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CULTIVATING A CHANGE CULTURE IN LAW FIRMS

By Eve Vlemincx

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CULTIVATING A CHANGE CULTURE IN LAW FIRMS

By Eve Vlemincx, Strategic Innovation & Transformation Advisor



Introduction

The legal landscape is evolving: technological shifts, market disruption looming, well-being issues run rampant, all while firms struggle to attract and retain desired talents (and clients). Additionally, there is a pressing need for internal optimization, to name just a few challenges.

The call for change is loud, holding true in every sector, including the legal field. Resilience, adaptability, and transformation take center stage.

Traditional change projects and workshops, despite their structured frameworks, often fall short in ensuring meaningful change. Those viewing a change management project or workshop as the next logical step may already be falling behind, prompting law firms

CHANGE

to grapple with a recurring question: **How can we cultivate change that endures?**

The answer lies not in isolated endeavors but in the cultivation of a change culture that becomes the lifeblood of a firm's existence.

The limitations of change projects and workshops

Change projects and workshops are valuable, yet their limitations are noteworthy. These initiatives are characterized by structured frameworks and focused agendas, providing systematic approaches to address specific fragmented challenges.

The Achilles' heel of such projects lies in their temporal and fragmented nature. This approach tends to be ineffective in the current

landscape where no business aspect, including technology implementation, exists in isolation. The dynamic interplay of different aspects demands a more nuanced and comprehensive approach.

Take, for instance, the implementation of technology. Many law firms invest in a tech tool, only to discover that the desired outcome remains elusive. Such fragmented approach frequently falls short of expectations.

As projects conclude, firms find themselves once again at the crossroads of change. It's no longer just a project, but rather a never-ending journey...

Statistics on the failure rates of change projects loom large - with a failure rate of over

80 % - revealing an array of reasons, from inadequate planning and communication to resistance from associates. A recurring theme in these failures is the human factor or in other words people—the resistance, fear, and lack of engagement from the people. (see below)

Let this exactly be where a change culture come in...

The power of a change culture

A change culture transcends the boundaries of specific projects, signifying a paradigm shift in the firm's - and its people's - mindset. It creates an environment where adaptability, continuous improvement, and learning become integral components of the organizational DNA.

Here some reasons why cultivating of a change culture surpasses the efficacy of isolated interventions:

1. Engagement: Consider the difference between a top-down directive to adopt a new project and/or system and a culture where one starts with the needs of cross-functional teams, collaboratively assessing and contributing to choosing a system that best fits their needs. In a change culture associates are active participants and contributors, co-creating the future of the organization. If we understand and take into account their needs, being involved, begets ownership, and ownership begets commitment

2. Adaptability: The rapid pace of change in the legal landscape demands firms to be

swift and adaptable. A change culture positions adaptability as a core competency, emphasizing continuous learning and evolution. When adaptability is ingrained in the firm's psyche, associates become resilient in the face of uncertainty, fostering agility vital for survival

3. Consistency: Unlike change projects with defined endpoints, a change culture is an enduring commitment to evolution. It's not about the next projects, its a continuous journey.

By weaving change into the organizational fabric, the practices and behaviors that support transformation become the norm and as a result make any transformation more likely to succeed. This consistency ensures that the organization remains on the cutting edge, avoiding the pitfalls of stagnation.

4. Innovation and creativity: A change culture provides fertile ground for innovation and creativity. Change and innovation go hand in hand.

When people are empowered to challenge the status quo, experiment with new ideas, and take calculated risks, the organization becomes a breeding ground for new ideas where innovation can successfully thrive. continuous improvement and sustainable growth.

5. Well-being: Change projects often bring stress, uncertainty, and a sense of instability. In contrast, a change culture prioritizes communication, transparency, and well-being throughout the transformation journey.

This holistic approach not only eases the process of change but also contributes to a positive organizational culture, enhancing overall employee satisfaction.

Change culture in the legal industry?

Establishing a culture of change is often perceived as feasible only in certain, typically more innovative, industries, and is deemed unrealistic for the legal sector. A more conservative industry has all the more reason to establish a culture of change. The applicability of a change culture spans across all industries, and it may even have the most significant impact in the most traditional ones. Industry innovativeness does not determine the need nor possibility to establish a change culture.

An industry and its activities will definitely and inevitably impact its culture, and yet the idea of a change culture being limited to certain industries needs reconsideration. Regardless of industry or sector, any organization possesses the potential to foster a change culture. The capacity for transformative adaptation transcends industry-specific norms, permeating and enhancing the fabric of any organizational culture.

The misconception that a change culture is industry-specific arises from a limited understanding of the universality of change as a constant in the current landscape. Essentially, the establishment of a change culture goes beyond industry boundaries and emerges as a strategic imperative for a firm's resilience and longevity.

By understanding the need and establishing a change culture, the management team of a firm can unlock the transformative potential inher-

ent to such a culture and position their firm to thrive in an ever-evolving legal landscape.

Examples of change culture in action

Let's take a closer look at famous change cultures and explore how we can translate those principles into the legal industry.

Netflix – data-driven decision making.

Netflix is renowned for its change culture, grounded in data-driven decision-making. By utilizing user data to shape content creation, personalize recommendations, and enhance its streaming platform, Netflix consistently adapts its offerings to cater to the diverse preferences of its global audience.

While this approach is typical for Netflix, data-driven decision-making is valuable in the legal industry and applicable by law firms. By leveraging data one can optimize various aspects of legal operations, both internal as to enhance the client experience.

It can be a source to help prioritize tasks, manage workloads, and ultimately provide more effective legal services tailored to the specific needs of clients.

This way, the principles of data-driven decision-making, exemplified by companies like Netflix, can be seamlessly integrated into the legal industry to drive positive outcomes and better serve clients.

Microsoft change culture driven by leadership

Microsoft's transformation under the leadership of Satya Nadella further illustrates the

impact of a change culture driven by leadership. Nadella's emphasis on empathy, collaboration, and a growth mindset has allowed Microsoft to shift from a product-focused approach to an integrated one, embracing cloud computing and open-source initiatives.

This cultural shift enabled Microsoft to regain relevance and competitiveness in the changing technology landscape.

Applying this to law firms, the concept of a CEO instead of a managing partner can play a pivotal role in professionalizing management. Just as Nadella's leadership at Microsoft emphasized collaboration and adaptability, a CEO in a law firm can bring a different perspective, steering the firm towards a more professionalized and strategically driven model. This includes fostering a change culture that values innovation, efficiency, and data-driven decision-making.

Toyota's "Kaizen" continuous improvement change culture

Toyota's well-known production system is all about always getting better, thanks to something called "Kaizen" – a Japanese idea of continuous improvement. Kaizen means making small improvements every day. With Kaizen, Toyota has created a culture where they're always working to get better and be more efficient. This constant drive for improvement is why Toyota has stayed ahead of the competition for so many years.

In the legal landscape where precision is paramount and the stakes are high, Toyota's Kaizen philosophy can be a transformative force.

Picture a scenario where law firms embrace the Kaizen mindset, aspiring to achieve operational improvement every day. To initiate this paradigm shift, law firms can intentionally cultivate a culture that thrives on change and constant refinement. The foundation lies in empowering individuals within the firm to challenge the status quo, where fresh perspectives collide, giving birth to innovative solutions, and making each individual the architect of their firm's continuous improvement journey.

Without a doubt, a culture that embraces Kaizen stands to gain significantly from being data-driven. Envision a client-centric approach wherein feedback loops are not only encouraged but also treasured. Law firms actively solicit client input (data), viewing it not as a form of evaluation but as a source of insights for improvement. The client's experience and needs serve as a compass, directing the firm's trajectory.

The possibilities and applications are limitless.

These examples underscore that a change culture is not restricted to a particular industry but can be nurtured in various organizational contexts. In fact, when one observes companies with a change-oriented culture, such as the ones mentioned above and many others, the key lies in adapting their solutions to the legal industry and translating them into practical solutions suitable for our firms.

The need for a change culture in the legal industry

The statistics on the failure rate of change projects in law firms serve as a stark reminder

of the urgency to address the human factor in organizational transformation. Change initiatives often fail due to associate/employee resistance, lack of alignments and insufficient engagement within law firms.

This is where a change culture serve as a critical antidote, directly addressing the human elements that contribute to project failures. It stands as a deliberate and strategic response to the common pitfalls that hinder progress.

By building a change culture instead of approaching it as a project. Legal professionals who feel empowered, included in the change decision-making process and aligned with the organization's vision and goals are more likely to embrace change rather than resist it.

Central to the efficacy of a change culture is its capacity to empower individuals within the organizational framework. This empowerment, coupled with a sense of being included in the decision-making processes, is the foundation upon which a resilient change culture can be built.

A change culture fosters an environment where employees not only understand but also identify with the firm's vision, values and purpose. When this alignment is achieved, it creates a collective synergy that propels the firm forward.

In essence, a change culture within the legal industry is not a superficial strategy but a strategic imperative. It is an investment in the human dynamics that define the success or failure of transformative endeavors. By nur-

turing a culture that values empowerment, contribution and strategic alignment, legal firms can transcend the limitations that often accompany change initiatives.

It is a conscious effort to shape an organizational ethos that not only embraces change but thrives on it, steering the firms towards a future characterized by resilience, agility, and sustained success.

Conclusion

The cultivation of a change culture emerges as the thread that weaves through the fabric of sustained success. While change projects and workshops have their place, they should be viewed as catalysts rather than endpoints. Firms that embark on the journey of building a change culture lay the groundwork for enduring transformation, adaptability, and innovation.

As we navigate the complexities of the future, fostering a culture that values its people, embraces continuous learning, and encourages active participation becomes crucial.

Firms that prioritize a change culture not only make a strategic choice but recognize it as an urgent necessity in the pursuit of excellence. The cultivation of a change culture positions firms not just to survive but to thrive.

The narrative of change culture goes beyond specific interventions; it becomes the very fabric that defines an organization's identity and resilience. A change culture is not an isolated project; it's a continuous journey towards adaptation, innovation, and growth. As the

legal industry transforms and challenges evolve, it is the firms with a change culture that will stand resilient, shaping the future rather than reacting to it.

About the Author

Eve Vlemincx is a strategic advisor with expertise in a wide array of areas including legal digital transformation, innovation and leadership. She serves as an advisory council member for Harvard Business Review and is a Course Facilitator at Stanford Graduate School of Business. Eve is highly sought after as a keynote speaker and guest lecturer in various

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Operating at the dynamic intersection of legal and business, Eve holds certifications from esteemed institutions such as Oxford, Harvard, Kellogg and Stanford Graduate School of Business. Additionally, she brings substantial experience as a seasoned lawyer specializing in corporate law and restructurings.

Eve's guiding philosophy is centered on working smarter, not harder, as she helps individuals and organizations navigate the complexities of today's rapidly evolving landscape.

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LEGAL INNOVATION: The African Perspective.

By Hellen Mukasa, Legal Lead & Co-Founder Legal Tech Lab at the Innovation Village



Background

The “Golden Year” for legal tech, is what many described 2023 to be, and the African continent was no exception. While the legal tech Community in Africa is in its early stage, it experienced a boost as legal tech became the talk in many boardrooms and much traction was gained across different platforms. The continent witnessed a fusion of partners from the business and the development world e.g., corporate entities, UN agencies, and embassies working together to support the promotion of legal tech in Africa. Not only did we have the renown events to celebrate legal innovation such as the Africa Legal Tech and Innovation Awards, but we also witnessed the launch of bespoke international legal tech events like Future Lawyer Week launched in Africa.



Launched in Uganda, the global event attracted participants from all over the world and created a lot of visibility for the blooming legal tech African community on the world stage.

Much of the celebration of 2023 as a golden year for legal innovation and technology was attributed to the increased funding to legal tech companies. However, the statistics remained low for African legal tech companies. This is due to factors such as lack of access to networking opportunities, inherent biases, and disregard of diverse founders from developing ecosystems as secure investing bets by venture capitalists. Despite slow funding, legal tech in Africa continued to grow steadily through local resources. Not only were law professionals and firms confronted with re-

considering their service delivery methods, but governments too. There were many adoptions of off the shelf cloud-based solutions and AI powered solutions while others, especially the government agencies, embarked on development of their own systems from scratch.

Opportunities for legal tech in Africa

In Uganda for instance, the National Development Plan (NDP III) specifically provides for digital transformation of key government agencies to improve efficiency and service delivery. We saw the strategy implemented in 2023 with the government introducing systems such as OBRS (Online Business Registration System) and ECCMIS (Electronic Court Case Management and Information System).

The digital migration by the government agencies, especially the judiciary, cemented the fact that the future of legal practice is digital, and all professionals will have to gain digital skills to access the judiciary's services. Digital transformation has therefore become a fight not only for relevance but also for survival as a law professional.

The additional push and pull factors for law practitioners and governments alike include cross border transactions and the technology involved in such cases. Often, lawyers represent clients involved in technical cross-border deals for which augmented skills are needed for successful client representation. This has made the need for tech skills development for the entire chain of legal /justice service providers, advocates, state prosecutors, and judicial officers alike. This has been more apparent in the case of cyber-crime which becomes more sophisticated as technology advances. The ability to successfully investigate, prosecute, and convict criminals remains one of the biggest challenges for most African jurisdictions which are still operating low to no tech systems. Sophisticated tech or tech enabled crime remains on the rise on the African continent due to the capacity gaps in the judicial system in relation to both human resources and limited infrastructure. Deliberate attention of governments through adequate budget allocation for tech capacity building is necessary to reverse the situation.

Most African countries are still developing economies with systemic problems which affect the quality of life of their citizens, and access to justice is one such problem. Most peo-

ple in Africa live in rural areas which are also low resource areas. E.g., In Uganda approximately 80% of the population is rural based while 90% of lawyers are based in urban areas. Legal innovation and technology in such a case is critical in bridging the gap between lawyers and rural clients. This calls for developing legal tech solutions with the end users in mind for legal tech to have impact. Essentially a delicate balance between the legal tech solutions designed to make legal easier, quicker, and cheaper should have an element of supporting both business and impact.

Challenges to adoption of legal tech in Africa

The glaring challenge which must be overcome for this to work is that the legal industry, especially in Africa where the level of education is still low, has for so long thrived on mystery. The inability of lay men to perceive the complexity of the work done by lawyers has enabled law professionals to bill heavily for work done. Lengthy litigation due to systemic issues in the judiciary also benefits the lawyers most, given that the average lifetime of a case in a country like Uganda is 5years. Legal tech provides self-help remedies to tech savvy clients through solutions like AI powered bots. This poses a threat of unravelling the mystery by creating transparency into how legal work is done, and it is hence perceived as a threat to lawyers. With increased client awareness about legal tech solutions and self-help remedies, lawyers are better off facilitating quick dispute, resolution or they are bound to lose out as clients are no longer willing to spend much time or resources in lengthy legal battles.

On the flip side, the tech savvy lawyers will be more productive and efficient and therefore able to serve more clients and earn more.

Scaling the fears of adopting legal tech to institutional level, the governments in African countries are still grappling with high unemployment levels. Despite the obvious advantages of embracing legal tech and innovation, the fears of diminishing demand for legal jobs especially for routine tasks which may be done quicker and more affordable using AI and cloud solutions remains surreal. While several lawyers graduate annually, the economies in African countries are not developing fast enough to ensure increased demand for legal services and it's not uncommon for young lawyers to be assigned with the mundane, repetitive, and clerical assignments in law firms.

Insufficient infrastructure is another major barrier to seamless adoption of legal tech in Africa. In Uganda for instance, only 18 percent of households have an electricity connection and there is an urban– rural electricity gap of 85 percent. Half of Ugandans who do not use the Internet (86% of the total population) have no Internet-enabled devices such as computers and smartphones. At 16%, Uganda has the second-lowest smart-phone device ownership in the countries surveyed. Gillward *et al* (2019). Digital literacy is also a major barrier with many non-Internet users digitally illiterate. The digital divide in relation to gender is also high as indicated by the World Wide Web Foundation's Women's rights online report, the gender gap in basic Internet access stands at almost 43% in most African countries. The

cost of digitization of legal practice is usually embedded in the law firm's legal fees which must be paid by the client and hence making the firm less competitive as its services are more expensive. At institutional level, it becomes an issue of budgetary priorities and acquisition of digital tools is usually at the mercy of development agencies which extend such support to governments.

