bad news
- Believe in emotional capital: emotional due diligence is just as important as financial due diligence
- Profits with principles: we care how we make our profit and are willing to take a long-term view

Elaine: Based on these female business values, are you seeing a different approach in corporate leadership values?

Sally: Retention programs are becoming more ambitious and more focused, in part because clients want to see it—partnership firms especially are feeling that pressure. Firms recruit a high percentage of female associates, many of whom were top graduates, but the partnership percentage remains stuck at around 15 percent and the number of top corporate women and board members is often lower. Of course, people are less likely to leave their jobs in a slow economy, but attracting and retaining the best female talent is still a challenge.

Elaine: What is going on in corporate and professional service firms with respect to leadership development?

Julie: The economic crisis raised the veil. People in talent management roles are beginning to look at leadership models that use different language. They are also identifying leadership characteristics that would never have been a part of the next generation of high potential talent in an organization. Language and concepts such as mindfulness, trust, and authenticity are part of the leadership conversation and curriculum.

Elaine: You talk a little about science supporting the value of "soft leadership concepts." Can you elaborate on that?

Julie: Hard data from functional MRIs reveal differences in how men and women process and evaluate information. Also, quantitative studies of the role of intuition and empathy in decision making show that these capacities are key to strategic thinking. They've always been considered soft skills, but they provide hard value.

Elaine: You mentioned that you work with many law firm clients. Are you seeing law firms redefine leadership to include these soft skills?

Julie: In the past year firms have started to hire professional coaches and invest in leadership development. The ABA issued a finding that women leaving law firms is a problem on many levels including financial. The cost of recruiting and training a class made up of 50 percent women and reaping a 15 percent partnership rate is not a sustainable business practice. I know of only three major firms that are addressing this issue. However, all of a sudden I see the emergence of an associate development program that includes an associate advisory role. This role acts as a sounding board for an associate's development and leadership issues.

Elaine: You seem to be able to parallel what is happening in MBA programs with law school training as far as developing subjective qualities and cultural nuance. Can you speak more about this?

Julie: Some law schools are beginning to see a need to build on the "attorney identity" element. For example John Alexander, who served as president for the Center for Creative Leadership, is now faculty at Elon University School of Law and part of a team running the school's Leadership Program. John is also a member of the Learning Network. The text for this program is The Leading Lawyer: A Guide to Practicing Law and Leadership, by Robert Cullen. John recently participated in the Building Better Lawyers Conference at Stanford University.

I also had an opportunity to speak with John Alexander about this commitment to leadership as part of a law school curriculum.

Elaine: Would you talk about how the Leadership Program began and how it supports the legal curriculum?

John: Leadership is contextual and relevant to the practice of law and how individuals learn to lead. Effective leadership requires more than analytical skills; high achievers may not have developed corresponding emotional intelligence. This remains true today for lawyers just as it does in other high achieving careers. We owe it to students to help prepare them for their roles as leaders through self-awareness and development of key interpersonal skills.
Elaine: Are there certain attributes that correspond to a leader in the context of the legal environment?

John: Well, obviously we look to attorneys to possess integrity, behave ethically, and advocate skillfully for their clients, but there are other attributes such as self-awareness, self-direction, self-control, and the ability to manage conflict, persuade, and empathize.

Elaine: How are you breaking down the program so each student is evolving as a leader?

John: The first year we focus on issues of self-awareness and leading the "self." The second year emphasizes leading groups and teams. The third year is a commitment to legacy leadership. We also have leadership fellows selected during the first year who demonstrate leadership ability. In their third year, these fellows participate in a Capstone leadership course in which they design their own independent study project, as well as assume leadership roles in the school.

Conclusion

Countless studies, books, and articles are written on leadership. This topic has drawn a great deal of attention and reflection during an economic crisis, where leadership was identified as part of the problem leading to a global collapse of markets and countries unable to support their infrastructures and societal obligations. The current global economic system is crying out for new leaders, not just new laws to manage behavior. What qualities should we be identifying for sustainable leadership values? The Female Vision: Women’s Real Power at Work addresses the unique perspective, such as broad-spectrum notice, that women contribute to decision making and leadership. This perspective will impact strategic leadership values and promote triple bottom line goals while retaining talent and developing the leadership values required in years to come.

