Supporting women and minorities in leadership

By Terri E. Givens

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Being future-ready means
being cloud-ready for Professional Services Firms

By Sebastian Hartmann & Ashish Madan, KPMG

Many professional services firms had to expand and improve their virtual collaboration, operations, sales, and digital service delivery environments drastically over the past years. The global pandemic these past months has even further accelerated the digital transformation of legal, consulting, tax and accounting. This change of pace, in terms of technology implementation and adoption, is unprecedented for an industry where on-site service delivery, people and relationships are considered to be the "secret sauce." By now, many lawyers, consultants, accountants and other experts have had to deeply embed technology in their ways of working – all the way from sales, to delivery and into their business support functions.

As of today, it is quite unlikely that firms will dial back on their technology investments - instead, we even see increasing technology investments in order to keep up with a faster evolving competitive landscape. Gartner predicts an annual growth of 5 to 15% for the technology spend of professional services firms – even factoring in the steadily decreasing unit costs for many technologies (e.g., storage, processing, etc.). As firms work through the selection, implementation and adoption of more and more systems and tools, it is obvious that there is barely a true alternative to a "cloud first" strategy. In fact, we may have already passed this foundational stage for moving to the cloud:

The status of cloud adoption and the key benefits for professional services firms

CLOC ([Corporate Legal Operations Consortium](#)) found out that currently, 82% of law firm clients allow their service providers to store data in the cloud. Among Fortune 500 respondents, the percentage is even higher (92%) – and this includes historically cautious financial services organizations.

Survey results presented at ILTACON in August 2020 indicate that only 21% of law firms are already mostly in the cloud. But another 35% of firms are considering the cloud for upcoming system upgrades, and another 32% see the cloud as their future default setting.

Key motives stretch beyond the immediate needs of supporting a fully remote or hybrid workforce. With increasingly data-driven processes and decision-making comes the need to access and make available large amounts of information in a flexible and transparent way. Moving to the cloud enables time-efficient and transparent collaboration in a B2B environment and offers a high degree of flexibility and mobility, as data can be accessed and shared from anywhere. Firms also find benefits in the cloud around their expanding client portals and virtual assistance services, which improve customer experiences and provide better service flexibility.

Business and IT leaders are also beginning to

realize that their data is more secure in the cloud as well. After all, cloud providers are making continuous investments in data protection and cybersecurity, way beyond the capabilities of any law firm. Better access to more centralized data (moved out of the traditional on-prem tool silos) is another critical consideration. Lastly, CIOs are starting to see the financial benefits of seamless up- and down-scaling and leveraging new, innovative cloud features.

Now, with 88% of survey respondents reporting that their firms have "seen the light on the advantages of the cloud," it is a critical moment in time, to review technology strategies across Professional Services firms.

How to future-proof your cloud and technology strategy

We believe that it is important to start this process by reviewing some fundamental assumptions about the firm. Therefore, this exercise should be as much about business models, competitive strategies, and operating models as it is about technology and moving to the cloud. In order to reduce the chance of being overwhelmed by the complexity of this endeavor, we suggest considering three practical exercises for aligning business and technology strategies:

1. Review firm and technology architectures – with a view on emerging future business capabilities and operating model implications (or scenarios).
Enterprise Architecture capabilities are increasingly moving to strategic core of organizations and determine much of their potential to respond to changing market conditions and

technological disruptions. A key reason is the demand to effectively model the ongoing changes to the business model of many legal, consulting or accounting service firms (e.g., moving to alternative fee models, subscriptions and X-as-a-service) and the resulting operating model adjustments in the firms' architectures. Understanding how technologies map into the evolving business capability model of the firm is critical for making investment decisions without serious and very costly regrets a few years from now. Unfortunately, many IT departments in professional service firms are still lacking enterprise architecture capabilities and thus struggle to meet increasing demands, especially of a more digital business, and lack the skills and technology capabilities to keep up with fast-changing technology trends and possibilities. Adopting a "business-outcome-driven approach" (Gartner 2019) through systematic and continuous firm and technology architecture work can greatly help professional services firms and their c-suite to make better business alignment, technology investment and roadmap decisions. It is also a foundation to unlock efficiencies and optimize costs by outsourcing non-core activities to shared service centers or by switching the underlying IT delivery models (PaaS, SaaS, IaaS).

2. Map client journeys and experiences – considering traditional, virtual and digital service portfolio scenarios.
The quality of client services depends not just on expertise, responsiveness, communication and all the other traditional ingredients for professional services anymore. The perceptions of service quality are increasingly determined or strongly influenced by the digital elements in

the overall service experience these days. Systematically leveraging any technology to improve client experiences can, however, easily be disappointing – especially when it is unclear when, where and how it is coming into play for the client-facing business of a firm. Client journey and touchpoint mappings can create exactly this necessary context to the related decisions and the ultimate adoption success.

This context needs to be as firm-specific, service-type- and possibly client-specific as possible, to provide fitting and effective services and technology responses. The journey to the cloud and its promises needs to be underpinned by these mapping exercises in order to unfold a meaningful client business impact down the line. It is also foundational to measuring and understanding IT service, application or infrastructure consumption from a business point of view – which leads to our third recommendation ...

3. *Assess your business technology management capabilities – regarding its cloud-readiness and systematic consumption tracking and business alignment.*

Organizations which have yet to integrate the IT function into business management processes are experiencing challenges in aligning IT and business goals. As opposed to viewing IT as a siloed and merely cost-incurring department, Technology Business Management (TBM) is a framework that increases collaboration between and alignment of IT and business. In 'running IT like a business', IT is moved to the center of the business and provides deeper insights into IT spending and value delivery. As

transparency is improved, and value conversations incorporate both business and IT perspectives, TBM enables better technology and innovation decision-making, e.g., on cloud-readiness, cost optimization and quality management of IT services.

TBM is particularly important for firms that want to move towards charging clients for technology or digital services. When moving to the cloud, a solid TBM capability and the resulting transparency will allow the business demand owners and the IT department to systematically manage cloud economics – and thus reap the cost and scalability benefits of a cloud infrastructure and many SaaS applications.

While these three foundational exercises are far from a complete to-do list, they represent views that are often skipped or only vaguely touched upon by many firms. Gaps in these three areas can easily lead to faulty decision baselines for executives and costly corrective actions further down the line.

All three exercises should be carried out in mixed teams of business and technology professionals in order to create a common language for defining the (business) technology strategy of the firm - something that almost two thirds of professional services firms are still struggling with (KPMG Harvey Nash CIO Survey 2019). We believe that these three aspects can greatly help to overcome this hurdle – and drive not just better alignment but ultimately an improved ROI from a move to the cloud.

Cloud technologies are truly changing B2B interactions and have unlocked new opportunities in terms of virtual collaboration,

operations, and innovative service offerings, while improving business agility and growth opportunities. The quality of digital experiences will determine much of the future success of B2B engagements and is therefore on the verge of becoming the new "secret sauce" of professional services.

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Diversity increases the Financial Performance

McKinsey has been examining diversity in the workplace for several years. Their latest report, Diversity Matters, examined proprietary data sets for 366 public companies across a range of industries in Canada, Latin America, the United Kingdom, and the United States. In this research, they looked at metrics such as financial results and the composition of top management and boards.1 The findings were clear:

Companies in the top quartile for racial and ethnic diversity are 35 percent more likely to have financial returns above their respective national industry medians.

Companies in the top quartile for gender diversity are 15 percent more likely to have financial returns above their respective national industry medians (exhibit).

The data suggests diversity correlates with better financial performance.

Likelihood of financial performance above national industry median, by diversity quartile, %

Ethnic diversity

Top quartile	58
Bottom quartile	43

+35%

Gender diversity

Top quartile	54
Bottom quartile	47

+15%

Gender and ethhnic diversity combined

Top quartile	53
All other quartiles	40

+25%

Source: McKinsey Diversity Database

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Supporting women and minorities in leadership

By Terri E. Givens, CEO of The Center for Higher Education Leadership

Women have made great strides in gaining access to leadership since the Pregnancy Discrimination Act of 1973 made it illegal to discriminate based on pregnancy or pregnancy-related conditions, but is important to understand the broader challenges women, and in particular, African-American women still face in attaining leadership positions in the U.S. It would be nice to believe that people are selected for leadership positions based on their talent and ability. However, research on diversity in leadership

shows that Black men and women are still finding it difficult to get into leadership positions.

In my book, Radical Empathy: Finding a Path to Bridging Racial Divides, I focus on the fact that we not only need empathy, the ability to put ourselves in someone else's shoes, but to take action on what we learn from having empathy. Radical empathy requires taking action and creating change. Leadership positions provide the perfect opportunity for radical empathy. The recent focus on the Movement for Black Lives creates an opportunity and a challenge for leaders. How can we dismantle the structural racism that keeps talented Black candidates from getting into leadership positions?

The numbers show that the biggest challenge for Black leaders is a lack access, both to the C-suite and to boardrooms. As reported in an article in 2018 by David Kiger, the numbers of Black CEOs in the Fortune 500 have not been growing:

- The number of Black CEOs is down one from 2017, after Kenneth Chenault retired earlier this year from his longtime post as CEO of American Express.
- Three is the lowest number of Black CEOs since 2002.
- Since 1999, a total of 16 Black CEOs have led Fortune 500 companies.
- Ursula Burns was the first and only Black woman CEO of a Fortune 500 company. She retired from Xerox in 2016. [1]

Why should we focus on these numbers? They are important, because of our desire to be a country that values equality and rewards ability. When African American women are underrepresented in senior leadership roles despite strong academic credentials and work experience, their struggles are evidence of the broader problem of workplace equality [2]

A study described in the Harvard Business Review examined the experiences of Black women who graduated from Harvard Business School from 1977 to 2015. It included analysis of 67 women who reached executive or other high leadership roles. Their orientation to the world was similar to my own, these women were also told by their parents and mentors that they had to be smarter or run faster or jump higher or be better than anybody else around them to get into the game. [3] The women studied who had become successful leaders developed three skills that were key to their resilience: emotional intelligence, authenticity, and agility.

With a dearth of Black leaders, it is up to all CEOs and leaders to accept responsibility for supporting and promoting a diverse work force. This can be done through inclusive leadership.

Inclusive leadership is just as important as having women and minorities in leadership positions. Inclusive leadership includes the following traits or behaviors:

Visible commitment: They articulate authentic commitment to diversity, challenge the status quo, hold others accountable and make diversity and inclusion a personal priority.

Humility: They are modest about capabilities, admit mistakes, and create the space for others to contribute.

Awareness of bias: They show awareness of personal blind spots as well as flaws in the system and work hard to ensure meritocracy.

Curiosity about others: They demonstrate an open mindset and deep curiosity about others, listen without judgment, and seek with empathy to understand those around them. *Cultural intelligence*: They are attentive to others' cultures and adapt as required.

Effective collaboration: They empower others, pay attention to diversity of thinking and psychological safety, and focus on team cohesion. [4]

Empathy is another particularly important component, because it is often difficult for women and people of color to find mentors and supporters who come from similar backgrounds. Those leaders who want to support women and minorities need to have empathy so that they can see things from the perspective of someone who may have had quite different life experiences and a different path to leadership.

Being in a leadership position doesn't necessarily mean that someone is exercising leadership. True leadership is a process and even for those who may have innate leadership skills, it must be practiced every day to be effective. It is important for leaders to be able to put the needs of others ahead of their own and to have the vision to see things that others may not be

able to see. That vision enables a leader to take risks and to try new things. Empathy is a critical component of leadership that is often overlooked, and I believe that radical empathy is a form of leadership.

Ways to help your workplace become more inclusive and to develop inclusive leaders include:

- *Start with recruitment practices* – does your organization recruit and support employees from diverse backgrounds? If not, encourage your company leadership to develop those programs, being sure to follow best practices:
    - Connect with networks that go outside of the networks of current employees, like HBCU alumni, to ensure a wide pool of talent
    - In general, look beyond the Ivy league and elite colleges when developing a pool of talent
    - Ensure that recruiters and interviewers are well-versed in ways to avoid unconscious bias
    - Ensure that the job description and duties are relevant and not inflated to keep women or minorities out.
    - Provide resources that will allow a smooth transition into a position.

- Make sure company leaders understand that inclusion is about ensuring that everyone's voice is heard, opinions are considered and value to the team is evident.

- Provide training for managers and provide coaching and mentoring so that they can

properly support their employees. Develop clear goals for inclusivity and make sure they are accountable for positive outcomes.

- Value differences and create an environment where people can feel comfortable bringing their "full selves" to work and have safe places to share their concerns.

- Observing daily interactions can be an important way to determine if your company is developing an inclusive culture.

Notes

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About the Author

Terri E. Givens is a political scientist, consultant, and the CEO of The Center for Higher Education Leadership. She is the author of numerous books and articles on immigration policy, anti-discrimination policy, and higher education leadership. Her forthcoming book, Radical Empathy: Finding a Path to Bridging Racial Divides is available for pre-order and will be published in February 2021.