Information security issues, confidentiality and mistrust are also challenges which make legal tech adoption difficult. Building user trust which depends on ensuring information security is identified as being a factor for the low adoption and limited success of legal tech and this is especially where the solutions are built locally. To ensure consistent and uninterrupted progress towards the growth of legal tech in 2024 in Africa, the challenges affecting adoption must be resolved.

Towards a future where Africa is the driving force for legal innovation

Africa has got the world's youngest population, making it a very fertile ground for the evolving legal tech industry. If the opportunities are explored and exploited, and the challenges addressed, Africa can and will become a strong force in driving the growth of legal tech.

First and foremost, there must be reassurance that despite innovation and the advancement of legal tech, the human element in Legal practice will remain relevant due to the need for ethical considerations which require human judgement, insights and intuition in some cases which can only be gained from human interaction.

Advocacy, law formulation and court room presentation are some of the examples of classic legal work which requires persuasion, a human trait.

Despite the fears around increasing unemployment, the rise of Legal tech also presents an opportunity for the creation of new jobs and the participation of all citizens in the digital economy. Innovative law firms and government agencies can build their own internal innovation teams offering jobs to talented developers to develop local solutions instead of buying off the shelf legal tech products.

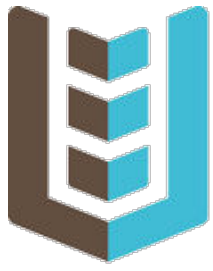
Mass digital skilling of citizens to ensure that they can access the services offered by government agencies using digital tools not only creates job opportunities for that skilling but also generally improves the digital literacy levels and the ability for equal participation of citizens in the digital economy. Skills development extends law professionals and thus requires deliberate change in the law school curriculum to ensure that they graduate lawyers who have augmented skills in data management, cyber security, and analytics and are prepared for the realities of the digital future of legal practice. Investment in digital skilling should be holistic to ensure that beyond knowledge, the digital tools necessary to make a full transition are easily accessible.

Sustainable financing for innovation is another critical factor which will have to be prioritized. The legal sector remains largely underfunded and hence limited in capacity to digitally transform as required if it's to improve efficiency and service delivery with increased

access to justice for all. In the case of Africa, we need to support the development of more local solutions by local people who appreciate the context within which the solutions will be utilized. This therefore calls for breaking systemic barriers to supporting African legal innovators as well. The predication is that there will be more investment in legal tech and Innovation in 2024 and consistent growth of the community and legal tech companies on the African continent.

About the Author

Hellen Mukasa is the Legal Lead at the Innovation Village and the co-founder of Legal Tech Lab which is a sector specific lab through which Innovation Village contributes towards the advancement of innovation and technology in the legal industry. She is a member of the Africa Regional Network of Civil Society Organizations on the UNTOC Review under the NET4U by UNODC. She's a member of the National Technical Working Group of Ministry of Trade on the National Startup Policy. She's the founding member of the Justice Innovators Community, an e-justice association promoting inclusive digitalization. She was recognized as Ecosystem Builder of the year 2022 by the Africa Legal Innovation and Technology Awards (ALI Awards). She's the co-chair of Eco civilization Uganda wing and vice chairperson of the ICT Cluster of Uganda Law Society (ULS). She was recognized with the Legal Innovation Award 2023 at the Women in Law Conference and Awards by the ULS.



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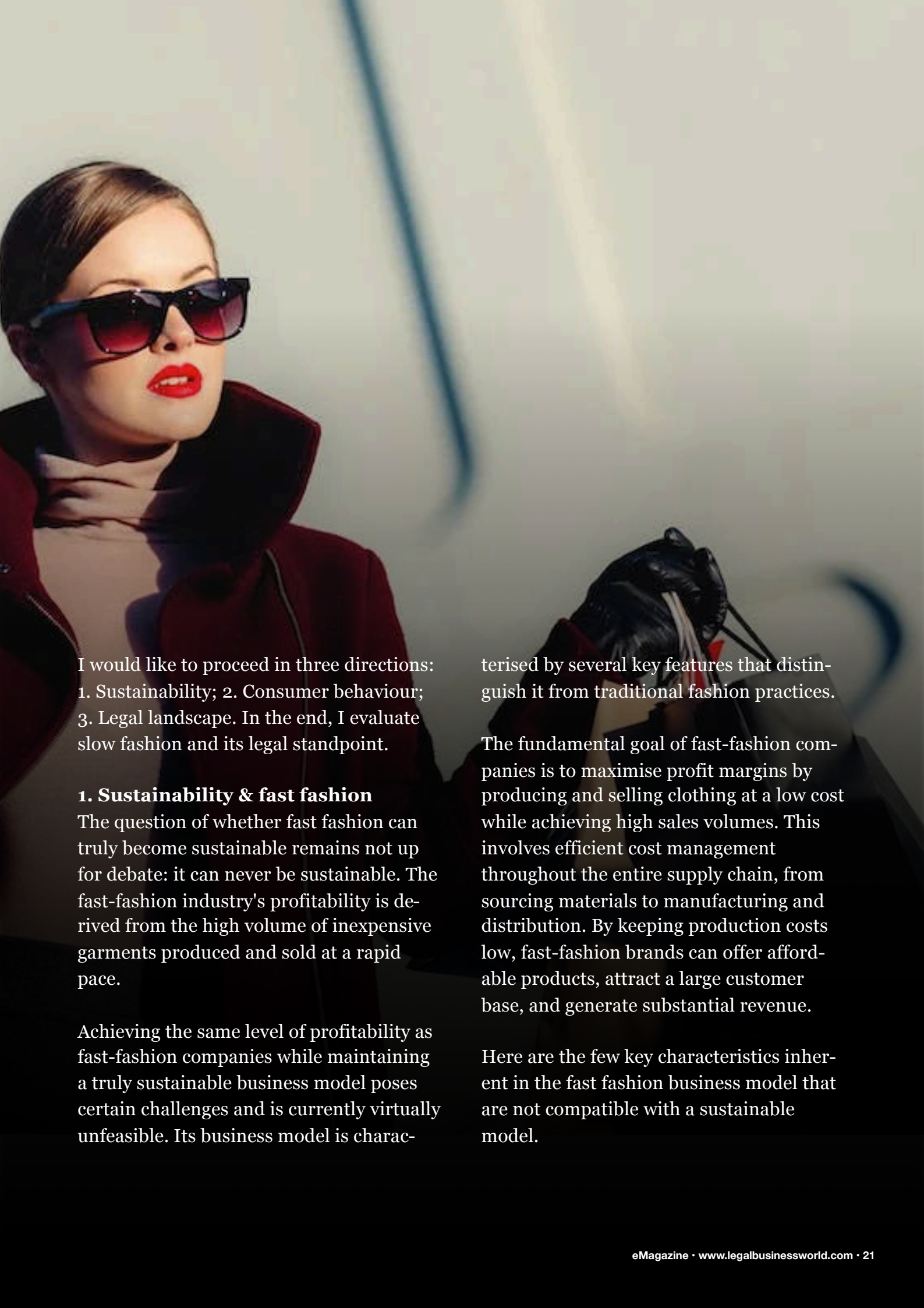
Balancing Style & Responsibility

By Chiara Lamacchia, Founder at lawrketing.com and withoutconsulting.com



In the heart of fast fashion's frenetic landscape, where trends ebb and flow in the blink of an eye, the intricate dance between consumer desires and the ethical responsibilities of the industry takes centre stage. I would like to navigate the legal and consumer behaviour dynamics in fast fashion, delving into the interplay between consumer behaviour and the legal forces shaping the industry. From the relentless pursuit of trends to the growing desire for ethical choices, each strand in this narrative contributes to the evolving story of fast fashion and its place in the broader legal spectrum.

Fast fashion is synonymous with quick turnovers of styles and accessible prices, transforming the industry's dynamics, challenging sustainability, and captivating consumers globally.



I would like to proceed in three directions:
1. Sustainability; 2. Consumer behaviour;
3. Legal landscape. In the end, I evaluate slow fashion and its legal standpoint.

1. Sustainability & fast fashion

The question of whether fast fashion can truly become sustainable remains not up for debate: it can never be sustainable. The fast-fashion industry's profitability is derived from the high volume of inexpensive garments produced and sold at a rapid pace.

Achieving the same level of profitability as fast-fashion companies while maintaining a truly sustainable business model poses certain challenges and is currently virtually unfeasible. Its business model is charac-

terised by several key features that distinguish it from traditional fashion practices.

The fundamental goal of fast-fashion companies is to maximise profit margins by producing and selling clothing at a low cost while achieving high sales volumes. This involves efficient cost management throughout the entire supply chain, from sourcing materials to manufacturing and distribution. By keeping production costs low, fast-fashion brands can offer affordable products, attract a large customer base, and generate substantial revenue.

Here are the few key characteristics inherent in the fast fashion business model that are not compatible with a sustainable model.

- Low-cost, low-quality materials that lack durability
- Short product lifespan with items wearing out quickly
- Extremely rapid production cycles
- Massive production scale with resource-intensive manufacturing processes
- Global supply chains involving labour at a low cost and with weak human rights

Some fast fashion brands have started to incorporate more sustainable practices, such as using eco-friendly materials, implementing recycling programmes, and embracing transparency in their supply chains. But achieving sustainability in this industry may require a fundamental shift in business models, prioritising quality over quantity, fostering responsible consumption habits, addressing the broader environmental and ethical implications of fashion production – thus, becoming less “fast.”

2. Consumer behaviour

There is a fundamental principle of economics and business: sustainable or not, the existence and success of any business depend heavily on the presence of consumers who are willing to buy the products or services offered. Then, let’s talk about us, the consumers.

The allure of fast fashion extends beyond the tangible garments hanging on store racks: it’s a psychological dance between consumer desires and the industry’s cunning strategies. Understanding how consumer behaviour operates in the realm of fast fashion requires a closer look at the psychological mechanisms

at play. The craving for the latest styles at wallet-friendly prices propels the industry forward, creating a perpetual cycle of consumption. Once solely focused on meeting market demands, the industry is now under the watchful gaze of consumers who demand transparency, sustainability, and ethical responsibility.

Fast fashion thrives on a few psychological triggers with profound impact.

- **Instant gratification through trends:** The industry swiftly translates runway designs into affordable, accessible pieces, convincing consumers about an unnecessary need to buy. Consumers feel the induced desire to stay on top of ever-evolving trends, seek immediate access to the latest styles, with the instant satisfaction of being fashion-forward.
- **FOMO (i.e. Fear of Missing Out):** Limited-time offers, exclusive collaborations, and rapidly changing inventory create a sense of urgency. Consumers fear losing the opportunity to own a coveted item, driving impulsive purchasing decisions and ensuring a constant flow of sales for fast fashion brands.
- **Social Media Influence:** Platforms like Instagram and TikTok fuel the desire for new styles as users are bombarded with curated images of influencers and celebrities flaunting the latest trends. It creates a sense of social currency tied to one’s wardrobe choices and pushing individuals to align with current fashion norms.
- **Perceived obsolescence:** Fast fashion cultivates a sense of perceived obsolescence,

convincing consumers that their current wardrobe is outdated and needs constant refreshment. As a result, individuals buy more in an attempt to maintain a sense of relevance and avoid feeling 'out of style.'

- **Bargain hunting:** Who is not driven by the thrill of a good deal? The association between affordability and value encourages repeat purchases. The perception of obtaining stylish items at a low cost induces positive emotions, reinforcing the habit of frequenting fast fashion outlets.

In recent years, consumers have become increasingly aware of the ethical and environmental impact of their purchasing decisions. Consumers are now seeking information about the sourcing of materials, manufacturing processes, and the overall sustainability of the products they purchase.

I believe this holds a degree of truth, but surely it does not capture the complexity of consumer behaviour entirely and the scale of awareness/sensitivity. Surely, consumers start demanding greater transparency, ethical practices, and sustainable options. There is a growing and evident sentiment in this direction. However, we need not forget consumer diversity. This diversity spans a spectrum of factors, including but not limited to age, gender, cultural background, socioeconomic status, education, and geographic location. Understanding the unique needs, values, and aspirations of diverse consumer groups should allow a tailored educational experience about fast fashion products, borderline marketing strategies, emotional triggers, and so on.

Acknowledging consumer diversity leads to a comprehensive and nuanced understanding of the varied motivations that drive purchasing decisions, ultimately contributing to the development of more resonant messaging when making the consumers aware.

3. Legally 'en vogue'

Behind the glittering shopfronts and rapidly changing wardrobes lies a complex legal landscape that addresses various aspects of this industry. The legal aspects of fast fashion are intricately tied to developing consumer behaviour. As consumers demand greater transparency, ethical practices, and sustainable options, legal frameworks are adapting to hold fast fashion brands accountable.

Countries and regions are enacting laws that require greater transparency in labelling, forcing fast fashion brands to disclose information about the environmental impact of their products. Misleading marketing claims and greenwashing practices are also being scrutinised, leading to legal consequences for companies that engage in deceptive practices. I want to delve into five legislative directions that are relevant in the fast fashion context.

A. Labour law – Exploitative labour practices, including low wages and inadequate working conditions, are prevalent in the fast fashion industry, that relentlessly pursues low production costs often leading to the exploitation of workers in manufacturing facilities, particularly in developing countries.

- **Rationale:** Legal intervention is essential to protect the rights of workers, ensure fair

wages, and establish safe working conditions. Without regulations, the profit-driven nature of fast fashion may lead to ongoing exploitation of vulnerable labour forces.

- Within the EU: The EU's legal framework works to extend these protections to workers involved in the production of goods destined for the EU market. The EU's Generalised System of Preferences (GSP) includes the "Everything But Arms" initiative, granting duty-free and quota-free access to the EU market for the world's least developed countries, contingent on adherence to core labour standards.
- Beyond the EU: The UK Modern Slavery Act requires businesses to disclose efforts to eradicate slavery and human trafficking in their supply chains, influencing fast fashion brands to address labour exploitation concerns.

B. Environmental regulations – Fast fashion's rapid production and disposal contribute significantly to environmental issues, including pollution, waste, and resource depletion. The industry's reliance on non-renewable resources and unsustainable practices poses a threat to ecosystems on a global scale.

- Rationale: Environmental regulations are crucial to mitigate the negative impact of fast fashion. Globally, legislation is needed to enforce sustainable sourcing, waste reduction, and responsible production practices, ensuring that companies are held accountable for their environmental footprint.

- Within the EU: The European Union has implemented stringent regulations governing waste management, sustainable sourcing, and responsible production practices. The Circular Economy Action Plan outlines legal requirements to encourage the fashion industry to adopt circular economy principles.
- Beyond the EU: In the United States, various states like California have enacted legislation to regulate and reduce environmental impact. California's Proposition 65, for instance, requires businesses to provide warnings about significant exposures to chemicals that may cause harm, impacting the fashion industry's approach to material choices.

C. Supply Chain Transparency – Fast fashion supply chains are often complex and opaque, making it difficult for consumers to trace the origins of their garments. This lack of transparency can hide unethical practices, such as exploitative labour or environmental damage.

- Rationale: The lack of transparency in global supply chains necessitates legal intervention to empower consumers with information and foster accountability within the fast fashion industry. Legislation should require companies to disclose information about their sourcing and production processes globally.
- Within the EU: The EU Directive on Non-Financial Reporting mandates certain large companies to disclose information on environmental, social, and governance matters, influencing transparency in supply chains.

- Beyond the EU: The United Kingdom's Modern Slavery Act requires companies to publish annual statements outlining steps taken to ensure slavery and human trafficking are not present in their supply chains, encouraging transparency.

D. Consumer Protection Laws – Fast fashion often involves marketing tactics that may mislead consumers, such as false advertising or unclear product information. Consumers may face issues like poor product quality, misleading sizing, or deceptive pricing strategies.