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Improving Associate Morale Through Career Coaching

Career development coaching for associates can bring many benefits to the law firm, ranging from improved retention and increased productivity to stronger collaboration and personal and professional satisfaction. As a result, client satisfaction increases as associates remain with the firm and relationships strengthen.

It's hard to miss the headlines—"Associate Morale at Its Lowest," "Mid-Level Associates Feeling 'Significant Anxiety,'" "Promotion of Women to Partnership Stalled in 2011," and somewhat more optimistically, "Is Associate Morale on the Mend?" The 2010 American Lawyer Associates Survey reported that mid-level associates' overall satisfaction fell to the lowest level in six years. It seems everyone, from industry insiders to casual blog followers, acknowledges that low associate morale is the current norm in BigLaw.

Associates' priorities seem to be an ever-moving target. In recent years it has shifted between compensation (during the economic boom), job security (during the recession), hours, and work/life balance. However, a high level of pay does not necessarily mean a high level of satisfaction. The most recent information available makes it evident that both the average number of hours worked and the average number of billable hours worked per year have declined since 2007. These factors all contribute to the low morale that is so widely reported. As we know, unhappy associates make for less productive associates.

With summer programs shrinking and lateral hiring still below pre-2008 recession levels, firms are relying more on professional development to help retain their top legal talent. A fairly recent addition, in many large firms, has been the expansion of professional development initiatives to include career coaching, which concentrates on individualized career development needs. Coaching is an action-oriented partnership that, unlike psychotherapy, which delves into patterns of the past, concentrates on where one is currently, in order to move forward and reach goals.

There is a moment in many associates' careers when they feel like they have "made it"—but upon further examination realize that they are not quite sure what "it" is. Career development coaching encourages associates to take responsibility for their own careers. The first role of a career development coach is to help associates start with their own set of personal values to identify and set goals. Most lawyers have only a vague idea of what their values really are, what really energizes them, or what really fulfills them. By clearly articulating individual values, they infuse their ultimate plan of action with a greater power and likelihood of success.

After helping lawyers identify what it is they are passionate about, the coach assists them in determining areas of competence, interest, and expertise; identifies what they need to learn and master to excel in their chosen areas of concentration; and develops a specific action plan to achieve those stated goals. An effective coach will guide people to investigate themselves, their circumstances, and their options to develop acceptable strategies to improve all of the above. The coach then lends support and accountability while the associate implements his or her strategy.

Professional development coaches can play many different roles in an associate's career. In addition to the one-on-one career development
described above, a coach can help associates with issues such as work/life balance, transitions from one level to the next, business development, getting the work they want, their firm's review processes, mentoring, and general troubleshooting.

Lawyers deal with other people's problems all day, often while ignoring their own. They may know that something is not right, but do not know what it is or how to fix it. Often they do not have anyone to talk to because they do not want to talk to anyone at the firm about how they are feeling. They may seek coaching on a number of different issues. For example, an associate at a large firm was very hardworking and was billing well above the mandatory minimum required of associates at her firm. She thought she was well on track for partnership when she had her annual review. At the review, she was told that at this stage of her career, she was expected to focus on business development. Although this associate was successful in so many other aspects of her career, the thought of business development terrified her. She met with the career development coach at her firm, and using her coach as a sounding board, she devised a plan. The key for this associate was realizing that she did not have to do it all. She analyzed what she already knew she was really good at in business development, and by focusing on her strengths, rather than on her perceived weaknesses, she was able to formulate a plan that she was comfortable with, and thus was able to implement successfully. Two years later, she made partner, one year ahead of schedule.

A key aspect of coaching is the confidential nature of the communications between lawyer and coach. Many associates value having someone as a sounding board, while knowing that their conversation is not going to be divulged. Some associates approach their coach wanting a solution, but it is important they understand that the coach's role is not to intervene on their behalf. The coach cannot fix the problem for them, but can help them by talking about alternatives, practicing through role-playing, and helping them to see what the real problem is. For example, an associate may visit his or her coach because of a problem with a colleague or partner. In that instance, the first job of the coach is to listen and really hear the associate. The coach should not get caught up in the fray, but should eventually bring the issue back to the associate's responsibility at an individual level. The coach may give him or her tips on communication skills or reading interpersonal signals. Often, the associate will leave the coach's office within 30 minutes feeling empowered and ready to redesign the troubled relationship.

