

# Fall of the 'ancien régime'?



Michael Bradley

>> LAW FIRMS

YOU know it's getting serious when the acronyms start to fly. Recently I've read about both AFAs (Alternative Fee Arrangements) and ABMs (Alternative Billing Methods). We urgently need an NAA (Nationally Accepted Acronym).

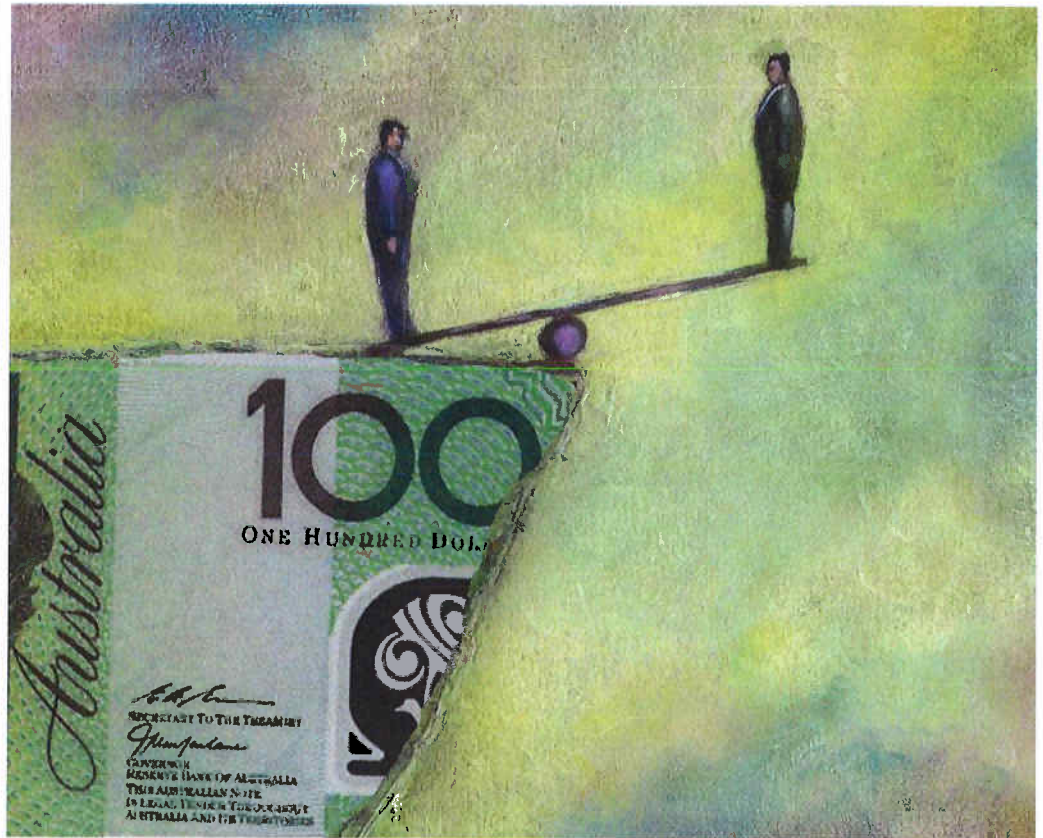
The enemy has thus been named, and that's significant. The *ancien régime*, battered down in their high rise palaces, have sensed for some time that their carefully constructed and magically resilient societal structure is coming under threat from a force they little care to understand but can now identify.

Like the French aristocracy, they know what works for them, and it's been working that way since long before they inherited their titles.

What rational objection could there be to a system so benevolent as charging for services by the hour, underpinned by a linear progression from serf to noble (or even king!) within a scant decade or so, provided certain objectively measurable standards are met along the way? It all worked perfectly for so long and could have continued forever...

But the low hum from the street gets harder to ignore. Blaming Bloody-Gen-Y is a little passé, and they're not the ones complaining about being charged by the hour anyway. No, the clients are getting restless and won't be mollified by cake. Or even biscotti.

Feeling slightly besieged from within and without, the established order has moved into defensive mode. There is strength or at least comfort to be found in conformity, and so far the unified



*The enemy has been named. Alternative billing methods are making the so-far resilient time-billing champions very uncomfortable. Just how serious is the inconvenient attack on the old order, Michael Bradley asks.*

response has been one of keeping the windows closed and floating the occasional insistence that time costing will never die. Good to read in this very journal that 93 per cent of law firms are still doing nothing else.

***Like the French aristocracy, they know what works for them, and it's been working that way since long before they inherited their titles.***

History attests to what happens to those who withstand its progression by pretending it isn't happening. Just ask the Aztecs.

It's perfectly understandable why the legal profession would

want to believe that this presently inconvenient attack on time costing will lose steam and go away, because they're not well placed to consider anything else as a way of life.

And not every trend is unidirectional, some do turn out to be just a seemingly significant but ultimately pointless distraction, like Celine Dion.

So, while there's a timesheet there's hope, and the *ancien régime* could wring out another decade of hourly billing before the guillotine finally falls on the last exposed neck. Time enough for the baby boomers, who invented all of this in the first place, to reach a safe retirement in the Southern Highlands, leaving the problem of reinventing society to poor Gen X.

How is this going to play out? I'm backing ABMs to gain dominance over AFAs as the

AOC (Acronym of Choice). Then look out, TCBs (Time Costing Behemoths), it's on.

***Michael Bradley is managing partner of Marque Lawyers, voted Australia's Coolest Law Firm 2009. Admired and disregarded by its peers in equal measure, Marque is busily rewriting the rules of legal practice with youthful glee and a wide screen TV. Marque is law, done differently.***

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