- Rationale: Globally, consumer protection laws are essential to safeguard consumers from deceptive practices. Legal standards are necessary to hold fast fashion brands accountable for providing accurate product information and protecting consumers' rights.
- Within the EU: The Consumer Rights Directive in the EU establishes a legal framework for consumer protection, ensuring clear information, fair contracts, and transparent pricing.
- Beyond the EU: In the United States, the Federal Trade Commission Act prohibits unfair or deceptive acts or practices, impacting how fast fashion brands communicate with consumers and ensuring accurate representation of products.

E. Intellectual Property Rights and Counterfeit – Fast fashion is often criticised for imitating high-end designs, blurring the lines between inspiration and infringement. This can lead to intellectual property viola-

tions and challenges the creativity and originality of designers.

- Rationale: Protecting intellectual property rights is crucial for fostering creativity, innovation, and fair competition. Legal frameworks help maintain a balance between affordable fashion and preventing outright copying of designs, ensuring that designers are rewarded for their creative efforts.
- Within the EU: The EU Intellectual Property Office (EUIPO) provides a unified system for trademark and design protection across EU member states, offering legal avenues to address infringement cases.
- Beyond the EU: In the United States, the Lanham Act serves to protect trademarks and trade dress, providing legal remedies for fashion designers to combat counterfeit products and imitations.

Addressing fast fashion issues through legal interventions is essential for creating a more ethical and sustainable framework within the fast fashion industry. Legal measures serve as a critical tool to promote responsible practices, protect workers and consumers, and balance the competitive landscape.

Going slow: the other side of fashion

Slow fashion is a conscious and deliberate approach to clothing production that emphasises quality, sustainability, and ethical practices. In stark contrast to the fast-paced, disposable nature of mainstream fashion, slow fashion focuses on creating timeless pieces that are durable, versatile, and made with meticulous attention to detail. This movement places a

strong emphasis on craftsmanship, often involving skilled artisans and traditional techniques.

Slow fashion brands prioritise transparency in their supply chains, opting for sustainable materials and ethical labour practices. The philosophy encourages consumers to make thoughtful, long-term wardrobe choices, fostering a deeper connection with the garments they wear. By advocating for a more mindful and sustainable approach to fashion, slow fashion aims to counter the throwaway culture prevalent in the industry, promoting an enduring appreciation for clothing that stands the test of time.

The legal framework for slow fashion is characterised by a synergy between ethical principles and existing regulations. While there may not be specific concessions, slow fashion businesses can leverage existing legal structures that support sustainability, fair practices, and transparency.

Environmental regulations: Slow fashion brands, prioritising sustainable practices, often comply with existing environmental regulations. Some regions may offer incentives or certifications for businesses engaging in sustainable practices. These can include tax breaks, grants, or recognition for adhering to environmentally friendly standards.

- Case study: Patagonia, a prominent slow fashion brand, aligns its values with environmental sustainability. The company complies with existing environmental regulations by actively incorporating eco-

friendly practices into its supply chain. Patagonia's commitment includes using recycled materials, reducing water consumption, and minimising the environmental impact of its production processes. Patagonia has benefited from regional incentives that promote sustainability. For instance, the brand operates under California's regulations, a region known for its environmentally conscious policies. The state's focus on sustainability aligns with Patagonia's ethos, and the brand may receive recognition or incentives for its efforts, fostering a mutually supportive relationship.

Labour law: Slow fashion is inherently committed to fair labour practices, ensuring workers are treated ethically and paid fairly. This aligns with international labour standards and human rights principles.

- Case study: Eileen Fisher, a leading slow fashion brand, places a strong emphasis on fair labour practices. The company ensures that its workers are treated ethically and paid fair wages. By adhering to international labour standards and human rights principles, Eileen Fisher demonstrates a commitment to social responsibility. Eileen Fisher actively participates in fair trade initiatives, obtaining certifications that highlight its ethical labour practices. The brand holds Fair Trade USA certifications for several of its collections, signifying adherence to rigorous social, environmental, and economic standards. This not only enhances the brand's reputation but also appeals to conscious

consumers who prioritise ethically produced clothing.

Intellectual property rights: Slow fashion often emphasises unique designs and craftsmanship. Intellectual property rights protection is crucial to prevent unauthorised copying or imitation of distinctive designs. Some jurisdictions may offer recognition and incentives for the protection of artisanal designs, acknowledging the importance of preserving cultural heritage.

- Case study: Kuna, a slow fashion brand specialising in luxurious knitwear, places significant emphasis on unique designs and traditional craftsmanship. Kuna benefits from intellectual property laws, including trademark and design protection, to safeguard its traditional designs. Kuna's efforts contribute to the global appreciation of traditional craftsmanship within the legal framework.

Supply chain transparency: Slow fashion inherently values transparency in its supply chain, emphasising locally sourced materials and craftsmanship. The focus on traceability aligns with growing consumer demands for ethical and transparent practices.

- Case study: Everlane, a slow fashion brand, places a premium on transparency in its supply chain. The company emphasises locally sourced materials and craftsmanship, aligning with the growing consumer demand for ethical and transparent practices. Everlane has received industry recognition and awards for its

exceptional transparency. The brand's commitment to openness in the supply chain has earned it certifications and accolades.

Consumer protection: Slow fashion often builds long-term relationships with consumers based on quality, durability, and ethical considerations. Honest and transparent communication is integral to slow fashion's ethos.

- Case study: Stella McCartney, known for its ethical and sustainable practices, builds long-term relationships with consumers based on quality, durability, and transparency. The brand prioritises honest and transparent communication about its sourcing, manufacturing, and environmental impact. Stella McCartney benefits from consumer protection laws that recognise and support businesses prioritising transparency. By consistently providing clear and honest information to consumers, the brand maintains a positive image and instils confidence in its clientele. Legal frameworks that encourage such transparent communication contribute to the success of ethical slow fashion brands.

Access to markets & certifications: Some markets may recognise and value slow fashion, providing opportunities for businesses with a commitment to sustainability and ethical practices. These certifications signal the brand's adherence to specific ethical and environmental standards, providing assurance to consumers and gaining recognition

in markets that value sustainability. Certifications act as facilitators, opening doors for businesses committed to responsible practices within the slow fashion landscape.

- Case study: People Tree, a pioneer in fair trade and sustainable fashion, operates in markets that recognise and value slow fashion. The brand's commitment to sustainability aligns with the values of consumers who prioritise ethical and environmentally friendly choices. People Tree utilises certifications like Fair Trade and organic labels to facilitate market access. These certifications signal the brand's adherence to specific ethical and environmental standards, providing assurance to consumers and gaining recognition in markets that value sustainability. Certifications act as facilitators, opening doors for businesses committed to responsible practices within the slow fashion landscape.

Looking forward

As we peel back the layers of this frenetic landscape, it becomes evident that the evolving story of fast fashion is not just about trends and consumer desires but also about ethical responsibilities and legal dynamics.

The convergence of fashion and law is an ongoing narrative. The fast fashion industry is at a pivotal moment, facing the dual pressures of consumer demands and legal scrutiny. The legal landscape adapts to address the ethical and environmental implications of fashion production. The future of fashion lies in finding a delicate equilibrium where the allure of trends

meets the ethical imperatives of a conscientious consumer and a responsible industry.

Slow fashion is a compelling alternative. Its emphasis on quality, sustainability, and ethical practices, stands as an inevitable choice to the fast-paced, disposable nature of mainstream fashion.

About the Author

Chiara Lamacchia is a consultant in legal, marketing & legal forecasting, working in corporate strategy for global organisations across different sectors, after an LL.M. from Bocconi University (Milan, Italy) and an MSc in Marketing from Edinburgh Napier University (UK).

Chiara is the Founder of lawrketting.com and withoutconsulting.com, promoting the adoption of ground-breaking ways of using the law for innovation and competitive advantage.

Besides, among other things, she authored and published the [book](#) "Lawrketting – What Business Never Realised About Law", introducing the concept of "lawrketting" through a unique combination of law, business, marketing and innovation.

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UNIFYING PRIVACY, INVESTIGATIONS, AND E-DISCOVERY TO FIND TRUTH IN A DIGITAL WORLD

Ari Kaplan speaks with Jonathan Rubinsztein, the CEO of Nuix, a leading provider of investigative analytics and intelligence software.




Ari Kaplan

Tell us about your background and your role at Nuix.

Jonathan Rubinsztein

I am a serial CEO of companies in transformation, and I was super excited by the opportunity at Nuix. It has great world-class products, great people, and a compelling purpose, the purpose being a force for good in the world and to try to help our customers get to the truth, get to justice, and get there quickly was super exciting for me. We have transformed the company over the past two years by connecting with our customers, understanding their needs, and sharpening our products to meet them. As for our legal customers, we are very excited about our five differentiated offerings or our thoughts around our solutions that link to what



we think our legal customers need. We want to provide a full EDRM-centric, end-to-end solution that satisfies the full array of customer requirements. Our data expertise is also a big differentiator. Understanding data is core to everything we do and we are working critically to manage larger data sets, particularly for complex data privacy matters, large investigations, and AI. Naturally, AI is critical, but Gen AI is table stakes and we have embedded NLP at the heart of everything we do as reducing data bloat is crucial, reducing the total cost of a case. Understanding the full corpus of data is also super valuable. We also focus on deploying our software behind their firewall or in the cloud, according to the preferences of our customers.

Ari Kaplan

For what types of matters is Nuix most often used?

Jonathan Rubinsztein

Nuix has been used for some of the world's largest and most complex investigations and analytics programs. Over the last 20 years, we have been helping our customers solve data challenges, including a vast array of data interrogation needs, from data privacy and cyber breach to fraud investigations and ECA. These use cases then inform our legal solutions so that we process more, review deeper, and automate faster to get to the answer quicker. The convergence across those means that orchestration becomes key so Nuix products integrate with existing

technologies to make enterprise-wide data, structured and unstructured, searchable. One large government agency recently told us that before Nuix, it was taking them six weeks to complete a Freedom of Information request, and now they can do it in 12 hours.

Ari Kaplan

Nuix has launched NEO, a unified platform to apply data intelligence across data privacy, fraud and investigations, and e-discovery matters. What are the benefits to organizations in this singular approach?

Jonathan Rubinsztein

Nuix NEO is a unified platform. Previously, we had components that we'd assemble to provide a unique and bespoke solution, but we have realized that training a platform means that we can repeatedly build intellectual property and it allows us to be faster, easier, and smarter in handling repeatable use cases. Ultimately, a unified platform that ingests, processes, contextualizes, and analyzes the data, and then reviews in a much more streamlined and efficient manner, with AI, creates risk, efficiency, and cost-savings opportunities. NEO provides a singular approach, and this supercharged orchestration allows us to reduce the complexity of managing multiple tools. It also makes it easier for law firms to integrate across their platform and the existing technology legal stack. This consistency is crucial for maintaining accuracy and reliability in legal proceedings and investigations, which makes cross-functional collaboration across teams easier. And, of course, the one thing that differentiates NEO is our no-code AI model builders.

Ari Kaplan

How do you uniquely incorporate artificial intelligence into your technology?

Jonathan Rubinsztein

Our NLP is a cornerstone of our new NEO platform and we are integrating it into our Discover review platform, which will be in production by the end of June, so we can use large language models that are trained on data owned by our clients and residing behind their firewalls. Being able to train our AI on your large language model behind your firewall is supercritical and having it fully integrated into our platform eliminates the need to shift data sets from our platform to another platform and back into a third.

Ari Kaplan

How does your team leverage artificial intelligence internally for its day-to-day activities?

Jonathan Rubinsztein

AI is now everywhere, and is particularly prominent in risk and compliance. We have our own technology to find data and efficiently manage our information requests. I am also seeing more use cases in marketing and penetration testing. AI has become a tool that empowers humans to do things faster and better, and I am seeing the manifestation of that everywhere.

Ari Kaplan

As the leader of a global company, how do you simultaneously manage client expectations in terms of the capabilities of advanced technology and also ensure compliance with

internal policies associated with its usage?

Jonathan Rubinsztein

Managing client expectations is absolutely crucial and we honor them through open and honest conversations about our advanced technologies and how we use them to achieve specific outcomes. It is very easy to sell the future, but I think the reality is setting realistic expectations and being very clear about how that technology aligns with our company's commitment to being a force for good by finding truth in the digital world. That positive affirmation becomes part of our DNA and that overall purpose statement affects everything we do. Also, compliance with internal policies is just a non-negotiable and means that we have to safeguard our client data and maintain the highest ethical standards.

Ari Kaplan

As the legal industry enters its second full year exposed to generative AI, what do you expect to see in terms of the array of applications?

Jonathan Rubinsztein

We have seen the integration of AI accelerate, especially in legal review. We must ensure that the need for speed is not at the expense of accuracy, integrity, and defensibility. We have to ensure that AI makes legal tech more and not less inclusive, and that you don't need coders to use the technology to serve your business purpose, which is why we have a no-code AI structure. Finally, we need to embrace AI and produce results with a process that is traceable, transparent, and defensible. As we mature in using AI in our le-

gal tech and AI becomes standard within the legal industry, I expect that the demand for ethical, defensible AI will grow.

Ari Kaplan

How do you see e-discovery evolving?

Jonathan Rubinsztein

We are absolutely seeing an enduring appetite from our customers who want both cloud and on-prem solutions, but also want on-prem solutions. We will continue to see increased use of AI, predictive coding, concept clustering, and advanced analytics, which are increasingly employed to enhance the efficiency of document review by reducing the time and cost associated with e-discovery. There is more focus on data privacy regulation, such as the GDPR, among other laws, so more privacy-aware e-discovery processes are becoming a priority. And, of course, remote work is here to stay, so remote e-discovery capabilities are becoming crucial. Finally, with continuous regulatory changes, we need to adapt our e-discovery practices to remain compliant.

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.Reinventing-Professionals.com>. [Click here to listen to the conversation.](#)

Listen to his conversation with Jonathan Rubinsztein here:

<https://www.reinventingprofessionals.com/unifying-privacy-investigations-and-e-discovery-to-find-truth-in-a-digital-world/>

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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.

MANAGEMENT BEYOND THE BASICS

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

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



Progressive and well-managed law departments can make a real contribution to their organizations. More than 25 years of advising legal management tells me that there is a significant correlation between a CLO/General Counsel's experience in the company and strong law department contributions to corporate priorities. In other words, a top-notch in-house department makes for a more effective company.

But getting there usually takes time. After about 5 years, relationships have been forged with the CEO, the CFO and with business units.

Legal resources have been secured and the mix of inside and external counsel are by now carefully balanced.



Industry sectors vary in their demand for legal services: increased regulation, threats to intellectual property, industry consolidation, privatization, and litigation to name a few. Yet, there are five features of law departments that are considered well-managed.

The first feature is organizational alignment. By considering the company's corporate business plan for the year, as well as for a 3-year time horizon, a law department can be more selective about the work it takes on. Roles can range from policy advisor, regulatory and compliance specialist, custodian of the IP portfolio, deal negotiator, risk and litigation management to name a few. Discussions with the corporate leadership and business units are essential. Law departments must be part of the business unit

planning cycle and participate throughout the year.

In some settings, law departments prepare service level agreements with primary business units to define the scope of legal services anticipated from inside and external counsel, standards and protocols for access and turnaround of legal services, and cost management.

Another aspect of organizational alignment is the further articulation of corporate objectives and goals with implications for services from the law department.

These are then reduced to writing by the law department so that initiatives can be agreed and tracked.

A second feature is the *deployment of law department resources*. Law departments are part of a company's intellectual capital. They should be properly leveraged for maximum effectiveness. Beyond serving as legal relationship coordinators for each major business unit, lawyers and staff must be challenged and expected to acquire new skills and knowledge.

The creation of centers of legal expertise, often in tandem with preferred external counsel, is rarely a formal process. Individual lawyers will too often work up to 90% of the hours on a legal matter, with insufficient reliance on colleagues in the department or on the managed use of external counsel. The most effective law departments rely on legal service teams to support business unit objectives – essentially a degree of internal leverage to improve service delivery and knowledge transfer.