An associate may not be happy with the kind of work he or she is doing and would like help to figure out how to explore other kinds of work available in or outside the firm. In these circumstances, the coach's assistance could be making the associate aware of firm resources, training programs, or organizations within or outside the firm. An associate at one firm had four children and was feeling the pressure of balancing work with her home life and responsibilities. After a long talk with her coach, she realized that, although she liked working for a big firm, particularly the one she was at, perhaps her chosen area of labor and employment was not the right practice area for her. She had taken several tax classes as an undergrad, and utilizing her knowledge of both was eventually able to transition her practice to employee benefits, which allowed her to balance her work and home life more effectively.

It is difficult to quantify the success of career coaches, and sometimes, what the firm views as a success may not be the same as the associate's view of a desirable outcome. Sometimes coaching involves helping associates realize that their firm is not the right place for them to be. In that instance, a coach can provide support, in varying degrees depending on the firm, in pursuing external options. Firms are aware that not all associates are destined to become partners, but understand the value in keeping associates happy. A happy associate may become a happy alumnus, or better still, eventually a happy client.

The benefits of career coaching to a firm, while not always quantifiable, can be immense. Associates feel cared for when being coached. It calms them to know someone is listening and they are not alone with whatever issue they may be facing. It reassures them that the firm is investing in them in a personal way. As one associate at a large firm said, "It matters to me that my firm cares enough to invest in resources and meet me halfway in my development." Although the results cannot necessarily be tracked in numbers, they may be found in retention, increased productivity, stronger collaboration and congeniality, and personal and professional satisfaction. This, in turn, leads to increased client satisfaction as associates remain with the firm and relationships strengthen.
Changes in market conditions are driving law firms to rethink outsourcing and offshoring legal and business support services. From a library perspective, presenting a case for reallocating resources through centralization, process improvement, and outsourcing noncore functions will demonstrate the value proposition of knowledge and research services.

As in all professional service firms, law firms require a myriad of processes and functions to support the core competencies of the business. Since law firms have become increasingly geographically dispersed, they have begun to form a functional matrix model. Ideally, this model is to have teams share information and resources more readily across task boundaries. But commonly employees in a matrix organization may become frustrated and confused, have conflicting loyalties, be regionally focused, and lack a strong mandate for leading cross-functional teams.

It remains to be seen if the last decade of global law firm mergers and exponential growth will be successful. But surveys indicate it is still a buyers’ market for legal services and this trend will transform the historical business model. These market conditions increase the need for efficiency, require the elimination of duplication, and unfortunately do not necessarily reduce anticipated long run average cost. What has emerged is a laborious and expensive predicament. This predicament is just as relevant to the American Lawyer list of the top 100 firms in the world (four of which are members of the five Magic Circle firms in the U.K.) as it is to the small to midsize law firm. In each of these legal markets it is increasingly difficult to dedicate non-income-generating resources to operational function and infrastructure such as information technology, client development, litigation support, online research services, document review, and document production.

This may be an oversimplified introduction to the topic of outsourcing and offshoring and the various combinations such as inshoring and insourcing, but it is one we all understand in an extraordinarily competitive environment. After all, outsourcing has been around for centuries; even Roman tax collectors were outsourced, just as law firms and professional service firms are today.

Outsourcing is essentially when a company contracts with a third party to perform a function on behalf of the company either on a project basis or as a longer entrenched component of the operating infrastructure. Outsourcing can include knowledge process outsourcing (KPO), legal process outsourcing (LPO), and business process outsourcing (BPO). Offshoring and inshoring can be outsourced but are slightly different in scope and value centralization and in exploiting economies of scale. Offshoring is taking a function out of your country and performing it in a lower cost center. Inshoring, which can be combined with insourcing, is a centralization initiative characterized by delegating a function to another business unit or building a remote team in another domestic city where volume functions can be performed at a lower cost. Examples include document production, IT, help desk, accounting, client billing, and other supporting functions within human resources, marketing, library and research services, and records management centers. Several high-profile firms have committed to this strategy. In 2000, Orrick Herrington & Sutcliffe opened its Global Operations Center in Wheeling, W.Va. More recently, WilmerHale in Dayton, Ohio, and DLA Piper in Baltimore, Md.
announced similar moves, and Allen & Overy announced the opening of
its dedicated Support Services Center this fall in Belfast, Northern
Ireland.

