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The eValueators: Thoughts on the Evolving Nature of “Value” in the Business of Legal Services

By Cash Butler and Jeff Kruse

Contributors: Nadine Lilienthal, Laura Mörschburger, Nancey Watson, Thabo Magubane, Adv. Edo Bar-Gil, Karol Valencia, Heidi Turner, Jon Whittle, Nicolene Schoeman-Louw, Sarah Ouis, Mohamed Emam, Nick Tiger

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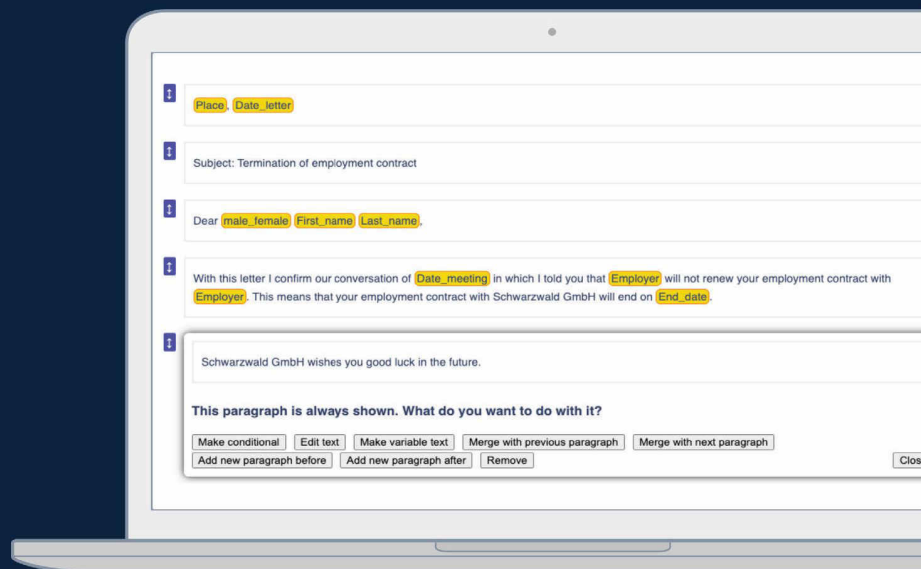


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Issue #2

One Magazine with 170 Pages on the Business of Law in 2 issues

We are honored with our growing readership and sharing an increasing amount of outstanding contributions to the business of law. To accommodate our readers, we have divided this eMagazine into two issues. This makes it easier to scroll thru the vast amount of great articles, especially for those using tablets and other mobile devices.

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Joek Peters | CEO | President
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jpeters@legalbusinessworld.com
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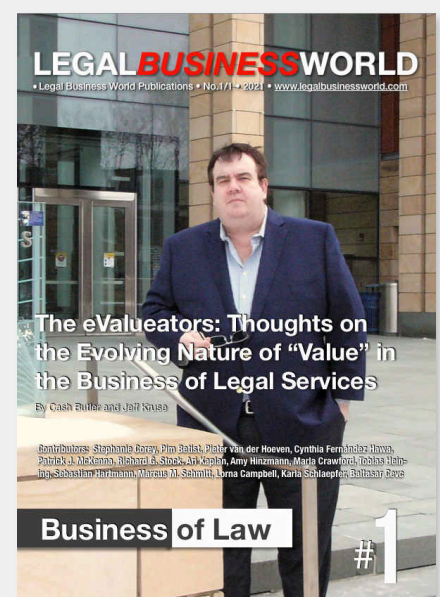
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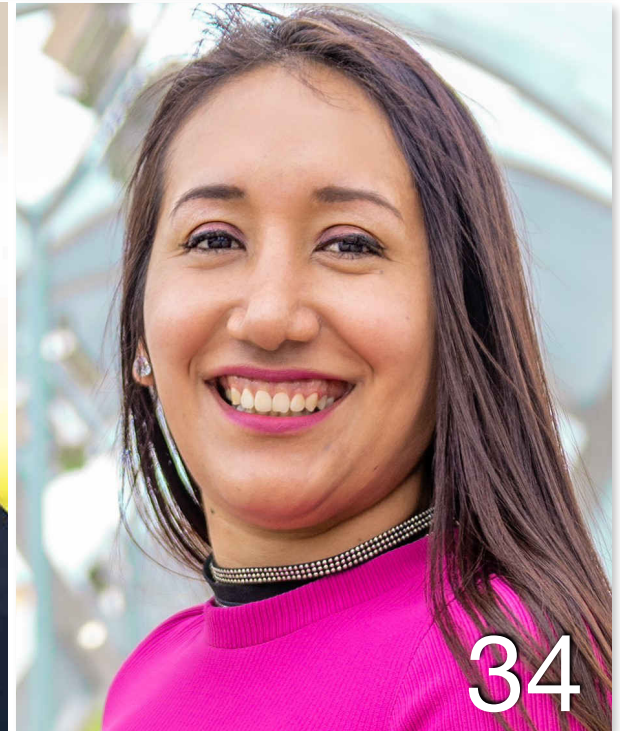
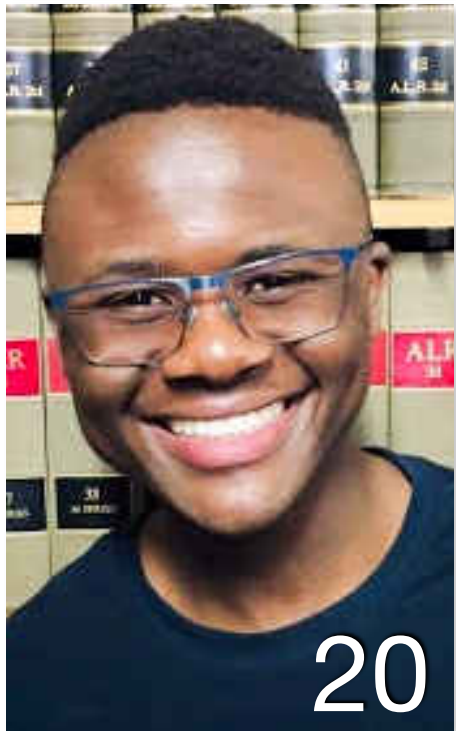
Design & Layout

LateNight studio's
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Contributing Photographers:
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Legal Innovation

BOOST LOADING



please wait...

Six ways to boost legal innovation in a law firm... *For real!*

By Nadine Lilienthal (l), lawyer, co-founder Legaleap, and Laura Mörschburger (r), psychologist, co-founder Legaleap

Many partners in law firms feel by now that digitization is about more than buying the next hot legal tech tool. The legal market is awakening to the fact that real change requires a cultural shift in the law firm towards a collective innovative mindset. Here are six levers for a holistic approach to make a law firm a legal innovation star:

1. *Raise awareness for the need to evolve*
2. *Build your Legal Innovation Team*
3. *Clarify where you want to go*
4. *Communicate like a pro*
5. *Free the way by removing obstacles*
6. *"Rome wasn't built in a day" - And why this tune sums it up*



1. Raise awareness for the need to evolve

Show people why they are personally affected: For change to really happen, employees need a high level of motivation. In other words, they need to be aware of the need to evolve. To sustainably digitize a law firm, its management and employees must know why it is needed to "change what has always been done that way". This awareness may be triggered by external factors such as long-term clients and legal departments whose calls for progress are getting louder. It is essential that everyone in the law firm's workforce is informed about the bigger picture: Change is the cure to stay successful in the legal market.

Above and beyond, it is especially important to show employees why evolving is important for them and how they can personally benefit from it. What employees care for is the personal effect on their own job. To gain the support all employees concerning the idea of digital transformation the risk for each person individually needs to become clear. Meaning it needs to be tangible for every employee to understand what might happen to its own workplace and working environment, if no action is taken.

Roundtables & newsletters: In practice, at this stage a law firm can foster awareness through providing general information on the digital developments in the legal market, e.g. impact of new technologies, disruptive new business models and more. This information can for example be provided by having roundtables with presentations and discussions and addressing such topics in internal newsletters.

The disruption of the legal market - as it happened to various other industries in the last years - is on the verge of a breakthrough that might trigger fear in some employees, likely leading to the denial of any need for change. From a psychological perspective this is a rather normal human reaction. There is no point in arguing with this position, raising awareness for the need to evolve is an internal process which takes time. What you can do is address these reactions by asking questions such as: "What are your concerns?" The resulting collection of concerns can later on be used for the communication strategy (see below 4.

2. Build your Legal Innovation Team

Your voice in the hallways: A team of people with a high degree of social influence in support of the cause is key to succeed in digitizing the law firm and making it fit for the future. The team members can act as "Cultural Ambassadors" in the hallways and in day to day employee interactions. They can ensure that during internal discussions around legal innovation and change projects, the need for targeted action is constantly highlighted. Unlike companies, law firms have less employees and meanwhile many high-ranking ones. Thus, it is even more important to get everyone on board to successfully make the law firm excel in legal innovation.

Gather a group of interdisciplinary heavyweights and influencers: When building the team you can start with an analysis of highly influential employees and the most important stakeholders in the law firm. Highly influential employees may also include

employees lower in hierarchy which are exceptionally well connected, express their opinions or have expert knowledge on legal innovation. It is recommendable to build an interdisciplinary team which could include e.g. an employee from IT/marketing/HR, secretarial staff as well as lawyers ranging from Associate to rainmaker and Senior Partner.

3. Clarify where you want to go

Vision - A law firm's North Star: A vision is more than the economic targets of the law firm in the upcoming year. By vision we mean a plan for the future in this context, creating a picture of where you want to go made up through the foresight of a multifaceted team, considering future trends. With a clear vision you can direct the course of the law firm. Employees receive guidance and orientation from a clear vision and it allows them to focus on what really matters to the law firm.

One sentence that helps you to find your vision: The Senior Management and the Innovation Team of a law firm must be part of creating the vision and ideally consult with groups of other stakeholders within the law firm as well. You may find your vision e.g. by filling in the following statement:

*If the digital transformation of our law firm is successful, five years from now we will.....
.....by.....
.....*

4. Communicate like a pro

Avoid silos and get everyone to move as one: Communication can align actions by

making sure all employees move forward in one direction. If partners in a law firm do not communicate about (the status of) their digitization projects, silos occur. Over time this can create a massive loss in efficiency, if every practice area develops their own solutions. This can be avoided by communicating the common vision for the digitization of the law firm and thereby ensuring that all employees move forward as one.

Broadcast diversely, meaning in a way that people with varying needs will understand you: We recommend to divide the communication strategy in two parts: A "General Communication Strategy" to provide transparency and communicate the vision. The aim is to inform everyone in the firm about the current status of the digitization process and the way into the future. The second part is "Key Stakeholder Talks" for partners or influential stakeholders in the law firm who have not been part of the vision process.

Ideally the **General Communication Strategy** starts with an unforgettable kick off event to raise awareness and in a best case scenario makes people want to participate in the upcoming change process. Following this event the employees should ideally be constantly informed about the digitization process. Psychologically, transparency gives people a feeling of control which is important for a smooth transitioning into new processes and ways of working.

The **Key Stakeholder Talks** are one-on-one meetings with rainmakers, potential opponents of change and other influencers with the desired outcome of getting these stakeholders

on board for the digital transformation journey. From a psychological perspective a good way to address the concerns of varying personality types is the **Big Five model** by Robert McCrae and Paul Costa. It measures personality traits such as openness, conscientiousness, extraversion - introversion, agreeableness and neuroticism. Here are three examples of what this model can help you with:

- a. **Low and high openness:** Someone who is low on openness will very likely feel overwhelmed by the pending digital transformation. Here it helps to communicate with these individuals to outline what will stay the same and that only certain, limited areas are going to be affected by the change. Contrarily, if you speak with a stakeholder who is high on openness, her acceptance can be increased by asking this person to contribute ideas.
- b. **High and low conscientiousness:** People who are highly conscientious need explicit instructions. They are great at following directions, whereas people who are low in conscientiousness will get frustrated by too many details. They prefer to figure out their own ideas and solutions.
- c. **Extraverts and Introverts:** Extraverts are great communicators so you may collaborate for making the vision and ongoing process known in the law firm. Introverts on the other side are more likely to contribute to the digitization project, if they have the opportunity to work in a small team and have time to process the information before they are asked to contribute ideas.

5. Free the way by removing obstacles

The braking effect of old processes and structures: If you pay no attention to removing obstacles, it is possible that the change intent fizzles out. Obstacles may result from internal processes and ways "things have always been done" which create a suction effect for the employees to continue acting that way. This is particularly relevant, if your law firm lacks managerial encouragement and visible support for the change.

A set of questions to identify obstacles and ideas on how to tackle them: You can start by raising the question: "What is most likely to get in the way of succeeding with our law firm advancing in digitization / legal innovation?" By asking this question you can identify obstacles who are likely to occur. Two examples of typical obstacles likely to occur and how you can proceed from there:

- **What keeps employees from fostering digitization / legal innovation in the law firm?** One possible obstacle could be a billable hour system which prevents employees from investing time in supporting the law firm in legal innovation projects, this may even stop them from learning how to use a legal tech tool. These problems should be solved to avoid progress constraints. Creative, workable solutions that are most suitable for the situation in your law firm could include a brainstorming workshop carried out by the Innovation Team.
- **Do the employees have the necessary skills or do they need further education?** A lack of skills can be a huge obstacle

and may effectively hinder any progress. Thus, this lack needs to be addressed e.g. by additional IT support and/or training.

6. "Rome wasn't built in a day" - And why this tune sums it up

Please note, that from a psychological perspective it is normal that creating a cultural shift takes time and employees may fall back into old patterns and behaviours in the first months. To limit this effect, it is important to make old behaviours less attractive and new behaviours easy to adopt. This may include appreciation for the employees who adapt quickly to the change. It is also essential to have a culture where it is ok to fall back (and restart), this makes it easier for people to change their patterns.

All in all, during a cultural shift it is a good time to train the nearly forgotten virtue of patience. You may do that by humming the tune "Rome, wasn't built in a day".

About the Authors:

[Dr. Nadine Lilienthal](#) and [Laura Mörschburger](#) are the founders of Legaleap. Legaleap is a German company providing training and coaching for law firms on strategic reflection at the intersection of legal innovation and client needs, supporting lawyers to adapt to rapid changes. For more information please visit Legaleap's website: <https://www.legaleap.de/> They host the podcast "Zukunft Rechtsmarkt" on business models and skills needed in tomorrow's legal market.

Dr. Nadine Lilienthal is a lawyer, former General Counsel of a medium sized enterprise and with her team responsible for 15 international entities, previously an attorney of a magic circle law firm.

Laura Mörschburger is a psychologist, experienced DBVC certified coach and trainer for multinational corporations and university lecturer on Personnel and Organizational Development.

