

Know thy client

The benefits of client relations management software.

You have some extra tickets to a charity auction, and you vaguely recall one of your clients telling you months ago that she loved those kinds of events. But now you can't remember who it was, and there are no clues in the piles of business cards in your desk drawer.

This is exactly the kind of situation in which CRM (Client Relationship Management) software could come in handy. CRM lets you track and sort everything you'll ever need to know about your clients — details about their files, the business projects they're working on, their hobbies, and every piece of correspondence you've sent and received.

"I'm in the middle of researching CRM right now, to see if it will work for us," reports Jamie Niessen, Marketing Director with Burnet, Duckworth & Palmer in Calgary. "But the benefits are obvious: it combines billing, contacts and marketing.



"The information becomes sortable," he explains. "So if you're doing a direct mail campaign to clients in the petrochemical industry, for example, you can instantly come up with a list of exactly who to mail to."

Some CRM programs even use Caller ID, so that when a client phones in, a screen pops up telling you exactly who that client is, the last time you were in touch with him, and other useful information — allowing you to ask how his golf vacation was, or to wish his youngest child a happy birthday.

There are a number of programs available, but the most commonly mentioned names include ACT! (www.act.com), Front-Range Solutions' Goldmine (www.frontrange.com) and Maximizer (www.maximizer.com). The programs are generally available for around \$200 for a single user, or as a firm-wide system for your entire office.

Dennis Kennedy, a Missouri-based technology lawyer, has pointed out that CRM can sort clients into groups, such as which clients are your greatest sources of revenues or referrals. Plus, CRM systems can prevent the neglect of clients by alerting you if you haven't been in touch for six months to a year.

All of this information can — and should — be shared by everyone in your firm. "The quickest way for a CRM system to fail is if it's perceived as just a marketing database," Niessen says. "And it doesn't make sense to spend thousands on software if only a third of your people will use it."

A larger firm likely will have to hire a dedicated data administrator to make sure all of the information in the CRM is correct and up-to-date. But it's worth it, says Niessen. "A well-maintained CRM system can greatly enhance client service. You're able to better understand who your clients are and what they need." **N**

— Jason Tchir

THOMAS DANNENBERG

Quo vadis?

E-mail verification programs are becoming more popular. But are they right for lawyers?

Spam is still on the rise, and lawyers are among the most commonly targeted groups. Now a new anti-spam weapon has arrived: e-mail verification programs and "challenge/response" technology. Products such as Mailblocks, SpamArrest, Qurb and Mail-Frontier use this technology to work with your e-mail client and effectively block computer-generated e-mail from spammers.

On the surface, it sounds great. The user creates a "whitelist" of legitimate e-mail senders whose messages are

admitted directly to your inbox. When an e-mail arrives from an unknown sender, an auto-reply asks the sender to manually verify that he/she is legitimate (the "challenge").

The challenge typically asks the sender to type in a word that is shown in a picture or to describe an image by answering, for instance, "How many bunnies are in this photo?" (the "response"). The idea is that it's easy for a human to answer the challenge, whereas automated systems, such as those used to send spam, cannot authorize themselves.

Once the response is sent, the program will recognize future e-mails from that sender and send them directly to the recipient's inbox. Unverified e-mails are usually stored in a "pending" folder or on a Website for a period of around two weeks.

Although highly effective at blocking computer-generated spam, "challenge/response" technology has its share of disadvantages when it comes to the practice of law, according to Toronto IT and intellectual property lawyer Alan Gahtan.

"I think you could end up alienating a lot of clients," says Gahtan. "Lawyers deal with new people all the time, a lot of whom might use a number of different e-mail addresses." An administrative headache can also arise from having to configure the technology to recognize those automated

services and e-newsletters that you want to continue receiving.

Scariest of all for lawyers, however, is the nightmare scenario: an important document is delayed or never received because it was sent from an unverified e-mail address. You can already imagine the malpractice claim.

Instead of adding to the amount of e-mail traffic by using verification, Gahtan suggests that lawyers use pre-emptive e-mail protection technology (he recommends Postini (www.postini.com)), along with the advanced spam-filtering capabilities of Microsoft Outlook and other e-mail clients.

"Law firms need to focus more on prevention," says Gahtan. "Even the smallest actions can make a real difference when it comes to spam." **N**

— Mark Kuiack

E-Inquiring

An electronic discovery checklist.

