

LEGAL **BUSINESS** WORLD

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LEGAL DESIGN IN NEGOTIATION

By Dr. Katri L. Nousiainen

Other contributions by: Mark Yacano, Greg 'Tony G' Kaple, Marco Imperiale, Richard G. Stock, Ari Kaplan, Andrew J. Sherman, Brown Rudnick, Mila Trezza, Steve Fretzin, Charlotte Johnstone, Rob Ameerun, Brendan W. Miller, Marisha Thakker, Karen Dunn Skinner, David Skinner, Manu Kanwar, Stuart Woollard, Peter Connor, Saurabh Mehra, Sean Dillman, Anna Moulard & Oleg Perry

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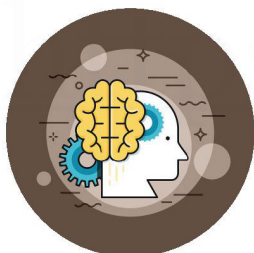
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Knowledge Management - At Lexpo'24, we illuminate the transformative prowess of KM. In an era defined by rapid technological strides, KM is a strategic imperative. Discover how KM is the bedrock of legal innovation, fundamentally reshaping how law firms operate, strategize, and succeed.



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Lexpo'24 Speakers



Akshay Verma, COO of Spodraft, evolved from environmental law to legal consulting at Axiom, with roles at Meta and Coinbase enhancing legal ops. A Santa Clara Law alumnus, he's also an Adjunct Professor.



Jaap Bosman, founder of TGO Consulting and award-winning strategist with 25 years in legal practice, is globally recognized for his innovative insights. Author of 'Death of a Law Firm,' he brings unmatched expertise to Lexpo'24.



Klára Talabér-Ritz, with the European Commission since 2003, leads in State Aid, Antidumping, and the Green Deal. She represented over 200 cases and pioneers in AI and LegalTech. An alumna of Eötvös Loránd, Corvinus, and Harvard.



Marco Imperiale, founder of Better Ipsum, specializes in legal design and innovation. The ex-Head of Innovation at LCA Studio Legale and co-author of Italy's first book on legal design, he's a trailblazer in legal innovation.

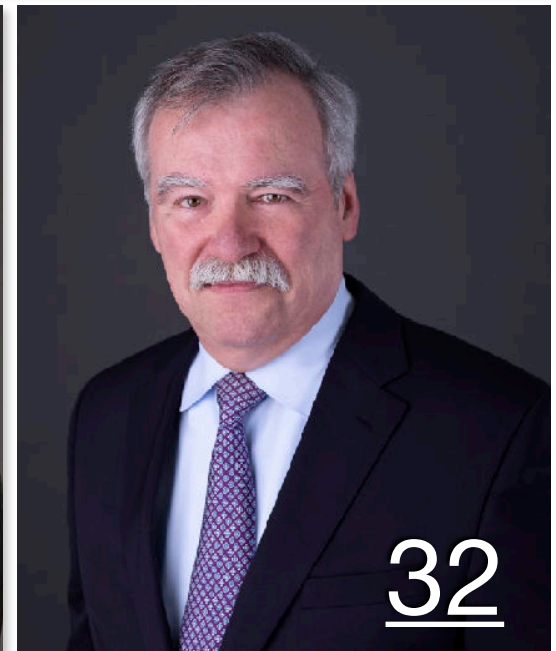
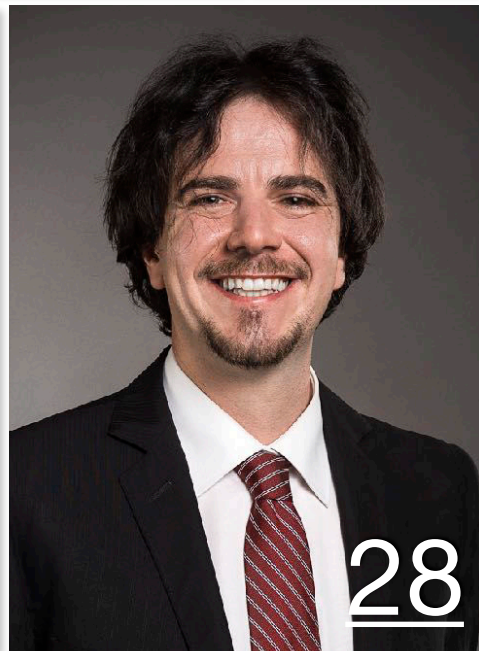


Nicola Shaver, with 20 years in law, led innovation teams in firms like Stikeman Elliott and Paul Hastings, and advised on legaltech. Her quest for better market solutions inspired the creation of Legaltech Hub.



Reena SenGupta, with decades in legal consulting for law firms and the Big Four, created Chambers & Partners Guides and FT Innovative Lawyers. Now leading RSGi, she's a pivotal figure guiding the legal sector's sustainable future.

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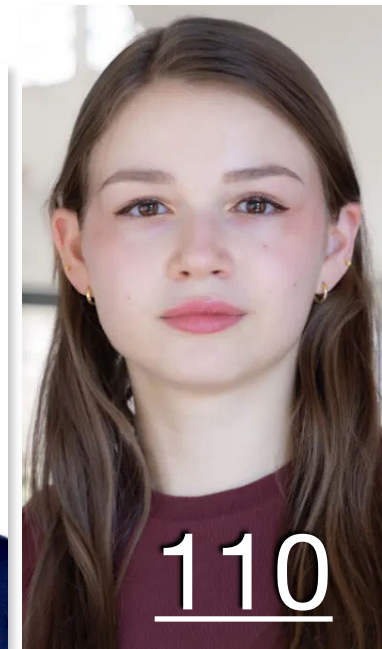
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NEW HEADQUARTERS

LBW has moved its headquarters to Ann Arbor, MI (US). We still maintain our European offices but now have the opportunity to serve our US clients even better.

NEW URL

We have rebranded and updated our website and URL to continue to expand and improve our media service offerings and platform. The new address (URL) is <https://www.legalbizworld.com/>

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LEGAL DESIGN IN NEGOTIATION

By Dr. Katri L. Nousiainen, Lawyer and Professional in Legal and Economics Education



There is perhaps room for improvement in negotiation practice. The current negotiation practice sometimes leads to a situation where the negotiation process becomes increasingly timely and may be needlessly complex. Through the traditional positional negotiation process, interpersonal relationships frequently suffer, parties may feel they have been taken advantage of, and there could be money left on a table.

A novel approach to the negotiation process is introduced – namely, legal design. Through the innovative approach to negotiation, the legal design process is anticipated to foster the measuring of quality in the legal profession, and particularly in negotiation, and bring further understanding of the impact and value of legal design in interest-based negotiation.



Employing legal design to negotiation is expected to provide for various benefits and incentives, such as business sustainability, accelerated deal making process, legal quality, reduced transaction costs, relationship building, satisfaction with a prospective deal, increased deal value, foster innovative and creative problem solving and value creation propositions.

There are various reasons to leave the traditional positional negotiation practice behind and move forward towards a more interest-based and innovative approach to negotiation. Next, I will discuss the shortcomings of the traditional positional negotiation process. Then I will discuss how the proposed legal design approach can bring understanding on underlying incentives and interests of the par-

ties, comprehensibility for tackling complexity, savings in time, money, and transaction costs, as well as on building and nurturing interpersonal relationships in negotiation. I will also cover innovative aspects of interest-based approach to negotiation, where transparency and comprehension help in extending the pie, and foster the idea generation and early prototyping through legal design.

Why do we often have challenges in traditional positional negotiations?

Some challenges that the traditional positional negotiation practice brings upon, is that often the negotiation process opens with a firm, explicit and frequently exaggerated position that leaves little room for understanding the parties underlying real needs and interests.

The traditional positional approach does a good job in avoiding revealing parties' desires and wants. In traditional positional negotiation, discussion is, as its best, merely on exaggerated firm and explicit demands that are not helpful to bring the negotiation successfully forward to real value creation. What often takes place after the first firm position, is that parties start making concessions gradually. This process seems like a ping-pong game, where it is most important to win, and the other party is regarded as an adverse in a competition for the highest self-interest. Unfortunately, here, the negotiators merely try

the pie is seen as fixed - and as negotiation is seen through lenses where *"if you get more, it means less for me"*. Another typical element for traditional positional negotiation practice is that one criticizes the other side's arguments and information. This kind of conduct hardly ever leads to any good in parties' trust, interpersonal relationship building or successful and sustainable business practice.

Figure 1 states some challenges and problems of the traditional positional negotiation practice.



to get the other party to concede more than what they do themselves. The traditional positional negotiation practice makes it extremely troublesome to extend the pie – as

With traditional positional negotiation, focus on explicit and firm positions makes it difficult to create options, generate ideas, and to

concede on things that matter less. This creates a risk of value loss, inefficient, and low value deals – that tend to be bargained to the middle point.

Parties tend to waste money and time, as there has been no- or just a little benefit for the effort invested, thus transaction costs become sunk cost! The traditional positional negotiation practice thus hinders generating ideas and inventing valuable opportunities and deals - that are beyond the obvious. The positional negotiation approach affects interpersonal relationships in diminishing trust, credibility, and transparency in the relationship. Also, it damages real and true collaboration and relationship building. Moreover, the traditional positional approach can cause confusion and mistrust between the negotiating parties. Within traditional positional negotiation practice we are likely to see more disputes and disagreements. Ultimately, the focus on positions can cause that there will be no agreement or entering a deal – even with a large zone of a possible agreement. Next, let's discuss how one can move forward from the traditional positional negotiation practice into a more innovative, human-centric, value creating, collaborative, and efficient negotiation approach.

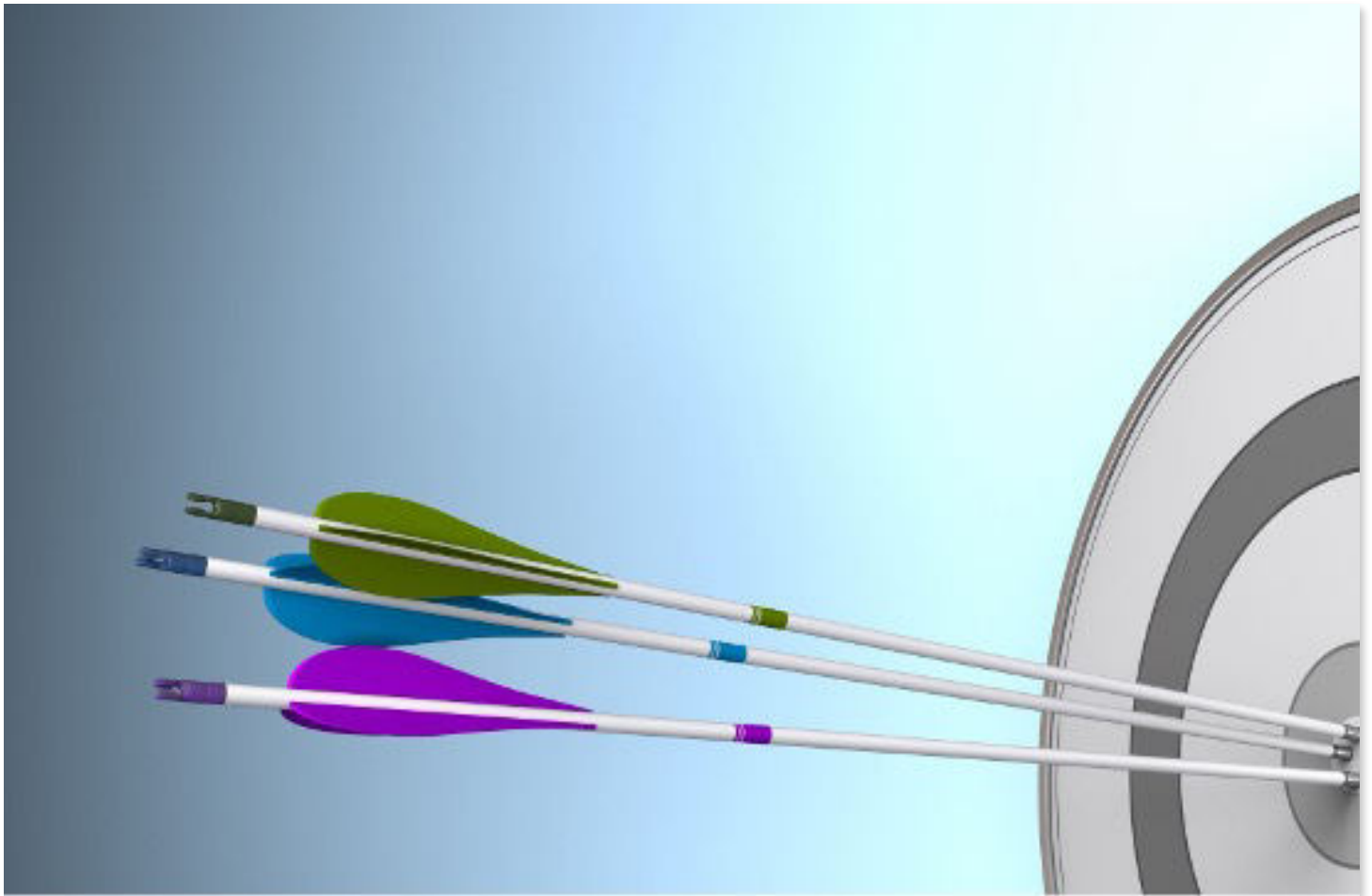
How can we improve our negotiation practice - How legal design can make a difference?

As legal design is based on the idea of human-centred design, transparency, comprehension, and understanding parties' various underlying needs and interests, it can come in handy in improving negotiation processes and solving

negotiation related challenges.

Legal design in negotiation is aligned with an interest-based negotiation approach where understanding parties' interests and incentives as well as extending the pie – are at the core of the negotiation. Legal design in negotiation diverges from the traditional interest-based negotiation approach in that it offers a prototype - here, a draft contract or settlement - at an early stage of the negotiation process. Employing legal design in negotiation brings i) initial stage understanding of parties underlying needs, interest, and possible bottlenecks or challenges; ii) generating of ideas, opportunities, and prospective value (extending the pie); iii) prototyping and failing at an early stage (initial contract or settlement drafts); iv) learning more of the conditions and improving accordingly (advanced contract or settlement drafts); v) implementing/ testing /executing; vi) follow up and through.

Legal design fosters transparency and clear communication. In negotiation, good communication - sending and receiving clear and concise messages and having confidence and curiosity to ask questions to learn- is the key to better understand parties' underlying interests and needs. Asking open-ended questions is crucial to increase knowledge. Moreover, idea and value creating what if -questions provide for excellent tools to test an idea, learn about what matters, and to mingle without committing. Finally, through continuous learning and increased knowledge it is possible to diminish information asymmetry between negotiating parties, and to increase opportunities for value creation and efficiency!



How to measure success in negotiation?

Here are some practical metrics which you may employ to measure your success as you negotiate:

1. **Satisfaction:** Is the negotiation result satisfying for all the parties? Does the negotiation result foster commitment and follow through?
2. **Efficiency:** Are there significant sunk costs? Is money or time being wasted? Was there value, money or opportunities left on the table? Were there room for a more value creating negotiation result? Is the reached negotiation result efficient?
3. **Significant disagreements or negative feelings:** Is the negotiation completed in an amicable manner?

4. **Damaging the relationship?** Did anyone suffer? There were no ruined relationships? Existing relationships or situations did not get worse?

To conclude, legal design helps to understand the various stakeholders and their underlying interest in negotiation. This often improves and deepens parties' relationships and makes any future interactions easier. Legal design fosters understanding of parties' aspirations and bottom lines – namely, the zone of a possible agreement. Moreover, in negotiation it can help in value creation through innovative ideating and prototyping process, which generates an early-stage contract/settlement draft(s) that can bring process efficiency.

About the Author

[Dr. Katri L. Nousiainen](#) is a lawyer and professional in legal and economics education. She is a Teaching Faculty in the Management Program at Harvard University and holds a Resident Research Fellow position at Harvard Law School in the Program on Negotiation (PON). In addition, she is also affiliated with the University of Cambridge Law (the United Kingdom) and Hanken School of Economics (Finland). She is known for her

articles, podcasts, and book chapters on legal design, negotiation and contracting, and on law and emerging technologies, especially related to quantum technologies. In her work, she supports and assists companies and other operators in improving the quality and efficiency of their legal processes, products, and services. Presently she is pioneering research projects on law, emerging technologies, and on legal design in negotiation and commercial contracting.

NEW WHITEPAPER: DISSECTING THE PROCESSES OF LAW FIRM STRATEGIC PLANNING



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New Legal Business World community **MENTAL HEALTH & WELL-BEING**


Letter from the Editor In Chief

Mark Yacano, Senior Consultant at Unbiased Consulting, LLC.



Hello all,

I would like to introduce myself and share some exciting news from Legal Business World. As many of you know, LBW is a digital knowledge and information company for legal professionals that provides comprehensive coverage of a wide range of issues related to the business of law. Its reach is global and hundreds of thousands of readers see its publications each month. The leadership team and LBW have decided to create a Mental Health and Wellness Community to provide knowledge, resources and a platform for construction interaction about the mental health, substances abuse and wellness issues that a pervasive in the legal profession.

A glowing brain with neural connections, symbolizing mental health and wellness. The brain is rendered in a dark, textured style, with bright, golden-yellow lines representing neural pathways and nodes. The background is a soft, light gray gradient.

I was asked by the founders, to be the inaugural Editor-In-Chief and to help launch this community. I was honored to be asked and readily agreed to do so. I am a 35-year veteran of the legal industry. I have practiced law, helped lead a law firm, helmed and legal services company and been a strategic advisor and law firms for the past decade. I have also been an advocate for advancing the cause of mental health and wellness in the legal space for the past five years. I have shared by story about my own mental health struggles, and I have listened to the stories of other mental illness survivors. I also host a podcast called Erasing the Stigma, Conversations About Mental Health and Wellness in the Legal Community. I have also written about his topic on LinkedIn and part of every well is devot-

ed to engaging advocates, clinicians, wellness professionals and others to discuss how collectively, we can help all members of the vast community of legal professionals feel better and experience the joy of wellness.

Hear is what is coming in 2024, the LBW Mental Health and Wellness Community will be launching a new e-magazine. The new publication will provide informative articles about the mental health challenges, substance abuse and wellness challenges that the entire legal profession faces. We won't just be talking about the issues, we will be talking about potential solutions to the issues, access to resources and ways to lead a emotionally and physically healthier life while navigating through the challenges of our profession.

In addition to the e-zine, we will also be creating a digital community to promote conversation about mental health, substance abuse and wellness and will hold periodic forum discussion on topics of note.

Expect more to come as we build out this community and put out our inaugural publication later this year. I hope you will join us on this journey. The more we come together, the more experience we share, the stigma we erase the stronger and happier will be as individuals and as a profession. I look forward to spending time with you.

About the Editor

Mark Yacano is a Senior Consultant at Unbiased Consulting, LLC. He is also a passionate advocate for mental and physical health in the legal profession and hosts the “*Erasing the Stigma, Conversations about Mental Health in the Legal Community*” podcast.

For more than 35 years, Mark has guided clients through a broad spectrum of complex legal and organizational challenges. He has also mentored and trained countless high-performing legal professionals, always stressing the development of both substantive and critical (EQ) skills. Throughout his career, he has worked to create psychologically safe workplaces where team members can perform, learn, and contribute without fear. He brings that same humanistic element to his organizational design work with legal departments.

As an advocate, he has been open about his mental health issues and shared his and the stories of others to help members of the profession step out of the shadows and seek help and treatment. He also promotes the benefits of movement, resistance training, nutrition, and sleep as critical components of the mental, physical, and emotional wellness equation.

COTEMBO

PLEASE ANSWER OUR SINGLE QUESTION SURVEY

Community Question

This survey is anonymous.

In what community are you interested (more answers possible)

- Mental Health and Well-being
- Legal Tech (General)
- Legal Design
- Innovation (General)
- Legal Operations
- AI Development
- Trusts and Estates (Wealth Management)
- Alternative Dispute Resolutions
- e-Discovery
- Legal Marketing and Sales
- Legal Management (Companies)
- Legal Management (Firms)
- Legal Management (Companies and Firms)

Other Communities

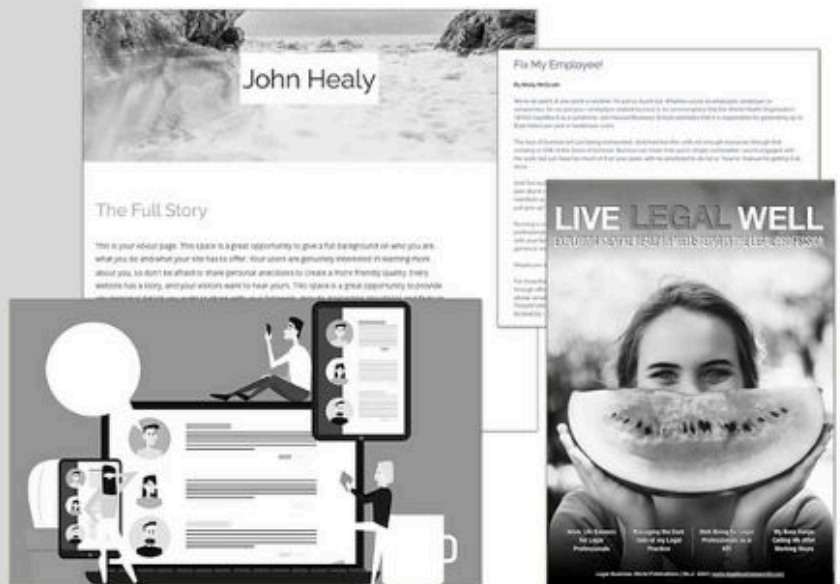
Other Communities

Other Communities

I'm not a robot



Submit



New communities are launched with at least:

Forum where members can contact each other, share insights, ask questions, etc.

Community posts by experts and thought leaders,

Professional profiles that share information about professionals/companies/organizations

Community magazine(s).

GO TO THE SURVEY

UNVEILING THE WHITE COLLAR ATHLETE: Today's Professional Service Workforce

By Greg 'Tony G' Kaple, Chief Strategy Officer with Zerapy.ai



In March 2014, a Harvard Business Review article quoted Phil Jackson, the most successful coach in NBA history, as saying, “The next step in analytics will be how to build chemistry... We should be able to do much more...”. Jackson said he was always looking for “what creates the bonds between players that can meaningfully separate them from their competition.”

Almost a decade later, progress remains scant as the business world persists in emphasizing control and compliance over individual creativity and team synergies. Conventional tools like job descriptions and resumes are inadequate for understanding the full potential – or potential pitfalls - of an individual in their role or on a team.



As a result, the world is missing out on opportunities for collaborative results that equal more than the sum of the parts, leaving unused capabilities languishing on the sidelines.

Our workforce has changed from industrial to one dominated by a growing array of professional roles serving diverse sectors such as technology, legal, healthcare, and education. [1] These roles demand not only specialized knowledge and technical skills but also a human touch and artistry. As companies and individuals grapple with increasing complexity, the need for these uniquely adept professionals continues to escalate.

Today's service professionals frequently are responsible for investing in their own education and independently generating opportu-

nities to hone their skills and advance their careers. To succeed, they must manage their own paths forward and navigate rigid and complex company requirements, which requires a blend of expertise, grit, and an independent understanding of their own strengths and value.

- Consider the lawyer who joins a renowned law firm, diligently engaging in continuing legal education, navigating the intricacies of internal politics, and building a client base, all with an eye towards one day founding their own practice.
- Similarly, the newly graduated medical doctor who opts for private practice faces the dual challenge of providing patient care while managing the technological,

administrative, and marketing aspects of their practice to attract and retain clientele.

- In the academic realm, the esteemed PhD professor juggles teaching duties with a commitment to research, actively seeking funding through grants and fundraising initiatives to support their projects.
- Or look at the holistic mental health therapist who incorporates Qui Gong practices into their therapeutic approach and also dedicates time to blogging, leveraging this platform to share their insights, propagate their ideas, and attract potential clients.

These are the White Collar Athletes of 21st Century Professional Economy

The landscape of professional work has transitioned individuals who were once seen as independent "solo" performers into integral parts of collaborative teams. These White Collar Athletes of today operate within a complex, economically integrated organizational environment, necessitating teamwork with other skilled professionals.

