

## Is the BlackBerry cutting into billable time?

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Greg Turnbull loves his BlackBerry.

And not because it's sleek, sexy and a status symbol. Mr. Turnbull, the managing partner of McCarthy Tétrault LLP's Alberta practice and a well-respected corporate practitioner in Calgary, doesn't need a tech status symbol.

For Mr. Turnbull, as for most lawyers in the developed world, the BlackBerry is the ultimate client service tool. "You are available 24/7. You can be anywhere in the world and satisfy the needs of your clients. I do a lot of international travel, and the BlackBerry is fabulous for that."

But, increasingly, Mr. Turnbull has been worrying about the "dark side" of the BlackBerry. Lawyers have "difficulty in unplugging." BlackBerry-caused interruptions disrupt the flow of meetings, as well as participants' concentration. There is concern that in some cases, lawyers sacrifice thoughtfulness and quality at the altar of the rapid response encouraged by the technology.

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But all of the above is really small potatoes. Here's the killer - Mr. Turnbull has started questioning the effect of the BlackBerry on a lawyer's billable hours.

The question borders on heresy, and not just to the shareholders of Waterloo, Ont.-based BlackBerry maker Research In Motion and the growing legion of its competitors and copycats. As Mr. Turnbull recognizes, the BlackBerry is the ultimate client service tool, trumping traditional e-mail, cellphone, fax and overnight courier individually and collectively. Today's law firms can't imagine how their lawyers could function without them.

"We pride ourselves on being a virtual firm," says Robert Seidel, national managing partner of Davis LLP. "Tools like the BlackBerry help us with integration, growth and teamwork."

Mr. Seidel himself is a heavy user and frequent traveller, and one of the appeals of the BlackBerry for him is the ability to connect with clients across time zones.

Another big selling point is the ability to be productive during previously wasted transit time. "Lawyers can be efficient while sitting around in Pearson [International] Airport waiting for their flight," he says. "It's easy for them to connect with clients, with each other - with their home office if they need to touch base with their assistant."

Absolutely. But the revenue-relevant question is: Are they billing that airport time?

Allison Whyte Nowak does. She's an intellectual property partner with the Toronto office of Ogilvy Renault LLP and a late adopter of the BlackBerry.

"I resisted," she admits. "I was determined not to be someone who did not draw a line between work and home. But it has become the norm, and you do yourself a disservice if you don't have one."

The effect of the BlackBerry on how she works has been considerable. But it hasn't changed the way she docketed time.

"On the billing side, I don't think anything has changed with the new technology," Ms. Whyte Nowak says. "We're trained to capture our time in 0.25, 0.5 increments. Recently I was in Ottawa for two days, and did all of my communication off my BlackBerry. I always bring my docket sheet with me, and

whether I had been working off my laptop or my BlackBerry, when I do something substantive, I docket it."

"If you ever go back and try to recreate your day two days later in 0.25 and 0.5 increments - it's impossible," she says. "You know it's a better practice to do your dockets as you go."

Lawyers know. But do they do it?

Not everyone. Mr. Turnbull sees it in the lawyers around him, within and without the firm. The BlackBerry hasn't turned mid-level performers into high performers. The people who have been high performers pre-BlackBerry are still high performers, and they're working more, juggling more, responding faster. Mr. Turnbull's sense is that there is no corresponding increase in billable hours, and that technologies like the BlackBerry that make lawyers more efficient and more responsive are also making them lose track of billable time.

Sean Weir, the national managing partner of Borden Ladner Gervais LLP, agrees. He doesn't place the blame squarely on the BlackBerry - e-mail as a whole is the culprit.

"I'm working on a client matter, I know I received a file that will assist me through e-mail, I turn to the computer to pick it up, and I find six new e-mail messages, so I spend a few minutes answering those."

Two things happen, Mr. Weir says. First, the ethical and conscientious lawyer won't bill the client for the time he spent checking his in-box, which is as it should be.

But secondly, the lawyer's "stream of consciousness" is interrupted. When he returns to the client matter, he backtracks a bit. In the end, there is inevitably a block of time - six, 10, 15 minutes or more - that doesn't get billed. And when one bills by the hour, those lost five or 15 minute increments of time add up quite quickly.

"Intuitively, I am convinced that e-mail usage is causing us to lose some time," Mr. Weir says.

In the meantime all firms can do is remind lawyers to docket, docket, docket. And they're not alone. Not even the hyper-efficient Big Four accounting firms have nailed down potential BlackBerry time leakage. "I suspect a lot of time doesn't get accounted for," says Bob Martin, a PricewaterhouseCoopers LLP partner in Toronto. "I'm not sure that we as an accounting firm have addressed that issue other than instructing everyone to account for their time properly."

IN THE LOOP, 24/7

Greg Turnbull has an apocryphal story that BlackBerry-toting lawyers use to scare their Luddite brethren.

It's 11 a.m. on a lovely Saturday morning in Toronto. A client e-mails a McCarthy Tétrault partner. No need to mention names; he's still living it down. The partner is unplugged, enjoying life, hanging with his family, maybe (it happens) sleeping in.

He checks his BlackBerry shortly after 2 p.m. Gets excited - here comes a new file, and it looks sweet. Buzzes the client back. And is crushed like a bug: the client waited, impatiently, for three hours, and then moved the file somewhere else. The lawyer at the other firm, the client says acidly, got back to him in minutes.

Unfair? Welcome to the BlackBerry world.

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