Despite Baker & McKenzie's surprising dismissal of its entire Chicago
library staff in 1997, replacing them with an outsourced team, and a
somewhat similar decision in 1999 by San Francisco's Pillsbury Madison
& Sutro (now Pillsbury Winthrop Shaw Pittman LLP), law libraries have
been outsourcing supporting functions for decades. By outsourcing
looseleaf filing, cataloging, indexing, document retrieval, technical
services, legislative history compilations, subscription management, and
interlibrary loan, an information professional is free to perform highly
skilled core business needs.

The market for outsourced services is growing. From a CEO, CAO, or
CFO perspective, what drives the decision, such as the one by CMS
Cameron McKenna in the U.K., to outsource multiple support functions?
CMS Cameron McKenna outsourced non-billable "middle office duties,"
identified as accounting, human resources, marketing, training, and
information technology, to Integreon. One would think these decisions
are not simply quick cost-cutting measures, head count ratio, or a
reaction to competitive behavior. One would hope it also isn't a problem
or a "mess" that a firm or administrator wants to be rid of. Having a grasp
on the function and process helps direct improvement and the value
proposition for the firm, clients, and employees. The best cases for
outsourcing are those that have a strategic broad view of the firm's core
business, vision, mission, and culture.

Decisions for BPO, LPO, or KPO should take into account exponential
firm growth, regional diversity, client needs, rapid technology change,
and the ability to add supporting value for the firm and clients. A firm and
business unit leader should take the wheel and drive the strategic
outsourcing path by identifying the scope of work and defining the
service level agreement that allow specific governance and best
practices to continue. You don't wash your hands of an outsourced team
but rather manage the team and function in a more strategic fashion.
Firms may also devise blended solutions by retaining a director,
manager, or supervisor employee of the firm to address concerns about
risk management, communication, and continuity. The success of an
outsourced, offshore, and inshore team's performance requires a
combination of collaborative leadership, communication skill, and
management support.

Sarah Fahy and I had an opportunity to speak about this very issue.
Sarah's leadership at Allen & Overy has transformed this Magic Circle
firm's research and library business unit. Sarah has engaged a blended
partnership with Integreon to produce business development reports.
Relying on scalable models to support business development needs,
allows Allen & Overy's research team to create bespoke standards of
research, business intelligence analysis, and deeper core legal research
while working with an outsourced team. The ability to draw upon
outsourced professionals who support non-billable, nonconfidential
projects while freeing dedicated professional staff to work on client
research is an example of operating with a broad-spectrum strategic
view of the business. Sarah shared that having a strong communication
strategy so that people understand the goals of the firm is pivotal to
success in blending outsourcing with traditional firm models. In addition,
Allen & Overy is opening its A&O Support Services Center in Belfast.
Sarah has designated an A&O library operating team to be located in
this centralized office who will work along with support from Integreon.
This office achieves Allen & Overy's business goal of centralization, and
for the library, it optimizes the best value in blended outsourcing.

In her blog, Dewey B Strategic, Jean O'Grady writes, "One key strategy
for liberating knowledge professionals to support client work is reducing
the volume of administrative work which they must perform or oversee."
Jean adds that she "continue[s] to be amazed at the number of large law
firms that remain largely decentralized and which mandate a
decentralized library system in which each library is accountable to the
local office manager and not aligned to a firm wide information strategy
for expanding access to resources at the lowest cost." During my
conversation with Jean, she noted that consolidation of vendor accounts
reduces the local office segmentation, improving and streamlining work
process that supports centralization. Jean's focus on correcting
inefficient work flow has had a far-reaching effect on delivering core
business research expertise and may actually reduce the need to
consider outsourcing.

Aside from centralizing noncore functions, what about outsourcing? Are
we hung up on the concept of outsourcing that has been maligned in the
press and viewed as causing job loss and producing lower quality work?
Is it really a threat to law librarians or is it an opportunity to elevate our
position and influence knowledge strategies by representing the firm's
commitment to knowledge excellence, translating into a competitive
advantage?

