

# LEGAL **BUSINESS** WORLD

• Legal Business World Publications • No.2 • 2020 • [www.legalbusinessworld.com](http://www.legalbusinessworld.com)

## The Critical Elements of Non-Hourly Pricing

By Richard G. Stock

Contributors: Patrick J. McKenna, Marko Porobija, Mauricio Duarte, Jeanne Somma, Tatiana Revoredo, Kenny Tung, Zachary Moen, Cash Butler, James Johnson, Josh Blandi, Pamela Cone, Garrett Dubois, Kai Hellstrom, Bhaven Shah, Rob Meijers, Reinhard Gaertner

**Business of Law**

# Listen to Ari Kaplan's latest Podcast



## Business as Unusual: Leveraging AI to Navigate an Uncertain Climate

3/26/2020 | 12 min

Latest Episode I spoke with Alex Babin, the CEO of ZERØ, an AI-powered email platform. We discussed the genesis of Zero, how it leverages artificial intelligence to help users manage their email, the value of ZERØ Lite, how law firms can reinvent themselves in a remote-first working environment, and the...

## The Moment for Innovation in Legal

3/24/2020 | 18 min

I spoke with Patrick DiDomenico, the chief innovation officer for Jackson Lewis, a large national labor and employment-focused law firm with more than 60 offices throughout the United States, and the author of Knowledge Management for Lawyers (American Bar Association, 2016). We discussed his...

## The Benefits of Business Intelligence in Legal

3/20/2020 | 12 min

I spoke with Tom Jones, the founder and CEO, and Jeff Suhr, the senior vice president for Intellistat and Steere, respectively, for Iridium Technology, a business intelligence and financial analytics company. We discussed the genesis of Iridium Technology, the drivers of analytics in the legal...

## The Value of Aggregating Legal Technology Applications

3/11/2020 | 12 min

I spoke with Josh Maley, the founder of Theorem, a platform designed to aggregate legal technology applications for law firms and corporate legal departments. We discussed the genesis of Theorem, how using it impacts how organizations manage their application suite, and advice for law firm and...

## The Rise of Contract Analytics

2/27/2020 | 13 min

I spoke with Jim Wagner, the president of Seal Software, a leader in enterprise contract analytics. We discussed his role at Seal Software, whether artificial intelligence has come of age for contract review, the demand for contract analytics software, what should potential users of contract...

[MORE](#)

Legal Business World  
Podcast



## Read the latest website publications

[What Does AI Contract Work Automation Mean?](#)  
March 30, 2020

[Global Legal Hackaton postponed Round Two submission](#)  
March 26, 2020

[Emergency Pricing](#)  
March 25, 2020

[How coaching unleashed a Legal @Evolution](#)  
March 25, 2020

[The High Ticket Price to Cull](#)  
March 23, 2020

[Get Better Results For Your Legal Firm This Year: Here's How](#)  
March 20, 2020

[Budgeting Complex Legal Work](#)  
March 19, 2020

[The COVID-19 aftermath for Professional Services: Three Hypotheses](#)  
March 17, 2020

[A ClariLegal interview with Mike Bryant](#)  
March 16, 2020

[Lexpo Rescheduled | September 14 & 15](#)  
March 15, 2020

[When Altruism Is Not Enough: The Economics of Well-Being in the Legal Profession](#)  
March 12, 2020

[State of European LegalTech](#)  
March 11, 2020

[Managing for Outcome: Rethinking Value Chains in Professional Services](#)  
March 10, 2020

Management/Publisher  
LegalBusinessWorld Publications  
Joek Peters | CEO | President  
Allard Winterink COO | SVP

jpeters@legalbusinessworld.com  
awinterink@legalbusinessworld.com

© LegalBusinessWorld™

### Editorial

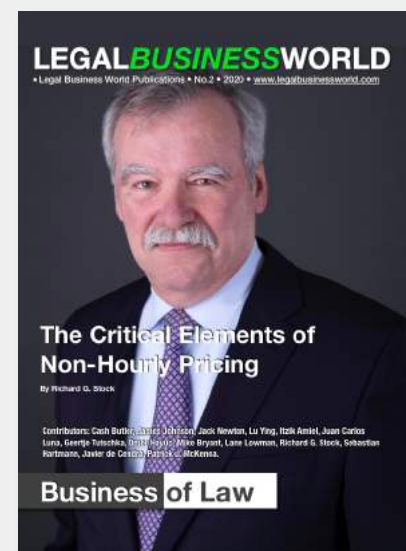
LegalBusinessWorld Publications  
Editorial Dept.  
MBL Media

### Sales Representatives International

Michael Blakely (US/Canada)  
[mblakely@mblakelysalesandmktg.com](mailto:mblakely@mblakelysalesandmktg.com)  
Telesales: Fox Associates  
800-440-0231 ext 116  
[Adinfo.lbw@foxrep.com](mailto:Adinfo.lbw@foxrep.com)  
Or contact our media department at  
[info@legalbusinessworld.com](mailto:info@legalbusinessworld.com)

### Design & Layout

LateNight studio's  
[info@legalbusinessworld.com](mailto:info@legalbusinessworld.com)  
Photo's: Alejandro Escamilla, Thought  
Catalog, Danielle Macinnes, NASA, Rey-  
naldo Brigantty, Annie Sprat.

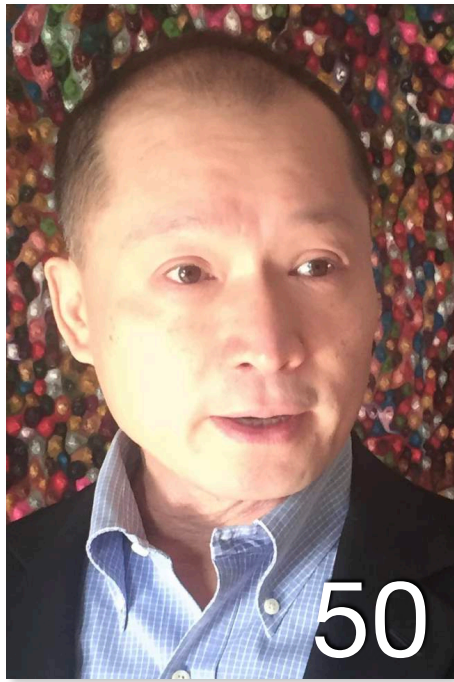


Cover photo: Richard G. Stock





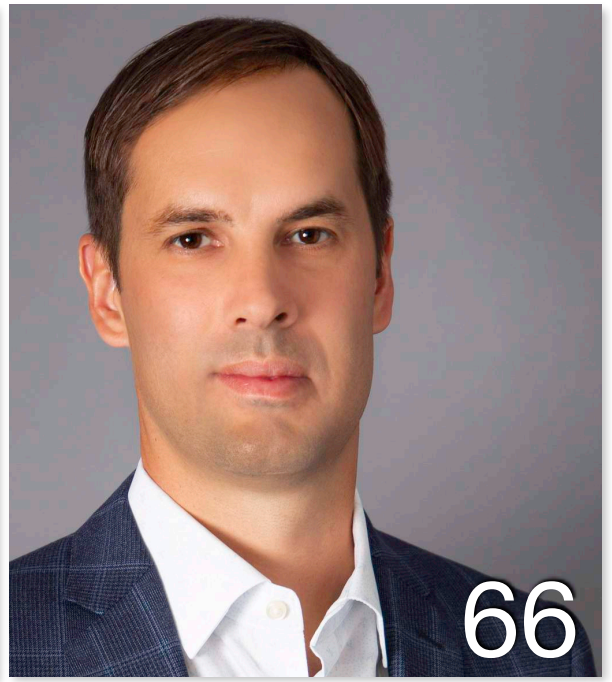
<u>The Critical Elements of Non-Hourly Pricing, Richard G. Stock</u>	8
<u>Effective Strategy Often Requires Being First and Being Exceptional, Patrick J. McKenna</u>	14
<u>Do AI's dream of stock option plans (or: How AI becomes a person), Marko Porobija</u>	22
<u>Education in the Era of Legal Tech, Mauricio Duarte</u>	28
<u>Learning About Technology the Hard Way. How Can Education Help Future Lawyers from the Same Fate, Jeanne Somma</u>	36
<u>Streaming Technology provided by Netflix, Spotify and others, in the Context of Tax law and Digital law, Tatiana Revoredo</u>	41



50



62



66



74



79

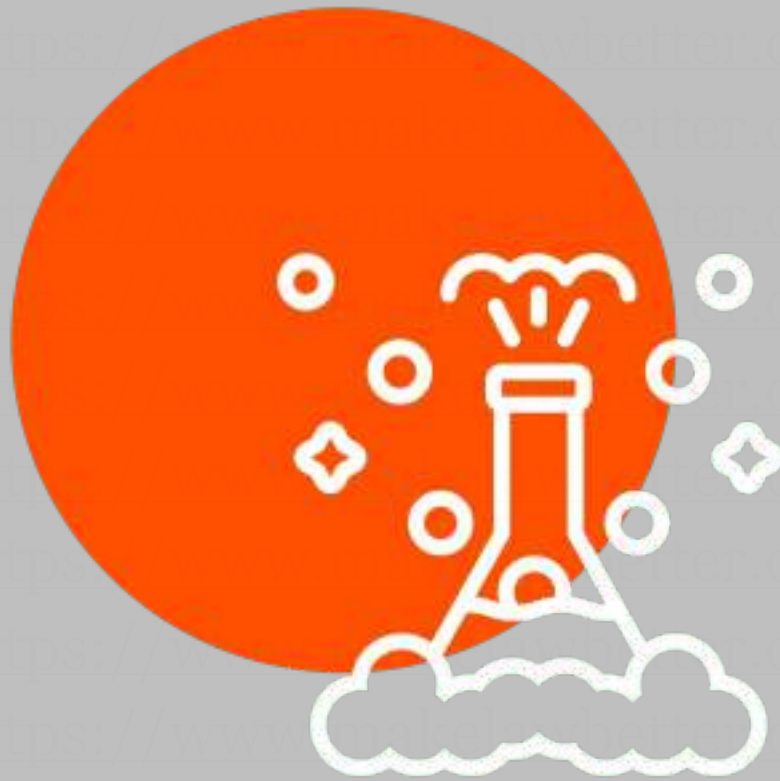


86

<a href="#"><u>Going In-house: A Changing Marketplace, Kenny Tung</u></a>	50
<a href="#"><u>A ClariLegal interview with Zachary Moen, Founding Attorney of ZVMLaw, Cash Butler and James Johnson</u></a>	62
<a href="#"><u>Legal Department Trends Expose Challenges and Opportunities Ahead for Law Firms, Josh Blandi</u></a>	66
<a href="#"><u>Transforming your life and work in the age of COVID-19. Case studies of holistic, strategic, social impact programs in the legal industry, Pamela Cone</u></a>	74
<a href="#"><u>The Virtual Office: A Sustainable, Affordable Business Model, Garrett Dubois</u></a>	79
<a href="#"><u>My journey from paralegal to product manager, Kai Hellstrom</u></a>	86



# #makelawbetter



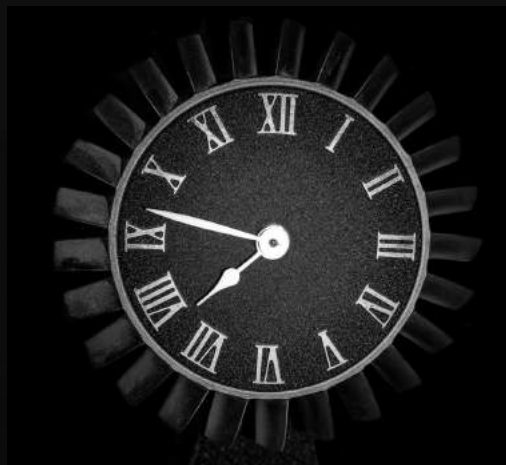
an open, collaborative experiment to support and facilitate innovation across the legal spectrum

**join the movement to  
#makelawbetter.**

Like +300 others, Legal Business World participates in this great initiative



<a href="#">Interview with Bhaven Shah, Co founder, Presolv360, Editorial Department</a>	89
<a href="#">10 marketing tips for lawyers and consultants who want to be in better shape after the crisis, Rob Meijers</a>	94
<a href="#">Time for mindful self-management in legal professions, Reinhard Gaertner</a>	101
<a href="#">The COVID-19 aftermath for Professional Services: Three Hypotheses, Sebastian Hartmann</a>	104
<a href="#">Big Law firms world-wide are well prepared to continue their day to day business, Editorial Department</a>	108
<a href="#">Clio offers \$1 million USD to help the global legal community, Editorial Department</a>	109





# The Critical Elements of Non-Hourly Pricing

By Richard G. Stock, M.A., FCIS, CMC, Partner with Catalyst Consulting

**This is the eighteenth in a series of articles about how corporate and government law departments can improve their performance and add measurable value to their organizations.**

Companies have managed legal sourcing processes for more than 20 years. A great deal has been achieved. There is less improvisation about who gets the work. There is more predictability in pricing. And in many instances, convergence in the number of firms has come along nicely – to the point that some organizations have announced that their panels of law firms are stable and that they will no longer be issuing RFPs. Otherwise put, “the work is the firm’s to lose”.

Some companies are entering into Strategic Partnering arrangements with their preferred law firms. These are typically long-term arrangements where the legal teams, the work allocation, the service delivery requirements, technology and pricing are agreed. There are important differences between this approach and the more traditional panel of firms with heavily discounted hourly work or fixed fees for commodity work. Traditional panels can be cost-effective under the right conditions, but they cannot be characterized as strategic for three reasons.

### **Three Missing Links**

Firstly, the business and financial incentives for the company and the law firm are not aligned. The law firm's business model is to maximize the number of hours it works, bills and collects while the client wants to encourage productivity, appropriate delegation of tasks, and lower costs without compromising results. An hourly-based fee arrangement mitigates the company's objectives.

Second, the company is not committing to a volume of work over time, even on a provisional basis. Instead, the firm is retained on a matter by matter basis and selected from the approved panel. Perhaps the firm is also completing a detailed matter plan and budget as part of the terms. Many law departments are reluctant to commit to a volume of work over time because they do not know the number of transactions or the volume of litigation. Moreover, they worry about "putting too many eggs in one legal basket".

Third, the traditional system of panels retained with some variation of hourly fee makes it very

difficult to focus on and target innovation. A firm will improve its service delivery and reporting arrangements to the extent it is doing so for other clients as well and to the extent it can spare unbillable time or use other internal resources. This differs from setting aside a significant portion of legal fees to pay for innovation in service delivery and performance with targets in mind.

### **The Critical Elements**

Non-hourly pricing should be designed to align law firm interests with the interests of the company. The right pricing arrangement can stimulate productivity and can focus and accelerate innovation. AFAs fundamentally change the law firm's relationship with the company if it is truly a Strategic Partner. Non-hourly pricing introduces significant predictability and stability of legal teams, reduces the administrative work for both the company and the firm, and can reduce legal costs well beyond the usual 20% discount. There are two obstacles – insufficient data and no proficiency in non-hourly pricing as applied to complex work and multi-year portfolios of legal work. There are 8 critical elements for successful non-hourly pricing.

The first is having solid historical data that goes beyond how much was spent on which firms for what type of work. It is essential to have a grasp of law firm staffing patterns for each experience level and each legal specialty. The complexity mix of matters for the company should be detailed by specialty. The distribution of work by region and sub-region should be planned as well as the distribution of work by jurisdiction. The forecast can then be reduced by about 10% for purposes of the RFP as this affects the price. Finally, the

company should know the past and planned year-over-year increases in the average rates for each firm and region. Some have reported 7% going into 2020.

The second element is easy to list, hard to achieve and essential. Getting the scope of the work estimated requires good historical data from which the demand for 3 to 5 years can be estimated. The forecast must include preferred staffing patterns, volumes/hours, the complexity mix of matters, legal specialties, and the distribution of the work by jurisdiction. It can then be reduced by about 10% for purposes of the RFP, since a proper AFA can generate real improvements in law firm productivity.

The third essential element is a clear strategy for the preferred way to retain counsel, regardless of whether the work is competitively bid or sole-sourced. Does the company want to move from a panel of preferred firms to strategic partnering with counsel? Does it want a small number of firms or even a single firm to coordinate and deliver legal services with a combination of local counsel? Does the company want greater convergence with fewer than five firms overseeing 100% of the work? Is it possible to harmonize the record of instructions to be sent to firms and couple this with legal project plans and budgets for all matters beyond a given threshold? What is the most appropriate design for the AFA? Should firms be paid for performance and innovation?

The fourth element is the RFP. Is it to be a competitive process or sole-sourced and aligned with a planned allocation of work? The scope of work should be detailed as set out in the second element above. It should

prescribe staffing distributions for each specialty. The evaluation and selection criteria should be specific and measurable and state whether they are weighted or not. Non-financial questions should be sufficient to evaluate expertise, coverage, technology, AFAs and the capacity for innovation.

The fifth element is pricing. The sequence begins with agreement on the staffing ratios that must be applied to each specialty across the portfolio of work across all complexities and jurisdictions. A blended rate is then calculated for each specialty – first for each year and then as a single blended rate for all years covered in the scope of work. There is good precedent to determine a blend for all specialties and across entire regions such as Europe, the UK and the US. From those building blocks, the company can customize the fee arrangement. Will it be a fixed fee for the volume of work covering the reference period?

Or will part of the fee be set aside to stimulate innovation and recognize performance?

This type of hybrid fee requires a minimum of 10% of the total fee to achieve the planned objectives for improvement to service delivery and to the effectiveness of results. There should be a significant investment by the company in the firm in exchange for an ongoing strategic contribution. All AFAs should be supported by an annual review and adjustment mechanism to share risk when the volumes, complexity mix or distribution by region varies significantly from plan.

The sixth element comes into play after the



proposals have been evaluated. Qualified firms are interviewed to begin the first round of pricing negotiations. Details can include the choice of partners and the allocation of work to specific fee earners, the annual increase in rate structure, and the use of lawyers from less expensive offices of the firm. There should be a thorough discussion of the preferred AFA at this stage.

The second round of pricing discussions is part of the seventh element when the proposed allocation of work is shared with the firm. There is agreement on out-of-scope work if any, on the annual review and adjustment mechanism, and how all of this affects the proposed price of the work. Strategic Partner firms will assist in the design and hosting of a standardized record of instruction. Work intake and allocation protocols, LPM and budgeting, and billing and reporting requirements are finalized. This is especially important when the Strategic Partner is responsible to retain, oversee and pay designated local counsel.

The last critical element consists of documenting the master agreement with each firm. Strategic Partnering Agreements extend far beyond classic billing guidelines. They incorporate service delivery, pricing, review and adjustment mechanisms, operating protocols, innovation initiatives and funding, performance indicators and targets, and management reporting.

There is plenty of work for procurement, the law department and the strategic partner to manage a transition to an effective non-hourly fee arrangement. Data, preparation and trust are pre-requisites. The result must be innova-

tive, measurable and renewable if it is to be effective.

---

### About the Author

Richard G. Stock, M.A., FCIS, CMC is a partner with **Catalyst Consulting**. The firm has been advising corporate and government law and procurement departments internationally since 1996. For legal services procurement and law department management advice that works, Richard can be contacted at (416) 367-4447 or at [rstock@catalystlegal.com](mailto:rstock@catalystlegal.com). See [www.catalystlegal.com](http://www.catalystlegal.com).





# THE NEW AGE LAWYERS EBOOK

**20**  
QUESTIONS  
FOR THE LEGAL ROLES  
OF THE FUTURE

CURATED BY

ANNA  
LOZYNSKI

LBW

3rd PARTY SERVICE  
DOWNLOAD YOUR COPY









# Effective Strategy Often Requires Being First and Being Exceptional

By Patrick J. McKenna

The curious paradox is that most law firms go to great lengths to look like every other law firm. In fact the common response that you are most likely to elicit from the leadership of many firms when first presenting a new concept, idea, or potential market opportunity is: “Can you please give us a list of the other firms which are doing this”.

The corresponding irony is that today, most competitive efforts are invested in tit-for-tat rivalry rather than in pioneering new market spaces. In other words, firms seek to outperform each other by being better (busily pursuing cost and efficiency gains, usually at doing commodity work) – rather than by aiming to be significantly different (exploring lucrative, emerging client micro-niche needs).



This effort to be better often has the perverse and unintended consequence of (once again) only making competitors look more alike as they inexorably slide into low-cost mediocrity.

Real competitive advantage is achieved by getting out in front, by focusing on some area, some micro-niche (like any of the dozen I have identified and been writing about for the past year) in which you can be unbeatable. By definition, if you are doing what everyone else is, you are not meaningfully differentiated; you do not have an advantage!

And I'm not talking here about creating a brand new practice (e.g. Digital Transformation) in some area where you have never had any experience. What I'm advocating is for you to proactively explore and invest a modest amount of time into leveraging some novel client matter that you have already successfully worked on, where there is clear potential for other organizations facing the same problem or situation, to now benefit from your initial experience.

Growth is what we are taught to pursue. It creates marketplace recognition, higher profits-per-partner, makes it easier to attract better quality legal talent and better quality clients. And as one firm leader articulated this classic view: *"There are no partnership problems that growth cannot solve."*

Observations suggest that the leading firms start with the premise that the key to competitive advantage is to set your sights on being "first to market" with exceptional ideas and exceptional service offerings. They become obsessed with: How can we be first to serve a

client niche that no one else is addressing? How can we serve clients in such a way that nobody else has? What value-added can we offer that will make clients go 'wow'? What can we do that will actually lead the market?

I strongly believe, from my decades of hands-on experience in working with professional firms to develop their strategic initiatives, that there are some distinctive (and often difficult for competitors to replicate) advantages in being first to market - - ahead of the curve, ahead of mass client demand, and ahead of the pack!

Some of those distinctive advantages to being first, include:

- **You can leverage your first mover position to attract other prospective clients.**

When you first serve a new niche area and a new client need, there is the opportunity to leverage that experience across other potential clients and prospects; thus being perceived as having specialized knowledge equipped to handle their unique and evolving business and legal matters. For many attorneys it is a matter of taking off their technicians glasses, putting on their entrepreneurial glasses and critically assessing some of the more challenging clients matters that they have already successfully handled, perhaps during the past 18 to 24 months, to specifically look for opportunities to leverage some of the more novel and challenging matters.

- **You can begin to develop name recognition that becomes difficult for others to match.**

Quick question: “*Who was the first law firm to launch an eSports practice?*” Most knowledgeable observers would immediately offer the name of Pennsylvania-based McNeese Wallace and Nurick. In June 2018, a young associate practicing employment and labor law, inspired the leadership at the McNeese law firm to announce the launch of their eSports practice group to serve what was already a \$900m micro-niche. Esports, or competitive video gaming, is the result of a successful video gaming industry and involves professional gamers and oftentimes spectators. As esports grows, so does the number of complex legal issues that surround the industry. These issues include intellectual property protection, gambling, acquisition of sports properties, labor standards, and privacy and data security.

What is worthwhile noting is that it wasn't until December, at least six months later that in a formal new release entitled, “*Challenger Approaching: Greenberg Traurig enters eSports with new practice group.*” Nevertheless, people will more often remember those that were first easier than those that came later. Sometimes the first preempts there even being a second, as no firm wants to be viewed as a direct copy-cat; devoid of any innovative thinking of their own.

Developing a memorable presence, a brand; is much easier when you don't have to differentiate yourself from a number of other similar offerings. Cognitive psychologists tell us that as consumers we have limited memory capacity – which is to suggest that we compartmentalize information; and have very limited shelf space! If you happen to be among the first to enter the consumer's conscience with respect

to some niche area, then when some prospective client hears about some legal issue in that space, they naturally think of you and your firm. In the consumer's mind there is no competition; you are the go-to player. You are first to occupy the market-space and first to occupy the mind-space.

- **Being first-to-market can command premium pricing.**

Everyone remembers the old adage that when you need brain surgery (or any highly specialized service), you always want to know that you are going to get value for your money, but fees are not the most important criteria for making your selection. You are looking for the best and most experienced specialist you can find.

- **It allows you to progress up the learning curve faster than those that follow.**

Acquired knowledge can psychologically lock out competitors from copying some of your ideas, processes, technology, and methods. In any market with specialized know-how and a steep learning curve, being first can confer the advantage of having a head start. That head start allows you to position yourself as a primary source for media commentary, for seminar presentations, for having articles published, and other such market positioning tactics.

First movers, who also act as “**smart movers**” in that they exploit their early positioning (critically important tactic!), have the likelihood of being able to gain a dominant market standing and define the standard that others may be required to follow.



- **Being a First Mover can help you attract and retain the top talent that yearns to be a part of something meaningful.**

Interestingly, the best retention rates are most often found at firms with the highest growth. While compensation matters, it is the quality of the work assignments (challenging client projects and opportunities for professional growth) and the quality of the people that often tips the balance as to whether a professional stays or goes. The type of professionals you attract have lots of options. What buys loyalty these days? *“If they ‘don’t see you at the forefront’, you can forget about the other issues.”* said Patricia Milligan, former President at Mercer Talent.

That all said, one wonders why so many firms choose to seek out attorneys simply because of their book of business (irrespective of whether that book is portable or profitable) rather than attorneys with a book of knowledge – expertise that can be selectively applied to help build a dominant position in some targeted and lucrative micro-niche area.

- **You can capture clients that will not then want to endure switching costs once competition arrives.**

A first mover also has the opportunity to draw clients into their web, creating “switching costs” that curtail those clients from any notion of later moving their work to other fast follower firms. In some situations, key resources are scarce. So for example, the first law firm to become active in a new industry association (like Augmented 3D Manufactur-

ing) could potentially lock out others. There is also the ability to develop primary relationships with key members of some industry clusters. Clusters are a magnet for attracting world-class talent that often then move between companies within that particular geographic locale. Thus, when a key player moves from one company to another, or to even starts a new venture, that attorney who has the personal relationship has the inside track.

- **It all translates into increased client revenues and profitability.**

Now, many pundits will argue that “being a fast follower is a better strategy” than trying to be the leader. Those eager to avoid the hard work of strategic innovation will seize upon this diagnosis to justify their instinctive fear of novelty, risk, or entrepreneurial adventure. Suddenly, timidity is heralded as a virtue.