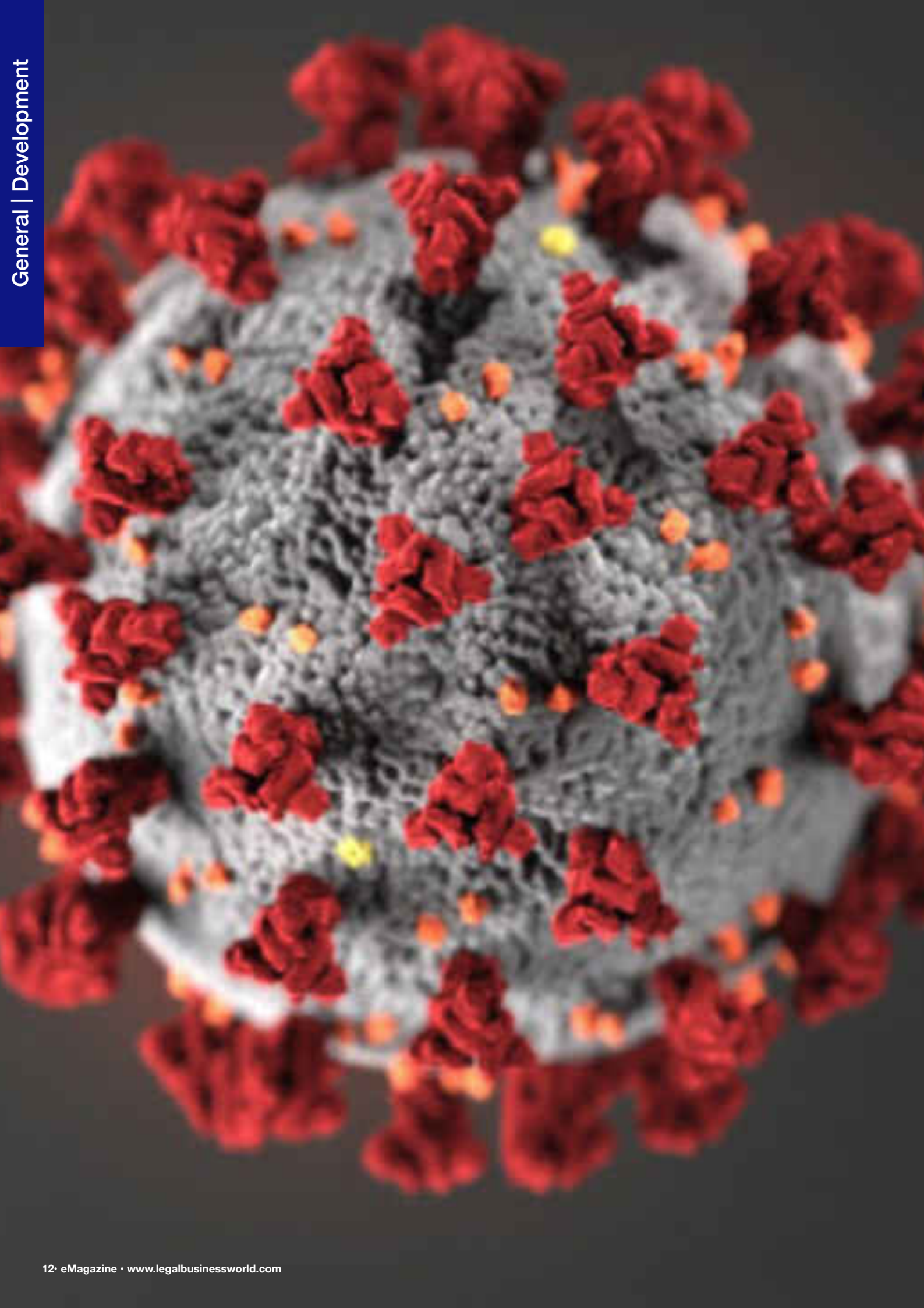


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The Impact of COVID-19

on the Future of Legal Services Delivery

By Nancey Watson, President of NL Watson Consulting Inc.

I would like to present a 360° perspective on the delivery of legal services and the impact of COVID now and in the future from in-house counsel, legal operations, law firms, and my observations working with both parties.

Before COVID became a household word I saw an increase in the request for information about technological capabilities in corporate Request for Proposals (RFPs) particularly for large firms. Most RFPs had a detailed section on technology but mostly focused on cost savings and not as a communications tool. Previously “virtual meetings” were just a bullet point under “client communications”. Now IT is a full-blown section in an RFP. Due to COVID the surge of technology needs left firms reeling with huge, unexpected costs to improve their client service delivery methods.

Both law firms and their clients needed critical upgrades overnight. Many firms were caught off guard and had



massive challenges to adapt and deliver any service. Firms were forced to rapidly adopt remote and virtual service technology.

Medium-sized and smaller firms were lagging behind in technology. Updates to methods of communication and technology moved slowly. IT was primarily used to connect with clients via web portals. Many firms were unprepared, and budgets needed to be adjusted immediately. IT staff were under the gun and often lacked the expertise to bring firms up to speed overnight. Technology consultants had more work than they could handle.

I think a big part of how the market has adjusted has had to do with technology. Technology tools and various software applications, like DocuSign, Virtual deal rooms, web forums like Zoom, MS Teams, all have transformed how clients deal with firms now and likely post COVID.

Clients, and most firms, have come to realize that technology and digitization is making processes more efficient and expedient. We are all more connected than ever before. Many lawyers who have been working from home are surprised how much more productive they have been working away from the office. One lawyer said how liberated she has felt since she has reclaimed the two hours of her commute time and despite some distractions at home, the lower stress level (minus of course COVID) has been welcome.

Trends in Service Delivery Models and Client Relationships

Along with technology, upgraded security has been a growing concern within the legal com-

munity. It was not taken as seriously pre-COVID as it is today. With employees and clients working from home it has become a tipping point for many clients.

RFPs now have lengthy sections about how they want to work with law firms during COVID. Expectations are much higher for personal attention, and there are more questions about strategy for example: mapping out a scenario on how a firm would approach a particular issue are becoming more common.

Communication, delivery of information and how transactions are being managed have moved many away from the paper world as we have had to learn to adopt to digitization and automation in a very short period of time. Firms are having to accommodate their client's business needs, so that if a client is going paperless, the firm will have to accommodate part of their practice to comply with a client's requirements. Whether we want to or not, we are all having to take a big step into the digitized world.

Going forward, the digitization of documents, e-signatures, automation around servicing clients will become entrenched with many clients and consequently their expectations will be passed onto their service providers.

I think it will be hard for the legal marketplace to go back to their old ways as corporate clients will increasingly push to move into the digital world because of market demands from their customer base.

I think that many legal departments in the corporate world will be looking to continue

this trend (post COVID) as they continue to review many of their traditional business operations and procedures with a view to optimize and make processes more efficient and effective.

From a corporate client's perspective, I am hearing of law firms increasingly looking inwards to transform their business procedures with a view to making themselves more efficient and effective.

COVID has been a catalyst for increased 'belt tightening' as we are all moving through a very uncertain economic period over the next 12 months. As clients look to create cost savings and contain costs, this may impact revenues streams for some firms. Consequently, firms will need to do everything they can to mitigate against lower revenue.

Some law firm CFOs have said that they are looking at their marketing budgets, resources, outsourcing arrangements and other (non-traditional) practice areas to either improve margins or bolster revenue. The immediate uncertainty of COVID forced many law firms to downsize staff and forced law firms to find immediate efficiencies – as legal services demand in certain practice areas remained high and, due to COVID, other services such as litigation, recovery, commercial restructuring, and insolvency, even higher.

And, as most firms look to their receivables as their principal source for generating profits, this area may be especially challenging for a firm if it is looking to increase its hourly rates given an economically challenged environment brought on by the pandemic. What may

impact more firms over the next 12 months is an increase in corporate clients utilizing competitive bids as clients look to source large, backlogged volumes of transactional work to newer service providers at more competitive rates.

There is an increase in competitive bids amongst some industries with some clients wanting to take advantage of COVID to negotiate better pricing arrangements. Cost estimates are being asked for more often – a well thought out mutually acceptable cost estimate can mitigate missteps that may occur in many relationships. Some companies are starting to utilize cost estimates as quick competitive bids like a “mini pricing RFP” when they are looking to hire a firm for a particular matter. I have seen in-house counsel send a cost estimate template to multiple firms to solicit bids. In those instances, it's usually only about price and wanting to “understand the math” that went into the quote.

Post-COVID

Once the bar has been raised clients will expect great strategic advice and proactive communication. They will not give it up. If they don't continue to get it, they will switch to the firms and lawyers who provide it. The good news is, they will become more reliant on good strategic advice from great lawyers. And will likely continue to ask for more crisis-type assistance – and they won't resent paying for that kind of advice.

One of the biggest areas I work on with my clients is pricing. Not to belabor the point, but once again cost estimates are getting more important because they allow everyone to be

more transparent. Clients want to see the methodology behind the pricing proposals that firms put forward. This is becoming increasingly more important given the increased competitiveness because of COVID. Clients, now more than ever before, are under increasing pressure to control their costs. They want to have a higher level of assurance that the pricing they get from a firm – whether it’s in a cost estimate proposal – or a formal RFP – that the proposal is based on real data and not a gut feeling.

In terms of winning more work from existing clients or winning new clients, firms should be prepared to provide their clients with an assurance of their stability, commitment to information security practices, willingness to adopt to new technology and business practices, commitment to support a client’s operational requirements and service level expectations.

If they participate in a competitive bid process, or are approached in a pricing negotiation, I think it’s important for a firm to illustrate how they can assist a client well beyond its pricing arrangement. Value added services have become increasingly important to clients who are looking to establish long historical partnerships with firms who can add to a relationship and not only focused on the price/revenue component.

Provided that many of us will be working from home for some time to come, I think we will see an increased focus on information security. It will become table stakes for many corporate clients. They will not be very tolerant if mistakes are made or if a firm is sub-optimally

prepared. Firms will be expected to make greater investments in this area as we move through COVID and beyond.

How has COVID Impacted Competitiveness in the Legal Marketplace?

Pricing is still a high priority for corporations. So, my advice to law firms would be get the data correct, have it supported by historical information. Be sure you pay attention to how you deliver your services and, as always, ensure the highest quality of service. Legal departments are looking at pricing templates to be able to compare apples-to-apples when it comes to comparing pricing of matters and for transparency. Alternative Fee Arrangements (AFAs) will increase particularly as firms are offering AFAs more frequently now than before.

I keep my ear to the ground and have heard from reverse auction software providers that more companies are looking for reverse auction capabilities. Procurement professionals who would have scoffed at reverse auctions a year ago are now taking a second look due to COVID. The marketplace is ripe for reverse auctions. I recommend that law firms get prepared.

COVID has forced new processes for law firms and has forced open a new front for legal competition. Law firms can find advantage in costing/service delivery and springboard from crisis to expand legal work. The pandemic has not substantially impacted demand for all legal services however, as economic stimulus measures subside or if there are more COVID-related shutdowns or slowdowns due to more waves and variants, we can anticipate

shrinking legal demand as some clients fail or shrink in size.

Highly transactional and commoditized work may see some pricing pressure from larger institutional clients who may want to nail down pricing for a longer term beyond 12 months as we ride through the pandemic. Firms should look at creative ways to approach pricing if they want to differentiate themselves from others and stay competitive. Corporate clients are implementing moratoriums on pricing and % rate increases.

Technology has enabled many firms to handle a large influx of highly transactional matters at a lower cost. Firms must be prepared to negotiate and demonstrate value outside of hourly rates, value added servicing and adoption of technology. There is a focus on pricing during RFPs and cost estimate proposals. Firms need to get it right and understand their clients. Convergence strategies are also being deployed, paring down panels.

I have heard from law firm CFOs that they are treading very cautiously on this topic with their clients. I think every client is different and any decision depends on where the client and law firm are on their partnering journey and what is considered fair and reasonable, given the circumstances we are all in.

If a firm is participating in a competitive bid process, I think they should seriously review their economic position and not feel compelled to race to the basement on low rates just for the sake of winning a bid. Many times, firms shoot themselves in the foot after they begin an engagement and realize that their

pricing arrangement is not economically viable for the firm and may not be sustainable.

On the topic of pricing, I think a lot depends on the type of relationship a client has with its law firms. In some areas, such as transactional commoditized work, there may be opportunities to revisit rates, but in other areas clients may feel a need to stay where they are. Regardless of the strategy I believe on highly complex matters where senior professionals are typically involved will be in more demand.

In the middle of these difficult times, there is opportunity. Whether we go through several waves or variants, both firms and clients have to adapt to change.

We have proven that we are all capable of adjusting and moving to a virtual world. We must plan for a marketplace that permanently embraces that new virtual world and what it means to a firm's service delivery model. Clients will demand efficiencies and will continue to have high expectations. What we have gone through and continue to go through is not the flavor of the month, but something that is transforming the delivery of services well on into the future.

About the Author

Nancey Watson, is President of NL Watson Consulting Inc., and consults with in-house counsel on developing request for proposals (RFPs). She also works with law firms on proposal strategies and has helped professional services firms win more than \$3 billion in

competitive bids. She specializes in alternative fee arrangements (AFAs) and pricing for in-house and external legal counsel.

Nancey is well-informed in the area of legal procurement and proposal strategy and is the author the book, "The Silver Bullet: How RFPs are Won," published by The Ark Group. She is

a contributing author and has participated in podcasts for Thomson Reuters Legal Executive Institute in addition to speaking at many legal events and forums.

She is an accredited presenter for Continuing Professional Education courses.

www.NLWatsonConsulting.com

The single most valuable tool for aspiring female associates.
Lisa K. Brown
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This should be required reading.
Susan Alker
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I wish I'd had this book early in my career.
Liam Brown
Exec. Chairman
Elevate

The Ultimate Woman Associate's Law Firm Marketing Checklist

The Renowned Step-By-Step, Year-By-Year Process For Lawyers Who Want To Develop Clients.

ROSS FISHMAN, J.D.
Edited by Susan Freeman, M.A.

This book addresses a critical need for women associates. In the Legal sector, it is more important than ever to market yourself and create business development opportunities. If you own your own business - you get to dictate your professional careers and the earlier you can start on this path the better. For a variety of macro and micro reasons, women associates are less likely to have the information to be a successful business developer. No more, Susan Freeman and Ross Fishman lay out in plain English steps that can lead to women associates becoming more visible and better marketers. *Sheila Murphy, CEO, WOMN, LLC, Former Fortune 50 General Counsel*

I have long subscribed to the simple but powerful notion that "all good things begin with a list!" I can't think of a single tool that would be more valuable to an aspiring female associate, striving to navigate her environs and successfully sow the seeds of personal investment in brand, career, and community, than the thoughtful and competent compass she'll find in the principles set forth by Susan and Ross. *Lisa Kremer Brown, Managing Director, Starbucks Law and Corporate Affairs*

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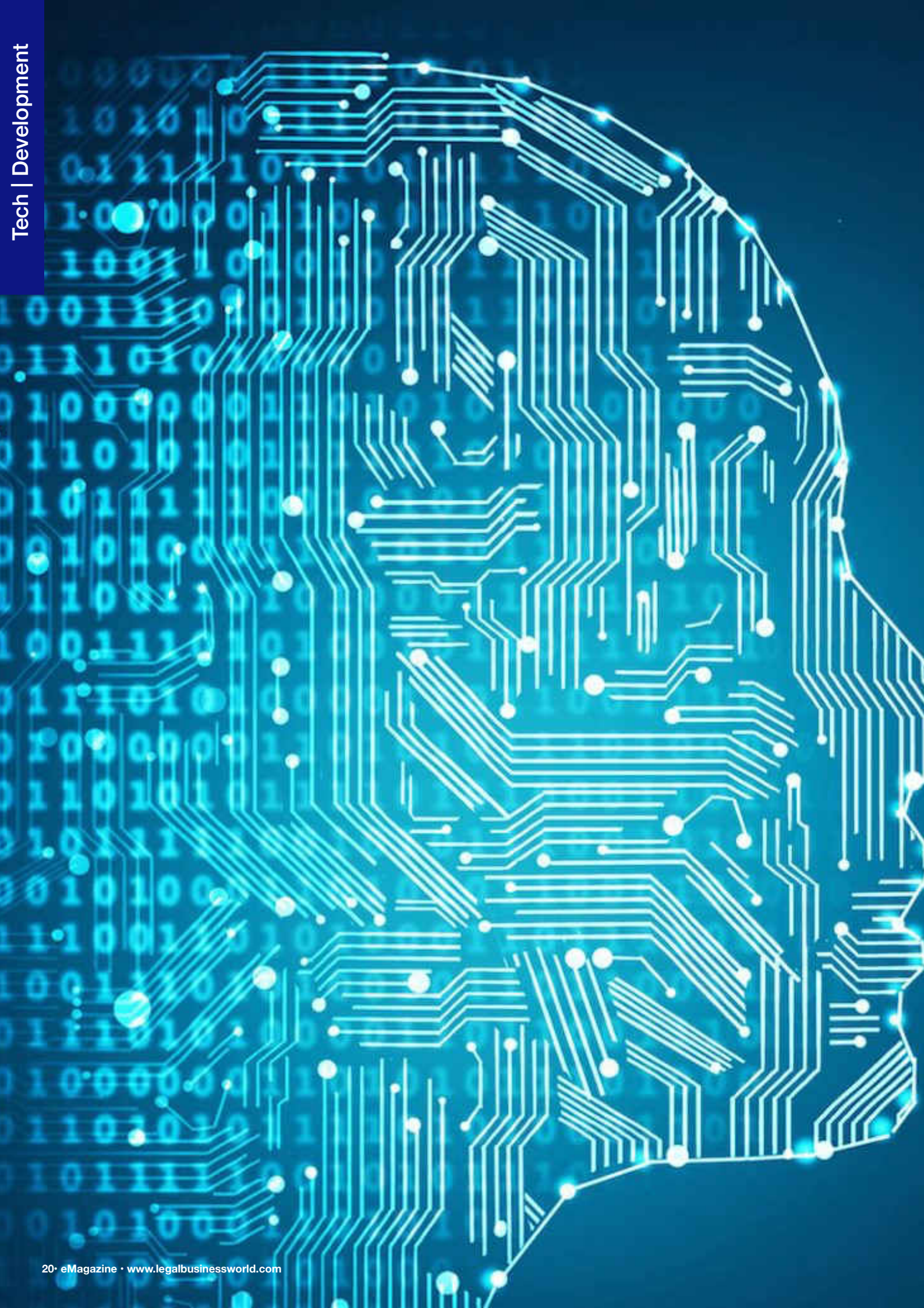
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The Possible Implications of GPT-3 to the Business of Law

By Thabo Magubane, Legal Technologist



I. BACKGROUND

Across the globe, Artificial Intelligence (AI) has been the center of debates in the business of law, mainly to ascertain the fundamental changes it will have to how lawyers perform duties. For several years, legal departments have been looking for ways to do more in less time and still deliver the expected value to clients. It happened that the application of AI to various areas such as self-driving vehicles, automated language translation, speech generation and recognition, and predictions resulted to legal professionals looking for ways in which they can also adopt AI. In short, AI is a broad discipline under the umbrella of Computer Sciences.