The 2011 Ark Conference, "Best Practices and Management Strategies
for Law Firm Libraries and Information Service Centers," featured Jean
O'Grady and Ron Friedmann, Senior Vice President of Consulting with
Integreon, who presented their views and a dynamic discussion on
outsourcing. In her blog, Jean subsequently noted her co-presenter's
comment that there has been "an upward trend in professional services
firms choosing to outsource 'non-core' functions." Prior to the
conference, Jean had conducted a survey of attendees to help identify
what functions or services provided by their library were core to the law
firm. For the purposes of the survey, a "core business activity" was
defined as one that supports the strategic value of the service or product
delivered to the market or a client. Based on the survey results, the
response group viewed research and research-related activities as core to the business. It came as no surprise that many functions that were rated noncore for the most part had already been outsourced fully or in part.

So does this leave us with the status quo? With a broad-spectrum strategic view of knowledge, do you simply match talent with opportunity regardless of where it is sourced? Esther Dyson's provocative keynote statement during the 2011 AALL conference may in some ways support this assertion. Dyson suggested that "if law firms don't recognize how the strategic insights and knowledge competencies of Library Executives are core function to the firm's competitive advantage, we should all just go work for Legal Processing Outsourcers who clearly do recognize our talents as core to their business model." Even with the current climate of systemizing and commoditizing legal services as a business transformation model, clients still consider their legal counsel a unique relationship, an adviser, an advocate, and a loyal counsel. The same holds true for knowledge professionals who support this core relationship.

I was fortunate enough to have a conversation with Ron Friedmann of Integreon, which is considered the leader in integrated legal, research, and business support solutions for corporations and law firms. Interestingly, he shared that since 2008 there has been a shift in the perception of outsourcing and offshoring. According to Ron, changes in market conditions are driving law departments and law firms to rethink the strategy of outsourcing and offshoring legal and business support services. Firms are asking themselves: what is the best way to centralize volume work that can be performed in a lower cost center?

Integreon's scalability model is one of shared management and IT. This gives Integreon the ability to scale up or down by drawing upon a pool of skilled people. Process reengineering and continual improvement are also part of the value proposition that Integreon provides. Institutional clients of Integreon are assigned an account executive who aligns with internal resources on each service and delivery line along with their central managers, thus providing depth and predictable outcomes. Integreon's expansive geographic reach and critical mass allow its staff to develop high levels of specialization in functions like document services and of course deep research provided through Grail Research, which the company acquired from the Monitor Group in 2009. As Ron points out, firms are beginning to understand that ownership of a resource or process doesn't lessen the output or service.

Clearly, universal market challenges and global law firm growth are requiring law firm leaders to align "right sourcing" as either an "owned" function that is core to the business or view certain high-volume tasks as noncore and hence an opportunity to delegate. From a library and research center point of view, presenting a case for reallocating resources through centralization, process improvement, or outsourcing a noncore function will ultimately make knowledge and research services the knowledge strategy and value proposition that create a competitive advantage for the firm.

Sources
In today's global business environment, risk is present in virtually every industry, business process, and supply chain relationship. Government regulations have made compliance a challenge, necessitating formal enterprise-wide risk management strategies for all companies. The anticipation of increased regulatory mandates has caused many companies to reevaluate their risk process, which for the most part has been inadequately aligned with business strategy and poorly integrated into business operations.

The market collapse of 2008 outpaced the abilities of companies’ internal systems and risk management to be successful. Traditional capabilities overwhelmed and fragmented most corporate risk management processes and systems. This economic crisis was the ultimate stress test for existing law firm management tactics. Financially dedicated products performed dismally, along with existing alignments between strategy and growth process. Ambiguous risk responsibilities between the firm as a whole and various departments showed a flawed culture that needed to be revolutionized.

According to a 2009 Global Risk Management Study by Accenture, a global management company, present-day management attitudes and capabilities of more than 250 of the world's largest enterprises show the following:

- Risk management and capabilities are not currently equal to today's challenges.
- Risk management is inadequately aligned with business strategy and poorly integrated with business operations.
- The integration of risk management and preventative management is lacking.
- Increased regulation is expected.
- The costs of effective risk management are increasing.
- Outsourcing part of risk management is proving efficient and companies are investing to improve their risk management. There is optimism that strong risk management will drive business performance.

Company departments can no longer operate as silos within their organizations. The old paradigm of managing risk and compliance in a fragmented, department-by-department manner does not relate to a much needed broader risk and compliance policy for a firm. Reactive, “siloed” approaches are lacking the big picture, resulting in complexity, redundancy, and failure for a company. Chief executives on the whole seem to feel that the biggest challenge they will be facing over the next two years will be a need for more rigorous management capabilities, in particular a better risk management alignment with a firm's overall business strategy to include effective collaboration with business units. Also, in the future, risk management officers and managers need to be
more involved in a company’s goal setting, objectives, and performance management.