Litigation today increasingly requires “e-discovery” — the requisitioning and review of the other side’s information contained on disks, CD-ROMs, e-mails, hard drives and servers. The challenge can be an enormous drain on resources, in terms of both person-hours and expertise.

Martin Felsky, CEO of Commonwealth Legal Inc. in Toronto, is an e-discovery expert. He offers these tips and tricks for undertaking electronic discovery.

Providing

1. Plan early for the discovery of your client’s electronic files. Explain that, by law, discovery includes both paper and electronic documents.

2. Assemble a team — including client rep, client IT expert, and your own

e-discovery expert (in-house or contract) — to minimize the risks of spoliation and non-compliance with rules and caselaw.

3. Ensure your client preserves potentially relevant data. Do not overwrite backup tapes!

4. Never print out files to scan or photocopy. It costs more money and may exclude hidden document data not visible to the naked eye.

5. Do not open files directly. This can irretrievably modify aspects of the file such as date, author and location (some U.S. courts have sanctioned lawyers for this).

6. Don’t give the other side files in their “native format.” The other side won’t



necessarily be able to read them, more information may be revealed than required in the Rules, and such documents are difficult to manage and present in court.

Receiving

Simply sifting through all the received material with a basic search interface won’t get the job done, says Felsky. You need to understand the underlying technology — for instance, editing leaves whom (and when) documents were modified.

Felsky says lawyers on the receiving end of e-discovery should ask:

1. Is it complete and reliable? Do you know what you’re getting and how it was preserved and collected?

2. Is there more? Electronic data contains much more than simple “text” — there’s metadata in e-mail headers, voice mail, PDA files, backup tapes and more.

3. What did the other side do with it? If lawyers on the other side performed keyword searches to sift through the evidence before producing it, find out what software tools they used and whether they were used properly. ■

— K.K. Campbell

Message reçu

Des services Web permettent de faxer sans un fax ou de consulter ses messages sans ligne téléphonique.

Télécopieurs, téléavertisseurs, téléphones mobiles, systèmes de renvois d’appels ou de boîtes vocales ont permis aux juristes de sortir de leurs quatre murs. Se sont ajoutés depuis de multiples services fondés sur la téléphonie traditionnelle ou cellulaire — le plus connu reste le Blackberry — permettant de rester en contact tant par téléphone que par courriel. Dernière évolution : l’usage de l’environnement virtuel qui permet de revampier plusieurs modes de communication déjà existants.

Certains problèmes pratiques liés à l’usage du bon vieux télécopieur deviennent chose du passé lorsque ce dernier est adapté à la mode Internet. Des services de télécopieur virtuel, comme celui offert par *Intelliroutes* (<http://www.intelliroutes.com>) vous fournissent un numéro de télécopieur dédié dirigeant vos fax entrants vers un service de réception automatisé. Tout document télécopié sur ce numéro y est converti en fichier image, qu’on fait suivre à l’adresse de courrier électronique

de votre choix. Vous pouvez donc avoir accès à vos fax à même vos courriels, tout en étant assuré d’être la seule personne à pouvoir en prendre connaissance.

En prime, vous bénéficiez de la possibilité de conserver et classer les versions électroniques des fax reçus sur votre PC, au même titre que les autres documents. Les commentaires du client sur votre projet de contrat, envoyés par télécopieur, peuvent donc accompagner électroniquement le projet et les autres fichiers pertinents au dossier. D’autres services vous permettent aussi d’envoyer parfois gratuitement des fax par l’intermédiaire du Web ou encore d’y disposer d’un numéro sans frais et d’une boîte vocale virtuelle. Ici, le même principe s’applique: vos messages vocaux sont convertis en fichier sonore.

Vous patientez près du télécopieur dans l’attente d’un fax important sans savoir que le client a plutôt décidé de vous envoyer un courriel? Des services comme ceux de l’entreprise américaine *UReach* (<http://www.ureach.com/>) permettent de regrouper toutes vos communications dans une même boîte virtuelle, qu’il s’agisse de messages vocaux, de courriels électroniques ou de télécopies. Certaines compagnies vous offrent même de vous aviser par téléavertisseur de l’arrivée d’une nouvelle missive. Gageons que plusieurs regrettons la belle époque où il était encore possible de trouver une bonne excuse pour avoir loupé un message. ■

— Bertrand Salvas