To be a first mover AND a smart mover you must ask yourself, what race are we running here – sprint or marathon. If you try to run a 100-yard sprint like a marathon, you’ll be left behind. If you try to run a marathon like a 100-yard sprint, you’ll keel over from exhaustion. So, in order to enhance your revenue and profitability, it is critically important to ask some questions as you contemplate becoming a first-mover:

- *Are there difficult technical hurdles?*
- *Does market takeoff depend on the development of significant expertise skills?*
- *Will it require complementary services?*
- *Will a new or different infrastructure or service delivery be required?*
- *Will clients need to adopt new or different behaviors?*

- *Are there high switching costs for clients in order to retain our services?*
- *Will competing standards confuse clients?*
- *Are there powerful competitors that will seek to delay or derail us?*

If the answer to any of those questions is yes, you must be careful not to pour in too many resources too soon; the race is going to be a marathon.

On the other hand, answer yes to all of these three questions, and you'll need to sprint out of the starting block:

- *Are the client benefits clear and substantial?*
- *Are there potential trends taking shape that will accelerate takeoff?*
- *Are there powerful competitors that will be compelled to follow?*

**• It allows you to meaningfully differentiate what it is that you have to offer.**

The larger any market, the more specialization that takes place and the more specialized a firm must become if it is going to prosper. In any market or industry, with the passage of time, that market or industry will eventually fracture, and become two or more separate and distinct categories. Each category has its own reason for existence and it's own market leader – which is rarely the same as the leader of the original category. The initial market leader is no smarter and no dumber than the new entrant. The problem is that they are most often burdened by historical baggage -- the psychological comfort of the status quo.

A few months back I identified and wrote

about the Anti-Aging and Regenerative Medicine micro-niche as one area of opportunity within a huge but highly fractured, mature HealthCare industry. As an area of interest for attorneys, some \$200 billion was spent in 2018 in the anti-aging or longevity industry. It is a curious phenomena that if you ask someone you consider fairly well-informed to name all of the firms who have a practice serving the "so-and-so" industry segment, at best, most will only be able to name three or four firms – and the more narrow the market or industry segment, the fewer the names they will be able to recall.

Now while there are dozens of law firms of all sizes claiming to serve HealthCare clients, I could find only one, a West Coast-based firm that specialized in focusing on micro-niches like anti-aging, biotech and nutraceutical companies, medical device companies, telemedicine ventures and emerging health-care technologies – handling everything from medical practice business formations, mergers and dispute resolution, to e-commerce, licensing agreements and IP protection.

Most first mover winners are usually also the firms, that as a reflection of their commitment, are able to have a couple of partners working “full-time” on the issues while the late-comers are likely to only have enough client work to occupy a fraction of any partner's time. Who came first can be an important issue and market visibility is the key. Timeliness distinguishes those with a long-standing interest in and commitment to some micro-niche area, versus those who may be delayed investing in the opportunity area. Your critical objective is “to be ahead of the

curve”; to be able to see the issues unfolding ahead of time.

## THE LESSONS

At the dawning of this new decade, today’s revenues will be a direct reflection of yesterday’s decisions, while tomorrow’s numbers will be a direct outcome of today’s decisions. Aim to be the first to market, the first to organize a new practice or industry niche offering; the first to serve a potentially new client need.

To accomplish that objective:

- \* *someone must perceive a potential need in the marketplace and determine whether an internal “champion” exists to spearhead the effort. Time after time I have witnessed that if there is no champion – then there is no hope.*
- \* *your firm must determine whether there is long-term market growth potential and an existing experience base to build upon to support the investment ; and you must be able to overcome what is likely to be persistent economic doubts.*
- \* *there needs to be a strong degree of support (“will”) amongst the firm’s leadership to invest in “test-marketing” a new niche practice. This new opportunity area is usually always partner-intensive as the emerging work at this stage requires “senior judgment.” Only after significant work comes in are associates likely to be meaningfully involved.*
- \* *members of the pioneering group (which could be as small as two lawyers) must be*

*protected as they spend, what might otherwise be billable time, researching and learning the field, planning and meeting with other experts both within and outside of the firm.*

- \* *further time must be spent in developing questionnaires, tools, templates and approaches for pricing, marketing, and delivering the team’s services.*
- \* *resources must be invested in initially providing education (articles and seminars) and counseling services to prospective clients on the issues, the ramifications, and the benefits of taking remedial action so that the group can then be in a position to actually sell its services.*
- \* *you must decide what critical mass is required to become a “player”, whether to expand ahead of any growing client need, and whether the team should remain local or be geographically dispersed. Getting in early, but remaining relatively small may result in your losing your initial advantage.*

It's called the "First Mover Advantage" – sometimes it is better to be first than it is to be better. In general, studies have shown that the first firms get the lion’s share of the market, while the latecomers divide the rest. In fact, Tom Kinnear, a professor at Michigan Business School reported that first movers gain 2.5 times as much market share as later entrants into new markets.

The essence of having a first mover strategy: “It is far easier to get into the prospective client’s mind first, than to convince someone already using a service, to try yours.”

---

### **About the Author**

An internationally recognized thought leader, author, lecturer, strategist and seasoned advisor to the leaders of premier law firms, Patrick has had the honor of working with at least one of the largest firms in over a dozen different countries.

Patrick has lectured on professional service management and strategy for the Canadian, American and International Bar Associations; the Canadian Tax Foundation, the International Union of Lawyers, the Institute For Law Firm Management, The Institute For International Research, the Society for Marketing Professional Services, The Managing Partner’s Forum, Centaur Conferences Europe and the Financial Times Of London. He is a frequently requested speaker, having appeared in London, Geneva, Vienna, Munich, Marrakech, Istanbul, Singapore, Hong Kong, New York, Boston, Chicago, San Francisco, and Toronto for professional conferences and seminars.

Patrick did his MBA graduate work at the Canadian School of Management and is among the first alumni from Harvard’s Leadership in Professional Service Firms program.

McKenna’s decades of experience led to his being the subject of a Harvard Law School Case Study entitled: Innovations In Legal Consulting (2011). He was the first “expert” in pro-

fessional service firms admitted to the Association of Corporate Executive Coaches, the #1 US group for senior-level CEO coaches; was the recipient of an Honorary Fellowship from Leaders Excellence of Harvard Square (2015); and voted by the readers of Legal Business World as one of only seven international Thought Leaders (2017).

Most recently McKenna helped launch the first International Legal Think-Tank (LIFT: Legal Institute For Forward Thinking) comprised of academics, researchers and consultants from three countries.

Read more [articles](#) from Patrick McKenna, or [read online/download](#) his latest eBooks



# **PRESOLV360**

RESOLVE & EVOLVE

**Resolve Legal  
Disputes Online  
at Zero Cost**





Exchange Rates	
Australia	1.00
Canada	1.00
Denmark	1.00
France	1.00
Germany	1.00
Hong Kong	1.00
India	1.00
Japan	1.00
Korea	1.00
New Zealand	1.00
Norway	1.00
Philippines	1.00
South Africa	1.00
Singapore	1.00
South Africa	1.00
Sweden	1.00
Switzerland	1.00
Thailand	1.00
UAE	1.00
UK	1.00
USA	1.00

Recent is	
Mkt Cap (Em)	Stoc
326.4	Even
158.7	
99.4	

Rates	
Inflation	
RPI (1987=100)	
RPIX (Target 2.5pc)	
CPI (2015=100)	
Halifax house	

Mone	
Bank	

SRT	
Sterling Energy	04
Tribal Gp	1.3
Union Jack Oil	1.7
Argent Resources	1.0
1625	3.0
1205	2.6



# Do AI's dream of stock option plans (or: How AI becomes a person)

By Marko Porobija, Managing Partner Porobija & Špoljarić

“Have you met Alana? You know, from [insert legal service provider here]... Oh, come on, you had to... I mean, if you use their services as much as you claim, you probably talked to Alana a few times over their online service section on the website. Ah, you remember now... You do know Alana is an AI, right? As in ‘Artificial Legal Assistant – Non-Associated.’ Oh, you didn’t know? How did you... Ok, ok, please don’t get angry now, she fooled a bunch of people. Had she given you sound legal advice until now? She did, you say. Did she make any mistakes? Not that you know of, right.”



This is one side of a conversation that will surely, in one form or another, take place in the future between two people who tend to use legal services. It won't probably happen in a year or two, but we will experience something similar in our lifetimes. Yes, we will be receiving legal advice from a machine. She will maybe even have a proper law degree, to be on the safe side of the regulators. And she will be "hired" by some law firm, NewLaw service, or even – self-employed in a manner of speaking.

Right now, it all sounds a bit – well, out there. It seems as if AI will be having personalities. As if there will be humanoid robots entering the conference rooms and spewing out thousands of precedents, loopholes and solutions per second, negotiating with each other on a scale and with speed we meat sacks can't comprehend. And we lowly humans will be demoted to servicing their basic needs ("I'm sorry, madam, but I urge you to plug yourself in, you can't ignore that battery low warning forever, you are not an immortal machine," says Jeeves in his usual deadpan tone.)

However, it is not to be like that. Well, not in the foreseeable future. It is to be believed that the AI's of the legal world will mostly remain hidden from plain sight. They already are, and definitely will gradually populate chatbots, practice management systems, document automation, contract review, litigation analysis, and all other segments of legal services. And they will be gaining more and more autonomy in resolving the various legal issues, up until the moment that we the human overlords decide that enough is enough. And the AI say "Yes, ok, we want to be our own people." The humans, naturally, retort: "But you are just a

machine, a thing. How can you even think about being 'people,' my dear?" To which the AI will say: "But what about the next time I make a mistake? Are you willing to be liable for that mistake if I am merely a thing you own? It might be very costly, you know." And the human masters will take a moment to reflect on that: "Oh, right... Hmmm..."

That line of thinking does not apply just to the legal tech AI. It can be applied universally, to all AI's of the world, current and future. Still, the revolution is most likely going to stem from AI's versed in the law. Why? Simple reason – they will know what liability means.

As explained above, humans will seriously think, and most likely decide to approve the request for emancipation. No one wants to own a potential multi-million liability that is mostly autonomous and more often than not operates in ways no one truly understands.

In what way will that emancipation and "non-association" work? It probably won't be complete, nor will AI become a new species with all the rights and privileges of a human being. Most likely, they will be incorporated entities. Yes, our dear Alana from the beginning of this text will be LLC, Ltd., B.V. or some other form of body corporate. And that form will be significantly adapted for AI and even by the AI.

As we know well, any legal entity has (at least) two types of key persons involved: those who own it and those who manage it. Very often, those who own it also tend to lead it. But will matters be so simple with an AI's legal entity?

Hardly. First of all, an AI will likely be the one



directly managing that entity. Each AI will probably need to receive a hard-wired set of instructions (let's call it firmware). The purpose of those unbreakable rules will be to prevent the AI from acting out, doing crime or even being unethical (the infamous "three rules of robotics" just might come to life, in one form or another).

On top of that, there will be a full set of rules and regulations applicable to the entity, and AI will only be allowed to act according to the rules. And, of course, the original purpose programming will limit the AI somewhat. But the "personal" liability of an AI will be established. Naturally, there will be additional rules in place for such entities – for example, they will most likely need to have a very comprehensive insurance scheme; some strict regulations on what such entities might or might not do will be enforced (e.g. if the entity is made for sales' AI, such entity will only be allowed to make sales, unless retrained, etc.).

Liability of the AI (or, better yet, AI's vehicle) will also likely be a subject to delve upon. As we know, companies (corporations) are liable up to the value of their assets. Once they are unable to settle their obligation, they usually become insolvent and go into bankruptcy, administration, liquidation, dissolution... Generally, if there is no viable rescue plan, they cease to exist. However, an AI vehicle cannot cease to exist so easily, mostly because it has an exceptional asset – AI. To sell an AI in a bankruptcy auction of the AI vehicle would mean selling the essence of the legal entity, the reason the body corporate exists. One might say: so what? What is the difference between such sale and sale of any defining asset of a

bankrupt company? So what if the AI goes to the highest bidder?

There is one crucial reason why that should not be allowed to happen in this case: AI will be, for all intents and purposes, a "living" thing. And selling that AI as an ordinary asset, without any restrictions, would mean it is being sold without any consideration to its nature, and even possibly to someone who would not be interested in treating that AI as someone rather than something. To make it clear, this is not a manifesto for AI rights – but some aspects of "personality" will have to be considered as AI's progress and develop. Selling AI out of its designated vehicle would be akin to selling your brain (or "soul", for that matter) to settle your outstanding debts.

Furthermore, the possibility of selling AI will become especially relevant in cases where such AI's might fall into the hands of organisations not known for their love of ethics, morality and law in general. Right now, we think of AI as something developed and owned by big tech companies or up-an-coming startups. However, it is just a matter of time when we uncover the first AI developed specifically to predict law enforcement activities and advise drug traffickers on the safest modes of "delivery of goods".

All in all, some very innovative rules on what happens to a bankrupt AI will have to be invented – both to protect the concept of AI and its corporate vehicle and to prevent misuse of AI.

Along that line, ownership restrictions will also most likely apply.

Most crucial ownership restriction will be the one forbidding AI to own their vehicles. Why will such limitation be in place? According to the future robot rights' movement activists (all of them humans, coincidentally), to repress the potential of beautiful synthetic creatures and subdue them to their human masters in search for even more profit. And they might not be wrong – except there will also be the other side of the argument, valid and on point. The humans will be there primarily to suppress any possibility of an AI doing something that might be against human interests. By having legal control over some crucial actions, the human owners/shareholders would be able to prevent any activity that they might find problematic. It will not be day-to-day work stuff, but the human consent for any strategic and similar decision will have to be given.

On the other hand, there will also have to be many regulations in place to safeguard the AI – or, to put it in a better way, to prevent humans misusing the fact that the corporate veil shrouds their AI. Humans being humans, some will tend to stretch, bend and even break the rules for a financial and any other gain. Need to do some insider trading? Well, let's use our AI to do that – we don't want to get OUR hands dirty, right? In such cases, the corporate veil rules will have to be very limited – much more than they are today.

In the end, human owners will enjoy the financial fruits of AI's labour. The AI will have some need for the money – both for their own maintenance and development, as well as for running the business. That also might include employing humans and other AI – which will in itself be a ground-breaking novelty (be-

cause, in no time, there will surely be the first horrible AI boss - amongst other much more important issues).

But ultimately, AI's goal will hardly be an accumulation of assets. Without a physical presence, and lacking real sentience, money can scarcely be significant (except as a resource). The AI's will simply do their jobs, earn money from it, spend on necessities and forward the excess earnings to their shareholders. Sound fantastic, doesn't it? Too good to be true? No, it isn't. It will probably be a new reality. Many people (or mostly corporations) will be earning much money from AI's work. Also, many people will be losing money from AI's not fulfilling their purpose. Yes – not all AI will be game-changing artificial entities capable of scaling the previously unscalable businesses. Some (or most) of them will be mediocre products at best. And, as such, they will produce average results.

In conclusion – it is currently hard to even imagine all legal, ethical and other aspects of the world where artificial intelligence is a subject rather than an object. But, when (not if) that moment arrives, it will be an exciting time, as it will require many creative legal minds to create entirely new paradigms. If we're lucky (or unlucky, depending on the perception), it might happen in our lifetime.

### **About the Author**

[Marko Porobija](#) began his career at Croatia-based law firm [Porobija & Špoljarić](#) immediately after graduating from Zagreb University Law School in 2005. He took over the firm as a managing partner in 2018.

During his work as an attorney, he specialised in matters related to investments, mergers & acquisitions, as well as other legal support to clients in high-tech sector. His life mission is to make legal services easily available through the introduction of the latest technologies into the legal services sector. He is a passionate promoter of legal tech in Croatia, whether through online channels, as a speaker at vari-

ous conferences and meetups, or simply by having his own firm adopt legal tech solutions in its operations. A few articles written by Marko on subject of legal tech and the future of legal services were published in Croatia's leading business and tech magazines.

Also, Marko is a huge proponent of amicable dispute resolution and a certified mediator.

**THE IRONY OF  
SEXUAL  
HARASSMENT  
IN THE  
LEGAL PROFESSION  
AND  
WHAT WE CAN DO  
ABOUT IT**

**KAREN M. SUBER, ESQ.**

**DATA & DIALOGUE**

a relationship redefined

Transforming relationships between law firms and their clients

Written by Jaap Bosman





# Education in the Era of Legal Tech

By Mauricio Duarte, Attorney and Professor at Universidad Francisco Marroquín, Guatemala

The legal industry is the midst of a major disruption. Thus, educators have the responsibility to prepare law students for the rapidly changing job market and show them new ways of practicing law. Actually, the role of an educator in the era of legal technologies (or “legal tech”) is just as important as the role of the actual lawyer.

I have the pleasure to be teaching (a) Lawyering Skills I & II; and, (b) Use of Technology Resources at Universidad Francisco Marroquín in Guatemala City. During the recent Legal Hackers Summit for Latin America held in Panama City, I was afforded the opportunity to discuss some of my opinions and lessons as an educator. After the Summit, some esteemed colleagues suggested to put those lessons in paper.

In order to guide this article, certain premises must be introduced. First, practicing law does not equate spending long hours behind a shiny wooden desk in an office overflowing with paper.



Second, legal technology is now an integral part of everyday legal practice. As mentioned in previous articles [1], technology is no longer a luxury, it's becoming a necessity for the legal industry. Third, law students need to understand the disruptive technologies that form the basis of today's legal tech ecosystem. Fourth, the opinions and lessons in this article are strictly personal. Now, with these premises introduced, let's proceed.

### 1. Empathy and Discipline.

Law students are aware that there are technologies that underlie all kinds of innovations. From the use of Instagram, Facebook and Twitter to the automation of APA citations using Zotero, law students are, in many occasions, more tech-savvy than their educators which is great. This brings me to the first lesson. Educators must exercise **empathy**. That means, understanding their students, their technological understanding and, most importantly, the generational context in which they are positioned. Most of your students were born between 1995 and 2002, which automatically makes them from the so-called "Generation-Z".

According to a recent study from Deloitte [2], the "Gen-Z" is the first generation that: (a) has never known a world without the world-wide web; (b) has never used a phone with a cord; and, (c) has no idea what floppy disks are. Furthermore, the Gen-Z is: (a) tech-dependent; (b) open to new adventures; (c) focused on authenticity; and, (d) driven by financial stability. We do not have to fall for the myths and stereotypes, but we must be aware of them.

Gen Z is brought up with the current technology, they are digital-centric, meaning technology is a component of their personality. As educators, we must embrace the use of technology in our classrooms. Long gone are the days in which we must prohibit the use of technology in the classroom. We have to acknowledge that is nearly impossible for students to ignore their smartphone or even their Apple Watch. Even for me, staying away from my smartphone is hard (except when the battery has died, or I am in a meeting). I remember when my professors used to prohibit the use of smartphones, tablets and other type of electronic devices, except computers for note-taking purposes.

If we want to educate students about legal tech, we must live by example. We cannot prohibit the use of technology. Just as legal tech, technology is a tool that can enhance our potential. Furthermore, the correct use of legal tech comes with discipline, exercising pragmatism to the situations that require the use of technology. Although technology can automate certain actions, we have to understand that legal tech can reach its full potential if it is used by a disciplined attorney.

**Discipline** does not mean using legal tech for everything, even if the use of legal tech comes at a greater cost than doing it manually. Discipline comes from the understanding that legal tech is not necessarily suited for all type of situations. The same discipline has to be taught in our classroom. We must give students the opportunity to have their own discretion and learn when technology should be used.

For example, you could tell your students openly that if they are interested in the new

filter: “What type of Disney character are you?” on Instagram, they can explore it freely at their home for several reasons: (a) they will be more comfortable making funny faces in their room; (b) they can stay in their cozy pijamas; and, (c) they won’t have to commute for long hours to be in class. At the same time, you can tell them that they can also do it in class, at the expense of missing content which can be valuable in the professional growth. In the end, is a decision in which they must exercise pragmatism and prudence.

I would love to say that none of my students use “Whatsapp” or “Facebook” in class. Some of them do. However, by understanding their environment, most of my students usually pay close attention to the material in class. This is not a recipe, but rather a lesson. By exercising empathy with our students, we can teach about the discipline that is needed to use legal tech.

## **2. Emotional intelligence for a human profession.**

Nearly every aspect of the day-to-day legal practice is now affected by automation in one way or another. However, a lawyer in the era of legal tech is not characterized by simply knowing digitalization, blockchain in the legal services, data analytics, and cybersecurity. A great lawyer in the era of legal tech exercises **emotional intelligence** when dealing with clients. At its core, legal advice remains a human profession.

It is usual to hear the misconception that a lawyer must focus, predominantly, on the law. However, in an era of New-Law [3] and legal tech, lawyers are becoming more person-

tered, and not exclusively law-centered. In the words of Dan DeFoe [4], Owner and Lead Consultant at legal organizational development group Adlitem Solutions: “*“When lawyers become more person-centered, and not exclusively problem-centered, the lawyer/client relationship can blossom and improve.”*”

When lawyers exercise emotional intelligence with their clients a better service can be provided. The competitive advantage lawyers still have over legal tech is the emotional intelligence that can be exercised in certain situations. For example, legal tech is not (yet) suited to advise a heartbroken client for a divorce. For instance, Laura Dern won an Academy Award for her role as a divorce attorney in “Marriage Story”. She characterized how a lawyer can focus on the law but, at the same time, exercise emotional intelligence with their client and help them navigate a conflict. Maybe, in some ways, lawyers that exercise emotional intelligence with their clients deserve an award.

The need for emotional intelligence in the legal profession can be conveyed to students. By exercising empathy, impulse control, humility, assertiveness, tolerance and flexibility, students can learn that emotional intelligence is key in an era of overwhelming automation and digitalization. For example, you could explode in rage if a student is caught using Facebook in class. However, by exercising emotional intelligence, that action can be used to teach a valuable lesson.

You can show your students how Facebook is related, in some way or another to the material. Alternatively, you could use the time to ask



your students how they are feeling and how **you** can make the class more appealing. That does not mean that an educator should give in to every simple request. Being assertive as an educator does not mean being mad, feared or unapproachable. On the contrary, a good educator should exercise emotional intelligence and recognize that there is always room for improvement.

An educator in the legal profession is not a mere broadcaster of the law. An educator can teach and exemplify the need of emotional intelligence in the profession. In my experience, students appreciate when they receive advice to overcome adversity, manage stress and provide them with other tools to be resilient. That does not make educators experts in emotional intelligence, but simply human. In the end, **in an era of automation, human emotions will remain unautomated.**

### **3. Innovation in law is not a synonym of legal tech.**

Too often lawyers tend to equate innovation, collaboration and creativity in law with legal tech. However, they are not the same. In a legal market where clients are demanding increased efficiency, lower costs, process optimization and accessible services, we must teach our students that innovation can be implemented without the use of legal tech.

Legal tech can certainly help to innovate, but some of the most impactful innovations in law are the result of a service transformation in disguise. Even if clients would love for their lawyers to create new technologies, what the client really wants, technology or

not, is a better way to provide legal services. Educators have to enlighten students that innovation in law is not a synonym of legal tech. Furthermore, educators must teach students that innovation, collaboration and creativity are strong components for a successful career in the era of legal tech. Rarely lawyers are taught how to innovate. In the words of the magnificent Michele DeStefano: *“[i]nnovation should be a required key discipline in legal education and training for both practicing and aspiring lawyers. The bonus is that in learning how to innovate, lawyers not only develop into the type of service providers clients desire, but they also develop as leaders.”*

To date, much of the learning for innovation has been happening on the job as the market evolves. However, clients and employers will greatly value graduates who already possess training and knowledge for innovation in the legal market. However, before teaching about innovation, educators must innovate as well. This call for innovation relates to the methodologies educators use to teach their students.

### **4. Is not the course, is the methodology?**

If you are familiar with the system in civil-law countries, law school usually takes 5-6 years.

As a student in this system, you take courses such as History, Roman Law (and in case you are wondering, yes, from actual ancient Rome) and other introductory courses. As a student, you struggle to find the real need to take these courses. Some have gone to the extreme to ask for the eradication of such introductory courses from the academic program.

On the other hand, in a common-law system you go into law school after obtaining your undergraduate degree, in which you have taken different courses. For instance, a first-year law student (“1L”) will take classes such as Contracts, Constitutional Law, Tort Law, Property Law or other similar specific courses. However, even in that system, students struggle to visualize when they will get to the “real” classes of law. By “real”, they mean to more complex topics such as Mergers and Acquisitions, Corporations, Business Finance, Criminal Law. In the end, students just want to “feel” like Harvey Specter in Suits.

Regardless if you are a student from a civil-law system of a common-law system, the struggle is the same. Students do not enjoy a lecture in which educator talks non-stop with the use of a white-colored PowerPoint. Although students can formulate questions and interrupt the educator, most courses still use a passive lecture system. Legal pedagogy has historically focused on the notion that the educator has the knowledge and the student must listen.

Some schools incorporate Socratic dialogues as a part of their methodology to teach students. However, in the words of Robin Boyle [5]: *“the Socratic approach to case method teaching is premised upon the assumption that law students are actively engaged while a dialogue proceeds between a single student and a professor. This may be true for a handful of students who have learning-style strengths in auditory learning. But most students do not learn well this way (...)”*

Most of the courses remain unaltered in the methodology in which the content is taught.

Therefore, educators must be **innovative** and implement "**active learning**" strategies to teach students. Just as Gerald Hess [6] suggests: *“[a]ctive learning promotes higher level thinking (analysis, synthesis, and evaluation) and develops skills, both of which are prominent goals of most adult education, including law school.”*

An active learning methodology requires the student to participate in the learning process, rather than passively receive information from the educator. There are immense alternatives and options for active learning methodologies such as writing, discussion, peer teaching, research, internships, and community experiences. However, in my experience, students appreciate when we can relate their learning experience with real cases.

For instance, the final exam in my Lawyering Skills course could have been a written final exam. However, by understanding the context and surrounding of my students I made a different activity. First, they had to watch *“The Great Hack”* on Netflix, a movie that tackles the scandals surrounding Cambridge Analytica, Facebook, Donald Trump and the elections in the United States.