Forthcoming Book. Pre-order Terri's forthcoming book, "Radical Empathy: Finding a Path to Bridging Racial Divides."

Unconscious Bias:
A Reality for Judges, Forensic Investigators and Lawyers

By Todd Hutchison, Marais Dekker and Oliver Schoeman

Being 'bias' refers to having a tendency, inclination or prejudice either in favour for or against something, someone, some group or some organisation. Areas of bias can lead to unlawful discrimination based on alignment to race, gender or gender identity, ethnicity or migration status, religion, weight, height or age, union association, family responsibility or pregnancy, sexual orientation, marital or relationship status, disability or physical appearance.

The term 'unconscious bias' represents the accumulated learned stereotypes that are unintentional, automatic and heavily influencing of one's thinking patterns that leads to impacting their judgements and behaviour. These biases are deemed conscious when the person becomes aware of their influences.

In the book 'Strangers to Ourselves: Discovering the Adaptive Unconscious' [1], Timothy Wilson spoke of 'mental shortcuts' and notes that the conscious mind processes around 40 pieces of information per second, compared to the unconscious mind that processes an estimated 11M pieces of information per second. This hints towards the significance of the unconscious mind and the complexity of its information processing abilities.

The determinants of an individual's bias is based on deeply ingrained values and beliefs from past experiences and exposures that can be hard to manage. It is also known as 'implicit bias' and it causes dominating suggestions to conscious thought.

These biases relate to key values and beliefs that are generally developed through cultural norms, religious practices, influences from key people such as parents, coaches and teachers, and often more importantly, friends and peers, or media-based influences. They are shaped over time by the individual's life observations and experiences and the meanings they give to them. This is why two people having grown up in the same environment can take different meanings from situations they were both exposed to and often resulting in either negative or position thinking outcomes.

A child repeatedly being told they are no good at a skill may conclude that they are incompetent, whereas another person in the same situation may take the view that they will prove the person wrong and they become highly competent at that same skill. This is become a person's thinking impacts their behaviours and actions that gives them their results.

This results in all people being influenced by unconscious bias that can impact their work. Forensic investigators, judges and other legal and law enforcement personnel strive to act in an independent, impartial and objective manner to be effective in their roles.

Studies have consistently shown that judges like all humans do suffer from conscious bias. A Cornell Law publication study [2] on recognising the existence of implicit biases in judges concluded that they these biases can affect their judgment and sentencing periods, unless they become aware of a specific need to better monitor their decisions for such biases.

US Judge Bernice B. Donald [3] acknowledged, *"we view our job functions through the lens of our experiences, and all of us are impacted by biases and stereotypes and other cognitive functions that enable us to take shortcuts in what we do,"*

This means that any biases can risk their independence in their assumptions and decisions that may cause the individual looking from a personal lens acting with discrimination or unfair judgement.

This can also have significant impacts on an investigator who starts with an early conclusion that a particular person is guilty that can make them make poor continuing judgements or miss key contradictory evidence.

They tend to look for evidence to support their thinking over more broad evidence that could consider wider possibilities.

An investigator that works methodologically,

understands the importance of developing working theories (hypotheses) from initial observations and reports that can be tested and falsified, to guide investigation work. Investigation theories must also be aligned with the legal or policy framework of the organisation or jurisdiction, and the standards of proof required in terms of the relevant procedure.

In the case of a court or any other formal procedure of which the outcome is a binding determination or award, a judge's or the presiding official's biases can heavily influence their decisions and level of harshness to their sentencing. In the appeals process in a court system, the inclusion of an odd number of multiple judges aims to balance any bias out of any one individual.

The same effect is being created in 'dispute adjudication boards' often consisting of a wider level of related experts, such as a scientist, engineer, medical practitioner and a lawyer depending on the case. Administrative tribunals often act as an internal appeal mechanism following administrative commission awards, also tend to consist of three or more members acting as a panel. Even historic authorative structures often relied on councils, boards or juries to reach unanimous or majority consent decision on findings of guilt in matters with serious legal consequences.
The generality of the observation that appeal forums consist of multiple presiding officers, suggest that serious matters of law should not be left to the potential prejudice of a single person.

This of course does not eliminate biases when multiple persons make important decisions together, as shared particular biases are likely to amplify that bias where they may be a member of the same demographic, such as culture and up-bringing.

To the person who will be subjected to a disciplinary process, who may be the victim of bias, the question arises as to how the probability of a fair outcome can be increased. In internal disciplinary processes, it is even more important and difficult for charged employees to win against perceived bias, if the employer themselves solely briefed the investigator, the prosecutor, and the presiding officer. In cases of sexual harassment in organisations where a historic culture of not calling out such behaviour and ignoring its existence of it or its importance. Such behaviours can become the norm and harassment-based practices unwillingly continue as a part of the fabric of the organisational culture until a particular victim attempts to have a greater voice. Many inappropriate workplace practices become accepted as norms, not to be highlighted, discussed or made to be important. They exist as informally ignored, and victims fearing of being ostracised, sidelined or excluded for consideration for future roles or opportunities.

More overt examples apply where biases may influence basic workplace activities like recruitment. As an example, 'surname bias' is a generalisation that a person's surname implies that they may be a particular race, ethnicity, that they speak a certain language or even have some inherited cultural influences. Yet the person may have gained the name through marriage.

A study of job applicants found applications

having an implied white person's surname were 74% more likely to have success than applicants from ethnic minorities [4]. If the ethnic applications were to have a fair chance, it is likely that the application would need to be blindly assessed, meaning that the names would have had to been removed so the Surname Bias could not play a part.

Becoming conscious of the different types of bias can help to identify them when in practice, however there has been studies identifying over 150 different types of biases.[5] Some of the most common biases include:

- **Halo Effect** - this is a generalisation of one trait that is found to be positive in a person, that somehow gets extended to a belief that that same person must have positive traits in other areas. This is where a positive initial engagement may make them look more innocent;

- **Horns Effect** - this is a generalisation that is opposite to the Halo Effect, where we take a negative feature about a person that clouds our view of other things they will likely not be good at. This becomes problematic if a person is judged early as guilty and then seen as that thereafter;

- **Beauty Bias** - this is a generalisation where we may favour an attractive person or think they are more successful. Appearances are important in most cultures and found to reflect on our professionalism and self-awareness;

- **Gender Bias** - this is a generalisation where we tend to believe a particular gender is better at a specific task than a different gender. This is believed to come from genders tending to have very separate social roles in earlier decades;

- **Similarity Bias (Affinity Bias)** - this is a generalisation where we are influenced by a person's association to a specific employer, university, group or social circle;

- **Confirmation Bias** - this is a process where we seek confirmation of our initial thoughts where we aim to confirm our beliefs and we reject any information to the contrary. We are basically trying to find evidence that backs up our own opinion; and

- **Stereotyping** – this is a tendency to expect certain characteristics as they belong to a country, culture or group.

Where these biases have an impact on the workplace can be numerous, but generally impact:

1. **Perception** - how people see and perceive reality;
2. **Attitude** - how people react towards certain people;
3. **Behaviours** - how receptive or friendly a person is towards certain people;
4. **Selection** - how a person views a job applicant and a person for succession planning;
5. **Feedback** - how a person presents feedbacks to others;
6. **Attention** - which focal point a person will pay most attention to;
7. **Listening** - how much a person actively listens to what certain people will say;

8. **Supporting** - how much time a person takes to mentor, coach or support another;
9. **Evaluating** - how a person evaluates a colleague or service, including in a recruitment or promotion situation;
10. **Sharing** - how much a person discloses or shares with another;
11. **Resourcing** - how much resources or support a person gives;
12. **Micro-affirmations** - how much or how little people comfort certain other people in specific situations; and
13. **Delegation** - how much a person is comfortable to delegate and empower others.

Understanding these influences and the biases provide insights to help those working in the legal profession. Through critical self-observation or reflection, self-regulation is possible, which can include looking for inconsistencies in one's own speech and behaviour, and sensitising one's perceptions to others' responses.

Deploying workplace practices of intentional intervention actions can lead to the identification, consideration and purposeful modification of policies, processes and practices.

Proactively learning about other races, cultures, religions, history and anthropology can help, however seeking diversity in formulating teams and employing colleagues can give exposure to differences firsthand.

Using blind assessments in recruitment, written statements and document reviews provides a process for removing identifying information, such as a name, to make the author or subject under review unidentifiable so biases cannot be easily triggered.

It can also be highlighted by working more effective as a team, such as encouraging colleagues to point out biases, cconsciously acknowledging group and individual differences to take a more multicultural approach, and routinely checking thought processes and decisions for possible bias to adopt a thoughtful, deliberative, and self-awareness state for inspecting how one's own decisions are made.

Whether through self-regulation or in assessing others' biases, examining the consistency of decisions and practices and the intent behind such actions can highlight influencing biases. It is when colleagues are respected for the individual value they bring, and the positives in celebrating differences are highlighted, that an organisation can create an atmosphere to embrace diversity.

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Missteps NEW Firm Leaders Make

By Patrick J. McKenna, Thought Leader and renowned Author and Speaker

Having worked closely with new firm leaders for over two decades through my one-on-one counselling and interview research, I have witnessed a number of common mistakes that I see inexperienced leaders often making – even those who have served on the firm's elected Board or as an Office Head for some years. These missteps can seriously impact one's effectiveness and even diminish peer acceptance as the firm's leader.

Here are some of the more common traps I've counselled many a new firm leader not to fall into:

1. Immediately engaging in formal strategic planning

Nobody would rise to a firm leadership role without being driven to succeed, but many new leaders think that their very first initiative should be to develop a new strategic plan for their firms in some effort to define a future direction and to make their mark. The only problem with that approach is that to engage in any meaningful strategic planning process requires a disciplined investment of perhaps four months of significant time devoted to research and meetings – all of which dramatically decreases the new leader's visibility and ease of access – both critically important to your colleagues in your first weeks of office. This is not the best way to enhance your working relationships.

2. Not adequately debriefing with your predecessor

It is critical for the two of you as firm leaders to arrange a closed-door, one-on-one meeting for you to interview and learn everything you can from your predecessor and work through some of the important transition decisions together. In my work with leadership transitions I have identified no less than 30 different questions that you need to ask to ensure an adequate orientation and you cannot expect your predecessor to remember to brief you on everything you might need to know. One of the many questions that I am always amazed is rarely asked, but frequently will come back to bite you in the ass later, is – "Were there any promises made to anyone that I should be aware of?"

3. Not really understanding your predecessor's leadership style

How did the former firm leader actually lead? In other words, what was their style? You need to understand what your predecessor's leadership style was and whether is was complimentary or divergent to yours. Let's take an extreme example. Let's say your predecessor was a micromanager and that you tend to be more of an empowering leader. If you come into a micromanaging environment and that typically means people have been told what to do – and you try to be this empowering leader that has everybody thinking creatively, coming up with ideas, and then going and doing stuff – guess what? Your firm is going to go into paralysis, because the defined leadership style that they're used to, which they've operated effectively in, is now completely different. What you need to do, at least initially, is to adopt a hybrid style. In order to get to your preferred style, which is a more empowering style, you have to start out sort of with a micro aspect to your leadership. And then as people prove that they can think and act differently from a leadership point of view that allows you to extend the rope. But you can't go all the way to your preferred style instantly or you're going to put the firm and your team of administrative professionals, into a state of paralysis.

4. Speaking when you should be listening

There is an old adage that a new leader should hit the ground running . . . and nothing could be further from the truth! It's tempting to want to make yourself heard during your first

days and weeks in your new position, but smart leaders listen before they speak. They know that their first priority should be to conduct a 'listening tour' throughout their firm to gauge the pulse of the partnership (and in larger firms at least with your equity partners) and ask a lot of "why" questions. Not only will listening serve to raise your credibility with these colleagues, but assuming you ask the right questions it will help you identify critical issues that should comprise your personal strategic agenda going forward during your first year.

5. Making any promises – trying to please everyone

It's tempting to try to win favor with your colleagues right away by promising to make certain changes, especially in wanting to be responsive to some concern you have been informed about while conducting your 'listening tour.' Telling your colleagues that all of their many issues will be addressed now that you're in charge, is guaranteed to set you up for inevitable failure; especially after you have obtained further information on the particular issue in question. Then when you can't deliver on your promises, you'll look foolish and lose credibility.

6. Choosing the quick-fix over the more sustainable solution

If you identify an area that needs addressing simply inform your colleague that you will be arranging to conduct some research before promising any quick-fix solutions. Almost every problem has a short-term answer (if you look hard enough) but the quickest fix isn't necessarily the best. A good leader understands that the fix, that may take longer to achieve, can also reap far more benefits.

