

## BUSINESS &amp; CAREERS

# Instant messaging: time waster or saver?

Tommy Richardson, a partner at the Phoenix, Ariz.-based personal injury litigation firm Friedl Richardson, stays connected with everybody else in the firm using Yahoo Messenger.

"This way, we coordinate our responses to clients," Richardson explains. "An associate can IM (instant message) me about how to answer client questions while a client is on the phone. No one in the office needs to put a client on hold."

Richardson joins business people of all stripes, including lawyers, who have discovered the business value of IM.

Friedl Richardson attorneys originally used Yahoo Messenger on their BlackBerrys while outside the office, then started using it in the office "for the efficiency of it." They stick to Messenger since it's a "client-agnostic" system (unlike BlackBerry Messenger) that also works on the firm's com-



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puters and iPads.

While Richardson doesn't mind the "consumer-grade" nature of Yahoo Messenger, he does take precautions. "Outside the office, I'm very guarded as to what shows on my iPad screen," he says, adding "I avoid swapping files using Messenger. I reference file names, I create shortcuts to documents." (Such shortcuts help people avoid unnecessary document duplication.)

When communicating with clients, other attorneys or the courts, Richardson sticks with email.

Susan Nickle, co-founder of Toronto-based e-discovery consultancy Wortzman Nickle Professional Corporation, explains email

(given things like its to, from, and subject line fields) lies somewhere on the "formality spectrum" between a post-dated letter (with the highest level of formality) and IM (with the lowest). "It's a matter of degree," she says.

Richardson recommends lawyers use separate business and personal IM accounts. "The only people in the contact list for my business Yahoo account are people in my firm," he says. "Any accidental 'send' would only go to others in the office."

Unlike Friedl Richardson, Wortzman Nickle staff don't formally use IM in the office, outside of some texting. "IM is best for informal, non-business communication," Nickle says. "It lacks the requisite level of professionalism and formality, and the information may be difficult to retrieve."

That said, people increasingly use IM for business — even if their

See **IM** Page 26



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Some law firms want lawyers to use instant messaging at work.



## JUDICIAL VACANCY ONTARIO COURT OF JUSTICE TORONTO

The Judicial Appointments Advisory Committee advises the Attorney General of Ontario on the appointment of Judges to the Ontario Court of Justice, and invites applications for a judicial position in Toronto.

This appointment involves presiding over primarily family law matters and could also involve travel within or beyond the regional boundaries as assigned by the Regional Senior Justice and/or the Chief Justice.

The minimum requirement to apply to be a Judge in the Ontario Court of Justice is **ten years completed** membership as a barrister and solicitor at the Bar of one of the Provinces or Territories of Canada.

All candidates must apply either by submitting 14 copies of the **current** (Jan 2011) completed Judicial Candidate Information Form in the first instance or by a short letter (14 copies) if the current form has been submitted within the **previous 12 months**. **Should you wish to change any information in your application, you must send in 14 copies of a fully revised Judicial Candidate Information Form.**

If you wish to apply and need a current Judicial Candidate Information Form, or if you would like further information, please contact:

Judicial Appointments Advisory Committee  
Tel: (416) 326-4060. Fax: (416) 212-7316  
Website: [www.ontariocourts.on.ca/jaac/en/](http://www.ontariocourts.on.ca/jaac/en/)

All applications, either sent by courier, mail or hand delivery, **must** be sent to:

Judicial Appointments Advisory Committee  
c/o Ministry of Government Services Mail Delivery  
77 Wellesley Street West, Room M2B-88  
Macdonald Block, Queen's Park  
Toronto, Ontario  
M7A 1N3

Applications must be on the current prescribed form and must be **TYPEWRITTEN or COMPUTER GENERATED and RECEIVED BY 4:30 p.m. on Friday, October 28, 2011. CANDIDATES ARE REQUIRED TO PROVIDE 14 COPIES OF THEIR APPLICATION FORM OR LETTER.** A Fax copy will be accepted only if 14 copies of the application or letter are sent concurrently by overnight courier. Applications received after this date **WILL NOT** be considered.

The Judiciary of the Ontario Court of Justice should reasonably reflect the diversity of the population it serves. Applications from members of equality-seeking groups are encouraged.



## POSTE À POURVOIR AU SEIN DE LA MAGISTRATURE COUR DE JUSTICE DE L'ONTARIO TORONTO

Le Comité consultatif sur les nominations à la magistrature conseille le Procureur général de l'Ontario sur les nominations de juges à la Cour de justice de l'Ontario et invite les personnes intéressées à présenter leur demande au poste de juge à Toronto.

Cette nomination consiste à présider des causes principalement le droit de la famille et pourraient exiger des déplacements dans les limites du territoire régional, selon les directives du juge principal régional ou du juge en chef.