Law departments rarely know enough about the complexity, frequency, and distribution of the work they carry out. Few departments have matter management systems to track activity and the source and type of legal work. Fewer still want time-keeping systems. There are less complex ways to analyze the work.

Investing in the department's legal resources calls for competency-based tools to ensure the right balance of legal capabilities and business priorities. Competencies are an amalgam of knowledge, skills, and attributes which lawyers are expected to acquire as they reach different career milestones (entry, intermediate, expert and management). Competencies normally cover four broad areas: personal attributes, leadership, business/finance, and legal.

The third feature of an effective law department is the *management of initiatives and priorities*. It is the combination of carefully chosen initiatives that affects every lawyer and key users in a meaningful way. Initiatives are discussed and planned annually with corporate and business unit leadership with progress reviewed regularly. It is a given that professionals and legal leadership never have spare time and are never caught up in their work. Still, companies and their business units have targets and deadlines. An effective law department has criteria to guide the selection and timing of initiatives. It monitors the allocation of work to members of the law department and to external counsel. Compliance with service standards while backlogs are traded off is part of the continuous triage that defines the dynamics of professional services.

The fourth feature of an effective law department is *strategic communications*. Too often, law departments are poor promoters of their achievements. Perhaps every artist needs an agent. The company's leadership may have a poor understanding of the diversity and impact of what the law department achieves in its different roles. That is one reason why internal surveys dealing with service levels and results should be conducted every year.

Surveyed participants then receive formal feedback on the survey results, as well as follow-up visits after all major transactions, litigation and hearings. A careful selection of matters and good timing by the CLO makes strategic communication a key element in effective legal services.

The fifth feature is a focus on leading practices. Innovation is the hallmark of an effective law department. Departments benchmark everything from techniques for organizational and human resource alignment, to the management of initiatives, as well as strategic communications. They readily participate in the benchmarking of non-financial and financial practices of other law departments. They rely on primary research and competitive intelligence to learn about and then introduce best practices.

Managing beyond the basics requires organizational and legal resource alignment, the

careful management of initiatives for the law department, strategic communications, and a focus on leading practices for legal services.

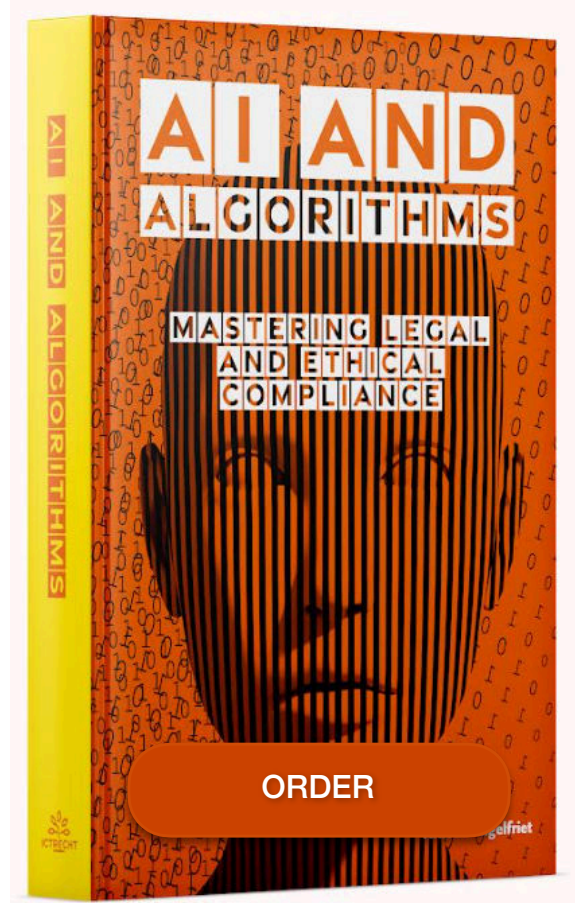
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Richard G. Stock, M.A., FCG, CMC is the Managing Partner of [Catalyst Consulting](https://www.catalystconsulting.com). The firm has been advising corporate and government law departments across North America and around the world since 1996. For law department management advice that works, Richard can be contacted at +1 (416) 367-4447 or at Richard.Stock@catalystlegal.com.

NEW. Written for legal professionals, compliance officers and AI product managers, this book provides the keys to understanding the evolving landscape of AI law, presenting clear, actionable insights on how to apply Europe's legal rules and ethical guidelines in AI design, deployment, and oversight.

Delve into detailed discussions on crucial concepts such as human agency and oversight, technical robustness and safety, privacy and data governance, and many more.

Explore the essence of transparency in AI systems and their impact on societal and environmental well-being, while also gaining an understanding of accountability mechanisms.



Book Review: DITCH THE BILLABLE HOUR! IMPLEMENTING VALUE-BASED PRICING IN A LAW FIRM

Mitch Kowalski, Lawyer and Visiting Professor of Legal Innovation at the University of Calgary Law School



Most legal books - like my favourite martinis - tend to be on the dry side; but what's great for a martini is quite dreary for readers. Heavy on information, but light on readability may gain critical acclaim but it often results in reduced readership; and if, as F. Scott Fitzgerald is reported to have said, "You don't write a book to say something. You write it because you have something to say," what's the point of writing a book that no one reads? So, I was delighted that Shaun Jardine has done the impossible: written an engaging *and* comprehensive resource on value-based pricing (VBP); a topic that had a high probability of being an incredibly dull read.

For readers seeking a dense, pedantic tome to sit prominently - and unread - on your

DITCH THE BILLABLE HOUR

bookshelf, *Ditch The Billable Hour! Implementing Value-Based Pricing in a Law Firm* is not for you; rather, this is a book designed to be tea-stained, dog-eared, highlighted, and folded, with a well-cracked spine and filled with handwritten notes. It's a practical manual for those who are serious about change from an author who is no stranger to the world of legal pricing; Jardine practiced law for decades, including time as a law firm owner/CEO, and now focuses his time as a law firm management consultant (Big Yellow Penguin) where his clients span the globe; he is part of a very small group of management consultants who are seen by lawyers as truly, "one of us." Jardine's own research is peppered throughout the book, some of which should startle readers; most firms **don't** have a Pricing

Strategy and Policy that is **consistently** applied. But, while less than half of the firms he surveyed expected a 10% or more increase in profits in the following year, 77% of those that **did**, had a clear and consistently applied Pricing Strategy and Vision - and only 21% charged by the hour. Perhaps most astoundingly, 40% of all firms surveyed didn't even know what proportion of their clients were profitable. Jardine's research shows that business concepts such as pricing and profitability are ones with which many law firms still require assistance.

Change is hard for lawyers; we've been trained to be skeptical and American studies have shown that lawyers consistently rank in the 90th percentile for pessimism. One of **Ditch The Billable Hour's** many strengths

is its recognition of the challenges and objections that will surface in transitioning to VBP. Jardine doesn't merely identify these obstacles; he delves deep into them, offering insightful strategies for overcoming resistance and fostering acceptance.

Central to Jardine's message is his easy to understand, 8 P Point Plan (8PPP) framework to facilitate the transition from hourly billing to VBP. The 8 PPP framework was inspired by the methodology and change management teachings of Harvard Business School, Professor John Kotter, and the fable ***Our Iceberg Is Melting***, with each **P** representing a critical step in this transformative journey:

PARADIGM: the urgency to shift mindsets and undertake a gap analysis for understanding the necessary changes.

PIONEERS: identifying champions to lead the change.

PLAN: A strategic vision for VBP implementation, with practical checklists.

PROMOTE: engaging stakeholders in understanding and supporting the VBP initiative.

PERMIT: empowering individuals and teams to drive change.

PRIZES: capitalizing on early successes to build momentum for the VBP shift.

PERSEVERE: strategies for maintaining enthusiasm and overcoming challenges in the VBP journey.

PASSION: Cultivating a long-lasting commitment to VBP within the firm.

This disciplined approach provides a clear,

logical, and understandable roadmap for all legal services entities transitioning to VBP.

As previously mentioned, accessibility and practicality are at the heart of ***Ditch The Billable Hour!*** It's fun, conversational style is concise, engaging, and persuasive, weaving together cartoons, side bars, practical scenarios, research, expert commentary, and exercises, along with strategic advice. This multifaceted and multi-media approach not only allows readers to dip in and out of the book as needed, but it also caters to the 21st Century learning styles of new generations. More legal services books need to be written in this way!

Ditch The Billable Hour! also serves as a gateway to further exploration by providing numerous links to additional reading and resources from respected experts and thought leaders for readers wishing to be more deeply immersed into legal practice management and change management matters.

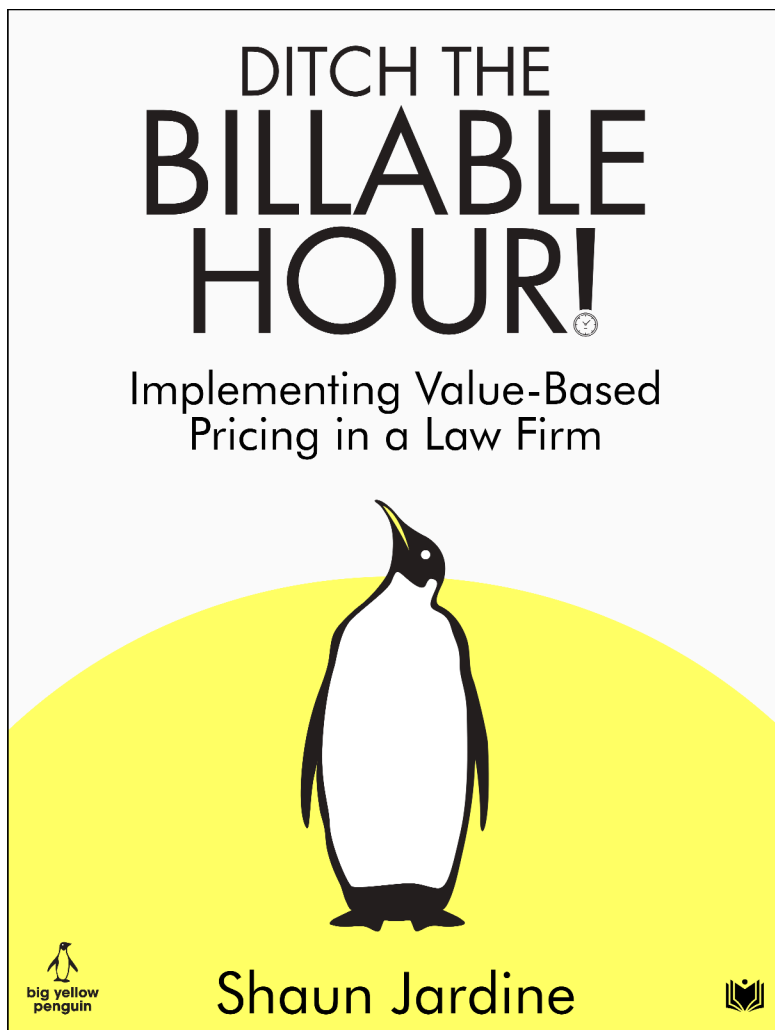
As we all know, the death of the billable hour has been great exaggerated for nearly 2 decades, however the rapid pace of technological change in legal services is bringing us ever closer to the moment where lawyers realize that hourly billing makes them **less** money than VBP. And when that moment finally arrives, those who prepared for it will fare much better than those who did not. Creating or changing a pricing strategy is not something to be done over a weekend retreat - as Shaun Jardine demonstrates in his book, change is a disciplined and time-consuming process and so the earlier it begins, the better. But even if the billable hour lingers in its

death throes for many more years to come, ***Ditch the Billable Hour!*** will remain as a significant contribution to the literature on legal services pricing.

About the Author

Mitch Kowalski is a lawyer and Visiting Professor of Legal Innovation at the University of Calgary Law School, a Fastcase 50 Global Legal Innovator, a Fellow to the College of Law

Practice Management, and the author of the critically acclaimed books, *Avoiding Extinction: Reimagining Legal Services for the 21st Century*, and *The Great Legal Reformation: Notes from the Field*. He was awarded the Ontario Bar Association President's Award for "Leadership in Justice innovation," and is often hired by law firms around the world in connection with their innovation efforts. Follow him on X @mekowalski or visit his website www.kowalski.ca



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STRIVING FOR WORK-LIFE BALANCE AS A LAWYER?

Discover FRETZIN's Top Tips to Attain Harmony

By Steve Fretzin, President Fretzin, Inc



Are you, like me, constantly bombarded with discussions about work-life balance nowadays? It appears to be a universally desired goal, and who can blame us? However, the question lingers—can we realistically achieve it in today's fast-paced world? Let's delve into this inquiry and explore effective strategies to attain what often feels like an unattainable milestone. Personally, my evenings and weekends are no longer dominated by work commitments. I indulge in multiple trips throughout the year and enjoy considerable flexibility, allowing me to take mornings or afternoons off as needed. But has it always been this way for me? Absolutely not! Rewind to the inception of my business development coaching venture in 2004, and you would find me immersed in work round the clock.



I was desperately in need of organization, grappling with scattered piles of paper and business cards. Moreover, I could have easily clinched a networking competition title, attending events morning and night. To top it off, my weekends were dedicated to extended family obligations. Does this scenario sound familiar to you?

So how did I make this thing called "work-life balance" happen? Here are three utterly critical things that changed the course of my life and that of my clients, both for the better. My hope is that you can follow suit to get every drop out of your life that you can, versus feeling like a hamster running endlessly on a wheel.

Tip #1. Become a time management ninja. People who knew me back in the day would

tell you that I was a feather in the wind. Meaning, that keeping focus wasn't my thing. I had a messy bedroom as a child and that translated to a minefield of an office as an adult.

When someone recommended the book, "Getting Things Done," by David Allen, I wasn't surprised. I knew firsthand how this disorganization was not only affecting my efficiency but frustrating me on a daily basis. Finding an email, a copy of a contract or a business card from the week before might take me hours to locate.

While the book offers hundreds of practical ways to gain control of one's time, there were two elements that had an immediate impact on me. The first was doing "The Purge."

No, not the movie but rather the first step to getting organized. Like when trying to lose weight, you need to clean up and remove all the fatty foods from your house. In this case, it was placing all my messes in one big pile. My pile was four feet high and three feet around. It was super intimidating to observe. But, with the help of my assistant (and a label maker), over a six-hour period of focused time, we had filed away or thrown out everything in that fat stack. It's remarkable how quickly I felt the weight of that disorganization roll off my shoulders.

The second part was following David's Four D's methodology for dealing with everything that falls into my brain. This includes calls, emails, texts, mail, and really anything that I must deal with on any given day. Essentially, you must place all input into one of four categories which are DO IT, DEFER IT, DELEGATE IT or DROP IT. The basic definitions for each are:

- Do it. This means anything that comes across your mind or desk that you can execute in under two minutes, just knock it out.
- Defer it. Don't keep interrupting your flow by handling tasks ad hoc all day. Prioritize and schedule projects throughout the day. This way, instead of the day having you, you have the day.
- Delegate it. Lawyers are notorious for saying, "It's easier if I just do this myself." STOP IT! You're being paid top dollar for your time, so quit doing menial tasks that someone else can do for \$20-100 an hour.

- Drop it. What are you doing that should NOT be done during the week? You should be billing hours, managing subordinates, and growing your law practice. Surfing the web and scheduling haircuts are not workday material.

If you're serious about gaining back your time and owning your future, go pick up a copy of GTD (Getting Things Done) today. Like right now.

Tip #2. Make saying "no" your jam. As you saw above, one of the tenets of GTD is to "drop it." This leads me straight into my second lesson in work-life balance and that's saying, "No." Look, I don't know your exact position, role or situation as you're reading this, but take out of tip #2 what you can. We MUST protect our time with the same rigor that we would protect our family from a home intruder. In business and in life, time is our most precious asset, yet too often we say yes to most people and things without thinking about the repercussions on our time. While I'm not suggesting you don't have to work hard or earn your stripes, be hyper-critical of how you invest your time to get the most return.