7. Not assembling the right team

It may not be fair, but you will be judged by the competencies of your professional support team – from your COO to your CMO. Good leaders recognize that instead of ignoring any skill or behavior gaps, avoiding the reality that some members don't belong, or waiting in hopes that the situation will correct itself, you need to make some hard decisions. You had better make sure and determine quickly whether you have the right support team working with you. You cannot ever be in a position of having some senior partner ask you what one of your administrative chiefs and their department are actually contributing to your firm's fortunes and not have a solid answer.

8. Initiating TOO many priorities

The best leaders know that it's a rookie mistake to outline numerous goals that they want to immediately achieve. Don't make the mistake of thinking that you can spread yourself across multiple priorities or that if you have numerous projects than perhaps some will ultimately be successful. Instead, outline only a few of your highest priorities and don't be seen to be vague or frequently changing your priorities. Remember, ineffective leaders often lack the good sense to say "NO." Be very careful not to give in to requests from your partners that serve to only draw you away from your

strategic priorities in an effort to try to be all things to all people.

9. Thinking you should have all the answers and not asking for help

The worst leaders usually turn out to be the ones who think they already have all the answers, believe they're better than everyone else —and they don't bother to hide it. Leaders who forgo conferring with other firm leaders, an experienced external coach or a more experienced internal peer, risk not being in leadership for a long tenure. Asking for needed help isn't a sign of weakness in a leader, it's a must.

10. Failing to delegate and "letting the urgent crowd out the important"

This one is a classic and indicative of how the urgent will crowd out the important every time! One of the self-confessed shortcomings I always hear from new firm leaders after they have been in their position for a few months is how they were tempted to shoulder the workload themselves, working under the assumption that every request needed their attention. And of course, then there is the over analytical new leader who is obsessively absorbed in small details and too controlling to allow any of his or her team members to take the reins. Avoid this pitfall by delegating work smartly. Give your COO and other support professionals assignments according to their interests and their expertise—or, even try letting them volunteer for tasks themselves.

11. Not making sufficient time to properly strategize

I often ask new leaders what percentage of their week is spent solving problems versus exploring opportunities. Even when you delegate most tasks, it's easy to spend all day putting out fires, answering questions, meeting with your team or dealing with the endless onslaught of email and requests from colleagues. You've efforts will suffer, your stated priorities will go unrealized, if you're not taking time to strategize. Book this time out on your schedule and make it sacrosanct. Business conditions seem to change at the speed of light today, so you can't afford to be reactive— you must be proactive.

12. Thinking it's a waste of time to work on your leadership skills

So what was the last leadership book you read and when was the last time you participated in a leadership course? In many firms it is typical for those who end up in firm leadership positions to be chosen based on their perceived technical expertise, their intelligence, and past client origination performance. This doesn't necessarily mean that because you have the skill-set to feed people you are properly skilled to lead people. And even though you may have had some experience as a practice group or office head, we continue to hear from those who take on firm leadership responsibilities, how you need to invest some time in leadership development during your critical first few months as you attempt to get a good handle on the magnitude of what this job of being a firm leader really entails.

13. Believing that everyone wants you to succeed

Finally, learning to lead takes courage, tenacity and dedication. After all, if it were easy, everyone would be a Firm Leader. Real leaders have to be willing to be disliked as they lead. They also have to avoid seeking the pretense of harmony, pushing for "one happy family" while ignoring the fact that not everyone is in agreement. Some professionals who take the reins believe that all of their colleagues actually want to see them succeed . . . only later to unfortunately discover that some, for whatever self-serving reasons, may not! (See my last article: "Becoming Firm Leader: How Difficult a Job it Can Actually Be")

We all make mistakes. And those with the biggest responsibilities can be prone to making their share of missteps. It comes with the territory. I hope reviewing this list helps you to recognize that these are mistakes that probably can be easily avoided.

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About the Author

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

He is the author/co-author of 11 books most notably his international business best seller, First Among Equals (co-authored with David Maister), currently in its sixth printing and translated into nine languages. His two newest e-books, The Art of Leadership Succession and Strategy Innovation: Getting to The Future First (Legal Business World Publishing)) were released in 2019.

He proudly serves as a non-executive director (NED) or advisory board member with a variety of professional service firms and incorporated companies. His aim is to instigate innovation, provide independent strategic insight drawn from his years of experience, and support effective governance.

His three decades of experience led to his being the subject of a Harvard Law School Case Study entitled: "Innovations in Legal Consulting" and he is the recipient of an honorary fellowship from Leaders Excellence of Harvard Square.

Read more articles from Patrick McKenna, or read online/download his latest eBooks
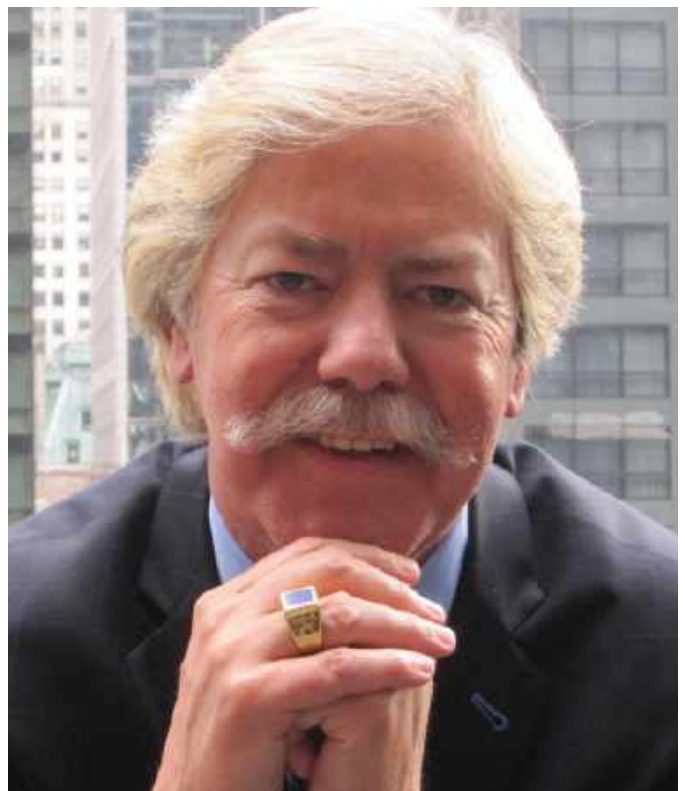
Technology & the Generational Gap

By Abeer Abu Judeh, Attorney and Founder of LexDock

Rotary phones, VHS, DOS, Encyclopedias, rabbit ears, 8-tracks, word perfect are just some terms of technology past. Every profession has adapted and succeeded using the technology that benefits their industry; that is true of those who practice law. The legal world is no different, and attorneys for thousands of years have dealt with the impact of technology. The difference today is that technology is changing at an exponential rate.

With the help of transformational technologies, AI, and analytics, the future law firm will bemore effective and efficient than ever before. According to *The Future Ready Lawyer Survey*, more than half (53%) of lawyers in the U.S and Europe expect their organization's tech investment will increase in the next three years.

The law firm today will be unrecognizable in 5-10 years with the advancement of these technologies. Litigating will be completely different with the introduction of predictive analytics. Predictive analytics use algorithms and machine learning to interpret data to understand a case and give logical predictions of possible outcomes. The law firm of the future will use AI to enhance the law firm making it more efficient and accurate. The
 legal field will become more competitive; solo/small firms will be able to compete with larger law firms using technology to their advantage. Do younger attorneys, having grown up around technology, have an advantage? Are older attorneys resistant to technology? How do attorneys, today, use technology?

With one of the largest generations, Baby Boomers, aging, and Millennials establishing their careers, there are discussions about how these two generations embrace and use technology to practice law. And caught between these two generations is Gen X, a hybrid of sorts, having grown up before and during the technology boom. More than 74 percent of millennials believe new technology makes their lives easier, compared to 31 percent of Generation X and just 18 percent of Baby Boomers. [1] These three generations, as part of the legal landscape, are all utilizing technol-

ogy to advance their careers, the practice of law, and forge the future.

Millennials are the first generation with the advantage of growing up in an online society. There is a base knowledge of technology with both hardware and software learned through formal education, observational learning, and hands-on usage. Millennial attorneys most likely applied for law school, internships, clerkships, and jobs online. They also grew up with digital tools that help most efforts in life, whether leisure or work activities. When it comes to learning new technology, it is likely easier for this generation because of a lifetime of use. Over 20% of Millennials have an excellent understanding of how different technologies impact their work. [2]

For the sandwich generation, Gen X, they were caught between two worlds. A world where they learned to type on a typewriter but needed to use those skills on a computer keyboard. Getting the latest gadget or learning the newest tools could be appealing or an afterthought for Gen X. They are likely in established careers, and technology is a necessity in their day to day work lives. The concepts are not foreign to them, and because of where they are in their careers, they need to be hands-on with technology.

The Baby Boomers were once the largest generation in the workforce. They are parents and grandparents. They witnessed the moon landing, the development and implementation of computers, a rollercoaster of economic climates, and of course, the dawn and day of the internet. Learning the latest online tools may not be as intuitive to these generations as the

others. They hit the prime of their career while technology was ramping up and taking over and were decision-makers. They made decisions about technology and whether to get swept up in the tech wave or to stand on the shore.

Though there is varying knowledge within all generations and the generational gap isn't black and white with all folks from that generation. What is certain is that there are multiple tech tools and resources available to all attorneys. With the introduction of social media, networks are opening up for all professions but specifically for attorneys. Social media is a valuable source for an attorney. For example, LinkedIn is an excellent way to get referrals, visibility, and to build a reputation as a thought leader. The cloud is changing how attorneys conduct business and balance their lives; they no longer are confined to their geographic area. The world is now your office. To build on that now that everyone has an on-the-go device being accessible is now possible more than ever. Smartphones are mini-computers that not only keep users connected but are research machines. The world of apps has forever changed how we conduct business and our lives. Legal apps are revolutionizing processes from accounting, case management, referrals, and collaboration. Take, for instance, LexDock is a legal services platform for attorneys and clients that offers lead generation, rate negotiation, a secure discussion platform, file management, case management, and convenience. Portable hardware allows attorneys to scan, print, and create from anywhere. Email, texting, out of the box websites, and web ads make marketing more relaxed and more accessible than ever before. Online tools

are even helping attorneys with how they bill clients making legal services more affordable and accessible.

We didn't cover the newest generation to enter the legal arena, Generation Z. They are likely the first generation to expect more from technology and how it will help their career in law. The 2019 law class was the first, from the generation, to enter the field, so there will be more to cover as they continue to develop their legal careers.

The future is now, and attorneys leveraging all our current technology has to offer. Future generations of attorneys won't have the same learning curve as this current segment of working attorneys, and so it is essential to remember the challenges our current generations face.

Notes
[1] Cassady, Kim. "3 Ways Technology Influences Generational Divides at Work." Entrepreneur, March 29, 2017, https://www.entrepreneur.com/article/290763. Accessed 16 January 2020
[2] "The Future Ready Lawyer: The Global Future of Law." 2019 Wolters Kluwer Future Ready Lawyer Survey Report, https://wolterskluwer.com/binaries

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About the Author
Abeer Abu Judeh an attorney, a fortune 500 executive and an innovation officer dubbed by Business Insider a "Rule Breaker." Abeer has 15 years of legal practice experience holding various positions in big law, government

and in-house counsel roles. As founder of LexDock, Abeer focuses on creating technology solutions to reinvent the manner in which legal services are rendered. With infinite passion for justice and technology, she paves the way for the democratization of the legal marketplace. LexDock empowers businesses with the tools necessary for them to manage their legal affairs in real time and on budget.

LexDock was hailed by LawWeek Colorado as a "New Marketplace on the Market" and was named by the National Law Journal "2020 Emerging Legal Technology Leader."

To learn about LexDock and whether it's the right legal operations management system for your creative team, visit www.lexdock.com or email to info@lexdock.com.

The Legal Tech market Map

SUFFOLK UNIVERSITY
LAW SCHOOL

Top 20
Clinical Program

Top 3
Legal Writing

Top 15
Trial Advocacy

Top 25
Part-Time Law Program

Breaking bad.

How bad habits are perpetuating dysfunction in contracts, and how to break them

By Denis Potemkin, Lawyer, legal designer/engineer and legal tech entrepreneur

I see a lot of unproductive, trust-destroying, supplier-centric behaviours in the way legal work is done. I can explain it in one of 3 ways: ignorance, obstinacy, or habits.

Let me explain where I'm coming from. So many of us talk about changing and modernising how the law looks and works. The biggest focus is new business models and legal tech, with legal design a distant third but gaining supporters. User-centric design and behavioural psychology are relatively recent imports and are gathering under a new LUX (legal UX) umbrella. William Gibson's famous "the future is already here, it's just not evenly distributed" is so true here.

While legal tech, design thinking and "new law" are going mainstream, the traditional law firm model, hourly billing, archaic contract language, unstructured data and old-fashioned ways of delivering content remain the norm on the ground. As is so often the case, the real problem is with the basics: the day-to-day behaviours that are keeping us in the past.