While this may be the new paradigm, integrating professionals into a cohesive team, all of whom have strengths and weaknesses, is not a natural process. It is akin to assembling a baseball team from a selection of players who may be more skilled at hockey, basketball, or football and who have no idea the rules of baseball will be applied. The situation quickly devolves into a comedic debacle, echoing the confusion of a Laurel & Hardy skit, with

everyone questioning their positions and roles, *i.e. who's on first, what's on second and I don't know is on third!*

To build a successful team, each member should be playing a well-understood game that suits their skills, similar to established sports leagues with defined positions and free agents. For instance, the New England Patriots are unlikely to recruit Steph Curry as their next quarterback, regardless of his prowess in making long shots from the three-point line. Yet, in the realm of White Collar Athletics, it's common to find a team comprised of three soccer players and four football players taking on a baseball team of nine—resulting in misunderstandings, lost opportunities, and financial setbacks. Personal egos clash, styles conflict, and the norm becomes a cycle of storming and forming, rather than performing.

Determine the game and the right players first – that's how you build a championship team. The Oakland Athletics' did this and revolutionized the sports world with their approach to "Moneyball": assessing players on a multi-dimensional spectrum of measures for the purpose of optimizing the team's total performance. So why not apply this same level of analytical rigor and strategic thinking to our professional White Collar Athlete teams? It's a shift that promises not just to enhance individual performance, but to synergise the collective capability of the team for unparalleled success.

Exponential Connections: Unraveling the Complexity of Relationships

Despite substantial research and scientific

investigation into the topic, the nature of human relationships is going unnoticed. Analysis has long been available about how many connections one individual can maintain effectively, what transpires when these networks become too burdensome, and why it's been necessary for hierarchy and structured systems to organize them. Drawing from existing research in the telecommunications and social media spheres, we can define relationships as communication connections involving two or more individuals and express these relationships with

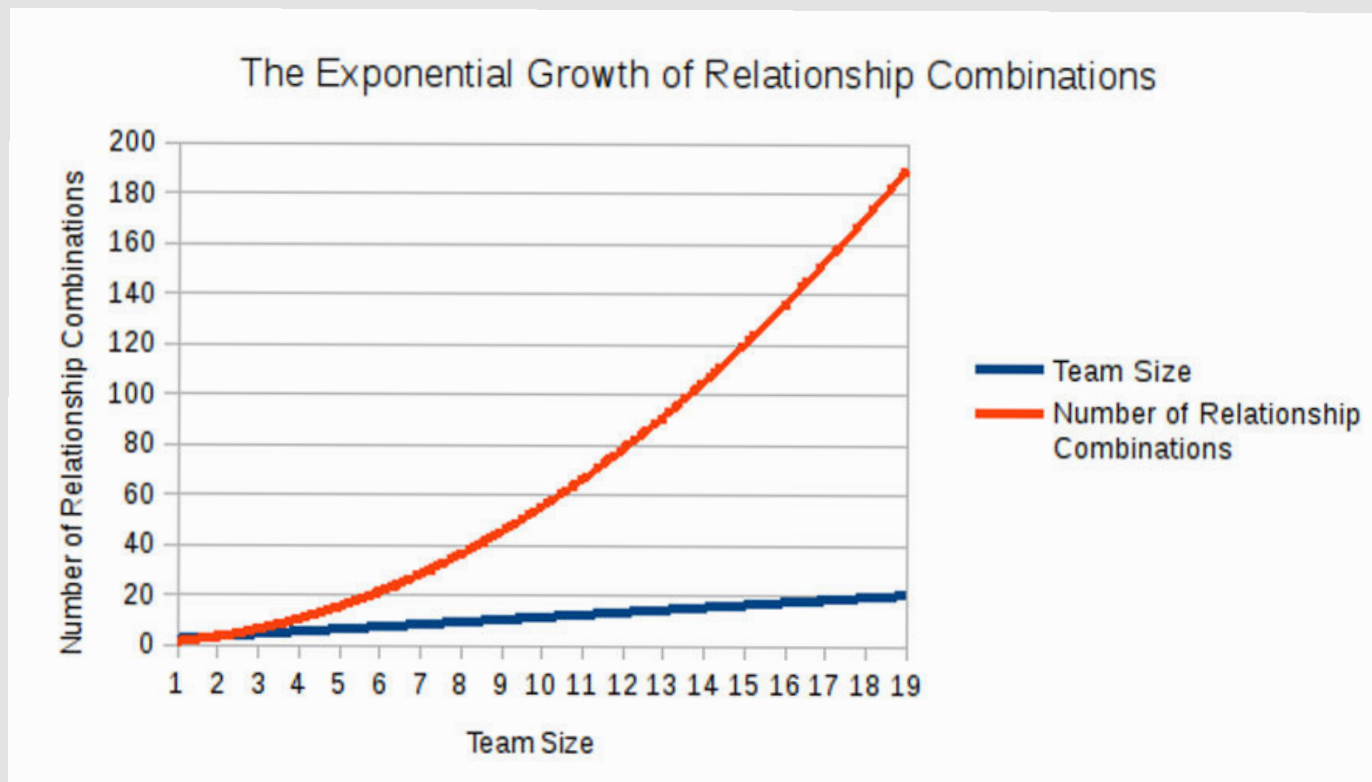
the following formula.

$$N*(N-1)/2 = \text{Total Relationships}$$

As we observe the progression from two individuals with a single relationship, to three individuals with three relationships, and then four individuals with six relationships, it becomes clear that working together in larger and larger groups generates exponentially complex relationships, each representing a unique interaction style among the team members.

In an industrial world that views people as one dimensional machines, the solution to managing this relationship complexity has been to institute command and control systems first developed in military regiments and brigades then spread throughout our business

and social org charts. In today's environment characterized by collaborative, information-intensive, and decision-based knowledge work, the slow and restrictive nature of these outdated organization structures is no longer sustainable.



Embracing a more open and collaborative approach—passing the ball rather than the buck — requires fostering a variety of interactions among individuals with diverse roles, backgrounds, educational levels, skill sets, and personality types. But facilitating order and synergy rather than chaos and strife requires utilizing new performance measures for multi-dimensional players that independently work together in real time. This includes knowing who is outgoing, introverted, action-oriented, or inclined towards feeling, doing, thinking and planning. Just like the Oakland A's did, we can unlock the potential for richer, more nuanced teamwork to generate innovation and success by channeling this complexity instead of suffocating it.

Big Data Analytics: Playing Moneyball with Professional Team Dynamics

Navigating how professionals fit together in teams and contribute to project outcomes requires better data and insightful analysis.

Traditional tools like job descriptions and resumes fall short of providing reliable information into how we can optimize decisions around role assignments, team dynamics and performance results. RFPs and SOWs can bring an additional level of scrutiny to the process of engaging service professionals, but they rarely address how effectively the service contract will be fulfilled.

Instead, we should be building teams by leveraging available sources of data on individuals' personality traits, behavioral patterns, and teamwork preferences. Although tools like Myers Briggs have been available for nearly a

century, their practical application has been superficial. A notable example is a Fortune 50 law department that used the DiSC assessment for 100 attorneys at a corporate retreat, only to subsequently ignore the insights gained when returning to the workplace.

Fortunately, more advanced tools like Enneagram, Human Design and Four Groups are now available to help organizations better understand team dynamics and gain a competitive edge. [2] Embracing these innovative tools transforms team management from a simplistic game of checkers to the strategic depth of chess, where advanced planning and a nuanced understanding of different roles and relationships lead to success.

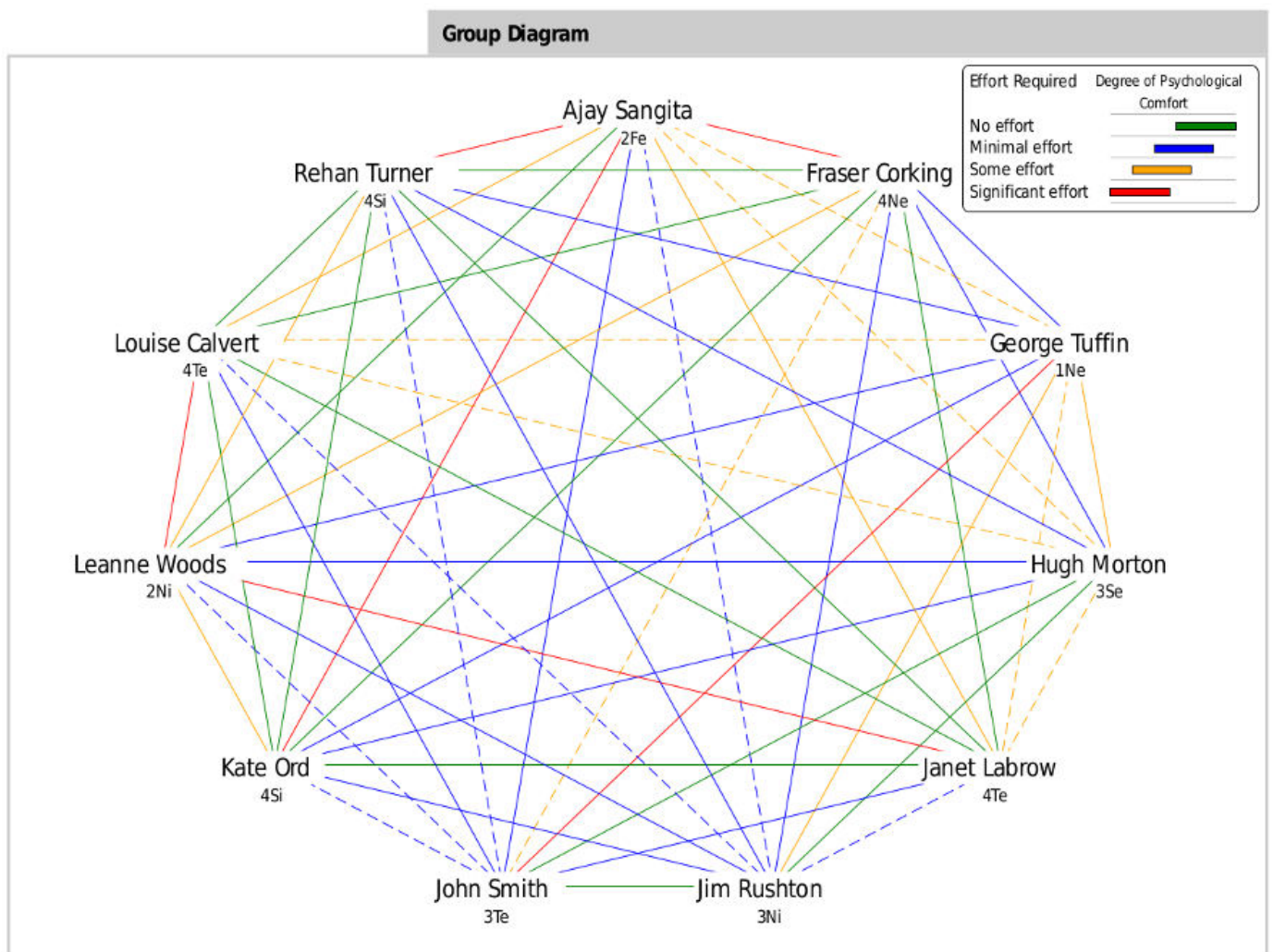
Progressive teams in corporate boardrooms, professional leadership committees, and executives of service providers need to harness these tools to drive performance and innovation. For example, the Four Groups system integrates elements of Carl Jung's psychology and Clayton Christensen's Innovator's Dilemma to provide a comprehensive framework to understand and optimize team performance.

The Four Group profiles shown below illustrate how individuals process information, factoring in preferences for feeling, intuition, sensing, thinking, and extroversion or introversion. These are mapped into a matrix showing individual strengths, creativity, motivation, and potential areas for improvement. This insight aids in understanding which relationships will be frictionless – and produce results, and where pitfalls and friction are likely to arise.

2Fe		2Ni		2Se		2Ti	
Fe <small>1st Conscious Function 3rd Subconscious Function</small>	Ni <small>2nd Conscious Function 4th Subconscious Function</small>	Ni <small>1st Conscious Function 3rd Subconscious Function</small>	Fe <small>2nd Conscious Function 4th Subconscious Function</small>	Se <small>1st Conscious Function 3rd Subconscious Function</small>	Ti <small>2nd Conscious Function 4th Subconscious Function</small>	Ti <small>1st Conscious Function 3rd Subconscious Function</small>	Se <small>2nd Conscious Function 4th Subconscious Function</small>
Ti	Se	Se	Ti	Ni	Fe	Fe	Ni
Relationship of Action		Relationship of Balance		Relationship of Pairs		Relationship of Reflection	

Tools like Four Groups help to understand who operates at the invention, start-up, commercial scale and operational optimization levels. This knowledge can help prevent assigning an operational perfectionist to the imperfect and uncertain initiative of starting up

something brand new. The diagram below demonstrates the predictive capabilities using the Four Groups framework. It offers leaders and managers insights into personality traits, relationship dynamics within a team, and the collective values at play.



A New Era: Shifting the Lens on Professional Athletes

There once existed an era where businesses cultivated robust, enduring teams, a process that unfolded gradually, akin to the natural growth and maturation of an organism. During those times, if a player was misplaced or assigned to an ill-suited role, the solid foundation of the existing team structure would swiftly identify and rectify the discrepancy. The pillars of this commendable tradition were made up of a long-standing community, apprenticeships, consistent professional development, client engagement, and a prioritization of professional integrity over company greed.

In contrast, the current professional landscape is drastically different. Professionals transition between organizations with a frequency and speed reminiscent of free agents in trade deadline negotiations. Teams are rapidly assembled and just as quickly disbanded. Individuals are expected to seamlessly adapt to their roles, and often find themselves self-organizing with teammates in the absence of clear guidance, ownership, or established rules of engagement.

It's time we acknowledge the multifaceted nature of today's professionals, recognizing their endeavors in work, their pursuits outside of work, and the spaces in between dedicated to continuous professional development, networking, and career progression. Burdening them with inadequate team members and nebulous leadership is a recipe for dissatisfaction and underperformance.

A healthy team culture fosters individual growth and can even reclaim and rehabilitate players who have lost their way, reversing the

tides of underachievement. Acknowledging the evolution from traditional office settings to the rise of remote work, coupled with intermittent team interactions, necessitates innovative approaches to supporting individual players and teams toward success. This transformation unfolds against a backdrop of generational change, as baby boomers gradually exit the workforce, passing the baton to a new generation of leaders who champion agility and flow.

Now, more than ever, understanding the intricacies of the game—including team ownership, management, coaching, player positions, and strategies against opponents—becomes paramount in maximizing our collective efficacy. Knowledge is power and overlooking the wealth of information about how players play is only going to continue encouraging haters to hate.

Just as professional and Olympic athletes continually seek the next frontier of performance enhancement, White Collar Athletic professionals and their teams must remain vigilant in their pursuit of data-driven insights. Leveraging this information to play a better, smarter version of Moneyball ensures not just individual success, but the elevation of the entire team and, by extension, our global professional ecosystem.

Footnotes

[1] See Legal Business World Publications No. 3 2023 article titled [“It’s a Revolution y’all, just not an industrial one”](#) by Greg Kaple

[2] The Enneagram illustrates a deep, objective look at individuals’ fundamental traits and behaviors, shedding light on both unconscious and conscious tendencies. The Human Design system provides insights into the unique energy

centers and behavioral pathways of individuals, enhancing our understanding of how they interact with themselves and others. Four Groups offers a predictive taxonomy of relationships, aiding organizations in optimizing individuals, relationships, and culture to positively impact performance. Software platform Cloverleaf.me is aggregating assessment tools making it easily available for corporate managers and HR to utilize them in coaching and normal business management practices.

About the Author

Gregory “Tony G” Kaple is a professional at professional service delivery. Starting with PricewaterhouseCoopers in 1998, Greg ‘Tony G’ has been working with lawyers, doctors and educators on the business of delivering service outcomes as much as espousing expert knowledge to meet the needs of what their clients care about most. A Human Design Manifesting Generator with a Four Groups 2Se penchant for “git ‘r dun” results, Greg ‘Tony G’ has been called the Pete Rose “aka Charlie Hustle” of Professional White Collar Athletes where as both player and coach he is always bending the rules to bet on the success of his teams.

Editorial Thank You’s

Creating this paradigm shifting article could only happen with the assistance of an All-Star team of White Collar Athletes!

Gretchen Bakshai, Senior Vice President and COO @ Knowable, is a professional at the sixth sense vision of client relationship success across the healthcare and life sciences industry and most recently business intelligence analytics for corporate contracts. Gretchen is a Hall

of Fame 3Ni fullback that helped me get the ball across the line more than one time, scoring on innovative delivery like the one highlighted in the case study here about attorney staffing

Catherine Krow, Managing Director of Diversity & Impact Analytics @ BigHand, is an attorney and litigator by background and reformed legal business and analytics evangelist today. Catherine is an All-Star 3Se striker that has played with me in many regular seasons most recently chalking up a championship by utilizing Diversity Equity & Inclusion programs to spread the adoption of legal project management techniques with attorneys in both corporate and law firm positions.

Bruce Lewin, Founder @ FourGroups.com, is the Moneyball numbers cruncher that created the 4G system and has been invaluable for me at creating exceptionally high performing teams from the most overlooked players. A 2Se “git ‘r dun brother” and Human Design Projector, Bruce’s amazing insights into human culture combined by his insatiable ability to distill the latest research into action deserves much of the credit for training me to be the championship player/coach I am today.

Ryan Alba, Start-Up Strategist & Social Philosopher, is a mountain mover and shaker in the early world of social media podcasting and holistic health product marketing. A Human Design Projector and 1Ti 4G player, Ryan’s ability to synthesize complex social and technology trends into ways society is evolving are sure to make AI enabled headlines in a world coming to you soon.

Want to know more about how to play Moneyball in Legal Services?

Let's explore advancing cost savings initiatives within a large non-profit service provider's law department.

In our quest to understand how to effectively apply the Moneyball concept to these White Collar Athletes, we can observe three pivotal projects to navigate the regular season and clinch a championship.

Project	Time	Cost	Resources
Matter Mgmt & eBilling	3yrs	\$13M	13FTE
Litigation Hold	9mo	\$3M	3FTE
Attorney Staffing	6mo	\$200k	1FTE

The fall-out from the 2009 great recession saw a significant increase in outside counsel spending. With an extensive team of over 180 legal professionals ranging in responsibilities from regulation, labor and employment, commercial contracts, mergers and acquisitions, litigation and legal operations, the complexity to respond to this challenge prompted the need to transform strategic sourcing. Diverse teams with unique roles were assembled to collectively strive toward a common goal to streamline purchasing guidelines, provider agreements, matter budgeting and payment controls, and litigation support for the outcome of controlling costs.

Project #1 aimed to implement a matter management and e-billing system together with consolidating legal matters and claims systems. Despite initial setbacks, including cost overruns and delays, the introduction of the Four Groups social profiling tool enabled

leaders to pinpoint team gaps and enhance collaboration. The project was ultimately completed, albeit a year behind schedule and \$6M over budget.

Project #2 built upon the lessons learned from the first endeavor. This time, leaders prioritized strategic team composition from the outset, outlining resource requirements in the business case and integrating Four Groups social profiles for the often overlooked project stakeholder analysis of all team members early in the process. The results were remarkable, culminating in a project that not only finished a month ahead of schedule and 25% under budget but also garnered high customer satisfaction rates. Perhaps most impressively, the capital planning committee lauded the legal team's approach, suggesting it as a model for the entire company.

Project #3 expanded the application of social profiling tools to attorney staffing in its early stages, aiming to prevent mismatches and refine the selection process. The initial results were promising for both the new service provider and the department utilizing the Four Groups assessment. However, the eventual service delivery fell short as both the client team and staffed attorney opted out of the assessment process and fell victim to clashing players styles that eventually left the client dissatisfied and the engaged ended without reaching its first envisioned full potential.

Notice the more than 75% reduction in cost and improvement in delivery time that occurred between Project #1 without data and Project #2 with professional athlete data.

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NAVIGATING THE AI RENAISSANCE

Ethical Dilemmas and Legal Challenges

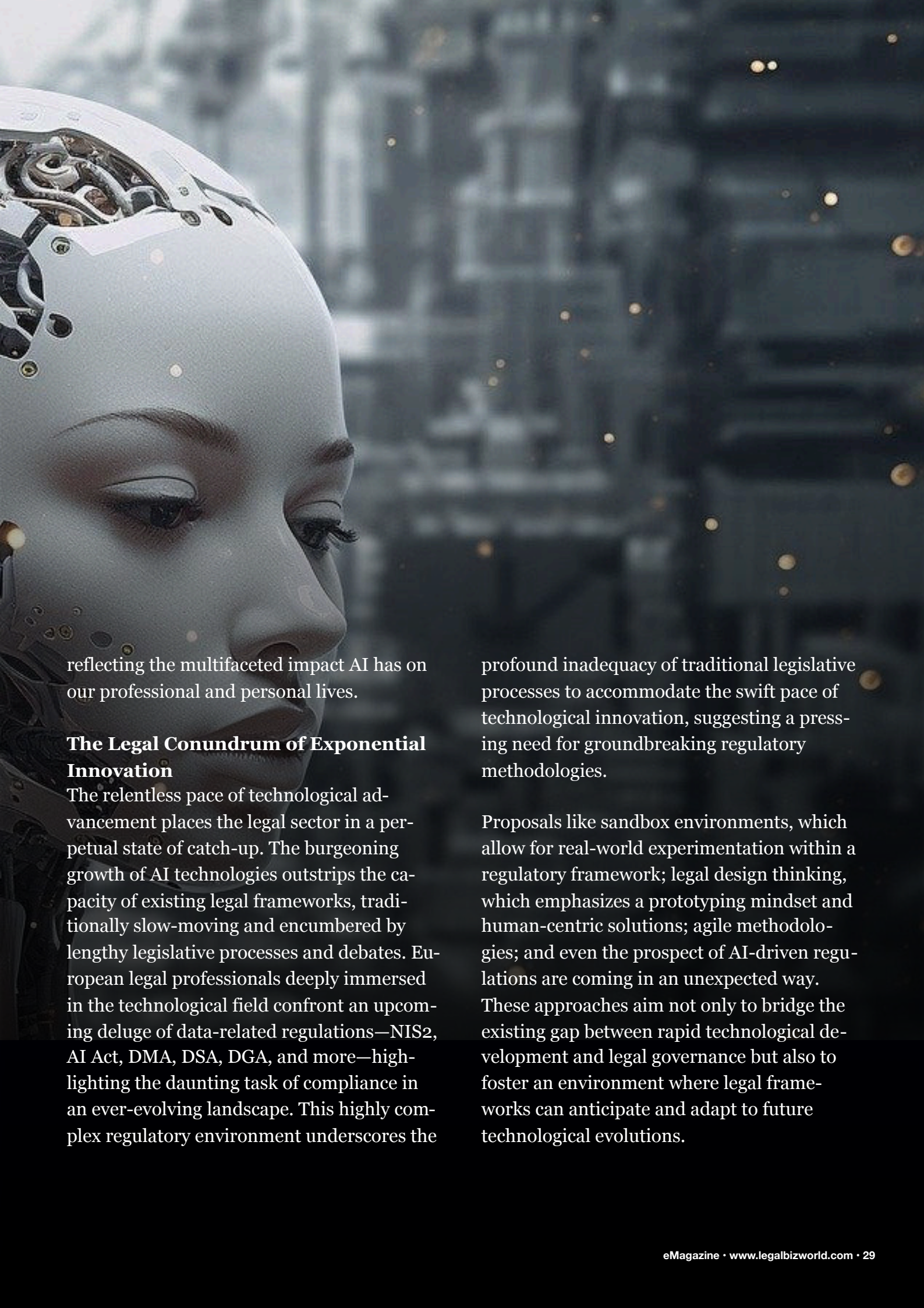
By Marco Imperiale, Founder and Managing Director of Better Ipsum



In an era where artificial intelligence (AI) increasingly influences our daily routines, business operations, and societal structures, the need for flexible, AI regulation emerges as a pivotal domain.

The technological renaissance we are living, where AI not only augments human capabilities but in several instances surpasses them, introduces spectrum of challenges and opportunities, particularly within the legal sphere.