Pour pouvoir poser sa candidature à un poste de juge à la Cour de justice de l'Ontario, il faut, comme condition minimale, avoir été inscrit comme avocat-plaidant et procureur au barreau de l'une des provinces ou de l'un des territoires du Canada **pendant au moins dix ans**.

Tous les candidats et candidates doivent poser leur candidature soit, dans le premier cas, en présentant le Formulaire de renseignements sur le candidat/la candidate à la magistrature **courant** (jan 2011), soit en envoyant une courte lettre (en 14 exemplaires) si le formulaire courant a été présenté au cours des **12 mois précédents**. **En cas de changements à apporter à un formulaire déjà envoyé, le candidat ou la candidate doit envoyer à nouveau 14 exemplaires du formulaire de renseignements corrigé.**

Si vous voulez poser votre candidature et que vous avez besoin d'un Formulaire de renseignements sur le candidat/la candidate à la magistrature courant, ou encore si vous souhaitez obtenir de plus amples renseignements, veuillez communiquer avec :

Comité consultatif sur les nominations à la magistrature  
Téléphone : (416) 326-4060 Télécopieur : (416) 212-7316  
Site Web : [www.ontariocourts.on.ca/jaac/fr/](http://www.ontariocourts.on.ca/jaac/fr/)

Toutes les demandes envoyées par service de messagerie, par la poste ou en main propre **doivent** être soumises à l'adresse suivante :

Comité consultatif sur les nominations à la magistrature  
a/s Ministère des Services gouvernementaux - Services de distribution du courrier  
77, rue Wellesley Ouest, salle M2B-88  
Édifice Macdonald, Queen's Park  
Toronto (Ontario) M7A 1N3

Les demandes de candidature doivent être déposées par l'entremise du formulaire prescrit courant et DACTYLOGRAPHIÉES ou CRÉÉES PAR ORDINATEUR et **reçues au plus tard à 16 h 30 le vendredi 28 octobre 2011. LES CANDIDATS ET CANDIDATES DOIVENT FOURNIR 14 EXEMPLAIRES DE LEUR FORMULAIRE OU DE LEUR LETTRE DE CANDIDATURE.** Une télécopie ne sera acceptée que si 14 exemplaires du formulaire ou de la lettre de candidature sont également envoyés par service de messagerie de 24 heures. On n'accordera **AUCUNE** considération aux candidatures reçues après cette date.

La magistrature provinciale doit refléter raisonnablement la diversité de la population qu'elle sert. Nous encourageons les membres de groupes de promotion de l'égalité à présenter une demande.



## BUSINESS &amp; CAREERS

# Instant messaging can be 'double-edged sword'

## IM

Continued From Page 25

companies don't realize it. Nickle wrote a records-management policy for a company whose executives, unbeknownst to IT staff, were using a messaging tool to communicate with each other about substantive issues.

"They had not enabled the automatic 'save' feature," Nickle recalls, adding that they "flipped the switch" once they realized

what executives were doing.

Some companies waffle about whether to enable IM. "People will use it anyway," Nickle states, especially people under 30 who commonly forego phone calls for IM.

"This is a big cultural shift, and important for businesses that want to retain young people," Nickle says.

The demographic stereotype isn't entirely accurate. When we spoke, Nickle was using a loaner BlackBerry (hers had recently

"died") on which she had not set up BlackBerry Messenger. "My friends, who are in their 40s, complain bitterly that they can't reach me by BBM. I'm fully accessible by email, and they hate it."

"If I had BBM when I was a teenager," Nickle admits, "my parents' phone would have been all their own."

The immediacy of IM can be a double-edged sword. "People get mad if they send somebody an email in the morning and they

haven't received a reply by the afternoon," Nickle notes. "The problem with IM is that people can tell if you read your message, and people get cranky if you don't respond immediately."

"Sometimes you want to think about what your response is going to be, or you quickly glance at the message and choose to deal with it later, but the fact that you glanced at it is confirmed at the other end."

Chuck Rothman, Wertzman Nickle's director of e-discovery

services, claims some organizations want to improve staff efficiency by mitigating "immediacy." For instance, some companies set up SharePoint sites people can check on their own time. "It's like Facebook for corporate," he says.

Want to learn more about IM? "IT people don't bite," Rothman wryly notes. "You can actually talk to them. They're a great resource."

### Effectively using IM

Setting out policies and guidelines can help your firm use IM to improve its performance.

Rothman warns against focusing policies on current technologies. "Several years ago, IM was for kids and IT geeks, and now it's common practice," Rothman says. "Five years from now, there may be new technology on the horizon."

"People need to stop thinking about the method of communication and think more broadly about the content communicated," Nickle adds.

Wondering how IM can fit into your work? Consider the following tips from Rothman and Nickle:

### Use IM for brief communications only

Just as email is not always the appropriate medium for formal correspondence, IM is not suitable for all types of communication. Use the phone, schedule a meeting or use some other method to discuss weighty issues.