Inefficiencies in systems and data processing costs for risk management have increased significantly over the past few years (easily exceeding $100 million for a large company with an estimated $50–100 million more for future upgrades). And we can only expect a more stringent regulatory and compliance environment in the coming years. Using information derived from risk assessment and analysis, even though it is a major cultural change for law firms, is seen by many senior executives as enabling a better decision-making process. By protecting value and guarding against failure, risk management initiatives can become proactive versus reactive. As firms increase their investments in risk management, executives need to believe that a strong risk management capability supports profitable growth. It is becoming apparent that an organization’s ability to improve risk management will drive business value only if integrated risk management capabilities are developed, the frequency of risk reporting information is improved, the company readjusts its management performance process, and the risk management team becomes the driving force in value creation.

Surely the financial crisis underscored the fact that significant improvement in companies’ risk management is not just needed, but mandatory, making risk management possibly today’s biggest corporate challenge. The Sarbanes-Oxley Act, passed in 2002, set corporate governance standards for public companies, their management boards, and accounting firms. The law is responsible for organizations increasingly adopting the use of consolidated and harmonized compliance controls, ensuring that companies can no longer permit departments to operate as silos in addressing compliance. Tracking risk in a siloed manner renders companies virtually incapable of assessing and compounding interrelated issues or their risk. Future successful companies will practice a much more holistic approach in meeting government regulatory requirements.

A variety of products addressing governance, risk, and compliance (GRC) have been introduced to the legal industry. Examples include the following:

- Oracle Enterprise GRC Manager, which facilitates a holistic approach to risk management by addressing individual departmental needs with natively built modules.
- SAP ERP, founded in 1972 by five former IBM employees, which consists of several modules whose data is collected and combined to provide enterprise resource planning and which has an aggressive policy of notifying users via emails and white papers of product updates as well as changes in the regulatory landscape.
- IBM's OpenPages, which promises enterprise-wide GRC initiatives (operational risk management, compliance management, financial controls management, IT governance, and audit management) within an integrated platform that will adapt seamlessly to a company's existing risk management system.

Due to the nuances of governmental agency regulations for various practices, be they corporate, environmental, health, energy, or law, it is difficult for one company-wide solution to provide total risk management. Rather a company must purchase and integrate individual solution units for each legal practice identified at risk. For example, Cura Comply, a LexisNexis product, navigates South African regulations. Like IBM's OpenPages, Thomson Reuters Accelus provides a suite of "solution sets," which can be purchased separately. Accelus addresses several aspects of risk management, including corporate board management, compliance training, due diligence, internal audits, and policy management, as well as disclosure and business law. An enterprise GRC enables Accelus regulatory compliance with internal management control. MEGA is a suite that offers comprehensive solutions for GRC, operational risk management, and enterprise risk management. These tools help companies control operations, reduce risks and costs, and increase confidence in overall operations.

In addition, several companies offer management consulting, including Gartner and Accenture. Regardless of which route a law firm takes (and it has been proven that outsourcing may be the most cost-effective manner by which to meet global regulations), customers should ask themselves what is it that the product or service does and what can it offer the organization? Coordinating the linking of complex business systems should not just increase overall risk management costs, but deliver positive bottom-line results.

According to Accenture’s 2009 Global Risk Management Study, in the past, risk management capabilities have been overly isolated and not a full part of the organization. For a company to succeed today, risk management must be better aligned with a company’s goal-setting process as well as fully integrated into all the company’s business units including its culture and management process. Executives surveyed felt strongly that such investments, when integrated, will drive profitable growth for their organizations. Indeed, according to a white paper published by Corporate Integrity, a research, training, and advisory firm providing leadership on issues and corresponding solutions for GRC, managing accountability where a business has a complete system of record, and providing visibility across a multitude of risk and compliance issues, is not a choice these days, but a requirement.

When assessing a possible product purchase, regulatory officers should ask themselves the following:
How do I obtain future proactive insight into the ever-changing regulatory landscape?

How do I connect these regulatory changes to my firm's risk management and overall business strategy?

How do I deliver a relevant set of programs and reports that will provide senior management with the necessary information that will enable informed choices?