My engagement with AI—whether through writing, lecturing, or reading—often evokes a kaleidoscope of emotions: fear, excitement, and awe, each taking precedence under different lights. It is this emotional complexity that underscores the nuanced relationship between humans and AI,



reflecting the multifaceted impact AI has on our professional and personal lives.

The Legal Conundrum of Exponential Innovation

The relentless pace of technological advancement places the legal sector in a perpetual state of catch-up. The burgeoning growth of AI technologies outstrips the capacity of existing legal frameworks, traditionally slow-moving and encumbered by lengthy legislative processes and debates. European legal professionals deeply immersed in the technological field confront an upcoming deluge of data-related regulations—NIS2, AI Act, DMA, DSA, DGA, and more—highlighting the daunting task of compliance in an ever-evolving landscape. This highly complex regulatory environment underscores the

profound inadequacy of traditional legislative processes to accommodate the swift pace of technological innovation, suggesting a pressing need for groundbreaking regulatory methodologies.

Proposals like sandbox environments, which allow for real-world experimentation within a regulatory framework; legal design thinking, which emphasizes a prototyping mindset and human-centric solutions; agile methodologies; and even the prospect of AI-driven regulations are coming in an unexpected way. These approaches aim not only to bridge the existing gap between rapid technological development and legal governance but also to foster an environment where legal frameworks can anticipate and adapt to future technological evolutions.

However, the intricate dance between machine autonomy and human oversight is laden with legal complexities. Due to the fact that AI systems, powered by sophisticated algorithms and expansive data sets, lead to outcomes with sometimes unpredictable consequences, establishing a framework of accountability sounds harder than it seems. We need therefore frameworks that transcend mere operational efficiency to encompass elements of answerability, transparency and ethical consideration. The challenge lies not only in delineating clear responsibilities but also in defining AI systems in a manner that is both homogeneous and adaptable over the long term, stretching beyond traditional legal doctrines and prompting a re-evaluation of liability, culpability, and even the nature of consciousness and intentionality. We need a system that is as dynamic and multifaceted as the technology it seeks to govern, capable of encompassing the full spectrum of AI's impact on society.

1. Considering Ethics as the Northern Star

At the heart of the AI revolution lies a profound ethical dilemma, encapsulating concerns that extend far beyond technical challenges to touch the essence of human values and societal norms. The deployment of AI systems casts a spotlight on pressing issues such as privacy, inherent biases, and the equitable distribution of technology's benefits, challenging us to reconsider the fabric of our digital society. Furthermore, the concentration of power among a few, dominant tech giants, its potential for use in the wrong hands, and the rising episodes of AI-related crimes lets us raise a critical question about the future we are

constructing with AI at the helm. Are we really advancing toward the best possible world, or are we settling for a very harmful option?

The current landscape calls for a paradigm shift toward vigilant human oversight, ensuring that AI technologies are developed and utilized within an ethical framework that honors individual rights, fosters societal well-being, and promotes sustainability. This proactive engagement throughout the AI life-cycle demands continuous evaluation and recalibration of AI systems and regulations, ensuring their alignment with evolving ethical standards and societal values.

2. Working for AI Literacy among Legal Practitioners

The confluence of AI with the legal profession also highlights a critical need for AI literacy among legal practitioners. A deep understanding of AI intricacies—from algorithmic biases and data privacy implications to the nuances of statistics models and automation processes—, the use of a shared vocabulary, and the first-hand involvement in legaltech initiatives are crucial for lawyers navigating a legal landscape increasingly shaped by technology.

The future landscape of law demands every lawyer to become a data lawyer, to communicate in tech jargon, and to adapt at navigating the complexities of digital information and technology-driven innovation. To meet this need, the best scenario I see is a significant, maybe drastic, evolution in legal education, with AI and technology courses equipping future lawyers with the essential knowledge

and skills to address the multifaceted legal and ethical questions posed by AI.

3. Focusing on Collaboration as the Key Asset

The path forward is strewn with challenges and risks, but the human factor still stands as a beacon of hope and a stabilizing force. Yet, it is through the concerted efforts of professionals across disciplines such as law, technology, psychology, and ethics —that we can navigate this complex terrain. By fostering a collaborative ecosystem where different individuals can unite their expertise, we can lay the groundwork for AI technologies that not only advance human capabilities but do so within an ethically sound and legally robust framework. Legal professionals, ethicists, and technologists must forge collaborative alliances, interweaving these ethical considerations into the very fabric of legal regulation, thereby crafting laws that are not only flexible and dynamic but also robust enough to safeguard against the unforeseen implications of technological progress.

As AI becomes increasingly integrated into the fabric of society, it beckons the legal profession to redefine the boundaries of the rule-of-law. Only championing ethical governance, promoting AI literacy, and tackling the challenges of exponential technological growth head-on not just with regulations per se, but with regulations that are truly followed, the legal profession can lead the way. A way toward a future where AI amplifies human potential within a framework of ethical integrity and legal strength, ensuring that technology serves as a force for good in the ongoing quest

for a just and equitable society. I hope that the legal profession will remain at the forefront of technological advancements, capable of shaping a legal framework that harnesses the potential of AI while mitigating its risks.

About the Author

Marco is a lawyer and the founder and managing director of Better Ipsum, a benefit corporation focused on legal design, legal innovation, and legal well-being. He has extensive experience in legal design, legal tech, and in the interplay of copyright law and the entertainment industry. Whenever he finds time, he also works as mediator, teaching fellow for Harvard Law School (CopyrightX course), and mindfulness trainer. He is a frequent public speaker and the author, together with Barbara de Muro, of the first Italian book on legal design.

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WHY THE DEVIL IS IN THE DETAILS

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

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



Over the last four years, Legal Business World published two articles that focused on injecting a measure of predictability, not to say control, over the cost of complex legal work: [Budgeting Complex Legal Work](#) (Issue 1 2020) and [Legal Project Management is Overdue](#) (Issue 6 2022). A summary of my observations at the time provides context for what can be done when sourcing and pricing complex litigation is overflowing with “known unknowns” and “unknown unknowns”.

It has been 25 years since detailed matter plans and budgets for complex legal work have been required by some companies. Few firms volunteer them unless they are asked. Clients should encourage their law firms to budget phases, tasks, and planning assumptions for the most likely (e.g. 85 % probability)



and not for the worst-case scenarios.

Matter plans and budgets are not only about the money. Three basic benefits are important to keep in mind. First, they streamline the business aspects of legal work because they focus on time and the value delivered. Law firm planning and pricing teams appreciate this. Second, legal project plans modify the techniques for work already being done by lawyers because of the need for appropriate task delegation. And third, plans and budgets better organize and oversee the work of external counsel.

All of this depends on a degree of project management skill in both the law department and the law firm. At the time, I reported on one survey which found that 60 % of

law departments used project budgets often enough, but that only 26 % did so consistently. Yet the same companies also said that they were always on or below budget only 1 % of the time. Firms must get better at estimating phases and tasks, each with an 85 % probability of occurrence – with much less of a buffer than used to be the case. And law departments must become more proficient in reviewing, revising, quantifying, and approving the phases and tasks making up the matter plan and budget.

I do not think that the “start of the art” has changed much in the last five years. At the time, my review of matter budgets with seven law firms found that only two prepared planning assumptions at the task level, but none provided a probability factor for each

assumption. Read Stephen Levy's *Legal Project Management: Control Costs, Meet Schedules, Manage Risks and Manage Security*.

Time for a short case study based on real life. The company was interested in renewing a 3-year pricing arrangement for a unique piece of litigation. Relations with the law firm were excellent. I was asked to review the initial matter plan and budget (\pm 12,000 hours covering 14 phases with more than 40 planning assumptions) covering 3.5 years. The firm was very helpful in detailing its planned leverage of timekeepers for each phase and providing its preferred rate structure.

The client was very knowledgeable about the case, familiar with the members of the legal

team, and understood the applicable substantive law and litigation procedures very well. A detailed review of each assumption reduced the planned hours to \pm 8 500 hours. A few adjustments were also made to the planned distribution of hours (leverage) for each phase covering the 3.5 years. Admittedly, it was easier to introduce such changes on a matter that had been active for five years and had another five to go.

The next step was to secure the firm's comments on the changes to some of the planning assumptions and the related tasks, as well as to the number of hours and their distribution across the legal team. It took a few days, but agreement was reached on all points. Two spreadsheets provide examples of the necessary detail.

Percentage Distribution of Hours by Experience Band

Phases	Sr Partner (25+ YOE)	Partner	Sr Associate (7+ YOE)	Mid Associate (4 to 6 YOE)	Jr Associate (1 to 3 YOE)	Paralegal
Phase 1	10%	35%	29%	8%	10%	8%
Phase 2	5%	12%	33%	0%	25%	25%
Phase 3	10%	16%	36%	0%	15%	23%
Phase 4	20%	40%	20%	20%	0%	0%
Phase 5	4%	48%	48%	0%	0%	0%
Phase 6	13%	13%	55%	20%	0%	0%
Phase 7	14%	30%	20%	20%	10%	6%
Phase 8	0%	40%	50%	10%	0%	0%
Phase 9	15%	35%	23%	10%	13%	5%
Phase 10	23%	33%	34%	0%	0%	10%
Phase 11	18%	18%	33%	10%	3%	18%
Phase 12	5%	20%	25%	37%	11%	2%
Phase 13	10%	20%	20%	20%	10%	20%
Phase 14	15%	23%	25%	9%	18%	10%
	12.8%	24.3%	26.2%	11.7%	13.0%	12.0%

Distribution of Hours by Experience Band

Phases	Sr Partner (25+ YOE)	Partner	Sr Associate (7+ YOE)	Mid Associate (4 to 6 YOE)	Jr Associate (1 to 3 YOE)	Paralegal	Total
Phase 1	56.4	197.4	160.7	45.1	56.4	45.1	561.2
Phase 2	12.6	30.2	83.2	-	63.0	63.0	252.0
Phase 3	70.0	112.0	252.0	-	105.0	161.0	700.0
Phase 4	40.0	80.0	40.0	40.0	-	-	200.0
Phase 5	5.0	60.9	60.5	-	-	-	126.4
Phase 6	5.0	5.0	22.0	8.0	-	-	40.0
Phase 7	105.0	225.0	150.0	150.0	75.0	45.0	750.0
Phase 8	-	140.0	175.0	35.0	-	-	350.0
Phase 9	127.5	297.5	195.5	85.0	106.3	38.3	850.0
Phase 10	13.8	19.8	20.4	-	-	6.0	60.0
Phase 11	36.0	36.0	66.0	20.0	6.0	36.0	200.0
Phase 12	14.0	56.0	70.0	103.6	29.4	5.6	278.6
Phase 13	130.0	260.0	260.0	260.0	130.0	260.0	1,300.0
Phase 14	412.5	632.5	687.5	247.5	495.0	275.0	2,750.0
Totals	1027.8	2152.3	2242.8	994.2	1066.1	935.0	8418.2

This left pricing. Historically, the firm preferred a schedule of discounted blended rates: one for two levels of partners; several for associates; and one for paralegals. The client opted for a single discounted blended rate to be applied to all timekeepers as the best way to capture the agreed leverage for each phase. In addition, the rate factored in annual increases for the duration of the engagement. And, finally, the firm agreed to absorb office-related disbursements.

There are several elements that made this approach effective, especially at the mid-point of a 10-year legal matter. First, the client and the law firm must trust each other and accept that the plan and budget are a business arrangement and not a question of professional qualifications. Second, the client should be proficient in legal project management and budgeting and understand law firm

economics well enough, including the effects of hours, leverage, and rates on total cost. Third, the terms of engagement should include a robust review and adjustment mechanism that systematically re-examines the planning assumptions, hours, leverage, and the blended rate at regular intervals.

The terms of engagement or master agreement should include the planning assumptions and tasks for each phase, as well as the spreadsheets for hours, leverage, and fee calculations. The company also asked for a detailed monthly accounting of the hours for each of the 40 + planning assumptions as a companion piece to monthly invoicing. It is time for law departments and law firms to move to the next level of defining expectations for cost-effective legal services applied to complex work. The additional effort is a win for every stakeholder.

About the Author

Richard G. Stock, M.A., FCG, CMC is the Managing Partner of [Catalyst Consulting](#). The firm has been advising corporate and government law departments across North America and

around the world since 1996. For law department management advice that works, Richard can be contacted at +1 (416) 367-4447 or at Richard.Stock@catalystlegal.com.

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HOW CURRENT AND FUTURE LEADERS IN LEGAL ARE ADAPTING THEIR COMMUNICATION STYLES

Ari Kaplan speaks with Andrew J. Sherman, a partner with Brown Rudnick, and Ross Guberman, the founder and CEO of LawCatch, the developer of BriefCatch, a software platform designed to elevate legal writing, which has recently introduced new generative AI features for lawyers and legal professionals.





Ari Kaplan

Tell us about your background and your practice at Brown Rudnick.

Andrew Sherman

I am a co-chair of the Emerging Growth Companies and Venture Capital Practice with two of my colleagues in New York and Boston. It is both a company-side and a capital-side practice so we were on both sides of a transaction. We are also very active in our M&A and I have a subspecialty in franchising and intellectual property.

Ari Kaplan

You practiced law for several years before pursuing a career focused on legal writing and developing BriefCatch. How is technology changing the way lawyers advocate on behalf of their clients?

Ross Guberman

There is a thirst for products that let lawyers handle strategy and advice, with the support of a range of technological tools that make their daily practice, not just faster, but more reliable in some cases.

Ari Kaplan

You are an adjunct professor at both Georgetown University Law Center and the University of Maryland Smith School of Business. How are current and future leaders adapting their communication styles to more effectively manage teams?

Andrew Sherman

Some are adapting and some are not. If you maintain an old-school mentality, you will be extinct, not in your legal expertise, but in how you approach the practice of law. As a result,

leadership, project management, and communication styles have had to change. Younger lawyers want to be more empowered. They do not want to be disadvantaged by a lack of technology and want to use it to work differently in a post-COVID environment. They want the flexibility to practice in a range of venues as long as they can be productive and receive the mentoring they need. For example, AI technology is evolving rapidly and you can either approach it with a fear mindset or a greed mindset. I choose greed over fear because these tools are designed to make us more productive and efficient, as well as make us better advisors. We have to think of the technology as our co-pilot.

Ari Kaplan

How are you seeing lawyers changing their client communications to provide better service?

Ross Guberman

Clients are helping drive change and lawyers are trying to navigate these challenges. In-house teams are increasingly recognizing the value of tools designed to enhance legal research and writing, and are likely to mandate their usage if it is more cost-effective and productive.

Andrew Sherman

I think we will get to a point where the general counsel will dictate the deployment of certain technology applications. We have already seen savvy clients insist on receiving access to project management data and collaboration tools. If their lawyers do not have those tools, they may consider them for specific projects.

They don't want to wait for your phone call to learn the progress of a matter. After all, consumers of legal services whether they are chief legal officers or entrepreneurial companies expect their lawyers to be tech-savvy. They don't expect every lawyer to be a software engineer, but it doesn't hurt to have one down the hall in your law firm. I also think we should deal with the elephant in the room on AI, which is that no general counsel wants to pay for a brief that was generated by a machine and not reviewed by an attorney. Think of AI as not just generative and able to draft a document for you, but as a navigator to empower your productivity. This is not a time for newer lawyers to become complacent. You need to justify your existence as an associate and understand what a machine is capable of because it can work harder and faster without breaks or vacations. Again, it is not a time to be complacent, but it is also not a time to be fearful.

Ari Kaplan

*You are the author of several books, including *Road Rules: Be the Truck Not the Squirrel*. How is training professionals changing in law firms?*

Andrew Sherman

Of the 26 books I have written, that's my favorite because it was dedicated to my two children. In terms of training today, you have to be more holistic and cannot approach the process with an Army sergeant mindset because technology has enabled us to have a more flexible and productive workday. What we haven't found yet is the right balance between working too hard and sufficient use of

technology to make our lives more efficient. Partners need to teach by example the right balance, particularly

with the hybrid schedule and working in the office to enhance one's professional success.

Ross Guberman

There is a type of technology and BriefCatch is included that automates a process while also challenging you to think so you're not actually just pushing a button. Instead, you are learning from a process that unfolds before your eyes. Younger associates appreciate exercises like this because they don't want as much formal training with workshops and classes as their predecessors. Instead, they love tools like BriefCatch, which instead of just changing your sentence gives you options letting you choose and learn through that selection process. There needs to be a middle ground between automation, including ChatGPT, and human judgment.

Andrew Sherman

It sounds wonderful Ross and I think you've nailed it. We will have to make learning more fun, and more edu-tainment to encourage the younger generations to embrace technology because the current generation of professionals learns well through games.

Ari Kaplan

Given your M&A and corporate finance work with multinational and emerging companies on developing their legal strategies, how important is innovation in the way you exchange documents draft correspondence, and conduct other business?

Andrew Sherman

It depends on how you define innovation, which should be interpreted holistically to include creativity and collaboration because some of it is tech-driven and some is approaching problem-solving in a new way. It is also crucial to learn the language of business and finance because if you do not, you will be left behind regardless of your skill with technology. Today, you need to deploy and use technology in innovative ways, but also be curious enough about the business of the clients to maximize its value. That is where AI can help us become prepared, such as using it for client meetings, presentations, and pitches, as well as to enhance litigation support.

Ross Guberman

This is why law schools must educate students on the nexus between business and technology, rather than perceive AI as a tool for copyright infringement or fraught with cybersecurity risk.

Andrew Sherman

Too often, we think of the problems before the solutions because we are trained to spot problems. In my course, I teach students to identify opportunities. In fact, the biggest difference between law school and business school is that law students spot issues, while business students look for opportunities.

About the Author

Ari Kaplan (<http://www.AriKaplanAdvisors.com>) regularly interviews leaders in the legal industry and in the broader professional

services community to share perspectives, highlight transformative change, and introduce new technology at <http://www.ReinventingProfessionals.com>.

Listen to his conversation with Andrew Sherman and Ross Guberman here: <https://www.reinventingprofessionals.com/how-current-and-future-leaders-in-legal-are-adapting-their-communication-styles/>

*Originally published in the March 2024 issue of Marketing the Law Firm here: <https://www.lawjournalnewsletters.com/2024/03/01/how-current-and-future-leaders-in-legal-are-adapting-their-communication-styles/>



Where is Your Company on This Scale?	
Undeveloped	Little or nothing has been done to increase or integrate EDI goals with organizational goals. To the extent that there is a focus, it is on compliance only.
Beginning	We try to maintain compliance but have made a few efforts at EDI and thinking about how EDI helps to position our organization in the marketplace.
Intermediate	We have deployed several different EDI initiatives piecemeal. It is viewed as moderately important, but we do not spend a lot of time measuring success.
Advanced	We have a strategic framework that has multiple pillars aligned with the organizational goals. Our EDI efforts include metrics and setting annual goals for improvement, and we closely follow EDI at leadership levels.
Expert	EDI is embedded in our culture and our MP makes it a priority. Ownership of EDI initiatives is at the senior leadership level. We use analytics to address recruiting, succession planning and other talent-related issues, and our managers are assessed based on EDI goals. EDI initiatives are strategic and contribute to the achievement of organizational goals.



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Colin S. Levy

Lawyer and Legal Technologist



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Confident Leadership Series

CAN LAWYERS MAKE GREAT LEADERS?

By Mila Trezza, Executive Coach and Former General Counsel Global 500



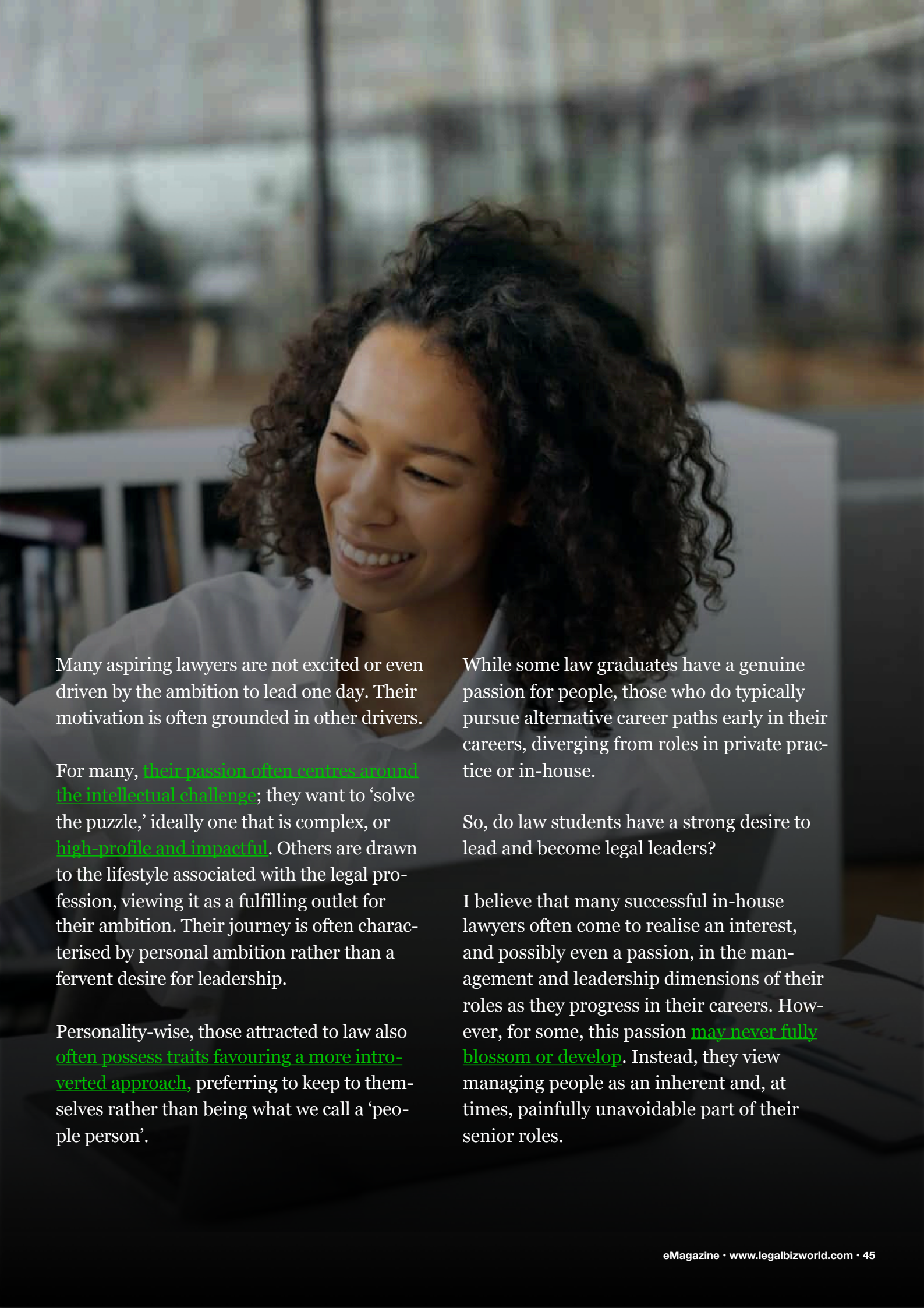
The idea that lawyers often make bad managers is a recurring theme in numerous blog posts and articles.

Why do many highly capable in-house lawyers struggle as leaders upon promotion to managerial positions? Can lawyers lead?

Drawing on the countless conversations I have had with lawyers over the last thirty years, starting from their rationale and motivation behind choosing a career in law, here is what I have learned.

1) **Beginning of the journey: Why do people choose a career in law?**

Let's delve into what interests and motivates undergraduate students to pursue law as a profession.

A woman with dark, curly hair is smiling and looking down, possibly at a laptop screen. She is wearing a light-colored, possibly white, collared shirt. The background is a blurred office environment with bookshelves and a window.

Many aspiring lawyers are not excited or even driven by the ambition to lead one day. Their motivation is often grounded in other drivers.

For many, **their passion often centres around the intellectual challenge**; they want to ‘solve the puzzle,’ ideally one that is complex, or **high-profile and impactful**. Others are drawn to the lifestyle associated with the legal profession, viewing it as a fulfilling outlet for their ambition. Their journey is often characterised by personal ambition rather than a fervent desire for leadership.

Personality-wise, those attracted to law also **often possess traits favouring a more introverted approach**, preferring to keep to themselves rather than being what we call a ‘people person’.