Within AI, there are different fields including Machine Learning and Natural Language Processing Systems (NLP) where the field of law is primarily applicable. Recently, eyes were filled with excitement and wonder amongst computer enthusiasts over the newly announced NLP software known as Generative Pre-trained Transformer 3 (GPT-3). In simple language, this article will evaluate features of GPT-3 and its applicability to the business of law. Further, too much of a good thing is bad, we will look at some of the risks that can be expected from the use of GPT-3. Automation brought by legal technology tools can have a catalytic effect to accessibility of legal services in the lives of less affording people, as this has been a century debate in the legal profession across jurisdictions.

A. *What is GPT-3?*

In March 2020, OpenAI researchers and engineers presented a paper introducing a groundbreaking autoregressive language model that uses machine learning methods to produce human-like text. OpenAI is a San Francisco based AI research laboratory behind the development of GPT-3, and the journey began with GPT-1 which focused on improving computer generated human language in a form of texts, and later came GPT-2 which furthered the interest of GPT-1 by eliminating human intervention with unsupervised machine learning methods that searches for undetected patterns in data to self-generate automatic responses without human supervision. GPT-3 is the latest language model developed by OpenAI, it has features that indicated significant improvement in text generation and predictions. Previous NLP models were trained to

take on tasks such as answering simple questions which are difficult to fully apply in the technical field of law. However, with GPT-3 things are different as it said to be 100 times coherent and faster than GPT-2. The model is tremendously trained to a level where it could generate field-specific responses that are indistinguishable from those written by humans. Let us be technical for a moment and explore how GPT-3 is able to do this, then we will look at how this will affect the future practice and business of law.

B. *Distinguishing Characteristics and Functions of GPT-3 from Other NLP Models*

- GPT-3 is an autoregressive language model that generates human-like text from analyzing large amounts of data from the internet and observing which letters and words have a habit of following one another. GPT-3 can also create new correlations and come up with new discoveries and responses from the data used. From this first element, we can see that GPT-3 gives computer applications the ability to answer questions, which is not exciting, as more computer applications can do that in our days. Let us look at further distinguishing functions.
- Contrary to other NLP models which must be trained with large amounts of data, and then tuned to perform a specific task. GPT-3 can perform various functions from producing fiction, poetry, press releases, music, and jokes to writing its functioning HTML codes. Since GPT-3 is not task-specific like other NLP models, it produces

articles that are difficult to distinguish from those written by humans. Based on these performances, I think if GPT-3 becomes a full cross-domain AI technology this can unlock new possibilities for many fields, including the practice of law.

- Before GPT-3, the largest language model was GPT-2 with 1,5 billion parameters, now overthrown by GPT-3 with 157 billion parameters. A parameter is a calculation that allows the model to understand the language in any meaningful way. GPT-3 can complete any given sentence, making it the leading language model in generality, as it is not limited to any specific field. This feature allows GPT-3 to triumph in self-supervised responsibilities and limits the need for human-intervention in tasks completion.

II. GPT-3 AND THE BUSINESS OF LAW

The business of law is about language, law schools spend thousands of hours teaching language to aspirant legal professionals. Language is one of the barriers between other NLP models and law as they are either trained on a single domain to complete specific tasks or on too general language material that makes it difficult for a model to provide various technical responses. However, the legal industry is a unique domain that requires a certain level of flexibility and adaptability on the use of language. This flexibility is one reason we still do not have a fully computerized AI systems that can render legal advice and write legal opinions on different legal issues. It is vital to mention that we are still far away from achieving a fully human-like AI technology, as what we currently have is AI technologies that are good

in single domains or limited to a specific task. The use of AI in the business of law is still limited to minor tasks that can be easily automated, like document automation and keyword selection processes, and decisions analytics. There is still a need for a system that can generate legal texts and different legal documents that are not only limited to a single field of law, for example, there is quite a number of firms that make use of AI to generate contract clauses, contract management, contract analysis, document classification, and decisions analytics. However, the model used by these firms is trained on a single domain, whereby they can only execute single tasks that is based on routine and repetition. Case-backlogs, delays, lack of legal practitioners, and unaffordable legal services doubled the need the for access to justice in developing regions like Africa and Latin America which increased the demand for a system that can-do things that normally require human intelligence. For example, a system that can parallelly supplement legal practitioners with the production of essential legal documents and text generation.

A system that will increase productivity and profitability in legal departments and retain value in the delivery of legal services. Can GPT-3 contribute to the achievement of such a system? Let us look at some aspects where GPT-3 can contribute to the business of law, and perhaps play a role to the aspirations of making legal services affordable while promoting business growth.

A. Examples where GPT-3 can be Applied in the Business of Law

- Document automation and text generation.

As I mentioned, a number of firms are already flourishing in the space of document automation. However, they all seem to face a similar barrier which is their technology can only be applied in a single domain.

Let's take for example, text generation and analysis technologies that can only be applied in contract automation because many current AI models can only be trained using a single field-specific data, as a result, the technology can only be able to perform contract related tasks and nothing else.

Across AI disciplines, this remains a huge barrier to the aspirations of reaching generality whereby we have a single technology that can master different fields. Instead of having to train different models for different tasks such as contract management, analysis, text-generation, and litigation predictions. GPT-3 shows promises to achieve singularity. Rather than having to adopt and train different models for each task, GTP-3 can result in a single model that is used to increase productivity in different areas of law. Almost all legal departments have weekly or monthly newsletters, and there is a possibility that GPT-3 can achieve a fully automated newsletters to update the general public on specific legal or non-legal topics.

- Legal research is another area where GPT-3 has the potential of making an impact. The ability to answer questions and provide legal opinions has always been central in the business of law. GPT-3's ability to provide responses on vast topics indicates its potential of being used in the arena of legal research, writing and reasoning. I think it is too early to say GPT-3 will en-

tirely takeover this space, but rather what I can predict is that it will have some impact, either by assisting lawyers to save time on research related tasks or by generating researched documents on its own. Companies like Casetext and ROSS admitted that GPT-3 will not replace what they are doing but it creates a new building block which they are more than willing to adopt, as GPT-3 is compared to electricity where at first it was exciting but eventually everyone started using it.

- Language translation. GPT-3 can be used to convert legalese language to plain English and vice versa. It is common that large firms comprise of different departments and amongst all departments there is a language barrier. In most cases, it is time consuming for non-legal departments within a law firm to translate legal documents into simple understandable language that can be shared across the firm. However, it is still early to assume that all the translation duties will be outsourced to GPT-3, instead there is room for GPT-3 to have a role to play within the context of text translation. Language translation can go a long way on access to justice matters (A2J) as GPT-3 can be used to translate legal text for people who cannot afford to consult a lawyer. Such services can be scaled through online services, for example, the use of chatbots and automated responses to answer general legal queries.

III. ALARMING CONCERNS OVER THE USE OF GPT-3

Too much of the good thing is bad. Like all artificial intelligence methods, there are possible

downsides to the use of GPT-3 in the business of law and some of these concerns are familiar in the legal technology space. These downsides are not final as GPT-3 is still a new software that has not been fully explored. More will unveil themselves as the time goes and more people get access to the software.

- Privacy and confidentiality concerns. GPT-3 is a model that predicts the next word from previously used words. Even though GPT-3 is quite unique when it comes to creativity and text variety, it still shares some commonality with other language models, which is the use of data to predict outcomes. This is a common barrier when it comes to the use of data in the business of law as some clients will not find comfort with the use of their scenarios and legal documents to predict future outcomes of other clients. Which is to say, in the business of law quality data that will assist GPT-3 is still difficult to access, also some legal departments are still skeptical with the use of data to predict outcomes.
- Unfairness and biasness. What gives GPT-3 its unique feature is that it is trained from a wide range of information, from easily accessible internet sources to trustable sources, social media posts, blog articles, news articles and more. The sad reality is that internet sources can be full of biasness as many are completely from individuals expressing their views and preferences, either over a product or a group of people. Employing a biased tool can turnout disastrous for legal businesses as no firm would allow their ethical reputation to be jeopardized. Even with GPT-3,

careful selection and classification of data is still vital for an unbiased and fair model.

- How sure are we that GPT-3 will not begin the spread of fake news and information across the web? As mentioned above, GPT-3 can write blog articles, poems, songs, essays without human intervention. One exciting scenario we looked at is the automation of newsletters. As much as this sounds exciting, it is also dangerous. Throughout the world, societies are looking for ways to fight fake news and the damage it causes to democracies. Since OpenAI used a variety of internet sources it launched a toxicity content filter API that rates all content created by GPT-3 on a toxicity scale from one to five, and anything above two is a red flag.

Again, the effectiveness of this strategy has not been fully explored as GPT-3 was just introduced in March 2020. OpenAI seems skeptical to make the software available to everyone as access is restricted by an application made to OpenAI, and with approval one can then make use of the software. Seems like ethical clearance is mandatory because GPT-3 is quite a powerful tool and it can cause significant damage if it ends up on the wrong hands.

IV. IN CLOSING

Higher-order cognition required by practice of law still falls outside current AI systems, however, some computational approaches to automation may produce results that are good enough in certain legal contexts. The end-goal of applying technology to the business law is not replace lawyers but to assist them with

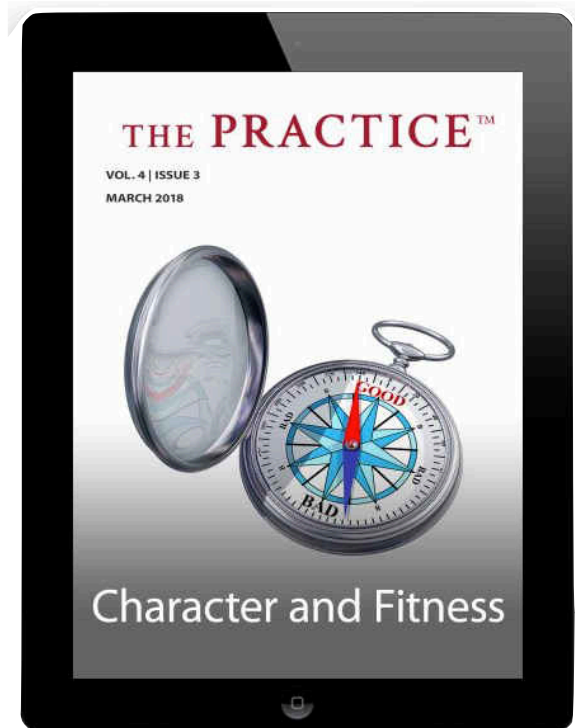
increased productivity and profitability while delivering value to their clients. Technology is to automate burdensome tasks so that a lawyer's cognitive efforts and time can be conserved for tasks that are more likely to require higher-order legal reasoning. GPT-3 is a piece of technology that shows great potential for fields turning to automation for repetitive tasks, including the business of law. GPT-3 is still a new software and experiments are still ongoing to make assessments on how and to what extent the tool can be used to improve business productivity and profitability. There is hope that the software will add value to the business of law.

Selected resources for further reading

- Mindt, G. and Montemayor, C. (2020). A Roadmap for Artificial General Intelligence: Intelligence, Knowledge, and Consciousness. *Mind and Matter*, 18 (1): 9-37.
- OpenAI's original paper on GPT-3, <https://arxiv.org/abs/2005.14165>.
- OpenAI is giving Microsoft exclusive access to its GPT-3 language model, <https://www.technologyreview.com/2020/09/23/1008729/openai-is-giving-microsoft-exclusive-access-to-its-gpt-3-language-model/>.
- *Philosophers on GPT-3 (updated with replies by GPT-3)*, <https://dailynous.com/2020/07/30/philosophers-gpt-3/#chalmers>.
- Surden, Harry Machine Learning and Law (2014) 89(1) *Washington Law Review* 87-116.
- Turing, A. M. (1950). Computing Machinery and Intelligence. *Mind*, 59 (236): 443-460.

About the Author

Thabo Magubane is certified legal technologist, a final year LL. B candidate, and Alibaba Cloud Specialist Trainee. He is one of the recognised voices in the field of legal technology and innovation in the Africa region. The African Union endorsed his latest work for development policy on court modernization using [Artificial Intelligent and 5G](#). The views reflected are of his own and does not represent those of any institution or organisation he is part of.



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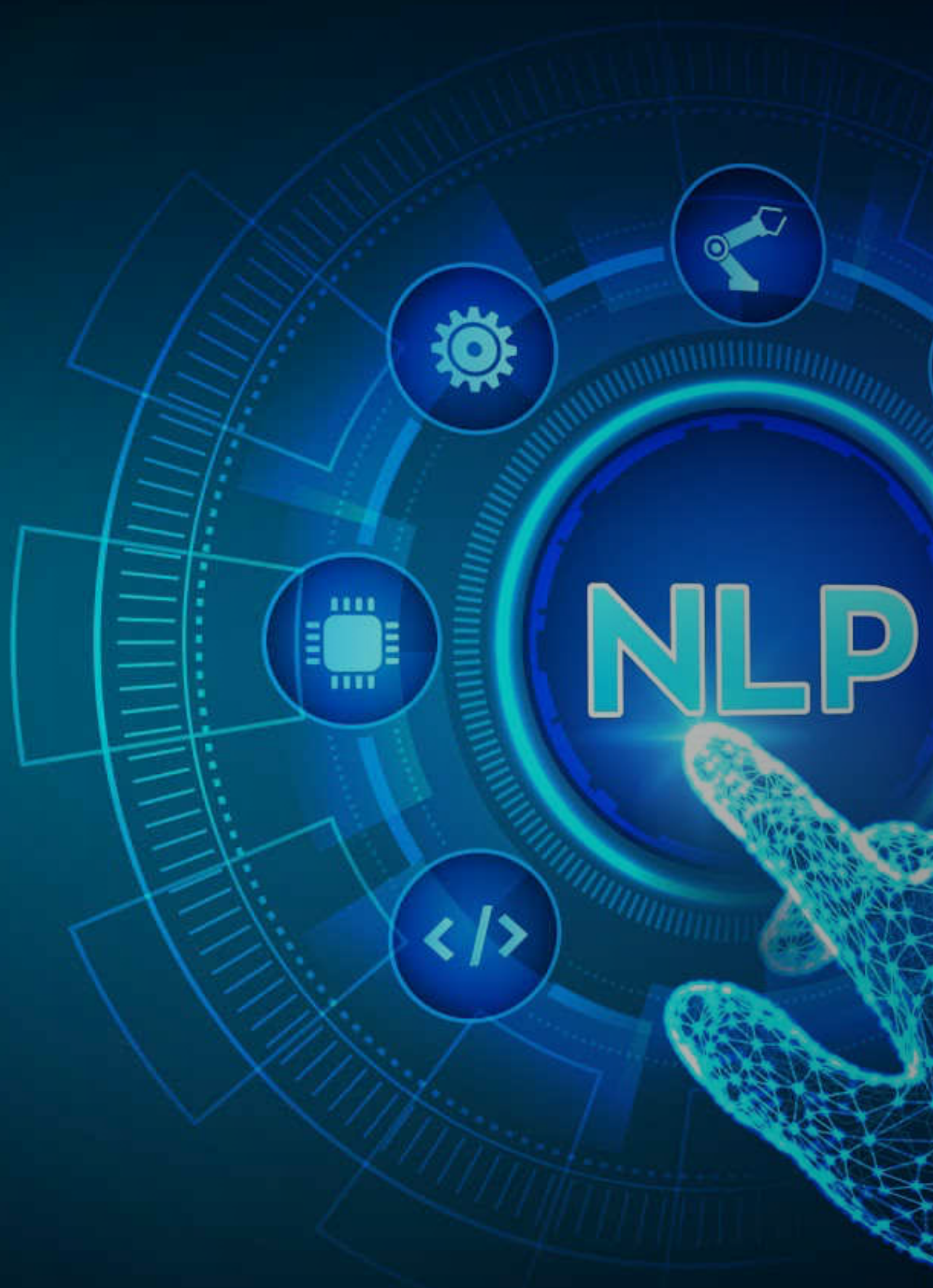
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Natural Language Processing and Artificial Intelligence in the service of the legal sector

By Adv. Edo Bar-Gil, CEO of LawFlex Designed Solutions

In this article, we will discuss the (potential) impacts of Natural Language Processing (NLP) and Artificial Intelligence (AI) in the services of the legal sector, while focusing on one of the main aspects of the legal services - the legal research.