When someone asks you to do something, take a few minutes or a day to really analyze the pros and cons of that investment. Will it bring you happiness, wealth, new relationships or further your career? Most things we are asked to do don't fall into those buckets, so be nice and follow my guidance to softly and confidently reject the task whenever possible.

Simply say, “I so appreciate you asking and including me in this amazing opportunity. Unfortunately, I have a policy that if I can’t provide my full attention, it’s not fair to others for me to say yes. Thank you, though, for thinking of me.” Obviously, you can wordsmith this for you and your personality, but you get the point. Having and sharing a policy is one of the best ways to exit an offer or situation that doesn’t support your key initiatives.

Tip #3. BE THAT LAWYER and make it rain. I’m sure this won’t surprise you to hear, but rainmakers have the best lives. At least the smart ones do. I say this because I create rainmakers every year and they focus on bringing in the work more than simply grinding away in the trenches. If you think about the business of law for a moment, all of this will make sense. You are selling legal services at a premium price. If you hand off that work to an associate or paralegal so you can go find more legal work, your return on investment of that time is being maximized. The math is simple. Do 10 hours of work at \$500 an hour, or \$5,000 dollars. Or use those 10 hours to get \$50,000 of business into the firm. Now rinse and repeat to see what your value is to the firm now.

This isn’t to say that you shouldn’t do your job, but rather that you should only do the work you truly enjoy and that is super high level. Most lawyers don’t get to make this choice, but most rainmakers do. I’m not going to sugar-coat this for you and tell you how easy it is to make this transition. Rather, I’ll be honest and tell you it’s damn hard! However, something

that may take five or 10 years to accomplish can be shortened significantly if you focus on learning the craft of business development. Let me be clear, it is a learned skill that even the most introverted and uncomfortable lawyers can accomplish. As you probably know, there are books, articles, podcasts and videos that will help you, not to mention the hundreds of lawyer coaches who are waiting for your call. It’s all about you making a decision. “Do I want to be a rainmaker or not?” It’s on you and you alone.

When contemplating the abstract concept of work-life balance, it becomes apparent that certain sacrifices and investments are requisite for its attainment. Mastering time management, acquiring the art of assertive refusal, and honing skills in business development are no walk in the park. In my daily interactions with numerous lawyers seeking coaching, a recurring theme emerges—the realization that persistently following the same routine year after year fails to yield the happiness and satisfaction inherent in our human desires. It is crucial to recognize that the decisions you make today to safeguard your time will profoundly shape your future.

For more information about FRETZIN, Inc. go to www.fretzin.com or to meet with me to discuss your work-life balance or lack of it, please email me at steve@fretzin.com.

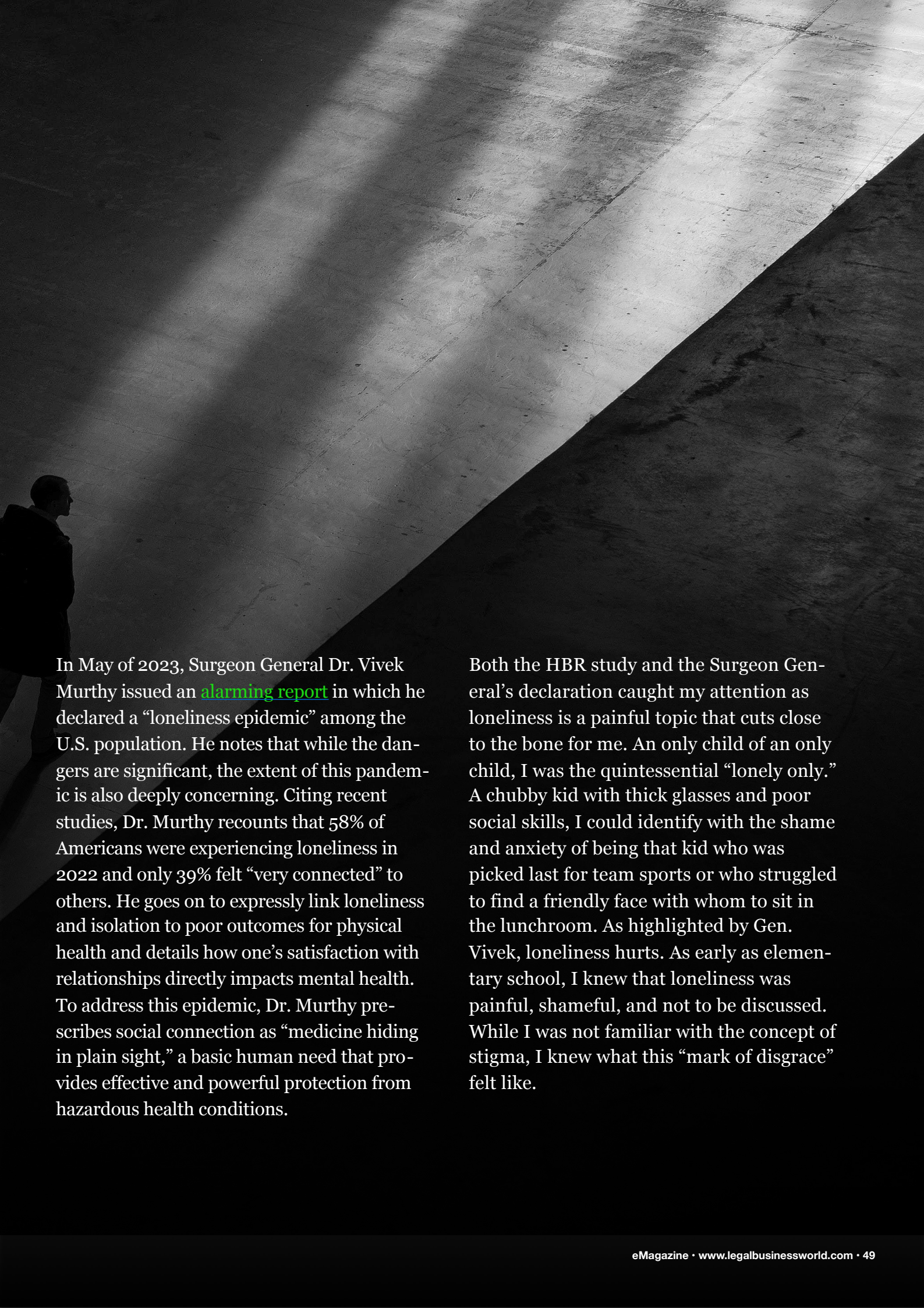
LONELINESS IN LAW

A Silent Source Of Our Suffering

By Bree Buchanan, Senior Advisor for Krill Strategies



Loneliness – along with its first cousins isolation and alienation – are drivers of much of the distress, overwhelm, burnout and behavioral health disorders that plague our profession. The first alarm was sound in 2018 when the Harvard Business Review shared findings of a [wide-reaching study](#) of the perceived sense of isolation and loneliness among U.S. professionals. Lawyers were found to be the loneliest professionals, closely followed by members of other professions such as doctors and engineers. This finding was buttressed by a [2023 study by ALM](#) (American Legal Media) which found that 45% of firm lawyers felt isolated at work and 35% felt detached and alone in the world.



In May of 2023, Surgeon General Dr. Vivek Murthy issued an [alarming report](#) in which he declared a “loneliness epidemic” among the U.S. population. He notes that while the dangers are significant, the extent of this pandemic is also deeply concerning. Citing recent studies, Dr. Murthy recounts that 58% of Americans were experiencing loneliness in 2022 and only 39% felt “very connected” to others. He goes on to expressly link loneliness and isolation to poor outcomes for physical health and details how one’s satisfaction with relationships directly impacts mental health. To address this epidemic, Dr. Murthy prescribes social connection as “medicine hiding in plain sight,” a basic human need that provides effective and powerful protection from hazardous health conditions.

Both the HBR study and the Surgeon General’s declaration caught my attention as loneliness is a painful topic that cuts close to the bone for me. An only child of an only child, I was the quintessential “lonely only.” A chubby kid with thick glasses and poor social skills, I could identify with the shame and anxiety of being that kid who was picked last for team sports or who struggled to find a friendly face with whom to sit in the lunchroom. As highlighted by Gen. Vivek, loneliness hurts. As early as elementary school, I knew that loneliness was painful, shameful, and not to be discussed. While I was not familiar with the concept of stigma, I knew what this “mark of disgrace” felt like.

It carried forward to my time in law school when imposter syndrome brought up feelings of alienation and loneliness informed by an errant belief that I didn't really deserve to be among all the brilliant people in my cohort. Like so many lawyers, loneliness was an undercurrent during periods of my career, a drain on my energy, my health, and – at times – on my ability to be at the top of my game.

The Nature of Loneliness

Given its subjective nature, defining loneliness is an inexact science. It is *perceived* isolation based upon a *perceived* need for a type, quality, or quantity of relationships. This perception is characterized by a sense of lack or insufficiency in regard to *wanted or needed* social connection. Given its subjective nature, the desired level of connection will vary among individuals. Sometimes being alone does not automatically equate with loneliness. For example, introverts need ‘alone time’ to recharge while academics and artists may find self-sequestration to be a necessary predicate to deep concentration or the flow of creative energy. Alternatively, some individuals may find themselves surrounded by other people and yet still feel loneliness.

Although the need for contact may vary, when a person does perceive loneliness within their self, it can simultaneously signal to our bodies that something is very wrong with our circumstances. In fact, the pain associated with loneliness activates the same neural networks as physical pain. Along with the experience of pain, a sense of unease and danger can ensue as our need for connection is primal and foundational to healthy functioning. Humans

evolved as communal beings with survival often dependent upon being a part of a collective of other humans. Isolation and alienation from the community meant deprivation and possibly death. From the earliest times, banishment and exile were some of the harshest punishments dispensed to those out of compliance with the predominant group's mores and social order. In his report, Dr. Murthy summarizes the foundational need for connection in stating that, “loneliness is like hunger or thirst. It's a feeling the body sends us when something we need for survival is missing.”

Dangers of Disconnection

A review of disconnection's negative impact on physical and mental health quickly demonstrates why Dr. Murthy expressed deep concern over our country's loneliness epidemic. Those experiencing unwanted disconnection from others experience a 26% increase in risk of early death and a 30% increase in risk of stroke or heart attack. These individuals are also twice as likely to experience depression and twice as likely to develop dementia. Lacking social connection carries the same risk as smoking 15 cigarettes each day and poses more risk than obesity, physical activity and air pollution *combined*.

Patrick Krill, a renowned researcher on well-being in the legal profession, published a 2023 study on factors leading to the high rate of suicide among lawyers in the U.S. Entitled “[Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk](#),” Krill's report highlights the dismal fact that lawyers who screened as lonely were 2.8 times more likely to endorse suicidality.

Why Lawyers are the Loneliest

Lawyers lead all other professions in loneliness and, as a result, they disproportionately experience its documented and extreme adverse effects. A panoply of reasons contributes to this threat to lawyers' health and ability to practice at optimal levels, including competitiveness that breeds animosity and alienation, a culture (often fueled by toxic perfectionism) that idolizes overwork, a pervasive unwillingness to show any vulnerability and to admit the need for help, and excessive workloads that act as barriers to maintaining quality connections with others.

A published expert on loneliness in the legal profession, Olivia Ash, also [posits](#) that lawyers' critical analysis and combativeness create a sense of hypervigilance which, in turn, sets the stage for disconnection and isolation. The pessimistic thinking style developed in law school and reinforced during the practice of law runs directly counter to maintaining mental states needed to promote trust, inclusion, and communication which are necessary precursors to creating high-quality connections.

When the "I" in DEI is Missing

In recent years, law firms have increasingly and justifiably made efforts to increase diversity among their ranks, enhance equity for all members, and promote inclusion, particularly for those who have historically been kept outside the circles of power and authority. Wide range awareness now exists that connection and belonging are essential for a sense of meaningful inclusion. Conversely, we also know that social isolation results in an unfulfilled need to belong or feel connected to oth-

ers which, in turn, leads to poor mental and physical health outcomes. In essence, marginalization leads to loneliness and all its detrimental effects.

Research on the general U.S. population bears this out. People from underrepresented racial groups are more likely to be lonely. Alarming, 75% of Hispanic adults and 68% of Black/African American adults are classified as such. These distressing numbers are consistent with a social structure constructed to exclude members of disempowered and marginalized groups, a dismal circumstance that widely persists even today. A striking disparity also exists between young ("emerging") adults and their more established elders. An alarming 79% of adults aged 18 to 24 feel lonely compared to 41% of those aged 66 and over.

PRACTICAL STRATEGIES TO COMBAT LONELINESS

Strategies for the Individual Lawyer

Because loneliness is a stigmatized condition, overcoming it can be challenging. There are certain traits, however, that can help in doing that. To start, one needs self-awareness, not only to identify loneliness as a problem, but to find optimized strategies that counter unwanted isolation in a manner that meets individualized needs. Next, chances of creating a high-quality relationship improves if participants are willing to demonstrate vulnerability and openness. Additionally, a willingness to focus on commonalities and de-emphasize differences can aid in weaving the first strands of friendship.

Some specific strategies for individuals seeking to break out of loneliness include:

Cultivate and nurture high quality relationships. This strategy is most effective when connections are both prioritized and sought out intentionally. An easy first step may be to simply re-connect with old friends or people who have had a positive influence. A next step would be to seek out connection with someone new by inviting them to coffee, a walking break during the day, or lunch. Don't fall in the trap of waiting for another person to reach out or make the first move.

A caveat: recent research on people feeling deep loneliness has shown they often experience more negative social interactions. It seems that loneliness predisposes people to approach social interactions with cynicism, distrust and an expectation of rejection and betrayal. This attitude, in turn, makes efforts at socialization particularly dissatisfying. Researchers suggest that in extreme cases, a person experiencing loneliness may – prior to seeking new friendships – do well to first work on monitoring and dispelling negative thought patterns, such as thinking that no one would want to be their friend.

Engage in meaningful conversations. Fueled by curiosity and compassion, engage another person on a topic of mutual meaning which may enhance the formation of a trusted and reliable relationship. While speaking of work obligations may be the easiest opener, social-oriented interactions will more efficaciously lead to deeper and meaningful conversations that can

instill a sense of belonging and deep connection,

Build micro-connections over the course of a day. While long-term quality relationships may bring the most satisfaction, short interactions of a positive nature with people encountered over the course of a day can also boost one's sense of connection and well-being. Brief conversations on a regular basis with those who are a part of daily living – the receptionist or other support staff, a store clerk, the person delivering mail – can build towards meeting one's desired level of socializing without taking time out of an overly scheduled day.

Pay attention to - and improve upon - impressions made. Monitor body language, facial expressions, and verbal tone to determine the effect of non-verbal cues broadcast to others. A friendly and open demeanor will assist in finding and nurturing positive connections. Conversely, anger and impatience are also readily conveyed to others and will destroy efforts at building friendships.

Volunteer with – or work for – a mission-based nonprofit. Above, I wrote about my struggles with feeling lonely at various points over the course of my life. A reliable way to break out of my perceived loneliness has involved dedicating my time and energy to work on a mission-based project alongside a like-minded cohort. In my early career, I worked for a legal aid office representing victims of domestic violence. Later, I became involved in service to the bar and found many friends through the experience of serving on numerous boards of directors.

Many of those I met remain among my core friend group to this day. Now, approaching retirement, I volunteer with social service groups who provide support to the poor in our community. All of these endeavors served to heighten my sense of community and belonging, thereby dispelling the toxic feelings of loneliness.

Protect sleep and periods of rest. New research shows that sleep deprivation often leads to more isolation. This consideration is particularly important for the legal profession as we have a deep and longstanding tendency towards over work, perfectionism, and anxiety which all can lead to poor sleep. The 2023 ALM Mental Health and Substance Abuse survey showed that 88% of respondents got seven or fewer hours of sleep each night which is below what's needed for health and adequate functioning.

Recent studies in this area show that the amount of sleep is directly tied to how lonely and unsociable one feels from day to day. Ultimately, the amount of sleep one gets will determine how they are perceived by others as we tend to become a social turn-off when sleep deprived, resulting in increased alienation and isolation.