### Don't use IM to deal with conflicts or contentious issues

Since personal feelings and tone are difficult to convey in written form, IM may exacerbate rather than quell conflicts.

### Control the technology, don't let it control you

You can spend your day jumping from one conversation to the next, or you can make yourself unavailable for periods of time each day. Conversely, respect others' status. They aren't ignoring you if they don't respond immediately.

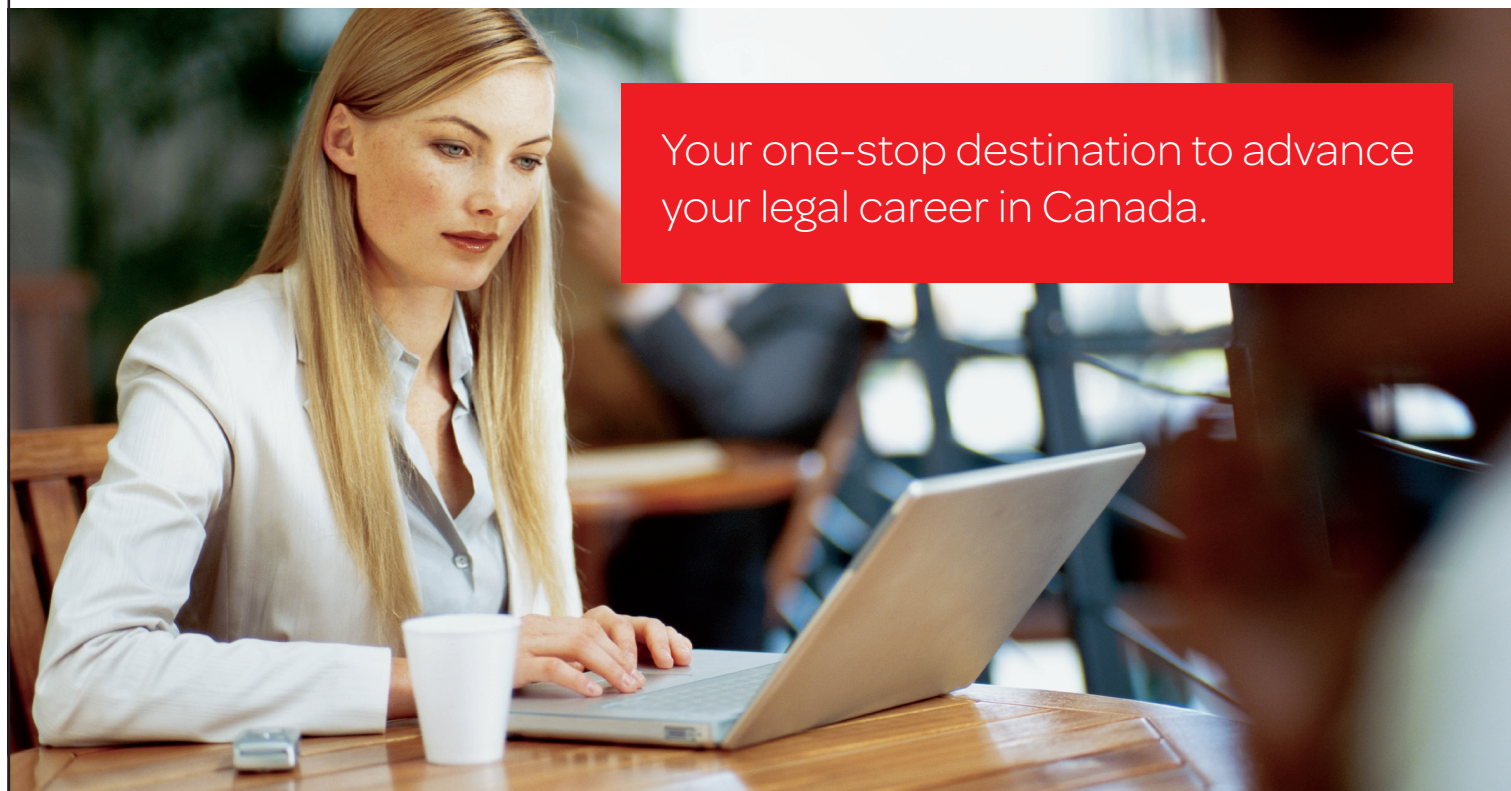
### Save the transcript

It is difficult to determine whether a conversation will be a business record before you start said conversation. A simple "Are you going to the meeting?" may turn into something substantive. Keep IM logging turned on so that you retain all business communications.

### Use emoticons sparingly

Emoticons are cute when chatting with your kids, but have no place in a business environment. Remember, business records (including IM) can be discoverable. Do you want that little happy face displayed in court? ■

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