While there is no argument on the advantages of the innovation and the impacts of NLP and AI and many studies show (and even celebrate) that, in this article will point out some of the concerns and (potential) disadvantages / risks, as we should all be aware of them and take them into consideration.

Traditional Legal Research

Legal research lies at the heart of the legal profession. Any (proper) legal advice is (and should be) based on constitutional law and/or statutory law (as created by legislators) and/or case law (as created by courts). Legal research enables the attorneys to learn from previous (similar) incidents, understand the risks involved and even mitigate or eliminate them and make decisions based on previous precedents.



There are many examples of doing that – determining the limitation of liability cap in an agreement, drafting arguments for a litigation case, mapping the risks in a specific deal and so on.

Currently, most of the online legal databases are based on OCR (Optical Character Recognition) capabilities – i.e., based on the ‘images’ or ‘shapes’ of the words or phrases. While this capability dramatically improved the legal research and saved lots of time on looking for and reviewing endless documents, it is still limited and has one significant disadvantage.

This disadvantage lays in the fact that in many cases one might simply not find what one needs. The reasons for that are various, however we are going to focus on two of them:

- misspelling a word or spelling it correctly, while such word is written in a different way in a specific document one wishes to find (for example, if one looks for a “non-assignment” clause and it is spelt “non assignment” without “-“ in a specific document, one will simply not find it).
- in addition, in many current databases, one cannot search for a phrase or a set of words in a proper way, due to the same reasons. Such difficulty exists also in more “advanced” data bases, that enable to search a few key words, however if such words do not appear in a specific order or spelt differently, one might not find / miss the relevant document.

Bottom line, this may lead to missing crucial

documents / cases / court decisions, which are necessary to provide a proper advice.

In order to prevent that from happening (and due to the fact that lawyers are liable for their advice), many attorneys tend to make broader searches (for example, instead of looking for non-assignment, they will search for “assignment”, so they do not miss anything), which take much longer time and cost their clients much more money (not necessarily with better results).

There is no doubt that this is not an ideal situation.

The Dual Challenge Attorneys Are Encountering

Having said that, one can easily understand the dual challenge attorneys’ encounter:

On the one hand, the amount of data and databases are constantly growing, among others due to the globalization, multi-national cases that are based on multi-national legal systems and publications of new legislation, orders, court decisions and regulations.

On the other hand, the capabilities of the attorneys to search for the proper data are limited and might end up in missing crucial data.

So, how can we improve this Catch-22 situation? By using NLP and AI.

What is NLP (Natural Language Processing)?

NLP uses AI to streamline the research process and prevent / mitigate many of the

potential errors of traditional legal research. NLP works by “machine learning” human language, using context, prior queries and results, in order to “predict” what attorneys might need in their searches.

A good example of NLP is the ‘Google Search’ - if one starts typing “restaurant,” Google may automatically suggest “restaurants near me.” In addition, if one misspells “restaurant”, Google will recognize the misspelling and provide the correct search results.

While NLP and AI are used for years in other professional fields, such as (online) marketing and sciences, they have not been used broadly (and successfully) in the legal sector till recent days, even though their impact on such sector might be significant.

How Can NLP and AI Assist the Legal Sector and Specifically, the Legal Research?

Since legal research lies at the heart of the legal profession and any proper legal advice is (and should be) based on decent research, there is no doubt that NLP and AI can significantly assist. Below are some examples of that:

- *NLP and AI can ease the attorneys’ queries, in a simple and intuitive way, like they use the Google Search.* For example, instead of looking for the phrase “non-assignment”, one can easily type “what is the most important principle in a non-assignment clause?” - Based on the context of the query and thousands of other related queries, the system would “predict” what exactly the attorney wants

to find and even suggest keywords to fill out the search.

- *NLP and AI can help to streamline the searches, identify relevant cases (while eliminating irrelevant ones) and analyze the decisions of any given judge or court.* By doing that, attorneys can tailor their arguments around what the judge / court will find most persuasive. It may also assist in “building” predictive models to help better understand how a judge or court may rule.
- *NLP and AI may also save time by directing the researcher to specific phrases in long documents.* By doing that, attorneys can quickly decide which cases / documents are not relevant, dive in deeper on relevant cases / documents and get better search results.
- *NLP and AI enable analyzing huge amounts of data in a matter of seconds / minutes.* By doing that, not only that attorneys can make faster and more accurate decisions, but they may also create intelligent analysis and useful Big Data databases.
- *Last but not least, by enabling to analyze huge amounts of data in a matter of seconds / minutes, NLP and AI may save lots of working hours and money to the clients.*

The above-mentioned matters are only some of the advantages that may be achieved by using NLP and AI in the legal sector and specifically, in the legal research area.

In a recent [study](#) that explored the impacts of using AI in research platforms, the conclusions were decisive:

- Attorneys using AI finished research projects, on average, 24.5% faster than attorneys using traditional legal research.
- the results of the legal research done by attorneys using AI were, on average, 21% more relevant than those found doing traditional legal research.
- 45% of the attorneys believed they would have missed important or critical precedents if they had only done traditional legal research instead of also using AI to find cases.

Bottom line, there is no doubt that NLP and AI have significant advantages and that they may revolutionize the way legal research is done. This is why it is not surprising that many legal-tech companies are starting to use NLP and AI and embed their capabilities in their solutions. This “trend” will only grow in the next few years.

However, Are There any Risks or Disadvantages In Using NLP and AI?

The answer is simply YES, as demonstrated on Timnit Gebru’s termination by Google case.

In a nut shell, Timnit Gebru is a respected artificial intelligence researcher that was employed by Google. In the past months, she coauthored, with four other Google scientists and the university of Washington researcher, a paper about the ethics of large language models.

These models help create search engines and digital assistants, that can better “understand” and “respond” to users. The paper raised questions about whether google was trying to conceal ethical concerns over a key piece of NLP and AI technology.

Google has declined to comment about Gebru’s departure, but it has referred to an email to staff written by Jeff Dean, the senior vice president in charge of Google’s AI research division, according to which the study didn’t meet the Google’s standards. Thousands of people, including over 2,000 Google employees, have signed an open letter protesting Google’s treatment of Gebru and demanding that the company explain itself.

The study dealt with many aspects of NLP and AI and we are not going to cover them in this article. However, we are going to point out some of the potential “risks” that Gebru and her team found in using NLP and AI, as we should all be aware of them:

- ***Adverse Environmental Impacts***
training and running large language models is based on using huge servers. Such servers are consuming lots of electricity and have a significant carbon footprint. For example, the study mention that ‘BERT’ - Google’s own language model - produced, by one estimate, about 1,438 pounds of carbon dioxide, i.e about the amount of a roundtrip flight from New York to San Francisco.
- ***Human Bias***
Since NLP models are trained on huge

amount of text and data, they might include lots of existing “human bias”, particularly about gender and race. Such bias is extremely difficult to audit and test and it extremely difficult to audit and test and it may go undetected.

- ***Significant Costs that May Lead to Biased Results***

the money and efforts spent on building language models might “affect” the results of the models. For example, if only large corporations may fund such models, they may - by their very nature - develop models that will be “suitable” to their own agendas and eliminate any criticism of their acts.

To Sum It Up, there are significant advantages in using NLP and AI in the legal sector and specifically, in the legal research area. It may lead to attorneys working smarter, in a more efficient and precise way and with better and faster results and, of course, to more satisfied clients. However, as it is applying to any other great inventions, with great power comes great responsibility and we should all be aware of the potential risks lying in using such capabilities in a “wrong” way.

About the Author

Adv. Edo Bar-Gil is the CEO of LawFlex Designed Solutions, premiere Legal Operations company (<https://www.lawflexds.co.il/>)

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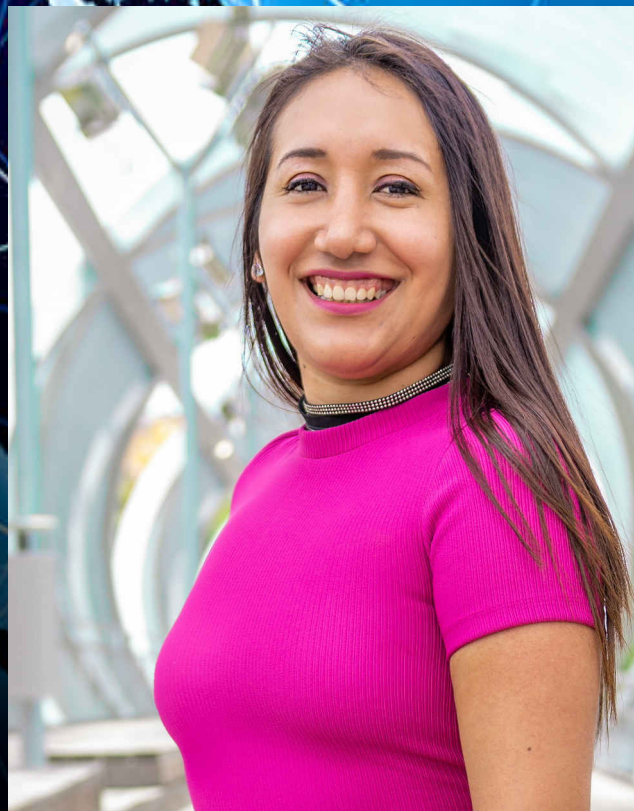
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HYBRID PROFILES FOR DIGITAL LAWYERS

By Karol Valencia, Legal Designer at eID/ Facilitator & Mentor for Innovative Projects

There is a Chinese proverb that reads: "I wish you to live in interesting times", in fact, there are those who far from seeing it as a proverb see it as a curse, but I will not exhaust myself at that point, what if it is true is that we are indeed living in much more interesting times-perhaps not on a musical level, except with few exceptions - but yes at the level of the development of technology, and it is that the strong impact that it has on how we propose the future changes radically in such a way that from the exponential development of the technology both existing and emerging is that we go from thinking some solutions for the future to questioning, rethinking many things and above all "RE THINK" the pillars of the law on which we have built our legal and justice system, which apparently often does not satisfy the users who are citizens.



In the face of this situation, how have we reacted?

As legal professionals a large number have chosen to digitize processes, such as mailing, creation of modern databases, and acquire licenses or digital marketing services for their firms and even employ Legal tech – technology applied to simplify or enhance some tasks of the legal exercise – all this is very good but from my point of view there is one thing that we are missing and is that the fact that we adopt and implement technologies without having to understand them fully and worse without knowing the previous versions or the platforms on which they were based does not make much sense.

As a result, another series of lawyers, the so-called disruptives-I prefer to call them rehabilitated- as [Elizabeth de Stadler](#) often says, they are the ones who have really taken the decision to REINVENT, not only have they adopted the practices mentioned in the preceding paragraph, but have also given it a turn of 90, 180 and even in some cases much more specific a 360-degree turn, that is, they have completely reinvented themselves which is great, and really inspire and give a fresh meaning and purpose to the practice of law; it is from this reinvention in the roles of the lawyer and the legal exercise that we can identify the following hybrid profiles, for which I proceed to make an adaptation of the talk of my mentor and friend [Andrés Botero](#) , who in their talks of the [future, humanity and design](#) comments on 4 profiles within which I will mention some hybrid roles that have been developing among lawyers- and not lawyers in the sector who have reinvented themselves, and who do not

even know it- but there is already a name for what colleagues have been doing:

FIRST: TRAINERS

They are those professionals who design systems from the human for their sustainability and self-handling.

His main areas of knowledge are: Technology, Engineering, Design Systems, Product and Data. They create diverse and inclusive technology and algorithms, understand human and business impact.

Within this space I allow myself to highlight the role of [legal engineers](#), whose function is to interact between legal and technological professionals in order to build software to interpret, enforce or demonstrate compliance with the law. Some legal engineers are developers or data scientists who developed an interest in legal processes.

I also highlight [legal project managers](#), who have the role of managing teams, estimating budgets and managing economic and human resources, using work plans, managing multiple tasks and broken down in multiproject environments.

SECOND: FUTURISTS

Someone who builds future scenarios and imagines fictions; to help anticipate and design for post-normal times. Being his areas of knowledge: Prospective, fiction design, business, strategic design, service design, history, art, design.

They do not intend to predict, but because of their great knowledge and expertise in the

field and the sector-and even multidisciplinary and cross-sectoral knowledge- they can anticipate the trends and things that may occur when requested by their customers, either to choose the future that seems to them to be the best option-viable, sustainable and with the greatest positive impact- or the one they want to be able to create it and / or redesign the context in that sense.

They are usually high-end consultants, with quite seniority and who have already advised, not necessarily large companies, but to companies in the technology sector and that lead their own projects, collaborative, or work with governments in some cases in regulatory or regional impact initiatives, but they mostly have an extensive network of contacts, multi-language mastery and are generally characterized by being able to provide a holistic perspective of the global landscape, but they above all have an extensive network of contacts, multi-language mastery and are generally characterized by being able to provide a holistic perspective of the global landscape, but they mostly have an extensive network of contacts, multi-language mastery and are generally characterized by being able to provide a holistic perspective of the global landscape, but they mostly have an extensive network of contacts, multi-language dominance and are generally characterized by being able to provide a holistic perspective of the global landscape, but they mostly have an extensive network of contacts, multi-language mastery and are generally characterized by being able to provide a holistic perspective of the global landscape, but they mostly have an extensive network of contacts, multi-language mastery and are generally characterized by being able to provide a holistic perspective of the global landscape, but they mostly have an extensive network of contacts, multi-language dominance and are generally characterized by being

able to provide a holistic perspective of the global landscape, but they mostly have an extensive network of contacts, multi-language dominance and are generally , are the right arm of many decision makers worldwide, founders and investors of every level.

The most important thing to consider is that "... When someone becomes a [futurist](#), he begins to question everything he does and its impact on society..." [1]

THIRD: THE ETICISTS

Someone who builds value judgments on technological impact, product decisions and other design [outcomes](#).

His areas of knowledge are: Philosophy, Technology, Design, Product, Anthropology, Sociology.

They analyze human behaviors a lot to determine whether they are oriented to good or evil in itself, how they affect us and the decisions that should or should not be made.

Here I must highlight the role of [Legal Operations Managers](#), which in addition to the "... Obvious naming functions, such as taking care of outside consultants and suppliers, many legal operations managers also oversee budgets and legal department staff. They have implemented e-invoicing systems and electronic contracts and other technological initiatives. In some cases, they can also monitor the diversity and probono programs that the firm wants to promote..."

Indeed, all of us who operate under the law, servants of the public justice system, legal

technologists who comply with this profile but above all the jurists - who by their function, whether in the private or public sector, have issued value judgments or had to do so as the exposed case of the legal Ops - can also be considered in this category.

FOURTH: HUMANISTS

Someone who observes the human as an object of design, as a challenge and anticipates and monitors the human impact of technology. His areas of knowledge are mainly: strategic design, psychology, sociology, philosophy, technology.

It incorporates relationships between people and how technological change will affect us.

This is certainly the place where you find designer friends and where "with a lot of work of [UI & UX](#)" you achieve the wonderful intersection between technology, design and law, a role for those who not only understand the technology but who are in love with it and take it to the next level where they are allowed to visualize, create and design – upon identification of pains and problems – viable, friendly and understandable solutions for all that allow full access to justice for all end consumers and users of the law who are nothing more and nothing less than us, people, even starting - and in addition - from the redesign of the training of lawyers from law schools.

In this area I highlight the role of legal designers [2] - lawyers and not lawyers who help us - with all their nuances because in the end we focus on making everything simpler, friendly and more accessible because a right that is not understood generates problems that result in

conduct - we study and analyze behavior in depth - as well as in high procedural load, among other disjunctives that would not originate if in principle the laws were designed with care using the scientific method and apply any other science, discipline or an approach of art to law nor makes us fewer lawyers, let alone makes us bad lawyers, it simply invites us and gives us leave to think outside the box and devise in different way to the "normal" – that word displeases me and worse the new normal one - finally by that line we go , being normal is not bad but maybe it was time to discard things, recycle others, redesign others and create so many others, not for seeking a eureka moment but for that spirit of doing things better for- and even if it sounds idealistic- to create a better world where as operators-and users- we have a high role and responsibility. [3]

With all of the above, I believe that we should focus and concentrate our forces on "working hard to make sure that technology fits our values." [4] Technology is neither neutral nor objective, it needs human intervention to be designed, and that is precisely why technologies have biases and it is important that we understand this and guide our training as lawyers in that regard, and with that I think I have good news regarding our robot friends or artificial intelligence that from my opinion precisely because of the mentioned biases will not be objective or neutral, will remain in the service of humanity and in this case the practice of law and I fear that it will not be able to match our wonderful humanity and ethical sense, which varies between one individual and another.