A final comment is warranted regarding men and their (lack of) friendships. Currently, men have fewer social ties than in the past. In 1990, half of U.S. men reported having at least six close friends, compared to a quarter of men reporting the same in 2021. Among the many reasons include a biologically driven vigilance

against showing any vulnerability which, in turn, creates a barrier to forming close friendships. Key to building supportive relationships is a willingness and ability to reveal personal experiences with another person. This takes some degree of courage but the result – greater life satisfaction, better health, etc. – will be worth the effort.

Strategies for Firm Leadership

As loneliness can wreak havoc on the emotional and physical health of an individual, it can also create significant problems in the workplace. Those who feel lonely and disconnected perform more poorly at work, feel less satisfied with their jobs, burnout more, quit more frequently, are more likely to develop a mental health or substance use disorder, and create more risk for their firm.

To meaningfully assess the degree of loneliness, isolation and alienation in a firm, its leaders should consider the following questions:

- Do practices at the firm create a culture that is atomized and siloed, or one that is communal and collaborative?
- Is the firm a psychologically safe place where employees can be authentic (making establishment of meaningful connections more likely) and can feel secure in seeking help for behavioral health or performance-related issues?
- Are behavioral health resources known and used by staff? Those struggling with issues, such as depression or alcoholism, often experience heightened isolation and loneliness leading, in turn, to greater dysfunction.

Some specific strategies for firm leaders seeking to reduce loneliness, isolation and alienation can include:

Create and adequately support affinity and peer support groups. Personnel with common interests (the future of A.I. or parents with young children, for example) can find community and a sense of belonging. This practice is even more important for those from marginalized populations who may find some connections and support from others in the group. In doing so, they may discover means to address isolation and form meaningful relationships with those facing similar challenges.

Promote to positions of authority those who – due to race, ethnicity, LGBTQ status, gender – have typically and historically been excluded from that level of leadership. Doing so will demonstrate a true commitment to meaningful inclusion for all members of the firm.

Develop a strong sense of belonging among staff. Having a deep connection to a workplace is the number one desire of employees (desired more than an increase in pay, better benefits, or a better work-life balance) and its absence is the second most often cited reason for quitting. Given its importance, surveying staff about how connection, inclusion and belonging can be heightened is a great foundational step toward creating those conditions. Leaders should remain vigilant about creating opportunities for staff to learn about one another as people and be scrupulous about making sure everyone is included in these efforts.

Create opportunities for meaningful work. Researchers in the 2018 Harvard Business Review study found that the single most impactful

leadership behavior to counteract loneliness is to create opportunities for building shared meaning with colleagues. This finding is based upon the truism that people want to feel they matter and that they are part of something bigger than themselves.

To achieve a widespread sense of meaning among staff, ensure that staff understand the reason for a project and how it comports with the mission of the firm or the client. Communicate with team members working on a project about why the work matters to the firm, the client, and/or society. Often this means making sure people understand how a particular project affects the larger goals. Beyond meaning in the workspace, have teams become involved in community volunteer projects which is a great way to enhance a shared sense of meaningful work.

Create the conditions that promote high quality connections at work. Trust (a necessary ingredient for high quality connections) is promoted when staff are given some degree of autonomy, are not micro-managed, and are encouraged to share information. Finding opportunities for playfulness will also reap benefits in promoting connections. This could involve encouraging (appropriate) humor in the workplace, getting out of the office together to experience a shared activity, or establishing creative practices to deal with high stress and overwork such as taking breaks to experience a sunny day.

CONCLUSION

Studying the dilatory effects of loneliness has helped me to understand why it's been such a painful and shameful condition at the times I've been beset by this feeling. As an introvert,

I have to consistently make a conscious and intentional effort to create and sustain high-quality connections with colleagues, friends, and family. The effort is worthwhile given that research has consistently shown that the most significant predictor of overall happiness, life satisfaction, and well-being is one's sense of connection to others.. So, take a moment to reflect on how you and your firm are impacted by loneliness and lack of connection. Then make a plan to see your role in effecting some of the change needed to move the dial on creating a happy, healthy, engaged, connected, inclusive workplace.

About the Author

[Bree Buchanan](#), JD, MS, is Senior Advisor for

[Krill Strategies](#), a legal consulting firm providing support to AmLaw100 firms seeking to enhance well-being among their personnel. In 2020, she worked with a small team to create the [Institute for Well-Being in Law](#) and served as its first executive director and board president.

In January 2024, Ms. Buchanan was recipient of the [Reed Smith Award](#) for Excellence in Well-being in Law. Prior to this work, she served as director of the [Texas Lawyers Assistance Program](#) and Chair of the [ABA Commission on Lawyers Assistance Programs](#). Currently, she serves as a commissioner for the [International Bar Association's Professional Wellbeing Commission](#).

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EMBRACING NEURODIVERSITY: A NEW FRONTIER IN THE LEGAL PROFESSION

By Marco Imperiale, Founder and Managing Director of Better Ipsum



Introduction.

Innovative Perspectives in Law through Neurodiversity envision a law firm or a legal department where the unique neurological composition of its team is not just welcomed but is the foundation of its inventive prowess and success. This progressive concept springs from neurodiversity, a notion which encompasses various neurological conditions like Autism Spectrum Disorder (ASD), Attention Deficit Hyperactivity Disorder (ADHD), dyslexia, and Tourette Syndrome. Far from being mere medical terms, these conditions contribute to the rich diversity of human cognitive function, offering a plethora of experiences and capabilities. In the realm of law, known for its intricate challenges and deep-rooted traditions, the embrace of neurodiversity heralds a significant breakthrough.



By appreciating these cognitive differences, law firms and legal departments can unlock a treasure trove of unique skills and viewpoints, significantly boosting their innovative capacity, problem-solving acumen, and adaptability in an ever-changing environment.

The concept of neurodiversity treats variations in brain function and behavioral traits as a natural aspect of human diversity. This paradigm shift enhances understanding and opens new avenues for those with neurological differences, viewing these not as deficits but as unique variations of the human brain, each with its strengths and challenges. It's estimated that about one in seven individuals is neurodivergent, encompassing both those with inherent neurodevelopmental differ-

ences, such as specific learning differences or autism, and those who acquire neurodivergence later in life, perhaps due to an event like a stroke or depression.

These neurodivergent and neuro-acquired individuals have brains that operate uniquely, bringing both strengths and challenges distinct from the majority. It's not unusual for them to exhibit varying degrees of neurodivergent functioning. In the workplace, this neurodiversity can be transformative. Neurodivergent and neuro-acquired professionals often possess qualities that foster exceptional perspectives and problem-solving abilities, enhancing team dynamics and performance. Reflecting this trend, forecasts such as those from Gartner for IT organizations and users predict that by 2027, 25% of Fortune 500

companies will actively seek neurodivergent talent, recognizing the unique advantages they bring to the table.

The Current Landscape and Untapped Potential of Neurodiversity in Law

Traditionally, the legal profession is perceived as conservative and resistant to change, particularly regarding workforce diversity. However, a slow but steady recognition of the strengths inherent in neurodivergent individuals is emerging. For instance, individuals with ASD often exhibit extraordinary capabilities in memory recall and pattern recognition, skills that are invaluable in the meticulous analysis of legal documents, case law, and in developing detailed legal strategies. Similarly, individuals with ADHD might possess a remarkable ability to think creatively and respond agilely, qualities that are highly advantageous in dynamic legal settings such as negotiations and courtrooms. Despite the inherent advantages that neurodivergent individuals can bring, their representation in the legal field is disproportionately low. Recent surveys indicate that the percentage of legal professionals who identify as neurodivergent is starkly lower than the estimated percentage of neurodivergent in the general population. This disparity is not a reflection of a lack of talent but rather of the legal industry's historical under-recognition and inadequate accommodation of neurodivergent professionals. The consequence of this underrepresentation is a significant overlooking of potential talent and perspective that could greatly benefit the legal profession. Neurodivergent legal professionals who have navigated these barriers and carved out successful careers offer a compelling tes-

tament to the untapped potential within this demographic. Their success stories challenge long-standing perceptions of what constitutes competence in the legal field and are paving the way for a more diverse and inclusive legal workforce.

Overcoming Challenges: Creating an Inclusive Legal Environment

The integration of neurodiverse talent in the legal profession is not without its challenges. The conventional legal workplace, with its focus on uniformity and adherence to traditional work practices, often presents significant barriers to individuals who think and operate differently. Furthermore, the high-stress, high-stakes nature of many legal settings can be particularly challenging for neurodivergent individuals, who may require different types of support to thrive. To effectively incorporate neurodivergent talent, the legal industry needs to undergo a cultural shift. This shift involves reevaluating and adapting workplace practices to be more inclusive and accommodating of different cognitive styles and needs. Such outcomes would illustrate that embracing neurodiversity is not merely a moral imperative but also a strategic advantage that can drive innovation and enhance the competitiveness of legal practices.

Hereunder I articulate 10 strategies to create a more inclusive environment for neurodivergent individuals:

- 1. Develop a recruitment process that actively seeks neurodivergent individuals, emphasizing their unique strengths.*

Traditional recruitment methods often overlook neurodivergent talents. To attract these

individuals, tailor your job advertisements to highlight the value your firm places on diverse thinking and problem solving skills. Collaborate with organizations specializing in neurodivergent employment to reach a wider pool of candidates. During interviews, use structured questions and consider alternative evaluation methods like work trials or skill-based assessments, which might be more effective in showcasing a neurodivergent candidate's abilities.

2. Create an environment that accommodates neurodivergent employees' needs, such as quiet spaces and flexible work hours.

A sensory-friendly workspace can significantly improve the productivity of neurodivergent staff. Consider providing options for noise-cancellation headphones, adjustable lighting, and quiet rooms. Additionally, flexible work schedules can accommodate varying productivity patterns and reduce stress, making your firm a more attractive and supportive workplace for neurodivergent individuals.

3. Conduct regular training sessions for all staff to foster understanding and support for neurodiversity.

Implementing regular workshops and seminars about neurodiversity helps build an inclusive culture. These sessions should educate your team about different neurological conditions, how they can manifest in the workplace, and the benefits they bring. Encourage open discussions and Q&A sessions to demystify neurodiversity and promote empathy.

4. Establish mentorship and peer support programs specifically for neurodivergent employees.

Mentorship can play a crucial role in the professionals development of neurodivergent workforce. Pairing them with experienced mentors who understand their unique strengths and challenges can facilitate their career progression. Additionally, create peer support groups to provide a platform for sharing experiences and strategies for success.

5. Use clear, concise, and direct internal communication, and offer multiple modes of communication.

Neurodivergent individuals may have different communication preferences. It's important to offer options like written instructions, visual aids, or face-to-face discussions. Ensure all communication is straightforward and unambiguous to prevent misunderstandings and ensure clarity.

6. Align tasks and projects with the unique strengths of neurodivergent employees.

Recognize the specific skills and interests of your neurodivergent professionals and assign tasks accordingly. For instance, someone with exceptional attention to detail might excel in research or contract review, while another individual's creative thinking could be invaluable in strategy meetings or brainstorming sessions.

7. Customize performance evaluations to be fair and reflective of neurodivergent employees' capabilities.

Traditional performance metrics may not

accurately measure the contributions of neurodivergent professionals. Adjust your evaluation criteria to focus on the quality and impact of their work rather than conventional benchmarks like speed or networking skills. Provide constructive feedback in a manner that resonates with them.

8. *Ensure all employees have easy access to the tools and resources they need to perform their jobs effectively.*

This could mean providing specialized software for those with dyslexia or ensuring that office spaces are accessible to individuals with peculiar physical conditions. Investing in technology and resources that support diverse working styles demonstrates your firm's commitment to inclusivity.

9. *Involve neurodivergent employees in creating policies that affect their work life.*

Including neurodivergent perspectives in policy development ensures that your firm's policies are truly inclusive. Invite feedback and suggestions from neurodivergent employees on issues ranging from workplace accommodations to career development programs. This not only aids in creating effective policies but also fosters a sense of belonging and value.

10. *Actively participate in community initiatives and advocacy for neurodiversity.*

Engaging with the wider community on neurodiversity issues can enhance your firm's reputation as an inclusive employer. Participate in events, support neurodiversity charities, and advocate for legal changes that support neurodivergent individuals. This external engagement not only benefits the community

but also enriches your firm's culture and broadens the understanding and acceptance of neurodiversity among your staff.

Implementing these strategies can transform your law firm into a more inclusive environment that not only supports neurodivergent individuals but also benefits from their unique strengths, leading to a more dynamic, innovative, and competitive practice.

Conclusion: Embracing Neurodiversity for a Dynamic Legal Future

The integration of neurodiversity into the legal profession signifies a transformative shift towards a more inclusive, innovative, and effective practice of law. This movement goes beyond simply adhering to diversity norms; it taps into a rich reservoir of untapped potential and different perspectives. By welcoming and nurturing neurodivergent talent, law firms and legal departments can achieve more than just a diverse workforce; they can attain a higher level of excellence, innovation, and adaptability. The future of law, vibrant and diverse, will be shaped by the inclusion of neurodiversity as a critical component. This evolution reflects the varied needs and backgrounds of the clients and communities that the legal profession serves and is a step towards a legal practice that is not only fair and representative but also robustly equipped for the challenges and opportunities of the modern world.

As awareness and understanding of neurodiversity continue to grow, so too does the potential for transformative change in the legal landscape, driving the profession towards new horizons of innovation, excellence, and inclusivity.

About the Author

Marco is founder and managing director of Better Ipsum, a benefit corporation focused on legal design, legal innovation, and legal wellbeing. 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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LEGAL PROJECT MANAGEMENT ENABLES LEGAL PRACTITIONERS

By Nicolene Schoeman-Louw, Managing Director, SchoemanLaw



In today's dynamic legal landscape, efficient matter management has become increasingly crucial for legal professionals. By effectively managing these, legal practitioners can enhance productivity, minimise risks, and deliver exceptional client results.

Legal Project Management ("LPM") is the adaptation of project management techniques within a legal context. The International Institute of Legal Project Management (IILPM) defines LPM as "the application of project management to the delivery of legal services".

Project Management involves balancing three core principles: time, scope, and budget.



1. Time

- a) Ensures Meeting Deadlines
- b) Provides Enhanced Efficiency: Efficient time allocation allows legal professionals to complete tasks promptly, reducing inefficiencies and increasing productivity.
- c) Enables Proactive Case Management: Effective time management enables legal practitioners to proactively anticipate and address potential delays or obstacles, ensuring smooth progress throughout the project lifecycle.

2. Scope

- a) Provides Clarity and Focus
- b) Manages Client Expectations
- c) Mitigates Risks

3. Budget Management

- a) Cost Control
- b) Transparent Billing
- c) Resource Optimisation: Budget management necessitates careful resource allocation, allowing legal practitioners to optimise the utilisation of personnel, technology, and other project resources. This ensures efficient project delivery without compromising quality.

Triggers to Change

Although it may seem obvious how this can benefit any client, legal practitioners are often averse to considering making a change. In many law firms, we see when there is a weak interaction between the system, process and people, and it hampers progress.

It also follows that it can be in the law firm's best interests to examine better ways of practising. According to the International Institute of Legal Project Management, the following are typical wastes resulting from a lack of project management methodologies:

- Multiple processing of tasks being done more than once or handled more than they should be. For example, you read the same email three or four times because you multitask. Handle something only once.
- Overproduction of overinvestment occurs when thoughts are performed more than needed. So, spending 2 hours on drafting a simple letter, for example.
- Underutilised or non-utilised resources.
- Slow Motion due to poor information management and unnecessary waiting or travel time.
- Errors or multiple reworks commonly cause defects.

What? An excellent place to start

Scope definition is establishing a legal project's boundaries, objectives, and deliverables. It is the foundation for the entire process.

It involves identifying the project's specific tasks, timelines, resources, and limitations. It goes beyond accurate legal analysis and meeting requirements; it is about understanding the motives and intent of the parties involved. By clearly defining the boundaries and objectives of a legal project, legal professionals can lay the groundwork for efficient project planning, execution, and successful collaboration

with clients. Defining the scope is essential, providing a solid foundation for effective project management and ensuring fruitful client collaboration.