While some law graduates have a genuine passion for people, those who do typically pursue alternative career paths early in their careers, diverging from roles in private practice or in-house.

So, do law students have a strong desire to lead and become legal leaders?

I believe that many successful in-house lawyers often come to realise an interest, and possibly even a passion, in the management and leadership dimensions of their roles as they progress in their careers. However, for some, this passion **may never fully blossom or develop**. Instead, they view managing people as an inherent and, at times, painfully unavoidable part of their senior roles.

2) Laying the foundations: What do lawyers learn in their early years?

Most of us learn a lot about what being a good lawyer should look like early in our careers.

In private practice, trainees share offices and work alongside their supervisors. They learn by watching more senior lawyers. By the time they become senior lawyers, most accumulate a mix of experiences and a blend of [good-to-great examples](#), as well as [bad-to-terrible examples](#) of what a lawyer should be like.

In many organisations, [lawyers in managerial roles are often practising lawyers in the first place and managers in their spare time](#). Many trainees and junior lawyers are led by lawyers who have never been formally trained to manage others.

As for the [workplace culture they see](#), many navigate their professional journeys within a culture of low trust and intense competition rather than trust, safety, and collaboration.

What junior lawyers see as an example is also reinforced by the lens of the training they receive.

Even in exceptionally good cases, it's training that speaks to the head. Yet, leadership journeys require a departure from rational and analytical arguments that resonate to the head. They need a vision that also speaks to the heart.

3) Transitioning into managerial roles: Managing or leading?

The majority of legal education, training, and development programmes primarily focus on

the acquisition of legal expertise and client skills. There is often a noticeable absence of focus on people management and cultivating a leadership mindset.

As lawyers transition from private practice roles to in-house positions, motivated by factors such as a desire to be closer to the business, a dislike for the billable hours model and business development, or a better work-life balance, their career trajectory takes a significant shift.

Despite this transition, the career path to leadership roles within corporate legal departments, such as General Counsel, Legal Directors, and Heads of Legal, still typically lack adequate managerial preparation and seldom prioritises leadership development.

While lawyers and legal departments navigate their unique journeys, they remain part of a larger [organisational landscape that is also facing significant leadership challenges](#). I often wondered whether, for example, leadership thrives abundantly in other departments.

Do finance or HR departments excel in leadership? Does the subject of leadership even surface in discussions within procurement?

Even when management training is provided, this raises a key question: why do many organisations prioritise management over leadership development, especially considering the critical role effective leadership plays in driving organisational success?

In his seminal work 'Leading Change,' John Kotter helpfully puts it this way:

“For most of this century, as we created thousands and thousands of organisations for the first time in human history, we didn’t have enough good managers to keep all those bureaucracies functioning. So many companies and universities developed management programs, and hundreds and thousands of people were encouraged to learn management on the job. And they did. But people were taught little about leadership. To some degree, management was emphasized because it’s easier to teach than leadership. But even more so, management was the main item on the twentieth-century agenda because that’s what was needed. (...) Unfortunately for us today, this emphasis on management has often been institutionalized in corporate cultures that discourage employees from learning how to lead.”

[Stephen Covey](#), one of *Time* magazine’s twenty-five most influential Americans, explains it this way:

“The main assets and primary drivers of economic prosperity in the Industrial Age were machines and capital – *things*. People were necessary but replaceable. (...) People were like things - you could be efficient with them. When all you want is a person’s body, and you don’t really want their mind, heart, or spirit (...), you have reduced a person to a thing.

So many of our modern management practices come from the Industrial Age. It gave us the belief that you have to control and manage people. (...)

The problem is, managers today are still applying the Industrial Age control model to knowledge workers. Because many in positions of authority do not see the true worth and potential of their people and do not possess a complete, accurate understanding of human nature, *they manage people as they do things*. This lack of understanding also prevents them from tapping into the highest motivations, talents and genius of people.”

If we wish to understand why many organisations struggle with preparing for leadership, we need to delve into the last century.

4) Navigating leadership: Where do we go from here?

The transition to managing people presents formidable challenges, necessitating a profound shift in both mindset and skillset. Many individuals promoted into legal leadership roles have first excelled as legal advisers. However, [possessing legal skills and expertise alone does not guarantee success in leadership](#).

While extremely valuable, skills such as advising, problem-solving, and managing clients do not translate naturally to effective people management or leading and inspiring teams.

Team members are not clients.

So, at this pivotal stage of their career journey, how many lawyers in managerial roles truly realise the magnitude of the shift and are actively and adequately supported, encouraged, and equipped with what they need to embark

on the distinct path of developing their leadership?

The potential rewards can be immense for those who embark on the leadership journey.

Yet, cultivating leadership skills requires an acceleration in learning when their workload is also considerably increasing. It involves self-education, a blend of internal and [external coaching](#) and mentorship, formal education, and a strong personal commitment to extending their role from lawyers to effective managers and leaders.

This journey is typically enriching at both personal and professional levels, and its outcomes are rewarding. Yet, amidst the accolades and internal acknowledgements, a poignant question remains: do the existing organisational carrot-and-stick systems genuinely incentivise and reward leadership?

As organisations increasingly incorporate behavioural indicators into performance evaluations, it begs the question of whether this is adequate to inspire and assist busy department managers in prioritising the investment of additional time and considerable efforts into their leadership development.

When [dysfunctional practices, poor listening, and micro-management, for example, are tolerated](#), the ultimate result for those who invest efforts in their leadership development is usually vastly disappointing.

I believe, therefore, that the complexities behind why many great lawyers encounter diffi-

culties in leadership roles and exhibit poor managerial skills reveal an interplay of many underlying factors and reasons.

These reasons show us what is needed to support the intersection between being lawyers and becoming legal leaders. Indeed, many of these reasons suggest we look in the same direction: fostering a leadership development culture and investing in legal professionals' growth beyond legal skills at every stage of their careers.

Great lawyers can also be great leaders.

And the [call for leadership](#) keeps growing louder.

This Confident Leadership Series focuses on the skills needed to manage high-performing legal teams and enhance your leadership confidence.

About the Author

Mila Trezza is a former General Counsel of a Fortune Global 500 energy company and an award-winning executive and leadership coach. Her company was named one of the [Top 5 Executive Coaching Companies in the UK](#) for 2023.

After more than 20 years of international experience, having served as Director of over 30 companies, and lived in six countries, Mila developed her approach to coaching with the sensibilities of a lawyer in mind.

Her mission is to develop a coaching culture for the legal industry that is bespoke to, and has an inside-out understanding of, the challenges that lawyers and legal teams face on a daily basis. Through her coaching, Mila helps lawyers go from lacking confidence and feeling overwhelmed to having a clear path forward, feeling resourceful, and enjoying their roles. Her work on legal leadership was recognised by Women Influence & Power in Law UK, and she was the winner of the [2023 Award for Lifetime Achievement, In-House](#).

In addition to running her own business “[Coaching Lawyers by Mila Trezza](#)”, Mila acts as an expert advisor and consultant for leading global companies.



A UNIQUE INNOVATION AND TECH EVENT RESHAPING THE FUTURE OF THE LEGAL INDUSTRY FOR THE 6TH YEAR IN ROW

The editorial team speaks with Rob Ameerun, founder of the legal innovation and tech event Lexpo



Rob, could you introduce yourself and explain what Lexpo is all about?

I'm the organizer of Lexpo, the premier event dedicated to legal innovation. Lexpo aims to explore cutting-edge technologies, emerging trends, and transformative practices within the legal industry. We focus on fostering collaboration and networking while showcasing global best practices and insights that inspire attendees to drive change in their legal practices.

Lexpo is known for its unique, international speakers. How does this align with the event's concept?

Indeed, featuring unique speakers is a cornerstone of Lexpo's philosophy. This approach is integral to our concept, as we strive to offer fresh, diverse perspectives rather than the

LEGAL INNOVATION EVENT

Lexpo

usual speakers who frequent the legal conference circuit. Our Advisory Board plays a vital role in ensuring we select speakers who bring new ideas and innovative thinking to challenge and expand the horizons of our attendees.

Can you outline the core themes for this year's Lexpo and what attendees can expect?

This year, Lexpo is organized around three pivotal themes: Firstly, Artificial Intelligence, focusing on its transformative impact on the legal industry. We will host thought-provoking sessions and workshops on AI applications in legal practices. Secondly, Knowledge Management, which is seeing a revival, largely fueled by advancements in AI technology. Finally, Change Management,

which has become increasingly crucial as the pace of change in our industry accelerates. Each theme is designed to tackle current challenges and future opportunities, providing attendees with practical insights and forward-thinking strategies.

What kind of professionals attend Lexpo, and where do they come from?

Lexpo attracts a diverse range of professionals primarily from within Continental Europe, though our reach is international. Attendees typically include senior management and lawyers from law firms and in-house legal departments, offering a unique blend of perspectives and experiences. Our programming is carefully tailored to meet the needs of these high-level professionals, ensuring relevance and strategic insight.

Considering every edition of Lexpo sells out, have you considered increasing the event's capacity?

The decision to cap attendance at each edition of Lexpo is deliberate. By maintaining an intimate scale, we ensure each participant can gain maximum value from the event. This limitation not only enhances the overall experience but also preserves the quality of interactions and exclusivity of access to speakers and sessions. Despite the high demand and waiting list, our focus remains on quality over quantity.

Having organized Lexpo for six years, what have been your key learnings?

After six years of organizing Lexpo, one of the most significant lessons we've learned is the importance of adaptability and responsiveness. The legal landscape is continually evolving, and staying ahead requires a flexible ap-

proach to event planning. Another critical insight is the value of creating an environment that promotes networking. Facilitating meaningful connections among attendees has consistently been one of the most appreciated aspects of Lexpo, proving crucial for maximizing the return on investment for our participants.

For international attendees, how accessible is the Lexpo venue?

The location of the Lexpo venue is selected with a high priority on accessibility for both local and international attendees. Positioned near Schiphol Airport and major motorways, it is exceptionally convenient for those traveling from abroad or nearby. We ensure that detailed travel information is readily available on our website and through our communications, making the venue easy to locate and reach.





Lexpo'24 - the 6th edition

Lexpo is the premier event dedicated to reshaping the future of the legal industry through innovation and (legal) technology. Hosted in Amsterdam, Lexpo'24 is designed for forward-thinking law firms and in-house corporate legal departments ready to embrace the next wave of legal transformation.

Join us for an unparalleled gathering of legal professionals, tech innovators, and thought leaders as we explore cutting-edge developments in legal technology, innovative strategies, and the latest trends driving legal services forward. Whether you're looking to optimize your firm's operations, enhance your department's efficiency, or simply stay ahead of the curve in a rapidly evolving industry, Lexpo'24 promises a wealth of knowledge, networking opportunities, and actionable insights.

Why visit Lexpo

With a focus on practical solutions and real-world (proven) applications, our curated sessions, interactive workshops, and expert panels are tailored to empower legal innovators across Continental Europe with the tools and strategies needed to thrive in today's digital era. From artificial intelligence and machine learning to knowledge- and change management, discover how legal technology innovative strategies can revolutionize your practice and deliver unparalleled value to your clients.

Don't miss this unique opportunity to connect with peers, learn from industry pioneers, and chart your path to legal innovation excellence. Join us as we pave the way for a more efficient, dynamic, and technologically advanced legal landscape.

ENHANCE YOUR LEGAL PRACTICE IN 2024: FRETZIN's Top 10 Strategies for Ongoing Growth

By Steve Fretzin, President Fretzin, Inc



They say those who forget the past are doomed to repeat it. Therefore, every year, I take stock of what happened in the previous year and consider how I need to change and refocus for the year ahead. While I do this monthly and quarterly, the yearly review is always the most important. My guess is that we're heading into Q2 and you probably haven't done a review yet. It's okay, better late than never.

Lawyers are creatures of habit and contemplation about the business side of the law is not typically on their list of strengths. In fact, going year to year without reflection is commonplace for most attorneys. This article, my friend, was created not only to inspire you to change things up, but to give you a roadmap to make significant improvements for 2024.



Let's look at my top 10 routines to spark ideas for improving how you prepare and execute for the rest of the year.

FRETZINs Top 10 List:

#1. Review where all your business came from. I know this sounds simple, probably because it is. How can you lean into certain marketing and business development tactics if you don't track where the business has been coming from? Do this right away and you won't be disappointed.

#2. Look into your marketing campaigns for success and failures. Are you posting on social media, writing blogs or podcasting? Whatever marketing you're engaging in, decide to keep it going or cut bait. It's okay

to quit things that aren't productive for your business' long-term goals; it comes with the territory when you review your efforts. This is a great lead into #3.

#3. Decide on budgets for the new year. I'm going to encourage you to take a hard look at your books, specifically your marketing spends. Is the investment you've made measurable and paying back three-to-five times what you're investing? Additionally, look at your other top expenses to ensure they are still valuable to you and your success in the coming year.

#4. Interview clients to get their feedback. You may be surprised to know that by doing this, you may get more than you think.

In addition to solid feedback of what you can improve on, clients may compliment you on your legal prowess. This may be the perfect opportunity to ask for a testimonial or a referral from them.

#5. Review my strategic partnerships.

I'm sure that over the course of this past year you had certain lawyers and other professionals refer business to you. These relationships are vital to protect and maintain. Listing out who sent you the most and biggest cases is a simple and easy way to plan for this year. Who should you be spending more time with for drinks, lunch or referring back to? Maybe there are some that you thought were significant to you, but really aren't. Put your time and attention into your best relationships.

#6. Look at my deliverables to find ways to make them better.

Ask yourself, or even better, your clients; "What am I doing right or what can I be doing better?" There's a variety of things you may look to improve for this year that could change the game for you. This may be using a team approach, moving to a flat fee or subscription model, or hiring a new intake person. Whatever the case, you can't improve your business for your clients without taking a few minutes to be reflective.

#7. Decide to add or remove staff. Or do more training for them.

Like any business, and a law practice is a business, auditing your team to grow or reduce staff is critical to your success. Is your assistant not assisting? Are you doing associate level work all day instead of the top-level work you enjoy and are highly skilled at? Is there a team member with great

potential but no one is providing enough, or the proper, guidance for them? While this might sound simple, many attorneys are so busy they forget to review what's happening around them. This will impact your efficiency and enjoyment in the coming-year, so give some thought to this point and make the appropriate adjustments.

#8. Review my time/calendar to improve efficiency.

Lawyers who have been reading my articles know full well that I'm all about time management. Take a look at any given day and think about how you are spending your time. This may be a shock to realize how truly disorganized and unproductive you may have become. If time is money, and to you it surely is, start becoming a student of time management right away. The best resource for this, other than hiring me as your coach, is to pick up a copy of *Getting Things Done*, by David Allen. Just be sure to email me after you've made improvements to let me know how great things can be when you become highly organized with your time.

#9. Consider if there are any deficit in skills that will hold you back from achieving your goals.

Okay, this is easy. If you're a litigator and you aren't skilled in the courtroom, you work to get better, right? The same can be said for other skills that are keeping you from greatness. This might be around client development, leadership, time management or social media. Whatever the gap is, commit to changing the course of history and learn it.

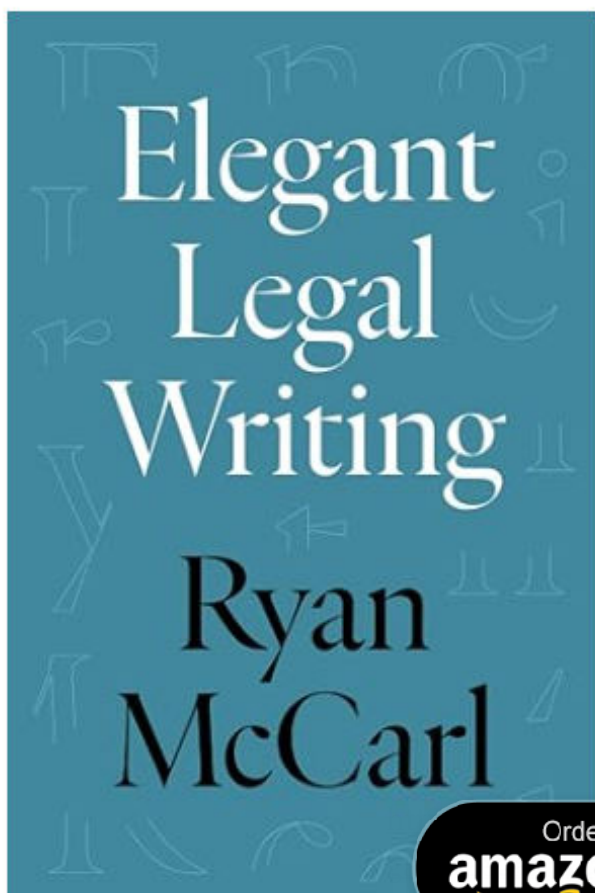
There are so many options these days in

podcasts, books, and coaches, you have little excuse to stay on a course where growth and improvement aren't happening.

#10. Look inward at my mental and physical fitness. In legal, we know that physical and mental health can take a backseat to the work in hand. Like a dropping oxygen mask on a plane, you must place the mask over your face first before helping others. Consider your diet, sleep, and exercise habits to make better choices. Also, try to remove toxic people from your life whenever possible. Being a happy and healthy person will make you a better lawyer.

To keep from being overwhelmed, just pick one or two of these 10 points to start with. Being reflective isn't easy and it doesn't come natural to us in this fast-forward world we live in. Taking some time for you may be the best way to wrap up the last three quarters of this year.

For more information about growing your law practice or taking your firm to the next level, please email Steve Fretzin at steve@fretzin.com or go to his website at www.fretzin.com. You can also enjoy Steve's BE THAT LAWYER podcast on all major podcast platforms.



Elegant Legal Writing helps attorneys elevate their writing from passable to polished. Drawing on ideas from cognitive science, stylistics, and litigation strategy, the book teaches practical techniques by example using fast-paced chapters. Readers will learn the essentials of effective legal composition:

- Writing clear, efficient prose
- Crafting strong arguments
- Telling a client's story through a compelling narrative
- Overcoming procrastination and drafting more productively

Readability, aesthetics, and argumentation are intertwined. Ryan McCarl shows how litigation documents that are easier and more pleasant to read are more likely to persuade judges and other busy readers. The book also discusses parts of legal writing

that many guides overlook, including sentence mechanics, writing technology, and typography.

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BREAKING BARRIERS: NAVIGATING CHANGE IN THE LEGAL SECTOR WITH LEGALTECHTALK 2024

By Charlotte Johnstone, Senior Content Manager at LegalTechTalk



Among the scores of industries hesitant to change, the legal sector has long held a prominent position. Steeped in tradition, and armed with a reverence for precedent, the profession has often been reluctant to embrace technological advances. But, despite a feeling of moderate reticence to true change, as well as various roadblocks, external pressures from both clients and from legal tech solutions providers continue to march forward, closing in on the relative comfort that has so far allowed the industry to resist true innovation.

LegalTechTalk 2024 hopes to not only shed light on those roadblocks, but bring forward a discussion around how we can move around them.



LEGAL TECH

The Billable Hour

One such roadblock lies in the very metric by which lawyers frequently define success - the billable hour. With most firms continuing to operate by charging clients by number of hours spent, what incentive is there to drive time efficiency through progressive solutions, if those very same solutions end up damaging a law firm's bottom line?

Yet, in the aftermath of ChatGPT's public debut in November 2022, the legal industry, ever-competing to be the most forward-thinking in the eyes of the client, collectively scrambled to be one of the frontrunners in adopting ChatGPT for themselves, or if not - another generative AI tool.

Then entered Harvey AI, the generative AI tool designed specifically for the legal profession.

Allen & Overy were the first to publicly adopt the tool, followed in quick succession by several other law firms, including the likes of Macfarlanes. Reed Smith, Addleshaw Goddard, Osborne Clarke and Ashurst have all also expressed interest in using the AI software.

With a waitlist to even join Harvey now, there's no doubt that the buzz around generative AI in the legal industry is here to stay. But, with this sure to mean that routine tasks, including contract review and legal research, for

example, become more and more efficient - the notion of the billable hour is one that must surely be called into question going forward.

In a session entitled 'The Death of the Billable Hour', LegalTechTalk intends to debate just that.

Regulatory Uncertainty

Shifting AI landscapes also bring uncertain regulatory ones. The last year alone has seen a myriad of regulatory bodies across the world seek to establish their own approaches. But, the question arises as to how law firms can confidently proceed with their own AI adoption strategies, while ambiguity around AI regulation continues.

The EU's AI Act, for example, marks the first ever legal framework proposed entirely to regulate the AI landscape and appears so far to be the most precautionary approach taken towards AI regulation. Due to be finalised before European Parliament elections in June, the act intends to classify AI tools by their level of risk, and mandate regulations accordingly - depending on which category they may fall into.

By contrast, the UK and the US have so far taken a more decentralised, and sector-specific view. In the UK, the government has so far proposed a principles-based framework, which will see different regulatory bodies - such as the CMA, FCA and ICO, all take distinct approaches to their regulatory guidelines.

The approach in the US appears to have been similar so far, with different states taking dif-

fering approaches. At the federal level, the Biden administration's 2023 executive order on AI focused on ensuring safe, secure and trustworthy AI, as well as a blueprint for an AI Bill of Rights.

All of this has engendered somewhat of a minefield for law firms when it comes to not only their own AI adoption, but also advising multinational clients, across competing regulatory regimes, on the best practice.

LegalTechTalk's session, 'Advising Amidst Ambiguity: Legal Counsel on Bridging the Gap Between the EU's AI Act and the UK's regulatory framework' aims to provide some guidance on this issue. Supplemented by sessions on implementing AI and leveraging its potential, any concerns around, as well as hopes for the future of generative AI are sure to be discussed.

Evolving Legal Roles

On a fundamental level, the very nature of legal roles needed is also bound to shift as we move towards a future embracing legal tech and AI innovations more and more. It goes without saying that people will always be an essential part of every legal task and process, but that doesn't mean generative AI, and legal tech innovations more broadly, aren't/are not/won't alter set to alter existing legal roles on a day-to-day basis, as well as expand the available careers to pursue for those interested in law in the future.

Almost everyone, it would seem, will need to become familiar with regulatory and compliance issues, and the basics surrounding the

use of data and AI. The role of law firm leaders, as well as general counsels and in-house teams, may also see a shift in the wake of widespread adoption.

At the graduate level, many law firms are already embracing this change, with firms such as Allen & Overy and Macfarlanes already offering Law Tech graduate programmes, and many others offering legal operations schemes.

LegalTechTalk does not intend to shy away from such questions - with sessions also set to explore topics including 'The Evolving Role of the GC in the Digital Era', 'Law Firm Leadership Challenges', and 'The Future of Legal Education and Training'.

Embracing Change

Potential roadblocks aside, at the heart of LegalTechTalk's ethos lies the recognition of an ever-increasing need for change in the legal industry. The event hopes to facilitate discussions around the huge potential of tech innovation in achieving not just efficiency, but also greater access to justice, with sessions surrounding topics such as the post office scandal, the future of digital justice and more, LegalTechTalk hopes to not only shed light on the host of potentially revolutionary improvements to accessibility to justice in the U.K.

Law is at a pivotal crossroads in challenging convention and redefining the future of the profession. Looking ahead, it is at the convergence of tradition and tech-

nology that LegalTechTalk believes the promise of a more collaborative, innovative and accessible legal industry lies.

About the Author

Charlotte joined [LegalTechTalk](#) in March 2024, working on content across the company's conference, webinars and LegalTechDiaries. She previously worked as a journalist on publications covering business of law across the UK and Latin America, and has a keen interest in human rights law - having obtained her LLM in International Development Law and Human Rights.

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The graphic is a dark-themed promotional banner for the LegalTechTalk event. It features a black background with white and gold text. At the top, it offers a 20% discount with the promo code LBW20LAS. Below this, the event name 'LEGALTECHTALK' is in a white box, followed by the dates '13-14 JUNE 2024' and location 'LONDON'. A large call to action 'GO TO THE WEBSITE' is centered. The main title 'EUROPE'S EVENT FOR LEGAL TRANSFORMATION' is prominently displayed in the middle. At the bottom, four statistics are listed: 2,500+ Attendees, 9,000+ Meetings, 300+ Speakers, and 700+ Companies.