So is it ignorance, obstinacy, or habits? Ignorance is surely no longer an excuse, and I don't believe the profession is obstinately against change. I put it down to bad habits: ingrained behaviours that are difficult to break. And it is not just lawyers who display those habits - our clients have picked up some pretty bad habits from us, too.

In this article, I look at legal work - especially contracts - through a behavioural psychology lens. I explore bad habits we have developed over decades of legal practice and how they lead to unproductive ways of working. These habits are not just bad for productivity. They are bad for business - and our wellbeing - in deeper ways. I will share my thoughts on how we - as individuals, teams and businesses - can go about forming better (more productive, trust-building, customer-centric) habits.

The backstory
I occasionally tune into Behavioural Grooves, a behavioural psychology podcast. The hosts have great chemistry and really smart guests. I think about how the insights translate into legal practice. A recent episode about habits struck a chord. Habits are response mechanisms formed through repetition over a period of time. The process involves strongly embedded trigger-response-reward se-

quences. The trigger tells your brain to initiate a behavior - it's a piece of information that predicts a reward. Then the response is the habit you've formed to get the reward. And the reward feels good. That's why it's so hard to break old habits. It seems it's much more productive to try to form new habits instead.

Let's look at how this relates to habits in the office and the way we go about delivering legal work and executing legal processes. The key is that those habits don't just affect productivity, they also affect how we build business relationships and create (or destroy) trust. Which in turn impacts productivity - for example how efficiently we execute projects, how fast we close deals and how frictionless our business relationships become.

Bad habits in the office
My go-to example of how the trigger-response-reward mechanism works, and leads to unproductive behaviours, is email. Let's say you get an email that requires you to do something that you don't want to or have little time for. Often the easiest thing - and the thing we do so often - is to copy the message to more people and pass on or spread the responsibility. So there is the trigger (an annoying email you don't want to deal with or don't have time for), the response (you immediately socialise it with a broader range of people), and there's the immediate gratification (it's off your desk and someone else's problem now, and you've ticked an item off your list). We all do it, and it just increases churn and clogs up people's inboxes - often without moving the issue any closer to resolution.

What would a more productive behaviour look like? Perhaps finding or suggesting a partial answer, or framing the problem in terms of simple questions and allocating them to specific people, or picking up the phone, or arranging a short meeting. There are plenty more examples in how we use and abuse email.

So let's turn to contracting. Many of the bad habits I describe are well known by those who think about better contract design and more productive contract processes. Yet I see this all the time in my work so they are still very much prevalent habits that I believe are holding us back - as individuals, as teams, and as a profession. And they hold back our business customers because they've learnt from us.

Bad habit 1: frankensteining
By this, I mean drafting contracts by pulling together bits of different precedents, to form one unnatural whole.

Now, re-using previous examples is fast and effective if done right. But *starting* from that process *as a matter of course* is a bad habit. The "reward" is a sense of progress and the comfortable feeling that you know what you're doing because it's been done before. It also panders to our lazy gene: sitting at your desk and copy-pasting is easier than talking to the business and trying to think creatively about the fundamentals.

But this way of working perpetuates poor unclear drafting (Ken Adams writes brilliantly and often about this on his blog, so I don't need to), increases complexity (you're more likely to add than reduce) and embeds documents into contract processes that are not truly fit for purpose.

It also reinforces Bad Habit 3 - a focus on detailed risk management rather than big picture business outcomes. It is a big reason for the pervasive dysfunctions in contracts.

Bad habit 2: redlining
Redlining or tracking changes (and exchanging redlines by email) is still the go-to workflow for aligning on documents internally between teams and negotiating them with counterparties.

Redlining is a fossil from the analogue age. It encourages an excessive focus on the minutiae. It builds contracts which are optimised for risk rather than outcomes. It increases rather than reduces complexity especially when multiple redlines are layered on top of each other. It is uncollaborative, adversarial, and I believe destroys rather than builds trust.

In negotiations, redlining encourages the stating of one's position and protecting one's corner - it does not encourage forward thinking about outcomes and how to get to them quicker. It does not force clarity, often leaving the other side to figure out what a change is getting at or the reason for it. The reward is a bit like the email example: it's off your desk and someone else's problem. Of course it then comes back to you, repeating this unproductive cycle.

I am not saying that redlines are not useful. Sometimes it's good to see a history of what has changed.

Good negotiators do think forward about outcomes and how to get there quickly, and will often put explanatory comments in the margins. But redlining as a tool does not require

or encourage those behaviours. So using red-lines *as a primary way of working* (which is what I see in my day-to-day work) is a poor habit.

Bad habit 3: prioritising the least important

This habit has many facets. The vast majority of contracts and the lawyers who are building and negotiating them are overly focussed on risk and remote contingencies, to the detriment of business outcomes and deal velocity. Annual studies by IACCM (recently rebranded to World Commerce and Contracting) show that the relationship between what are the most important terms versus the most negotiated terms in contracts is completed off. This summary from their 2020 study shows that none of the top 5 issues by importance are in the list of the most negotiated terms:

Most Important Term
1. Scope and goals
2. Responsibilities of the parties
3. Change Management
4. Delivery and acceptance
5. Communications and reporting

Most Negotiated Term
1. Limitation of liability
2. Price|Charge|Price changes
3. Indemnification
4. Service levels and warranties
5. Payment

It's not just the way negotiations are conducted. Contract narrative tends to follow the logic of the supplier - the lawyer - rather than the customer. It looks something like this: (a) start with definitions and obscure points of struc-ture and interpretation; (b) begin introducing risk controls and caveats in the very first few clauses; (c) spread key information around the document and patch it all up with a matrix of cross-references; and (d) leave all the important business content to the end by which point the reader has lost the will to live. Perhaps that's a slightly cynical view but many readers will relate to it. It's closely related to the first habit (frankensteining).

I suspect the reward mechanism is the dopamine of being in your comfort zone, the space where lawyers have a unique skill set: working through intricate connections, risks and contingencies, and imaginary dispute scenarios. Like we are taught to do throughout our education and working lives. Perhaps there is also fear of moving outside of convention, and the feeling of safety from staying within it. And there's the lazy gene of course.

Bad habit 4: same old tools

Poor habits are created or perpetuated by the tools we use. Most people (and not just lawyers) still default to Word+email as their tool of choice. In contracting workflows, the Word+email combination encourages an itera-tive adversarial process while discouraging real-time collaborative work.

Lawyers are Word super-users. But the same was said about Blackberries and I doubt many lawyers would swap back their smartphones. There is a wonderland out there full of free or low-cost collaboration and productivity tools that offer amazing possibilities far beyond what Word and email can offer you. Should lawyers code? Not generally, in my view. Should we all be using new tools? Yes, every day.

Bad habit 5 - treating the legals as the last mile

This is a habit that our clients and business colleagues are particularly guilty of. As lawyers we are constantly frustrated by clients who do the commercials and then hand over to the lawyer, too late, without real prior alignment on the contractual terms. The result are the familiar delays, finger-pointing and friction. Why is it so difficult to get clients to involve lawyers earlier? Because it's a habit, and I believe it's the result of the many bad habits lawyers have displayed over the decades. I believe that to break this habit, we need to break habits 1-4, and start building the good habits to replace them.

Breaking bad

Breaking habits is hard. Introducing new, better habits is a better strategy. Here are my suggestions for better contracting habits for lawyers, and for those who work with lawyers.

Better habit 1 - start with purpose

When creating a new contract, start by creating something meaningful, before pulling out and frankensteining precedents. A good way to begin is to think about purpose: what is the purpose of the contract or transaction? What are the objectives that each side needs to achieve? Put those down in the middle of your piece of paper, and draw an agreement map around it. Prioritise the top line business objectives rather than legal risk. Use that to create a skeleton contract - you can then put flesh on the bones from your precedents. In my experience this doesn't slow the drafting process down. It can actually speed it up, and the result is better - which leads to efficiencies further down the line.

Better habit 2 - negotiate meaningfully

When aligning on documents internally or negotiating with a counter party, don't negotiate through redlines. Don't "walk through" the document. This should be left to the lawyers right at the end when everything is agreed. Instead, pull out the top issues, summarise them and agree on the principles. Using aids which are separate to the contract really help: a term sheet, or a table. There are of course collaborative negotiation tools, which is outside the scope of this article. If you are going down this route, my first recommendation is to find something that goes beyond merely digitising the same redline+messaging process.

Better habit 3 - prioritise the most important

Prioritise your contracts based on what is most important. This should be driven by commercial purpose and business objectives, not risk management. Take one of your key templates and reorder the sections to make it more focussed on those priorities. It requires some effort but it's not difficult to create an improved structure. For practical methods for doing this, take a look at the "Better Contracts" series on my blog (link in bio).

Better habit 4 - use new tools

Introduce a new (simple) tool into one part of your process. Use it every day. Think beyond team communication tools like Slack and MS Teams which you should have tried out already! My top picks:

- Spreadsheets. Yes, spreadsheets. The entire world outside of Legal still runs on them and the possibilities for building tools and interactions are more amazing

than you think. Even simple tools like nego-tiation aids and contract risk reviews are easier to put together with a spreadsheet than other standard office tools - and your business customer will love it.

- Products like Airtable or Coda which are next-generation spreadsheets, with an app-like UX, automation features and integra-tions with other productivity apps.
- Interactive whiteboard tools like Miro and Canvas, which are fantastic for both indi-vidual work, small group collaboration and multi-player experiences.

Better habit 5 - bring the legals forward
Breaking Habit 5 or replacing it with something better is the most challenging, since it involves changing the habits of our clients and business partners. If contracts are there to structure and record relationships, then they should be part of the conversation from the beginning. In my experience, two things need to happen:

(a) the business folk need to have the right communication tools to have those conver-sations;
(b)   they need to love the contract so they feel happy to integrate it into the commercial process from the beginning.

This may not be so easy, but here is a sugges-tion on how to get started. Create a summary of the key terms of your most important contract template. It should look nice and clear on a sin-gle slide. Focus on the business topics, not le-gal risk. Talk to your business partners about embedding it in their early stage discussions - to manage expectations upfront and give early visibility to possible deal-breakers. Talk to them about what should go in there, the tone and

how it can be presented in the best way so it re-duces friction while increasing understanding and trust. Discuss how tensions between key terms (such as liability caps) can be reconciled with the marketing/sales pitch that is the focus of the early stages. At some point in the process these tensions will need to be reconciled any-way.

You may need to go further, such as redesign-ing your contract into something that the busi-ness understands, likes working with - and ide-ally is even proud of. Truly embedding this means changing the habits of the commercial people on the ground - that can be done if (but only if) you give them the right tools.

Final thoughts
One of the meanings of "to break bad" is to go wild, defy authority. We need a bit (and a lot) of that here: unshackle ourselves from old habits and false professionalism, and defy the years of convention that have formed them. It will make us better at law and better at business.

About the Author
Denis is a lawyer, legal designer/engineer and legal tech entrepreneur. Denis has a 360° legal background, having been in private practice and in-house, now a consultant helping busi-nesses with contract processes and deal-mak-ing, and founder of next generation legal au-tomation start-up Majoto (majoto.io). Denis is passionate about using design and behav-ioural change to make legal processes and technology not only productive, but also better at creating positive relationships, trust, and wellbeing. He writes about better contracts on his blog at potemkin.legal.

10. Autum Conference
Come back stronger!
Manage risks, identify opportunities, reshape the future

Wednesday, 18 November 2020: 14.00 bis 19.00 h
Thursday, 19 November 2020: 09.00 bis 13.00 h

Come Back Stronger | Manage risks, identify opportunities, reshape the future
10. Autumn Conference of the Bucerius Center on the Legal Profession
18. & 19. November 2020 | live online conference

The world is changing rapidly with the Covid-19 pandemic acting as an accelerator. This also applies to the legal market: The pace of digitization is increasing significantly, while the number of sceptics is decreasing. This leads to a wide range of changes and creates numerous new business opportunities. Alternative work arrangements as well as different forms of collaboration, tried out during the "lock down", will not only prevail but will continue to evolve. A return to the days of the "good old office" is difficult to imagine.

At the same time, the risks are increasing. The extent to which the economy will decline during the course of this year cannot be predicted. Meanwhile, the liability risks for legal experts are increasing. Regulation is increasingly intervening in daily business and is becoming more wide-spread, demanding more and more management capacity: data protection, money laundering, professional regulation, tax law, protection of know-how, international trade restrictions, anti-bribery laws, social security and working hours law. If you want to be successful in the long term, you have to strike a balance between innovation and entrepreneurial spirit on the one hand and professional risk and crisis management on the other.

Get your ticket here: **buceri.us/herbsttagung**
This year's conference will be a live online conference and is in German.

The S Factor:
Synergy & Simplicity

By Eimear McCann, Head of Strategy at Summize Ltd

2020 is a year we will always remember. We have had to adapt and innovate, navigating hundreds of new decisions from the seemingly trivial, to the potentially life-changing. It has also been a year that has highlighted the many aspects of our lives deemed to be unsustainable, whether in our personal or professional outlooks.