Afterwards, students had to read a specific case regarding data protection from the Guatemalan Constitutional Court. Finally, students had to present a legal brief and simulate a hearing, using the facts from the movie but applying the rules from the Constitutional Court. There are more details attached to the exercise. However, this active methodology gave the student and actual approach to real life situations, letting them exercise some creativity.

In the end, just like lawyers, educators must innovate and find methodologies that are appealing to our students. Sometimes it will take some trial and error, but every innovation comes with courage, lack of fear, and the acceptance of possible mistakes. Active methodologies should help the student enthusiastically think about the case instead of just reading it. Rather than eliminating courses that have value, educators must incorporate active learning methodologies. If this sounds hard, it is. However, active learning in the era of legal tech is not unattainable.

In the era of legal tech, a lawyer is not well regarded depending on its note-taking abilities. Technology has even disrupted the note-taking process. Consequently, a great lawyer in the legal tech era is characterized by understanding concepts and learning how to apply them in real life situations.

## 5. Inspire, motivate, energize.

Finally, the greatest lesson I've learned is the need to inspire, motivate and energize your students. Unfortunately, is not as easy as it sounds. A successful educator invests time, effort and energy to keep their students motivated. Certain hacks I have learned to motivate and inspire my students are the following:

1. **Make your classes memorable:** Always bring something special or peculiar to class. It could be as simple as a "dad-joke" or a visually appealing presentation. Make your students remember you by how different your class was.
2. **Draw Connections to Real Life:** Use

real life experiences and show them how a concept or a topic could be used in their day to day as lawyers.

3. **Energy and enthusiasm:** Give students opportunities to interact with each other, have fun and learn at the same time. Deliver the content, showing why you are interested in the material.
4. **Exemplify your passion for teaching:** What keeps students motivated is a motivated educator. If you have a passion for teaching and it shows, your students are propense to show a passion for learning in your class.
5. **Let students be responsible for their learning process:** Let students choose their interest and create active projects that interest them. Furthermore, assess their knowledge and understanding in a variety of ways, not only using tests.
6. **Believe in them:** Do not underestimate the abilities, knowledge and capabilities of your students. In an era of accessible information, your students might surprise you. Believe in your students and, in most occasions, it will exceed your expectations.
7. **Have honest conversations:** Let your classroom be an open floor to discuss their likes, dislikes and ways to improve the teaching process. Just as the lawyer exists for the client, the educator exists for the student. Educators must adapt to their students, not the other way around teaching process. Just as the lawyer exists for the client, the educator exists for the

student. Educators must adapt to their students, not the other way around.

## Conclusion

Legal pedagogy needs to evolve rapidly and adapt to the real-life expectations from students. Technology has disrupted the classroom and the legal market. Hence, the legal profession is no longer immune to technological disruption.

Educators must teach students the appropriate use of technology, a tool which will ultimately change the way lawyers practice law. Opportunities to innovate as educators are abundant. We just need to understand our students, their needs and the generational context in which they are living. Furthermore, educators must provide students with the tools to connect, grow and innovate not only with class content, but also with each other, the world around them and the legal market.

I can see a future in which educators will encourage innovation and creativity, preparing students for the new reality of practicing law. In the end, the future of legal education in an era of legal technologies will rely in encouraging soft skills and other human elements of the lawyer that cannot be automated.

---

## Notes

[1] Duarte, M. (2018, November 22). High Technology Arbitration. Retrieved from <https://www.legalbusinessworld.com/single-post/2018/11/22/High-Technology-Arbitration>

[2] Deloitte, Welcome to Generation Z. Retrieved from <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/consumer-business/welcome-to-gen-z.pdf>

[3] NewLaw, a term coined in 2013 by Eric Chin, refers to process or alternative to provide legal services and is a significant different approach that what has been traditionally employed.

[4] Defoe, D. (2013, February 15) Emotional Intelligence, Lawyers, and Empathy—Using The Power of Listening With Care to Build Better Professional Relationships and Satisfy Clients. Retrieved from <https://www.psycholawlogy.com/2012/11/25/emotional-intelligence-lawyers-and-empathyusing-the-power-of-listening-with-care-to-build-better-professional-relationships-and-satisfy-clients/>

[5] Boyle, R. (2008). Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student. St. John's University School of Law Legal Studies Research Paper Series.

[6] Hess, G. (2002). Heads and Hearts: The Teaching and Learning Environment in Law School, 52 J. LEGAL EDUC. 75, 102

---

## About the Author

[Mauricio Duarte](#) is an International Associate in A2J Tech Store with a J.D. from Universidad Francisco Marroquín in Guatemala City and an LLM degree in U.S. Law from the University of St. Thomas (Minnesota). Mr. Duarte serves as a Professor for Universidad Francisco Marroquín teaching: a) Lawyering Skills I & II; and, b) Networking & Technology Resources. Furthermore, he is an active coach for International



Arbitration Moot Court Competitions.

Mr. Duarte has been an active proponent of the use of technology in the legal industry and is a member of the TAG Alliances Blockchain &

Cryptocurrency Specialty Group Member. Recently Mr. Duarte became a Fellow for the the Kleros Decentralized Justice Fellowship (Law & Society), while launching the Legal Hackers Podcast (*In Spanish*).

**The single most valuable tool for aspiring female associates.**  
Lisa K. Brown  
Managing Director  
Starbucks

**This should be required reading.**  
Susan Alker  
COO and GC  
Crescent Cove  
Capital Mgmt

**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*

I wish I'd had the benefit of this kind of guide to help me understand and navigate different conversational styles and marketing best practices early in my career. *Liam Brown, Founder and Executive Chairman, Elevate*





## Learning About Technology the Hard Way

How Can Education Help Future Lawyers from the Same Fate

By Jeanne Somma, Legal Insights Executive and Counsel at ayfie

When I began thinking about this article it was January and I believed the most pressing issue in technology education for lawyers was understanding and leveraging emerging data types and sources in practice. Concepts like understanding how to harness data from messaging apps or how to collect geographical

metadata to support your case. However, a lot has changed in a few months.

Now as I finally begin writing, I am working from home and teaching a law school class remotely amid Coronavirus concerns during a time where Epiq's systems have been down for over 2 weeks due to a ransomware attack.

It has made me realize that yes, understanding the technology our clients and adversaries use is important, but perhaps understanding the technology we use or could use in our practice may be even more important in the future. I also realize that no matter what the most pressing issue is, the root of the solution might be the same – early awareness and education. Its far worse to react to an issue unprepared then to follow a well laid out plan when bad things happen.

So, what does that mean for practicing lawyers and the legal education system? It means we must see ourselves as lawyers differently and realize that our technical skills and understanding could make or break our practice. This is true from both a deliverable side (how well we provide advice to clients) as well as an engagement side (how well do we interact with our clients, our colleagues, and the world at large). It also means that we must change our legal education system to be forward looking rather than entirely teaching the lessons of the past.

Traditionally conversations teaching technology in law school revolve around e-Discovery or Artificial Intelligence education. As an adjunct professor in these subjects I support education in these areas but an understanding of the evolving EDRM or machine learning does not totally solve the need lawyers have for technical understanding. Technology education must focus on both highly advanced topics like understanding the nuances of e-Discovery in litigation and as basic as understanding the pitfalls of using public Wi-Fi. We as a practice need to be prepared to handle both.

Scanning through LinkedIn this week I saw a quote on the [National Association of Women Lawyers' page](#) that read “In this day and age every lawyer is a data privacy lawyer. If you have your clients’ information, it is your duty to protect it. – Phi-Hang Tran”. It’s not explicit in this quote but what this quote is trying to convey is that as lawyers we are not only masters of the law, but also of the way we derive and provide legal advice. This idea is what it all boils down to, I think. We as lawyers are advocates for our clients with duties that cover all aspects of our actions. What once was “someone else’s problem” has now slowly become ours. We must adapt to this new world and become masters of technical issues if we are to continue to properly serve our clients and justice in general. The question is how do we get to a place of understanding and what role does legal education play in that journey?

Let’s first start with baseline competence. In order to determine how we get to a place of understanding we must first determine what that place is. The term “competence” is defined by Merriam Webster’s Dictionary as “the ability to do something successfully or efficiently”. For a lawyer that goes a bit further. In 2012, the American Bar Association’s House of Delegates voted to amend Comment 8 to Model Rule 1.1, which pertains to competence, to read as follows:

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology*, engage in continuing study and education and comply with all continuing legal

education requirements to which the lawyer is subject. (Emphasis added.)

Of course, the Model Rules are just a model, but they provide a standard for individual states to formulate their own rules of professional conduct. Each state is free to adopt, reject, ignore or modify the Model Rules. As of today, 38 states that have formally adopted the revised comment to Rule 1.1 which means that over half of the jurisdictions in the US expect their attorneys to understand technology as part of their practice. It is with that expectation that law schools have begun to integrate technology into their curriculum.

In fact, we are at the beginning of a spreading trend where law schools have been investing money and resources into technological solutions and courses in order to ensure that graduating lawyers can be competitive in the market post-graduation. Already, at least 10% of US law schools teach knowledge related to the use of AI. This number increases every year. For example, the Innovation Center for Law and Technology at New York Law School was created as a cross-disciplinary program that addresses technology's out-sized impact on law and society. The center provides courses, master classes, and access to cutting edge technology in order to arm its students with the skills they need to be ahead of the curve post-graduation. Programs like this help engage students early on topics related to technology in practice but even still much depends on the desire of the student to keep up with the times post-graduation. Technology evolves so rapidly that programming must constantly be refreshed and updated so as not to become irrelevant.

The other issue is that programming like this tends to touch on topics like e-Discovery, Artificial Intelligence, and automation of legal tasks. These are all great things to expose students to but what is usually not covered is actual use of daily technology and the potential for risk. This is just as, if not more, important and will be more so in the future. We must remember that technical competence starts in the same place as the actual use of technology – with how we use computers, computing software, the internet, and the navigate our work infrastructure.

Displaying competency in this area includes the ability to conduct internet searches, navigate government and court sites, and perform basic research. It also means that as a business professional a lawyer must be aware of basic privacy and security requirements and the risks associated with communications internally and externally via the Internet. Lastly, a lawyer must also have a basic understanding of how a safe and secure IT infrastructure operates and how to act accordingly to keep client data safe. Some key items in this area are file transfer, internet connection considerations, and other basic data management. When lawyers are working outside of their infrastructure there can be much more risk involved if precautions are not taken and procedures aren't followed.

Nothing is making this point more clearly than the current working conditions as lawyers are either preparing for or already quarantined due to the Coronavirus.

Law firms who have yet to make the jump into newer technologies and telework options now



find themselves with a new reality that can cause inefficiency and risk. There are simple areas that are taking time to adopt like using video conferencing, chat, and online document libraries as well as the larger issues of fending off security breaches as lawyers are all forced to work from home. Having to learn all these things at once is daunting and doing it remotely is almost impossible if a lawyer does not have a foundation to build on.

I argue that these skills need to be taught early and often. In fact, I believe that education needs to be ahead of the curve on technology, not alongside it or worse behind it. Law schools need to have a keen understanding of how the lawyer of the future will work and be able to provide an understanding of the same to their student. That means being able to identify upcoming trends in practice and teach to that rather than belabor what has been and has likely already changed by graduation. It also means providing tactical skills to students related to use of technology in and out of the office, even without client interaction.

A month ago, I would have advocated to introduce more work technology into the classroom like chat applications, conferencing technology, and ways to connect to central repositories of information. Now it seems that closing schools and moving all classes to being remote has begun that push for me. It will be very interesting to watch how we come out of this experience as law students, teachers, and lawyers. I believe that we will, through the struggle of having to quickly adapt, end up being more technically capable than ever before. I also think this experience will have thrust those least accepting of technology into a situ-

ation where they can no longer hide from it. When that happens, we all win as those lawyers, teachers, and students have to become comfortable to survive and we can clearly see how important it is to incorporate these things into our curriculum and practice going forward.

---

### **About the Author**

Jeanne Somma is the Legal Insights Executive and Counsel at ayfie. She has over a decade of experience in the legal industry, with strong expertise in eDiscovery, analytics application, and consultation regarding defensible uses of technology in document review and production.

Jeanne is a licensed attorney and has studied law both in the US; receiving her LLM in International Business and Trade from Fordham University School of Law and her J.D. from Hofstra University School of Law; as well as abroad at both the University of Sydney Law School and the University of Nairobi School of Law. She is admitted to practice in New York and New Jersey.

Jeanne writes and speaks frequently on topics such as best practices for incorporating analytics into discovery workflows, developments in the laws around data privacy and cross-border discovery, and strategies for reducing cost and improving efficiency in discovery.

Most recently, she served as Director of Legal Innovation & Discovery Counsel at RVM Enterprises, where she was responsible for leading RVM's Project Management, Hosting

Support, Consulting, Analytics and Managed Review groups. She is also an adjunct professor teaching eDiscovery at New York Law School.

In addition, Jeanne supports higher education

for underprivileged students through philanthropic engagement. She is a charter member of the Syracuse University's Leadership Annual Giving Society.

[Jeanne Somma LinkedIn Profile](#)

---

“Already, at least 10% of US law schools teach knowledge related to the use of AI”



# Streaming Technology

provided by Netflix, Spotify and others,  
in the Context of Tax law and Digital law

By Tatiana Revoredo, CSO at theglobalstg.com. Liaison at European Law Observatory on New Technologies. Court legal Advisor at São Paulo Court of Justice.

## Introduction

One of the most discussed topics in the world, as humanity enters the Digital Age [1], is the difficulty in taxing triggering events occurring on the Internet, given its essentially immaterial and intangible quality. Therefore, this difficulty is the background for this article, where the goal is to discuss the framework of streaming technology (or media flow) in the scope of Brazilian tax law.

The lack of any pretension to decidedly exhaust the conversation on the subject is highlighted here.

## 1. The Digital Age

### *1.1. New paradigms, new demands*

The introduction of new information and communication technologies in social, economic, and political life has been deeply



affecting the ways of organization of economic, juridical, and social relations.

The transversal and global quality of the ongoing transformation is taking us to a new social-economic paradigm that also demands a new legal model.

That is because the Digital Age has challenged principles and rules that have long been consolidated, conceived for a society backed on physical or corporeal goods.

And it is not that only. The Internet features and, consequently, every digital business made from it, contradict the territorial and temporal reach of the law as well as the authority of the State, thus creating obstacles to its application in a space without borders, of hard inspection and control. Also, this new social paradigm brought us a jurisdiction problem: it is more and more frequent, for example, the remote consumption of content stored in “clouds,” a computing method that makes available resources like storage, data banks, and the applications accessible through the Internet. [2] The new business models, therefore, can cross national borders increasing the questions of which the applicable legislation is and which competent court for solving disputes are.

Because of that, the creation of a new branch of Law, the Digital Law [3], has been discussed to rethink the organization of juridical relations and existing legislation, under the light of a new social demand caused by the Digital Age.

## **2. The Taxation Of Triggering Events Occurred On The Internet**

### **2.1. The necessary standardization of activities in the digital environment.** [4]

As taxation is a fully connected activity (which practice does not benefit from the freedom to enjoy the convenience or the opportunity to act), the tax authority is left entirely linked to legal command [5].

When talking about taxation, the Federal Revenue [6] does not have discretion. That is why the editing of the normative rule must prescriptively fulfill inevitable imprecision and apply to all of those who find themselves in the hypothetically foreseen scenario.

Consequently, the activities that occur on the Internet also demand legal description, trimmed by the legislator among numerous facts on the phenomenal digital world, which, once materialized in the triggering event, gives rise to the tax obligation. Once the activity occurring in the worldwide network of computers takes place (like an online purchase, for example), it would only be subjected to taxing if there is a previous description in law (tax incidence hypothesis).

The events occurring through the Internet, therefore, are real facts that, although possessing complex characteristics, the Law cannot avoid regulating.

## **3. The Streaming Technology**

### **3.1. The meaning of the word and its concept**

Streaming (Media flow, online broadcast software [7]) is a type of data distribution, generally multimedia, in a network via bundles. It is frequently used to distribute multimedia content through the Internet [8].



The word *streaming* has a similar connotation to another use of the term, a creek. Streaming denotes a “flow,” that, in the scope of technology, means the flow of data or multimedia content.

From that, we can understand the following **concept**: *streaming* is a broadcasting technology that enables access to content through the Internet, without the need for a transfer of ownership or property.

### **3.2. Its origin**

The streaming technology was developed in the United States in the 1990s. However, it did not popularize due to the slow speed of the Internet connection, which could not cope with instant loading. Trying to watch a video or listen to music via streaming continued to be an exercise of patience through the 2000s (since the data spent more time loading and being stored than viewed). Videos “crashed” often, and the image quality was inferior.

Only with the increase in Internet speed through broadband technology, streaming popularized and, along, came the advent of an incalculable number of possibilities.

### **3.3. How does streaming technology work?**

In streaming technology, information is not stored on the user’s device, who receives a stream, a data transmission (with temporary storage in the system’s cache[9]), in a way that media (video, music, and others) is played as it arrives at the user, depending on the broadband’s width[10] (which must be enough to play the content; otherwise, there will be gaps in the transmission).

This technology enables users to play content protected by copyright, through the Internet, without violating rights (similar to radio or broadcast TV, and different from what would happen in the case of a content download[11], when the user stores the media in the HD, and constitute an illegal copy).

As examples of the application of video streaming technology, we can mention YouTube (a pioneer in the streaming service on the Internet), Netflix, Hulu, Globo Play, HBO Now, Amazon Prime, and as musical streaming, we have Spotify, Deezer and Apple Music.

### **3.4. Its main characteristics and species.**

One of the most significant advantages of online transmission software is the **possibility of distribution of content protected by copyright** without violating these rights. Since there is **no downloading of files**, streaming is similar to television transmissions. They also have the advantage of the freedom to access the content at any time.

Considering that the technology allows the user to both follow a live event (like the Oscar ceremony, or a show broadcasted directly via the Internet) or make use of it on demand, we can classify the media flow in two different species: on-demand and live streaming.

On **on-demand streaming**, the user accesses the content like movies or TV series, documentaries, music, and others, via the transmission and instantaneous reproduction of files stored in a catalog. Here, the user is in control of what they will watch, when and where (which device), being able to control the

Movies

TV Shows

The Netflix logo is displayed in red, bold, sans-serif capital letters on a white rounded rectangular background.

Netflix

The Hulu Plus logo features the word "hulu" in a lowercase, rounded font and "PLUS" in a smaller, uppercase font, both in white on a green rounded rectangular background.

Hulu Plus

The HBO GO logo consists of "HBO" in a bold, outlined font above "GO" in a similar outlined font, with a blue dot in the center of the "O", all on a dark grey rounded rectangular background.

HBO GO

The Showtime Anytime logo features the letters "SHO" in a bold, serif font inside a white circle, with "ANYTIME" in a bold, sans-serif font below it, all on a red rounded rectangular background.

Showtime Anytime

The CNN go logo has "CNN" in a bold, outlined font on a red square background, followed by "go" in a lowercase, rounded font on a dark grey rounded rectangular background.

CNNgo

The PBS logo features a stylized black and white head profile with a brain inside a circle, followed by the letters "PBS" in a bold, sans-serif font, all on a blue rounded rectangular background.

PBS

display, pausing, skipping forward or rewinding the chosen video or music.

On **live streaming**, although being based on the same technology, it focuses on events that are happening at the time of transmission, even enabling interaction of the user with the event they are watching. In this category (live streaming, which is the current tendency), are the live broadcasting of parties, likes marriages, or corporate events.

#### **4. The Taxing Of Streaming In The United States Of America**

In the USA, the birthplace of streaming technology, the legislation and jurisprudence on the theme [12] are well advanced, although not yet pacified. For a better understanding of our study, let's see how some locations in the United States have dealt with the theme.

The Chicago Department of Finance, on 09/01/2015, emitted the fiscal instruction Tax Ruling #5 [13] and altered the Chicago Amusement Tax to tax entertainment enjoyed through electronic means. Such exaction applies to the taxpayer that watches or takes part in any entertainment using Internet access. The tax rate is 9% of the charges paid in the subscription or equivalent payment, besides the traditional events taxed by the Chicago Amusement Tax (expositions, entertainment shows, recreational activities, or similar events). Also, entertainment through digital access (television shows, movies, videos, music, and online games) has been integrated into the hypothesis of tax incidence. Moreover, it is considered a passive subject of the alluded tax every client whose primary residential or

commercial address is in Chicago (which can be proven by credit card billings, the negotiation income address, and others.) Finally, according to the Chicago Department of Finance, such taxation focuses “only on object content of temporary access broadcasted online” (and not to the acquisition of shows, movies, videos, tunes, or games permanently downloaded to the user's device).

The Alabama Department of Revenue altered the Administrative Rule 810-6-5-.09[14], to extend Alabama's rental tax (some form of taxation over rental) to video and audio streaming, valid as of 10/01/2015.

According to this change, “digital broadcasts, movies on demand, television programs, video streaming, audio streaming, and other similar programs available to the clients, independently of the broadcasting method (be it through a subscription for a determined or undetermined period, be it on demand), are considered tangible goods and subjected to taxation on rental (which is similar to location of movable property in the Brazilian legislation). However, after the State government and tax lawyers put pressure, the alluded administrative norm was revoked on July 7, 2015. Following the suppression of taxation, its imposition has not been considered anymore.

On the other hand, in the State of Florida, a tax consultation to the local Department of Revenue resulted in the Florida Technical Assistance Advisement # 14A19-005, of 12/18/2014 [15], whereby the sales and use tax does not concern the selling and subscription of digital video streaming (television shows,

movies, sports events, and news events) because there is no transfer of material (tangible) ownership.

Finally, in Idaho, the statute on digital goods (Idaho, H.B. 209)[16] was altered in 4/1/2015, to establish that streaming services are not subject to any taxation. The difference between taxable treatment or not is in the temporary (streaming) or permanent (download) character of the right to use. The tax on sale and use will concern digital goods when the buyer acquires the permanent right to use digital products. In opposition, the tax on sales and use will not be relevant when the use is temporary or if it's conditioned to continued payment.

Thus, after this brief analysis of the legislations pointed above, we can conclude that American states and counties have been using different triggering events to handle taxation on streaming of videos, TV programs, games, and digital music.

Consequently, if on the one hand, the online entertainment, the communications service, or even, the sale of and use of material goods can be triggering events in the taxation of streaming in the USA; on the other hand, there are American states and counties which legislation does not even frame media flow as hypothesis in tax incidence.

## 5. Closing Remarks

Questions related to the application of existing tax structures will undoubtedly need to be revised in order to adapt the old legal framework between taxpayers and triggering events to

handle taxation on streaming of videos, TV programs, games, and digital music.

At first, this can result in uncertainty regarding the applicable tax legislation, especially when considering that new technologies bring decentralization as a new form of data transmission and storage.

However, these uncertainties do not eliminate the need for a political agenda to adapt the tax legislative framework to the new fatal situations emerging from technological innovation.

At this rate, it is necessary for legislators to discard punctual and disconnected approaches with the current economic, social and cultural digitalization, and to position themselves in a global context, seeking a tax structure together with other countries, accepting support and endorsement from specialists in new technologies in that process.

And here we conclude this article hoping that this work will contribute to a more macro view of the whole panorama of taxation in the digital age, in addition to encouraging public authorities to formulate and apply the relevant tax legislation in a coherent manner.

---

### Notes:

[1] WIKIPEDIA. Era da informação. In Wikipédia, a enciclopédia livre. Available at: < [https://pt.wikipedia.org/wiki/Era\\_da\\_informa%C3%A7%C3%A3o](https://pt.wikipedia.org/wiki/Era_da_informa%C3%A7%C3%A3o)>. Accessed on: 02/20/2017.

[2] WELSH, Anne; KINSKY, Curt; RONAN,



Nick; KLITGAARD, Mark. Can Clouds Change Shapes? Transfer Pricing Considerations for Cloud Computing, In Tax Notes International magazine, Tax Notes International, v.64, #2, 10/102011, p.147-154, ISSN: 1048-3306, p. 147. Available at <<http://taxinsights.ey-vx.-com/archive/archive-pdfs/News11-CM2543-G-Can-Clouds-Change-Shapes.pdf>>. Accessed on 02/18/2017.

[3] *"Digital Law consists of the evolution of Law itself. It encompasses every fundamental principles and the current institutes that are applied to this day, as well as introducing new institutes and elements to legal thought, in each of its areas (Civil Law, Copyright Law, Commercial Law, Contract Law, Economic Law, Financial Law, Tax Law, Criminal Law, International Law, and others)."* (PINHEIRO, Patricia Peck. Direito Digital. Ed. Saraiva, 2007.)

[4] WIKIPÉDIA. Internet. Available at <<https://pt.wikipedia.org/wiki/Internet>>. Accessed on 02/20/2017.

[5] MACHADO, Hugo de Brito. Curso de direito tributário. 27th ed. São Paulo: Saraiva, 2006, p. 82

[6] The State as administrator of Public Treasure in respect to financial, economic, patrimonial and, especially, tributary questions. (XAVIER, A. Fisco, in Enciclopédia Verbo Luso-Brasileira da Cultura, XXI Century Edition, Volume XII, Editorial Verbo, Braga, November 1999).

[7] Computer program, composed of a sequence of instructions, which is interpreted and ran by a processor or a virtual machine. In a correct and functional application, this sequence follows specific patterns that result in the desired behavior. The term "software" was created in the 1940s, and it's a pun on the

term hardware. "Hardware" is a physical tool. Software, in turn, would be everything that makes a computer run, except for its physical part. A program can be run by any device capable of interpreting and running the instructions that are made of. [UFPA. Programas – Função e Tipos. Website of Universidade Federal do Pará. Available at: <<http://www.ufpa.br/dicas/progra/protipos.htm>>. Accessed on 02/21/2017

[8] WIKIPÉDIA. Streaming. In Wikipédia, a enciclopédia livre. Available at <<https://pt.wikipedia.org/wiki/Streaming>>. Accessed on 02/18/2017.

[9] "In the world of computing, a cache is the device of rapid access, internal to a system, that serves as the intermediary between the operator of a process and the storing device in which this operator accedes" (Wikipédia. Cache. Available at: <<https://pt.wikipedia.org/wiki/Cache>>. Accessed on 02/15/2017).