Accurate scope definition brings several benefits to matters, whether these are litigious or non-litigious and include:

1. **Clarity and Specificity.**
2. **Manage Expectations:** Accurately defining the scope empowers legal practitioners to manage client expectations effectively. This alignment between expectations and reality reduces the likelihood of misunderstandings, disputes, and potential dissatisfaction.
3. **Cost and Time Management:** A well-defined scope allows legal practitioners to estimate the resources required for the project, including time and cost.

By applying legal project management techniques, legal practitioners can confidently navigate the fast-paced legal landscape, delivering exceptional client results.

About the Author

Mrs Nicolene Schoeman – Louw founded SchoemanLaw Inc, Cape Town in 2007, aged 24, and is now the Managing Director of the firm. She is an admitted Attorney of the High Court of South Africa, Conveyancer, Notary Public and Mediator as well as a Legal Project Practitioner, Accredited Extended DISC® Consultant and Growthwheel® Business Advisor; with a passion for entrepreneurs and helping them reach their most ambitious goals.

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Colin S. Levy

Lawyer and Legal Technologist



EDITED BY COLIN S. LEVY



THE ROLE OF LEGAL ADVISORS IN BRIDGING THE DIVIDE BETWEEN TECHNOLOGY AND POLICY DEVELOPMENT

By Hadassah Drukarch, Founder and Executive Director at The Law of Tech



Introduction

In today's legal practice, the convergence of legal expertise, policy formulation, and technological advancement stands as a pivotal focal point. While digital innovation advances, the policy ecosystem struggles to keep pace. In this scenario, legal advisors are at a crossroads — needing to balance technology governance and compliance with the interests of the organizations they represent. In this role, they could also serve as vital links between policymakers and tech developers, a role yet to be fully leveraged.

This article advocates for interdisciplinary collaboration between the policy and technology communities, suggesting a mixed top-down and bottom-up strategy.



Central to this is the role of legal advisors as intermediaries, essential for harmonizing digital innovation with ethical, legal, and regulatory standards.

Mapping the disciplinary culture divide

Bridging the gap between policy and technology requires an understanding of their unique disciplinary cultures. This concept, crucial for legal advisors as potential intermediaries, involves the unique characteristics, beliefs, and practices defining professional fields. These cultural elements, shared within disciplinary communities, shape professionals' identities and methodologies. Despite some surface-level similarities, the policy and technology communities exhibit fundamental differences in their approaches, influenced by their specialized environments and purposes. Ac-

knowledging these differences is essential for effective interdisciplinary collaboration.

Policymakers combine theoretical understanding with real-world application. Their process-driven approach addresses socio-economic complexities to create practical and politically viable policies. Their work, while broad but not deep in scope, requires strong engagement with stakeholders, negotiation, and consensus-building, balancing theory and practice. Policymaking focuses on inclusive and consensus-based processes that prevent dominance by any single group and facilitate compromise. Decisions are grounded in concrete evidence, like anecdotes, public opinion polls, and endorsements, ensuring policies reflect public interests.

While this approach is deemed fair, it may inevitably result in less than optimal or delayed decision-making.

Technologists, on the other hand, prioritize outcome-focused innovation and problem-solving in a fast-evolving environment. Their culture, rooted in deep subject-matter expertise and insights into past work, is characterized by creativity, experimentation, and a forward-thinking attitude, which stands in contrast to policymakers' balanced and practical approach. Technologists base their arguments on consistently observed facts, precise terminology, and detailed analysis, often using language and concepts not easily understood outside their field. The best technological solutions are born from open debates on the merit of each idea. Originality is key, with ideas being developed and supported by robust evidence and peer review. Unlike the compromise-seeking nature of policymaking, technologists adhere to their conclusions, changing only if new facts or analyses emerge.

The divergent objectives of technologists and policymakers often lead them in opposite directions. Legal advisors, positioned between these cultures, operate within a framework that emphasizes a detailed understanding of law and legal practice, characterized by meticulous attention to detail and adherence to precedent balanced against the interests of those whom they serve. Their culture is shaped by the necessity to navigate complex legal systems and the high stakes involved in legal decision-making, often leading to a conservative and risk-averse approach. Legal advisors, with their deep legal insight, are crucial in connect-

ing policymakers' strategic, process-oriented methods with technologists' dynamic, outcome-focused approach.

The value of collaboration for innovation

The significance of collaboration in innovation across the legal, policy, and technology sectors is immense and multifaceted. Interdisciplinary collaboration combines diverse perspectives which proves particularly useful in tackling complex problems that cannot be solved within the confines of a single discipline, as is the case with the opportunities and challenges surrounding digital innovation.

Collaboration among different disciplines allows for a more comprehensive approach to problem-solving, leveraging collective expertise and experience. In the context of this article, connecting legal, policy, and technology professionals helps uncover previously hidden problems and develop more effective and practical solutions. For instance, the development of Privacy Enhancing Technologies (PETs) showcases the benefits of interdisciplinary collaboration. PETs, developed by experts in data governance, cybersecurity, and software engineering, exemplify effective and trustworthy solutions born from such cross-disciplinary problem-solving. As noted in the UK Royal Society's work on PETs, in conjunction with the Alan Turing Institute, these tools have been developed to be multi-purpose, meaning that they serve to reinforce data governance choices, provide tools for data collaboration or enable greater accountability through audit.

Consequently, these tools demonstrate how interdisciplinary collaboration leads to innovation in line with public interest objectives, in this case privacy and data protection policies.

A framework for building bridges through legal

The previous sections highlighted how legal advisors are key in promoting responsible digital innovation by linking the policy and technology sectors. A structured framework is essential to maximize their role in fostering interdisciplinary collaboration, emphasizing effective communication, mutual understanding, and a synergistic approach to innovation and policymaking.

To illustrate this framework, consider AI regulation and compliance. Globally, regulatory responses are emerging to AI advancements. The EU's AI Act, President Biden's Executive Order on AI safeguards, and the UK's AI Safety Summit at Bletchley Park are examples of proactive steps. However, AI regulation remains complex, requiring a deep understanding of its capabilities and risks. For instance, the EU AI Act, a comprehensive regulatory scheme for AI, aims to balance safety and innovation, but faces criticism over issues like terminological ambiguity and enforcement challenges. As this framework evolves, legal advisors will play a crucial role in navigating compliance complexities in the rapidly changing AI landscape.

Legal advisors are uniquely positioned to address the challenging intersection of policy and technology, turning it into an opportunity for effective problem-solving. This article pro-

poses a preliminary framework for legal advisors to succeed in this role. It includes a combination of problem-first and design-thinking approaches, stakeholder engagement, solutions identification, and employing communication strategies and tools as a feedback loop.

Adopt a problem-first approach

Embracing the principle of focusing first on problems rather than solutions, legal advisors should identify legal challenges technologists face and present to them. Before we run, we must first learn to walk, and that is why legal advisors must first get to the bottom of any given issue by asking the hardest question of all: why? In the case of AI, this includes addressing the opacity of algorithms and their implications for accountability, as well as AI's role in decision-making, raising concerns about fairness and transparency.

To do so, however, legal advisors need a basic understanding of digital technologies, such as AI, including machine learning algorithms, data flows and interactions, and implications for privacy and other fundamental rights. This knowledge enables them to address issues like algorithmic bias in facial recognition, affecting privacy and civil liberties.

Employ a design-thinking way of working

Using visual tools, such as flow charts or diagrams, can clarify the connection between technology challenges and policy frameworks. In the case of AI, a flowchart illustrating data flows can reveal privacy and data protection issues and areas where legal guidance is still lacking.

In doing so, legal advisors should seek feedback from stakeholders within an organization and, when possible, end-users. This input is vital for grasping the real-world impact of technology and ensuring the correct identification and understanding of governance and compliance challenges.

Given the rapid evolution of digital technologies, legal advisors must quickly adapt, maintaining stakeholder relationships to stay informed about ongoing developments. They need to be proactive in seeking early-stage assistance, staying current with new trends, and incorporating feedback to enhance processes and practices.

Ensure stakeholder involvement

It is essential for legal advisors to identify and engage with key roles within an organization to understand potential or existing governance and compliance issues for effective problem-solving as such engagement can uncover different viewpoints on challenges and solutions. At the same time, legal advisors are uniquely placed to highlight regulatory lacunas, advise on possible strategies for organizational innovation choices (abandonment, compliance, exploitation, strategic non-compliance or circumvention), and map any relevant regulatory authorities to pick up this conversation with.

Identify solutions for compliance

When aiming for compliance, legal advisors should offer solutions for identified problems, creating practical guidelines for clients, mitigating risks, and ensuring accountability.

Their role is to convert theoretical concepts and requirements into implementable steps, both organizationally and technically. In the case of AI, this includes preventing biases in AI systems and setting up accountability mechanisms for AI in critical decision-making. If solutions prove impractical or ineffective, legal advisors should use this as an opportunity to bridge gaps — be it indirectly — between technology and policy communities.

Utilize communication as a feedback loop

Finally, in their efforts to align the policy and technology communities, legal advisors should use communication strategies and tools to share insights and lessons learned. Documenting compliance challenges and solutions and discussing these within the broader professional community — while respecting professional secrecy — can inform future policies and practices. An example is the online discussions about the definition of "AI" under the EU AI Act, which despite their informal nature are steering opinions and approaches. Additionally, other channels like publications, conferences, and involvement in public consultations or policy advisory groups are equally valuable. Creating this feedback loop is crucial for continuously refining tech policy frameworks to match real-world challenges and opportunities.

Conclusion

Mistakes are a natural part of progress and offer opportunities for improvement. In the realm of digital innovation and policymaking, the gap between the two disciplines and the complexity of their landscape often leads to conflict or divergence.

While technological advancements bring significant benefits, setting standards for their responsible and sustainable development and use is crucial. Global efforts to establish these standards have seen varying degrees of success. Recognizing that mistakes are inevitable, there's a responsibility to learn from them for better future outcomes. Legal advisors, employing a hybrid top-down and bottom-up approach, can be the crucial link that bridges the technology-policy divide. By adopting this dynamic and reflective approach, they can promote resilience and innovation, effectively connecting the technology and policy communities.

If you have found this article interesting, please feel free to contact The Law of Tech team through [LinkedIn](#) or email at info@thelawoftech.com to share your ideas and feedback. We always welcome new insights and innovative ideas to create content and build tools to bridge the communication gap between legal, policy and technology professionals. Our goal is to promote a shared language between these disciplines to drive responsible and sustainable innovation, and

we are actively looking for organizations that want to partner with us along this journey.

About the Author

Hadassah Drukarch, LL.M., is a dedicated specialist in technology policy and regulation. Her experience encompasses advising organizations on compliance, creating policy awareness and understanding across stakeholders, and guiding responsible technology development by design. She is the Founder and Executive Director of [The Law of Tech](#), an information service group committed to bridging the communication gap between legal, policy, and tech professionals by promoting a shared language among key stakeholders, for instance, through knowledge-sharing, practical exercise, and events. Moreover, her extensive research in healthcare innovation and regulation, bolstered by impactful EU-funded projects and publications, underscores her commitment to responsible and sustainable innovation. Driven by a passion for effectively merging regulation with innovation, her mission is to drive stakeholder engagement to ensure effective innovation in line with public interest objectives.



**Bringing Transparency to
Legaltech Procurement**

DYNAMICALLY MANAGING THE PROLIFERATION OF DATA IN MODERN LITIGATION

Ari Kaplan interviews Eric Mandel, Director of Global Advisory Services at KLDisccovery.



Ari Kaplan

Tell us about your background and your role at KL Discovery.

Eric Mandel

I am a lawyer and entered the e-discovery sector in 2006, just before the Federal Rules of Civil Procedure changed. My focus has expanded to include information governance and privacy as well. As a director in the Global Advisory Services practice, my focus is on information governance and helping to expand the company's service offerings in that area.

Ari Kaplan

How has the need for global advisory services changed throughout your career?



Eric Mandel

We did not have global advisory services when I came into this part of the industry in 2006. Everything was reactive. In 2007, we began to develop strategies for helping serial litigants to become litigation-ready by organizing their data on the back end to save money moving forward. This process of litigation readiness planning was initially designed to support US matters, but it expanded globally by 2010 given the universal attention to information governance and privacy. KLDISCOVERY has a presence in 26 locations throughout 17 countries so it provides advisory services on a global scale to its clients.

Ari Kaplan

How important is information governance

as a strategy for managing the proliferation of data in modern litigation?

Eric Mandel

We often underestimate the value that could be extracted from proper information governance programs because professionals still think of them as ROT (Redundant, Obsolete, Trivial) disposition, data management, or RIM (Records and Information Management). Rather, information governance is the holistic examination of how an enterprise is leveraging its information assets, controlling its information liabilities, and engaging its different stakeholders who have competing demands on information. If you can implement an information governance program that considers and defines an optimal balance, you

can use your archive of information as an advantage instead of a disadvantage.

Ari Kaplan

What are some best practices that legal teams should incorporate to improve their information governance?

Eric Mandel

Most importantly, take information governance seriously by creating an information governance team or committee to formally assemble the organization's key stakeholders. It is essential to assemble the appropriate voices at the table to help build and integrate programs, policies, and protocols for meaningful information management. Teams need to harmonize and find the optimal balance, which is why an outside perspective is increasingly valuable to properly highlight the risks and opportunities.

Ari Kaplan

Where is the appropriate equilibrium between talent and technology and e-discovery?

Eric Mandel

Technology alone is worth much less than when it is combined with a capable practitioner. A carpenter, for example, can maximize the use of a tool to fine-tune a project and work much more efficiently than simply working by hand. There is a level of art to the work that information governance professionals do, as they understand and can act with purpose and intent beyond the capabilities of the technology. Deploying technology without investing in those who can leverage it most effectively can be problematic as there is no 'easy button' for

information management. When a legal team buys technology, it should also have or hire the personnel with the requisite knowledge, skill, and talent to use it.

Ari Kaplan

How do you see e-discovery evolving in light of the rapid developments in generative AI?

Eric Mandel

The evolution of e-discovery will be lightning-fast while facing meaningful challenges. We are at the beginning of the hype cycle with an expectation of massive growth, but we are in an early learning stage. That said, generative AI is not pure hype. It is going to fundamentally shift the way we engage in e-discovery and the broader practice of law. We are likely to see amazing developments in terms of identifying information sources and patterns in that data.

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.Reinventing-Professionals.com>. [Click here to listen to the conversation.](#)

Listen to his conversation with Eric Mandel here:

<https://www.reinventingprofessionals.com/dynamically-managing-the-proliferation-of-data-in-modern-litigation/>

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Eight Wastes Series

8 WAYS TO STOP LOSING TIME & MONEY IN YOUR LAW PRACTICE: PART 3

Mastering efficiency: unveiling the DOWNTIME framework for a productive practice

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





Have you ever stopped yourself in the middle of a task and thought: “Why am I doing this... there must be a better way”? It’s easy to get stuck doing things the same old way. Humans adapt well to broken processes and we’re great at creating workarounds. But adaptations and workarounds don’t solve the actual problem and they’re not typically very efficient. If you want to stop wasting your valuable time, you need to look at your work differently.

Welcome to the third article on our series, Eight Ways You’re Losing Time & Money in Your Practice. Check out Part 1 and Part 2 if you missed them [ADD LINKS]. The DOWNTIME framework we cover in this series will

completely change the way you think about your work and set the foundation for a more efficient, profitable, and productive practice.

Here’s a quick recap: Your work either adds value for your clients or it’s waste. To improve your productivity (without working harder), you need to identify the waste 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

In our last article, we covered the first four wastes. Today we're focusing on Transportation, Inventory, Motion, and Extra Processing, and we're sharing how one of our clients eliminated four kinds of waste with their Bathroom Check-Signing Policy.

TRANSPORTATION

Transportation waste is the inefficient movement of things—documents or information—as opposed to people. That's motion waste, and we'll get to that in a minute. Transportation waste is everywhere in law practices.