Finally I invite you to reflect on what you are doing with your legal practice to this day, have

reinvented themselves, you want to reinvent yourself and that process of what kind of purpose is accompanied, I quote here another friend and mentor [Luis Felix](#), founder of [en estado beta](#), who usually says "neither lack of time, nor any other excuse when we really want to learn and that we never lose that". By virtue of this, let us look at where we want to guide our practice while recognizing and learning from those who are already within the profiles mentioned, to those who are on their way to formation, and those who may appear, for the future we create in the present.

Notes

[1] I particularly hope to get to this point and on that path I focus my vocation, although right now I question it and form it steadily, so we will see.

[2] There are many friends with which we work and collaborate on this exciting mission.

[3] Really because we are human, we should aim to the positive impact of our actions and decisions, even if it is not always achieved, the trend should be that.

[4] Erik Brynjoffsson-Director of the MIT Initiative on the Digital Economy

About the Author

Karol Valencia works as Legal Project Leader & Legal Service Designer at eID. She develops

private consulting and focuses on projects and services with a holistic perspective through her brand Karol Valencia (worldwide and in remote mode) and is Chief Community Manager at Eye Z Legal (India). She is an active member of the Institute for Internet & The Just Society, she also works in the #Barpocalypse project for the redesign of legal education in the USA and she is the LATAM ambassador of ILSA (Innovative Law Studies Association). As a polyglot, she works on the translation of various technical documents, papers, books, articles and more when requested or translates simultaneously as an interpreter at events. She is a lawyer from Universidad Católica San Pablo, postgraduate studies at PUCP, and has a law degree from the UEM in Madrid, Spain. With training in digital transformation, innovation, programming and design in "En Estado Beta", "Iron Hack" and "Interaction Design Foundation"; self-taught, she participates in communities such as Legal Hackers Lima, PsychoLAWgy and others, in addition to different volunteer work.

Former teacher of the UPN. Facilitator and international speaker of Legal Design & Legal Tech. Activist in mental health issues. Currently collaborates with columns and blogs such as: The Crypto Legal, her account at Medium, Idealex.press and Impact Lawyers. She believes in redesigning the legal system to achieve better access to justice for all. Contact: karol@karolvalencia.com

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How can my law firm implement client-centric communications?

By Heidi Turner, legal writer and editor



Your clients are key to your law firm's success. While that may sound like common sense, it is vital that successful law firms understand what that means for their client communications. These days, it is not just about telling people how many court cases they have won, or multi-million dollar contracts they have handled. Clients need more from their law firms than being prescriptively told what to do, with little room for discussion.



While the concept of a law firm being client centric has gained traction in recent years, there is a great deal of uncertainty about what it means or how to implement client-centric policies. Although some law firms have altered how they help clients navigate the legal system—especially during pandemic times, when technology must be more quickly embraced—how they communicate with their clients has not changed much.

Here, I explore what it means to be client centric and how you can implement client-focused strategies in your law firm communications.

What it means for a law firm to be client centric

So what does being client centered mean? And what are some steps you can take to ensure your law firm is client centered?

Being client centered means that you build your firm and develop its processes with the customer perspective and experience at the forefront of your planning. It means you are willing to adopt policies and procedures that might cost you a bit more, or take more of your time and energy, but that make the process more comfortable for your clients.

It is not just about your policies and processes, however. It is also about your culture. Your law firm's culture must be aligned with your customers' needs. The people in your law firm must be committed to improving the customer experience—including enhancing the value your clients receive. This can mean giving more detailed updates about their legal matter or connecting your clients to other people or organizations in your network at no charge.

It is vital to recognize that increased billable hours—or more time spent working on a client case—does not necessarily mean the client gets more value for their relationship with you. Increased billable hours might actually feel like less value from your client's perspective.

Being client centric also does not mean adopting every new technology that you come across. Not all technology enhances the customer relationship. But it is worth asking if a new technology can improve your clients' experience with your law firm.

Consider automated phone answering systems. Scores of businesses use automated technology to answer and route phone calls—but those systems replace a vital human interaction. Many people would rather speak to a person when they place a phone call, rather

than being answered by a robotic voice that asks them to wait on hold or dial an extension number. Almost nothing says, "We don't care about your call" more than an automated phone system.

In this case, while an automated phone system might free up your receptionist's time, it might not be worth the expense if your clients feel they are missing out on an important interaction that affects their experience with your firm.

Before you adopt a new policy, procedure, or technology, ask how it will improve your clients' experience. If it will negatively affect the experience, consider finding an alternative.

How does being client centered affect my law firm's communications?

Clients need information from you. It is rare to have a client relationship that requires no communication. How you communicate—and how often you do so—says a lot about how client centered you are. Remember, every communication is an opportunity to shape your clients' experience of your firm. It is also an opportunity to enhance your value.

Some law firms go no further than providing updates on files as they occur. Often, clients are left with follow-up questions, but feel there is no room to ask. Client-centered communications should allow your clients and prospects to feel empowered in their legal situation, and free to ask questions so they fully understand their situation and the options available to them.

When you communicate with your clients, take a moment to anticipate what questions they are likely to ask, and proactively answer them. Allow your clients a full picture of what is happening and provide them with information so they can make an informed decision. Give space for follow-up questions or concerns.

It is reasonable for you to set clear expectations about the level of communication you will offer, as well. If you send out a welcome package to new clients, include a note about how often you will communicate and when. Let clients know how best to reach you and when they can expect responses from you. If you do not answer emails or phone calls on weekends, let them know. That way, they will not be surprised if they do not hear from you immediately in response to a Saturday morning email.

Use your law firm's communications to enhance the client experience

You do not have to limit your communications with clients or prospects to times when you are updating them about their legal issue. Get to know them and what they consider important. You can send links to articles you think they will find interesting or relevant. Research their business to better understand the context they operate in. You could even set up a Google Alert for their business and congratulate them on a publicized success or change to their business.

- Reach out to them to let them know how recent legal changes affect them.
- Communicate in the forum or manner your clients want, not what you think they want.
- Find out how your clients want to communicate with you and offer those options.

The [2018 Legal Trends Report](#) from Clio found that as much as 55% of clients expect an in-person meeting to learn about the legal aspects of their case, while only 2% of lawyers thought clients would want a meeting for that reason. Meanwhile, 70% of consumers want an in-person meeting to tell their lawyers the details of their matter, but only 3% of lawyers thought that was the situation.

There is a gap between how clients want to communicate with lawyers and what lawyers think clients want. Make sure you understand what your clients expect from you.

Understand the difference between client experience and client service

Client experience and client service are not the same thing. Your client service feeds into the client experience, but the client experience refers to the sum of all interactions a particular client has with your law firm.

This can include everything from their first view of your website, to their following you on social media, to the final bill you send them after your consultations are complete.

Client service refers individual actions that occur when a client comes to you to resolve a problem. Each individual action contributes to the client experience, but doesn't make up the whole thing.

Steps to communicating with your clients in mind

1. Create a robust welcome package

Your welcome package is an excellent way to

not only make your new clients feel valued, but to set expectations and enhance their comfort. Create a template for welcome packages that can be easily tailored to each individual client.

That template could include a photo and bio of every person they are likely to interact with during their relationship with your firm.

Though it is common to only include the attorneys' bios, include everyone, such as the paralegals, associates and receptionists. Include links to their LinkedIn profiles if they have a LinkedIn account.

In the welcome package set the expectations for how and when they should reach out. Can they reach out at any time and expect an immediate response? Is it better if they use the phone on weekdays? Do you respond to text or email?

Even if you cannot lay out the entire process they will go through, you can set out the initial steps and how you'll proceed with any decision-making. Will you need or want their input on every decision? Will you check with them on certain decisions? How will you assess the cost/benefits of all options open to your clients?

This sort of information is invaluable to a client and helps your relationship run more smoothly because they know what to expect from you—and what you expect from them.

2. Write a website that addresses your clients' needs and questions

Lawyers and law firms often view their website as reputation confirmers, but these days your

law firm's website is a vital information portal.

Your legal website is often a prospect's first real interaction with your firm, and readers nowadays expect to find answers to their questions. Unfortunately, many law firms write their websites only with a view to the questions they think are important, but without understanding if the information they give is the information prospects seek.

Clients rarely care about the long list of the cases you've worked on or list of schools you attended. They care that you understand their needs and their fears. That is how you build trust with them.

Consider the following example of a list item commonly found on lawyers' bios: "Obtained summary judgment in *Theroux vs. Williams* (San Francisco County Superior Court Case No. XXX).

Do your potential clients know what a summary judgment is? They probably have no idea how *Theroux vs. Williams* is relevant to them, and they aren't likely to research it. So the information in that list item is meaningless to them. All they can assume is that the list item indicates a win, because otherwise you would not mention it.

Instead, give more details that readers will find both engaging and relevant.

"Prevented a lawsuit against our client—a small business owner in San Francisco—from going to trial by proving there were no merits to the claim against her." Even if you do not go any deeper than this, readers know that you

are committed to avoiding trial if possible, you represent small business owners, and you are capable of successfully arguing the merits of a case.

This information is much more valuable and easier to read—and it is more likely to establish a connection with your potential client.

3. Make sure you understand your clients

Give your clients ample opportunity to talk about their situation. They are likely feeling stressed, nervous, or anxious when they see you, and although you might think that jumping in with answers before they finish talking reassures them, it often has the opposite effect.

Instead, take the time to fully understand the context in which they sought you out. Ask a lot of questions. Listen to them as they talk. Show them you understand by repeating back what they have said to you. Clients are more likely to trust you if they know you took the time to understand them, their needs, and their situation.

Send follow-up communications after meetings that summarize what was said, what was decided, and next steps for everyone involved. If you are awaiting information from the client, be clear about what you need and when you need it.

It helps to remember that you are not just building a reputation when you meet with clients or prospects, you are building a relationship.

4. Write in plain language

Lawyers are used to writing for the courts and for their law school. Clients and prospects do

not have the same understanding of legal phrasing and terminology as professors or other members of the legal industry do.

You cannot communicate effectively with your audience if your audience cannot understand you. The general population does not have a solid grasp of legal phrases and long sentences with numerous clauses. If they cannot understand your communications, they will not work with you.

Remember that your clients do not have the same knowledge or experience as you. Most of what you do on a daily basis, they are unfamiliar with.

Do not assume that they know or understand a concept or option. Explain it and leave room for questions.

5. Ask for feedback

According to that [2018 Legal Trends survey](#), 75% of law firms say improving client care and satisfaction is important to their firm's success. But a full 37% of law firms say they do not collect feedback at all.

To make effective changes and improve client satisfaction, you need to know how well you are currently meeting client needs. Speak with current and former clients to find out where your communications worked well and where you could improve. Ask what would have helped them feel more comfortable or informed while working with you.

Do not just use an informal case-by-case process to collect client feedback. Make it part of every client relationship, so you can obtain

meaningful data to guide your client-centric law firm.

Take their feedback to heart. See if the information they give suggests possibilities for better communication. Offer options based on the responses to your feedback.

You can be client centered and still have boundaries

There is a difference between being client-centered and following the whim of every client who walks through the door. You need to have clear boundaries with your clients about your relationship and obligations.

Being client centered means putting policies, procedures, and practices in place that enhance the client experience. That does not mean that you have to cater to unreasonable expectations. If you do not want to communicate on certain days, you do not have to. But it helps to let the client know ahead of time that you will be unreachable.

Your communications provide a vital opportunity to ensure your clients have a positive ex-

perience with your law firm that leaves them feeling empowered. Using client-centered communications not only helps you connect with your clients, it can build the foundation for a long-term relationship and encourage them to refer you to people in their network.

Clients want to understand you and be understood by you. Using client-centered approaches to communication can help you achieve that.

About the Author

[Heidi Turner](#) is an award-winning legal writer and editor. Since 2006, she has helped her clients in the legal industry—including lawyers and law firms, legal technology companies, and legal SaaS organizations—connect with their target audience and establish their authority. She helps her clients find authentic ways to engage their audience and build a reputation, with a focus on client-centric communications.

In addition to her writing and editing work, Heidi is an instructor in Simon Fraser University's editing program.

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Do Good Lawyers Build Good Law Firms?

By Jon Whittle, Strategy and Development Consultant



Law firms need to harness the power of non-legal business talent if they are to thrive in the evolving legal ecosystem because being a good lawyer is no longer good enough.

There is, in my view, a structural flaw at the heart of many law firms. It is an issue of ethos and culture that can, if left unchecked, become the barrier that prevents talented lawyers building first class, commercially successful legal businesses.



In this piece I challenge Law Firms to test whether they know how to harness the power of non-legal business skills to advance the aims of their business. Can they build a business plan that recognises and properly utilises non-legal business skills to drive their firm forward?

For generations, law firms have been owned and run by lawyers whose primary competition has been other law firms, all of which

have also been owned and run by lawyers. Additionally, regulation has actively prevented legal services being sold by firms who are not owned and run by lawyers. This has led, inevitably, to a world in which all law firms have been able to thrive and develop without having to deal with the normal pressures of open market competition.

No other commercial industry that operates on a global scale has been able to grow so big

and to be so successful whilst at the same time investing so little intellectual or commercial effort in areas such as Sales, Marketing, Customer Service, HR or even Logistics.

The global legal market is now in flux and changing more fundamentally than ever before. Technology and deregulation are driving new and different forms of competition in the supply market whilst, at the same time, a new generation of clients are demanding that law firms behave like regular businesses. Clients are no longer prepared to accept the take-it-or-leave-it approach of traditional law firms.

No other industry puts their commercial strategy solely in the hands of the people that make the product and yet the legal industry continues to put 99% of the control in the hands of lawyers. Success in the new ecosystem will require this to change. Law firms must learn how to build authentic commercial skills into the heart of their operations and how to put these disciplines at the centre of a law firm's business planning. A properly developed *commercial* strategy will be crucial if firms are to thrive as the market starts to rid itself of the protections traditional law firms have previously enjoyed. Every modern law firm will have to rewrite its entire business plan for the future world.

“75% of lawyers do not think that the law is a service industry”. (source: Jon Whittle, Lexis Bellwether Survey 2016)

This is an interesting statistic that often divides opinion amongst lawyers but rarely surprises those who work with law firms. For some, the statistic is a shocking indictment and axiomatic of the problem that lies at the

heart of the legal industry. For others it is stating the obvious – of course lawyers don't work in a service industry and it entirely misses the point of the law to suggest that lawyers should behave like store-keepers.

The view that the law is not a service industry leads to a mindset that promotes legal proficiency over all other considerations.

If left unchecked, this same mindset creates legal businesses missing critical skills that are essential in the modern commercial world. If law firm clients are expecting a service and lawyers are selling something other than a service, then we have a problematic disconnect. In the old world of monopoly supply this did not matter – if all law firms did not conform to the usual behaviours of service industry suppliers then all were equally difficult to deal with. In the new world order if law firms do not build the ethos, the structures and the processes of service into their business DNA then they are going to fail.

Law firms, owned and run by lawyers, are running the risk of being left behind in the new world order. Most firms have, of course, incorporated non-legal skills into their operations and it is now not uncommon to find Marketing, IT, HR, Finance and Administration specialists working within law firms. The challenge is that firms often lack the will to use these skills effectively. In almost all circumstances the balance of power, the decision-making heart of a legal organisation, still rests, exclusively, in the hands of a management team composed of lawyers.

This means that decisions about strategy, about commercial direction, about how the

firm sets itself up and goes to market are often taken in an environment where non-legal skills are not just absent but regarded as essentially irrelevant.

To build a successful commercial law firm, we need to look at the business plan. In my experience the business plans of law firms can be commercially unhelpful. Law firms focus on the development of their product (legal services) and tend to pay lip-service to areas such as market positioning, sales, marketing and commercial levers. Starting from first principles and rebuilding the business plan can help law firms structure their operations in a way that gives appropriate value to each of the commercial drivers. A good Mission Statement is the sum of the parts of a good business plan and a good business plan draws together all the elements that determine why the business can succeed. I would contend that many law firms need to invest more energy, time and resources incorporating the non-legal elements of a successful business plan into their operations.