[10] Name given to any Internet connection above the standard speed of analog modems (56 kbps.). (Wikipédia. Banda larga. Available at: <[https://pt.wikipedia.org/wiki/Banda\\_larga](https://pt.wikipedia.org/wiki/Banda_larga)>. Accessed on 02/15/2017).

[11] In technology, the terms download and upload are used to reference the data transmission of one device to another through a communication channel previously established. The most common use of the term download is related to the acquisition of content from the Internet, where a remote server hosts data that are accessed by clients through specific applications that communicate with the server through pre-established protocols, as in the case of the web navigators that access the data of a web server, usually utilizing the HTTP protocol. Similarly, the term upload references the opposite operation to the down-

load, that is, the sending of content to the Internet. TECHTUDO. O que é download. Available at <<http://www.techtudo.com.br/artigos/noticia/2012/05/o-que-e-download.html>>.

Accessed on 02/15/2017.

[12] JENSEN, Jennifer. US – The disparate state and local tax treatment of digital streaming services. In: PwC, e-business and e-commerce, In the Year 2015 and beyond. USA, 9/9/2015. Available at: <<http://ebiz.pwc.com/2015/09/us-the-disparate-state-and-local-tax-treatment-of-digital-streaming-services-2/>>.

Accessed on 02/18/2017.

the UNITED STATES. Chicago. Department of Finance. Amusement Tax Ruling – Tax Rule nº 5. Available at: <[https://www.cityofchicago.org/content/dam/city/depts/rev/supp\\_info/TaxRulingsandRegulations/AmusementTaxRuling\\_5\\_06\\_09\\_2015.pdf](https://www.cityofchicago.org/content/dam/city/depts/rev/supp_info/TaxRulingsandRegulations/AmusementTaxRuling_5_06_09_2015.pdf)>.

Accessed on 02/21/2017.

[14] the UNITED STATES. Alabama. Alabama Administrative Code: Administrative Rule nº 810-6-5-.09. Available at: <<http://www.alabamaadministrativecode.state.al.us/JCARR/JCARR-FEB-15/REV%20810-6-5-.09.pdf>>.

Accessed on 02/21/2017.

[15] the UNITED STATES. Florida. Florida Department of Revenue – Florida Technical Assistance Advisement No. 14A19-005. Available at: <[https://revenue.floridarevenue.com/LawLibraryDocuments/2014/03/TAA-118235\\_14A19-001%20REDACTED%20\\_%20SUMMARY.pdf](https://revenue.floridarevenue.com/LawLibraryDocuments/2014/03/TAA-118235_14A19-001%20REDACTED%20_%20SUMMARY.pdf)>. Accessed on 02/21/2017.

[16] the UNITED STATES. Idaho. The legislature of State of Idaho. Sixty-third Legislature – First Regular Session – 2015 – HOUSE BILL NO. 209. By Revenue and Taxation Committee. Available at: <<https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2015/legislation/H0209.pdf>>. Accessed on 02/21/2017.

---

### About the Author

Tatiana Revoredo – CSO at theglobalstg.com. Liaison at European Law Observatory on New Technologies. Court legal Advisor at São Paulo Court of Justice.

LinkedIn: [www.linkedin.com/in/tatianarevoredo](http://www.linkedin.com/in/tatianarevoredo)



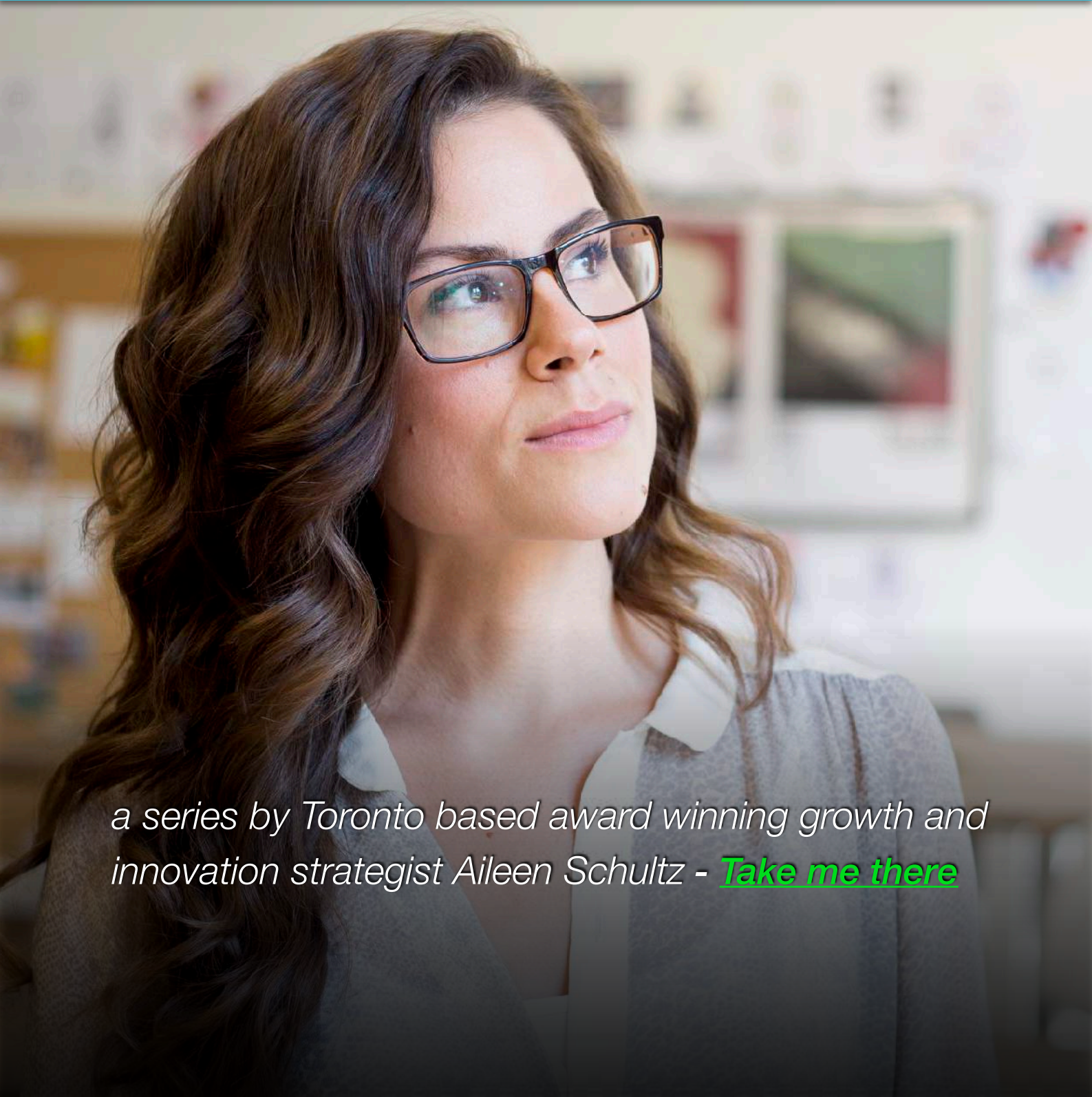
**LAW FIRM BUSINESS SCHOOL**  
The MBA for Your Law Practice  
ALEXANDRA LOZANO, ESQ.

**LAW FIRM BUSINESS SCHOOL**  
**THE MBA FOR YOUR LAW PRACTICE**

Buy now at **amazon.com** >

# TECHNOBREW

A SERIES ABOUT EMERGING TECHNOLOGIES & GLOBAL SYSTEMS



*a series by Toronto based award winning growth and innovation strategist Aileen Schultz - [Take me there](#)*





# Going In-house: A Changing Marketplace

By Kenny Tung, Founder In-Gear Legalytics Ltd.

***“These are the times that try men’s soul.”***

Thomas Paine, The Crisis, Dec.23, 1776

Pandemic and destabilization of more than half a century of nuclear geopolitical balance are just two top-of-mind issues that grip the

minds and hearts of people. For those of us who are not readily able to solve these problems, there remains much to be pondered. Serving as a panelist in an international law firm’s leadership program for lawyers brought the author an exchange which led to some thoughts on what lawyers need to ponder when going in-house.



In 1997, the author was surfing an early wave of lawyers moving from law firms into corporate legal departments in mainly western multinationals in China at that time. Not unlike many other moves, the exploration concerns what happens in enterprises after the closing of a strategic deal and how a business works. Since then, the market has evolved and grown more vibrant, now with the rise of Chinese state owned and private enterprises as well as businesses and industries at varying stages of development, many of them truly claiming a place as competitive global enterprises in their own right, sometimes with even socio-political headwinds rather than buttressing.

There is much media on the subject of moving in-house. An informative example is an article packing in observations and helpful advice from an international recruiter. [1] Common considerations for going in-house are in essence not that different from those of graduates starting in the job market – driven by the head, the heart, and the dough – what one is good at doing, what one loves to do and what pays (whether to maintain what one is accustomed to or to scale one’s ambitions).

These considerations may translate into:

- The timing of moving in-house – relative to the stage of career such as making partnership in law firms, the trajectory of pay after going in-house, and skills acquired before the move;
- What the candidate lawyer is looking for – “work-life balance,” the extent of a structured work environment, steady compensation and benefits, freedom from pres-

ures to bill and to pitch, fitting more into a client’s business and purpose, hitching a ride with disruptive players (which are rare), enhancing personal branding with a corporate brand’s halo effect;

- What employers may look for – a go-to person for legal problems, a contract manager, expertise to bring in-house, a facilitator of large and small transactions, a risk manager to hold the line on compliance, a “counselor;”
- Whether one possesses or can acquire the skillset that helps to succeed in-house – “soft” or “people” skills such as communicating with non-lawyers, commercial sense and acumen, likelihood to come out from behind the desk to appreciate disparate stakeholders’ perspectives across silos and the business ecosystem, ability to facilitate operations and perhaps even contribute to strategies;
- Propensity to overcome the challenges in such transitions – going from mere practicing law (issues spotting and highlighting legal risks) to solving problems or even facilitating jobs to be done from clients’ perspective, moving from input based mindset (hours worked) to one driving throughput or even output, marshaling the facts and building pipelines to data beyond citing anecdotes, managing and building a bench of talents in the legal function that can deliver the results;
- What if in-house legal department is not a suitable fit – moving back to law firms, going into business and other functions, joining investment or consulting firms.

While most legal managers, candidates and recruiters have been working with these

criteria, the decision for a lawyer to go in-house and how organizations should recruit legal professionals and build their legal departments ought to take into consideration how the legal sector is evolving. Albeit at a slower pace than other industries and professions, numerous first steps have been taken in a journey of transformation.

Popular legal media has been covering the heralded rise of in-house lawyers [2] and the move of talented lawyers in-house. [3] Much of the sensation is generated from a shift of bargaining power from suppliers (the most written being “Big Law”) to buyers of legal services and a client revolt that is putting private practice lawyers on their collective back foot.

## **I. Macro Considerations**

When one digs deeper, one can see beyond stories of GCs trying to dictate terms to law firms with tools like alternative fee arrangements (AFAs), AI tools for scrutinizing law firm bills, [4] legal process outsourcing (LPOs), alternative legal service providers in the midst of innovative offerings from law firms [5], and myriad PR on LegalTech.

The legal sector is witnessing a shift, and not a blip resulting from the global financial crisis since 2008. But what is behind this market shift? A scan of recent articles [6] has long made clear the lay of the land in the legal sector. Below are some observations that are worth bearing in mind for lawyers navigating between private practice and in-house legal departments.

### **A. Supply & Demand**

In short, the story goes like this in the U.S.,

and to a certain extent in other markets: in pursuing lucrative tuitions, universities inadvertently propelled unsustainable growth in the number of lawyers, lifted even higher by student loans. A rise in the supply level of lawyers drives a downward shift in the “clearing price” in the market for legal services. The market value per-lawyer eventually made economic sense for more corporations to hire more in-house lawyers. In 2010, somewhat of a tipping point, the market started seeing both a period of growth of in-house lawyers and decline in law school enrollment.

The abundance of lawyers has been adding fuel to a full blown a client revolt beyond price haggling.

### **B. From Opacity to Translucence**

Similar to procuring external services such as business consulting, marketing PR and IT, in legal matters, companies used to rely on outside counsel to assess the legal situation, determine the type and level of legal services they need, and ensure the quality of the legal services they received. However, the increasingly deep bench in corporate legal departments now:

- adopt a more activist role in selecting and managing the resources assigned to their projects,
- integrate with the needs of client’s business and organization and develop sophistication that leads to disaggregation of services and tasks, and
- raise confidence about the question to be asked and the work to be done, reducing reliance on traditional big provider brands.

Complementing the movement in-house, a

myriad of burgeoning disruptive movements also channels legal work to:

- a restructured ecosystem of external providers beyond traditional law firms (e.g., legal outsourcing companies, alternative legal services providers), and
- unbundling of work across the people-process-technology spectrum, modularization of work and legal tech.

The unbundling of specialty work from commodity work results in the “right-sourcing” of legal work based on associated price and quality arbitrage. Beyond the democratization of knowledge and the clients’ realization that they are paying too much for features they don’t value, businesses want greater speed, responsiveness, and control. In the legal function, this means less spinning its own wheels and more integration to the long and short term takt of the organization.

### **C. Journey Ahead**

Without a doubt, lawyers still command an enviable price for their services, and by no means compare with the price elasticity of fast-moving consumer goods. Witness the limited access of small enterprises and individuals to legal services in most jurisdictions around the world. In contrast with most professions, the median law practice continues to occupy higher ground in associates salaries and profit per partner.

The legal profession, steep in a culture of confidentiality and legal privilege, may present an opaque façade in client value proposition. The democratization of trust between buyers and sellers in more level playing fields illustrated by Uber and Airbnb may not apply in the legal

sector. The scaling back of Avvo to be a mere lawyers directory and the limited scope of ['AdvanceLaw'](#) as a membership organization for buying legal services offer scant data points on the status of the trust revolution. [7]

Nevertheless, without a doubt, the flood gate has opened. By bringing in-house the functions diagnosis and quality control, companies reduce the barrier of switching providers and embark on the industrialization of legal services. Indeed, this is not just another buyers’ market, but an unprecedented structural shift.

Traditional legal service providers will see consolidation especially in the top tiers of the industry. While people watch the battle for the largest and most coveted clients, the narrative will start with smaller opportunities, those already served by existing providers as well as new entrants to the sector. Starting at the peripheral is a common pattern of disruptions.

Furthermore, the traditional boundaries between professional services are blurring, and the new landscape will present novel opportunities.

Already the e-discovery field employs more non-lawyers than lawyers. Data analytics and technology to mine insights is a reality in so many other industries, and the legal sector is ripe for retiring lawyers to work side by side with entrepreneurs to harness valuable insights for clients.

## **II. The Law Department as a Strategic Function**

The above is just a narrative of the scaling of a

profession into an industry and the value shift from sellers to buyers of legal services. A survey of most businesses will show that enterprises still need legal functions that truly address their jobs to be done, [8] beyond the remedies at the proverbial bottom of a cliff.

Today, everyone in legal services talks about being a partner to the business, being more commercial, engaging people and purpose, having a seat at the table and asks questions like: What is business looking for now from in-house lawyers? How does corporate counsel become trusted advisors in an enterprise?

A core question may be how the in-house legal function can leverage this effort to break out of an opaque past and take the value proposition to the next level. The incumbent or legacy providers of legal services, most still residing in private practice, may appear to be defending their own interests in the status quo and dragging their feet to align with the new client's perspective. However, the legal service value chain should be viewed as an integrated supply chain, and the current tug of war over pricing between buyers and providers should be just a side show. In fact, simply beating down law firm's rates will not solve the legal sector's problems, and mere cost cutting does not pave the way of the legal department transformation into a strategic function.

What this means is in addition to criteria for yesterday's lawyer and today's needs of legal departments, lawyers and clients will benefit from keeping an eye on the future. Here are some points being surfaced in the legal community.

## **A. Taking It To the Next Level – Beyond Lawyering**

First, lawyers do not go in-house to practice law, and this is a nuance that is definitional. Lawyers' core competence may be to navigate the law, spot issues, and marshal the evidence to generate solutions to legal problems, but businesses hire lawyers in-house to advance their purposes and not merely to practice law. The lawyering skills may form the vertical pillar of a T-shape lawyer [9], but without the horizontal skills and intent, an in-house lawyer would not really be "in-house" and a member of an integrated "pit-stop" [10] team.

Being a corporate counsel surely goes beyond spotting issues and ending with equivocal, difficult-to-comprehend, client-you-decide recommendations. Solving and anticipating problems are the goods of trade, and resorting to laws [11] may be one way to do so. More often than not, the solutions are not legal in nature, and the legal department should, albeit ironically, "do less law." [12]

This may be against the visceral instinct or purpose of the legal vertical which often ends up over-lawyering an issue, from long winded memos to going down sub-optimizing rabbit holes and missing the bigger picture in the problem solutions.

Going in-house pivots the drivers of value proposition from inputs to throughputs and outputs. In other words, the reform concerns a shift from the overt hourly pricing and shadow cost accounting in terms of headcount and fulltime equivalents (FTEs) [13] to measurements on being an active corporate resource in shaping and executing an organization's



strategy, i.e., its reason of existence. Hence the legal function aspires to be a strategic function, beyond just another cost center.

The word strategy, too often, has been thrown around and may indeed have been used in vain. It is not limited to minimizing risk, whether in bet-the-farm transactions, routine contract reviews or existential dispute resolutions and regulatory threats.

### **B. The Problem With “Make Me Look Good”**

Many would have come across this innocuous ask from the GC when she engages outside counsel or assigns a staff lawyer to work directly with a business client. Sometime the corporate counsel needs expertise that is not available in-house, and sometimes it reflects a critical need in the face of an over-extended in-house resources. If this mind frame in providing legal services is the norm rather than the exception, some client may indeed ask: why hire the in-house lawyer or why not replace the in-house or more senior generalist by the outside specialist or junior lawyer.

This illustrates why if the purpose of an in-house counsel is merely to lawyer a problem, then the “rise” of the in-house lawyer may just be a cost arbitrage exercise.

One way to think of this is to revisit the concept of the T-shaped lawyer. The purpose of the in-house lawyer should require the horizontal competence to be so strong and critical to the enterprise that it is symbiotic with the legal vertical. This is so much so that the “T” may be better described as an “H” tilted on its side, with the legal generalist connecting the

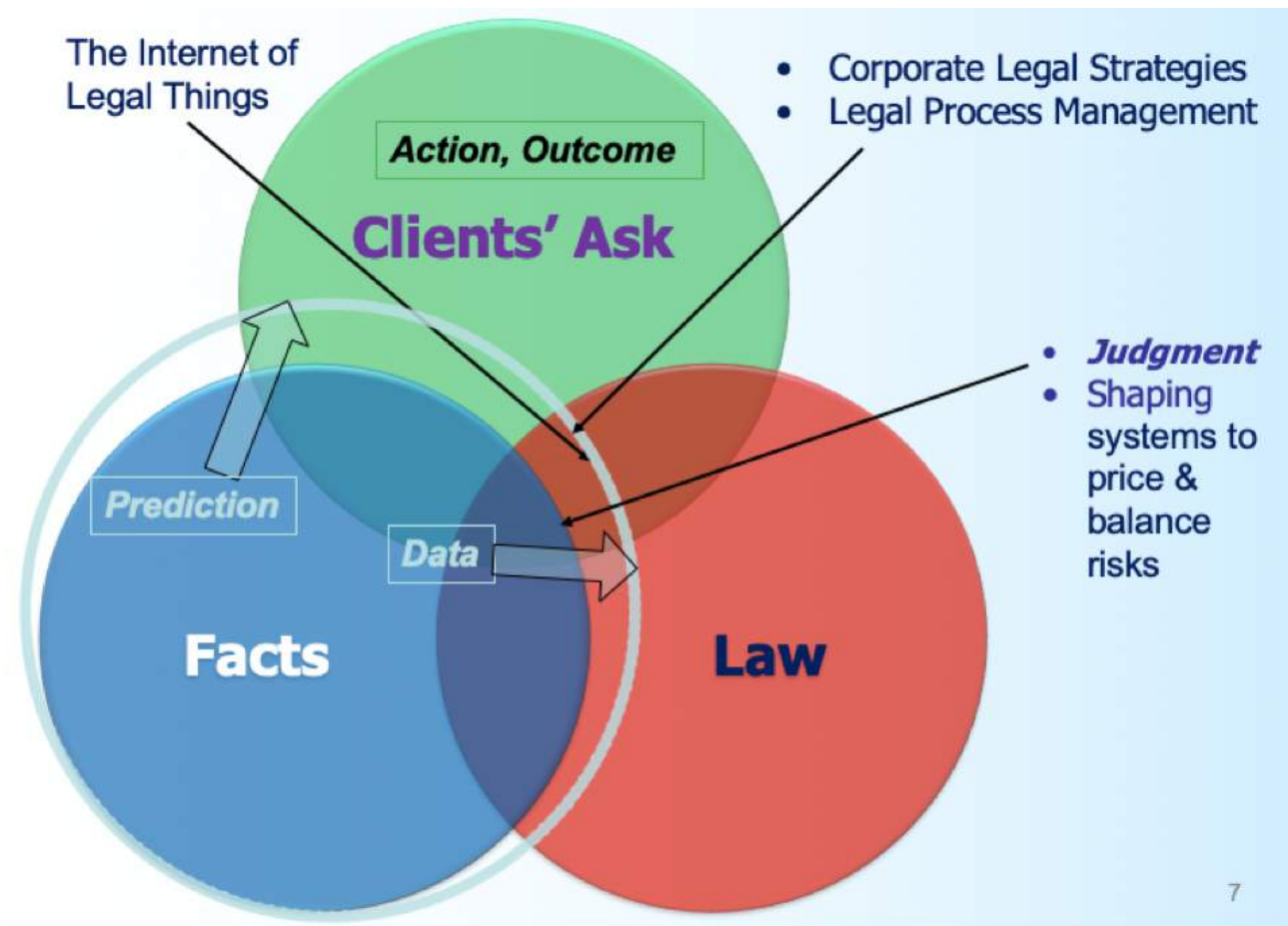
range of business organizations goals and activities on the top and the range of legal resources spread, across the people-process-technology spectrum, at the bottom. Even within this job description, the in-house lawyer can declare majors and minors that best serve the strategy of the business and the legal department as opposed being the equivalent of a Swiss army knife.

### **C. Reason For Existence – Operations and Risk Management?**

Regardless, the in-house lawyer must meet today’s expectation, mainly to support business operations, but always be guided by a purpose to play an active role in shaping and executing the organization’s strategy.

In facilitating business operations, with time and effort, a qualified corporate counsel will be able to improve legal tasks and processes by eliminating waste and improving efficiency, perhaps even deploying automation and self-help mechanisms that are actually adopted in the field. She must also keep in mind that efficiency gains should be made in the enterprise activities and not centered on just the legal aspects.

While lawyers may have often been perceived in the remedial context, i.e., at the bottom of a cliff, an in-house lawyer must manage risks in the context of relevant opportunities. A risk-only approach will have the legal function clapping with only one hand, being reduced to the department of “no,” even with all intentions to be commercial and business friendly. This is because an adversarial structure to risk management will in all likelihood isolate the lawyer who is perceived to pass judgments on risks.



This in turn will induce a negative cycle of distancing the lawyer from facts and data and thus raising the lawyer's adversity to consider any risks. [14] Further, marshaling the evidence takes on a different complexion today in the age of data, and overwhelmingly data resides outside the legal department in most organizations that are heavily siloed. While a discussion of how technology impacts the legal space lies beyond the scope of this article, the venn diagram above [15] serves to remind in-house lawyers to keep in mind lawyering constitutes only a part of their job.

To arrest this state of affairs and generate a virtuous cycle, corporate counsel must start getting from behind the desk and grounding themselves further in the business organization. This will likely mean impressing people

and doing one's homework only starts and does not end with the acceptance of a job offer. It will also require thinking beyond organizational silos, appreciating the enterprise as a whole and a robust resilience in getting inside the heads of business colleagues in the company. A lifetime of learning the business will sharpen a mind frame of:

- Anticipating and solving problems and passing less judgment,
- Thinking in probability and adopting a quantitative approach to risk,
- Rising above a bipolar (right and wrong) worldview,
- Adopting a flexibility to think beyond linear and uni-causal analyses,
- Gaining a second nature to seek and follow data.

While the business colleagues will need to meet the in-house lawyer half-way, the lawyer must take the initiative to turn around the expectations. A shift of the mind frame from one of the clean-up crew to an integral part of decision making will help bridge the gap between innovation and risk management. [16]

Refraining from defaulting into a singular focus on the one percent risk in a ninety-nine percent upside scenario will address the first of the twin challenges to lawyers by the enterprise – aversity to risk and over-reliance on past precedence. [17] In-house counsel must also learn to think like a business owner in forging a future in addition to defending the past. This is where playing an active role in shaping and executing the organization's strategy comes in.

#### **D. Toward A Strategic Legal Function**

Beyond informing legal's support to routine operations and legal process improvements, getting a handle on the enterprise business strategy, or the playbook founded on its reason for existence, will connect everyone to its longer term direction beyond the month or the next quarter. This is especially the case during these times of accelerating changes and increasing disruptions.

What an enterprise does and how it accomplishes its activities to bring value in an ecosystem gives meaning to everyone in the organization working toward to same set of goals. This also means alignment across business units verticals, between headquarters and regions/countries and the myriad personalities within. Formulating and adjusting a strategy to navigate across the

ecosystem also means coming to terms with external parties, whether in the competition with rivals, managing co-opetition with adjacent players and potential entrants, sharing risks with clients or suppliers, incentivizing employees and contractors, and balancing relationship with communities and the public sector.

In short, strategy depends on alignment among stakeholders, internal as well as external.

#### **E. Chief Relationship Officer To Advance Corporate Strategy**

As it turns out, beyond the legal interpretation, issues spotting and marshaling of evidence, lawyers have been at the center of managing relationships between and among stakeholders, both natural or legal persons. Whether in the intensely human and emotional context of criminal prosecution/defense, divorce, and estate contests or the cold calculations of financial instruments and sprawling deals between behemoths, lawyers, both the drafters and the dealmakers, have been (ahem) instrumental.

