



Todd McKendrick



# The Business of Law

**T**here's a joke that practising law is like being in a pie-eating contest where the prize is more pie.

Like many jokes, it's funny because it cuts close to the bone. The longer I'm in practice, the more I wonder if there's a better way.

Wondering is how I ended up a lawyer. Many lawyers will tell you they backed into their decision to become a lawyer and that was certainly the case with me. My decision to go to law school sprang from not feeling quite done with a philosophy degree. At the time, studying law seemed a good complement to philosophy, seeing arguments in a more everyday application.

To be honest, I didn't like law school very much and, at the end of it, I was pretty sure I didn't want to be a lawyer. I decided to article in a firm, though, to "finish off" what I'd started. I was pleasantly surprised by the practice of law—particularly the problem-solving aspect and so I was, and am, happy to stay in practice as a lawyer.

Seeking creative and effective ways to solve real problems is one of the most enjoyable aspects of a career in law, but there are others; I am constantly impressed with the intelligence that almost everyone in the practice of law brings to their efforts. I often haven't agreed with them and sometimes it's tough to like them. But when I find myself in that situation, I try to recall the lessons I've learned from past mistakes in letting those thoughts interfere with my respect for what they're trying to accomplish.

Practising law also presents an endless variety of new issues. After more than 15 years of practice, it remains the case that almost every day I am in some conversation I couldn't have dreamed up. Over the years I've had the pleasure of practising in many areas—banking law, insurance law, criminal law, family law, and now as counsel for The Society of Notaries Public of BC—you name it.

**Wondering is how I ended up a lawyer.**

I am increasingly interested in the business of law. A few years ago, I completed a Master's degree in business administration that was, as they say, a real education. Prior to that time, I had a vague appreciation for management, but no idea that it has been studied for a hundred years and came with its own history, theories, tests, and formulas.

This is an exciting time to be practising law if you are interested in the business side of practice. By "exciting" I don't necessarily mean pleasant, depending on your tolerance for change. You can't help but be aware that technology provides as many problems as solutions and that our use of it has in many ways enslaved us.

Some aspects of practising law are non-negotiable; clients have to be assured that we are trustworthy; they must be able to count on someone looking out for their interests and no one else's; they must get value for their dollar.

The practice must evolve, though, to

meet the fact that clients also come to us generally more knowledgeable than in the past, with ever more immediate demands and beleaguered by endless decisions they have to make in a very complex legal environment.

The business of law is understanding and reconciling clients' interests with the practitioner's duties in a valuable way. The value has to be communicated and understood by the client, while adequately compensating a Notary or lawyer for the skills and effort used for the client's benefit.

There are more tools every day to make this happen. The trick is to look after the business of law while immersed in getting the legal work done. That's a tall order. I guess that's one of the reasons it's worth tackling.

I'm sure it's not possible to do this alone—it requires lots of talking with clients and other professionals, thinking, and experimenting.

If you do have it figured out, give me a call right away—I mean, I like pie but too much of it makes me sleepy. ▲

**Todd McKendrick**, associate counsel with Macaulay McColl and counsel for The Society of Notaries Public, was called to the Ontario Bar in 1990 and the BC Bar in 1995. He earned an MBA from Queen's University in 2002. Todd serves on a number of committees with the Canadian Bar Association and Law Society of BC.

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