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## Art and International Courts

By Marina Aksenova and Maja Spanu

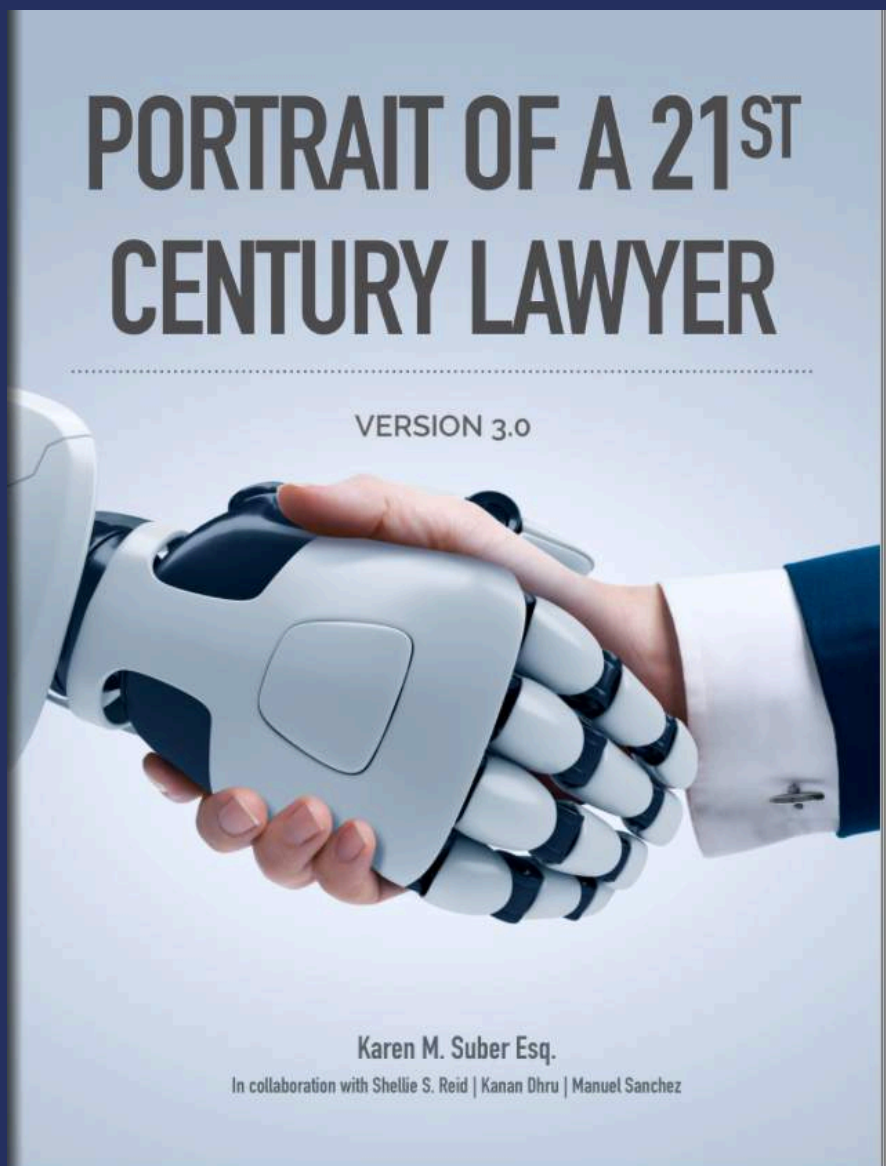
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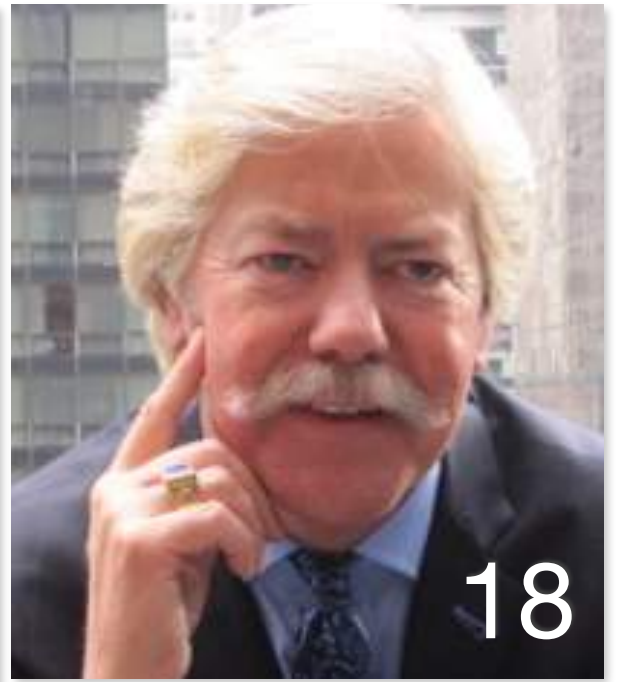
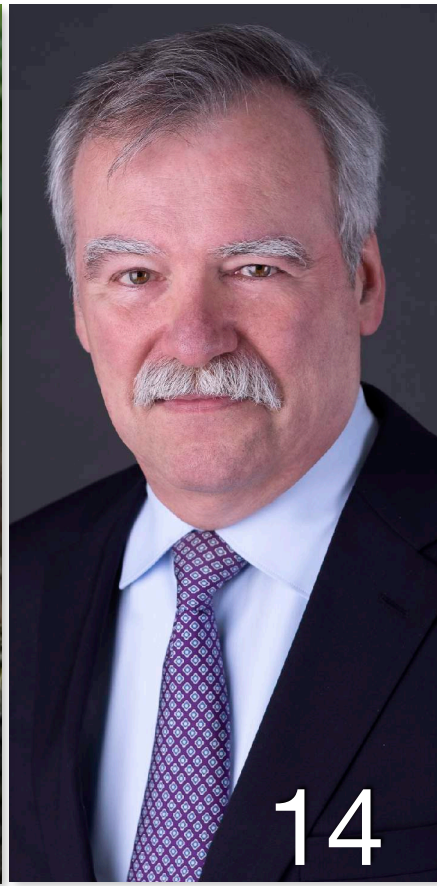