THE CLIENT IS THE CENTER OF THE UNIVERSE... AND OTHER LEGAL INNOVATION LESSONS FROM COPERNICUS

By Brendan W. Miller, Legal Innovation Leader



As I am writing this, a local news story getting plenty of attention is the upcoming solar eclipse expected to pass through North America in early April. I am fortunate to live in the projected path of totality for the eclipse. This should be a unique experience, and it got me thinking about how our understanding of events like this eclipse have evolved over time—and completely changed perspectives on what is, and what is possible.

When something big and new enters our space, it tends to draw attention and force consideration of preconceived conceptions. Certainly, AI reached a tipping point over the last year, dominating discussion and activity in the legal and business world. AI is here to stay and it will have profound impacts on the way business gets done for the foreseeable future.



Other transformative innovations will most assuredly materialize on our horizon which will compel us to adapt, integrate, and reimagine how we do business.

In the face of such significant change, law firms and legal departments need strategic guideposts to navigate and maximize the potential for innovations to have a positive impact on the delivery and consumption of legal services. As is so often true, history offers advice, if we look for it.

THE COPERNICAN REVOLUTION TURNED THE WORLD ON ITS HEAD—LITERALLY

In the 16th century, Nicolaus Copernicus postulated a startling scientific theory:

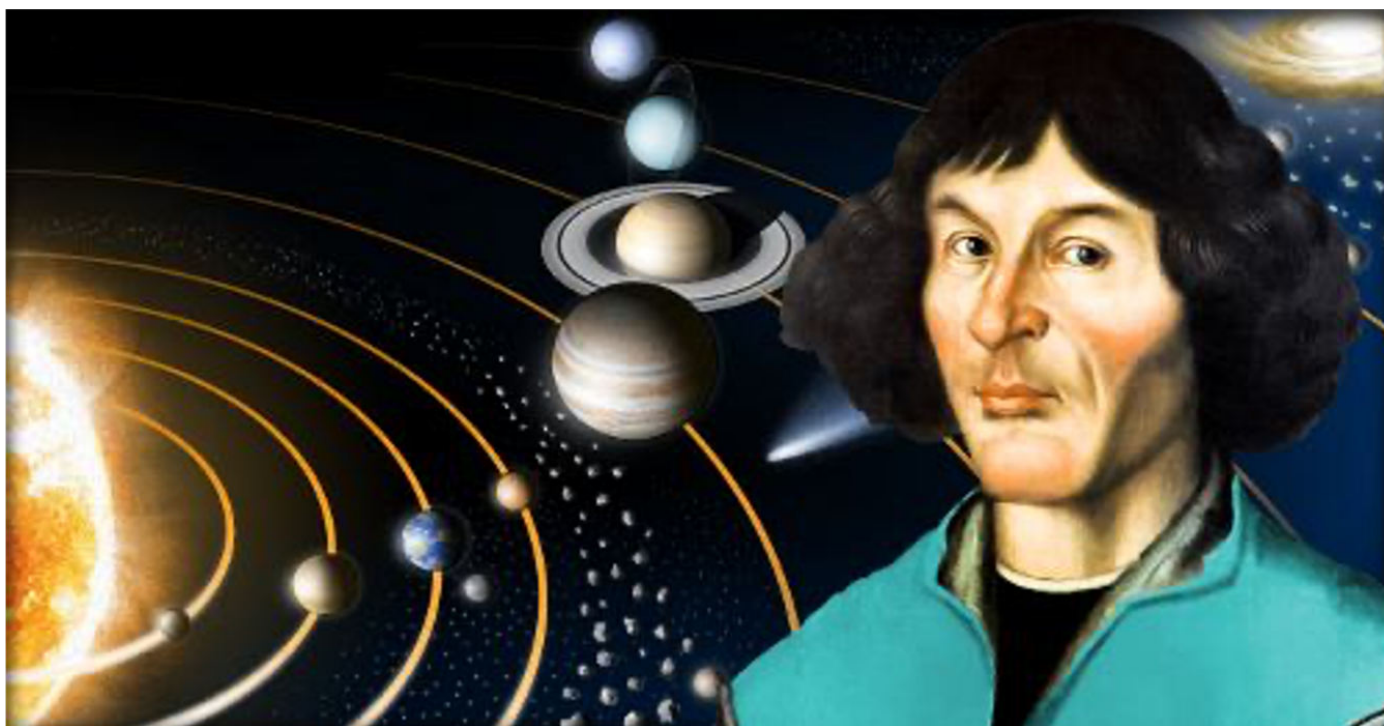
the Earth and other observed planets revolve around the sun; the sun—not the Earth—was the center of our universe; i.e. the heliocentric model. This controversial proposal went directly against the prevailing accepted geocentric model of the prior 1,500 years that placed the Earth solidly at the center of the universe. To put it lightly, this riled up opposition within scientific and religious communities at the time.

The Copernicus model was not immediately accepted, but sparked what is known as the “Copernican Revolution,” as his work was refined by Johannes Kepler and others, and a century later started to gain traction and broader acceptance through the confirming work of Galileo Galilei.

This Copernican Revolution marked the start of the broader Scientific Revolution of the 16th and 17th centuries, marked by so many foundational discoveries and developments, including Isaac Newton’s well-known laws of motion and gravity. This revolution forever changed the way we view our world and its place in the universe. With this backdrop, below are five lessons the Copernican Revolution offers for embracing and enabling innovation in legal services delivery.

the Earth, the sun and other objects of the cosmos, and spurred novel thinking. It spawned new ways of “doing business” for the scientific community, as the Scientific Revolution crystallized the scientific method as the most valid research method for systematic experimentation, and led to key inventions like the telescope, microscope, and thermometer.

A promising parallel exists for innovation in the legal industry. Keeping the client at the



Nicolaus Copernicus (1473-1543)

LESSON 1: THE CLIENT IS THE CENTER OF THE SERVICE UNIVERSE.

The Copernicus model was a massive paradigm shift, and a history-altering catalyst for innovation. Recognizing the sun as the center of our universe changed perceptions, changed understanding of the relationships between

center of all service efforts—not as just a recipient of the results of the service provider’s labors—can produce energy, incentive, and relationships that facilitate and encourage progress within the industry. With the client as the focus, legal service providers are naturally inclined to find and implement practical enhancements to service delivery, to address clients’ needs and satisfy clients’ expectations in a complex and evolving world.

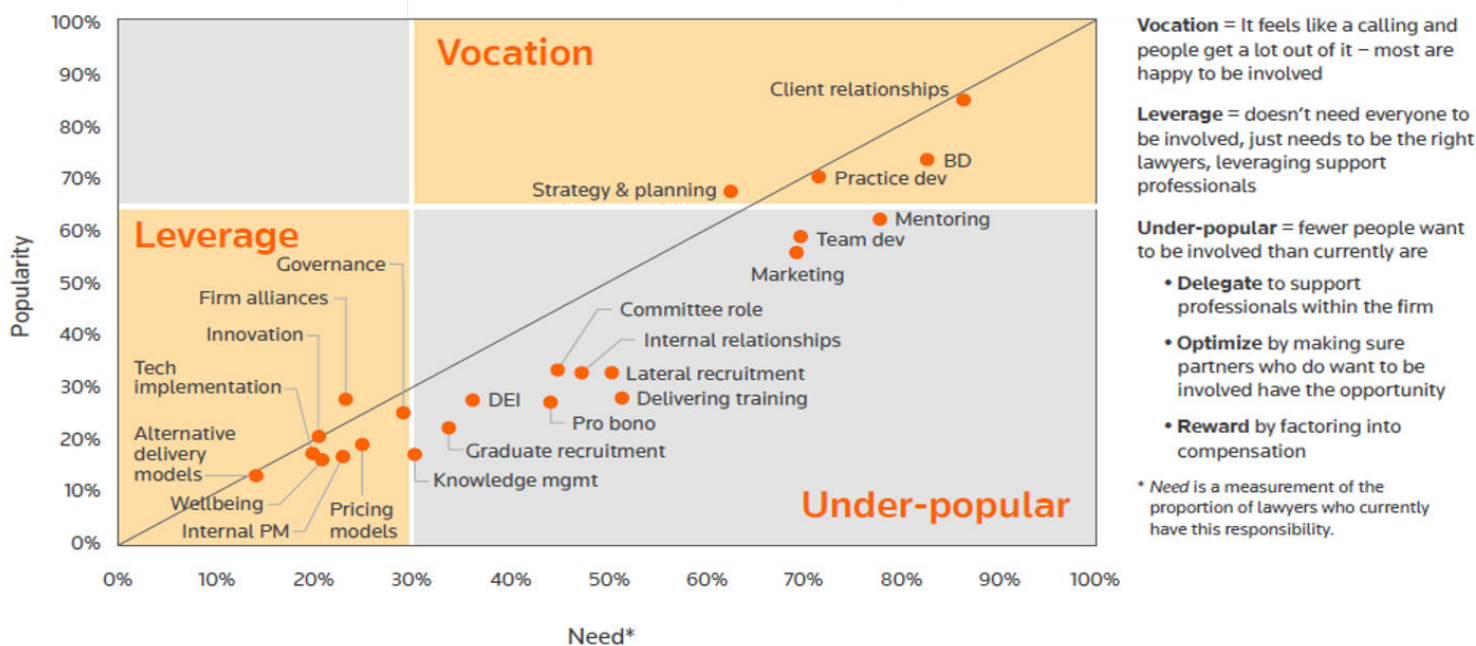
This client focus helps prioritize where we spend our time and energy. This mindset can also change the way legal service providers perceive risks associated with trying new service models and tools. “Quick fails” that help a provider learn and get better at providing service are an investment in the client rather than dismissed as lost time or money.

The notion of keeping the client at the center is not really rocket science. Lawyers and other legal professionals know that clients are essential to their business model. But we

popularity (of lawyers engaging in the activity) versus firm need (proportion of lawyers who have the activity among their current responsibilities).

See Figure 1. Think “Wants” versus “Needs.” The survey showed “client relationships” as being the highest in both popularity and firm need. “Innovation,” “tech implementation,” and “alternative delivery models,” however, scored on the other end of the continuum—among the lowest in both popularity and firm need.

Firm need versus popularity Figure 1 - Thomson Reuters Institute, 2022 Report on the State of the Legal Market,



Base: Current (1155); Ideal (1123).

Source: Thomson Reuters 2022

sometimes fail to recognize or align innovation efforts as a key methodology to enable keeping clients at the center and serving them with excellence. In Thomson Reuters' 2022 State of the Legal Market, a survey asked lawyers to rate various practice-related activities along two different dimensions:

The lesson from the Copernicus model, here, may be more about harnessing the power that comes with this central client focus to propel the industry forward and innovate how services are delivered. Moving beyond talking about being innovative and partnering with clients to shape the future of service delivery.

LESSON 2: PROGRESS IS IN THE EYES OF THE BEHOLDER.

When the Earth was thought to be the center of the universe, sky observers thought that planets around the Earth would sometimes stop and move backward across the sky—a phenomenon known as the retrograde motion of planets. Understanding of this phenomenon completely changed, though, with the emergence of the Copernicus model. Once we understood Earth’s position relative to those other planets, the planets were actually observed traveling along differently shaped orbits, and they just appeared to be stopping and moving backwards. What was the difference? A change in perspective.

Innovation in the legal industry is shaped by perspective, just as in other industries. The well-known Gartner Hype Cycle (see Fig. 2) is alive and well. As futurist Roy Amara stated, in what has become known as Amara’s Law, “we tend to overestimate the effect of a technology in the short run and underestimate the effect in the long run.”

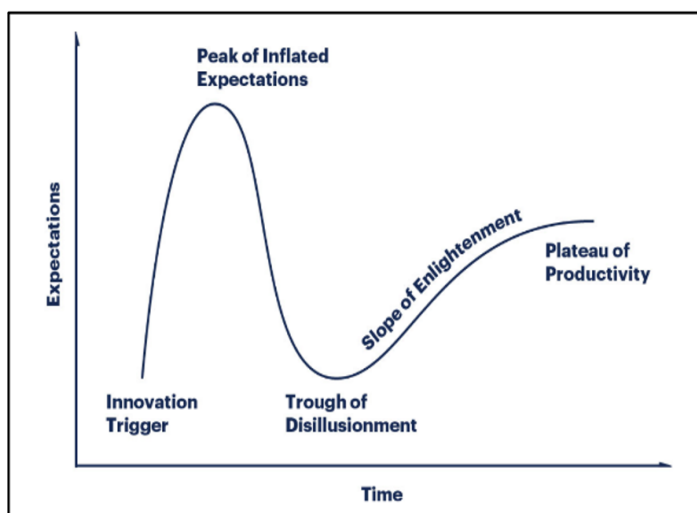


Figure 2 – Gartner Hype Cycle

Because of this dynamic and typical perceptions about the speed and trajectory of change, when moving change efforts forward, it is essential to keep key stakeholders—including internal and external clients—engaged and informed on progress. These are the individuals that can either champion an initiative to keep moving forward—even when the going gets tough—or they can kill the initiative in its tracks.

Progress, as it turns out, is always in the eyes of the beholder, and progress can look different depending on your perspective. An analogue to the Gartner Hype Cycle is the J-Curve which can be instructive in describing the discrepancy between the usual track of change (Amara’s Law/ Gartner Hype Cycle) and stakeholders’ expectations. See Figure 3.

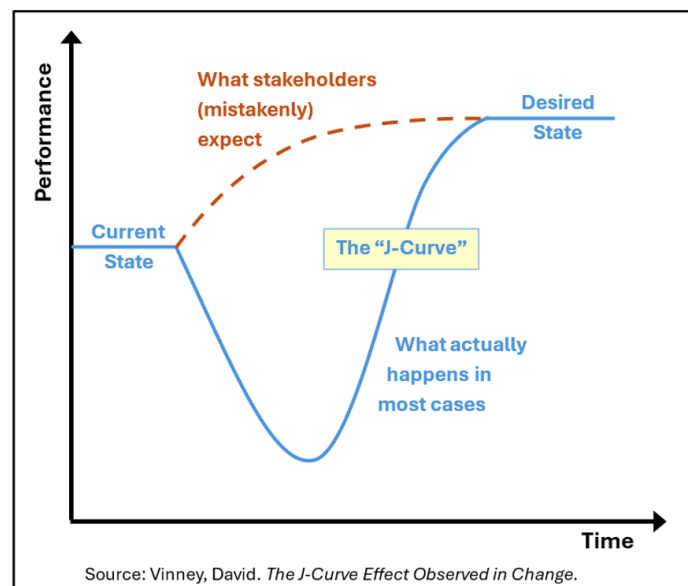


Figure 3 - The J-Curve Effect

So, how do we reconcile differences in expectations and reality for sustained and productive progress on innovation efforts?

Stakeholders are understandably interested in Return on Investment (ROI), but ROI can be measured in various ways. Early on in a change initiative, it may be more important—and may help stakeholders to stay engaged and see progress—by reporting on different metrics than what are likely to be the focus of longer-term ROI analyses. For example, early metrics may focus more on qualitative measures of operational changes, cross-functional alignment, insights/ lessons learned, and narrative stories of success. The key is looking at the project or initiative from the stakeholder’s vantage point, homing in on metrics that are relevant to those stakeholders, and evolving those metrics with the stakeholders... so stakeholders are in position to see and shape the progress.

LESSON 3: INNOVATION IS NOT THE RESULT OF RANDOM TRIAL AND ERROR.

One of the foundational Scientific Revolution achievements taken for granted today is the development and institution of the scientific method. This cornerstone of scientific work is a process for acquiring knowledge including now well-known concepts: observation, question, hypothesis, experiment, data analysis, and conclusion. The key characteristic of the scientific method is capturing new knowledge from systematic experimentation and iteration—not just random one-and-done trials. As we saw through the Scientific Revolution, developments like the scientific method led to an explosion of progress, as it focused efforts for gaining knowledge and innovating.

Given the efficacy of the scientific method for supporting, encouraging, and fueling innova-

tion, perhaps it is not surprising that law firms and legal departments more and more have been embracing and institutionalizing efforts that reflect disciplined, iterative investigation and experimentation geared toward enhancing knowledge and innovating the tools, processes, and craft of delivering legal services. Knowledge Management, Data Analytics/ Data Science and Business Intelligence, Legal Project Management, Design Thinking and Agile Methodologies, Legal Technology development and integration, and other emerging areas of focus all reflect elements of a disciplined, scientific method. And the prevalence of these functions in law firms, legal departments, alternative legal services providers, and corollary services demonstrate the perceived value of these efforts for clients.

The lesson here may be to keep on keeping on. Legal service providers interested in innovation should be encouraged to continue investing thoughtfully—directly, and/or through partners—in people, process, technology, infrastructure, time and attention that facilitate disciplined experimentation and learning. These efforts should emphasize opportunities to ideate, engage stakeholders, plan, execute, evaluate, and churn feedback loops for ongoing development and innovation of legal services delivery.

LESSON 4: SIMPLIFICATION CAN ENABLE BIG LEAPS.

Placing the sun in its rightful place at the center of the universe created a greatly simplified and more accurate description of the universe. Before the Copernicus model, complicated

mathematical devices were needed to account for and explain various observed phenomena, such as the retrograde motion of planets referenced above. Complexity beget more complexity. This made it more difficult to build on knowledge, as newly observed phenomena would have to be accounted for based on—as now understood—inaccurate models and complex machinations.

Copernicus offered an alternative that was the epitome of Occam’s Razor; i.e. when you have competing hypotheses about the same prediction, you should prefer the hypothesis that requires the fewest assumptions or, stated differently, the simplest explanation is usually the best one. Observing the sun as the center of the universe enabled a more simplistic and elegant understanding of the universe and provided consistent and accurate explanations for observed phenomena. And it laid the foundation for modern astronomy and so many other scientific developments that followed.

As applied to legal innovation, there is value to be gained from thinking big, but focusing on the basics. Whether designing a new process or workflow, developing and integrating new technology, or seeking insights from complex data sets... simpler is better. Simpler enables better understanding and mitigates the chance of confusion. Simpler provides cleaner and more direct access to diverse stakeholder groups. Simpler is easier and more flexible for building. Think of the most amazing creations from simple Lego blocks. (See Fig. 4).

Thinking simple also helps to prioritize and focus on the things that matter most to clients and other stakeholders. As the saying goes “what we do every day matters more than



Figure 4 Lego World

what we do every once in a while.” Focusing on basic problems and outcomes that effect our teams’ and our clients’ day-to-day operations and concerns is more likely to have an immediate and lasting impact.

Figure 5 contains an example of a simple Prioritization Matrix used by some legal teams to identify projects that balance the complexity of implementation with the projected return on investment.

This does not mean that big picture, more complex issues cannot or should not be tackled, but striving to boil issues down to their simplest form best positions teams to make leaps in progress over time.

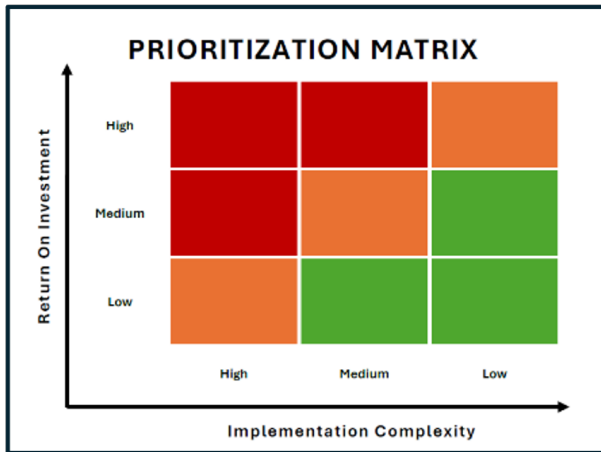


Figure 5 Prioritization Matrix

LESSON 5: SHARED LEARNING PROPELS THE INDUSTRY FORWARD.

Nicolaus Copernicus drew on the work of prior ancient Greek astronomers and mathematicians in devising his heliocentric model. Copernicus pushed theories against major opposition, with substantial risk to his own reputation, livelihood, and otherwise. Kepler, Galileo, Newton, and so many others were influenced by Copernicus and took up the mantle to further build on his work, taking their learnings to places Copernicus may never have even imagined. This is how human knowledge and development has always worked.

Within the legal industry, there is currently quite an open and collegial environment around innovation, among many providers and thought leaders. AI is perhaps the latest example of development that has created a

flashpoint and opportunity to engage in collective learning. Enabling this environment requires law firms, legal departments, service providers, and clients to be open to engaging in ongoing dialogues, sharing lessons learned and promising developments, and investing in efforts to advance not only individual organizations but the industry as a whole.

I fervently hope and expect this shared learning will continue, as it promises to benefit all in the legal industry and, most importantly, the clients at the center of our service universe.

About the Author

[Brendan W. Miller, J.D.](#) is a legal innovator: a curious, seasoned former AmLaw 100 litigator and corporate attorney, technologist, strategist, and change agent. To Brendan, legal innovation is about continually being relevant for clients, by making the practice and effects of law easier, better, and more valuable. Brendan is also a big fan of history and its lessons for the future!

BUILDING YOUR AI STRATEGY WITH HUMAN CENTERED DESIGN: A PRACTICAL GUIDE

By Marisha Thakker, CEO at Spicebox, lawyer, legal technologist and strategy designer



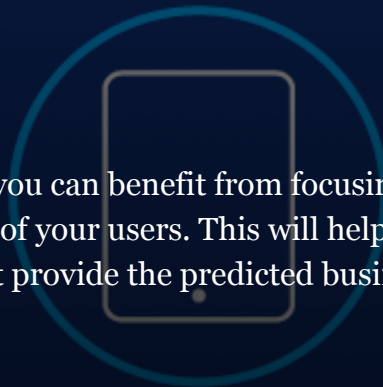
The legal profession is steeped in rich history and tradition - so how do we continue to adapt?

Why does AI need a different approach and mindset?

Reimagining the Way We Work:

With AI, we have a rare opportunity to redefine our value as legal professionals. It is not just about injecting AI into existing processes, but expanding the way we think about delivering legal services.

Creating a modular strategy that can quickly adapt as regulations and technology change will allow you to remain on the cutting edge.



Human-Centered, Tech-Enabled:

No matter where you are in your AI journey, you can benefit from focusing on a human-centered approach that prioritizes the goals and needs of your users. This will help mitigate scenarios where AI-based tools suffer low adoption and do not provide the predicted business value.

Strategic Thinking and Integration:

Think strategically about where AI can have the most impact in your organization, and understand what it can (and cannot!) do.

Aligning AI integration with your business goals will help your AI strategy be more effective and sustainable.

Adaptability + Experimentation:

Creating a foundation for your organization to adapt as AI evolves is crucial. Beyond the technology, work on fostering a culture of experimentation with emerging technologies (through sandboxes, for example).

SPICEBOX

INSTEAD OF

|

"Let's use AI to review emails"

@spicebox.nyc

TRY

|

"How can we help our lawyers review emails more effectively?"

HUMAN CENTERED DESIGN

SPICEBOX

INSTEAD OF

|

"We will not allow anyone to use AI at all."

@spicebox.nyc

TRY

|

"How can we encourage curiosity and train people to use AI effectively when we are ready?"

GROWTH MINDSET

SPICEBOX

INSTEAD OF

|

"IT is doing something about using AI - that's not my department."

@spicebox.nyc

TRY

|

"Can we build an interdisciplinary team to identify how we can use AI across our organization?"

COLLABORATION

SPICEBOX

INSTEAD OF

|

"Lawyers are going to be replaced by lawyers who use AI."

@spicebox.nyc

TRY

|

"How can we use AI as a tool to enhance how we deliver legal services to our clients?"

CREATIVITY

Your AI Strategy Spicebox



@spicebox.nyc

People

Stakeholders

Identify your stakeholders including those who are affected by the changes, decision-makers and any potential collaborators (both internal and external).