As it becomes increasingly clear that governance, risk, and compliance activities are by nature interconnected, four stages emerge in a GRC life cycle:

- Stage one: Identifying, researching, and understanding risks and regulations and evaluating their impact on business strategy.
- Stage two: Developing, implementing, and communicating policies and putting appropriate controls in place.
- Stage three: Managing processes, monitoring changes, tracking issues and loss events, and screening clients and employees, including arranging the appropriate audit trails.
- Stage four: Reporting and disclosure, providing visibility and transparency of information between internal assurance groups.

By using these stages as a checklist, companies will be provided with proactive insight, enabling them to make informed choices and obtain a competitive edge in the marketplace.

Reducing overlapping policies, risks, and control to streamline GRC platforms is pivotal. Getting started on a sustainable GRC strategy requires that a law firm assess its current situation with regard to GRC requirements as well as identify technology redundancies before deployment of new initiatives. One thing is certain, risk and compliance burdens will not be going away.

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Every day each of us is losing memories. Fortunately, electronic memories will soon supplement our biological memories. There are three reasons why this revolution, which Gordon Bell and Jim Gemmell call Total Recall, is inevitable. First, we are already recording more without trying, when we use digital cameras, email, cell phones, or personal digital assistants. Second, cloud computing and other advances are making it possible to store all the information cheaply and conveniently, and retrieve it easily through smartphones or similar devices. And third, the technology to organize, search, and analyze it all is being developed. Making it possible to store all the information cheaply and conveniently, and retrieve it easily through smartphones or similar devices. And third, the technology to organize, search, and analyze it all is being developed.

Beyond simply recovering particular names, faces, or events, we will soon be able to sift through our e-memories to reveal patterns. We won't lose our capacity for self-deception, but the truth about what happened will be clearer and more accessible. While some fear the government using our e-memories to spy on us, a greater risk may be omnipresent surveillance by millions of private individuals, so we will need to develop a whole new etiquette about who may record and when.

Throughout human history, our progress in developing better memory systems has made us the dominant species and led to civilization. Language allowed us to share abstract knowledge across space and time. Writing, and then digital computers, made it possible to store and transmit much greater quantities of information more accurately to more people, and to preserve it for the future. Children today are the first generation to experience Total Recall. They are closely monitored by the parents, both for safety and to create memories of each stage of development. They themselves take digital photos wherever they go and socialize online. They are far less concerned about separating the private and public lives than older generations. Around 1998, one of the authors, Gordon Bell, began to experiment with storing personal information digitally rather than physically, a project he called "MyLifeBits," partly to help lay the groundwork for future commercial products. The experiment was a "three-pronged effort." (p. 29) First, he digitized everything from his past, scanning old paper files and creating electronic records of physical memorabilia. Then he began recording and storing everything he saw and heard. He scanned any bills and documents he received, which took less time than physically filing them. He set his Web browser to capture every page he visited, and he began wearing a small camera on a cord around his neck to photograph events. One of his goals was to make recording as automatic as possible so that he would record more.

The third challenge was figuring out how to organize it all. He first tried the familiar file and folder system, with long and detailed file names. But finding things again was hard because he had to remember where he had put them. He concluded that any successful system will have to use a database with full-text indexing.

Our biological memory actually has three parts: procedural or muscle memory, semantic memory for general knowledge, and episodic or autobiographical memory that stores experiences from our past. Our
brain actually stores memory as a sparse collection of details, which it 
fits in when it recalls the memory later. Memories are therefore 
susceptible to gradual drift over time, and are sometimes radically 
revised (not always consciously or with intent to deceive). E-memory will 
supplement our semantic and episodic memory (but not our muscle 
memory). E-memory has the advantage of accurately recording 
everything and retaining it unchanged over time. It is never 
overwhelmed. It will free our minds from clutter and from mundane 
memorization while helping us remember what counts, serve as a "fact-
checker" for our biological memory, and compensate for our 
absentmindedness. As for painful memories that we would rather forget, 
e-memory will allow us to choose to retain them for use when necessary 
(e.g., testifying in court) while preventing unwanted recall.