2020 is a year we will always remember. We have had to adapt and innovate, navigating hundreds of new decisions from the seemingly trivial, to the potentially life-changing. It has also been a year that has highlighted the many aspects of our lives deemed to be unsustainable, whether in our personal or professional outlooks.

Seeking out Simplicity
From a neuroscientific point of view, decision making has important ramifications. While having a lot of choice may epitomise freedom and autonomy, studies have shown that having too many choices has negative connotations. We set unrealistic expectations and subsequently blame ourselves for arriving at what we later perceive to be the wrong decision, which can be both exhausting and paralysing. This is completely industry agnostic, and so, the same pressure to make the "right decision" extends as much to legal as it does to any other sector.

There is no shortage of lawyers and legal service providers; good news from a client perspective, but how easy is it to decide which lawyer or provider to instruct? There are a myriad of factors at play here, whether we're looking at this from a corporate or individual perspective, but, ultimately, if there is a way to make that decision an easier one,

isn't that something we should pursue? Shouldn't the end-goal be to make the decision as frictionless and stress-free as possible?

Legal has historically been a sector that has been labelled as "playing catch up". It's slower than other industries to implement new technology and new ways of working; however, we have seen new models emerging, with a focus on productization and alternative delivery models. Making the law more accessible and simpler will automatically strip away superfluous decision-making for the client.

It feels as though we are moving in the right direction, starting to align with our client-centric, subscription economy and looking at legal as a product that can be easily delivered in simple language. The chasm between client and lawyer is starting to narrow and the innovators not only recognise this shifting paradigm but embrace it. In a sense, we are looking at morphing existing solutions and expertise with the new, whether in terms of language or delivery. It is this interplay between what we've always done and what clients really want that truly engenders innovation.

Applying the same thinking to the fast-moving world of LegalTech, how easy is this market to navigate?

On an anecdotal, yet universal level, the most common complaint we hear is that it is too "fragmented". Breaking this down to the fundamentals, what we are really hearing is that there are too many decisions to be made. Too many decisions tire us out and we tend to freeze and make no decision at all. There is a certain inevitability here, in the sense that new markets tend to look like broken jigsaws until integrations, new iterations and partnerships start to emerge and clients start begin to understand how and where they can use the product or service in their everyday.

If we are really listening to these clients, particularly if we contextualise and examine how 2020 is impacting our decision-making stamina, we have to focus on simplicity and transparency, from pricing to ease-of-use. Like any tech product, we need to be clear on what we do, why it exists and how it can help. Ultimately, if we can change our mindsets to think of ourselves as facilitators in the decision-making process, we are already far better equipped and more empathetic than a standard provider.

Synergy: people and product
Simplicity alone, however, isn't going to distance us from the notion of a "fragmented" market. We need synergy, a term often used in the world of M&A, but equally applicable in the wider legal landscape, where we recognise that collaboration equals strength.

Bringing together a network of innovators within legal is going to be the quickest way to accelerate change and ultimately, a cohesive market. We need to exchange ideas, give the concept of knowledge sharing more time and thought. Overall, we need to ask more questions, from

academia upwards. We need to properly assess our perception of diversity and inclusion, rather than sleepwalking through a tick-box exercise.

Generally speaking, cohesion equates to credibility, and subsequently, a faster uptake, irrespective of sector.

It is no coincidence that we are seeing more Managed Services Partnerships within law, with a real focus on demonstrating value and efficiency. What better way to evidence the latter than by amalgamating law with tech and packaging them into a product that is both simple and powerful. Once again, we need to understand our role in the decision-making process. How are we facilitating the decision-making for the client?

When we talk about synergy or collaboration, we also need to focus on the processes and applications which already exist. True innovation stems from a desire to change. Conversely, no one has ever said that innovation must take the form of complete displacement of existing tools or methodologies.

Let's take Microsoft Word as an example. It is the most universally accepted and trusted application for lawyers. As a former lawyer, I can completely relate. I used Word as a law student, throughout my brief career as a writer, and from my Training Contract upwards, throughout my legal career and to the present day. It feels like home. We have to ask whether we need to completely distance ourselves from these existing applications. Wouldn't it make more sense to allow lawyers to stay "home" (metaphorically speaking), whilst finding ways to integrate and speed up different aspects of

of workflow. The point being that we would be removing another decision, focusing on a synergy with a world that has existed long before we came along to design and re-define.

Seismic shift

COVID has been labelled as a catalyst for change within legal, with many businesses realising they are not as digitally enabled as they had believed. We are not necessarily talking about complex IT structures, but in many cases, it was the fundamental, logistical issue of procuring enough laptops for employees; no easy feat when the supply/demand ratio is skewed. It is food for thought though; we are not always good at balancing the present against the future or reconciling real-life scenarios with the hypothetical. We have all learnt a lot from 2020.

There is, however, a feeling that we are on the cusp of a seismic shift. LegalTech is positioned very diplomatically at the intersection of law and innovation, but it feels that now the hype has been replaced with real substance.

The realisation that technology has a rightful place in a lawyer's every day is sinking in - businesses are recognising that stagnation equates to loss of efficiency and revenue; contracts and agreements are starting to be viewed as more than sheer documentation, but rather as valuable assets. Whilst the concept of knowledge as an asset is not a new concept, seeing the storage of contracts as playbooks and data stores is making the intangible, tangible.

Moreover, there is a recognition that automation can help to put the human touch back into law. By allowing software to review and summarise documentation, there is more time to look at the business and the people within, more time to look at strategy and indeed, innovation.

Scattered documents are being replaced with scattered employees and technology can provide us with a way to manage both. We all know that video calls cannot replace human interaction completely, but technology is serving its purpose in terms of overall connectivity. By analogy, we know that automation cannot replace a lawyer, but it also has its place.

I believe that the future of legal rests on our ability to pull together the reality and the vision, which is easier said than done; however, if we focus on simplicity, collaboration and a mindset change, we are already innovating.

About the Author
Eimear McCann is a former lawyer and Head of Strategy at Summize Ltd. She is also a Visiting Lecturer at the University of Law.

The Value Series

A ClariLegal interview with Audrey Rubin, Senior Advisor at BarkerGilmore and Adjunct Professor at the University of Illinois College of Law

By Cash Butler, founder of ClariLegal and Jeff Kruse, President of Kruse Consulting and Dispute Resolution LLC

Cash Butler and I recently had the distinct pleasure of speaking with Audrey Rubin, a Senior Advisor in BarkerGilmore's advisory and coaching division. Audrey is also an Adjunct Professor at the University of Illinois College of Law where she teaches "The Changing Business of Law," she serves on the faculty of the Legal Lean Sigma Institute LLC, and she is a groundbreaking legal and business leader.

360 Degree Perspective
Audrey has a complete perspective on the topic of value in the delivery of legal services. She has served in a variety of key and influential roles throughout her illustrious career. She was the Vice President and COO of Aon Corporation's Law and Compliance Department.

Audrey also served as the General Counsel and Vice President of Legal and Human resources for three other global companies: Orbitz Worldwide, Inc., Grant Thornton, and Apollo Travel Services, an affiliate of United Airlines. In those roles, Audrey was a purchaser of legal services from law firms and vendors but was also a provider of legal services to the companies' internal business clients. Plus, Audrey has extensive experience delivering value as an outside provider of legal services. In her career, she has been the COO of two prominent law firms, Wildman, Harrold, Allen & Dixon LLP, and Butler, Rubin, Saltarelli & Boyd LLP.

Additionally, Audrey is one of the preeminent experts in legal operations consulting. She leverages her exceptional experience to provide legal operations advice to law firms and legal departments. She has advised multinational corporations and law firms of many sizes on Lean Six Sigma, continuous process improvement, and business operations. In her consulting work for law firms and legal departments, she has guided both the provider-side and the purchaser-side of the legal service industry on the importance of value in the provision of legal services. Through her roles as both an internal resource and an external consultant, Audrey has helped legal departments and the legal market evolve.

Innovative and Award-Winning

As proof of Audrey's innovative and pioneering initiative, in 2016, when she was the COO for Aon Corporation's Law Department, the department earned the Association of Corporate Counsel ACC Value Challenge Award.

The department earned this prestigious award for its Strategic Improvement Project which involved Lean Six Sigma operations process design on billing and invoicing by outside law firms, partnering with the procurement department on the RFP process for legal matters, global rotation of legal department personnel, and shifting shared legal services to lower cost locations.

The Profession is a Business

For many years, Audrey has espoused the view that although "the practice of law is a profession to be sure, it is also a business." In her experience, lawyers tend to be "conservative by nature and training and tend not to be entrepreneurial." Because lawyers typically use words and not numbers as their tools, Audrey has found her value in helping people understand their data. She notes that "everything we do is a process and how to track and improve" to increase profitability, diversity and inclusion, and business value.

Value and Alignment

Audrey firmly believes that legal service providers, whether internal providers inside a company or external like law firms or vendors, provide value to the highest level when they "do things as efficiently as possible in the most cost-effective way they can while sharing and achieving the clients' goals, even as those goals may change." Audrey also believes that it is important for legal service providers to know why the client wants something done, and, what's more, why the client wants it done a certain way. Thus, the providers need "to almost become embedded in their clients' thinking" as the best way to deliver value.

To Audrey, "what separates the wheat from the chaff is when providers do things in a way and with a mindset to achieve all of the clients' best interests."

Audrey juxtaposes "the old days" with contemporary client expectations. In the past, a client would call a law firm with a matter, and the law firm attorneys on the other end of the call would just get to work. But now, clients have evolved and want providers who "understand all of the intricacies of what is happening and handle the matter to achieve the business goals – which may not be obvious -- successfully." The providers need to invest "time up front" to understand the business objectives and concerns to avoid wasting time and effort on unnecessary activities that do not help the business clients achieve desired results.

As she puts it, "if you just jump right into a project, you are going to waste a lot of time." In short, she says that you cannot provide value "if you just do it the same old way it has been done for years." For Audrey, the value vendors provide is in "understanding the clients' business needs and helping the client meet them in the most cost-effective way." She adds, "there are more goals than just cost-cutting or litigation wins. A valuable lawyer figures out what the client really wants from all perspectives."

Value Added Offerings

Audrey thinks law firms and other legal service providers should offer additional value to their clients. Specifically, Audrey mentioned that outside providers should undergo continuous process improvement training, possibly along with their clients. By way of example, Audrey explained that the Legal Lean Sigma Institute has the "Legal Workout" in which the Institute teach process improvement to a law firm and to its client at the same time, and contemporaneously apply those tools to a real problem shared by the law firm and law department. This Legal Workout process helps both the client and the firm work more efficiently and improve their internal and external processes. According to Audrey, the clients appreciate when the firms take the time and effort to engage in this type of "creative and innovative value add."

Legal service providers can add value in other ways as well. For instance, if a law firm conducts an analysis and concludes that most slip and fall cases are coming from one store, they can notify that client that measures should be taken in that particular store to reduce the slip and fall risks. By becoming "strategic partner" with the client, the firm should help their clients "see things they may not have seen" and by doing so, the providers "add real value by reducing exposure risk and solidify the law firm-client relationship.

Providers, whether internal or external, can add value by identifying better ways of handling repeat activities. The example Audrey gives is responding to subpoenas. Service providers add value by finding ways to reduce the number of associates needed to review documents or by hiring technology companies like www.ClariLegal.com to do things more efficiently.

In short, Audrey says that providers can add value by helping clients "reduce risk and

strategically partnering with them to achieve their true and frequently changing business goals."

Proactive Feedback Sessions

Audrey is a big proponent of client feedback sessions. She distinguishes between true information gathering feedback sessions and simple surveys that often do not generate actionable data. The feedback sessions she promotes are focused and disciplined. In those sessions, the clients and their providers sit together and explore differentiators like responsiveness, willingness to change directions midstream, willingness to partner with the client strategically to accomplish the goals efficiently, willingness to take to the time to explain complexities to the client, or other concerns determined by the client. The feedback sessions Audrey promotes demonstrate to the clients that the legal service providers are aligned with the business goals, are willing to improve, and truly care about client satisfaction.

Vendor and Law Firm Selection Criteria

Due to her experience as a law department and a law firm leader, Audrey has seen the vendor and provider selection process from all angles. In addition to the standard criteria of responsiveness, bench strength , knowledge, skill, expertise, and reputation, she has focused on the diversity of teams and on whether the providers "have an inclusive tone" meaning that they are "willing to listen and learn about the client's needs, work style, resources and culture, in addition to the legal strategy.

The best law firms and vendors invest time to communicate clearly and frequently, stay within budget, regularly explain a matter's challenges, and creatively solve problems to achieve results. She uses the analogy of a doctor who gets to know the patient versus a doctor who simply "tells us what we need." The former doctor partners with the patient to achieve the patient's goals while the latter simply offers a diagnosis and an order. As she put it, "you can be the best third-party vendor in the world with the best technology, but if you don't partner with me, you are not very valuable to me."