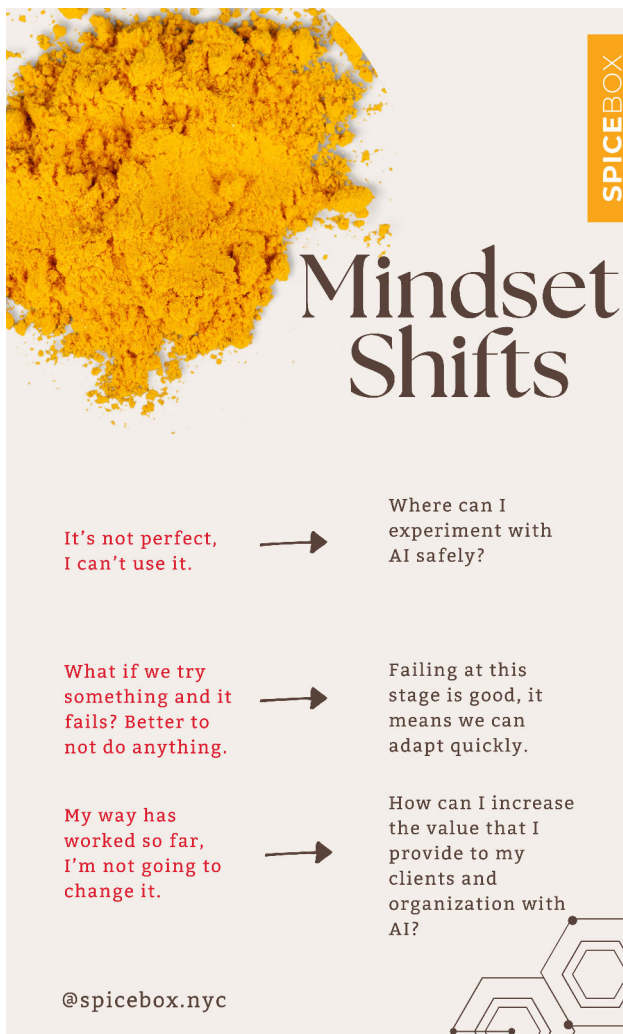
Once you have identified them, assess their needs and challenges. Additionally, what skills and expertise do you need to ensure your strategy is successful?

Culture & Learning

Think about how you will allocate resources to continuous training and development as AI evolves, and focus on short and long-term components of your strategy that will help foster a culture of experimentation and learning.

Communication

Create a communication plan for your AI strategy and find ways to involve as many stakeholders as possible throughout the process of creating it.



Change Management

Understand the current sentiment around AI in your organization - are people fearful? Excited? Curious?

Build change management into your strategy so that you can continue deriving value from AI as it continues to evolve.

Client Engagement

Systemic changes like AI present a wonderful opportunity to collaborate with clients - use human-centered design to focus on understanding how clients expect their experience to change.



Process

Roadblocks & Opportunities

Evaluate current processes within your organization and consider where potential roadblocks could occur with your AI strategy - for example, access to data or security concerns could delay any experimentation.

Administration + Sustainability

Consider how your AI strategy is going to be sustainable - how are resources being allocated?

Set your success criteria and metrics and ensure the team is aligned around them.

Also identify opportunities to test your strategy at a small scale with the resources you already have available.

Current Infrastructure & Resources

Consider what infrastructure you currently have in place for your strategy, and what needs to be created. Where can you start?

Technology

Tech Check

Build a specific evaluation tool into your strategy for identifying whether a challenge is worth solving with AI - creating a standardized method of evaluation will help allocate resources and prevent “AI-washing” challenges that can be solved through process engineering or learning and development.

Data, Algorithms and Infrastructure

Data is at the core of unlocking AI’s value. According to [The 4 Steps to Building an Effective AI Strategy | Stanford Online](#), understanding your organization’s current information governance systems including storage, access and the relevant policies will be crucial to creating a successful AI strategy. Consider the stages in which you could scale your AI operations once they are established.

What role are you playing in the future of the legal industry?

We don’t often get to live through technological changes that are this transformative - by focusing on creating an AI strategy that is adaptive and human-centered, we can reimagine how legal services are consumed

and delivered. While change is always challenging, isn’t it exciting to be part of the group that gets to create the future of the legal industry?

What does the future of your organization look like?

I may not be able to tell you the future, but as a lawyer, legal technologist and human-centered designer, I can help build an AI strategy that works, and puts humans at the center of the process. Like many technologies, AI should be a tool to help legal professionals do their jobs more efficiently, accurately and creatively - let’s build the future together!

Key Takeaways:

A **practical** guide to building an AI strategy that is flexible and centered on the people in your organization.

Key components of a successful strategy include:

People, Learning & Development, Culture, Change Management, Communication, Processes, Technology, Sustainable Infrastructure

Outcome: AI serves as a tool to enhance the efficiency, accuracy and creativity of legal professionals within your organization.

Resource:

[AI Readiness Tool](#): Take this 45-second quiz to see which stage of AI Readiness your organization is at. The free report includes actionable recommendations based on 6 unique factors.

About the Author

Marisha Thakker is a lawyer, legal technologist and strategy designer. She is a recognized thought leader and speaker on topics such as the future of law firms, AI, and human-centered design.

Beginning her career as a corporate attorney at a Tier 1 firm in India, she pursued her passion for technology and innovation at Cornell Tech where she led interdisciplinary teams in developing legaltech products while earning her LLM in law, technology and entrepreneurship. Continuing her innovation journey at Dentons, the world's largest law firm, she understood what it takes to implement change at scale.

Further expanding her creative and multidisciplinary approach to problem-solving,

Marisha obtained her M.Sc from Parsons School of Design, where she delved into research and projects around designing the future of the legal industry and founded [Spicebox](#) to revolutionize traditional legal practice.

Marisha's vision for Spicebox is to empower legal professionals with the tools and knowledge to navigate the rapidly evolving landscape of AI and legal technology. Through her work with law firms and legal teams, she continues to pioneer an approach to innovation that is practical, buzzword-free, and focused on maximizing positive impact.

Outside of her professional endeavors, Marisha enjoys ballroom dancing, cooking and unwinding with a good book.



... discussing the work on Denton's fleetAI and also covering key topics such as *buy or build?*, *implement AI now or wait and see?*



Recording (Podcast/Video) by SpringbokAI. CEO Victoria Albrecht speaks with (former) Head of Innovation Joe Cohen (Dentons) on their key partnership behind fleetAI. Click on the video to watch/listen.

Eight Wastes Series

8 WAYS TO STOP LOSING TIME & MONEY IN YOUR LAW PRACTICE: PART 4 ADDING VALUE OR WASTE?

By Karen Dunn Skinner and David Skinner, co-founders of Gimbal Consulting





VALUE

Over the first three articles in this series, we've explored the eight classic DOWNTIME wastes or, as we like to call it, the eight ways you're losing time and money in your law practice. Our objective: we want you to look at your practice through the optic of value and waste. Is the activity or task you're doing [adding value](#) to the practice? If not, it's waste.

To improve your productivity (without working harder), you need to identify the waste in your daily work and then reduce or eliminate it. The DOWNTIME framework helps you identify waste.

Each letter in DOWNTIME stands for a

different category of waste:

1. Defects
2. Over-production
3. Waiting
4. Non-utilized talent
5. Transportation
6. Inventory
7. Motion
8. Extra Processing

We explain the DOWNTIME wastes [here](#) and the TIME wastes [here](#).

Every waste you spot in your practice is an opportunity for improvement. Today, we're going to walk you through an easy waste-finding exercise you can do with your team.

Step 1: Prepare your team

Select a process that you'd like to improve. Think about a workflow or a process in your firm that seems to take too long or feels more complicated than it should.

Start small, ideally with a process from one of the bookends of your practice. Your bookends are all the administrative tasks that happen before you begin the legal work (like intake and file opening) and everything that happens once the legal work is done (like billing and collections). Improving a bookend process will impact every matter that comes through your firm, so you'll get more return for your improvement efforts.

Get your team together (if you have one). Ensure you include people who work actively in the process you're trying to improve. They will know where the problems are, and they'll likely have lots of ideas for how to fix them.

Ask the team to read this series of articles and give everyone our free guide: [Eight Ways You're Losing Time & Money in your Law Firm](#).

Step 2: Hold a working session

Get your team together for an Eight Wastes working session. Review the guide with them and then challenge them to come up with as many examples of each waste as they can in your target process.

Capture them all. We like to use large flip charts, one for each DOWNTIME waste. Write them down. Once people get going, you're likely to generate a large list. That's great!

We run a session like this in every project we do. In one firm, the team identified 18 flip-chart pages of problems with one matter type. The Practice Group Leader was shocked and upset. For there to be so much frustration and waste, she thought she must have failed her team. But remember, every waste you identify is an opportunity to improve. She wasn't responsible for the problems her team spotted. She didn't even know about most of them. But as soon as she found out, she and the team were able to develop solutions that ultimately made the entire process better for everyone.

Step 3: Go on a waste walk

Take the team on a tour of the area of your firm where the work gets done. Sometimes, you need to see the office space itself and talk to others working there. Ask questions about the work environment: is there enough light? Is there enough space? Are there stacks of boxes in the hallways that get in people's way? Are the printers too far away?

We do a waste walk in every on-site project.

We have discovered brand-new open-plan offices where the light was so bright and the acoustics so bad that people had to wear sunglasses and headphones to get work done.

We've found printers located so far away from work zones that paralegals were walking 50-75 yards each way, as many as 50 times a day, every time they needed to print something (instant improvement: we relocated the printer). The solution was obvious, but until they'd walked the process with us, they'd just never seen the problem. They were simply working as they'd always worked.

Never underestimate the power of visiting the areas where the work gets done. And if your team is remote, get each person to talk through their workspace. Are there things in their environment that interfere with their productivity? If so, are there ways you can fix those things? Obviously, it's different when people aren't in your office, but you may still find ways to improve.

You've found the waste...now what?

After your working session and your waste walk, you'll likely have a long list of improvement opportunities...probably more than you can handle.

You need to prioritize and then start knocking them off one by one.

Start by asking your team if they could fix one thing on the list, what would it be and why. Your goal is to get consensus on the issues that are having the biggest impact on your team's productivity. Ask them: Which ones are preventing you from delivering on a must-have for your clients or your firm? Which ones are the biggest frustraters?

Once you've narrowed it down to 2 or 3 things, you'll want to determine why the problems are happening and develop solutions to the root causes. We recommend the Five Why technique. It's an easy tool you can use with your team. [Learn more here.](#)

When you understand the root causes of the issues you and your team have identified, you'll be able to brainstorm solutions that address the real problem rather than the symptoms.

Test your solutions, tweak them as necessary, and then move on to the next issue on your list.

The Eight Wastes in Action

When you work with your team, you'll often be able to identify really simple solutions that have a big impact. Here's one example of a team that saved hundreds of hours of wasted attorney time with an inexpensive scanner and a small process change:

Our client wanted to improve the productivity and profitability of their real estate conveyancing process. During an Eight Wastes working session, they identified a very big issue that was causing them to lose valuable attorney time at every signing. Why? Because local bar rules required that lawyers check client IDs before signing. When clients arrived, the partner running the signing would take the client's ID, go to the printer, scan it, and upload it to the client's file. This could take as much as 15 minutes. The practice was doing over 1,800 transactions a year; they were losing a lot of lawyer time.

The team dug deeper and asked why the receptionist didn't do the scanning. Answer: because there wasn't a scanner at Reception. The firm bought an inexpensive desk-top scanner and instituted a new process: the receptionist notifies the attorney when the client arrives. While the client waits, the receptionist collects their ID, scans it directly to the client's file, and hands it to the attorney when she comes to Reception to meet the client. The attorney checks the ID as she hands it back to her client. All bar requirements are met and no attorney time is wasted.

This was a quick and inexpensive solution that saved the firm over 400 hours of attorney time every year, all for the cost of a desktop scanner. It was a great example of how quickly a team can use the Eight Wastes to identify and then solve inefficiencies in a law practice.

DOWNTIME is one of the most valuable tools in your improvement toolbox. You can use it alone or with your team. It's easy to use and it doesn't require a lot of training or any special software.

As you strive to improve the productivity and profitability of your practice, use the resources in this series. Review the articles, download [the Eight Wastes Guide](#) and block off time to do a waste-finding exercise with your team. You will undoubtedly discover a long list of opportunities to improve your practice.

If you'd like more information or you'd like help building a more profitable and productive practice, [book a free strategy session](#) with us.

About the Authors

Karen Dunn Skinner and David Skinner help lawyers earn more from their practices with-

out working as hard. They believe every lawyer deserves a successful practice and the freedom to enjoy that success.

Together, they founded Gimbal Lean Practice Management Advisors after practicing law for more than 20 years in Canada and Europe. They're the exclusive Global Advisors on Legal Process Improvement to the International Institute of Legal Project Management.

Karen and David are global leaders in the application of Lean to the legal profession. They write and speak regularly, facilitate legal process improvement projects, and have taught Gimbal's proven LeanLegal® approach to thousands of legal professionals around the world.

They combine their deep understanding of the legal industry with their training in Lean Six Sigma to provide practical solutions to the competitive and budgetary pressures on practitioners and clients alike.

Karen and David live in Montreal.



**Bringing Transparency to
Legaltech Procurement**

Chiara Lamacchia

IT'S POLITICAL — SILOS KILLING BUSINESS



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LESSONS FROM THE LAW FIRM MATURITY INDEX

How well do people align with what your firm wants to achieve?

By Manu Kanwar (l), Founder and Director at LexSolutions, and Stuart Woollard (r), Founder and Council Member at The Maturity Institute





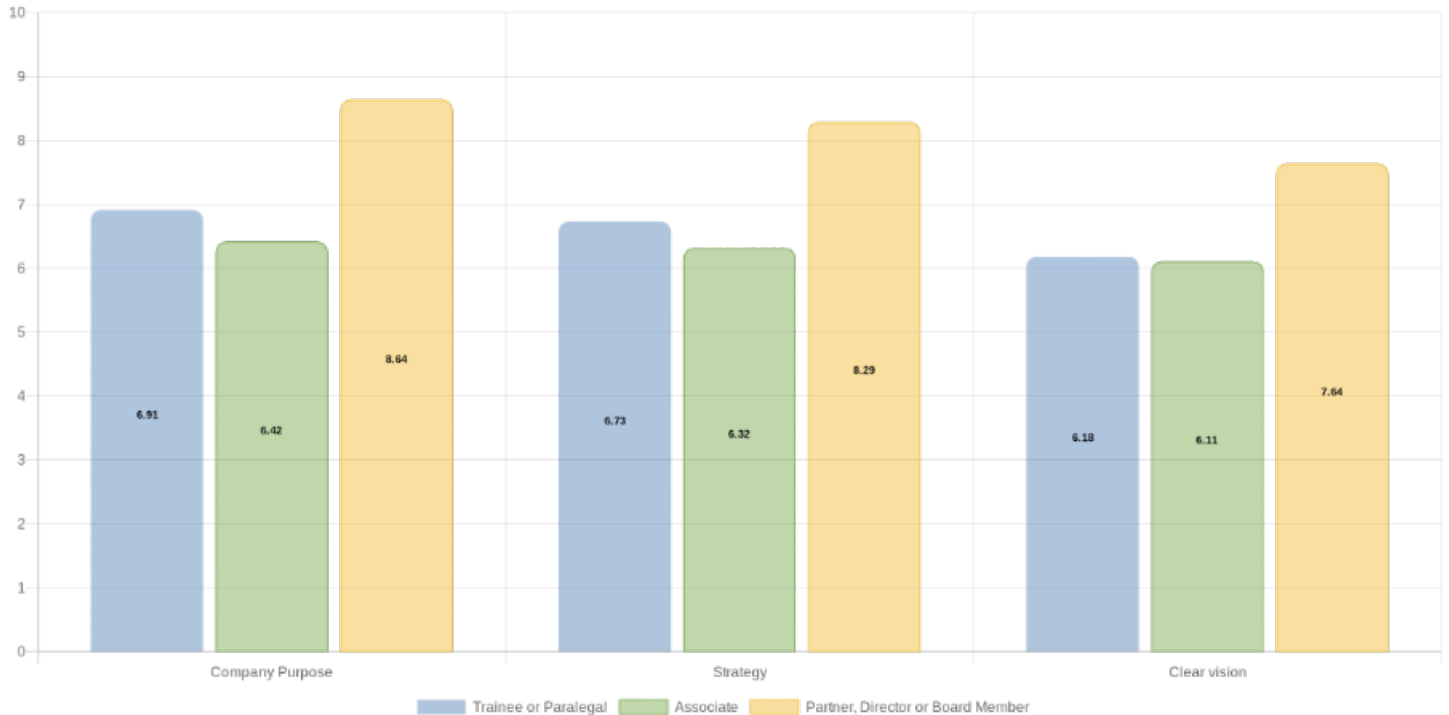
“Most organizations fall far short when it comes to strategic alignment...only 28% of executives and middle managers responsible for executing strategy could list three of their company’s strategic priorities...strategic alignment falls off a cliff from the organization’s top executives to their direct reports.”

This is a quote from an MIT [1] research study conducted several years ago. It supports the notion that leaders are often disconnected with their workforce on key subjects. The kind of disconnect this study examined relates to how staff understand and align with strategic goals. Such a misalignment may be less important if it relates to a difference between leaders

and more junior roles. However, the study points to a significant misalignment between senior leaders and their direct reports.

In a law firm, partners and their direct reports (associates) are key to delivering high quality client service. They should have a close working relationship. We might, therefore, ordinarily assume that partners and associates are closely aligned when it comes to understanding core issues.

While the MIT study captured data about strategy alignment, its conclusions could equally apply to other related areas, such as a firm’s purpose and vision.



The Law Firm Maturity Index (LFMI) measures staff perspectives for all three. In this respect, LFMI data shows that partners and associates have a significant misalignment on purpose, vision and strategy.

The table in Figure 1 highlights significant differences between partners, associates and trainees. Such differences ought to be of serious concern. Based on the responses against each of these measures, LFMI evidence suggests that the following insights can be drawn:

1. A law firm’s purpose is less clear for associates and trainees, than for its partners. It also has less impact in informing their actions and behaviours at work. For those firms who want to be ‘purpose driven’, such a finding should be worrying. A firm’s purpose shouldn’t just galvanise leadership. It should help to drive value

creation by aligning everyone behind a common, shared goal.

2. Strategic goals that drive performance appear well understood by partners but less well by associates and trainees. A large body of academic research evidence has told us over many years that clear goals and objectives are critical components of high performance. Any differences between staff therefore mean that value is being lost. More importantly, it may also introduce risk if people are pursuing goals that run counter to what a firm has set out to achieve.
3. Partners believe they have a clear vision for their organisation. Associates and trainees share their perspectives far less strongly. As with purpose and strategy, a clear and supported vision helps to motivate people in helping to achieve desired outcomes, especially over the longer term.

Based on these results and suggested findings, how would your firm compare? What if your partners, associates and trainees are not aligned around these factors? Would there be significant implications for business value creation and risk? To help understand this, qualitative LFMI feedback sheds some further light. It suggests that the issue is not trivial:

“I think the strategy and vision set by management versus how achievable people think it is differs.”

“I do feel like the focus is more towards fee earners and their contribution towards our plan/strategy. It can be un-motivating.”

“Growth and potential are at times thwarted by leaders focused on short term vision. This is in part due to a lack of long term vision and lack of clearly articulated strategic goals and objectives.”

If these perspectives are widespread in any one firm, the value consequences would not be immaterial. They should be of real concern to senior leaders. If people don't believe in a firm's strategic goals, their motivation and engagement with work will suffer. Similar effects will arise if people feel that their voice is of no consequence to business plans or strategy. If their ability to succeed is also being stifled, the risk of staff turnover increases accordingly.

So, if your firm has a problem of alignment, how could it be fixed?

The first step to addressing it is often the most difficult. In our [Legal Business World](#)

[article](#) of January this year, we highlighted that law firm leaders are often blind to problems of alignment.

Partners may not be willing to accept or acknowledge that a problem exists. If so, how will it get solved?

The aim of the Law Firm Maturity Index is to provide clear evidence around human issues of value and risk. LFMI unpacks causal drivers and helps to quantify the impact of what has historically been regarded as a human 'intangible'. Such data and evidence is a powerful way to help partners acknowledge that they may have a problem with alignment, and that something should be done.

The next step to resolution will only flow easily once leaders can accept their problem. Purpose, vision and strategic priorities must then be made clear for the entire firm. Partners must especially make sure their direct reports understand these, to ensure that these can be cascaded to people at every level in the organization.

Law firms can also learn valuable lessons in stakeholder alignment from others sectors. Toyota has long been a Maturity Institute exemplar. Even a cursory review of its corporate communications quickly reveal the clarity of its purpose, vision and strategy. Toyota's message is also imbued in management systems, which permeate all stakeholder relationships. Law firms should take note. Purpose, vision and strategy can only be brought to life and shared by everyone, if all relevant systems, processes and practices cohere, and reinforce them.

Toyota also offers other lessons. It has never achieved a “AAA” Organisational Maturity (OMINDEX®) rating. For a company of its size and complexity, maturity levels can easily ebb and flow. Indeed, the organisation has recently seen problems manifest. Parts of its organisation have become misaligned from its core purpose and strategy, with uncharacteristic issues affecting vehicle quality and standards.

Toyota’s response has been multi-faceted. For law firms who have issues with a partner and staff disconnect, aspects of this response should be of interest. The essence of it relates to a re-focus on “genba”. For Toyota, the philosophy of genba means that all actions and processes are as transparent as possible. The genba is also the place where value is created: the shop-floor. It requires that leaders interact meaningfully with teams there; to facilitate better communication, to understand, and also identify where improvements can be made. Toyota is realigning its workforce through revised systems, training, and relationships at the place where most of its value is created.

For law firms, partners should think about how ‘genba’ might apply to them. Any actions should at least aim to remove any confusion and disagreement with staff about what matters most. Assuming that these are clear at leadership levels, embedding a purpose, explaining the firm’s vision, and the prioritising and coordinating goals could then become more straightforward. Problems usually only arise when the human systems and relationships are not working properly. In this respect, solutions can only occur through hard work. There are no short cuts to the kind of management quality that creates organisational maturity.

If you want to see how the LFMI data could help your firm, try it for free and receive an instant Maturity report by clicking on [this link](#).

Notes

[1] See D. Sull, S. Turconi, C. Sull, and J. Yoder, “Turning Strategy Into Results,” Sept. 28, 2017, <https://sloanreview.mit.edu>.

About the Authors

Manu Kanwar is a former tech General Counsel, legal consultancy founder and a leadership and organisational coach. His consultancy, LexSolutions, is dedicated to making life in the law better for all those who provide and use it, through flexible legal resourcing, legal operations and programmes around culture. Manu combines his experience as a mindfulness facilitator, design-thinker and relationship systems coach to the work he does with legal teams, law firms and their leaders for a creative, progressive approach which is unique within the legal industry.

Stuart Woollard is a Founder and Council Member at The Maturity Institute. He has over 20 years of experience in helping organizations become purpose-driven and human-powered. Stuart co-designed the OMINDEX® diagnostic tool, which measures the organizational health and Maturity of companies; showing how firms can build better systems and cultures that drive sustained value. He also co-authored "The Mature Corporation - a Model of Responsible Capitalism", a textbook that offers a new vision and framework for sustainable Total Stakeholder Value creation.

The Law Firm Maturity Index is a unique diagnostic of culture and organisational health.

A Lex Solutions and Maturity Institute initiative, it provides evidence and insights to help improve the legal sector and deliver greater benefits to all its stakeholders. You can add your voice to LFMI data and receive an instant Maturity report by clicking on [this link](#).





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A GLOSSARY FOR CHANGE IN THE CORPORATE LEGAL INDUSTRY

By Peter Connor



It is ironic that lawyers are very precise when it comes to the language of law - in legislation, contracts, and legal opinions – but very imprecise when it comes to the language of change in the corporate legal industry. Virtually everything is said to be an ‘*innovation*’ or a ‘*transformation*’ and ‘*adding value*’ but, of course, that is not the case.

Does it really matter? Yes.

Is this just harmless marketing hype or puffery? No.

Being precise when it comes to the language of change matters just as much as it does to the language of the law.

Without being precise, we have no common language to discuss change and to be able to determine whether we are really effecting meaningful change or not. The result will be that we are not changing as much as we think, and it will frustrate efforts for real change in the corporate legal industry.

This glossary is my contribution to a common language that everyone in the corporate legal industry can use to talk about, and action, change. There are other terms that could be added to this glossary. However, other than technology specific terms that are covered in various existing glossaries, the terms below are in my experience the ones that matter most. They are

also the terms that are most frequently used and misused.