At work, Total Recall will help us deal with today's hectic pace, giving us 
instant access to everything even while away from the office or traveling. 
By analyzing work e-memories, we will increase our productivity through 
understanding and modifying our work habits, answer questions by 
instantly looking up facts instead of relying on our biological memory, 
and reconnect more easily with former colleagues. For the enterprise as 
a whole, digital storage and communications make creating and 
retrieving institutional memory too easy and valuable to pass up. 
Everything—internal meetings, memos, email, sales and customer 
support interactions—can be recorded and made searchable and 
available to everyone with similar jobs, creating a common knowledge 
base for problem solving, helping customers, strategic planning, 
inventory control, and everything else. Data mining will be used to 
analyze the knowledge base for ways to improve operations.

Our complete health record will be part of our e-memory. Abundant 
storage will allow collecting and storing data from medical equipment. 
We may wear sensors in our clothing to record vital signs, exercise, and 
diet continuously. In the future sensors may be implanted in our bodies. 
We will record sessions with doctors to replay later. All of this can be 
shared with other health-care providers, reducing duplicate testing and 
improving coordination of care. Other benefits will be increased self-
knowledge, improved health habits, and immediate identification of 
health crises. "Do everything you can to get involved in this potentially 
life-changing and life-saving trend," advise the authors. (p. 189)
Collective benefits will include making anonymous health records of 
populations available to researchers for epidemiological studies.

Total Recall will integrate textbooks and lectures into students' e-
memory for lifelong reference. Students will be able to replay sections as 
often as needed to understand them. Initially, students will record their 
professors' lectures, but soon they will progress to using the lectures of 
the best teachers in the field. They will create electronic portfolios of their 
works, and will analyze their e-memory to understand their learning style. 
Teachers, once freed from lecturing to classes, will pay more attention to 
individual students' difficulties, as observed through the student's e-
memory and portfolio. Teachers will review their own e-memory to 
improve their teaching style. Educational researchers will pool data from 
many students and teachers to better understand learning itself.

In everyday life, Bell and Gemmell foresee that we will be constantly 
collecting digital artifacts: scanned documents, emails, calendar entries, 
and photos. "Carry a camera and snap away," they advise. (p. 187) We 
will create oral histories by recording stories of events during the day. 
We will enrich our e-memories by sharing with family, friends, and 
associates. The individual "lifelogs" we create will survive us and be 
available for our descendants. They will record what we look like; how 
we sound when stressed, relaxed, pleased, or annoyed; and phrases we 
use. In the future we may create lifelike avatars that survive us and 
interact and respond as we would have.

Protecting against loss and decay of data involves replicating and 
backing up everything. Always have two copies in separate locations. 
One way to do this is to "mail the backup to a trusted friend or family 
member who lives far away." (p. 202) Convert files to current formats to 
guard against obsolescence, choosing widely used formats likely for that 
reason to be always supported. Protect your privacy with firewalls, 
security software, and encryption.

We will have to adapt to having more self-knowledge, which could be 
uncomfortable, but successful people confront their shortcomings rather 
than hide them. We will also have to adapt to being recorded by others 
as part of their own e-memories. Lies and antisocial behavior will be 
exposed, and relationships may become less candid. Bell and Gemmell 
expect that custom and law will evolve to require mutual consent for 
recording, and that we will preserve the option to go "off the record" for 
particularly delicate conversations. If courts treat e-memory as an 
electronic diary, they can compel disclosure, as they would in the case of 
a written diary, if it contains information relevant to a case. However, the 
authors note that a court has held that the privilege against self-
incrimination could be a bar to compelled disclosure, which they believe 
offers some hope that the law will evolve toward protection of e-memory. 
In any case, the authors expect in the future to be able to store sensitive 
information in a "Swiss data bank," an actual offshore, encrypted, secret 
account, which you can plausibly deny the existence of." (p. 171)
The goal of this service would be to "protect ... individuals from their 
tyrannical governments," (p. 172) and to prevent liberal governments from 
becoming tyrannical. They expect this service to eventually be 
offered commercially.

If you want to get started making your own lifelog now, you will need a 
smartphone, a GPS unit, a digital camera, a personal computer, and an 
Internet connection. There are services that will, for a fee, digitize the 
documents and photos that you already have, and you can ask to
receive future bills electronically. In the future, continued miniaturization of devices and the development of interconnected home and global networks and of more intuitive user interfaces will make creating e-memories easier. Why would anyone want to do any of this? Because, say Bell and Gemmell, "[e]-memories reveal the meaning of your life." (p. 225)