Teacher at Heart

In addition to teaching law school classes, Audrey also provides training to law firms and legal departments. She firmly believes that all lawyers need active listening training, unconscious bias training, and basic finance training. Lawyers need to have some financial acumen. They need to understand their key performance indicators and the basics of return on investment. They need to understand the costs associated with the delivery of the legal services, and they need to understand the importance of invoice write-offs. In Audrey's opinion, law firms and legal departments should mandate finance education and training to all of their employees so that everyone knows how they fit together in the bigger financial picture.

Change Management and Legal Operations

As a senior leader in several organizations, Audrey believes that strong leadership is key to the success of change management, continuous improvement, and legal operations in general. From her experience, "one leader at the top can make all the difference" when it

comes to acceptance of change. Audrey adds that good leaders will make sure everyone knows why changes are occurring or why new technology is being implemented. To get alignment on projects, good leaders "show the data, or implement a test case to show the reasons behind the changes." These types of proof can help persuade both lawyers and business people to embrace the change.

Advice for Vendors

Audrey is not shy about sharing advice for legal service vendors. She was quick to note that one of the biggest problems with some vendors was "lack of responsiveness – they were there to sell, and then they went quiet." Many times, after earning the business, the vendors assigned an account representative to the work, but the account representative was not responsive or did not have the technical expertise to handle issues. Audrey advises vendors to make sure they assign people with authority to make the decisions and corral the resources that clients need. As she put it, providers need "deep team knowledge and creative problem solving for the best client relations."

Another problem with third-party vendors and law firms has been the tendency to over-promise and under-deliver. To avoid these issues, Audrey recommends that vendors and firms seize every opportunity to communicate openly with the client about problems, successes, extra needed steps, cost overruns, and how to address such challenges. As she says, "clients understand unforeseen issues and can modify their expectations or even their project plans when given honest information and suggestions about how to fix them." Put simply, more and clear communication is better.

About the Authors

Jeff Kruse is President of Kruse Consulting and Dispute Resolution LLC where he consults with law firms and legal departments to help them operate more efficiently through technology implementation and Lean Six Sigma to improve their bottom lines. As a mediator, he also helps parties resolve high conflict disputes.

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

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

Series on Corporate Social Responsibility and Sustainability for Law Firms

A climate crisis imperative:
Legal firms step up to the challenge

By Pamela Cone, Founder & CEO Amity Advisory

The Guardian has updated its <u>style guide</u> to introduce terms that more accurately describe the environmental crises facing the world. Instead of "climate change," the preferred terms are "climate emergency, crisis or breakdown," and "global heating" is favoured over "global warming," although the original terms are not banned.

<u>The Guardian</u>, May 2019

Covid-19 has ravaged the world, with rising death tolls, lingering health conditions, and economic devastation. Along with this crisis, climate change has not slowed, and it continues to threaten people's health, jobs, and safety.

As the world continues to confront the pandemic, it must navigate a path to a green and sustainable economy that produces jobs and prosperity, reduces emissions, and builds resilience.

It would be a huge disservice to everything we have suffered and have yet to go through, and everything we are learning during this pandemic if we do NOT also use this opportunity to accelerate our efforts to address existing systemic problems and looming climate challenges—as we #BuildBackBetter.

Many legal and other professional service firms are rising to the challenge and making significant commitments.

As I write this piece, the 75th United Nations General Assembly and corresponding Climate Week activities are concluding. Because all sessions were virtual this year, it was much easier to attend—no Uber or taxi rides, long lines for tickets, or traffic jams. While I missed the hustle and bustle of New York City, normally amplified during the weeks of the UN General Assembly, the virtual sessions didn't disappoint.

Discussions addressed many of the global challenges we are facing, including hunger, financial insecurity, and healthcare. These issues, frequently dubbed "wicked problems,"

have been amplified by the COVID-19 pandemic. Additionally, a palpable, heavy "gray cloud" hung over nearly every session:

"The pandemic has NOT slowed down climate change, which presents ever-growing threats to people's health, jobs, and safety. The stakes could not be higher: The science shows temperatures are in record-breaking territory, greenhouse gas levels are mounting, sea level is rising, and natural disasters are getting much worse." (https://www.un.org/en/climatechange)

The private sector commits to change
Governments have a major role to play in addressing climate change, but the private sector must be a strong partner in taking action. Many law firms, financial organizations, and insurance entities are stepping up their actions to reduce emissions and increase investments in cleaner, greener technologies and energy. Organizations large and small have used Climate Week, the largest international summit of the year, to make significant announcements about their intentions, carbon targets, and joining the Race to Zero.

This year, many companies declared their climate programs and carbon emission reduction goals leading up to or during Climate Week, including:

- Walmart pledged to zero out its operational emissions by 2040.
- Morgan Stanley, the banking giant, committed to have net zero "financed emissions" by 2050.
- Google committed that its data centers will run around the clock on zero-carbon power.

- PwC Global announced its worldwide, science-based commitment to reach net zero greenhouse gas emissions by 2030.
- Boston Consulting Group set a target of 2030 to reach net zero climate impact.
- McKinsey and Company will reduce its emissions by 2025 in line with science-based targets on the 1.5°C pathway.

And these companies are only the latest additions to the many who already had established and announced such carbon targets, very publicly, as integral to their social impact strategies.

There is definitely a trend, according to Race to Zero, a global campaign that rallies businesses, cities, regions, and investors to work for zero carbon recovery. It reports that companies with a combined revenue of more than $11.4 trillion, equivalent to more than half the U.S. GDP, are now pursuing net zero emissions.

Vendors and advisors join forces
What do these private sector firms' commitments and pledges mean to their vendors and suppliers—including law firms? The growing need for all firms to reduce carbon is a business opportunity (some would say obligation) for the lawyers who serve them. And that means ALL their lawyers, not just those specializing in environmental law.

During Climate Week, I attended a webinar sponsored by The Chancery Lane Project, a code name for the focused, collaborative effort of lawyers to develop new contracts and model laws to help fight climate change. As part of this global movement, legal professionals are empowering business communities to transition to net zero emissions.

During the webinar Rewiring Law to Fight Climate Change, speakers noted that 95% of lawyers active with The Chancery Lane Project don't describe themselves as environmental lawyers. Fighting climate change requires the skills and talents of the entire legal profession.

Matthew Gingell, Chair of The Chancery Law Project and general counsel at Oxygen House, described the tactic of using an opt-out option rather than an opt-in option as a starting point for climate clauses. He went on to say,

"Governments have and will legislate for carbon emissions, but the impact of these laws will take time to come into effect. This is time we don't have if we want to meet the 2030 goal of the 1.5-degree target. Climate contracts and model laws allow impact on climate change to happen sooner, in a way that aligns business objectives and economic prosperity."

The Chancery Lane Project recently published "Climate Contract Playbook #3" and the #Glossary #2"—both available for download on its website.

The introductory language to their just released Glossary, 2nd edition, describes the opportunity/obligation:

"Our aim at The Chancery Lane Project is to help you to tackle climate change by rewiring contracts and laws. Our amazing participants have drafted 50 clauses and seven model laws that are freely available for you

to use to ensure that your legal documents take account of their climate impact. We anticipate that contracts that include these clauses will bridge the climate action gap in getting to Net Zero emissions whilst legislation catches up. Whether you work for a law firm, a public body or in house, you can change the climate impact of your work by using the power of your pen. The problem of climate change is too urgent to allow doing something about it to remain the preserve of a minority of environmental lawyers. It is a pervasive issue that needs to be reflected in agreements covering all practice areas and sectors, including supply chain agreements, finance documents, corporate documents, real estate transactions, and construction contracts. By discussing these clauses with your clients and colleagues, adding them to your precedents, and incorporating them in your agreements, you will change the world.”

How the U.S. legal profession is taking action

Similarly, legal groups in the United States are also addressing the climate crisis. The Environmental Law Institute sponsored the publication of Legal Pathways to Deep Decarbonization in the United States.

This playbook provides well over 1,000 legal options for the United States to address the climate emergency facing this country and the rest of humanity. The book provides technical and policy pathways for reducing U.S. greenhouse gas emissions by at least 80% from 1990 levels, by 2050. This 80x50 target is indeed deep decarbonization, as it requires systemic changes to the energy economy.

The legal options involve federal, state, and local law, as well as private governance—even if they don't seem politically realistic or likely. These legal tools can be used with significant economic, social, environmental, and national security benefits.

The legal community can create climate transformation

While I frequently sound like a broken record —I still strongly believe so many of societal challenges are opportunities for the legal profession to use its highest and best skills and talents to help solve — for their clients, for society, and for our planet.

The need for change has never been so obvious or necessary. Some would even say it is an obligation.

This is our moment. And professional service firms can and should be fulfilling a key role in pandemic efforts to #BuildBackBetter in a manner that also addresses the next existential crisis—climate.

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About the Author

Pamela Cone collaborates with law firm leadership around the globe to evolve their "random acts of kindness" into strategic, transformative social impact and sustainability programs that meet your stakeholder expectations.

If you'd like to learn more about the growing expectations of the legal profession in addressing society's most pressing problems, you can reach her at pamelacone@amityadvisory.com

Thoughts on Pricing Legal Services

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

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

The Association of Corporate Counsel (ACC) released a comprehensive report benchmarking legal operations in March 2020. The law department maturity model uses three stages to survey 15 functions, with one of these being *External Resources Management*. The findings were telling. Only 11 % of the 316 participants reported they were in an advanced stage for this function.

Two of the 13 sub-functions for external resources management are noteworthy when considering the proportion of companies that have no measures / protocols in place

- 65 % of the 316 companies reported that Alternative Fee Arrangements (AFAs) are not considered and are not heavily used in all matters
- 69.2 % of law departments do not rely on systems to smoothly incorporate / support AFAs in billings and metrics.

Our last article on *Critical Preparations* maintained that "the pathway to achieving significant reductions in legal expenses rarely includes greater discounts on hourly-based fee arrangements because this offers marginal savings to companies that have had formal sourcing programs in place for more than 10 years." We recommended that companies set formal financial targets as part of a written pricing plan before drafting a Request for Proposals.

It is worth remembering that the "best price" for a portfolio of legal work depends on a combination of factors, including
- multi-year demand forecasting that reflects estimates, not guarantees, of work volumes

- the fewest possible number of firms, otherwise called convergence
- agreement on staffing ratios and preferred delegation distributions for each portfolio and category of work
- a commitment to rigorous matter budgeting by task / phase and by timekeeper

Pricing Expertise
When it comes to pricing, managing the expectations of all stakeholders, including law firms, requires considerable preparation. This is essential when the objective is to prioritize non-hourly fee arrangements and make AFAs the predominant rather than the occasional method of pricing legal work. It is true that most companies use apply non-hourly fee arrangements for part of the work referred to external counsel. However, for most companies, and for many law firms, AFAs still represent a significant shift away from variations of the hourly rate for most of the work.

A growing number of law firms have introduced the role of pricing specialist to respond to RFPs, and in many cases to lead the firm's pricing negotiations. Some firms have 5 to 10 years of experience working systematically on pricing with dozens of clients. Their knowledge of law firm economics is sophisticated. It follows that companies should match that expertise.

Pricing legal work requires much more than proficiency in AFAs. Companies should possess a practical understanding of law firm economics and the related profitability variables, of law firm cultures, and of law firm compensation systems for partners and associates for the firms that they use. These responsibilities

should rest with at least one senior person in the legal department and one in the procurement department.

Specific Questions

Several quite specific pricing-related statements and questions should be asked of each law firm as part of the RFP. I have used text such as the following

- "The firm is asked to bill a fixed fee or occasionally a variation of hourly rate or a hybrid fee arrangement. The preferred arrangement for the reference period is to be finalized during our discussions with you in the coming weeks."
- "What is your firm's pricing philosophy for the next 3 or 4 years?"
- "What would be your preferred partnering and pricing arrangements with us for the period covered by this RFP or ISP?"
- "The firm is encouraged to propose innovative methods to mitigate costs. This can include teams with more members based in less expensive markets where your firm has offices or where you have arrangements with correspondent firms. We will not compromise unique legal expertise. However, we are actively seeking less costly arrangements from you as a partnering firm."

Unmanaged practice patterns in law firms add at least 10 % to the effective rate. The RFP should prescribe "optimal staffing distributions" for categories and portfolios of work. Firms should be asked to propose compact and stable teams of senior and junior professionals as well as paralegals to cover the reference period. Law firm responses to the

RFP should state the extent of their support and the related conditions for the application of these optimal staffing distributions in pricing a category of legal work.