Below is a brief definition of each term and, in italics, a comment. I use these terms, and elaborate on them, in my first book - *The T-Shaped Lawyer: A New Vision for You and Your Work* - and my second book - *The T-Shaped Lawyer Guidebook: A Framework for Your Professional Development*. Both books are available on Amazon, Apple Books and Kobo.

I hope you find this useful, and I fully expect and welcome different views. If this article does nothing more than encourage you to reflect upon and discuss and debate these terms, then it will have succeeded.

Adaptability: the ability to adjust as a result, or in anticipation, of changed circumstances.

A crucial T-Shaped Lawyer Framework (“Framework”) quality often impeded by a strong identity as a lawyer.

Business Leadership: an expression coined by Peter Connor to describe a form of Client Business Work that involves identifying and helping to address business problems and opportunities.

Extends beyond the provision of business advice or input and involves a greater commitment of time than Business Partnering and the ability to influence others. Many experts predict that this type of work may become the Future of Work for all employees.

Businessperson Mindset™: a mindset developed by Peter Connor to show how a lawyer can think of themselves as a businessperson and not ‘Just-A-Lawyer.’

This mindset involves more than being business minded and having business acumen. My first book spells out how to determine which mindset you have and how to adopt a Businessperson Mindset.

Business Partner: a status that you earn with a client when they see you as someone who understands the business and as someone who can help them in their work.

This is a status that you earn and not, as many believe, a title that you bestow upon yourself. Being a business partner is a necessary, but not sufficient, condition to engage in the activity of business partnering.

Business Partnering: a form of Client Business Work that involves providing business advice or business input either in conjunction with, or separate to, the provision of legal advice.

Often confused with being a business partner. One is a noun, the other a verb. Also often confused with providing business-oriented legal advice - something every lawyer should do but not the same thing as providing business advice.

Business Work: is an expression coined by Peter Connor to describe any work that you do as a corporate lawyer other than Legal Work. Includes Internal Business Work and Client Business Work.

Doing Business Work is the crucial qualification to be a T-Shaped Lawyer. It is not what you are capable of doing but what you actually do that makes you a T-Shaped Lawyer.

Change Management: the application of a structured process for helping people to accept, adopt and support change to achieve a desired outcome.

A Framework competency that is crucial to transforming a team of lawyers to be T-Shaped Lawyers and for any other significant change that impacts people.

Client Business Work: is an expression coined by Peter Connor to describe Business Work that is specifically for the benefit of the client. It involves helping clients to solve or prevent business problems and to create or optimise business opportunities.

This is the ‘secret sauce’ to the effective practice of law that virtually no-one talks about, and yet most successful corporate lawyers do it to varying degrees. It is also the work that typically matters most to those who should matter most - your clients.

Client Innovation: is Innovation primarily for the benefit of your clients.

To be contrasted with Internal Innovation see below. The T-Shaped Lawyer vision leads more naturally to Client Innovation as explained in both books.

Collaboration: the ability to work effectively with other people who may not be your team members to achieve desired outcomes in an efficient and harmonious way.

A key Framework competency and the very essence of being a T-shaped professional.

Communication: the ability to understand and share information in a meaningful way.

A key Framework competency that often is lacking to some degree with corporate lawyers.

Competency: an ability that helps you to be successful in a range of tasks and jobs.

Behavioural competencies are a key dimension of the Framework but are developed and used in different ways to skills.

Corporate Legal Industry: that part of the legal industry that focuses on corporations including all stakeholders, such as corporate legal departments, law firms, other legal service and product providers, and all the products and

services that these stakeholders offer. *Whereas in the past we referred just to the ‘legal profession’, now most commentators refer to the corporate legal industry to describe the range of participants, not just lawyers, who comprise this segment of the legal market.*

Creativity: the ability to come up with new ideas and turn them into reality.

Often referred to as a skill but more helpful to view it as a key Framework quality because of the way it is developed and used in Legal Work and Business Work.

Critical Thinking: the ability to question, analyse, interpret, evaluate, and make a judgement about what you read, hear, say, or write.

A key Framework competency relevant to Legal Work and Business Work and to assessing the views of others including my views!

Culture: in a firm or legal department is the beliefs and behaviours that determine how members of the firm and legal department interact and perform.

As with corporations, so with firms and legal departments, the culture set intentionally or by default by leaders either supports or obstructs you thriving and becoming a T-Shaped Lawyer.

Curiosity: the impulse to seek new information and experiences and to explore novel possibilities.

Often referred to as a human skill but more appropriately referred to as a quality because of the way it is developed and used in your work.

It is a key T-Shaped Lawyer quality because it is crucial to making the transformation to a T-Shaped Lawyer and to so many of the other components of the Framework.

Decision Making: the ability to choose between two or more possible courses of action to achieve optimal outcomes.

A key component of the Framework covered under the Problem-Solving competency given the significant overlap between the way this competency is developed and used. It is a crucial competency to be a T-Shaped Lawyer given the heavy emphasis on decision support for business decisions.

Design Thinking: an iterative process involving regular user feedback to quickly solve difficult problems and to rapidly develop products and services that meet user's real, as opposed to perceived, needs.

An incredibly powerful Framework skill that may not be used by lawyers frequently in relation to Client Business Work but when it is, the impact can be significant. See also Legal Design.

Digital Transformation: using technologies and data to fundamentally change the ways business gets done and creating completely new ways of doing business.

Often used to describe any technology change but should be reserved to the more limited situations where it is not just a new system but, as a consequence, a new way for a company, firm or legal department to provide services and/or products.

Efficiency: for corporate lawyers involves

doing your work as quickly and as cost effectively as possible.

Efficiency is the primary objective and focus of most firms and legal departments. However, efficiency alone is insufficient to make a noticeable difference from the perspective of clients.

Effectiveness: for corporate lawyers involves doing the right sort of work that adds the most Value for your clients.

Effectiveness matters more from the perspective of clients and yet few firms and legal departments focus on how to enhance the effectiveness of work. The T-Shaped Lawyer vision is all about how to do more effective work that adds more value from the perspective of clients.

Emotional Intelligence: emotional and social capabilities that influence the way we perceive and express ourselves, develop and maintain social relationships, cope with challenges, and use emotional information in an effective and meaningful way.

EQ - the measure of emotional intelligence - may matter more than IQ especially for leaders and managers. As such it is a crucial Framework competency.

Empathy: the ability to understand and, in some cases share, the feelings of others.

A key Framework quality not just in dealing with work colleagues but also in relation to your Legal Work and Business Work.

Expert Generalist: an expression coined by Onit Garnesh, the chairperson of Bain & Co management consultants, to describe a person

who is an expert in one area but also a generalist in other areas.

A similar idea to the t-shaped professional which again highlights the crucial importance of developing expertise and experience beyond your core domain.

Framework: a specific set of factors that is designed to achieve specific outcomes and to provide a structured means to achieve these outcomes.

Most lawyers adopt a random and ad hoc approach to professional development especially when it comes to non-legal capabilities. The T-Shaped Lawyer Framework, for example, eliminates the need for individuals, departments and firms to guess what non-legal capabilities are needed and provides a structured basis to assess and develop these capabilities over time.

Growth Mindset: a specific mindset developed and defined by Carol Dweck to show how your capabilities are not fixed but can be changed.

A well-known mindset that is key Framework component to be a T-Shaped Lawyer.

Human Transformation: transforming, not just improving, what work you do and your capabilities to do new and different work. *If there has been transformation in the corporate legal industry, it is systems or processes that have been transformed. In general, there has been no Transformation in the work that corporate lawyers do and their capabilities to do new work. The T-Shaped Lawyer vision and Framework is intended to facilitate Human Transformation of corporate lawyers.*

Innovation: change that adds value.

A key Framework competency especially if it extends to Client Innovation not just Internal Innovation.

Innovation Mindset: a mindset developed and defined by Dennis Stauffer to show how you can effect significant change in your work. *A key Framework mindset component to be a T-Shaped Lawyer.*

Integrity: the quality of having strong moral principles and consistently adhering to these even in the face of challenges and temptations. *A key Framework quality. Being a T-Shaped Lawyer does not compromise your integrity despite what some have suggested.*

Internal Business Work: for legal departments and firms is any business work that is primarily for the benefit of the department and firm.

Lawyers have long done this sort of work such as business development in firms and running the legal department as a business. That said, this work is increasingly done by other professionals, although lawyers still need to understand, support and manage this work.

Internal Innovation: Innovation primarily for the benefit of the firm or legal department.

Also known as Legal Innovation. Most innovation in the corporate legal industry is Internal Innovation or Legal Innovation. Nothing wrong with that but it is Client Innovation that matters most to those who should matter most – your clients.

Knowledge: understanding of, or information about, a subject gained through experience or education.

The Framework and my second book outlines some very specific types of non-legal knowledge that are important especially if you want to be a T-Shaped Lawyer.

Lawyer: a person who is qualified to practice law.

Lawyers are now, by no means, the only players in the corporate legal industry and it is important for lawyers to be able to work effectively with others which is at the very heart of the t-shaped professional concept.

Leadership: the ability to influence people so that they willingly follow.

There are many managers in the corporate legal industry but are there real leaders who are leading their teams, and the industry, forward with a clear vision for the future?

Legal Expert Business Generalist: an expression coined by Peter Connor to adapt the Expert Generalist idea to corporate lawyers. It involves corporate lawyers adding a business generalist dimension to their legal specialisation.

The T-Shaped Lawyer is a version of Legal Expert Business Generalist.

Legal Design: the application of design thinking principles in the field of law to transform legal products, services, work, systems, business strategies, ecosystems, and user experience.

Often confused with Design Thinking which is a much broader skill and applied for Client

Business Work not just Internal Business Work or legal work.

Legal Innovation: a change that adds value for a legal department or law firm.

Like Internal Innovation – see above.

Legal Operations: a range of Internal Business Work typically for a legal department and a profession of people qualified to do this work. *A relatively new but very important function within legal departments that can help to free up time for corporate lawyers to focus on Legal and Client Business Work.*

Legal Process Improvement: the application of process improvement to legal department or law firm processes. *Crucial for firms and legal departments but of limited value to clients unlike the key Framework skill of Process Improvement.*

Legal Project Management: the application of project management to legal matters or to internal business initiatives. *Important for firms but typically less so for legal departments. Unlike Project Management limited to Internal Business Work.*

Legal Risk Assessment: the application of risk assessment to legal risks. *Most corporate lawyers would say this is the primary aspect of their job do and yet almost none have been formally trained on how to do this consistently and effectively. The T-Shaped Lawyer Risk Assessment Checklist in book 2 explains how to do this in a way that is not limited to legal risks and provides more value to clients.*

LegalTech: technology specifically designed for legal departments and law firms.

The explosion of LegalTech businesses and offerings has helped some firms and legal departments operate more cost efficiently. LegalTech products should be considered against other technology products for future and not just immediate requirements taking into account your vision.

Legal Work: work that only a qualified lawyer can do the standard necessary in any situation.

What is legal work is a fascinating and important question for corporate lawyers that is explored in one chapter of my first book. Often not clearly defined in the law. The definition above is a working definition, not for the purposes of limiting who can do this work, but rather to help leaders of firms and legal departments to decide what work does not have to be done by lawyers.

Managed Services: like outsourcing except typically more co-design of the solution focusing on process and technology and more ongoing collaboration, visibility, and oversight.

An increasingly popular way to rightsource certain work previously done within a legal department or firm.

Management: the ability to encourage people to execute the vision, strategies and plans to achieve desired goals and outcomes.

Management of people is a very important requirement for legal departments and firms. Management is very different to Leadership.

Mindset: a set of beliefs that shape how you perceive and make sense of yourself and the world.

Mindsets have been described as ‘the psychological basis for re-skilling’ and as such are the basis of the Framework and essential to address before you spend too much time and money on re-skilling.

Mission: your purpose or reason for existing. Often confused with vision which is a distinctly different but related concept as explained in the first book. *The T-Shaped Lawyer vision offers a way to reimagine your purpose and role as individuals, firms and legal departments.*

Networking: the ability to build and maintain a range of relationships with people and to share information with them.

A critical Framework competency in general but in particular to become a T-Shaped Lawyer.

Outsourcing: in the legal industry involves transferring work that was done in a legal department or a law firm to be done by a third-party provider.

A trend in the corporate legal industry that has been facilitated by the growth of Alternative Legal Service Providers or, as I prefer to call them, Legal Business Service Providers.

Problem Solving: the ability to remove or overcome barriers to the achievement of a goal or desired outcome.

A key Framework competency that can and should be applied by corporate lawyers for

business, not just legal, problems as explained in the second book.

Process Improvement: the ability to define and streamline a process primarily to make it more efficient.

Often confused with Project Management. A key Framework skill that is typically under-rated and yet can address many problems. Can be used by corporate lawyers not just for Legal Process Improvement but also for client business process improvement as explained in the second book.

Productisation: of a service involves converting a service offered by people into a product that can be directly accessed by clients without necessarily involving human intervention.

A trend in the business world that is increasingly relevant to the corporate legal industry by turning legal services into software products that clients can access directly without the need to interact with a lawyer. I highlight this crucial trend, and the implications for corporate lawyers, in the first book.

Project Management: the ability to plan and manage a project to achieve the project objectives within scope, time, and cost constraints.

A key Framework skill that is often confused with Process Improvement. Like Process Improvement, it can be used internally in the firm or legal department, in which case it is referred to as Legal Process Improvement. However, it can and should be used beyond that as explained in the second book.

Quality: a personal attribute that is demonstrated independent of context.

Often referred to as human skills. However, the way a quality is developed and used is very different to a skill as explained in the second book which identifies some key Framework qualities.

Resilience: the ability to cope with changing circumstances and to 'bounce back' in the face of adversity.

A key Framework quality that is becoming increasingly important in a world of constant and often unexpected change.

Rightsourcing: the allocation of work to the appropriate internal or external resource.

A critical process for legal departments and firms to help focus on what work should be done internally and what work should be outsourced or addressed in other ways.

Risk Assessment: the ability to identify, assess and advise on a range of risks. For something that is so fundamental to what every lawyer does, it is ironic how almost no one has received formal training on how to conduct effective risk assessments. That is a problem as explained in the second book which offers the T-Shaped Lawyer Risk Assessment Checklist to help you provide effective risk assessments that extend beyond legal risks.

Self-awareness: the ability to understanding yourself; your feelings, needs, aspirations, preferences, failings, habits, and everything else that makes you the unique individual that you are.

Originally, I included self-knowledge as a Framework knowledge component because understanding yourself is so fundamental to

achieving change. In the end I covered it in the first chapter of the second book – *Aligning Your Personal with Your Professional*.

Skill: in a professional sense means expertise needed to achieve a work outcome in a specific context.

The Framework identifies some very specific non-legal skills that are relevant to being a T-Shaped Lawyer. Non-legal skills are not that relevant for Legal Work. Each of these skills can be used just for Internal Business Work, in which case it is preceded by the word ‘Legal’ or it can also be used for Client Business Work as explained in the second book.

Strategy: initiatives designed to achieve your vision or any other priority.

Not every legal department or firm undertakes strategic planning and, if they do, the process they follow is often flawed primarily because it fails to reference a vision. Individuals should also have strategies for their professional development as explained in the second book.

Teamwork: the ability to work effectively with other members of a team to achieve desired outcomes in an efficient and harmonious way.

A key Framework competency that, together with collaboration, is the very essence of being a t-shaped professional.

Transformation: a change from one thing into something completely different that involves more than a mere improvement.

A term that is typically used to describe any change and as such has lost its true meaning

which requires that after the change the object of the change is completely different. To the extent that there has been transformation in the corporate legal industry it has been to things like systems and processes, not to humans. Becoming a T-Shaped Lawyer involves a human transformation as explained in the first book.

Trusted Advisor: in a professional context is a person that a client, or someone else, would contact to seek advice or input on a wide range of professional, and sometimes personal, matters not just confined to their professional area of expertise. A ‘go to’ person.

Corporate lawyers often like to think of themselves as trusted advisors to their clients. As I explain in my first book, lawyers will rarely obtain that status and when they do it will be because of them being a T-Shaped Lawyer, not their legal expertise.

T-Shaped Lawyer: a businessperson, not just a lawyer, who provides business advice, not just legal advice, and does business work, not just legal work, for the benefit of the client, not just the legal department or firm.

This is my definition of a T-Shaped Lawyer which is different to the common understanding of this term - namely a lawyer who has developed a few random non-legal skills. It is not what you are capable of doing (see next definition), but rather what you do that makes you a T-Shaped Lawyer.

T-Shaped Lawyer Framework™: a specific combination of skills, competencies, qualities, knowledge, and mindsets developed by Peter Connor to help lawyers become T-Shaped

Lawyers through a structured approach to their professional development.

Developing non-legal skills is part of the story for how you become a T-Shaped Lawyer, but that story involves a lot more than skills as explained in detail in my second book.

Value: something that is perceived as important from the perspective of the beneficiary. *Adding value for the client is widely recognised as a top priority for every legal department and should be the paramount change objective for every corporate lawyer as I explain in the first book. There are different types of value, and it is a complex notion that can't be fully captured in a simple definition. However, the overriding consideration is that the client perceives it to be important.*

Value Proposition: what you can uniquely offer to your clients. *A powerful idea from the business world that can and should be applied by legal departments and firms to help determine what services and products you provide to your clients.*

Values: for a firm or legal department are the beliefs and principles that are important to the way you work and interact with others. *Values are directly related to culture and need to be applied in practice and not just statements of intent.*

Vision: a picture of what you aspire to be in the future. *As explained in my first book, it is impossible to have significant change in the absence of a clearly defined vision of the future state after*

the change. Very few firms or legal departments understand the crucial difference between vision and mission and virtually none have a clear vision statement. If they do then it is filed away and not used, as it should be, to inform so much of your strategic planning. The T-Shaped Lawyer vision offers a compelling new vision not just for individual lawyers but also for legal departments and firms.

Work Rationalisation™: an ongoing process and a tool developed by Peter Connor to help lawyers and other professionals in legal departments decide what work to do and what work to not do.

This crucial tool and process not only helps legal departments to cope with the 'more for less' challenge but also to free up time to do more Business Work that adds more value especially for the client.

About the Author

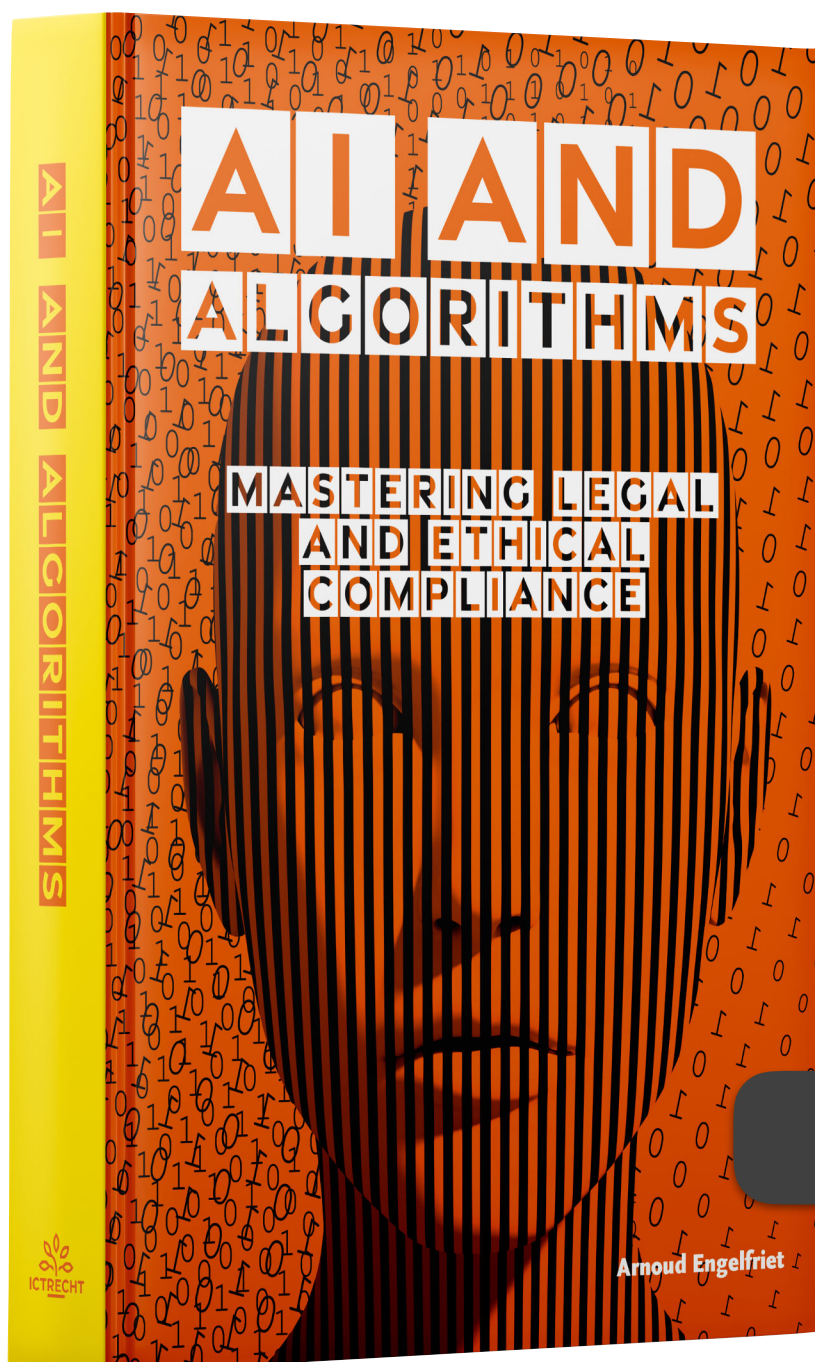
After 25 years in general counsel roles in various countries, Peter Connor founded AlternatelyLegal in 2015 and has, since then, worked with thousands of lawyers throughout the world with his training and consulting to brand name legal departments and law firms. He has recently published two books on Amazon, Apple Books and Kobo - *The T-Shaped Lawyer: A New Vision for You and Your Work* and *The T-Shaped Lawyer Guidebook: A Framework for Your Professional Development*.

Here are the Amazon links for US residents

- <https://www.amazon.com/T-Shaped-Lawyer-Vision-Your-Work-ebook/dp/BoCNC3ZWG7>
- <https://www.amazon.com/T-Shaped-Lawyer-Guidebook-Professional-Development/dp/O648600262>

and the Apple Books links

- <https://books.apple.com/au/book/the-t-shaped-lawyer/id6475698549>



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INVOICE TO CASH:

The Billing Innovation Saving Firms Millions

By Saurabh Mehra, co-founder and Chief Product Officer of Oddr



Collections are Lengthening: Do We Care?

In 2023, the collection cycles lengthened by 5% and, in fact, this was the second consecutive year firms have experienced this trend in collections.[1]

Should this trend be treated as a cause for alarm or a mere cost of doing business?

For most firms, it is the latter. In fact, the majority of firms (80%) and industry analysts (including Cit Hildebrandt Client Advisory and Thomson Reuters and Georgetown Law State of the Legal Market) find the business impact of lengthening collections cycles to be so significant that fixing this problem is uniformly cited as a top strategic priority for firms of all sizes in 2024.



DICE

Here's why this is so significant for law firms. For starters, collection cycle length correlates directly with write-offs: as the collection duration increases, the greater likelihood a write-off will occur and at a greater rate. That is because, as the length of the collection delay increases, firms main go-to resource to accelerate payment is to offer the client a write-off in return for speedier payment; 80+% of something now is better than 100% of nothing goes the logic.

This means that, through the well-used mechanism of write offs, there is a direct equation connecting the length of the collection cycle to realization. And here's what keeps CFOs, managing and equity partners awake at night: a mere 0.1% improvement

in realization in a 100-attorney firm can result in \$900,000 in additional collections. [2] This is significant revenue –but quickly becomes even more significant as it multiplies exponentially with the number of attorneys.

These quick calculations shine a light on the weakening strategy of just focusing on raising rates to impact firm profitability—which has been the case for most of the past decade. In fact, when applying the classic RULES framework for professional services firms — which stands for Rates, Utilization, Leverage, Expenses, and Speed of billing — it is rates, and more broadly their impact on driving revenue, which has been the most highly functional lever for law firms to positively influence their profit outlook.