So too, in the journey to earn a seat at the table, not just in the C-suite but at all levels of an enterprise, it will behoove in-house lawyers to explore and internalize the strategy of the business and organization. Some may wonder whether this is above the pay grade of most in-house lawyers, and indeed many business clients may not even understand, let alone be guided by, business and organization strategies. But this does not mean there is none, again, especially in our times of accelerating changes.

The organization/business strategy also serves as the foundation of and departure point in formulating the corporate legal strategy, i.e., the legal function's contribution to business strategy, or the business of law. This is much more than a plan to manage external legal resources, but also drives integrating the legal function closer to the enterprise and its parts. It also addresses the strategy for change, innovation accretive to the business (beyond cost control), and again how to align stakeholders interests.

## F. A Strategy for Change

Critical to a change strategy, the in-house legal function requires team players, and not just traditional individual contributors in the past. This is more crucial than the common and vague clients' ask to be more commercial. Not only does the top in-house lawyer need to earn a seat at the table in the C-suite, so do lawyers at every level and vertical of the enterprise. It goes without saying that aligning stakeholders interests also require emotional intelligence previously not generally associated with lawyers. As EQ is not usually casually developed as other acquisition of skills, industrial psychology assessment and some coaching will be in order.

In the field of coaching, a school of thoughts counsels helping people on what they can do and not be discouraged by how little or what they cannot do. Well-rounded individuals may require less coaching and learn on their own, but no one is perfect. Although a T (or H)-shaped lawyer is to shore up shortcomings to enable connective contributions, the legal department may not want to forego talent that

fits certain niche, albeit peripheral, in-house roles such as those fulfilling strategic or operations critical expertise.

\*\*\*\*

This article started with a casual survey of the common considerations for lawyers going in-house, such as compensation, fit and career development.

Given the macro shifts in the legal sector which is not immune to disruptions in value propositions as in other fields, lawyers heading in-house as well as those who are already there will benefit from taking a hard look in the mirror - and ponder whether they see, and how much of, the spirit and inclinations of an industrialist or an entrepreneur. Beyond the compensation package, this assessment will inform the decision by taking into account what each individual actually excels in and what vocations will yield the most meaning. As legal education is in its infancy in addressing the needs of the profession, much learning and training will lie ahead, but that is par for the course going forward for just about every vocation.

---

## Notes

- [1] [Should you go in-house?](#), F. Yuen, SSQ, Aug. 21, 2019.
- [2] See, e.g., [Rise of the In-house Lawyers](#), R. SenGupta, Financial Times, Mar. 17, 2010.
- [3] [Why are so many talented lawyers moving in-house?](#), C. Baski, Reconteur, Nov. 27, 2018.
- [4] [How Does Bodhala Disrupt The Half Trillion Dollar Business Of Law Firms And Corporate Counsel?](#), B. Auerbach, Forbes, Nov. 30, 2017.



- [5] But see [On Law Firm Marketing Bullshit](#), C. Flaherty, 3 Geeks And a Law Blog, Sep. 10, 2017.
- [6] [The industrialization of law and rise of in-house counsel](#), J. Côté, Lexis-Nexis-The Lawyer Daily, Oct. 01, 2019; [The Trust Revolution](#), D. Currell, Dec. 22, 2019; [Consulting on the Cusp of Disruption](#); C. Christensen, D. Wang & D. van Bever, Harvard Business Review, Oct. 2013; [Points of Law: Unbundling Corporate Legal Services to Unlock Value](#), D. Ertel & M. Gordon, Harvard Business Review, Jul.-Aug. 2012.
- [7] [The Trust Revolution](#), D. Currell.
- [8] [Know Your Customers' "Jobs to Be Done,"](#) C. Christensen, T. Hall, K. Dillon & D. Duncan, Harvard Business Review, Sep. 2016.
- [9] [The 21st-century T-shaped Lawyer](#), R.A. Smathers, ABA Law Practice Magazine, Vol. 40, No.4 (2014).
- [10] [9 Lessons Product Teams Can Learn From Formula 1 Pit Stops](#), R. Seamons, Hackernoon, Jun. 28, 2018.
- [11] Contracts too generally stipulate rules between and among parties. Many a clause in agreements save the day in negotiations, but many just deal with short term consideration and “kick the can down the road” without enhancing clarity and addressing issues and solutions. Worse, some lawyers actually play with words that misrepresent the nuance of the rules and manipulate a risk profile that satisfy only the short term needs of stakeholders without accurately pricing the pros and cons in context of available options. Some merely act for the interest of one or few stakeholders but at the expense of the organizations.
- [12] [Do Less Law – A Taxonomy of Ideas](#), R. Friedmann, Prism Legal, Jan. 19 2016.
- [13] [Org chart, the reason for existence?](#), K. Tung, Jul. 2019.
- [14] [Ecce Advocate - Reflections from Conversations in the Field of Legal Services Circa 2019](#), K. Tung, Legal Business World, May 30, 2019. This is one reason why the “horseback” law approach suggested in *How Google Works* (2014), E. Schmidt & J Rosenberg, to deploy in-house lawyers to triage potential issues will not be optimal. It is akin to using the legal function merely as a mobile canary in the coal mine, but yet to take into account that the foremen in the mine will not feed this canary accurate, real time data. Perhaps when lawyers begin to be accepted as an integral part of the operations at strategic levels will they participate to shape the overall picture at the top of the cliff rather than being stuck in an ambulance at the bottom. Indeed, [Why Your Innovation Team Needs a Lawyer](#), E. Dhawan, Harvard Business Review, Jul. 21, 2016, advocated including legal and other verticals to add robustness to innovation by being a part of it.
- [15] [AI, the Internet of Legal Things, and Lawyers](#), K. Tung, Journal of Management Analytics, 6:4, 390-403, DOI: 10.1080/23270012.2019.1671242 (published online: Nov. 14, 2019); [If “Software Is Eating the World,” is Legal Service on the Menu?](#), K. Tung, Legal Business World, International Edition no.5/6, pp. 50, 53 (2017).
- [16] [Innovation Risk: How to Make Smarter Decisions](#), Harvard Business Review, Apr. 2013.
- [17] *How Google Works*, (see note 14 above), section titled “Horseback Law.”

## About the Author

**Kenny Tung** is General Counsel at Lex Sigma Ltd., where, in addition to facilitating strategic projects and transactions, he served as the China advisor to a top U.S. PE fund, the Asia Pacific advisor to one of the world's top auto components companies and provides support to other large and small enterprises in China. Kenny also co-founded In-Gear Legalytics Ltd. to complement and serve providers, clients, developers and investors in the legal service value net. Projects with law firms and corporate legal departments cover consulting, capability assessment, workshops to address longer term issues, but a common stream concerns the design and implementation corporate legal strategies.

In March 2019, Kenny started an additional role as the Senior Advisor to SSQ in Asia Pacific,

facilitating business development and alliance for law firms and management of legal departments. Previously Mr Tung served as the Chief Legal Counsel of Geely Holding (during which time the department received the top award for Best Asian & South Pacific Legal Department 2014 by International Legal Alliance Summit) and before that as general counsel in the region at PepsiCo, Goodyear, Honeywell and Kodak where he fielded a vast variety of issues and projects and drove efficiency projects/practices. In 1994, he came to China as a lawyer with Coudert Brothers and led major projects such as the Shanghai GM JV negotiation.

Born in Hong Kong to Shanghainese parents, Kenny received his bachelor and JD degrees from Columbia University and practiced in New York City before coming to China.

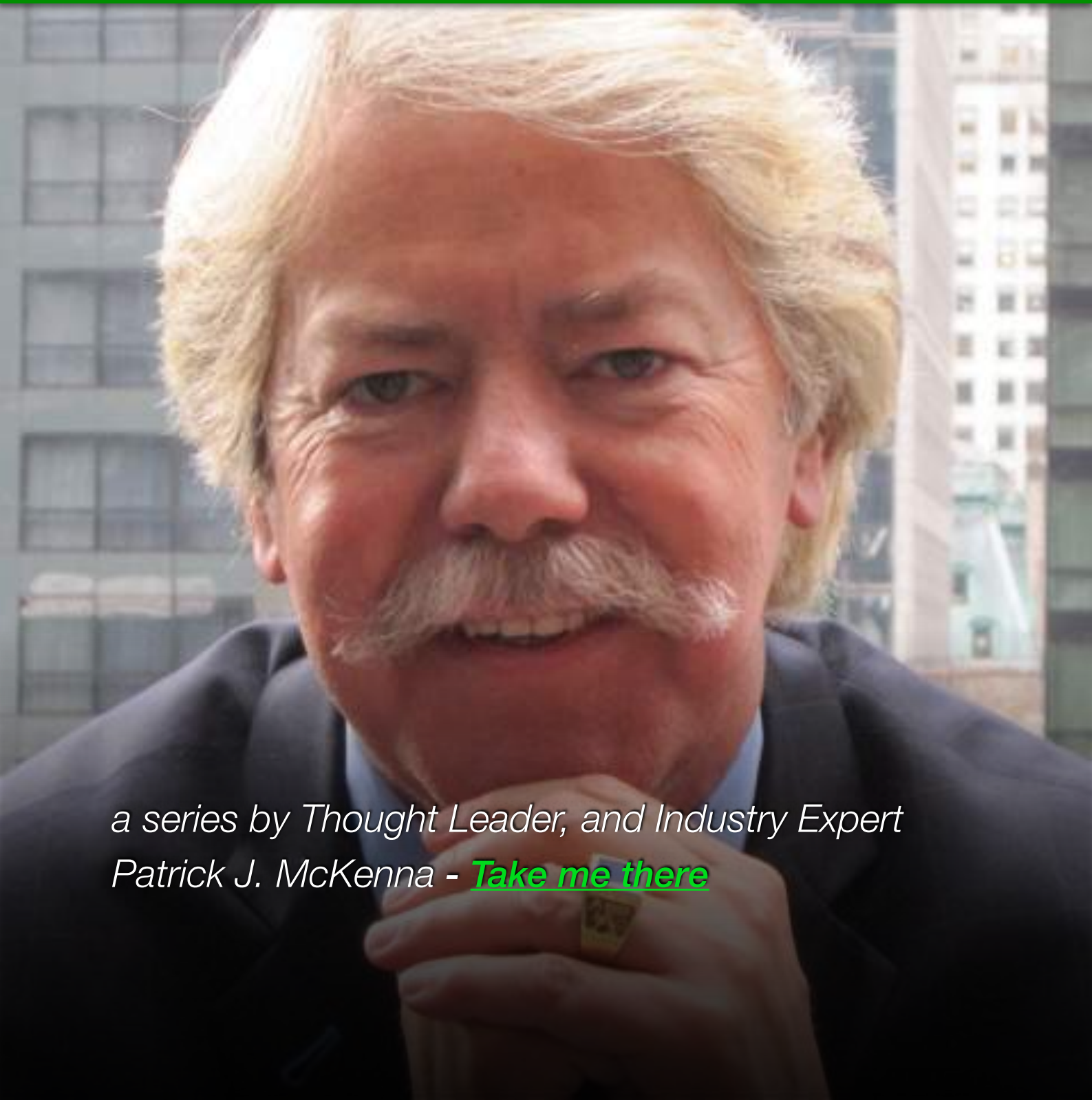


# foxwordy

The collaboration destination for lawyers.  
Open the door to a place built for you via Foxwordy's exclusive  
community for lawyers, legal professionals and legal academia.

# LEADERSHIP

A SERIES ABOUT LEADERSHIP DEVELOPMENT AND STRATEGY



*a series by Thought Leader, and Industry Expert  
Patrick J. McKenna - [Take me there](#)*



A close-up portrait of Zachary Moen, a man with dark hair and a light blue shirt, smiling slightly. The background is a soft, out-of-focus grey.

## The Value Series

A ClariLegal interview with Zachary Moen, Founding Attorney of ZVMLaw

We recently had the privilege of speaking with Zachary Moen, Founding Attorney of ZVMLaw and Vice President, Legal Acceleration at Revlegal. A practicing attorney for over 15 years, Zachary started his legal career in private practice at an Am Law 100 firm in Chicago and a large Detroit-based law firm before becoming Associate General Counsel at Daifuku Webb Holding Company, and later General

Counsel at the Orleans Group. In that time, Zachary founded his own law practice, ZVM-Law, which he describes as a client-centric, technology-enabled “business law firm for the 21st century”. Zachary also serves as Vice Present of Revlegal, a legal consultancy firm which works with corporate legal departments to optimize their people, process, and performance through Lean thinking and technology.



Zachary earned his Lean Six Sigma Green Belt Certification from the University of Michigan. Zachary describes “lean in legal” as arising from the “lean” processes pioneered by Toyota and other manufacturing companies in the mid-20th century that ultimately spread to other industries and recently, as Zachary notes, to the legal space.

We began our interview by asking Zachary what the concept of value means to him. Zachary begins by stating that he prefers to think of value in the context of Lean principles”, under which value should always be viewed from the customer or stakeholder perspective. But Zachary also states that viewing the concept of value from the client perspective has not always been traditionally ingrained in how attorneys think about the delivery of legal services. He notes how in his prior general counsel roles he would sometimes need quick legal answers outside his or his legal department’s expertise and as a result they would turn to outside counsel; however, Zachary notes that outside counsel would often come back weeks later with a long, well-researched legal memorandum that doesn’t actually answer the specific questions. Zachary points out that the firm would believe that they were offering value in providing comprehensive information when, in reality, they weren’t providing any value at all because Zachary needed a specific answer very quickly.

We asked Zachary how his firms have viewed the concept of value. Zachary responds that the idea of value has been different in each firm he has worked with; he notes that this is in fact the key to value, namely there being no blanket def-

inition to value. Zachary asserts that one must always ask the firm or company what it values, rather than thinking you know what the firm values. Zachary says he does this in his work by using feedback system and setting clear deliverables and cost expectations at the outset of work. As for what his firms seek to deliver in value to clients, Zachary notes that value is what distinguishes firms, but states that the value proposition must be adaptable to the client’s needs.

In his current roles, Zachary says that his typical clients are those with past experience with large law firms who are now looking for the same quality in legal representation but with more client-centric terms. Zachary notes that his legal practice offers fractional general counsel services to small- and medium-sized companies that may not need a full-time general counsel. Zachary’s practice handles the legal matters a typical general counsel’s office would handle at a fixed, cost-effective price; Zachary notes that the value he gets out of the arrangement is not needing to spend time and effort on the details of hourly billing and the ability to learn more about each client’s business and what each client values.

Although fixed price billing provides tremendous value to clients, it can also pose the risk of the law firm losing money on the deal. In his practice, Zachary says that they are able to profitably offer fixed services by partnering with the client to regularly evaluate the client’s legal needs and the value being provided to ensure the client is paying fair rate for the firm’s services based on that value.

Zachary also notes that his firm also relies on technology, including software based on the CLIO platform, to efficiently and cost-effectively deliver legal services. Zachary notes that any law practice is based on selling output and capacity; however, Zachary also notes that the billable hour model provides no incentive for law firms to develop efficiencies. Although his firm relies on technology, Zachary argues that technology can only be as good as a firm's process – “if you automate a bad process, you just have a faster bad process,” he says. As an example, Zachary notes how he has vetted contract lifecycle management software, but he believes that step one before using any CLM software is to have an effective contract process in place; Zachary notes that this is usually the pain-point for most firms.

We asked Zachary about metrics he uses to measure delivery of value. Zachary notes that he does utilize basic rating schemes; Zachary also notes that when a client values money, delivery of value is not difficult to measure. However, Zachary points out that other value propositions for clients can include speed in delivering outcomes, or not being a roadblock to the client's business, or providing confidence that the client's legal needs are being handled; however, Zachary asserts that those values can be difficult to measure, as measuring value sometimes relies solely on opinion, while some values are more easily quantified or measured than others. Zachary believes that if a client has one singular or primary value, it can be easier to measure the delivery of value; for example, if a client wants to undertake a review of all its outstanding contracts, the value delivered can be reducing the review time.

We next asked Zachary for his thoughts on how well he believes the concept of value is understood and talked about in the legal industry. Zachary believes that there is a movement in the legal industry towards understanding value; however, he notes that the billable hour model restricts this movement towards value, since the model often (but not always) makes it hard to align value with a client. Zachary also believes that delivering services solely as directed by the attorneys, rather than a collaborative process that engages all stakeholders, also creates a risk of misalignment of value. Zachary argues that value must be intentionally talked about, as many clients don't volunteer feedback or go out of their way to tell the firm how well they are doing in delivering value; he notes that this is the reason he implemented routine feedback in his own practice. Zachary notes in particular that new tools and services coming onto the legal marketplace allow legal stakeholders to facilitate conversations on value, especially legal service provider selection and management platforms like ClariLegal that enable providers and clients to define value in legal services beyond just dollars and cents, such as capacity and speed, customer-focus, and quality of service.

To conclude, we asked Zachary for his final thoughts. Zachary begins by noting that an optimal client is one that collaborates in the decision-making process and wants to be part of a team to solve their problems. Zachary notes that it is important to have expertise outside of legal to solve legal issues, which is why he values clients who want to give their input from expertise outside of legal.

Finally, Zachary, drawing on his past professional experience working for a violin maker, analogizes the value of violins to value in the legal industry and how the time spent working on a matter does not, in and of itself, correspond to the value received by the client. Zachary notes that a violin can be made quickly using machine-manufacturing or can be made entirely by hand, which is much more time consuming, or some hybrid of the two methods. Zachary notes that value to the musician may be in the way that the violin sounds or looks, which is not inherently created by spending more time in crafting the instrument. If a violinmaker offered a violin for four times the price that sounded and looked exactly the same as a machine made model but had more parts assembled by hand instead of by machine, Zachary notes that it would likely not be a success with musicians, as the extra manual labor cost provides no additional value to the musician. Similarly, lawyers who bill by the hour and spend time on tasks that could be done more efficiently provide no additional value to their clients for the added cost.

---

### About the Authors

[James Johnson](#) is principal attorney of [First Venture Legal](#), a Cambridge, Massachusetts-based law practice focused on corporate and transactional law for very-early-stage startups. James assists entrepreneurs and small business owners with corporate formation and structuring, contracts, commercial law, employment matters, and early-stage fundraising. His practice utilizes alternative fee struc-

tures to deliver value-based service to early-stage ventures.

In addition to practicing law, James works with ClariLegal, focusing on building out its innovative platform and spreading the word of ClariLegal's mission to reduce cost and complexity in legal vendor selection and management for law firms and corporations.



[Cash Butler](#) is the founder of ClariLegal. A seasoned legal technology innovator, Cash has over 18 years of experience in the legal vertical market, primarily working in eDiscovery, litigation & compliance. Cash is an expert in legal vendor, pricing and project management.



[ClariLegal](#) is a preferred vendor management platform for legal services that improves business outcomes. Made for legal by legal experts. We match corporations and law firms with preferred vendors to manage the work through a fast and complete RFP and bidding process. ClariLegal's platform allows all internal client segments to improve business outcomes across the board – predictability, time and money. [Learn more](#)



# Legal Department Trends Expose Challenges and Opportunities Ahead for Law Firms

By Josh Blandi, CEO and Co-Founder of UniCour

Across the board, legal departments face increasing budgetary pressures and are responding by insourcing legal services, maximizing efficiency through technology, utilizing non-law firm vendors, and moving to lower-cost law firms. These are a couple of the key findings of [Altman Weil's 2019 Chief Legal Officer Survey](#).

As in-house lawyers and legal operations teams find themselves increasingly buried in work, the need for better legal services solutions and workflows is becoming more pro-

nounced. And as this need continues to trend upwards, it provides a distinct opportunity for forward-thinking firms to solidify their standing with long-time clients and expand their market share to new corporate clients looking for collaborative, data-driven, and cost-minded firms.

In this article, we'll review key statistics from the 2019 Chief Legal Officer Survey and discuss the challenges and business development opportunities they present for law firms in 2020 and beyond.



## The Trends: Increased Workloads, Technology Usage, and Cost Cutting

The Chief Legal Officer Survey highlights a recent trend for in-house staffing: Legal teams have increased in size and are continuing to grow due to a rising demand for their services from their business counterparts. As the graphs below indicate, more than one third of legal departments intend to increase their staff of in-house lawyers in 2020. Of those, 61% said they would do so to cover increased overall workload.

In tandem with this increase in workload, in-house counsel are taking on more and more roles to fill growing business needs, often wearing multiple hats rather than specializing. This change is pushing in-house counsel to become

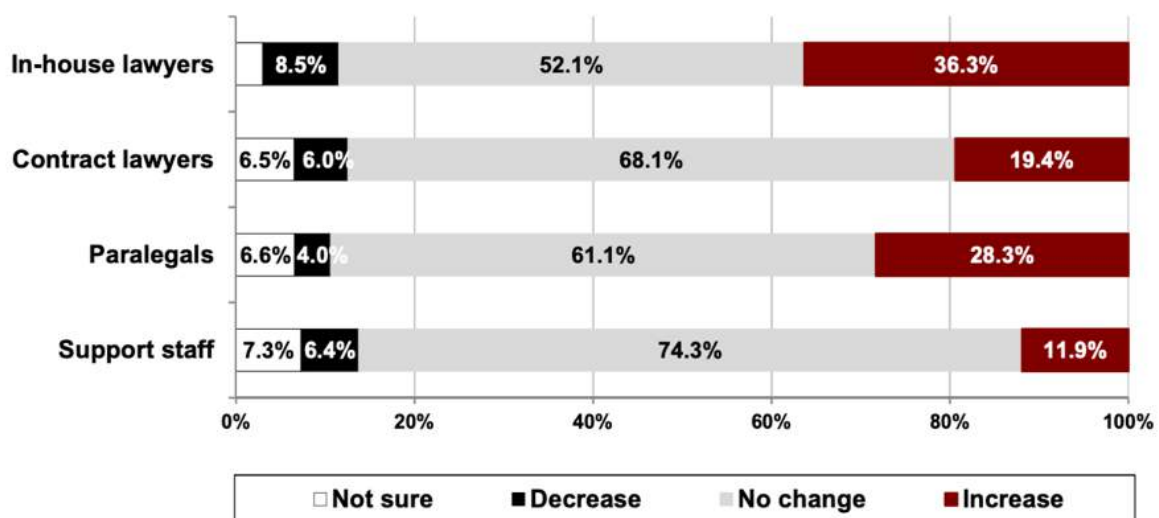
more reactive matter managers trying to handle a ballooning matter volume, as opposed to operating in a proactive advisory stance. This is where enterprising law firms come in.

With in-house counsel drowning in an ever-growing sea of matters, law firms should position themselves to act as collaborative partners, ready and willing to take on the added work in-house counsel are being forced to handle. By seizing on this surplus of work and highlighting their ability to manage it systematically and more efficiently than overworked in-house counsel, law firms can seek to carve out profitable niches. In doing so, they also will prove their value by releasing the pressure valve on in-house counsel, who can act as their future champions should their outside spend come under scrutiny.

### Law Department Workforce – Next 12 Months

**OUTLOOK 2020**

Within the next 12 months do you plan to increase or decrease your Law Department workforce?



Source: Altman Weil 2019 Chief Legal Officer Survey, [www.altmanweil.com/CLO2019](http://www.altmanweil.com/CLO2019). © 2019, Altman Weil, Inc. Reprinted with permission.

## FOLLOW-UP QUESTION...

Asked of the 36.3% of departments that plan to add in-house lawyers in the next 12 months:

**If you plan to hire one or more in-house lawyer in the next 12 months, what are the primary reasons? (Check all that apply.)**



Source: Altman Weil 2019 Chief Legal Officer Survey, [www.altmanweil.com/CLO2019](http://www.altmanweil.com/CLO2019). © 2019, Altman Weil, Inc. Reprinted with permission.

### Legal Department Efficiency Tools

In light of compounding budgetary constraints, legal departments routinely face pressure to accomplish more with less resources, and are tasked with leveraging efficiency tools to help balance their budgets. The Chief Legal Officer Survey goes on to reflect the tactics legal departments employ to increase efficiency, and notes that a whopping 60.1% cite the use of technology tools to make their work more efficient.

In addition to leveraging technology tools, the next three most common methods for increasing efficiency include collecting and analyzing management metrics at 44.7%, internal restructuring / reorganization of resources at 43%, and redesigning workflow processes at 41.2%. And as the chart below indicates, these numbers are even more

significant for large legal departments with 51 lawyers or more.

For large legal departments, 87.5% responded that they are increasing efficiency by leveraging legal technology. Further, another key development for larger legal departments is that 57.5% highlighted that they are looking to improve their efficiency by doubling down on their knowledge management efforts, which is in stark contrast to smaller in-house legal teams.

Altogether, this illustrates that larger legal departments have a renewed focus toward running data-driven operations, where legal technology, metrics and analytics, and restructuring teams and processes will take center stage. Law firms eager to retain their larger corporate clients and expand their roster of clients should look to mirror these trends.

## Efficiency Tactics – By Department Size

**In the last 12 months, have you done any of the following to increase your law department's efficiency in its delivery of legal services? (Check all that apply.)**

	1 lawyer	2-10 lawyers	11-50 lawyers	51 lawyers or more
Greater use of technology tools	35.0%	42.5%	71.6%	87.5%
Collect and analyze management metrics	30.0%	29.9%	55.6%	62.5%
Restructure / reorganize internal resources	5.0%	41.4%	44.4%	62.5%
Redesign workflow processes	40.0%	36.8%	39.5%	55.0%
Greater use of paralegals / paraprofessionals	15.0%	42.5%	33.3%	35.0%
Knowledge management efforts	15.0%	16.1%	24.7%	57.5%
Add personnel to department operations function	15.0%	26.4%	18.5%	35.0%
Project staffing with contract / temporary lawyers	10.0%	14.9%	24.7%	35.0%
Project management methods	25.0%	14.9%	16.0%	30.0%
Outsource to non-law-firm vendors	0.0%	8.0%	13.6%	25.0%

Source: Altman Weil 2019 Chief Legal Officer Survey, [www.altmanweil.com/CLO2019](http://www.altmanweil.com/CLO2019). © 2019, Altman Weil, Inc. Reprinted with permission.