Think about how paper moves in your office. How many times have you handed over paper receipts, signed a check, or printed an email? Think about your forms. Despite the availability and ease of online and fillable forms, many firms still send PDFs that have to be printed, completed, scanned back to digital, and then emailed. That's a waste.

This week, take some time to watch how things actually move in your office.

- Are hard copies carried around for sign-off or authorization?
- Do you use a courier when documents could be sent electronically?
- Do you submit paper receipts for reimbursement?
- Are pre-bills printed and circulated between attorneys for review?
- Do you print and file emails?

Once you start looking, you'll see transportation waste everywhere. The good news is that there are plenty of solutions to eliminate it.

- Use DocuSign or another digital signature program
- Redesign your processes to reduce the number of required authorizations
- Review documents online using PDF mark-up tools
- Update your forms, so they can be completed, signed, and submitted online
- Ask clients if they'd prefer electronic copies of bills and other communication (most will!)

Read on. At the end we'll share how one client eliminated a major source of transportation waste, as well as many others, with some out-of-the-box thinking.

INVENTORY

It's easy for information to pile up in a legal office. You may think that because you don't sell goods, you don't have an inventory, but in a knowledge business, your inventory is the files waiting for you to work on them, your overflowing inbox, your voicemails, even the extra stationery supplies piled up in your desk drawers.

Legal inventory often takes the form of work-in-process, including work that's ready for you to start and work you've finished but haven't billed and passed on.

Look around your office and see if you can identify at least three types of inventory waste that you can eliminate or at least reduce. For example:

- How many files are stacked on your desk, waiting for you to take some action?
- Do you have hours of billable time that you haven't yet entered?
- Is there a backlog of time that you've entered but haven't billed, or bills you've issued but haven't collected on?
- What about your inbox? Is it packed with unread messages and attachments waiting to be filed properly?

Once you get started, it's hard to stop.

A build-up of inventory interferes with the efficient flow of work—and cash, if we're talking about time entries and collections—through your practice. By creating and implementing standard operating procedures designed to increase the flow of work, information and resources through your practice, you can reduce inventory waste and increase revenue and productivity.

For example, if WIP is your issue, implement a process for billing clients more frequently. If your overflowing inbox is the problem, look at an easy-to-use and inexpensive email solution like [SimplyFile](#).

Tackling inventory waste is just one way you can use the DOWNTIME framework to accomplish more in your day without working harder.

MOTION

When your legal practice is buzzing with

activity—when everyone and everything is moving—it feels like you have a busy and thriving practice. But if that movement isn't adding value, it's Motion waste.

Motion waste refers to any unnecessary movement that does not add value to your legal process. It includes people moving from place to place as well as smaller movements like keystrokes and clicks. Think of things like:

- Ineffective document management systems that require people to physically search through filing cabinets
- Boxes in the hallways you have to walk around
- Complex digital desktops and folder structures that make it hard to find documents
- Unnecessary in-person meetings that do not contribute significantly to the progression of an active case or project
- Digital systems that require too many keystrokes and clicks to accomplish a task
- Poor office layouts that force people to travel long distances to access equipment or resources they need

Pro tip: check on your printers! In many firms we've worked with, printers are a huge source of waste.

At one of our client firms, a group of paralegals had to walk 75 yards each way to access their assigned printer (we measured!). And they were doing this 150-yard round-trip as many as 30 times a day.

The solution was easy: relocate the printer. But until we asked them to identify the

DOWNTIME wastes in their workplace, no one had thought about it. That walk to the printer was just the way they'd always done things.

Sometimes, the simplest changes can have the biggest impacts. Every bit of motion waste you eliminate will free up you and your team to do more of what matters most.

EXTRA PROCESSING

We get it. You're a perfectionist. You cover all the possible bases in your legal research. You answer questions your clients would have asked if only they'd known enough to ask them. You ensure every document is perfect... even when that means you spend hours editing your colleagues' work.

But ask yourself, if your clients knew you were doing all that extra work, would they be willing to pay you for it? Sometimes, when the stakes are high, the answer will surely be yes. But what about the other times?

If you're delivering a Ferrari, when what your client wants (and needs) is the Ford, that's the waste of Extra Processing—the last of the eight wastes. It's giving your clients more than they want, more than they need, and more than they are willing to pay for.

Extra processing can be hard to spot. Some examples include:

- Creating reports, memos, or documents that are excessively detailed and go beyond case requirements
- Making unnecessary reviews and revisions to documents without a clear improvement in quality

- Creating custom solutions for routine tasks that could be standardized

Remember, the value you place on your work is irrelevant. What matters is how your client perceives the value. It all comes back to the Three Value Criteria. Ask yourself:

1. Is this what my client actually needs, given the risks or the facts?
2. Has my client ASKED me to do it AND would she be happy to pay me for doing it? If it's internal work, would the firm be happy paying me for it?
3. Is it right already? Am I just making stylistic changes to satisfy myself?

Delivering the Ferrari instead of the Ford upsets clients and wastes your valuable time. And if clients push back, you might not get paid for it!

WRAP-UP

When you look at your work through the optic of value and waste, you can make impactful changes that increase the efficiency of your practice. However, when you're used to working a particular way, identifying waste can be hard.

DOWNTIME provides an easy-to-use framework that will help you spot the waste in your daily work. Identifying the waste is the first step. Eliminating it is the next. That's the topic of our next and final article in this series...but first, as promised, here is:

THE BATHROOM CHECK-SIGNING POLICY

One of our clients found a unique way to eliminate the Defects, Waiting, Motion, and

Transportation wastes associated with their manual check-signing process. They called it The Bathroom Check-Signing Policy.

The problem: every time a check needed a partner's signature, someone from Accounting wandered around the firm looking for a partner to sign it (Motion and Transportation). Partners dreaded the interruption, and support staff hated interrupting them (Waiting), so checks often got left on people's empty desks and chairs, only to be overlooked or buried under piles of files. Checks got lost (Defects) and payments were delayed (more Waiting).

Their solution: they set up a table outside the bathrooms used by partners, laid out some pens, and left the checks there. Partners reviewed them as they passed by and signed the ones they had responsibility for. It was a creative approach that worked with this firm's layout and size.

The result: checks were signed faster, fewer were lost, and no one was interrupted.

Stay tuned for the next article in this series. We'll provide you with step-by-step instructions for leading a waste-finding exercise in your firm, and additional case studies to inspire you to get the right people doing the right work in your practice.

About the Authors

Karen Dunn Skinner and David Skinner help lawyers earn more from their practices without 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, and Karen sits on the IILPM's Global Advisory Council.

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.

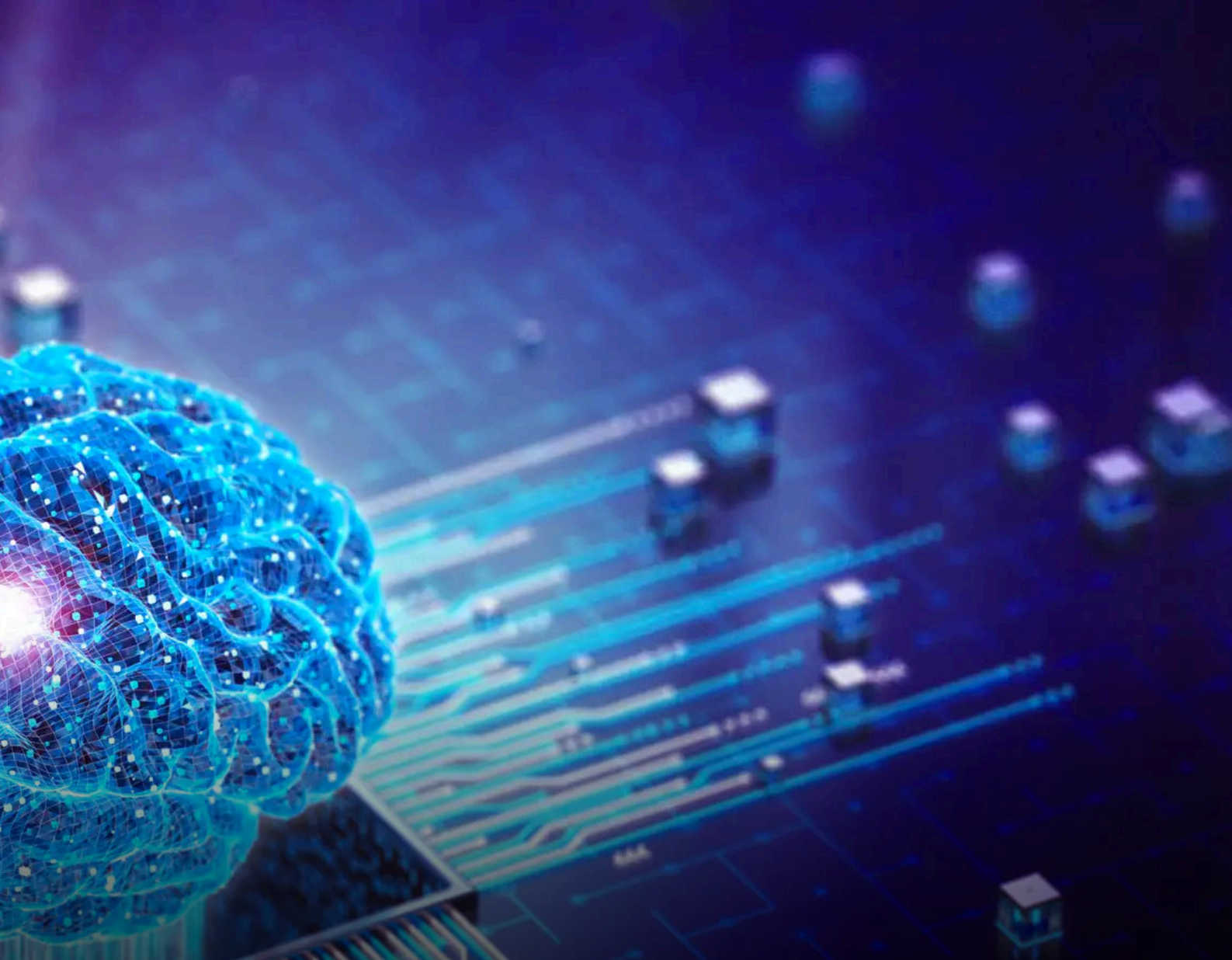
They combine their deep understanding of the legal industry with their training in Lean Six Sigma to provide practical solutions to the competitive and budgetary pressures on practitioners and clients alike.

Karen and David live in Montreal

TECH-POWERED GROWTH IN PROFESSIONAL SERVICES: Survey & Podcast

By Ben Scott (l), Head of Digital Marketing & Communications, Grant Thornton Australia, and James Fielding (r), Head of Markets & Industries, Findex





A tech-powered revolution in professional services marketing and sales is gathering momentum – creating winners and losers.

Recognising this, Ben Scott (Grant Thornton Australia) and James Fielding (Findex) have teamed-up to understand what’s happening at the coalface of this change and what’s needed to deliver dividends in revenue and efficiency.

In early 2024, they’re surveying professional service firms globally to benchmark technology use, AI and automation, CRM adoption, business alignment, and more.

This survey will be summarised into an insights report and will be dissected in a limited

series podcast – with Ben and James deep-diving into the thoughts and experiences of those at the forefront of tech-powered growth.

Expect to hear about sales culture, stakeholder engagement, user adoption, technical considerations, vendor options, and more.

As a partner of “Tech-Powered Growth in Professional Services” – Legal Business World will share more information on the survey and podcast as they become available.

We’ll also share an exclusive article with specific insights for legal firms.



About the Authors

Ben Scott (Head of Digital Marketing & Communications, Grant Thornton Australia) is a 'Marketo Fearless 50' alumni – which recognises the top 50 marketers in the world driving digital transformation. Along with James Fielding (co-developer of the Tech-Powered Growth in Professional Services Survey) he's built a multiple award-winning sales and marketing tech stack and is a recognised authority on marketing automation and attribution.

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James Fielding (Head of Markets & Industries, Findex) – was recognised as 'One to Watch in Sales Enablement' (2023) for his thought-leadership into tech-enabled selling. He's passionate about marketing and sales integration, which has been brought to life – establishing a global proposals team (Linklaters), leading a pioneering rebrand (King & Wood Mallesons), reshaping sales culture (Grant Thornton Australia), and leading growth strategy (Findex).

<https://www.linkedin.com/in/jamesfielding/>



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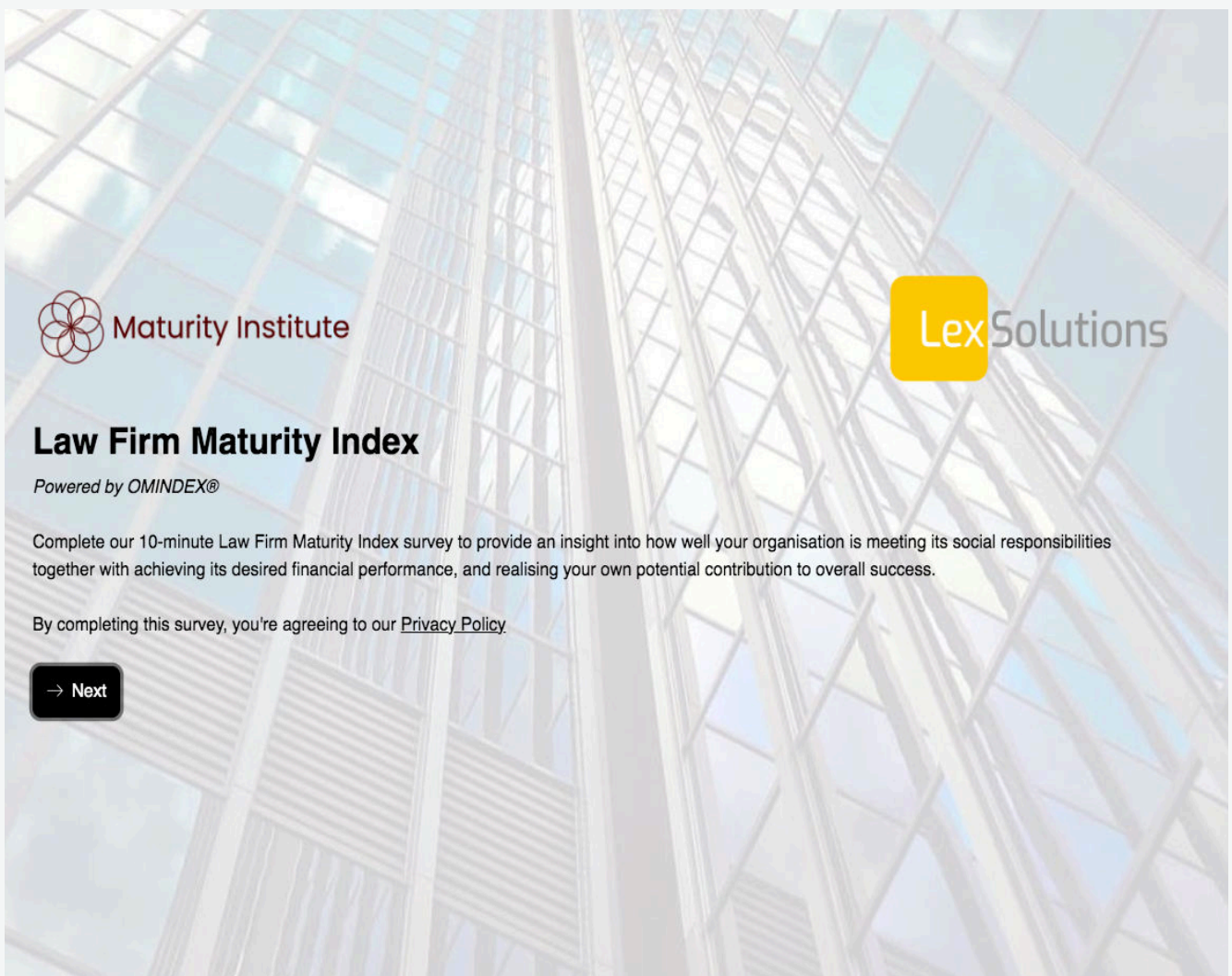
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Kelly Rochester (Lawyer & In-House Counsel)