Choosing Alternative Fee Arrangements

Some have said that AFAs should stand for "appropriate" rather than "alternative" fee arrangements. This leaves the door wide open to default to traditional variations of hourly rates. It is also at variance with making non-hourly fee arrangements the predominant, albeit non-exclusive, approach to pricing legal work. Over the years, corporate law departments have selected pricing that they believed suitable for individual matters. Nevertheless, today more than 80% of legal work referred to external counsel is still priced on a variation of hourly rates. This is not surprising, since hourly rates require a minimum amount of change to operating practices in the company and in the law firm. However, this is not likely to be the most cost-effective pricing.

Getting companies and their law firms "off the clock" and focused on the company's priorities suggests that the choice of pricing should

- stimulate *efficiency* in legal work, enough to reduce the hours needed to support a portfolio of matters by at least 10 % over time.
- reward the *effectiveness* of legal work, as measured by the results anticipated by the client
- promote *innovation* initiatives that pass the **S.M.A.R.T.** test and which improve efficiency and / or effectiveness.

The leadership of legal departments should

ensure that they are both strategic and proficient when pricing legal services. This function should be considered a specialized one within the company and likely concentrated with a trinity of one senior lawyer, legal operations and procurement.

About the Author
Richard G. Stock, M.A., FCIS, CMC is a partner with **Catalyst Consulting**. The firm has been providing legal management advice to corporate and government law departments around the world for 25 years. Richard can be contacted at rstock@catalystlegal.com.

Study on the use of innovative technologies in the justice field

In the White Paper on Artificial Intelligence (AI), the EU recognises the need to step up actions aiming to build an ecosystem of excellence supporting the development and acceptance of AI across the EU economy and public administration.

Study on the use of innovative technologies in the justice field

Final Report
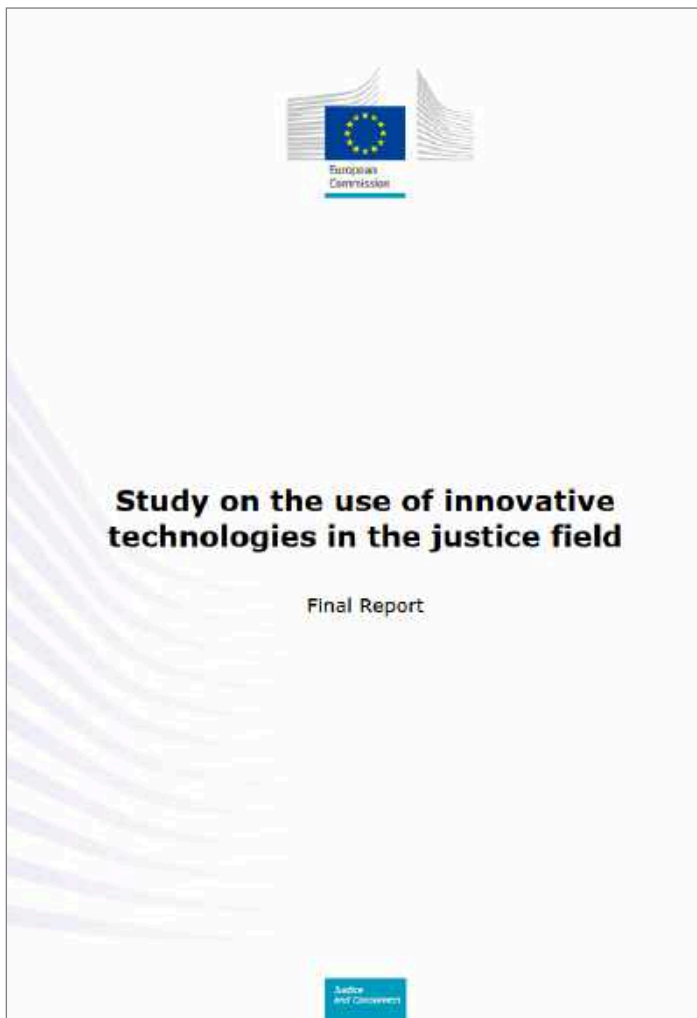
The study identified 8 categories of business problems that the projects aim to solve and mapped these problems to 8 business solution categories. Completed or ongoing projects, which 'exceed' and 'meet' the stakeholders' expectations, are suggested for exchange of good practices. In conclusion, the study suggests horizontal actions as a way forward: (a) Coordination at EU level of the efforts and activities; (b) Collaboration and experience sharing; (c) Strengthening existing partnerships and networks; and (d) Supporting mechanism for legal professional organisations.

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How to use data to create relevant content for your audiences

By Owen Simpson, Head of Performance and Digital Marketing at Patient Claim Line

Developing content that is relevant to your specific market is vital for any business to thrive, but this isn't something that simply happens by chance. Using data to analyse what content your user is looking for, and what journey is going to help them convert is essential; and will help you to build a smooth user experience and easy-to-navigate website for your customers.
contribute to a diverse background and understanding regarding value and the value exchange.

With the rise of smartphones and tablets, we know that customers are now accessing businesses websites in many different ways. Long gone are the days of sitting at a desktop computer to use the internet, and the truth is; customers are more likely to view sites on their mobile on the bus home than sat at a desk in their bedroom.

But do you know how your users are viewing your site?

Create content that works for your customers' device

Using a simple tool like Google Analytics can show you what device your customers are using to view your site. If the majority of your users are viewing on mobile, then it is important to optimise your site for smartphones. Consider if you have too much content on the pages for mobiles users, and if so – ask yourself how this can be broken down in a way that's more easily digestible to your audience.

In addition, it's worth also considering the type of device, the screen size and operating system as different websites will work differently on each device - and your data will tell you this. For example, if your analytics software shows high bounce rates or low time on site for mobile users, then it is important to evaluate why this is happening. Be sure that your preferred user journey is tailored to the device they are using.

Paying close attention to search behaviour will help you understand why customers are coming to your site. These insights should be used to tailor your content. Do your users engage better with long form content, guide content or simply content that's straight to the point? Utilise tools such as Google Search Console and Google Analytics engagement metrics to monitor this and make relevant iterations.

Authoritative content is key, so when creating content remember key Expertise, Authority & Trust principles - your users want to know you're experts and have confidence in your brand, so show and demonstrate this at every opportunity. This holistic content creation would not only drive traffic, it would also en-

courage users to stay on site, research the topic and convert. Search data is easily found in your PPC or SEO software and is invaluable to developing your content plan.

Heatmap the customer journey for key insights

Heat Mapping allows you to see how your users are interacting with your content, enabling you to create a smooth user journey across the site. If a heatmap demonstrates that users aren't engaging with certain content, but are with others, then maybe it is time to make some changes. For instance, if users are engaging with landing pages that include case studies or testimonials, but there is little to no interaction with pages without case studies, it might be an idea to make case studies a fixture on all pages.

Heatmaps also allow you to follow the conversion journeys of your customers. The data will help you to understand which touchpoints they are visiting prior to conversion and can help you to streamline your pages. Don't be afraid to lose some of the unused content either – dropping irrelevant banners and flashy images will help you to create a more focused journey; encouraging users to fulfil your end goal, whether that be to fill a lead form or watch a video.

Watch out for channel information

In order to tailor onsite content to your users, it is important to pay attention to the channel that has driven each visit. It's easy to overlook exactly what journey a user has taken in order to land on your webpage, and this data can be really insightful when building a user journey.

For example, if a user has been driven from a PPC campaign, then it is likely they are already actively searching for the brand (or your services) and have shown intent in this research. These users will be more likely to convert. Your task now is to create a landing page which balances information nicely with CTAs that both inform the user and encourage them to convert by giving them just enough information and encouragement to do so.

Organic users, however, are often more likely to be in a research based phase, and may remain on site for longer in order to gather more information. These users will often be more likely to engage with a content heavy landing page with FAQ's, case studies and downloadable resources; which will give them the information they need before progressing to the next stage of converting.

Data can be used for off-site targeting too. Using social media pixels can help you create another touchpoint with your customers. For example; you might choose to show a brand awareness ad to those who have visited the site, but not converted. The trick is to make this content interesting and memorable, and by showing the ads multiple times (with refreshed creative so as not to dilute the message) you'll be able to create stronger brand awareness and encourage customers to return to your site and complete the journey.

Remember – data analysis should be enjoyable!
There is such a wealth of accessible, free data out there that can make huge differences to your campaign results. By analysing and interpreting the data, you can learn so much

more about your customers and how to target content that specifically suits them. And remember – don't be scared of data, embrace it and spend the time to learn what it can do for your business. That's the fun part!

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About the Author
Owen Simpson is the Head of Performance of Digital Marketing at Patient Claim Line, the medical negligence specialists owned and operated by award-winning UK law firm Fletchers Solicitors. Established in Southport in 1987, Fletchers Solicitors is the largest medical negligence and personal injury practice in the UK and currently deals with 1 in 10 of all medical negligence claims in England and Wales. A qualified CAM digital marketer. Owen has 10 years' experience in digital marketing and has led multi-million-pound campaigns and is an expert on multi-channel marketing. He is passionate about data and the role it plays in defining marketing strategy and influencing results, specifically customer behaviour both online and offline.

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Outsourced In-House Counsel

By Ari Kaplan, Principal, Ari Kaplan Advisors

Ari Kaplan speaks with Amy Osteen, the founder of Outside CLO, a service for corporations that need an outsourced chief legal officer, about why a company would outsource its in-house counsel needs, how that work differs from outside counsel at a law firm, and how the pandemic has impacted the appeal of outsourced in-house counsel services.

Ari Kaplan

Tell us about your background and the genesis of Outside CLO.

Amy Osteen

I have an engineering background and started my legal career as a patent attorney. Then, I migrated into litigation before being recruited by an investment bank, where I spent 10 years moving through the different departments and companies that it owned. I developed a strong legal background in various areas and took a general counsel position for a technology company with an open source software program. After three years, I became the chief legal officer for Rug Doctor, the carpet cleaning company, and spent five years in that role before launching Outside CLO.

Ari Kaplan

Why would a company outsource it's in-house counsel needs?

Amy Osteen

The companies that I serve are at the precipice of growth, but do not have the budget for a typical general counsel or chief legal officer. They need more of an air traffic controller for their outside counsel and an internal advisor to help with strategy, who can perform associated legal work, before they can truly afford a general counsel. At that stage, it makes a lot more sense to have someone like me two days a week versus a junior, full-time attorney who may not have the same breadth of experience.

Ari Kaplan

How does what you do differ from the work of outside counsel?

Amy Osteen

I help companies hire the right outside counsel and deploy the appropriate attorneys on their cases so they get the most qualified person for their money.

Ari Kaplan

Do you concentrate on a specific industry?

Amy Osteen

It is more of a growth stage, rather than an industry. That said, most of my clients are technology or products companies because those, especially during the pandemic, that are growing really fast. They need to save their gunpowder to spend the money on items beyond outside law firm bills. If they are going to spend the money on outside legal bills, they want the best for their buck and need someone with the experience to support their efforts.

Ari Kaplan

What's your business model?

Amy Osteen

My goal is for clients to outgrow me and I want them to get to a point where they need a full time chief legal officer, which is not me. Most of the time, I do not bill hourly. There is a set amount of time I can work for a client per month and we decide on a fee. I don't bill for telephone calls or other activities that like a law firm because I really don't have any overhead.

Ari Kaplan

How has the pandemic impacted the appeal of outsourced in house counsel services like this?

Amy Osteen

I have seen a really wonderful increase in my business and people are interested in the business model. I had a head start because I started setting this up in January so I hit the ground running with a client base of small companies. It just continued to grow when people continued to understand that I can demonstrate efficiency and cost savings.

Ari Kaplan

What does the growth of outsourced legal services indicate about where the profession is headed?

Amy Osteen

Companies are looking for lawyers that think more like an in-house attorney than one in a law firm. There is beauty in this system for lawyers that are specialized and willing to develop a symbiotic relationship with their clients. It will continue to grow and the support that I have received from the in-house community has been overwhelming.

Ari Kaplan regularly interviews leaders in the legal industry and in the broader professional services community to share perspective, highlight transformative change, and introduce new technology at http://www.ReinventingProfessionals.com.

Listen to his conversation with Amy Osteen here: https://www.reinventingprofessionals.com/outsourced-in-house-counsel/

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A Lawyer Guide to Networking Events in a Virtual World

By Jaimie B. Field Esq., Founder The-Rain-Maker

In March 2020, the world went into quarantine. Not just the United States, not just Europe, not just Asia, but the entire world. And because we were not allowed to go out of our houses unless we were "essential workers," all in person-networking events, conferences, lunches, golf events, and happy hours ceased to exist.

For many attorneys, the only business development activities they had been doing is attending live networking functions, conferences, or meeting people one-on-one. When the in-person world was cut off from them because they were required to work from home, many did not know what do to. And so, like many of us who when we don't know what to do, they did nothing.