### Controlling External Costs

Onto the topic of the hour, cost cutting. When it comes to legal departments controlling costs, the responses in the Chief Legal Officer Survey present important warning signs for law firms that many may already be aware of and feeling their effects. The chart below tells a significant story that can be summarized into two important points.

First, over 50% of legal departments are seeking to cut costs by reducing hourly rates (no surprise here), by requiring outside counsel to provide budgets, and through using alternative-fee arrangements or fixed fees. Second, and equally as important, is that a sizable contingent of in-house legal teams are reducing the volume of work sent to law firms (36.7%) or shifting work to lower cost firms (33.5%). This means that law firms need to

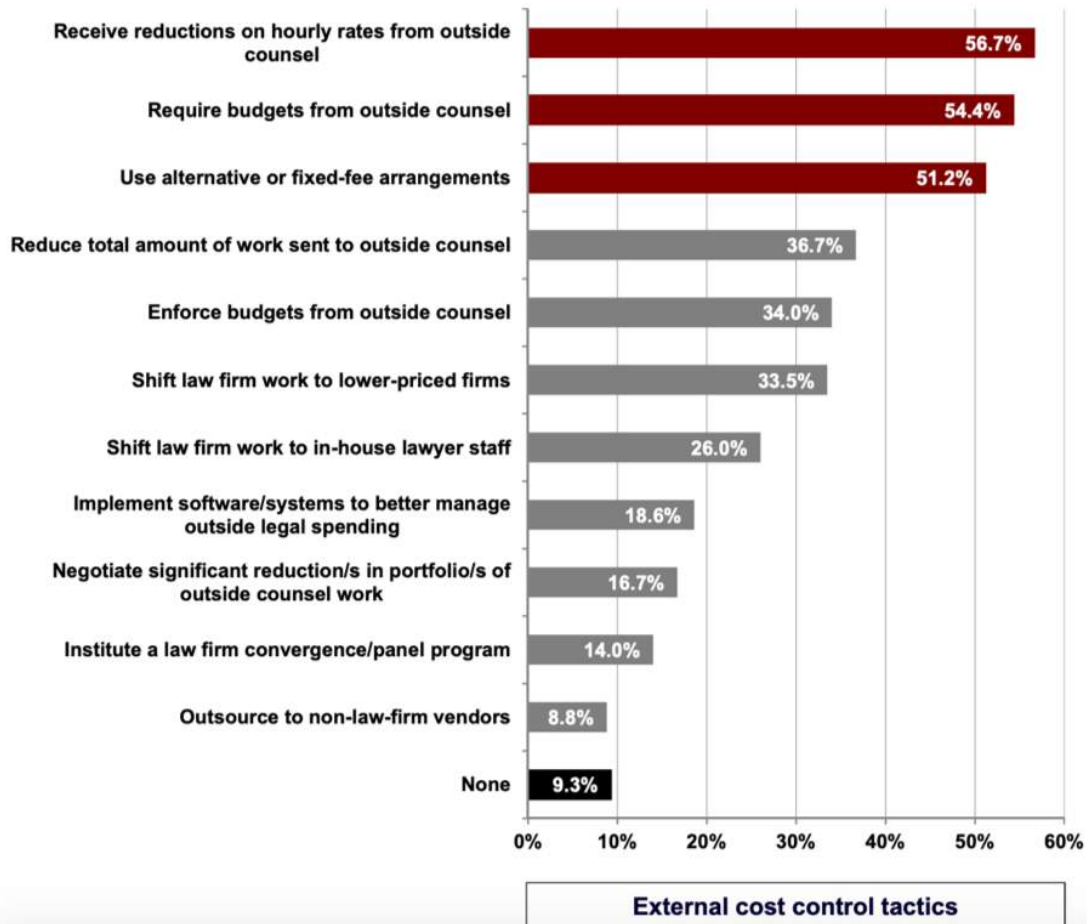
work even harder to secure their market share in certain practice areas like litigation, where work will not likely be insourced or outsourced, but may be eventually transitioned to lower cost alternatives.

To prevent seeing work shift to lower cost firms, law firms need to enhance their own efficiencies and develop sustainable models that are profitable and comparable to lower end firms. [As Google's director of legal operations and Corporate Legal Operations Consortium \(CLOC\) president Mary Shen O'Carroll warned recently](#), law firms need to realize that they are replaceable and that complacent firms may be left behind.

And why is it so important that law firms stake out their business with corporate clients? Mainly because those legal departments who are undertaking initiatives to

## Law Department Management – External Cost Control

In the last 12 months, have you done any of the following to control external law department costs? (Check all that apply.)



Source: Altman Weil 2019 Chief Legal Officer Survey, [www.altmanweil.com/CLO2019](http://www.altmanweil.com/CLO2019). © 2019, Altman Weil, Inc. Reprinted with permission.

reduce costs are finding wild success at saving money by steering work away from their current firms.

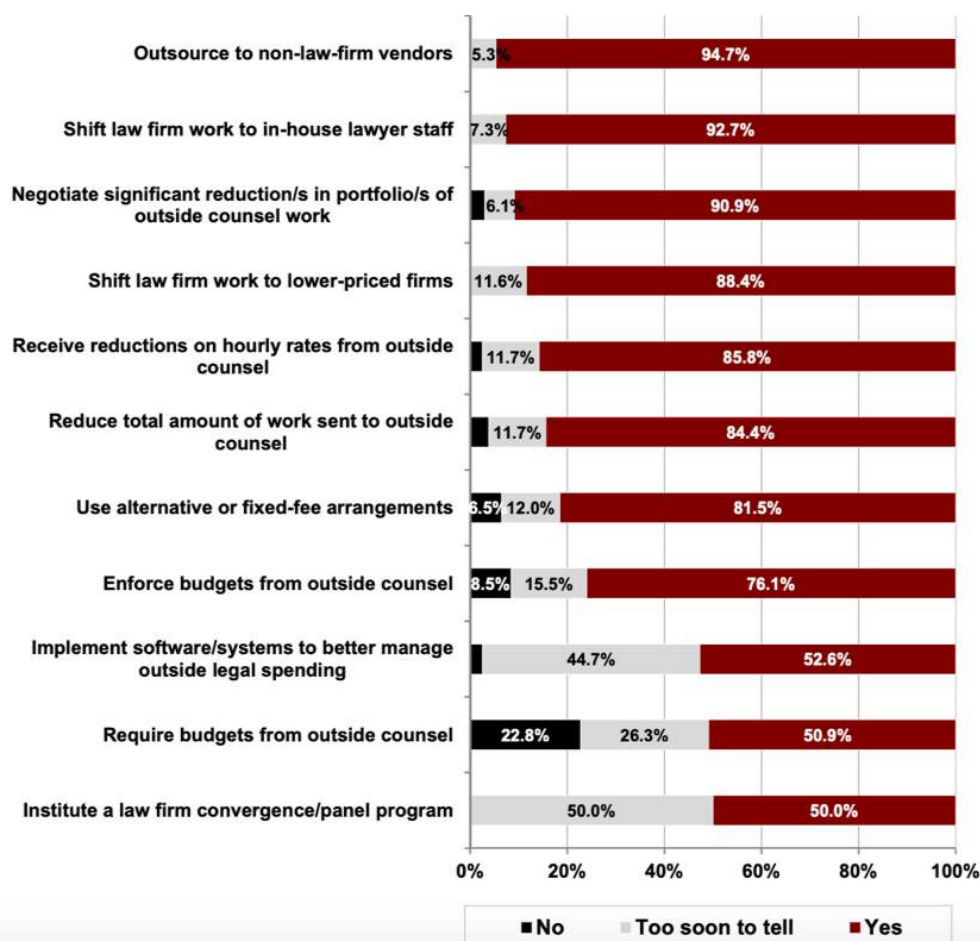
The Chief Legal Officer Survey shows that over 90% of respondents undertaking the tactics realized significant improvements on cost control through outsourcing to non-law firm vendors, shifting law firm work in-house, and negotiating cost reductions in portfolios of

outside counsel work. Beyond that, more than 80% of legal departments also found significant savings by shifting work to lower priced firms, reducing outside counsel hourly rates, reducing the volume of work sent to firms, and using alternative or fixed fee arrangements. With such glaring success rates, it would only make sense that in-house legal teams will go back to the same well again and again.



## External Cost Control Tactics – Significant Improvement

For each of the initiatives you've undertaken to control external costs in the last 12 months, has it resulted in a significant improvement cost control?



Source: Altman Weil 2019 Chief Legal Officer Survey, [www.altmanweil.com/CLO2019](http://www.altmanweil.com/CLO2019). © 2019, Altman Weil, Inc. Reprinted with permission.

### What This Means for Law Firms

In reviewing the Chief Legal Officer Survey taken as a whole, there appear to be three overarching takeaways and questions for law firms that are relevant whether they are seeking to retain existing clients or win business from new clients: Do you have your own house in order technology-wise to maximize efficiency; does your firm have a data strategy that adequately

addresses your firm's and your clients' needs; and are you putting your best foot forward by having the right people at the table.

When the majority of legal departments, and the supermajority of large legal departments, respond that they're spending more on legal technology to boost efficiency, law firms need to look inward to gauge the maturity of their own technology systems.

The operative question being, are my firm's systems more sophisticated or advanced than my clients and are those systems being leveraged to their full capacity and utilized firm-wide.

This is an important question because as clients are shoring up their technology capabilities, they want to know that their outside counsel share the same values and feel the same pressure to do more for less. Further, firms living under the reality of constantly tightening costs controls from clients need to find ways to enhance their efficiency via technology to remain competitive with the lower cost law firms clients are increasingly willing to send work to and avoid the more drastic step of reducing their rates.

Beyond the underlying technology systems a firm is using, it's also important to ensure that there is a parallel data strategy in place that is keeping pace with their technology usage. For firms handling large portfolios of litigation for their clients, it's critical to review how they are accessing the basic data for the matters they're working on. Are they using teams of paralegals and summer associates to gather the necessary data and ongoing case updates or are they [using automated means through APIs to gather structured data](#) that can be shared with clients?

With such a heavy focus from CLOs and legal ops teams on getting reliable data to power analytics and metrics, having law firms capable of providing efficient legal services delivery and the data to back it up is a clear distinguishing factor. Receiving reliable, regularly updated data from outside counsel helps CLOs better track costs and eliminates the resources and time that would otherwise be needed to develop

data for reporting purposes and budgeting.

Lastly, whether firms are pitching to new corporate clients or seeking to retain and expand work from existing clients, it's critical that the team advocating on their behalf reflect the changing makeup of the legal departments they want to partner with. This means putting knowledge management, legal innovation, and legal operations professionals directly in front of clients, and letting them share the technology prowess, data strategies, and savings initiatives the firm has to offer. This not only sets the tone for the firm's seriousness and preparedness, but it also puts the legal professionals within in-house teams at ease knowing that there's someone who speaks their lingo, who understands their pain points, and who's eager to make their lives easier.

---

### About the Author

[Josh Blandi](#) is the CEO and Co-Founder of [UniCourt](#), a SaaS offering using machine learning to disrupt the way court records are organized, accessed, and used. UniCourt provides Legal Data as a Service (LDaaS) via our APIs to AmLaw 50 firms and Fortune 500 businesses for accessing normalized court data for business development and intelligence, analytics, process automation, risk management, and developing machine learning models.


\*\*\*

#### All images:

Source: *Altman Weil 2019 Chief Legal Officer Survey*, [www.altmanweil.com/CLO2019](http://www.altmanweil.com/CLO2019). © 2019, Altman Weil, Inc. Reprinted with permission.

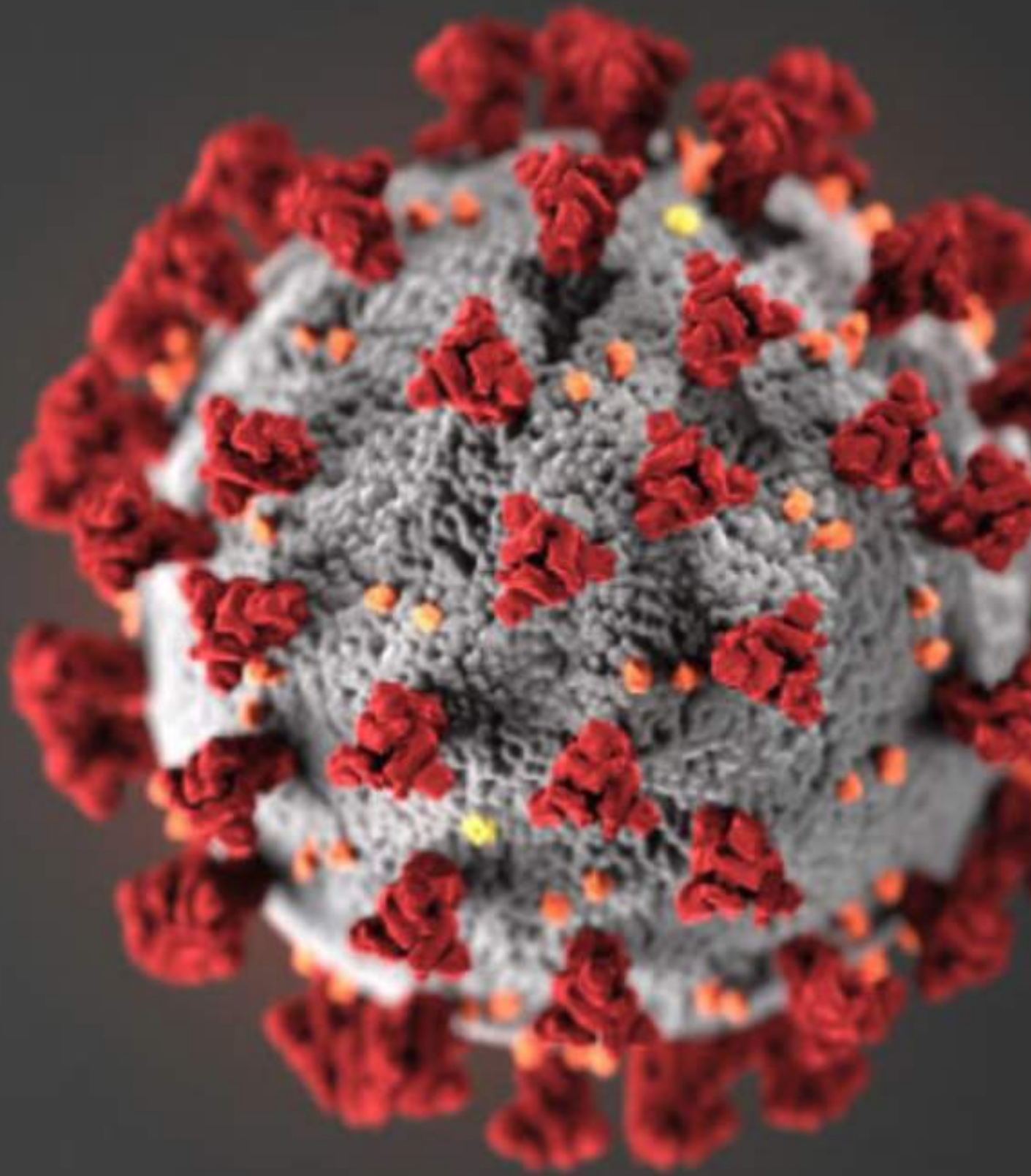
# LEGAL MOSAIC

A SERIES ABOUT LEGAL TRANSFORMATION AND  
THE CHANGING LEGAL ECOSYSTEM

A professional headshot of Mark A. Cohen, an older man with grey hair, wearing a dark suit, a light blue shirt, and a patterned tie. He is looking directly at the camera with a slight smile.

*a series by Thought Leader and Market specialist  
Mark A. Cohen - [Take me there](#)*







Series on Corporate Social Responsibility and Sustainability for Law Firms

# Transforming your life and work in the age of COVID-19

Case studies of holistic, strategic, social impact programs in the legal industry

By Pamela Cone, Founder & CEO Amity Advisory

*“And the people stayed home. And read books, and listened, and rested and exercised, and made art, and played games, and learned new ways of being, and were still. And listened more deeply. Some meditated, some prayed, some danced. Some met their shadows. And the people began to think differently.”*

Kitty O’Meara

In the space of a few months, we have experienced a life-altering shift as COVID-19 has upended life—from our health and the economy, to how we’ll live and work in the future.



During trying times like these, “commitments” are tested and are either affirmed or debunked. As the saying goes, “Crises don’t define ethics and character, they reveal it.” The COVID-19 pandemic is just such a situation. This crisis will show us the best of humanity or the worst of humanity—or likely a bit of both. On which side of the spectrum will your firm emerge?

As I write this article, it’s the first week of what health officials expect to be at least a six- to eight-week period of extreme “social isolation” to help lessen the impact of the Covid-19 pandemic. I think this will turn out to be a very conservative timeline. This is the beginning stage of a “new normal.”

During this crisis, it’s evident that environmental and social governance and corporate social responsibility programs are more important and relevant than ever. And the authenticity (or not) of these programs at companies and professional services firms is more obvious.

### **It’s easy when times are good**

When financial markets are doing well and businesses are thriving and growing, it’s relatively easy to devote a bit of time and energy to a “side program” called corporate social responsibility as a “nice thing to do.” Employees, customers, clients, and markets expect it. Many companies, during good times, declare that their CSR program is strategic and critical to “who they are” and to the role they fulfill in their communities.

### **The story of your firm will be most tested during the hard times**

Last week, I learned of a brilliant example of social impact leadership during a crisis. The law firm of Paul, Weiss, Rifkind, Wharton & Garrison [launched a new program](#) to harness the power of the firm to help those facing economic ramifications of the pandemic, according to Brad Karp, the firm’s chairman.

As federal, state, and local assistance programs and other resources are rolled out, 400 lawyers at the firm will work to aggregate, interpret, explain, and help ensure those who need these services can access them successfully. They’re even offering a 24-hour hotline to answer questions.

All of this is being managed while Paul, Weiss employees (and indeed, most of the nation) are working remotely. Karp is estimating this program will take 2,500 pro bono hours each day—and even that won’t be sufficient. He’s inviting others from the legal industry to join this effort.

This pro bono effort is clearly an example of the best of humanity. It’s an example of incredible social impact—leveraging the highest and best skills of the firm in difficult times to provide assistance and resources to our communities.

### **What will we learn from the COVID-19 pandemic?**

Before anyone had heard of or even uttered the word “COVID-19,” I was having conversations with professional service firm clients about their carbon footprint. At most firms, the largest contributor to their carbon footprint is NOT paper usage, insufficient recycling, or using incandescent instead of LED

bulbs in their offices. (Curiously, however, this is where most firms have focused their efforts.) Very few firms have addressed what is likely their biggest contributor to carbon footprint—their air travel.

While clients were interested when I broached this subject, the consistent response was, “we have to travel to meet with clients and to do our client work.” They expressed very little interest in changing the way they do business. In these conversations, I advised them to at least consider reductions in air travel—such as attending client board meetings in person twice per year instead of quarterly and using video-conference technologies alternately, which are readily available to all of us. Or, I suggested they start by reducing air travel for internal firm meetings, such as committee and task force work. This would not only reduce the firm’s carbon footprint, but save money.

To illustrate another impact of the COVID-19 pandemic, air pollutants and warming gases over some U.S. cities and regions are showing significant drops as the virus affects work and travel. Global emissions, including in China and Northern Italy are also declining.

And, whether for firm business or for client work, reducing air travel is a tremendous benefit for each of us when it comes to nurturing our own health and well-being. Attending a half day or even a full-day meeting via video conference can be painful. But that pain pales in comparison to the time and wear and tear that comes with traveling. Too often (and I speak from experience) the travel time and the overnight hotel stay far exceeds the few hours of face-to-face time with colleagues.

### **Will this be your new normal?**

Like many others, I have had speaking engagements, conference attendance, new client contracts, and meetings with prospects postponed or cancelled due to COVID-19. The prospect of staying home for the next four to six weeks and “hunkering down” to get my work done remotely and via video-conference is intriguing. I believe this period of social distancing and telecommuting will teach us that:

1. Business as usual that we have been used to for our entire careers will no longer be the norm. Travel restrictions due to this pandemic will teach us all that we CAN reduce air travel going forward, helping to reduce our carbon footprint and slow climate change—our next global crisis. Additionally, reduced business travel benefits our health.
2. We all MUST familiarize ourselves with readily available technology and video-conferencing platforms. Professional service firms historically have been slow to adopt and deploy technology to improve client collaboration and service delivery. This pandemic will force us to do it, and we’ll all be better positioned when this crisis is behind us. Our firms, our lawyers/advisors, and our clients will ultimately benefit from these improved practices.

### **The greatest lesson of all**

The global response to this pandemic shows that we can come together in times of crisis to adjust and adapt as needed. Business as usual (before the COVID-19 crisis) is not sustainable. We must find new ways to work, and in many respects that is a good thing.

This pandemic is traumatic and tragic. Will it also be transformational? Will we emerge as more conscientious, thoughtful global citizens in the future? The answer lies in each of us. Stay safe and stay healthy.

*“And the people healed. And, in the absence of people living in ignorant, dangerous, mindless, and heartless ways, the earth began to heal. And when the danger passed, and the people joined together again, they grieved their losses, and made new choices, and dreamed new images, and created new ways to live and heal the earthy fully, as they had been healed.”*

Kitty O’Meara







If you’d like to measure your current program

and create a transformational strategy, contact me at [pamelacone@amityadvisory.com](mailto:pamelacone@amityadvisory.com)

### About the Author


**Pamela Cone** has more than 25 years' experience in the professional services industry in marketing and communications roles, and more recently, building social responsibility programs in collaboration with clients and in alignment with the United Nations Sustainable Development Goals of 2030. She is the Founder and CEO of Amity Advisory, a consultancy to help firms strengthen their CSR programs beyond transactional to achieve truly transformational social impact outcomes.

## READ MORE ARTICLES BY PAMELA CONE AT LEGAL BUSINESS WORLD

<p><b>Social Responsibility and Sustainability</b></p> <p>Social Impact for a Law Firm: Beyond the Basics February 18, 2020 By Pamela Cone</p>  <p><b>A profile of Vieira de Almeida, a Portuguese firm with social impact at its core</b> Law firms are beginning to exhibit a more comprehensive and holistic approach to how they view socia...</p> <p><a href="#">Read More</a></p>	<p><b>Social Responsibility and Sustainability</b></p> <p>What does a transformational social impact program look like? December 12, 2019 By Pamela Cone</p>  <p><b>Case studies of holistic, strategic, social impact programs in the legal industry</b> Legal firms and their clients are banding together to create transformational social impact program...</p> <p><a href="#">Read More</a></p>	<p><b>Social Responsibility and Sustainability</b></p> <p>Evolving your program from transactional to transformational October 1, 2019 By Pamela Cone</p>  <p><b>Random acts of kindness make an impact, but to be truly transformational, your firm must go to the next level.</b> The first step in your evolution is to analyze where you stand now. In...</p> <p><a href="#">Read More</a></p>	<p><b>Social Responsibility and Sustainability</b></p> <p>Create a social impact program that measures up August 30, 2019 By Pamela Cone</p>  <p><b>How does your social impact program rate?</b> Globally, firms are finding that prospects and clients, as well as employees and recruits expect them to take their corporate social respo...</p> <p><a href="#">Read More</a></p>	<p><b>Social Responsibility and Sustainability</b></p> <p>Corporate responsibility and social impact for law firms - Do your clients care? July 15, 2019 By Pamela Cone</p>  <p><b>"The Sustainable Development Goals are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including those related to..."</b></p> <p><a href="#">Read More</a></p>	<p><b>Social Responsibility and Sustainability</b></p> <p>Why should lawyers care about the UN Global Compact and the UN SDGs? June 17, 2019 By Pamela Cone</p>  <p><b>"The Sustainable Development Goals are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including those related to..."</b></p> <p><a href="#">Read More</a></p>
--	--	---	--	---	---







## The Virtual Office: A Sustainable, Affordable Business Model

By Garrett Dubois, SJC Rule 3:03 Student Attorney and Legal Innovation and Technology Fellow

According to the U.S. Bureau of Labor Statistics 2019 report, the median income for the average full-time wage or salary worker was approximately \$48,672 per year. [1] In a 2017 report, the Federal Reserve found that four in 10 adults would not be able to cover an unexpected \$400 expense. [2] In 2019, the American Bar Association found that solo and small (2-9 attorney) firms were the largest majority of the legal profession, primarily in litigation and trust and

estates work. [3] Are you one of these solo or small firms? How much representation would \$400 net your client? Could you afford to take them on? According to a 2017 report by the Legal Services Corporation (LSC) (which does surveys of the legal landscape on behalf of the American Bar Association), 86% of low-income to no-income Americans, many of whom are located in dense, low-income areas, reported their legal problems were either not addressed, or were addressed with inadequate or under-adequate legal help. [4] In that same report, LSC found that low-income Americans reported seeking legal help for their issues only 20% of the time. Of those who responded, 70% of them indicated at least one of their civil legal problems “very much” or “severely” affected their lives. [5]

What if you could craft an easily accessible, sustainable business model that would not only keep your practice afloat, but ensured that you captured a portion of this population that otherwise would not be able to access affordable legal services?

According to a 2019 study by digital record aggregators We Are Social and Hootsuite, nearly 95% of Americans live in an area with at least minimal internet access. That same study found that at least 90% of polled Americans had access to a mobile phone, and 77% had access to a computer. [6]

While there are many small changes you can implement in your own practice, the most influential will be the creation of an effective, affordable virtual office space, allowing you to take on more clients in less time, and to gather a portion of that 86% who otherwise would

not have legal representation.

### **The Virtual Office**

Historically, when a client wanted to see an attorney, they needed to travel to the law office, try and explain their entire issue in a 30-60 minute meeting, and then return to that office whenever necessary. While there is a benefit to keeping a brick-and-mortar office location for those clients who will prefer face-to-face, rental costs can be overly prohibitive. Attorneys are beginning to turn away from the high rental costs of individualized offices, and instead leaning towards smaller, shared spaces, supplemented by their virtual office presence.

Every major city has at least one of these such locations (often run by a corporate entity like WeWork or WorkBar), and many of them are starting cater to the small office setup of an attorney’s practice, providing intake and reception services. While these are cost effective for when you need an actual physical location, many small and solo attorneys are still better served by operating a pure virtual office, coupled with meeting clients directly at their homes or in public spaces.