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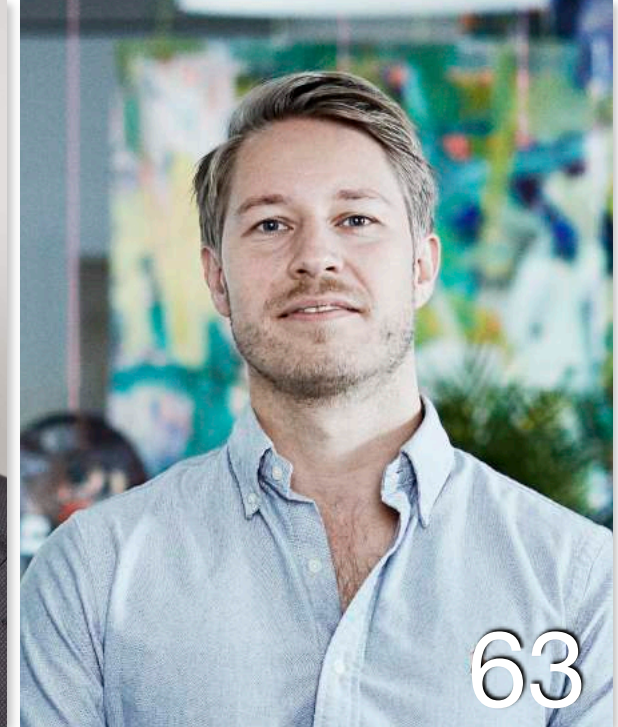
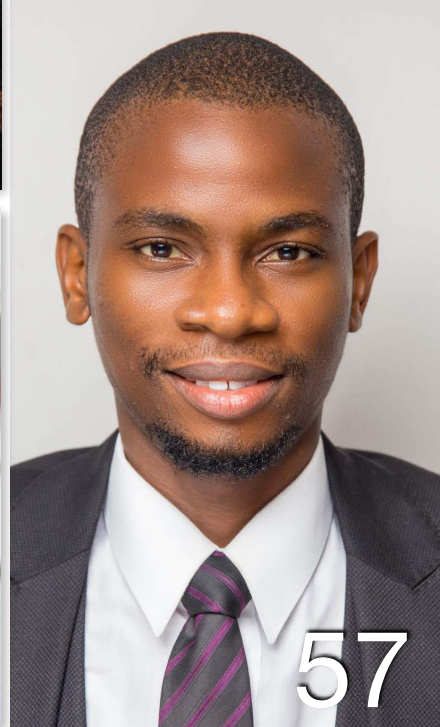
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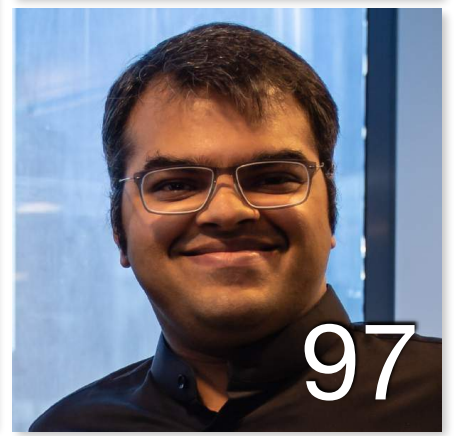
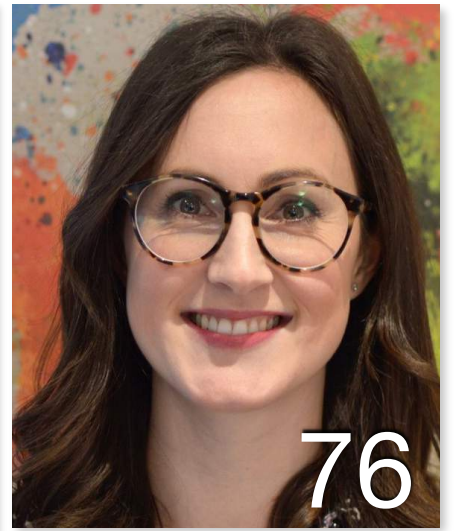
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# Art and International Courts