In a study conducted by Acritas, a legal research company, about Lawyer Productivity during the pandemic, and written about by Jen Dezso, Vice President, Acritas USA, she stated:

> *"When it comes to remote working, 77% of stand-out lawyers say the number one challenge to the firm's bottom line is difficulty in developing business. Even in the best of conditions — which these are not — lawyers too often struggle to engage in business development conversations with clients. Many say this has been compounded today because lawyers are unable to leverage networking events, working lunches, and other in-person meetings."*

Since the pandemic began, I have been working with my clients, explaining that now is not the time to stop doing business development activities even though we have been working from home. And, because 7 months into this worldwide lockdown in which we are not sure when we will be able to freely attend in-person events again, you cannot continue to ignore networking if you want to build a book of business or continue to create relationships. You have to learn how to do it - virtually.

Besides, when the world does reopen fully, I believe that many will not only continue to work from home but that they will continue to use virtual means to create and build relationships. And this is the essence of Rainmaking.

Before I get into how to network virtually, I'd like to provide one of my favorite definitions of a network and networking because when you understand the meaning of these words, you

will have an easier time becoming a master networker whether in-person or virtually.

In 1982, John Naisbitt, in his book Megatrends, said:

> *"Networks are people talking to each other, sharing ideas, information, and resources."*

He also went on to say that:
> *" . . . networking is a verb, not a noun. The important part is not the network, the finished product, but the process of getting there – the communication that creates the linkages between people and clusters of people."*

There are a couple of things that I want to point out about this definition - the part of the definition that explains that networking is about the "communications that create the linkages between people and clusters of people."

This is one of the traits of great Rainmaking. Real rainmakers know it's about creating these links between themselves and prospects, clients, and referrals sources.

I also want to point out a keyword in that definition: "Sharing."

Networking and the networks you build are not one-way streets. You cannot go to your network and ask for help without being willing or able to offer help as well.

One of the laws that many attorneys never learned is called the Law of Reciprocity.

The Law of Reciprocity says that people always try to pay you back for anything that you do, either to or for them. In a positive sense, it means that whenever you do something nice for another person, you create within that other person a sense of obligation. Since no one likes to be under an obligation to another, the other person will do everything possible to free themselves from this sense of obligation by paying you back, usually by giving you far more than you contributed originally. Think about it, when you get a gift out of the blue or if someone picks up the check, you feel obligated to do something for them as well.

In fact, the more you can give, the more you will get back. This technique is well written about in [Go-Givers Sell More](#) by Bob Burg and John David Mann.

And you don't always have to give referrals – you can give other things, support, time, information. When you give without the expectation of receiving, you will get so much more than you can imagine.

Networking Is a Skill

Let's start with a great fact for all of the attorneys out there who hate networking because they have not been successful at it: networking is a skill.

The definition of a [skill](#) is "proficiency, facility, or dexterity that is acquired or developed through training or experience."

What this means is that this is a skill that can be learned. And for those who are fairly successful at it, you can become even more so with

practice. However, the one thing that this definition does leave off is the fact that skills can only be mastered through practice - deliberate, focused practice.

But, how do you get to practice when you cannot go to in-person networking events? Therein lays the biggest misconception about networking that exists. You don't have to go to in-person networking events, coffees, lunches, golf events, etc. to be networking. Most people think of networking as big events where lots of people are handing out business cards to one another to create new business for their firms.

Networking is any time you meet with another person – even one on one. This could be in-person or online in social networking venues such as LinkedIn, Twitter, Facebook, etc. And you could meet via telephone or a virtual platform.

Networking is the art and skill of creating relationships and then being able to leverage those relationships into business opportunities

No matter what type of law you practice, no matter what position you are in in your firm, whether you are the Managing partner, Midlevel Attorney, or Associate if your networking has stopped because you cannot leave your house, you are doing your business development activities a disservice.

Virtual Networking Events

Since the pandemic began, virtual networking events and industry conferences have been taking the place of in-person events. These are events that are being held on various platforms

like Zoom, Google Meet, Microsoft Teams, Skype, Go-to-Meeting, Teoh, Remo, and a plethora of other platforms that keep popping up.

You can find these events by searching online or asking your colleagues. Use Linked In's search function and you will find that 1,466 groups have a virtual networking component. You can go to the industry associations in which you are a member and see if any virtual networking events are being held. And you can search Event Brite or Meetup.com which has a list of thousands of virtual networking events, in all different industries, available to attend. You can even create your own networking events by inviting people to join you in talking about how to grow your various businesses

For example, if you are in a larger firm that has different practice areas, then ask a few of your colleagues to meet, one from each practice area, at least once per month (but preferably once a week as you will find you will grow your respective books of business faster), to discuss business development ideas, which of your clients may need the others' services and vice versa, and just to encourage each other.

If you have never attended a virtual networking event, you usually start by joining a large virtual room – you know what this looks like – the thumbnail pictures of all of the attendees. And then the host will create "breakout" rooms where you can meet and introduce yourself to a smaller number of people at a time.

If the event is scheduled for 90 minutes

(which, from my experience, has been the norm), the host of the event will usually send you to 3 different breakout rooms during the event where you can meet a manageable number of people.

There are also industry conferences taking place virtually. In addition to the plenary sessions which are held like webinars, there are keynote addresses, and there are opportunities to speak with the vendors and other attendees. While it does not actually reach the level of meeting someone in the hallway to chat at an in-person event, you can conduct some networking while you are attending these conferences.

During some events, particularly networking events that are not industry-focused, the host may ask you to tell the entire room what you do for a living. This is a perfect time to hone your audio business card – also known as your elevator pitch.

Audio Business Card

Your audio business card is a very short oral description that answers the question: "So what do you do for a living?"

At most, you have about a minute or two to convey what you do and with whom you are seeking to do business. Try to do it in one or two sentences that are interesting and memorable.

What happens is that most attorneys say: *"I'm a lawyer."*

The problem is that more than 1.3 million

people in the United States can say this, and many more across the world. Even if you narrow it down by using a practice area, you are still grouped with a whole lot of people who practice the same area as you.

Either way, you will stop a conversation cold because people will already assume that they know what you do based on their biases (both good and bad).

You have to find a way to introduce yourself that answers these questions:

- Who am I?
- What do I do?
- Who are my ideal clients?

And you have to find a way to do it memorably – using your personality.

When I am asked the "what do you do question," I say: *"I am a Rainmaking Trainer and Coach. I teach lawyers in firms with 50 or more attorneys marketing and business development skills so they can build big books of business ethically. And the keyword is ethically."*

To deconstruct the above - it tells people who I am (Rainmaking Trainer and Coach), what I do (teach marketing and business development skills to help build big books of business ethically), and who my ideal clients are (lawyers and law firms of 50 or more attorneys).

But more important than introducing yourself, you need to find out about the people with whom you are networking.

Networking Best Practices

Networking should never be about you. It is always about them. So learn to ask questions and practice active listening skills.

Most people use their ears to hear. Hearing is a biomechanical attribute that most people with two ears can do. However, usually, when the other person is speaking, we are often just waiting for our chance to respond – whether it is to prove what we know or just to hear ourselves talk.

Listening is an actual skill that can be learned and when used effectively creates a relationship with the speaker that can morph into business. When you *really* listen to others, giving them your full awareness, not allowing for any distractions to divert your attention (whether in person, on a virtual platform, or the phone) and truly understand what they are saying, they naturally will like you and trust that you can help them with their problems.

Then and only then can you respond to what they are saying. And even then, your responses should be follow up questions. The more you can get to know the person and what they need, the more likely they will become a client.

When I am at a virtual event, the first thing I do is take a screenshot of the entire group. Since most people have their name or their company on their picture, you now can have a list of the event's participants. Sometimes, this is unnecessary because the host of the event will provide you with the list of attendees. If you are not sure, just ask the person who is designated as the host.

With this list, you can begin connecting with people on social media sites, particularly on Linked In, the world's largest professional networking site with 660 million users in over 200 countries. The purpose of connecting with these people you have met is to continue the networking conversation, NOT to pitch them your services.

Please do not put any person you have met in a virtual networking event immediately on your email list. You must ask their permission to put them on your list. Not only because you could be violating the CAN-SPAM Act in the United States or the GDPR in Europe, but because it is not going to get you the business.

People do business with people they know, like, and trust. And people will immediately lose trust for you if you abuse the privilege of having their contact information by spamming them with information about your services.

Instead, send a "nice to have met you" email to those whom you have met, and then you can ask if they would like to be put on your newsletter list. However, it is my suggestion that you wait until you get to know your new contact better.

In most of these events, you will not be able to meet all of the participants. But, you can use social media or an email to connect with them. Send them a personal message and write "I saw that you were on the virtual networking event on (insert date), but that we didn't get a chance to meet. Can we rectify that situation by meeting one-on-one either via telephone or via Zoom?"

You can also use social media sites to connect directly with someone with whom you can potentially do business. There is a caveat, however – again do not go onto a social media site and connect with someone and then immediately pitch your services. This is happening way too often these days and the most important thing you must understand is what I said two paragraphs ago – People do business with people they know, like, and trust. You must build trust with your prospective clients and referral sources.

You know of what I am speaking – how much do you hate it when someone you just connected with on social media sends you a private message or an email asking you to buy their services? Put yourself on the other end of the conversation and understand that the reason why this doesn't work is that no relationship has resulted.

Furthermore, no one wakes up one day and says to themselves, *"I think I'll hire a lawyer for the heck of it."* Lawyers are hired because there is a specific need. Regardless of the practice area, whether you work in consumer law or business law, lawyers are hired because there is a necessity for your services. And so, the only way to make sure that you are the attorney that they hire for the service you provide when it becomes essential, you have to create a relationship with your prospective clients and referral sources.

Relationships = rainmaking.

Follow Up

Regardless of how you meet someone nowadays, whether it is that you connected on social media or that you've attended a virtual conference or virtual networking event, the most important aspect is to follow up. Invite the person you met to a virtual one-on-one meeting or telephone call and learn everything you can about them. You can even be creative – send the person a gift certificate for one of the meal delivery services and ask them to join you for a "virtual lunch."

The most important thing to understand is that following up doesn't mean pitching your services over and over again – that's what sleazy salespeople do. It means keeping in touch in meaningful ways that will benefit the person with whom you are trying to create a relationship.

- Introduce them to a potential client for their business,
- Provide information to them that they need,
- Send an article that is of interest to them,
- Invite them to a webinar or a different virtual networking event in which they would be interested.

By the way, you should also contact your current and former clients and renew the relationships with them. You should be calling them and personally talking about how the pandemic is affecting them and see if you can be of any assistance, even if it is just lending an ear. Your clients (both former and current) just want to know that you care about them, that they are not just a billable hour.

Notice it's all about them.

Stop selling (i.e. pitching your services) and start finding a way to help your former, current and prospective clients in a way that will continue to grow your relationships. For Rainmaking Success, you must create relationships. And nothing creates relationships more than networking – whether one on one, in large events or online.

About the Author
Jaimie B. Field is known as The-Rain-Maker. For close to two decades, she has been motivating and teaching attorneys how to ethically get new clients and more business. Jaimie has helped her clients grow their books of business

by 125% and more. She hosts Rainmaking Seminars, teaches Ethics CLEs, conducts workshops at law firms, and coaches lawyers and law firms on how to obtain more business.

HELPING THE NEW FIRM LEADER SUCCESSFULLY TRANSITION

VIRTUAL ADVISORY SESSIONS

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

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

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

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

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

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

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

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

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

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

WHAT IS INVOLVED IN MY FIRST 100 DAYS ADVISORY SESSIONS
Here are the issues that we will address over the course of our sessions together.

Session 1:   **Beginning Before the Formal Handoff**
              What competencies, resources, and skills do you bring to this new role and how will you leverage them?

Session 2:   **Getting Clear on Your Mandate**
              Review 4 predictable stages of your transition and 10-point critical action plan for working with your predecessor.

Session 3:   **Understanding Your New Role**
              How does your firm's current circumstances shape your expectations of what your first steps should be?

Session 4:   **Hitting the Ground Listening**
              Determine partners views of the important areas where you must succeed and what their appetite is for change.

Session 5:   **Working with Your Administrative Professionals**
              Identify how well your administrative professionals are performing and how they should work with you.

Session 6:   **Working Effectively with Your Business Units**
              Review 10 elements of structural integrity and how you can help your practice/industry groups accomplish results.

Session 7:   **Setting Your Strategic Agenda**
              We will develop your specific 100 Day Action Plan identifying your priorities going forward

Session 8:   **Stimulating Change That Sticks**
              Review 25 different strategic levers you have available to you to stimulate productive change

Session 9:   **Securing Early Wins**
              Design some 'early wins' pivotal to building political capital and momentum around results

Session 10:   **Managing Your Time – Priorities Dilemma**
              How will you balance your time in the early weeks, given the demands that will be made?

Virtual Advisory Sessions

LET'S ARRANGE A NO-OBLIGATION INITIAL DISCUSSION
Contact me (patrick@patrickmckenna.com) to set up a time for a get-to-know-you conversation. I will ask about the challenges and issues you are expecting to face in your first 100 days and you may ask me any questions you wish about my background and specific expertise.

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

Patrick J. McKenna