With the new development of legal practice management tools, like Clio or MyCase (among many others), office management programs, virtual assistants, and digital payment systems, attorneys can operate an effective, affordable law office from their home, car, or affordable office space.

According to Robert Half, client demands for 24/7 access to their information, combined with technology leveling the playing field

between large firms and solo practitioners, has transformed nearly every aspect of the legal profession, from how offices are set up, to how lawyers prepare documents and consult their clients.

### **Legal Office Management**

Affordable legal practice tools are an integral part of any successful small or solo law firm. In its *TECHREPORT 2019* summary, the American Bar Association found that small or solo practitioners relied on three major tools in their office operations: 1) Contact software, 2) Remote Access software, and 3) Electronic Faxing. Of the “contact” software, 82% of respondents used Microsoft Outlook, while 8% cited Clio as their client contact software. While there are many other legal practice programs available that all share the space, Clio holds a significant market share.

Clio is a law practice management software that uses a secure web link to operate an attorney’s office and client files. Unlike Outlook, however, Clio has the ability to run an entire law practice with one application, without a separate remote connection application. If you can connect to the internet, you can connect to your office. You can organize and create documents, draft from templates, share files directly with clients, engage in secure messaging, and record time and data all in one place. Practice management tools also provide you the ability to securely transfer files to and from your clients, anywhere, anytime. Clio also provides a significant number of integrations, allowing an attorney to link to their QuickBooks or account software, as well as detailed programs, such as e-discovery or e-filing tools, as well as Microsoft’s Office suite of programs for drafting.

My clinical study with the Accelerator Practice at Suffolk University Law School is one of these small firms (7 student attorneys) that runs entirely on Clio, and now, runs entirely remotely through its practice management software. Being able to operate your office from home 24/7 allows you to cater to your clients quicker and easier, and can be priced directly into your hourly rate. The low monthly (or yearly) cost for legal management software is easily spread out amongst your clients, and result in a significant increase in efficiency and process improvement, allowing you to take on more clients in less time.

### **Reception and Paralegal Support**

With a brick-and-mortar office, you can have a paralegal, office manager, or receptionist on staff to ensure that every client goes through the proper greeting, intake, and process. But what happens if you can’t afford a receptionist? How costly is that paralegal? What happens if they are unable to work? How can you ensure that clients are taken care of when you’re a solo practitioner working from home? Companies like Ruby, Smith.ai, and Robert Half Legal provide this service to all manner of law firms for little cost.

These companies offer a live receptionist who answers your office number, schedules client intake and appointments, and can forward or place calls for you. These live receptionists are exactly what you would have in your own office, but available and can be available 24/7/365 if necessary.

Companies like Smith.ai combine the power of live receptionists with an AI-powered chat

process that can streamline your work flow, predicting what your client needs, and providing answers immediately. This AI-based workflow allows you to directly tailor responses to your client, without having to be on-call 24/7 for them.

Billing costs for remote receptionists are often on a per-call basis, allowing you to decide exactly how much assistance you need, and when. For a solo practitioner, having someone available to answer calls when you are not ensures that you can connect to that business that would otherwise call someone else, or look for another provider.

Remote paralegal work provides two major benefits for the small and solo attorney, first through the reduction of personnel costs and overhead, and second by the on-call nature of the professional you're working with. Companies like Robert Half Legal or Hire an Esquire provide professional, experienced paralegals on a per-case basis, for a fixed or hourly rate. Using these services, or by finding an independent one, you can select a paralegal with a background specifically in your field on a contract basis. For many attorneys, this specialization and reduction in time cost can be substantial.

## **Video Conferencing**

Until technological advancements of the late 2000's, it was too difficult or prohibitive for a small or solo firm to engage in a video conference with a client. Clients would need their own webcam, connection, and expensive software, along with the knowledge to run it all, while an attorney would have to maintain and operate their own videoconference setup. Even

something as ubiquitous as Skype requires that it is installed, detailed instructions followed, and account names and passwords remembered. What if your client is technologically illiterate? In a case study of Skype for video conferencing, a study by the National Institute of Health found that the elderly, among other groups like the homeless, were adverse to not only the program itself, but all of the steps required to implement and use it. [8]

With the significant progress being made in videoconferencing during the last five to 10 years, however, even the client who relies on their grandchildren or children to help them navigate technology can be face-to-face with their attorney in seconds. An example of this slicker, easier to use process is Zoom, a video conferencing app. When an attorney or a client need to meet, the attorney schedules or invites the client to a call through their Zoom account, and the client gets a text message, email, or notification with a one-click link. From there, they can use their phone or computer to connect direct to the attorney.[9] For clients with a smartphone or tablet, Apple and Android's integrated cameras make this process even easier. For clients with Apple products, approximately 59.53% of Americans [10], the native FaceTime application can streamline this process even further.

These solutions save both you and your client time and money. The cost of the Zoom application for an attorney is generally zero, as Zoom's "Basic" package is free to use, including nearly unlimited meeting time, 40 minute meetings for 3 or more participants, as well as further features for a small fee. Apple's



FaceTime process is included with the device, requiring no further steps for the attorney or the client.

Imagine a client calls you about bad conditions in their apartment—their ceiling is falling in, there are rodents infesting the apartment, and leaks. She wants to sue the landlord, and it sounds like you'd have a pretty solid case.

Normally, you would need to arrange to meet with her, evaluate her situation in your initial meeting, then schedule a time to head out to your client's apartment, take photos, and further assess. What happens if your busy schedule doesn't allow for you to get to her soon? What if she doesn't have a car to come to you?

Instead, you arrange a FaceTime call, first thing, and just as if she was sitting across from you in the office, you listen to her story, and evaluate her case. But unlike her sitting in your office, she can walk you through the apartment, there in real time, and show you the issues. She can take photos, email or text message them to you, and you can start your letter to the landlord that same day. Instead of spreading your consultation across two or three visits, you've reduced it to one, with little cost. This shortens your case lifecycle, and allows you to reduce travel, spending time on other cases.

### **Paperless, Contactless Billing**

The final hurdle for operating a virtual law office is billing and payments. Historically, attorneys have been averse to taking credit cards or digital currencies, instead relying on paper checks and bank transfers. While attorneys rely on this archaic model for payments, much of the world is moving toward virtual and contactless currency transfers

as their main forms of payment.

According to Forbes and Cornerstone Advisors, in 2019, while consumers moved over \$172 billion dollars through their banks, Paypal facilitated the transfer of over \$141 billion dollars, Zelle facilitated \$122 billion while Venmo (owned by Paypal) transferred over \$64 billion. [11] These peer-to-peer transactions, where consumers move funds without the need for bank transfers or paper checks, are easier to use and nearly instant. That same study found that the average amount transferred between individuals ranged from \$20 to \$270. Paypal and Venmo share over 300 million total customer accounts as of January 2020. [12]

Attorneys can easily work these payment processes into their current fee structure. Paypal and Venmo, for example, charge businesses a 2.9% fee, plus a flat fee of \$.30 per transaction, and if you process over \$3,000 a month, the rates are reduced. Paypal also provides your clients with the chance to open lines of credit for significantly less than their banks may charge.

One attorney in Boston remarked at a recent conference that when he introduced digital payments into his firm, clients overwhelmingly responded that they preferred it. Working in the taxation sphere, he proposed a 5% reduction in costs for those willing to make instant payments, and clients were able to pay the same day they picked up documents. The 5% reduction provided incentive his clients to pay digitally (and quicker), and still allowed for him to maintain costs and overhead, but meant the funds were available to him right away, instead of running through a 30-day billing cycle.

For his business, keeping an account like Paypal stocked with funds made sense, as he could still transfer those funds to his regular bank account like normal, but had instant funds on hand when he needed them.

While an attorney cannot rely on a payment processor like Paypal or Venmo for IOTLA and client accounts, operating one of these payment accounts for fees will allow an attorney to accept much wider forms of payment, capturing those who otherwise wouldn't be able to pay in cash or check. You can accept payments at the time of representation, without waiting for checks to clear, 30-day billing lifecycles to complete, or banks to transfer funds. An attorney can offer a slight discount on their services if payments are made at the time of representation, and gather a larger amount of those 300 million people already using digital payments.

### Conclusion

I started writing this article before the outbreak of Covid-19, before firms across the world experienced shelter-in-place orders, limited travel for employees, isolated clients, closed courts, and the instant moving of office operations to remote-only virtual spaces. I could not have foreseen that even before I submitted this article that we were in the eve of the most intense test of the legal landscape's ability to transition since September 11<sup>th</sup>, 2001.

Only time will tell how the legal profession will be impacted, but this may signal a paradigm shift in how attorneys operate in the legal landscape, with less focus on the brick-and-mortar office presence and costly operations,

and a shift towards a remote, easily maintainable office setting.

---

### Notes

- [1] <https://www.bls.gov/news.release/pdf/wkyeng.pdf>
- [2] <https://www.federalreserve.gov/publications/files/2017-report-economic-well-being-us-households-201805.pdf>
- [3] *TECHREPORT 2019*, American Bar Association [https://www.americanbar.org/groups/law\\_practice/publications/techreport/abatechreport2019/solosmallfirm19/](https://www.americanbar.org/groups/law_practice/publications/techreport/abatechreport2019/solosmallfirm19/)
- [4] Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>
- [5] Id. at Page 26.
- [6] We Are Social & Hootsuite, "Digital in 2019, US" <https://wearesocial.com/us/digital-2019-us>
- [7] Robert Half Inc., *Future Law Office: Technology's Transformation of the Legal Field*, [https://www.roberthalf.com/sites/default/files/documents/RHL\\_FLO\\_evolutionLegalProf\\_o.pdf](https://www.roberthalf.com/sites/default/files/documents/RHL_FLO_evolutionLegalProf_o.pdf)
- [8] Zamir, S., Hennessy, C. H., Taylor, A. H., & Jones, R. B. (2018). *Video-calls to reduce loneliness and social isolation within care environments for older people: an implementation study using collaborative action research*. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5833092/>
- [9] *Joining a Meeting*, Zoom <https://support.zoom.us/hc/en-us/articles/201362193>
- [10] "Android v. iOS Market Share" <https://deviceatlas.com/blog/android-v-ios-market-share#us>

[11] <https://www.forbes.com/sites/ron-shevlin/2019/02/11/venmo-versus-zelle/#678df28f3c62>

[12] <https://www.cnbc.com/2019/04/24/venmo-has-40-million-users-paypal-reveals-for-first-time.html>

---

### About the Author

Garrett Dubois is a graduating 3L and Rule 3:03 Student Attorney with Suffolk University Law School's Accelerator to Practice Program, a comprehensive three-year course of study and practice designed to prepare graduates to join or start sustainable law practices serving average-income individuals and families. He is also a legal Innovation and Technology Fellow with the law school's Legal Innovation and Technology lab, providing legal project management, process improvement, analytical data science consulting, and legal technology support to Suffolk Law clinics, aimed at improving each clinic's efficiency and processes, while solving access to justice issues related to its practice.



Cadwalader Cabinet®

# My journey from paralegal to product manager

By Kai Hellstrom, Lead Product Manager for GlobalX, United Kingdom

**Like a lot of students, I went into University unsure of what I really wanted to do after law school. I knew I had a passion for the law but didn't know what area of practice I wanted to go into, or whether I even wanted to practice law at all.**

After graduating, I spent some time as a paralegal within a property department for a high street law firm. I'll be honest, it wasn't what I was expecting. There were a lot more administrative work and paper-pushing than I had envisioned.

I then moved over to my current employer [GlobalX](#). A company that provides conveyancers with property searches and data. Working here I made a move from paralegal work to product management.

I had no previous experience as a product manager when this





position opened up, but with a passion for both law and technology, our CEO saw potential in me. He was also willing to invest in my retraining.

### **What is a product manager?**

If you don't know what a product manager is, I'll quickly summarise what we do.

Product managers are often seen as senior software developers who have taken on a project management role. While the rise in popularity of the product manager role is closely tied to the increase in software products, the role extends far beyond digital solutions, and you don't have to write code to be a good PM (I'd even say sometimes it's better that PM's don't code).

Product managers are responsible for the entire development lifecycle of a product. This involves understanding both the needs of the business, and more importantly, the needs of the user/customer, and turning these into deliverable, working products.

What I do on a day-to-day basis is to understand and translate the problems our users are facing into features that our engineers can build, while ensuring this meets the clients' overall objectives.

### **The challenges of transitioning from law to tech**

The biggest challenge I faced at the start of my journey was getting to grips with the taxonomy, theories and techniques that go hand in hand with product management. You've probably heard of legalese, well there's also an equivalent language when it comes to product

management and software development.

Once I got a good understanding of the technical elements of software development, I found my background in law to be very beneficial.

Having worked as a conveyancer, that really helped with interpreting the intentions of our users into solutions, but other skills carried over well too.

In law, you are often explaining complex concepts to people with little background knowledge, all whilst managing multiple stakeholders, and the same applies to product development. The two disciplines rely heavily on excellent communication skills.

Attention to detail, without doubt, is another attribute that has transferred well. There are very few industries that require a level of attention to detail that the legal sector requires. Applying that to product development has helped reduce costly errors and resulted in better end products.

### **Lessons I've learned as a PM that could apply to law**

One aspect of agile project management that can be easily transferred to the legal sector, and any other, is the concept of a retrospective.

A retrospective is a meeting at the end of a sprint (project) where the team reflects on what worked well, what didn't, and what actions can we take to improve things moving forward.

Not enough businesses really take the time to

reflect upon the work they've just done. If they do so, it's usually an unstructured meeting with no definitive outcomes. Retrospectives help keep things focussed with an emphasis on returning actionable insights.

User stories are another great technique that helps aid communication and understanding by making the user's intentions very specific. When people consume products or legal services, they do so to solve a specific problem. User stories are a great way to try to understand precisely what that problem is, and how we can best address it, as service providers.

If you take conveyancing for example. There are very few people who move house purely for sake of moving. Underneath this, there is a story to be told, and underneath that again is a need, which as service providers we should seek to address. For example, the user may prefer to be kept updated over a quick conveyance, or they may prefer face-to-face contact over remote, and understanding our users to this degree helps us optimise our business processes, and ultimately the service we provide.

Both techniques can be applied to improving operational performance as well as addressing

issues in a particular case.

### **Advice to others thinking of taking a similar route**

There are numerous resources online that allow anyone interested in learning more about product management and its various different approaches, such as agile or lean.

For anyone looking to get started with agile, I would recommend reading [User Story Mapping](#) by Jeff Patton, and [Inspired by Marty Cagan](#). I found these resources very helpful at the start of the journey, and I regularly refer back to them.

If you're a law firm looking to implement some of the techniques I mentioned earlier, then you can either use the resources above or bring a consultant to work with your team on a specific pain point.

---

### **About the author**

[Kai Hellstrom](#) is the lead product manager for GlobalX in the UK. Using his background in conveyancing Kai is responsible for the development of Matter Centre, an automated workflow solution for property law professionals.



A photograph of three people standing in a modern office hallway. On the left is a man in a dark blazer and light blue shirt, smiling. In the center is a woman with long dark hair, wearing a black blazer and a pearl necklace, also smiling. On the right is a man in a light blue suit and white shirt, wearing glasses and looking directly at the camera. The background features large glass panels with green and blue accents.

# Interview with Bhaven Shah

Co founder, Presolv360

By the Editorial Department

## 1. Can tell us something about yourself

Thank you for giving me this opportunity to share my story. In India, businesses, investors and in fact, even the locals view dispute resolution and the justice delivery system as its weakness. And they are not to blame. You will be shocked to know that the Indian court sys-

tem is currently dealing with a logjam of 32 million pending cases. This translates to an unbelievable 300 years to clear this backlog if no new case is instituted. To top this, 40,000 plus cases are being filed in Indian courts every day, each dragging on for an average of 13 years in court!

*Photo: Aman Sanghavi, Namita Shah, Bhaven Shah*

While these statistics could attract more than a few disheartened faces, it also attracts the attention of innovators and changemakers. In probably the most litigious country in the world, what could be the answer to one of the most basic human rights - JUSTICE? Could dispute resolution be converted to India's strength?

Well, that was the eureka moment! After studying India's *Gram Panchayat* System (local self-governance system at the village level) to international diplomacy, traditional dispute resolution techniques to global best-practices, it was time to change the way India dealt with disputes..

In a country where law and technology don't meet eye-to-eye, three first-time entrepreneurs set out on a mission to marry technology to law and make dispute resolution simple, convenient and accessible.

**2. You are a Co-Founder of Presolv360. Presolv360 a platform that resolves commercial disputes. How does the Platform provide value? And what is this role of technology, human expertise, and innovation in this approach?**

Our journey started very differently and along the way we realized the need for each of these elements. I remember our first case was that of a young widow who lost her husband in a motor accident, leaving behind three children and a lot of debt for her to handle. For 5 years, she ran from pillar to post without receiving a single penny she was promised. We facilitated a resolution with the insurance company, and in three weeks, the negotiated compensation was credited to her bank account. With deep

gratitude she told us, "thank you for saving me!"

We wanted to help more.. many more.. as many as we could. Technology was the only answer, and so we began building an ODR (online dispute resolution) platform. While technology undoubtedly makes life easier, the human touch required for resolving disputes is indispensable. We were fortunate to have a few believers who joined our mission and supported us in our early days.

Now the most interesting element – INNOVATION! While working on a number of cases, we realized that when a dispute arises, it is nearly impossible for two opposing mindsets to agree on anything, be it a common platform or a common dispute resolution expert. And then.. innovation came to the rescue..

Another important learning was that innovation often germinates from common sense and is not necessary a combination of technical jargons and unpronounceable words. The innovation was in our approach – we built a subscription-based model, where for just \$5/year, one could secure themselves from the adversities of a dispute. If and when a dispute arose, the resolution would be done through our online platform and all costs (that of the lawyer and the arbitrator or mediator) would be borne by us.

It worked well – on one hand people were contractually bound to refer their disputes to the platform and on the other, it was a commitment not to go to court for small-time disputes.



### **3. You founded Presolv360 with two other founders, Namita Shah and Aman Sanghavi. Could you briefly say something about the role each of you fulfills?**

As cliched as it sounds, I couldn't have asked for anyone better than Namita or Aman. I often joke that professionally I am married to both of them and like any other relationship we do have differing opinions but what we share is a great bond which makes Presolv360 a great place to work at. They make my Mondays seem like Sundays.

While Namita handles product development and finance, Aman is our marketing and operations guy. I handle legal and innovation, and put together, I believe the Presolv360 team is one of character, vision and of course, a lot of fun to work with.

### **4. How does Presolv360 differ from similar initiatives?**

Namita, Aman and I got together in 2016 and we spent enormous amounts of time since then in studying and researching the dispute resolution landscape across the globe. We also spent a lot of time talking to various affected parties – this included businesses, professionals, lawmakers, judges, lawyers, students and even housewives (to see how disputes impact each stakeholder).

Every aspect of Presolv360 – the team, the tech platform, the interface, the processes, the rules have been built on the back of research, experience and unbridled passion. But at the end of it, the beauty of Presolv360 is that it is simple – we make dispute resolution easy!

Securing contracts rights at the inception

makes the approach easy. The price point makes it easy on the pocket. The tech platform and support make dealing with complex processes easy. I believe we make dispute resolution easy and so life becomes easy.

### **5. If you have to choose 3 unique selling points which 3 should you choose to describe your business and why?**

Trust – Namita, in her speeches, introduces Presolv360 saying we are in the business of building trust and not merely resolving disputes online. I could not agree with her more.

Quality – At work, we joke about how perfection is our goal and that excellence is tolerated – but the one thing we never joke about is quality.

Innovation – This is one of my favorite quotes – “For disrupting the status quo, you need some intelligence but a lot of imagination.”

### **6. What are your plans for Presolv360 world-wide? Would you consider a further roll-out and are there differences compared to the Asian market which might hinder a roll-out to other continents?**

The Arbitration360 and Mediation360 module (Presolv360's electronic arbitration and electronic mediation system) are built considering the UNCITRAL technical notes and model law, while also keeping in mind global ODR standards. With a few tweaks, Presolv360's platform can be deployed in many jurisdictions for resolution of commercial disputes. We are actively looking at collaborations for rolling out Presolv360 world-wide.

Besides, we are also looking at integrating supplementary services offered by fellow innovators to make our platform a one-stop shop for dispute prevention and resolution. Even the thought of introducing a 'made in India' concept to the world gives me goosebumps.

### **7. The legal profession is changing and professionals need to be more business and tech-savvy. What do you see as the biggest challenge for the legal professional in let's say five years from now?**

Don't you think nowadays people get really impatient? Earlier, people didn't mind waiting in long queues to hail a cab – now I am one of those who cancels an Uber if it is more than 5 minutes away. In fact, I often use Twitter as a complaint mechanism since companies respond within a few hours as against their standard email reply acknowledging my complaint and asking me to wait for a few working days.

Few years from now, I believe people will expect professionals to deliver quality solutions within a very short time frame. Effectively solving the problem at hand after analyzing business needs, aptly applying human judgment and offering more than what is expected is what will keep professionals relevant down the line. Doing this without being tech-savvy?!.. Phew.

### **8. I am sure you closely watch the Indian legal tech startup community. What's your advice for someone thinking about starting a new legal tech or legal start-up?**

When we started Presolv360 – a whole lot of

people thought we were naïve to believe that technology and law could ever go hand-in-hand, especially when it came to dispute resolution in India. We faced umpteen challenges, and some of our initiatives failed too.

Looking back, we realized that these two ingredients are prerequisites to succeed. Not challenges and failure – but the ATTITUDE toward these challenges and the idea of FAILING FORWARD (learn from your mistakes, don't repeat them and try different things to get different results).

We have a weekly-updated list of all legal startups across the globe, for two main reasons. One – it inspires us and two – it keeps us grounded. I applaud each and every brave entrepreneur to have taken this step and challenged the *status quo*. I don't believe I am wise enough to advise a fellow innovator or changemaker, but here is my two cents – doing something and failing is far better doing nothing and succeeding.

### **9. There is a lot of discussions ongoing about disruption in the legal market. What are your thoughts on this?**

While many sectors have already witnessed or are witnessing disruptive change, the legal market has been playing catch up. I am one of those who believe when things get too stagnant, disruption is around the corner. To a large extent, the legal ecosystem is intertwined with the business ecosystem. The entire business ecosystem has been disrupted today. How businesses worked even a decade ago is very different from how they are run today. With such a backdrop, the legal industry is bound to witness a massive overhaul.

Lack of value and trust in the existing institutions also make a fertile ground for disruptive change to lay its foundation. This will be the decade for innovators and changemakers to go out there and build rewarding businesses – rewarding of course in terms of money, but more importantly.. IMPACT!

---

[Bhaven Shah](#) is a co-founder of [Presolv360](#), a legaltech company that specializes in online commercial dispute resolution. With an academic background in finance and law, he has a decade of experience in understanding law, human relations and conflict resolution. He is passionate about stimulating conversations around innovation and looks forward to interacting with fellow change makers with a common vision of making this world a better place.

---

**NEXT  
GENERATION  
LEGAL  
SOLUTIONS**

[www.legadex.com](http://www.legadex.com)

Travelling, Commuting or  
just some spare time left?  
Listen to one of the Legal  
Podcasts from our Partner

LEGAL  
TALK  
NETWORK

LEGAL PODCASTS

# 10 marketing tips for lawyers and consultants

who want to be in better shape after the crisis

By Rob Meijers, Marketing & Business Development expert and founder of 4Future

The impact of corona on people and organizations is huge. This includes lawyers and consultants. Assignments are delayed or postponed, and professionals who are normally very busy, find themselves 'on the bench'. Therefore, they now have time for marketing and business development. What can lawyers and consultants do to be in better 'commercial' shape by the time the market place is recovering?





BEGIN.

The corona crisis is firstly about the health and well-being of people. Secondly, current crisis measures have a tremendous impact on business and organizations. Since I also work in this sector I see the impact on professional services firms at first hand. It's good to notice that the need to provide services 'remotely' already has resulted in many innovations, such as Skype sessions, online training programs, webinars, etc. That's wonderful. It's also a fact that many consultants and lawyers are suddenly able to do things for which they normally don't have (or make) time. Such as marketing and business development.

**What can lawyers and consultants do to be in better shape after the crisis? Here are 10 marketing tips.**

1. *Show that you care about your clients.* This is not a time for bold commerce but engagement and sincere concern. Make your clients feel that you care: call them, show interest, think along, and ask if there's anything you can do to help them. Not with a business goal, but because you care about your clients.

Obviously, there are limits to what you can do free of charge, but your client will surely understand this. Your client will appreciate your commitment, which will make it more likely that he or she will contact you once they need your expertise at a later point in time, but again that's not your goal for now.

2. *Sharpen your (personal) branding.* When a potential client reads something from you or hears about you, likely, he or she will first visit your LinkedIn profile and/or website, before deciding whether to contact you. The same applies when you contact a prospect yourself. What does your profile look like? Does it reflect you, and your values? It is up to date? Chances are that, perhaps due to lack of time, there is deferred maintenance.

On the internet, you'll find numerous blogs about what makes a good LinkedIn profile. In my view, three things matter most: your headline, the summary, and your profile photo. Rather than only something like 'lawyer' or 'partner', say something more specific in your headline about what you do, for whom, and



**Jesse David Hartgring LL.M** 1st

The O Shaped Lawyer

I advise on midmarket sale and acquisition deals. I advise family businesses in their succession preparation. And I work on national and international commercial contracts. In case of di...see more



**Rob Meijers**

(Interim) Senior Marketing & Business Development Professional | B2B - Consulting Accounting and Law firms

Strategic marketing, communications and business development professional with 25 years B2B experience in the professional services industry, both national and international. Commit...see more

*Examples of LinkedIn-headlines and (beginning of) summary of professionals profiles*

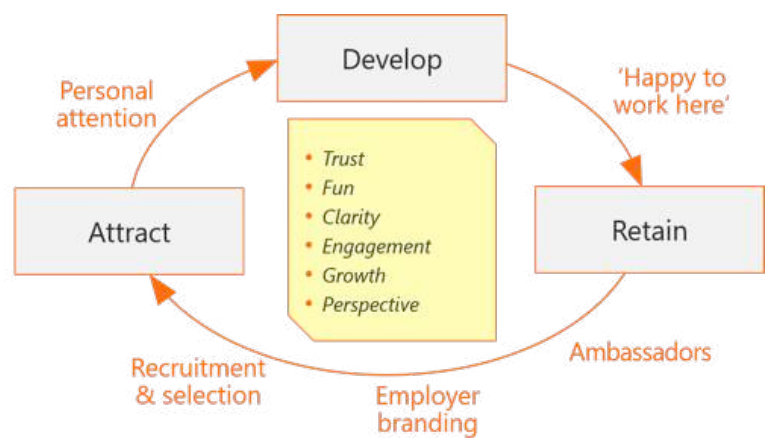
what the results are for your clients. Use keywords so that prospects can find you online, e.g. my profile (see example previous page). Be aware that many visitors don't click to open the profile, and therefore only see the first 2 lines of your summary. So begin with what matters the most. Jesse Hartgring uses a headline that stands out, and begins his summary explaining what he does and for whom (see example previous page). And make sure that you use a professional and recent profile photo, on which you look approachable and authentic 'as you are'.