A good business plan starts with a simple description of what the business is for. In headline this will include a mission statement and will explain, in basic terms, what the company does, why it exists and why it is unique. I would challenge law firms to see if they can describe their company and its mission in a way that would pass the following test: Can you spot your own Mission Statement if all names and locations and other identifiers are removed? As a research exercise I took the Mission Statements of ten well-established, mid-sized law firms and took out the names, locations and any other 'obvious' means of identifying the firm. The Managing Partner

from only one of these ten firms could, subsequently, recognise their firm's own Mission Statement from the list. Essentially, they all said the same things, there was nothing unique and all described the businesses along the same lines.

If a law firm has a Mission Statement that sounds something like the example below then I would suggest that the firm is going to struggle to build a successful law firm in the new legal ecosystem.

"We work with our clients to deliver their business goals. Our firm uses state-of-the art legal services to support our work and everything is tailored to our clients' needs regardless of their size. We take our time to listen to and understand our clients' needs and ensure that they get a solution that directly matches their specific requirements."

A law firm should be saying something about their business that is unique to them, that defines who they are and what they do. If a law firm's Mission Statement could belong, equally, to any one of ten other law firms then how can a prospective client possibly choose and how does the firm know where to invest or how to build a strategy for growth? Equally, how would they defend themselves from competitor attack? A good Mission Statement needs to be written in a way that enables a potential client to understand instantly what a firm stands for. Everything a firm does hangs, directly, from the Mission Statement – it defines the business and must be unique to the business. No other firm should be able to claim your Mission Statement as theirs.

In a world of rapidly increasing choice, legal

market deregulation and growing client power it is vital that law firms have a clear understanding of where they sit in the market. They need to know where opportunity lies and where threat exists. They must have a clear understanding of their strengths (and these need to be defined in relation to the market) and where there might be weakness in their total offering. If a law firm has not tested their business against these metrics, then they are exposed. Significantly, it is important that the firm tests all aspects of their operation against these metrics. All too often firms measure their strength and their weaknesses purely, or even exclusively, on their own perception of the quality of their legal work. In essence, they only look at the product and neglect to think about the market in which they operate and what their competitors are doing. They also often neglect to look at non-legal providers of legal services as competition. Again, being able to take a holistic view of the market requires a view that embraces a wider perspective than that of the legal talent.

The balance of the complementary legal and commercial skills should be determined by the nature of the firm. The firm needs to know what sort of business they are running and structure their management and operations accordingly. I would argue that law firms fall into three distinct categories, all of which require a different approach to the market and a different set of skills and operating structures.

1. **Product Led Law Firms:** Where the firm delivers its legal offering in a way that different from the competition, is defensible and would be recognised as distinctive

by the clients they serve. Such product led differentiation could be in the form of standalone technology or software, the use of AI or Big Data applications, integrations with other jurisdictions or disciplines. Anything where the legal service cannot be copied or replicated easily by a competitor.

2. **Market Led Law Firms:** Where the law firm serves a defined market niche or provides a legal service to a specialist audience. This often manifests itself in law firms that serve extremely specific industry niches, for example “legal services for vineyards” or specific legal niches, such as “employment law for the clergy”. The defensible position here is not so much the legal service as knowledge of the market and the unique requirements of the client base.
3. **Sales Led Law Firms:** Where the law firm’s success is driven by some aspect of the ‘way’ the firm works. This is the most difficult to define and, equally, the hardest to defend. Any USP that the firm may have is a function of the manner in which the firm serves the market rather than the legal advice it produces or the market niche it serves.

In my experience, the overwhelming majority of law firms are Sales Led. Equally, in my experience, many of these firms, particularly those run by lawyers will shout themselves blue in the face trying to persuade you that they are not.

They will tell you that there is something unique in their legal service (the product) that differentiates them from the competition.

Often the argument is that their experience and seniority offer a better 'quality' legal service than that of the competition. Sometimes the argument is that they are bigger (and big is, therefore, better) or older (and therefore more trustworthy) or younger (and therefore more friendly). In most cases, under the lid the legal service is essentially the same.

In conventional, non-legal businesses it is entirely normal for management teams to be built around a wide range of complementary skills. Alongside Executive and Operating Officers one would expect specialists in Finance, HR, Marketing, Customer Service, Sales, Product and Technology. The management team work to balance the cost and benefit of each lever and completely recognise that the whole is, by definition, greater than the sum of the parts.

For some law firms this balance of skills and equality of representation is particularly difficult. It is often challenging for firms to get over the hurdle that the 'product' (the legal advice) is only one part of the greater mix. Clearly, in almost all law firms, the greatest cost and the greatest benefit comes from the legal talent and the services they deliver but that should not then dictate the business plan nor should it dictate how that plan is delivered. Particularly in Sales Led law firms the role that non-legal talent can play in the delivery of a commercially successful growth strategy is paramount. The only meaningful way to deliver a good Mission Statement is to focus on all aspects of the business offering. In this context, in the new deregulated environments, it will be Sales Led law firms who are most vulnerable to attack from non-legal providers

of legal services. If a Sales Led law firm is able to pull the levers of Marketing, Sales and Customer Service effectively then it can compete with non-legal providers for whom these disciplines are already a core component of their business set up.

In an environment where legal services essentially deliver the same client benefits regardless of supplier then it becomes ever more important for marketing and sales functions to drive individual firms to prominence. Providing compelling arguments in favour of the service from a particular law firm requires a sophisticated understanding of the market and the requirements of potential consumers of legal services if one is to stand out.

It also requires a pro-active approach to marketing and sales - one which is designed to attract and retain the target customer. It is important to recognise that effective marketing and sales in law firms does not require specialist legal knowledge or an intimate understanding of the law. For the majority of law firms, marketing and selling legal services requires, first and foremost, an understanding of the potential client and an ability to talk, using the client's language, about how the firm can address their needs and requirements.

Those who buy legal services, by definition, will be buying goods and services from other, non-legal suppliers. These suppliers will have invested heavily in developing and managing effective marketing, sales and customer support operations.

When law firms behave so radically differently from other commercial enterprises it is not

surprising that their clients find them so challenging to work with.

Law firms have a tremendous opportunity to thrive in the new legal eco-system. The market for legal services continues to expand whilst the social and business disruption caused by a global pandemic will lead to increased demand for customer-centric legal solutions. Law firms that can deploy, effectively, the tools, skills and business models that have been so successful in other professional markets will be best placed to serve this new demand.

About the Author

For the last ten years, Jon Whittle has been working with law firms to build strategies and tactics that deliver sustainable, competitive advantage. Jon's focus is on helping law firms develop into strong commercial businesses. He specialises in building value using market intelligence and customer insight and runs his own consultancy business (jonw@jonwhittle-consulting.co.uk) whilst also working with Viv

Williams Consulting (www.vivwilliamsconsulting.co.uk).

Jon previously spent nine years in a senior leadership role at LexisNexis and is a recognised authority on how law firms can develop and grow. Jon is also the architect and author of the widely read LexisNexis UK Bellwether Reports, which have played an important role in shaping the strategic development of many law firms.

Prior to LexisNexis Jon ran a start-up and worked in management consulting having previously worked for two decades in board level positions driving commercial growth for some of the world's largest intellectual property and media companies. Jon also has extensive M&A experience both in the UK and Internationally.

As well as providing consulting services directly to law firms Jon is a regular speaker at legal conferences and seminars and is frequently invited to contribute thinking on the strategic future of legal markets.

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Reflections on What 2021 May Hold for the Legal Industry...

By Nicolene Schoeman-Louw, Managing Director and Legal Project Professional
SchoemanLaw Inc, Cape Town, RSA



According to Graeme Codrington, there are three aspects all entrepreneurs (including Law Firms) should focus on in 2021:

- 1. You**
- 2. Your Team**
- 3. The Organisation (i.e. the Firm)**

The "You" often gets neglected, and in doing so is the most dangerous of not attending to these. These disruptive times, of which Covid-19 is just one example, are a marathon, not a race; the journey is a book, not a sentence. So with that in mind, mental health and a healthy pace have never been more critical to establish and implement on an individual level.



Maintaining a healthy pace has become even more challenging for remote working professionals as there seems to be little to no end to the day. It is therefore critical to find and exercise a healthy balance and boundaries in these uncertain times.

In achieving this, it could be useful to set realistic goals and measurables for yourself; this would ensure that you link your desired outcomes to deadlines and make the process of finding your own pace easier. It is vital to ensure that the goals you set for yourself follow the SMART goal methodology: Specific, Measurable, Achievable, Relevant, and Time-bound. A plan to “increase revenue” is not a SMART goal in how it is phrased, but a plan

termed as follows: “to increase revenue through growing our client base in litigious services by 50% within the next quarter”, is a SMART goal.

This methodology goes a long way to help you break down what needs to be done on a day, in a week and month to reach your goals at a healthy pace and within a framework of priorities.

Another critical component is to critically assess your day and establish which tasks you are performing, which you need not and to delegate those tasks to focus on where you add the most value as a professional. Thus, now would be a good time to review the delegations

of authority frameworks and day-to-day tasks involved in operational business functions.

About the "Team," it is essential to consider how you will support them in these trying times. What level of flexibility can you offer. From a remote working perspective, Stanford University has done some exciting research on remote working.

The degree to which your Law Firm is willing to transition into a remote working environment will (generally speaking) depend on the type of work you do and on your people (personalities). In addition to the data and information security, you need to maintain and what your systems allow. It could require a process into which you transition and therefore, should be thoroughly considered before implemented.

There is also no absolute approach to achieving this; for example, different departments or seniority levels could have other guidelines or policies around remote working. For example, the litigation department members could work part remotely, and part from the office as the need requires and support staff positioned to support the attorneys within this framework adequately. Whilst the commercial department drafting could be working entirely remotely.

Many professional environments have opted for an outcome-based approach with maximum flexibility; this is not a legal profession trend. However, I think there are many advantages which are at least worth exploring. Full remote working will require a total mind-shift away from the billable hour and tracking time

spent to a results-driven approach, which does not cultivate an unhealthy relationship between the attorney, client and the Firm.

Settling achievable milestones in matters could therefore be a way to implement a healthy and more outcome-based approach. These could include having a matter reach a certain point or milestone by a specified date. It could also include billables measured currency instead of hours/time and onboarding a specific client or number of a particular type of clients, by a specified date.

Successfully implementing this as a strategy in your Law Firm, would call for a team of more mature professionals. In my view, it is unlikely to succeed in firms where the skilled workforce is too young or inexperienced. Simply put, the attorneys measured in this way should be confident and have the necessary experience needed to succeed in this environment. If your team is relatively young, it means that you would need to embark on a process whereby you support them and expose them as best possible to ensure that they gain confidence and maturity as part of the organisational goals you have set. Again, which is why I say there really is no one size fits all solution here.

Also, allowing critical persons in crucial positions more decision-making authority would enhance efficiency. Naturally, certain functions in Law Firms cannot be delegated, so naturally, I do not include all tasks in a blanket statement. Delegate what you can as opposed to holding onto functions that are not necessary to be centralised. Examples could consist of implementing a policy around new

client intake or any rate concessions or fixed fee arrangements. That way, lead generation and the sales cycle remains efficient. Several processes could be implemented to ensure that the process of onboarding new work or clients remains efficient and profitable. For example, documenting troubleshooting guides for staff to implement when there is a deviation from the usual procedure. Or possibly authorise another person(s) to allow for rate reductions or special fee arrangements within a predetermined framework.

Regarding delegable authority, mindfulness exercises for the group, leadership training and a clear delegation of authority framework could serve your practice well and improve the client experience. Therefore, this is not a “quick fix” solution and should be implemented through strong communication channels and adequate training.

Lastly, tending to the "Organisation" is vital to building a flexible yet credible relationship and a structure that carries you through these uncertain times. Here streamlining and consolidating systems and ensuring that these are secure and meet your remote working requirements is vital.

Look at the systems you currently use, how accessible they are, and how secure they are in a remote working context. Conducting a systems' audit to ensure that you implement strong security measures and assuring user convenience is crucial. Another consideration is to ensure that systems that could be consolidated, there is nothing more confusing than a system spread over multiple applications and/or causing duplication of work.

Not to mention the likelihood of a human error occurring when data is being captured manually on various systems or applications due to a lack of integration.

A further component to bear in mind is your clients' needs; what do they expect from a reporting perspective? Do they want access to check status themselves or prefer email, phone or other modes of communication? In addition to the client preference, what are your policies around specific methods of communication? What types of messages or reports are being emailed, and which are to be sent or disseminated in some other way? Do your staff know what is most appropriate and when? Staff must be engaged with clients on an emotionally intelligent level to ensure that the reporting or ways in which they communicate adds value and speaks to the client's expectations in the performance of the work.

Besides, there are supportive persons and structures with the relevant experience and authority to ensure that the ship, being the Law Firm, keeps sailing and is more agile in these uncertain times, even in case of absenteeism from work due to illness. Interestingly, many Firms that have embraced digitisation and remote working seem to have reported an increase in productivity, even considering the pandemic's physical/health impacts.

In conclusion, the most critical consideration of all, in my view, is that Law Firms should build and implement more supportive structures for employees from a mental wellbeing perspective. The pandemic has explicitly had a significant adverse mental health impact. Truthfully, we have not yet measured

adequately and therefore, do not yet know its full effect. It is more critical than ever to ensure that working environments are supportive and conducive to sustaining a positive and healthy mindset. Several practical measures to implement could include providing that staff take leave regularly, rewarding good performers with time off and to task managers/HR to connect with employees that are personally affected by the pandemic.

Leadership and a structure that supports the people in and behind it profitably and sustainably recognises the value of human capital and adjusts itself to rising to the challenge of the pandemic and an overall disruptive environment in which it needs to survive, function and thrive.

About the Author

Mrs Nicolene Schoeman – Louw founded [SchoemanLaw](#) firm in 2007, aged 24, and is now the Managing Director of the firm.

She is an admitted Attorney of the High Court of South Africa, Conveyancer, Notary Public and Mediator; with a passion for entrepreneurs and helping them reach their most ambitious goals.

She obtained her LLB degree cum laude and successfully completed her LLM degree (dissertation) in commercial law and B-BBEE, both at the University of the Free State. In addition, she obtained her postgraduate diploma in financial planning (CFP) at the University of Stellenbosch. She regularly writes for academic publications such as De Rebus (the SA attorneys' journal) as well as Without Preju-

dice and [Polity.org](#) (legalbriefs). She also regularly contributes to various online publications such as Spice4Life and other mainstream publications such as The Entrepreneur Magazine, Business Briefs and Personal Finance Magazine (to name a few).

For over 7 years she presented The Law Report with Karen Key on SAFM, until the show was cancelled. She currently shares her knowledge regularly on radio 786, RSG and other radio stations.

Mrs Schoeman – Louw lectured at the University of the Free State during her studies, presently guest lectures at Stellenbosch Business School and currently presents seminars and workshops on a wide range of legal topics for various organizations such as Bandwidth Barn, UnitedSucces, Cape Chamber of Commerce and Industry and the Business, Retail and Marketing Indabas – to name a few.

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3 steps to get started on Legal Design



By Sarah Ouis, In-house Legal Counsel and legal content creator

*Have you ever heard of UX?
In the professional world? Probably.
In law school? Probably not.*

UX or user experience refers to the end user's interaction towards a company's products or services.

I take very little risk here by saying that the delivery of traditional legal services did not account for the importance of the end user's experience. Delivering the technical outputs used to be pretty much sufficient.

This is where legal design comes into play and supports the idea of a more user friendly approach to legal services. The CEO of Juro, Richard Mabey has a nice way of summing up what legal design entails.

“Legal design is a mindset as much as a discipline. It means starting with the end user of legal services of all kinds and working backwards. And it’s no longer a nice-to-have. To take one example, the GDPR mandates that all privacy notices will need to be concise, transparent and written in plain language.” [1]



I won't go into too much detail in regards to legal design as a discipline, our incredible Karol Valencia does it extremely well in this article [here](#).

For the purposes of this article, I will focus on the practical application of it, some illustrations and how you can take the leap into legal design by following 3 simple steps.

Whether you're looking to create content in an in-house capacity, in private practice or even for the purposes of your own personal brand as a legal professional, legal design can be a great tool to engage with your audience whilst adding value in a very creative way.

I initially started to do legal design without really knowing all of the terminology and background associated with the discipline, it all started from my own experience of law school and, later down the line, of how legal services were delivered.

My baby steps into Legal Design

I would like to take you on a journey based on my personal experience of law school between 2009 and 2014. I guess you probably won't be surprised, but we did not have anything close to design thinking as a discipline. Our law classes were hundreds of pages long, mainly consisting of legal jargon.