By Marina Aksenova, Professor of Criminal Law at IE University and Maja Spanu, Junior Research Fellow in International Relations at the University of Cambridge

International law can be thought of in a number of ways. Most evidently, international law is a wide set of norms, rules, and standards that define and regulate relations among states and at times within them. The domains covered by international law are multiple: from diplomacy to economics, from warfare to human rights. But international law is not just concepts and norms. To exist, international law is practiced, performed, conceptualized but also contested by agents across the globe in multiple ways. The actors involved with international law include policy makers, parties to a conflict, members of the civil society, intellectuals as well as the wider public. International law can therefore also be seen as a constantly changing social phenomenon that not only accommodates opposing views and narratives, but which actively encourages conflict (see [Hakimi](#)). It is through these social interactions that international law is shaped.



Over the years, numerous authors have therefore focused on law as a social practice creating and created by individuals and groups, whether in the field of international law or in other disciplines such as International Relations, sociology, psychoanalysis, ethics and communication. Looking at international law as sets of practices rather than just normative outcomes has therefore opened up a multitude of approaches and understandings to international law.

Our first ARTIJ workshop on ‘Art and International Courts’ co-organized with iCourts at the University of Copenhagen on 25-26 April 2019 aimed to open up a discussion on what we deem is an overlooked aspect of the practice of international law, namely the relationship between art and international courts, as the *loci* where and through which international law is most obviously performed. What is the role that art plays in the discourse and practice of international law? How do aesthetics – whether understood as the study of visual, sensorial or rhetorical expressions – shape perceptions of law and courts? To what extent do they matter, across time and space, in the law’s actualization? How have different forms of art been used by courts, and for what purpose? How do international law and international courts deal with cultural heritage and protection of art? Bringing together a number of scholars working across law, International Relations, sociology, history and philosophy as well as artists this two-day workshop thus aimed to initiate a new and interdisciplinary conversation directly tackling these questions.

At ARTIJ, we engage with different forms of

‘art’, including visual art, fine art, performative art, moving art and applied art. In the context of this workshop we thus wanted to operate with a similar understanding of the concept to allow for the widest possible conversation. The challenge of defining art for the purposes of an academic discussion (no matter how transdisciplinary this conversation may be) is that in its widest possible sense, art lies beyond concept and therefore beyond description and categorization. Yet, we do believe that it is possible to distill and discuss art in a number of ways: art as experience, art as emotion, art as a form of representation of reality, art as a set of practices, as well as art’s functions across time and space. Moreover, a focus on art allows connecting all the actors involved in the processes of conceiving, making and receiving the artwork. The objects of art – whether explicitly called as such, as in the context of an exhibition, or in the form of a decorative item placed in a building hosting a legal institution – are the carriers of meaning both intended by the creator and attributed to them by the person experiencing the object in question.

We suggest that three core reasons define the need for exploring the role of art in the practice of international courts, directly connecting with the various contributions to our workshop and ensuing symposium.

Firstly, art is an inalienable feature of any social practice, international law included. Some art theory is helpful in explaining this point. [John Dewey](#) in particular eloquently argued that in the course of history art became artificially separated from the conditions of its creation.

Dewey points out that art traditionally was a manifestation of the processes and tasks of everyday life, such as worship, war or hunting – “all the rhythmic crises that punctuate the stream of living”. Later on, and especially in Europe, art became increasingly confined to closed spaces only accessible to some such as museums, opera houses and so on. Yet, it is undeniable that there is an obvious continuity between artworks and everyday events and practices. For instance, the Greek Parthenon in Athens’ acropolis is regarded today as an art masterpiece. However, it was originally designed and built as a temple dedicated to civic commemoration. In a way not dissimilar to the past, the Peace Palace in the Hague was built at the beginning of the 20<sup>th</sup> century with the intention of transforming it into the ‘temple of peace and justice’. The building though also presents an incredibly rich décor, including manifold artworks, making of it not just the temple but also the museum of peace and justice, at a given point in time.