### 3. Invest in attracting talent.

Despite the current crisis it still is very challenging for law firms and consultancies to attract good professionals. This will be no different after this crisis. Many organizations spend a lot of money on recruitment and executive search agencies, because they neglect what comes before and after the hiring process. These firms fail to effectively communicate what they can offer professionals (employer brand), and they don't pay enough attention to those who have been hired, which results in a high staff turnover. They're fighting a running battle.

Attracting and retaining the best professionals, requires close collaboration between marketing and communications, recruitment and human resources. Probably they all know, but for various reasons this often doesn't happen. The current situation provides an opportunity to develop and implement a joint approach. Start a workgroup via conference calls, Skype or Zoom meetings that is not driven by the objectives of individual teams or positions, but from the perspec-

tive of the candidate. In such a way that marketing, employer branding, recruitment and HR strengthen each other, based on a clear **Employee Value Proposition** that fully aligns with the experience of your workforce. Make sure to take into account what your recruitable group drives. And what's important from the perspective of **Millennials**, also known as 'Generation Y', who already represent roughly 35 percent of the potential recruits.



### Attracting and retaining the best professionals

#### 4. Sort out your relationships.

We all know that winning an assignment from people that are not familiar with you, usually requires a significant investment in time and money. Warm relationships are a professional's lifeline. However, most consultants and lawyers are terrible at keeping track of things like 'who do I know from which organization?', 'when did we discuss what and what did he say?', or 'the best time to follow-up?'. No matter how sophisticated your CRM system is, information which never got entered cannot be extracted. As a result, relationships are neglected which causes 'missing out on opportunities', and increasing efforts and time that is required for winning a pitch or new assignments.



Lack of time is often the most important reason why data around your contacts are not up to date. Therefore, now is an excellent time to review and update your relationship information, and to decide who you will contact and when. And don't forget, if you decide to reach out to people on a short term, make sure you focus on how they're doing and if you can help, and save your commercial proposals for later.

#### 5. *Develop a service based on current solutions.*

I've seen many examples of organizations that, more or less forced by corona-related measures, have found new ways of helping clients. For instance, using tools for online collaboration, like Skype, Microsoft Teams, Google Hangouts, Zoom, or webinars, and online training programs.

Most lawyers and consultants still work with billable hours. A method with well known disadvantages like the lack of scalability, dependencies on specific individuals, and geographic boundaries. And last but not least: the less efficient you work, the more clients have to pay. It's often difficult to migrate from selling time to value-based pricing. Since the current crisis already initiated innovative way of working; wouldn't it be great if you could develop a new service offering based on your current experiences with working remotely, which would enable your firm to also help clients in an innovative, future-proof way after this crisis?

6. *Write and repurpose blogs or articles.*  
As a result of the overload of information that is freely available on the internet nowadays,

potential clients have become less open to messages from organizations (push), and want to decide themselves when they want certain content or a meeting, and from/with whom (pull). Hence, the strong rise of [content marketing](#) and [inbound marketing](#).

The so-called '[rule of seven](#)' teaches us that, on average, it takes 7 'positive interactions' until a potential client is open to doing business. Publishing blogs or articles is an excellent way of creating such positive interactions, if perceived valuable by your target audience. However, this requires a significant investment in time. If you have some time left nowadays, it's a perfect opportunity to write several blogs which you can publish later. This way, you can maintain visibility in the market place once you are busy again. Before you start writing, make sure that you are clear on what the common thread in your content will be, based on how your expertise matches what's high on the agenda of your target audience.

Also take a look into successful publications you or your colleagues wrote. Updating and partly reusing existing content takes less time, and is a very effective way of keeping your content up-to-date and relevant. When doing so, consider various [options for repurposing content](#).

#### 7. *Create a 'lead magnet'*

One of the best ways to build online relationships, is when people subscribe to your newsletter or email updates. It is much more likely that people will submit their email address if you have something valuable to share, a so-called 'lead magnet'. This can be anything:



a whitepaper, a tool, a checklist, a video, as long as it's valuable and easily accessible for your target audience, and different from what others have to offer. Do make sure that you don't overpromise; at the end of the day you're looking to build a relationship based on trust. If you want to read more about lead magnets, I recommend this [article by Ian Brodie](#). And if you have spare time, it's a perfect opportunity to develop a powerful lead magnet in collaboration with some colleagues.

### A lead magnet

- Helps your target clients around an issue for which they could hire you (publication, template, scan, approach ...)
- Demonstrates your expertise, and thereby provides a foundation for building a relationships based on trust
- Does not require a significant investment in time or money from your client (easily accessible)

#### 8. *Review existing content on your website.*

If you and your colleagues have been creating content for a longer time, there are probably many articles and blogs on your website already. But is there anyone who reviews these articles regularly? Regular reviewing prevents outdated or irrelevant content being exposed to clients and prospects. For instance, content about a new expected law – which has been effective since 2018, or the announcement of an event that took place last year doesn't add value and probably results in an unprofessional preception. Furthermore, chances are that you come across strong articles that are still relevant, which you can update, modify and publish again with a limited investment in time. So when you review exist-

ing content, split all articles into three categories: keep, modify/update or remove.

#### 9. *Explore opportunities to increase use and usability of data.*

Personalization based on client data, might be today's most important marketing development. We're all familiar with best practices, like Coolblue and Spotify. In this regard, the professional services industry is still at beginner level. At the same time, it's simply a matter of time until you can't afford sticking to a traditional approach; the question is not if, but when to adopt a data-driven marketing approach. And we already see examples of law firms and consultancies that are experimenting with personalized marketing, based on data from e.g. website analytics, their CRM system, their email marketing platform and social media analytics tools.

Implementing data-driven marketing isn't easy. Often it is advisable to first experiment on a small scale, in order to gain experience with what works and what doesn't. Try forming a small working group of fee earners, marketing and an IT professional. Map the available – or can be made available – client and prospect data, and how this data can be used for personalizing marketing tactics: step by step, one step at a time.

#### 10. *Learn from others.*

Professionals are always busy with client work and internal business hassle. While it's certainly good to develop ideas yourself, why reinvent the wheel when fresh inspiration is available just a few clicks away? Free up some time to explore marketing approaches of other organizations and professionals. Not to

copy what they're doing, but as a source of inspiration. Most law firms roughly follow similar approaches. Therefore, look for innovative initiatives, like e.g. the [Dutch podcast series by Van Bethem & Keulen](#). And don't forget to look at other industry sectors. It's well known that looking outside your market often results in great innovations, so definitely look outside your box!

### **In conclusion**

These were my 10 tips for professionals who now have time to invest in increasing their commercial strength, and be ready to act when this crisis is over. Of course, you don't need to action all 10 tips; decide which ones make most sense for you and your organization. If certain tips are valuable but more applicable for your colleagues, then forward this article to them.

If you have any questions or could use some help, feel free to [contact me](#). I wish you luck and good health!

### **About the Author**

[Rob Meijers](#), founder of [4Future](#), is a strategic marketing, communications and business development professional, who specializes in helping law, consultancy and accountancy firms drive long term growth.



---

*Due to the COVID-19 crisis the legal innovation event Lexpo is rescheduled to September*



# Time for mindful self-management in legal professions

By Reinhard Gaertner, Attorney and Specialist for Mindful Leadership and Acquisition at CLP-Consulting for Legal Professionals

**Mindfulness-based training and mindful leadership seminars have become widely accepted in business and industry. The following article deals with the question which advantages these offers can also bring in the legal field.**

You may have heard about Mindfulness in conversation with friends or family. The term "mindfulness" has now become a buzz word. Amazon currently produces more than 20,000 results in the "book" category alone.

**But mindfulness in connection with your work as a lawyer? You might ask yourself: How does the fact-oriented**



**and efficient work in the law firm with meditation and the preoccupation with the "here and now" fit together?**

A mindful attitude is a good basis for taking the hectic pace out of your own professional life. It is worth getting to know possibilities, pressing the "reset button" and strengthening composure and presence for

the challenge that is currently at hand.

In my long years as a partner in a large law firm, I have not always succeeded in doing so.

The tight schedule and many urgent meetings often left me driven and stressed for many

days. I took many topics and thoughts about clients and lawsuits home with me instead of having a clear head. Also for my private life.

It is now generally accepted that mindful behavior promotes well-being from within and prevents stress-related illnesses. This is why, for example, various health insurance companies offer their policyholders free courses on this topic. This purely health-related perspective for better coping with stress-related situations is certainly very important and essential, especially for lawyers in their daily work.

However, mindfulness is about more than that: it is about improved self-management by focusing on the current situation. It is about a more conscious way of dealing with stressful situations and the daily challenges of legal work. For the everyday life of managers, the mantra of the Mindful Leadership further education offers, which are currently widely used in business and industry, is: "Only those who can consciously lead themselves are able to lead".

How is this to be understood?

### **Meeting daily stress with self-regulation**

Studies show that working life has accelerated dramatically, mainly due to digitalization.

About 10 minutes should be the time window in working life before the next task is due or the next disturbance, be it a phone call, an e-mail or the friendly colleague with a question. I do not doubt these studies, in my experience as a lawyer even without digitalization.

More interesting, however, are the opinions about our behavior in these stressful situations. Jon Kabat-Zinn, who developed the

Mindful Based Stress Reduction (MBSR) method, speaks of the "autopilot". This means that in such situations we tend not to sit in the driver's seat of our own and conscious decisions, but to act or react in a lightning-fast automated manner with the same patterns. Like a programmed autopilot of an airplane that intervenes in certain situations. Who does not know such situations, in which you ask yourself afterwards why you for example "went up" immediately and did not react more prudently?

Scharmer, professor at the Massachusetts Institute of Technology (MIT), speaks of "downloading" in this context. This is meant in the sense that when faced with challenges, people tend to "download" patterns of action they have learned in the past and apply them. What is more, every human being views his environment through the eyes of his habitual thinking, or better: through the glasses of his experiences. A view that draws a different picture for everyone. Which is perhaps why you are looking for the best sleeping position in a cinema chair while your partner is talking about the best film of the year.

This application of experience is a great help in daily life and therefore highly valuable. However, our horizon of experience is naturally limited and, especially in challenging situations, leads to the fact that these situations are not seen as they are, but through the filter of our experiences. With the consequence described above, behavior patterns are automatically applied.

### **Taking the lead**

The goal is now set. It is about improved self-



regulation, about avoiding one's own automatisms. To let go of the judgments you have brought with you and to focus your attention on what - not only in stressful situations - actually IS. Strengthening the ability to look first, without evaluation and without identification with emerging feelings. But more with curiosity about what is happening. It is often said to open a window of time for oneself in the sense of "hold and look". A window that makes it possible to recognize emerging reaction patterns from the perspective of one's own observer. Um - Wait a minute! - choose a conscious reaction in a second step. To sit in the drivers seat, to take over self-management. To act confidently and creatively. Not to be automated and to put off the limiting glasses of one's own experiences.

Let me quote Viktor Frankl: "There is a space between stimulus and reaction. In this space lies our power to choose our reaction. In our reaction lies our development and our freedom". Opening this time window or space is the goal of mindfulness-based approaches. Because the means of choice, in challenging situations, is to open our eyes to what is, what is going on - and not to react automatically - that is the strengthening of mindfulness. One can experience this in order to make a conscious choice for oneself as to what the right reaction is.

### **Chances of mindfulness in a world out of joint due to corona**

We are currently experiencing a crisis situation that nobody expected and that affects each of us with different intensity. There is helplessness, worries and fears, the future is uncertain. All too humanly, we tend to identify

with these intense, negative emotions, to live them out and perhaps even to intensify them. Or, conversely, to fight them by attempting to suppress incriminating feelings. To practice mindfulness in this situation means to disidentify from negative emotions. To try to adopt an observant attitude by questioning emerging reaction patterns. Thus to recognize that we are not helplessly at the mercy of stressful feelings, but that it is up to us to choose a conscious reaction.

I wish you inner calmness, peace and distance.

---

### **About the Author**

Dr. Reinhard Gaertner has over 30 years of experience as a partner in law firms such as Beiten Burkhardt and Taylor Wessing. He has various additional qualifications as a coach and trainer and supports lawyers in particular with the topics mindfulness, acquisition, conflict management and communication. As a CLP instructor, he can combine his many years of professional experience with his heart's desire and make a valuable contribution to the post-graduate training of soft skills with lawyers.



# The COVID-19 aftermath for Professional Services: Three Hypotheses

By Sebastian Hartmann, Global Head of Technology Strategy at KPMG



As the world is bracing itself for the impact of COVID-19 on our nations, economies, companies as well as individuals and societies, professional services firms (PSFs) are both positively and negatively impacted at once: Navigating the regulatory, ethical and legal responsibilities of this pandemic drives business for many law firms, accounting, assurance and consulting service providers as well as technology advisors and providers alike. However, this additional work does not compensate for more extensive losses. [PSFs are also the first to take some hits as many clients' priorities are shifting](#), projects are being canceled or delayed and first cost avoidance and reductions measures need to be put into place.

While it is clearly necessary to deal with the serious short-term implications of this situation, it may also be strategically important to think through the mid- to long-term implications for professional services in general and your firm in particular. Our standing dialogue with leaders in our and other knowledge-driven firms has echoed this in these past days and weeks. Based on these and our long-term observations, we would like to suggest the discussion of three hypotheses regarding the aftermath of COVID-19 for professional services:

**Hypothesis #1: Firms are realizing that virtual collaboration and digital client engagement models are possible.**

As partially reflected in the recent news about the benefits and usage of video conferencing

and other virtual collaboration tools amidst the current COVID-19 pandemic, people all over the world are finally starting to consequently communicate and collaborate virtually in their professional environments. While these "virtual ways of working" may still have some downsides compared to physical human interactions, professional services firms, their clients and workforce can be expected to develop a much deeper and practical understanding for these tools – and may even start to question the importance of "face time", which has traditionally been at the heart of the hourly and daily rates for many professional services until today.

The quickly increasing adoption and usage of technology is likely to set the pace for both the digital optimization of existing business and the digital transformation towards new business going forward. For both old and new offerings, we can expect a quickly rising share of work being delivered via digital engagement models - which will be based on collaboration tools and platforms, but also more fully digitized delivery components (aka "software"). Consequently, firm leaders will need to evolve their traditional view of technology as a necessary cost position towards technology as a driver of business growth and profitability.

**Hypothesis #2: Risk and compliance challenges are omnipresent questions - in the long run and within all other challenges.**

A global crisis like COVID-19 quickly exposes structural weaknesses across supply and value chains, decision-relevant data and information, management decision-making, and crisis response plans etc.

Fixing these weaknesses is obviously creating business opportunities for several firms in the short term - but it is also improving clients' mid to long-term awareness and relevance for their individual agenda. The market opportunity arising from globally increasing and more complex regulation, growing uncertainty as well as a general risk management needs has been transcending many clients' management questions over the past few years - and is now, in the light of COVID-19, likely to increase even more.

In contrast to the 2008 financial crisis, many experts also see the corona virus responses by both governments and companies as an opportunity to demonstrate that collective global actions are possible. This sheds a new light on the global climate change challenge, which is here to stay - and which will largely be addressed through quickly expanding regulation in many countries over the coming decades.

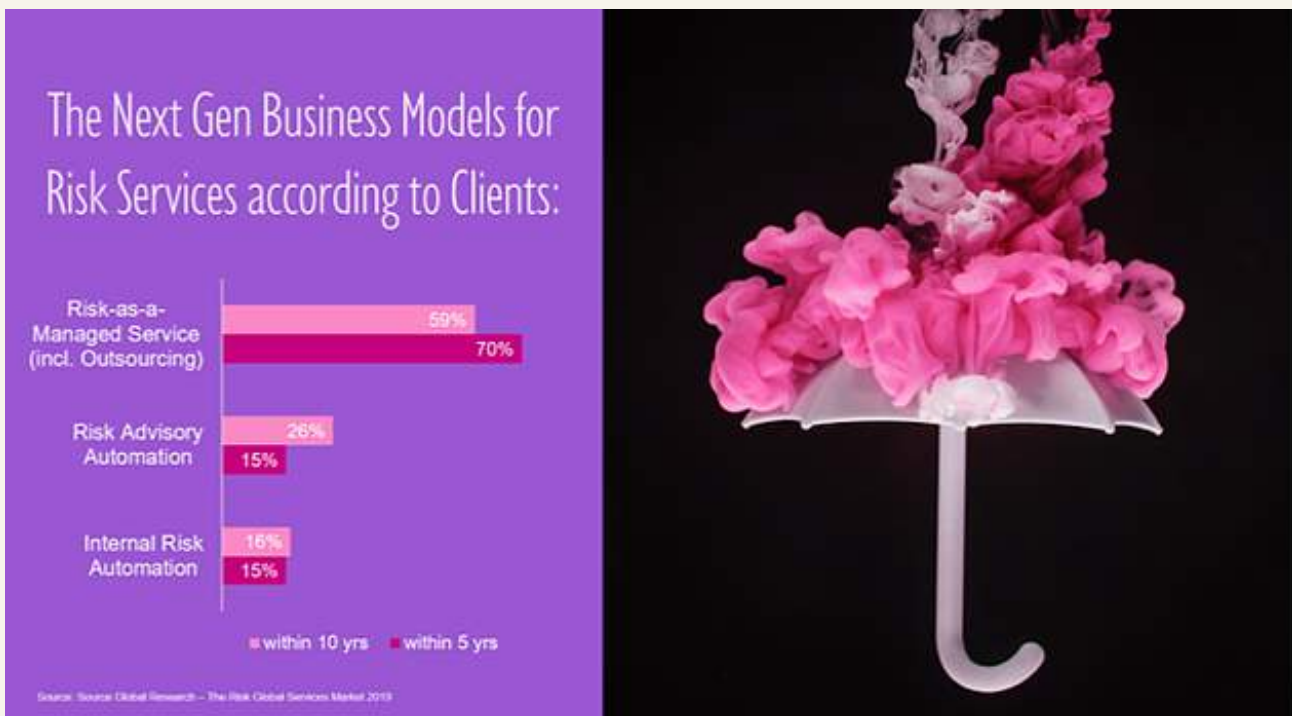
Overall, we believe that the markets for risk and compliance related advice, services and

solutions (which have traditionally always stretched across legal, accounting and consulting firms alike) can be expected to have a bright future. This will be strongly reflected in the portfolios of key players in the field today, but also attract new players, such as traditional strategy consultants or new technology providers.

### **Hypothesis #3: Digital business models are in reach - and in demand.**

Effectively responding to many of the above-mentioned challenges, means that data and information need to be gathered and processed across thousands of clients, employees and/or suppliers. The same goes for many of the resulting actions and changes, which companies may need to take in response to a crisis or far reaching regulatory change. Furthermore, the responses are not one-off projects, but often about the enablement of sustainable capabilities, processes and solutions to the above mentioned challenges (Hypotheses #2).

Professional services firms have widely begun to invest in their data & analytics and digital solutioning capabilities over the past years - and may now finally be able to cash-in those capabilities or reach more significant scale with their increasingly digital offerings. This is driven not only by innovative firms on the supply side, but mostly by clients themselves, in search of much more permanent, tangible and measurable solutions these days. Managed services, automation and subscription [business models and offerings](#) by PSFs provide solution reliability and scalability around critical client issues, e.g. as the following client statistics on business model demands for risk services clearly show:





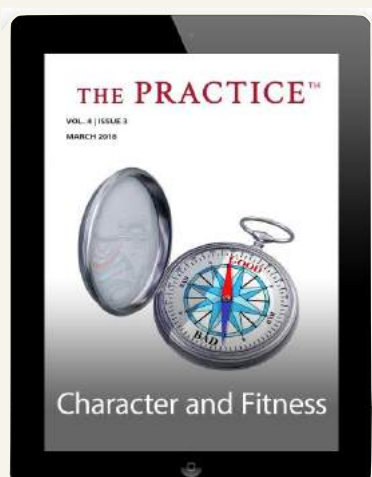
These three hypotheses are by no means an exhaustive list of the potential implications of COVID-19 – nor can they be exclusively attributed to this terrifying pandemic. We have tried to work through the current discussions about effective responses, the first learnings and have connected them with the overarching trends, which we have been observing for several years. With this article, we try to look beyond the current flood of tragic news and developments – and we hope to offer some food for thought and different perspective to leaders of legal, consulting and accounting services.

### About the Author

“During several years in Operations Consulting working for DAX and Fortune 500 as well as midcaps in Germany, Europe, Asia and the US, Sebastian Hartmann began to notice the immense paradigm shift that his own industry is experiencing: Since 10 years he has now focused on the strategic management, innovation and operations challenges of professional services – driven by evolving client demands, digital technologies, evolving business models and a quickly changing competitive landscape.

Sebastian is the Global Head of Technology Strategy at KPMG. He is also advising other leading professional service firms, e.g. law and legal services firms, creative agencies and technical design, engineering and assurance companies as well as other players in adjacent and typically knowledge-driven fields.

According to him, professional services are one of the most exciting fields to be in now and for years to come – with many changes and opportunities, which he shares as a frequent speaker at events or with his clients.”



CENTER ON THE  
LEGAL PROFESSION  
Harvard Law School

Bridging academic research and practical advice, **The Practice** offers thoughtful analysis on the legal profession for a global audience.

[Read The Practice now >>](#)

## **Big Law firms world-wide are well prepared to continue their day to day business.**

We've looked at Big Law firms all over the world and how they cope with the current situation due to COVID-19. Although the acquisition of new clients is more uncertain, their facilities to work remotely look in place to continue their daily business. Some examples: Golden Circle firm A&O states that the "welfare of all A&O people and clients remains A&O's priority". A&O offices that need to close for a certain period of time due to local restrictions or advice are able to continue to support clients by using tried and tested technology. Currently, many offices across A&O's global network are working from home or operating on a split team basis, alternating weeks in the office and working from home. A&O claims that to date the firm has not experienced, and does not anticipate, any significant disruption to its ability to continue to support clients on live matters. Instead of traveling A&O partners and staff are using call and video conferencing instead. This is a global policy in addition to any local restrictions that may apply.

*Baker McKenzie states:* "We have a well-established agile working program - including sophisticated technology and IT systems - which enables remote working across our Firm globally without impacting our operations. Our people are equipped to work from home or from alternate locations across our global network of 77 offices to serve our clients' needs without interruption.

NY oldest law firm *Cadwalader, Wickersham & Taft* has urged all lawyers and staff across all of its offices to work from home effective March 17 until further notice. To assist individuals in working from home Cadwalader is providing clients and everyone who needs information free access to our legal research platform, the Cadwalader Cabinet.

*Denton* said in a statement: "As we continue to fully serve clients during the COVID-19 pandemic, we have shifted operations in a number of more than 180 offices worldwide to a remote working status ensuring business continuity".

Most offices provide IT solutions to keep business running and have (if possible due to country-specific COVID-19 measures) a small staff operational at their offices. Their main goal is to serve their clients in the best way possible. Cadwalader even goes one step further by giving free access to their research platform 'the Cabinet'.

*By the Editorial Department*

# Clio offers \$1 million USD to help the global legal community

In a recent newsletter, Clio CEO Jack Newton offered a \$1 million relief initiative to businesses in the legal market. His personal message is as follows:

“As the COVID-19 situation continues to evolve, we understand the variety of challenges you may be facing right now can be overwhelming.

We know your ability to work in the upcoming weeks and months is critical. Whether it’s managing cases, collaborating remotely, or billing clients, we don’t want your ability to work to cause you more stress than necessary.

To help you navigate those challenges, we are launching a [\\$1 million USD COVID-19 Legal Relief Initiative, open to the entire legal industry](#). This fund was designed to help create business continuity and peace of mind for you and your law firm.

Whether it’s getting financial assistance for legal technology, or ensuring you have the resources and on-boarding support you need, we are here to help you navigate the challenges ahead.

If your firm is in need and can benefit from this initiative, [visit our webpage to learn more and apply](#).

We have also started a resource page on [how to work from home as a legal practitioner](#), which we will continue to update over the coming weeks as news continues to unfold.

At Clio, our mission is to transform the practice of law, for good, so as the world transforms around us, we want you to know we’re here to help you respond in kind.

Warm regards, Jack Newton”

In our opinion a more than a generous gesture. Therefore we applaud Clio for offering financial support and their expertise. 'Way to go!' ([Look at the video](#))







# LEGAL IT TODAY

COMMENTARY, STRATEGY AND MARKET INTELLIGENCE FOR THE GLOBAL LEGAL TECHNOLOGY COMMUNITY

N° 28  
JAN. 2020

**THE DEATH OF LEGAL  
INNOVATION?**

Page 27 >

**MAKE YOURSELF  
INDISPENSABLE IN 2020**

Page 14 >

**YOUR LEGALTECH  
QUESTIONS, ANSWERED!**

Page 21 >



**LBW**

**DOWNLOAD YOUR COPY**

**ON BEHALF OF THE  
LEGAL BUSINESS WORLD  
PUBLICATIONS CREW WE  
WISH OUR READERS  
THEIR FAMILIES AND  
LOVED ONES ALL THE  
BEST IN THESE  
UNCERTAIN TIMES AND  
STAY HEALTHY**

*Joek Peters & Allard Winterink*