I was always different when it came to approaching my law revisions and understanding legal concepts. I wouldn't create extensive and long winded pages of legal notes out of law lectures. Instead I'd create tables and keep the content to a minimum – but com-

prehensive enough to understand and remember the basics: principles and exceptions.

When I then started to work in-house, I realized that legal teams were usually described as not only the business prevention or no-to department but were also not an approachable division to work with (the services were perceived as lacking flexibility, accessibility, in addition to a lack of focus on problem-solving approach).

The only few moments where the legal team could really have an opportunity to stand out or interact with the business (for example during internal training) would be through very boring, long winded PowerPoint that very few in the audience would remember.

With this experience in mind, I started to really wear our clients' shoes by thinking: if, given my background and experience as a legal professional, I do not appreciate the way legal services are delivered, what about those with none of these skills and knowledge?

As a result and as soon as I had an opportunity, I started to incorporate more user friendly and engaging ways of interacting with the business through visuals, humour etc.

I also leverage the importance of interactions during the training sessions by incorporating quizzes and team's work.

I have a passion for education and entertainment combined as I strongly believe them to be the most efficient way to train.

I then noticed a better engagement with the training, a greater level of awareness across attendees and a value add for those who took part in the training.

In addition to creating more engaging legal training, I started to produce innovative content to address certain topics and answer questions

Three steps to create content

If you follow me on social media*, you will already know that I post content mixing legal, entertainment and design.

I finally found a way to create legal content that is both engaging and educational.

I will show you how you can start create your own legal craft by following 3 simple steps

Step 1: Identify who your audience is

It is worth reminding that we don't create content for ourselves but for others hence the need to really step out of our own bias and identify who the content is addressed to.

Identify the audience is important for various reasons:

- The content and its relevance are dependent on it
- The content creation process can significantly vary depending on who the end users are.

The needs and objectives of the content will be different depending on the targeted audience.

It may be tempting to just duplicate one piece of content across multiple populations but it is likely that, by doing so, the content won't always necessarily be relevant.

If we take the example of running a contract training with two different audiences

- The first one being entrepreneurs
- The second one being business people of an organisation with an in-house legal department

Entrepreneurs may have a limited knowledge in terms of contracts.

As a result, going back to the basics and emphasising the business risks associated with commercial contracts may be a good starting point.

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Composition	Benefits
Limitation of liability	Protect against financial exposure
Control of indemnity scope	Protect your cashflow and revenue
Exclusion of indirect damages	Protect your assets
Reasonable financial terms	Protect your information
IP Ownership	
Confidentiality	

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VERY LAWYER Problems... Sarah OUIS @verylawyerproblems

The Sanitizer could therefore be relevant for an entrepreneurial audience.

If the targeted audience is business people of an organisation that has a legal team, the legal team will be there to cater for the review of these commercial risks. Therefore, raising awareness on the types of contracts that the organisation uses, their different purposes and the role of business people in the contractual

process will probably be more relevant to them.

The contracts love story could therefore be more relevant in that particular situation. Once we identify the audience and their needs, this gives us the way forward to create content. The content creation is probably the most challenging part and a couple of ingredients are usually required for its success.

Happy Valentine's day with... The Contracts Love Story

WHAT IT LEGALLY MEANS

CONFIDENTIALITY AGREEMENT (CDA)
NON-DISCLOSURE AGREEMENT (NDA)

LETTER OF INTENT (LOI)

WORK ORDER (WO)
STATEMENT OF WORK (SOW)

THE NOTICE

AMENDMENTS
CHANGE ORDERS (CO)

THE TERMINATION

MASTER SERVICES AGREEMENT (MSA)

The dating period

The First Date
You'd rather keep quiet on the fact that we are speaking to each other

The wedding
Ok we think we are ready to get engaged now

We still want to go on dates but we are not ready to get engaged yet but since we like each other let's give it a go

The baby contracts
Ok now we can take it further and have baby contracts

Honey we need to talk

Changes in the relationship
We liked you and your baby contracts but we need to change stuff. It is not you it is us, we've been hurt so many times. Change it or we walk

The Divorce
It is over, I am done with you and your baby contracts

WHAT IT REALLY MEANS

@mounirdigital - @verylawyerproblems

MOUNIR DIGITAL

AVEC

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Problems...

Step 2: The content creation

Does the audience have a knowledge of the topic and to what extent? What are the objectives that we try to achieve in the content?

Having empathy towards end user's usually does the trick, not only on the content creation piece but also its format. No one wants to go to another unaesthetic and boring PowerPoint type of training. A long winded and legally drafted document is probably not the way either.

People are busy and we live in a quick consumption era, let's keep it short, sweet and simple when we possibly can.

To quote a French author, Blaise Pascal: *"I have only made this letter longer because I have not had the time to make it shorter"*

The simplification process takes time but matters a lot and so does the physical aspect of your content. (I won't go back to the ugly PowerPoint concept, I am sure you get it now)

This is where your creativity comes in.

If law school did not allow us to be creative, now is the time. Creativity really has no limits so we can make the most out of it.

Various formats could be relevant depending on the situation:

- **Visuals:** you can create Infographics, comics, (not so ugly) PowerPoint slides
- **Videos and Audio:** YouTube, the rise in consumption of podcasts have proved that

people are interested in different formats as well such as videos and audio (Could you imagine how awesome it would be for Ed Sheeran to sing a privacy notice to the customers of a Record Label? I personally could!) For example let's do a (short) remake of Thinking Out Loud

"...And you're thinking about how companies use data in mysterious ways.

*Maybe just the touch of emails
We use your data in a very particular way
And we just want to tell you how...
We use the cloud, that is where you data will be stored
We usually don't keep it for very long, unless we have to go to court"
Sounds great isn't it?*

Various methods of communications such as humour can positively impact your content and make it memorable.

If we take the Contracts Love Story for example (which is probably my most popular design on LinkedIn with over 21,000 views), what has probably worked here is the surprising parallel between law and love stories (which not only did make people smile but is also more likely to impact people and remind them of the instances where a particular contract must be used)

It is a very different approach to what legal professionals are used to but it is just a matter of adjusting your mindset to a new way of thinking and approaching content creation.

Once you have started to effectively do it, you

will soon realize that creativity resides in you and the overall process will appear more and more natural as you keep on practising. and the overall process will appear more and more natural as you keep on practising.

Does all of the above make sense so far? If so let's have a look at some tools that you can use to get started.

If not, I am sorry and I would be happy to further discuss with you!

Meanwhile, you can still have a look at the example of tools I am providing below:

Step 3: the tools

Here is an overview of the tools I use the most

Canva

Out of them all, Canva is by far my most favourite tool. You can start to use it for free to have an idea of what you can create and how it works.

For less than £100/year you can have access to more fonts, formats, icons etc. which will allow you to create powerful visuals in a multitude of formats. The tool is really user friendly and you can learn how to use it simply by practising and trying to make designs directly on it.

PowerPoint and Flaticon

I know I almost had a rant about ugly slides from PowerPoint. The truth is, unaesthetic slides are probably mainly caused by the lack of training as opposed to a wilful intent of

non savvy users to damage the reputation of Bill Gates' product. The Sanityzer was designed using PowerPoint for instance.

In terms of icons, you can use Flaticon which allows you to have access to thousands of icons for less than £100 pounds a year and use them in your designs.

Miro

Miro allows you to easily create various types of visuals boards with ready-to-use templates to cover various types of scenarios. Again, their team subscription is rather cost effective and would save you the time of having to figure out what is the best way to map out your content.

To sum everything up – you can get started with designing legal content by:

- Identify who the audience is, what the needs are and the objectives of the content you're envisaging to create
- Simplify the content as much as you can and leverage your creativity with the end users in mind
- Create your content by using the relevant tools such as those described above
-

Thanks for your time reading!

PS: if anyone knows Ed Sheeran out there – I would very much like to experience the privacy notice song idea!

About the Author

[Sarah Ouis](#) is an in-house legal counsel specialized in commercial law and data protection.

She is also a legal content creator who produces innovative legal content on social media (on LinkedIn Sarah OUIS and Instagram [@verylawyerproblems](#)). She is on a mission to contribute to a more user centric approach to

the delivery of legal services and has been helping legal departments and legal services providers such as law firms to revisit their approach to content creation and value add to the end users.



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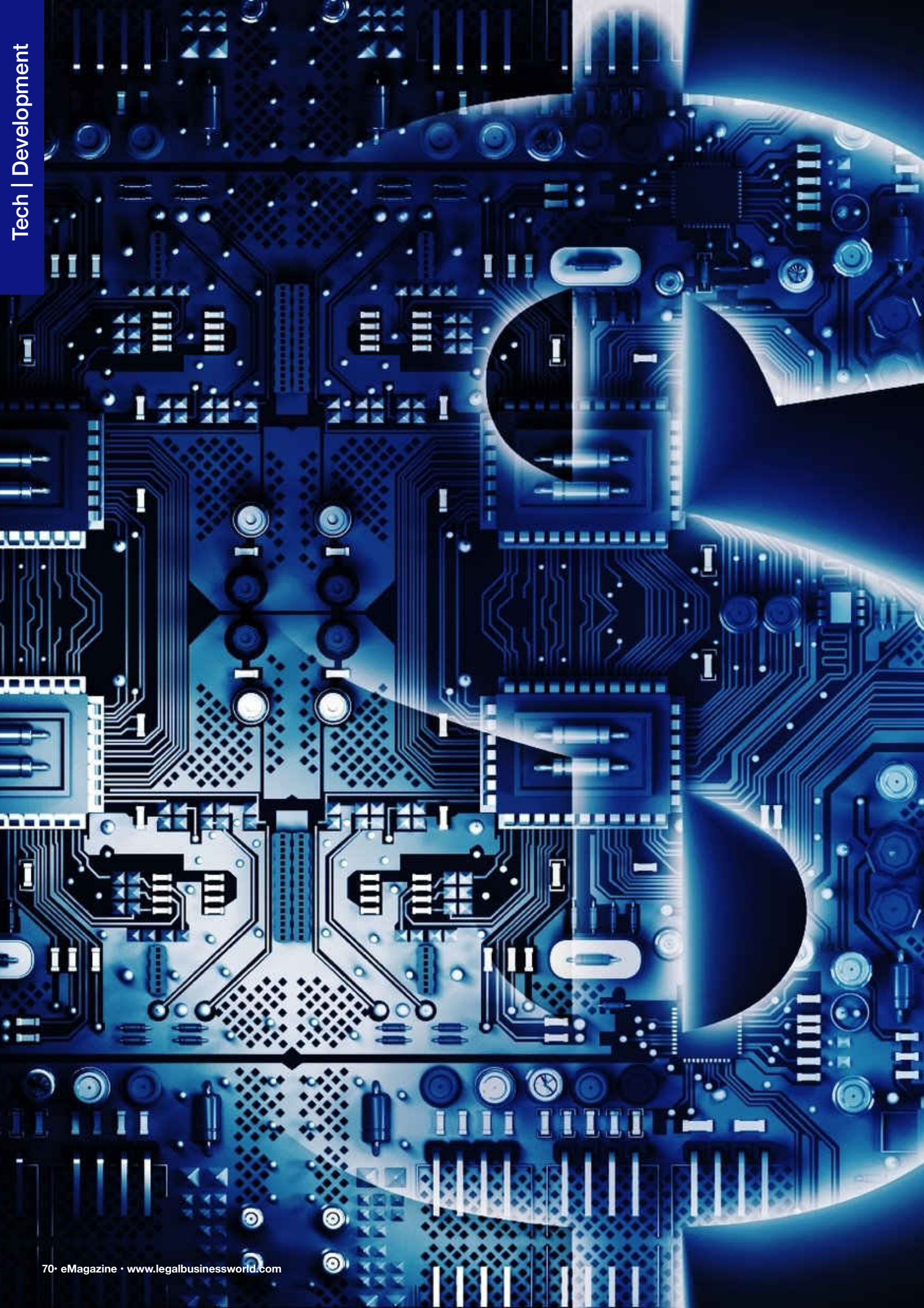
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Fintech: The Future of Global and Egyptian Finance

By Mohamed Emam, Founder and Senior Managing Partner of Emam & Partners



Financial Technology, better known as Fintech, is used to define technology's integration into financial services to improve and ease its use. When thinking of Fintech, most people's minds think of the modern paying apps that help them pay for any and everything without swiping a card or using currency, when in fact, Fintech has been around for more than half a decade. The first use of Fintech would be in the creation of credit cards in the 1950s, but it didn't stop there. Fintech is an ever-growing sector. In the 1960s, ATMs were introduced. In the 1980s, we saw the rise of bank mainframe computers and more sophisticated data and record-keeping systems, and in the 1990s, the internet and e-commerce models flourished. These resulted in the creation of on-line stock brokerages—examples like these outline how common Fintech has become.

In the past, Fintech was only seen in certain aspects of financial services; however, nowadays, Fintech seems to be available to be used everywhere in everyday tasks.

Thanks to the recent upsurge in apps that aid customers with everything from paying for their morning coffee to acquiring loans. Mobile payments and wallets are also growing faster than ever. That is due to the ongoing virus that has restricted people to the comfort of their homes. This has indirectly aided in the growth of the fintech industry exponentially. Ever since people started quarantine (early 2020), they've had to rely solely on digital channels to get their required financial services done. The result was a massive increase in data processing in the fintech sector. Experts estimated that the digital payment's total transaction value would rise to 4.8 Trillion US Dollars in 2020; in comparison, 2019's knew 4.1 trillion US dollars in transaction value.

Furthermore, all estimates made by experts show that Fintech is yet to peak, with the forecast predicting an increase at a CAGR (compound annual growth rate) of 12.8% from 2019 to 2023, reaching an expected transaction value of 6.7 trillion US Dollars by 2023. Not only that, but the number of fintech users has also spiked in recent years, as shown by this study from Singularity University that estimates that 46% of people use digital channels exclusively for all their financial needs. Fintech startups are also finally gaining immense attention; hence, the 24 fintech startups that have reached unicorn status in 2019 (unicorn is a startup that is worth more than 1 billion US Dollars) compared to 2018 where only five companies had achieved that status.

It confirms that the age of Fintech is now upon us. The proof is in the numbers: 12,500 fintech startups in 2019 and 21,000 startups in 2020.

Fintech startups usually assist clients in one or more of the following roles. Firstly, Lending, fintech companies ease the whole lending process by making it unnecessary for clients to return to banks by making loans directly to consumers. In addition to that, fintech companies approve consumer loans swiftly, contrary to banks. Fintech companies also allow clients to transfer payments to each other without returning to the bank. Unlike the bank that charges exorbitant fees on peer to peer transfer, fintech companies can transfer the money without fees. Not only that but, the companies also transfer the money faster than the banks; moreover, they allow clients to perform international money transfers. This option has attracted many clients since banks charge an 8% interest fee on international money transfers, and as mentioned before, they're exceptionally slow. According to the Financial Post, the top money transfer company can send a transfer in 8 seconds. Another vital area in the fintech market is personal finance. Before the fintech era, people had to go to banks to ask for financial advice. They had to make budgets in a spreadsheet or use an envelope system. Thanks to the fintech startups, people can now receive financial and budgeting advice from their homes' comfort via money apps that provide such information. There are also apps that advise people on retirement and investment plans. Moreover, fintech companies are changing equity financing, fintech companies in the market sector work on connecting accredited investors to vetted up startups.

In contrast, others use the crowd funding model to allow anyone to invest in startup businesses; this eases fundraising for these companies. As a bonus, virtual fundraising is preferred by investors since everything is done online. Another aspect of the fintech market is consumer banking, also known as retail banking. Traditional banks charge a substantial fee, so fintech companies in that field provide an excellent alternative for their consumers. They also have an advantage over banks because they can reach under-banked consumers, consumers who can't get a credit card or don't want to get prepaid cards from fintech companies. A recent addition to the fintech sector are new startups that focus on insurance. These companies aid consumers that they believe are under-served by regular insurance companies. Compared to traditional insurance companies, these fintech insurance companies are generally more flexible and have much more convenient insurance policies that appeal to clients in all situations.