But more and more, firms are understanding that it's the firm's ability to convert its agreed rates through billing and collections to collection realization that really counts. So why is it such a challenge for firms to solve it?

The Problem with Law Firm Billing and Collections

Law firms face tremendous challenges efficiently managing the bill-to-collections lifecycle. It's a process mired in manual effort, driven by multiple, single point technology solutions that were built to solve only incremental pieces of this lifecycle.

These point solutions are often inconsistent and disaggregated, which causes significant disruption of the billing or collections lifecycle, rather than facilitating or accelerating. In fact, if the law firm does not use integrated tools, data flows, workflow execution, or reporting, the overall process is typically far from optimized and efficient. This means that the technology spend is often wasted, with low ROI.

To wit, preparing bills is simply painful for firms. Typically generating multiple bill formats (print, PDF and electronic), firms rely heavily on the manual efforts of diligent internal staff. These teams work hard, and have critical knowledge and understanding, but the overall process can be inefficient.

It doesn't get better at bill delivery. With most firms relying on paper and PDF bills, delivery is a cumbersome, manual, email-driven exercise — with no visibility of what's happening on the client side. It's a proverbial

black box where billing professionals have no insights or information as to whether the bill was even received or viewed by the client—the only option is to wait.

And wait, they do — which is how we get to collection cycles lengthening. Waiting for clients to pay, or even acknowledge bill receipt, is possibly everyone's favorite part of the entire process. To manage it, firms rely on manual tracking, review, escalation and follow up from finance staff—and those reminder emails could be clients' least favorite part of the relationship as well.

Until, finally, there's reconciliations. Clients sending paper checks or un-labeled direct electronic transfers creates more overhead for finance teams responsible for tracking collections in the firm financial management system, and firm management asking for real-time updates on cash flow doesn't help stress levels.

A Potential Solution: Invoice to Cash

Integrated invoice-to-cash applications are a well-established technology and Gartner Magic Quadrant for non-legal verticals. Gartner defines the invoice-to-cash applications market as cloud-based applications that “enable corporate controllers to automatically manage collections and apply customer payments to invoices.”

What Invoice-to-cash applications solved is to put the entire billing and collections cycle under a single pane of glass to typically gather, disseminate, track and analyze data from and to internal and external sources and

make invoice-to-cash processes “more efficient and effective, including managing and monitoring deductions, disputes and credit risk. They also typically can ensure invoices are delivered to customers and that customers have options to pay them.”[3]

In a law firm, this would mean providing lawyers and operational leaders with reports and data on key metrics, including billing and collections activity, status, forecasts, and more. It would enable firms to report in near real time on key metrics, and even develop benchmarks and standards to manage escalations, and/or identify areas for policy and process improvement, all while eliminating all AR leakages through deep automation and predictive insights.

Conclusion

Firms are writing off \$100B in revenue every year across 120 million invoices processed at the top 1000 firms. The business case couldn't be clearer as to why firms across the board are prioritizing modernizing the billing and collections cycle in 2024. As the pace of business accelerates, law firm billing and collections need to catch up to other verticals. When was the last time an organization (outside of legal) did an activity this frequently with this much at stake and had zero learnings from it? It's simply a position firms cannot afford to keep moving forward.

Notes

- [1] Citi Hildebrandt 2024 Client Advisory
- [2] 2023 Thomson Reuters Law Firm Rates Report
- [3] <https://www.gartner.com/reviews/market/integrated-invoice-to-cash-applications>

About the Author

Saurabh Mehra is co-founder and Chief Product Officer of Oddr, the legal industry's first AI-powered Invoice-to-Cash platform.

Saurabh has 20+ years of experience working with law firms in the areas of Business Intelligence & Data Analytics, Integration, and Workflow among other disciplines.

He has successfully led the growth of product management, customer success, and services teams with a global footprint across North America, EMEA, and the APAC regions while working at Intapp and Wilson Allen. He is a visionary in the field of Legal Technology, and adeptly employs his extraordinary ability to connect and articulate ideas, leveraging his deep technical background to create products that are transforming the Legal Technology landscape.

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SUPERCHARGE YOUR DRAFTING IN MICROSOFT OFFICE

(Word, Outlook, and Excel)

By Sean Dillman, litigator with the British Columbia Ministry of Attorney General and legal technology specialist



Introduction

Welcome, legal professionals, to a game-changing discussion on maximizing productivity within Microsoft Office. In this article, we delve into two powerful yet often overlooked features: custom autocorrections and Quick Parts. Prepare to revolutionize your workflow and elevate your efficiency to new heights.

Unleashing the Power of Custom Autocorrections

Picture this: You're drafting a crucial email or legal document, and a simple typo threatens to derail your momentum. Enter custom autocorrections—a lifesaver for busy legal practitioners. By harnessing this feature, you can effortlessly correct common errors and streamline your writing process. Say goodbye to time-consuming rewrites and hello to unparalleled accuracy.



Implementing custom autocorrections within Microsoft Office also can significantly expedite the writing process, saving valuable time with every keystroke. In the fast-paced world of legal business, time is money, and every efficiency gain translates directly to increased productivity and profitability. Consider the cumulative impact of shaving seconds off each email, document, or communication—the savings quickly add up. As a savvy business owner or manager, it's natural to want to optimize operations and maximize output. Introducing custom autocorrections to your entire staff can amplify these benefits across the board, ensuring that every member of your team operates at peak efficiency. By harnessing the power of this simple yet transformative feature, you can propel your legal business forward, empowering your staff to achieve more in less time and

ultimately drive greater success in the competitive legal landscape.

Setting Up Your Custom Autocorrections

Setting up custom autocorrections is a breeze. Within Microsoft Word, navigate to 'File,' 'Options,' 'Proofing,' and then 'AutoCorrect Options.' From there, you can easily customize your autocorrection shortcuts to suit your unique writing style and frequently used phrases. It's a small investment of time that yields significant long-term benefits.

Enhancing Efficiency with Quick Parts:

In the fast-paced world of legal business, time is of the essence. That's where Quick Parts come in. This feature allows you to create and insert reusable pieces of content—such as

boilerplate language or standard clauses—into your documents with just a few clicks. Say goodbye to repetitive typing and hello to enhanced efficiency.

Implementing Quick Parts

To harness the power of Quick Parts, simply open a new email message or document, compose your desired content, and save it to the Quick Parts gallery. With your reusable snippets readily available, you can expedite document creation and ensure consistency across your work.

The Benefits of Supercharged Productivity

By incorporating custom autocorrections and Quick Parts into your workflow, you stand to reap a multitude of benefits. Not only will you save time and reduce errors, but you'll also enjoy increased consistency, improved quality, and enhanced personalization. In the competitive landscape of legal business, every advantage counts—and these features provide a crucial edge.

Conclusion

As legal professionals, efficiency is paramount. By harnessing the power of custom autocorrections and Quick Parts within Microsoft Office, you can streamline your workflow, boost productivity, and achieve greater success in your practice. Embrace these tools, unlock their full potential, and elevate your legal business to new heights of efficiency and excellence. Visit www.seandillman.com to download a custom guide containing step-by-step instructions, expert tips, FAQs, and examples

of the autocorrections that the author uses every day in legal practice.

About the Author

Sean Dillman is a litigator with the British Columbia Ministry of Attorney General and a legal technology specialist. Before joining the public service, Mr. Dillman worked in private practice as a barrister and solicitor and was a managing partner of his own firm. Pre-law he studied computer engineering technology and worked as a web-developer and computer technician for IBM.

Sean's contributions extend beyond his legal duties. He has produced accredited courses for the legal community which teach technology-based practice management and productivity skills, accredited by the State Bar of Texas and the Law Societies of British Columbia, Ontario, and Saskatchewan. He has also presented to various organizations including the North Dallas Bar Association, the Victoria Bar Association, the Law Society of Ontario, and the University of Toronto Faculty of Law.

As a hobby, he operates an active YouTube channel which provides free training for lawyers, legal assistants, and law students on computer hardware and software including Microsoft Office 365, OneDrive, Word, Excel, PowerPoint, and OneNote: [YouTube.com/@SeanDillman](https://www.youtube.com/@SeanDillman)

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THE DISASTERS OF DIGITAL ACCOUNT AND ASSET SUCCESSION

Anna Moulard, CEO & Co-Founder at Bequest and Oleg Perry, graduating law student from Texas Tech University School of Law





Estate planning is increasingly moving away from the use of bank deposit boxes and desk drawers. In 2023, the average American spent 7 hours and 34 minutes a day online. [1] The average smartphone user has 2,795 pictures in their phone.[2] Bank boxes are being phased out as digital vaults and currencies become more commonplace.[3] Seeing that the majority of our important accounts, documents, statements, and memories are stored digitally, the estate planning industry is in need of new methods to get the job done. Some planners have taken initiative and developed digital planning systems. Unfortunately, digital estate planning is deceptively complicated. This

article will review the practical implications of planning for digital accounts and why it is so important.

One of the first considerations that an estate planner must make when dealing with a client's digital assets is this client's level of accessibility to the assets. Whether it be a correct email to a cloud-based storage account, a username for retirement funds, or the private key to cryptocurrency holdings, digital assets pose a new set of issues when accounting for a client's estate. These issues are novel due to the nature of these intangible assets and the method by which they are stored.

As opposed to a series of pictures tucked away in a photo album, cherished photos can now be found in the local and cloud storage of various devices or in computer folders. Bank statements and bills no longer sit on kitchen tables, they are buried deep in overflowing inboxes, intertwined with personal and private messages.

The devices are password-protected and that folder on the computer holding the photos requires an encryption code. If the client to whom these photos belong happens to forget either set of passwords, then access is denied until either the client finds the passwords on a slip of paper or engages in a lengthy work-around that requires access to other accounts, 2FA, and, increasingly, biometrics. Upon finding the “IWouldNeverForgetMy-Password123” password and gaining access to the photo album, the client suddenly realizes that they have moved a substantial portion of their photos to a flash drive, which they haven’t seen in the last eight years. Keeping track of every piece of important data is challenging enough for the living, pile on federal privacy laws, data custodians, and jurisdictional laws, and fiduciaries are in for a lengthy administration.

The Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) is a nearly decade-old statute that has been adopted by all 50 states and provides some guidance to fiduciaries seeking to access a decedent’s digital accounts. Most countries outside the US default to similar systems, though all, even RUFADAA, still leave a lot of gray zones. The most common methods of digital account planning are i) writing down passwords, and

ii) using built-in legacy contacts. Unfortunately, neither of these options are great. In the first case, clients have to leave behind account credentials including usernames and passwords. They also need to leave behind any 2FA instructions, which probably require other passwords to get 2FA codes. Biometric 2FA would need to be disabled. Security question answers would also need to be written down. Given that the average internet user has well over 100 accounts [4] this can get complicated, not to mention that 70% of Americans want their private communications like emails and texts to remain private after they pass. At this point, some people are thinking, what about password managers? Well, unfortunately, password managers aren’t a great solution either. Less than a quarter of Internet users have password managers, and they have failed to gain significant market penetration as people often feel they are untrustworthy and worry about potential hacks.[5] However, even if password managers were common, they still aren’t a great solution. They are not immune to 2FA, device recognition, and security questions. They also provide no data segregation. If a fiduciary has access to a password manager, they have access to every account on there with no checks and balances to ensure they aren’t overstepping. Especially for individuals who run businesses, have complicated family situations, or have a significant amount of assets, giving access to every digital account on a device is likely a poor idea.

Legacy contact solutions also don’t work very well. Apple’s Legacy Contact, for example, allows a user’s iCloud data to be passed on to a designated contact.

This should include all photos across all Apple devices, iCloud email, document storage, texts and SMS, notes, calendar, and optionally other apps. However, 1/3 Apple users never register with iCloud, meaning they cannot use this feature. Of the 2/3 who do use iCloud, 90% never pay for more than the 5GB of free storage provided by iCloud. 5GB of storage is equivalent to roughly 1,400 photos, while the average smartphone user in 2023 had 2,750 photos. And iCloud accounts cover multiple devices. So, even if an Apple user sets up the iCloud Legacy Contact, only a small percentage of their data will be retrievable. It is worth scratching the surface and doing some research into legacy contact options before recommending them to your clients as they tend to fall short.

A whopping 40% of Americans own cryptocurrency as of January 2024 [6], including about 28% of people aged 44-59 (Gen X.) [7] Cryptocurrency poses a plethora of issues to estate planners. For example, cryptocurrency wallets do not provide the option to list specific beneficiaries for these holdings. Unlike a 401(k) or a standard checking account, cryptocurrency does not provide their account holders with a beneficiary form to make for a smooth and easy transfer. There are service providers that can help make these designations, but they are not available directly through the wallet providers so you must know about them separately. Without using the newest solutions, the only way that a beneficiary (or executor) is able to access these tokens and handle them according to the decedent is by having actual access to the digital wallet itself. As discussed in the previous example involving the photographs on the computer, accessibility is de-

termined almost exclusively by way of the account holder. If this account holder has lost track of the private key or email that is associated with the account and proceeds to suffer an untimely death, then their assets could very well end up locked forever.

Cryptocurrencies are bearer assets. A bearer asset entitles its holder to all rights of ownership over it as there is no recorded title over the asset. Examples of bearer assets are cash and gold. If someone drops a \$20 bill on the ground, whoever picks it up next can use it without requiring a deed or needing to register it with a custodian. Bearer assets allow their owners to remain anonymous and don't require a trusted third party to custody the assets or maintain a ledger of title. Unfortunately, this feature of cryptocurrency makes it easy to steal and has forced the creation of cryptocurrency custody licenses in basically all developed countries. This is another thing you need to factor into planning: if a professional fiduciary is handling your client's assets, do they have the requisite licenses to do so? Or, if an individual is going to be handling the administration, are they tech-savvy enough to access the assets and does your client trust them enough to handle a bearer asset? There are many ways you can help your client navigate these questions, but there is a bit of a learning curve planners must undertake.

Tax implications arise out of the volatility experienced by particular digital assets, such as cryptocurrency and NFT's. These assets have experienced dramatic rises and falls in their value, whether that be due to proposed legislation or a few comments on Twitter.

Regardless of whatever the reason may be, the seismic changes in value may alter how an estate planner must handle a client's estate when it comes to the issue of tax.

One potential tax implication surrounding cryptocurrency is that of estate tax. As it stands in 2024, the estate tax threshold sits at \$13.61 million, meaning that an estate valued at \$14.61 million will be taxed on the \$1 million that sits above the threshold (at a 40% rate). While this statistic does not have much bearing on a vast majority of people, the unpredictable nature of cryptocurrency valuation means it could swing an estate above or below the threshold. For example, person A has an estate valued at \$6 million and decides to cash out their \$10 million worth of Bitcoin holdings, person A then decides to buy back into Bitcoin after seeing its price drop for months in anticipation of the price climbing back up, this never happens and now person A's Bitcoin holdings are worth \$7 million. While this \$3 million dollar loss is objectively a large sum, the impact of this loss is mitigated by the fact it puts person A below the estate tax exemption. Had person A died with the original \$10 million dollar Bitcoin holding in conjunction with the \$6 million dollar estate, the tax bill for roughly \$2.4 million would have been \$960,000.

Another tax issue that must be considered when dealing with a client's cryptocurrency assets is the Lifetime Gift Exclusion. As it stands in 2024, gifts can be made for up to \$18,000 per year to an individual before they are subject to taxation. The value of this mechanism is to allow those with larger estates to mitigate the value to the amount mentioned in the above paragraph. However, if the individual making

the gift crosses this yearly threshold, they will be subject to additional taxes on the gifts that they provide. The difficulty that cryptocurrency presents is similar to the one presented in the above section on estate tax, and that is the volatile pricing. Timing is everything when mitigating the tax liability, and it may be in the best interest of the client to simply wait out a bull run before initiating a gift of the cryptocurrency.

There is plenty more to discuss, but suffice it to say planning for digital accounts is challenging. Access control, user privacy, bearer assets, fraud, and data recovery are all major hurdles in estate planning that need to be dealt with sooner rather than later. There are new solutions like Bequest Finance that allow for easy, compliant planning without increasing grunt work. Bequest Finance handles everything from cryptocurrency to domain names, while generating new revenue and sourcing new clients for your practice. Estate plans that don't account for digital access are incomplete.

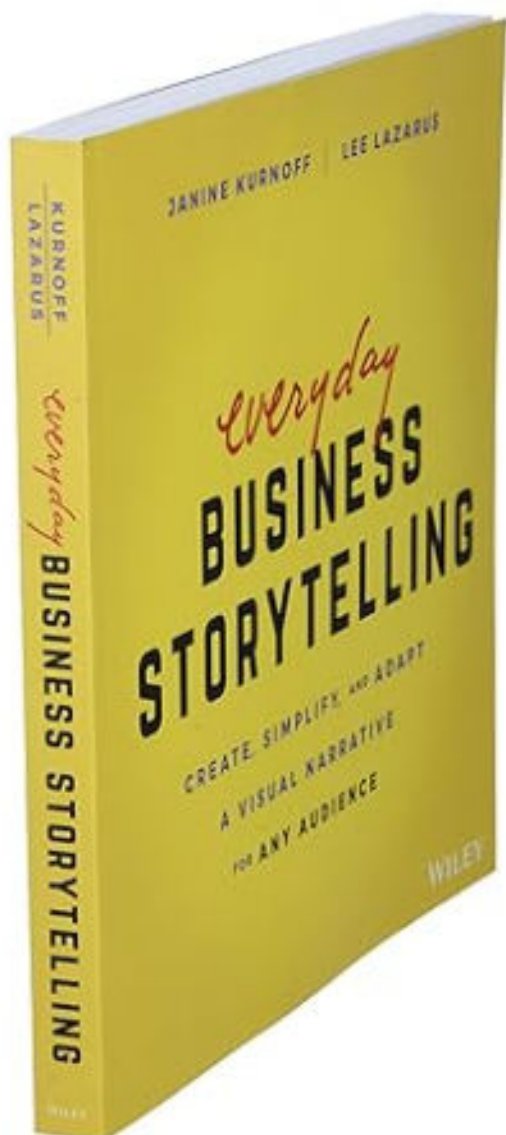
Notes

- [1] <https://www.oberlo.com/statistics/us-media-consumption>
- [2] <https://passport-photo.online/blog/mobile-photography-trends-and-stats/>
- [3] <https://leaders.com/news/wealth/the-disappearing-safe-deposit-box/>
- [4] <https://earthweb.com/how-many-passwords-does-the-average-person-have/>
- [5] <https://www.passwordmanager.com/password-manager-trust-survey/>
- [6] <https://www.security.org/digital-security/cryptocurrency-annual-consumer-report/>
- [7] <https://www.investopedia.com/younger-generations-bullish-on-cryptocurrencies-5223563>

About the Authors

Anna is a software engineer and McGill graduate. She previously designed and implemented institutional web3 solutions at Aquanow, and worked as distributed systems engineer specializing in Rust. After raising a seed round for Bequest in the summer of 2023 and acquiring users, she has managed to get her mom to stop worrying about her employment status.

Oleg is a graduating law student from Texas Tech University School of Law. His areas of interest include taxation, estate planning and bankruptcy. During his time at Texas Tech, Oleg served as a member of the tax clinic, contributed articles to the bankruptcy journal, and submitted a paper on the development of the UCC regarding cryptocurrency. After graduating, Oleg will be continuing his education by enrolling in an LLM program for taxation.

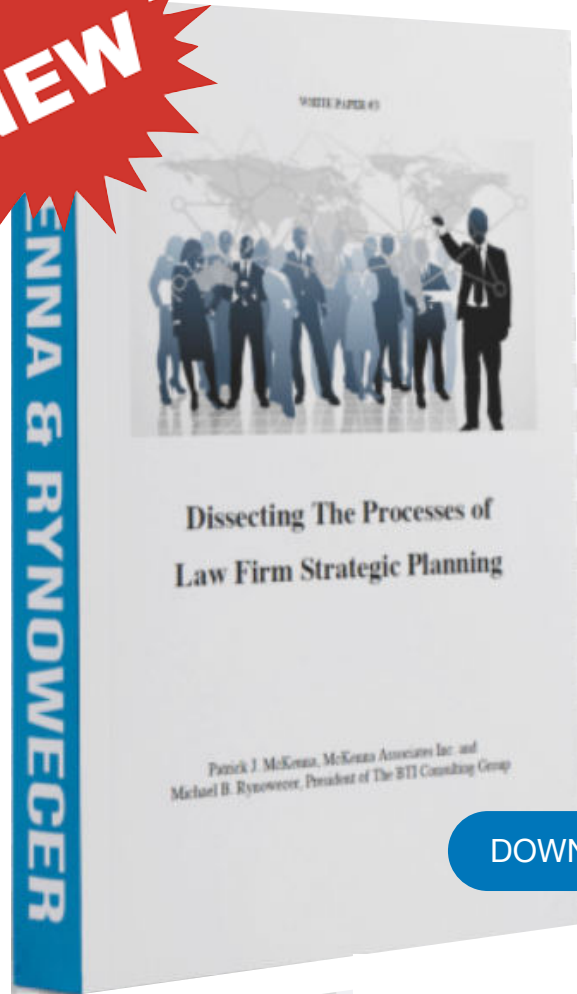


A practical, easy-to-use guide to transform business communications into memorable narratives that drive conversations--and your career--forward

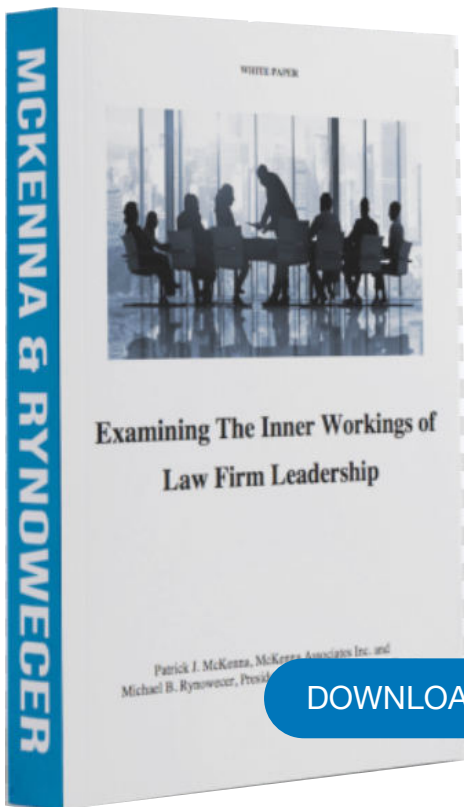
In *Everyday Business Storytelling: Create, Simplify, and Adapt A Visual Narrative for Any Audience*, visual communication and storytelling experts Janine Kurnoff and Lee Lazarus leverage decades of experience helping executives at the world's top brands--including Colgate-Palmolive, Nestlé, T-Mobile, Medtronic and Meta--bring clarity and meaning to their business communications. Whether you're building a presentation, crafting a high-stakes email, or need to influence the conversation in your next meeting with an executive, or have to communicate with data, *Everyday Business Storytelling* offers an insightful exploration of how to develop compelling business narratives that meet diverse audience needs.



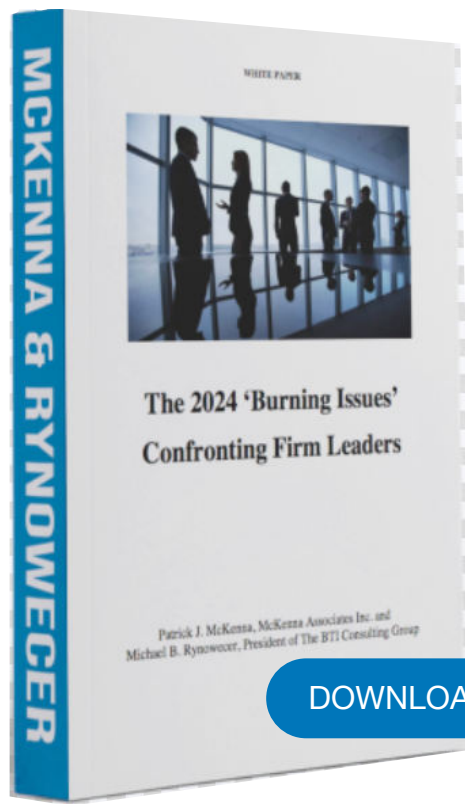
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