Fintech hasn't only been booming in major countries. Take Egypt, a country that has been growing in recent years due to ongoing economic growth and the lack of banks' usage by the Egyptian populous. Multiple studies and expert statements have all concluded that the fintech sector has massive potential in Egypt. Their most significant hurdle to overcome would be the lack of trust Egyptians have in banks and companies alike. When it comes to handling their money, Egyptians live by the statement "Cash is King" hence, why they keep it in their possession rather than opening bank accounts and leaving their money in banks. Therefore the uneducated populous in Egypt so far do not trust fintech startups, as they have

to learn that they are different than traditional banks. That could easily be changed if fintech companies strengthen their security by adding new features such as two-factor authentication, biometric authentication. The app could also offer weekly updates and implement real-time monitoring (in case a breach occurs). In addition to that, Fintech companies should start campaigning to educate people. If done correctly, these two things should convince Egyptians to put their trust in fintech companies thus, overcoming the hurdle. Regardless of these suggestions, there already is a large and still growing group of Egyptians who gained confidence as the fintech ecosystem in Egypt has been growing in the past couple of years. Also, several initiatives by the Egyptian Government has helped the fintech sector to grow. For example:

- The development of an Egyptian fintech platform,
- The conversion of the historic Central bank of Egypt into a fintech hub,
- The introduction of regulatory sandboxes for fintech companies to help startups conduct live experiments in a controlled environment.

They've also started the investments, including initiatives such as the EFG-EV fintech accelerator program, founded by big names such as EFG Hermes and Egypt Ventures. Also, several funds have been recently announced to expand the fintech ecosystem in Egypt. The most prominent of them was the 1 Billion LE (Egyptian Pounds) fund started by the Central Bank of Egypt. In addition to all of that, the Egyptian Government has recently released a series of new laws supporting the fintech

industry and encouraging people to use fintech services in everyday situations. For example: in court, if you pay via cash, not Visa, you get fined approximately an extra 14% of your bill. Laws similar to that are implemented throughout Egypt. But, it didn't stop there; the Government has also introduced new laws on the 28th of December 2020 that make the usage of Fintech easier and more appealing to other people.

Some of these laws concerned the decrease of the time it takes to complete a transaction between the same bank accounts from 1 day to 2 hours, while transactions between different bank accounts were decreased to 3 hours instead of 3 days. They've also reduced the bank charges on electronic transfers, and finally, e-wallets and debit cards will now be issued free of charge.

While fintech startups were finally gaining the attention they rightly deserved, other major companies have also started to invest in fintech development, and some have even launched their apps. When talking about innovation in this field, they're not only focused on innovating on their own but, they're also looking to cooperate with others in the market to make it a cooperative and competitive market at the same time. All these efforts by the Government and the big corporations have not gone to waste. As recent statistics show, one of the most notable fintech startups in Egypt, an app that uses e-payments, has now gained over 20 million users and processes nearly 2.1 million daily transactions.

Although Fintech in Egypt has taken a massive leap in recent years, the best has yet come.

Egypt has only begun its fintech revolution. With the immense potential, the sector has in the country, it is clear that the fintech sector will grow exponentially in the near future.

In conclusion, the fintech sector's growth across the globe is a clear indication of a new age that is now upon us. It is clear now that corporations and countries alike must start innovations, or they'll risk being left behind. Fintech isn't just a trend that'll die down in a couple of years. It is the start of a technological revolution in finance that aims to make every aspect of financial services easier for its clients. It is also clear that this is only the beginning of Fintech's rise to the top. Like every study, research, and statistics that show and predict: Fintech's will grow at an exponential rate; the fintech industry shows no signs of slowing down so, it is safe to say that you're now witnessing history in the making. You're witnessing a technological revolution that will surely change the way we perform financial services forever. Now I ask you if you would instead take part in changing the finance industry as we know it and create a history or watch from the sidelines as history happens before your eyes?

About the Author

[Mr. Mohamed Emam](#) is founder and senior partner at Emam & Partners, an independent full service corporate & arbitration law firm based in Egypt since 1980. The firm consists of 5 partners and more than 25 associates.

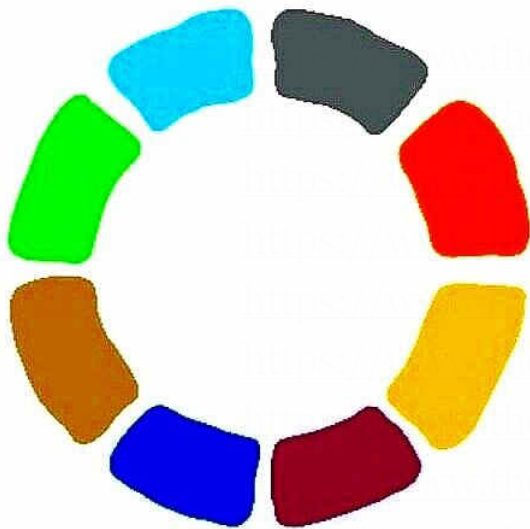
Mr. Emam, is an expert in Commercial, Corporate, Contracts, Insurance, Employment and Labor Laws. He is the head of Corporate and M&A Department besides that that he is

an active member of the Arbitration Department. With over 20 years of experience, MR. Emam has advised a considerable number of local and international clients on doing business in Egypt.

He masters the skill of gaining the trust of clients - a fact proven by the long-standing relationship he has built with his clients who continue working with him after the incorpo-

ration of their companies. Established and new clients seek their legal input on the day-to-day issues. Issues such as: addressing labor issues, reviewing various types of contracts, undertaking all corporate work, and more.

Furthermore, he works as legal counsel for major foundations and well known international organizations. More information see: <https://emamandpartners.com>



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Why Employees Won't Commit to Your 2021 Goals

By Nick Tiger, Senior Counsel for Capital One

“Unless commitment is made, there are only promises and hopes... but no plans.”

-Peter F. Drucker

The holidays feel different this year, as the usual crowds and gatherings have been dampened by the stress and restrictive measures of a year-long pandemic. While employees modify their holiday rituals to adjust to the new normal, leaders across industries are engaging in their own seasonal custom of goal setting for 2021. Whether you are a boutique law firm owner or the GC for a multinational corporation, goal setting is a simple yet effective way to drive future group performance. But even thoughtfully crafted goals can fail, threatening to extend the missed marks, stalled sales, and delayed deliverables of 2020 well into the new year.

Workplace studies suggest that some goals fail because of deficiencies within the letter of the goal itself. Ultimate success is also dictated, however, by employee attitudes and perceptions toward those goals. Research demonstrates that employees who feel commitment toward your organizational goals are more likely to achieve them. Conversely, if employees don't care about achieving your 2021 goals, they probably won't. Unfortunately for legal practitioners, fostering commitment in the workplace is like finding commitment in dating – it's complicated.

Social scientists define commitment as an affective or emotional attachment to an organization that causes employees to identify with and enjoy membership within that organization. In other words, it's a psychological state that binds an individual to a firm or company. Employee survey data reveals a strong positive correlation between commitment and fairness,



meaning employee commitment levels generally go up as employee perceptions of organizational justice increase. As you may have guessed, fairness vacuums in organizations result in a dramatic reduction in employee commitment. Commitment in the workplace is ultimately an employee decision influenced by positive perceptions of organizational expectations, systems, and institutions. When employees commit to your goals, the goals are more likely to be achieved, paving the way for incremental improvements in 2021. But when employees commit to your organization, the possibilities for engagement are endless.

To assist in taking the first step toward endless possibility, I have compiled a list of three ‘commitment killers’ that every leader should know about, along with a few action items to mitigate the risks and champion fairness in your 2021 goals:

Commitment Killer #1: Lack of Distributive Justice

Distributive justice refers to employee perceptions of fairness stemming from the output of a managerial decision. In the context of goal setting, employee attitudes are based on the fairness of the directives laid out within the goal itself.

A goal that is overly general or vague creates psychological tension, as humans are wired to gravitate toward certainty over ambiguity. When faced with unclear directives, employees may feel that they’ve been put in an unfair situation with no defined vision of success or path forward. Similarly, a goal may be seen as confusing if it conflicts with other directed goals or is at odds with your organizational values. From unclear goals flows unclear expectations, which create downstream inequities in performance evaluations and staffing decisions.

If the goal is sufficiently specific but too difficult, employees will perceive the expectation as unrealistic. Rather than commit their best effort and risk probable failure, it is a psychologically safer approach for them to reject the goal entirely. On the opposite end of the spectrum, goals that are too easy don’t require much commitment to achieve, so workers are unlikely to exert extra effort or take them seriously, resulting in negligible gains in performance.

When assessing if your goals are fair, try to answer the following questions with empathy:

- If I were the worker, would I find these goals to be clear and concise?
- Do the goals align with our held values, both personal and professional?
- Are quantifiable targets in line with industry standards, business conditions, and recently documented performance outputs?
- Will employees find these goals challenging yet realistic given their resources?

Commitment Killer #2: Lack of Procedural Justice

Procedural justice focuses on employee faith in the fairness of the underlying decision-making processes. The goal setting process may stem from a company's formal procedures and policies, but also from corporate customs, culture, and the unwritten rules of how agendas are set. A system perceived as fair increases employee motivation and drives organizational citizenship — a deeper level of commitment that attaches not only to the goal, but the organization overall. Organizational citizenship is similarly correlated with employees being more likely to exhibit extra effort and take on additional discretionary projects that do not form part of their core duties.

Systemic inequities are harder to identify for many leaders because they find themselves so entrenched in an organization's culture that they struggle to see beyond or assess it from an objective perspective. There is also a sense of elusiveness to procedural fairness, as a particular process can be equitable for some and inequitable for others, requiring leaders to think empathetically and, again, outside of themselves.

While difficult to identify and root out the processes that test employee faith in the system, it is not impossible. Leaders can take the following first steps to drive more positive employee perceptions of the goal setting process:

- Conduct an honest moral inventory of your current goal setting process with the HR department or an outside consultant to determine if it's working for everyone.
- Integrate new controls and oversight into your existing processes to make them more transparent and equitable.
- Review the rosters of goal setting meetings and brainstorm sessions to determine if all critical stakeholders have a seat at the table.
- Solicit and carefully weigh employee feedback through surveys and manager check-ins to uncover new pain points related to how goals are created.

Commitment Killer #3: Lack of Interactional Justice

If distributive justice focuses on the fairness of any given decision, and procedural justice assesses the underlying process that yields the decision, then interactional justice analyzes the manner in which that decision is disseminated. As leaders are the evangelists of organizational policy, they are typically tasked with communicating annual goals and expectations to employees. Research demonstrates that bosses who are kind, considerate, and respectful in these interactions have employees who experience increased feelings of organizational commitment. Before you decide to enroll in charm school, note that interactional justice is the least influential of the three types of justice discussed. In other words, being able to work over a crowd with a beaming smile will not overcome glaring deficiencies in goals or the goal setting process.

Interactional justice isn't all style over substance, as the content of your messaging also counts. Exchanges in which managers share access to pertinent information and offer insights into the rationale behind the decisions are more likely to drive employee feelings of organizational commitment. Studies show that leaders who take the time to explain the 'why' behind their decisions satisfy the employee's need for certainty (the same need that is frustrated by the vague or unclear goals discussed in Commitment Killer #1). Tying back to human needs for social interaction, being made to feel 'in the loop' drives feelings of group identification and inclusion, even if the employee was effectively excluded from the decision-making process itself.

In assessing how goals are communicated to employees in your organization, consider the following points:

- Humans are social animals who need quality interpersonal relationships and interactions to thrive and perform at their best.
- Taking the time to offer radical context as to the 'why' behind your goals will earn employee commitment, while barking orders will likely lose it.
- Fair and respectful interactions should be cornerstones to a successful organizational culture. If you can't provide them, your competitors will.
- Overinvest in kindness: it's free!

About the Author

Nick Tiger serves as Senior Counsel for Capital One and provides legal support to multiple business units within the customer contact centers. Nick is very active with Capital One's Diversity, Inclusion, and Belonging (DIB) initiatives, and regularly speaks to leaders at conferences and summits about the importance of applying equity and inclusion analysis to real world business problems and processes. Nick holds a BA in Social Psychology from Webster University in St. Louis, Missouri, a JD from the University of Missouri-Kansas City, and is currently enrolled in Industrial & Organizational Psychology coursework at Harvard Extension School. In the free time he has left, Nick can be found renovating his fixer-upper log cabin located in the Blue Ridge Mountains of Virginia.

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- YOU'RE ENGLISH LANGUAGE PROFICIENCY IS AT A PROFESSIONAL LEVEL (3-4)

TOGETHER WE'LL MAKE THE SCRIPT, RECORD A VIDEO, AND PROCESS THIS VIDEO INTO A PROFESSIONAL TV BULLETIN. THIS BULLETIN IS AIRED VIA LBW TV. SUBSEQUENTLY, THE VIDEO IS PUBLISHED IN THE LBW ON-DEMAND LIBRARY.*

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HELPING THE NEW FIRM LEADER SUCCESSFULLY TRANSITION

VIRTUAL ADVISORY SESSIONS

Leadership transitions do not occur as a series of linear or logical steps. If you are about to take the reins and transition into the role of Firm Leader, you are about to make a quantum leap into a new reality – one often containing big goals and complex challenges. Will you be prepared to successfully navigate this transition? Do these sound like some of the perplexing questions that you have been asking yourself:

- Am I really clear on the reasons why I accepted this position?
- How can I be sure that I have correctly understood what is expected of me?
- Which tasks should be a priority and which tasks can be put on hold?
- Who am I going to meet with first and what am I going to say?
- Have I defined the challenges and determined an approach for dealing with them?
- When can I begin to introduce change and what is my initial plan of action?
- How do I make sure that I have the support I need from the partnership?

These questions can rattle around in your brain with little clarity. My name is Patrick J. McKenna and since 2007, I have helped dozens of new firm leaders, many from AmLaw 100 and 200 firms, navigate their first 100 days by way of my highly successful Master Class (see: [First 100 Days Masterclass with the various testimonials](#)). These advisory sessions provide that same content – only in a highly interactive and customized one-on-one process. I can help you achieve the clarity you need and here is how I propose that we tackle your transition:

One-On-One Consultations

We will schedule a session approximately every second week (or weekly if required) – each lasting about 60-90 minutes by telephone or desktop video; and I will provide additional counsel by email as needed. The intensity of the support depends entirely on your unique needs. I am here to help you get the job done and your problems are my problems.

Homework and Reflections Assignments

You may expect to be provided with prescriptive reading materials, things to think about, thought-provoking exercises, and homework assignments – all to help you be highly successful in your leadership transition.

Document Review

I will also review and provide detailed feedback on any documents, reports or written notes related to your leadership transition – from formal job descriptions to your First 100 Days action plan.

These sessions will give you practical insights and actionable perspectives about how to succeed in your new role. And my entire process is:

TOTALLY CONFIDENTIAL – no one in your firm need know that you have retained a special advisor to assist you with your leadership transition.

EASILY ACCESSIBLE – from anywhere in the world through audio (telephone) or video (Zoom or other) desktop conferencing and either during regular office hours or at a time that is most convenient to you.

AFFORDABLE – your one-on-one advisory assistance is priced on a flat fee for Ten (10) sequential sessions (plus any disbursements) complete with my satisfaction guarantee – If you are not completely satisfied with the services provided during any session in this engagement, I will, at your option, either completely waive my professional fees or accept a portion of those fees that reflects your level of satisfaction.

WHAT IS INVOLVED IN MY FIRST 100 DAYS ADVISORY SESSIONS

Here are the issues that we will address over the course of our sessions together.

- Session 1: Beginning Before the Formal Handoff**
What competencies, resources, and skills do you bring to this new role and how will you leverage them?
- Session 2: Getting Clear on Your Mandate**
Review 4 predictable stages of your transition and 10-point critical action plan for working with your predecessor.
- Session 3: Understanding Your New Role**
How does your firm's current circumstances shape your expectations of what your first steps should be?
- Session 4: Hitting the Ground Listening**
Determine partners views of the important areas where you must succeed and what their appetite is for change.
- Session 5: Working with Your Administrative Professionals**
Identify how well your administrative professionals are performing and how they should work with you.
- Session 6: Working Effectively with Your Business Units**
Review 10 elements of structural integrity and how you can help your practice/industry groups accomplish results.
- Session 7: Setting Your Strategic Agenda**
We will develop your specific 100 Day Action Plan identifying your priorities going forward
- Session 8: Stimulating Change That Sticks**
Review 25 different strategic levers you have available to you to stimulate productive change
- Session 9: Securing Early Wins**
Design some 'early wins' pivotal to building political capital and momentum around results
- Session 10: Managing Your Time – Priorities Dilemma**
How will you balance your time in the early weeks, given the demands that will be made?

LET'S ARRANGE A NO-OBLIGATION INITIAL DISCUSSION

Contact me (patrick@patrickmckenna.com) to set up a time for a get-to-know-you conversation. I will ask about the challenges and issues you are expecting to face in your first 100 days and you may ask me any questions you wish about my background and specific expertise.

There is no obligation to enlist my services as a result of our discussions and at the very least, I'm sure that I can provide you with some valuable initial counsel

Patrick J. McKenna

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