International law is a social practice concerned with issues of interest to the multitude of states and actors operating within them. If one accepts Dewey’s position that art is inherent in social life, then it is easy to see how artistic practices accompany the administration of international law. Art is inherently part of the process of international justice through architecture of the courthouses, through judicial rhetoric, through iconography and other forms of expression. A number of contributions at the workshop thus sought to shed light onto this ‘hidden’, or unspoken, aspect of international justice and examine what questions and contradictions it may hold. Mark Drumbl’s contribution speaks directly to this latter point. The author investigates the rituals

of commemoration, remembrance and tribute stemming from the activity of international courts. In particular, Drumbl draws attention to the celebration in Japan of Judge Pal, an enthusiastic dissenter at the post-World War II Tokyo War Crimes Tribunal organized by the Allies, winners of the war. In his contribution, Drumbl argues that visuality brings with it unintended consequences, it opens up the space for a multitude of interpretations.

Jayati Srivastava’s contribution explores, in turn, international justice’s iconography. She points out that its emblems and symbols serve representational purposes whilst carrying specific meanings. This, the author claims, is visible for instance in the simple architecture and in the logo of the International Criminal Court (ICC), both seeking to convey notions of trust and transparency. Yet, Srivastava tells us, these aspirational messages are in clear opposition to current international criminal justice, which in practice is both hierarchical and imbalanced. The tension between ethics and aesthetics that the author uncovers stresses the discord between symbolic and substantive justice. Miriam Bak McKenna further explores the dichotomy between the aspirations and the actual reality of international justice reflected through aesthetics. More specifically, McKenna investigates the architectural design of international courthouses, drawing particular attention to the ICC structure: while the ICC was created with the ideas of internationalism in mind, the architectural aesthetic of the building is reminiscent of the sleek, glass structures common in Northern Europe.

In his piece on international justice and photography, Raphael Oidtmann ponders about the role of photography in eliciting truth.

He argues that photography opens a unique window to reality. In the context of international criminal justice, photography therefore constitutes evidence that certain actors or even the wider public may doubt or refuse to believe. In the form of public exhibitions, photography can also participate to reconciliation processes, including all the actors involved in a given conflict as well as external observers, in a unique conversation. Finally, Oidtmann invites us to stop and think about the ethical implication of using photography for the purposes of international criminal justice.

Secondly, a number of contributions to the workshop and symposium stress how art can be thought of as experience. This approach is fundamental to seeing international justice as a process and not only as an outcome-driven activity. Art may offer a different lens through which to see the activities of international courts. This alternative lens can yield positive results when it comes to attaining broader social legitimacy of international law.

[Simon O'Sullivan](#) argues that art has two functions: to represent reality and to create an affective state in the person or parties experiencing art. This latter function is an instrument of transformation. The experience of art creates an opening where the person is taken outside the familiar frame of referencing, or as Sullivan calls it, outside of the habitual time and space register. The function of art lies therefore in creating a possibility for making visible the invisible, placing attention to where it has not been placed before. The experiential function of art and its ability to focus on the process rather than the outcome is particularly useful in understanding broader outreach ef-

forts of international courts and their attempts to foster a dialogue with various communities.

More specifically, art may be helpful in talking about the goal of reconciliation of international (criminal) justice. Although not expressly mentioned in the statutes of international tribunals, reconciliation became one of the objectives sought by international justice.

Can international justice contribute to healing of the communities affected by violence? Can the deployment of outreach instruments with artistic value lead to a meaningful transformation? Contributions by Rachel Kerr and Fiana Gantheret explore these questions in depth. Rachel Kerr claims that artistic interventions may create space for a dialogue in which people can engage emotionally physically, and intellectually. Yet, she goes on, one should resist the temptation to fully instrumentalize art as a 'tool' of transitional justice. For it is a more complex practice that creates room for opposing views whilst allowing their co-existence. In turn, in her contribution, Fiana Gantheret maps out reconciliation efforts by the International Criminal Tribunal for the Former Yugoslavia and by the ICC. She argues that because reconciliation as a goal lies outside of the mandate of international courts and tribunals, express legal work towards its attainment, especially when embracing an artistic component, should be modest.

Thirdly, art can be seen as a protected value in its own right. It is clear that international justice is moving in the direction of increased recognition of culture, including but not limited to artworks, as internationally protected objects.

For instance, the [recent report](#) of the Canadian National Inquiry into Missing and Murdered Indigenous Women and Girls found that Canadian policies of assimilation, which included the imposition of laws, institutions and cultures on indigenous peoples resulted in racial colonial attitudes and may well amount to genocide in both social and legal understandings of this term. This finding is a clear recognition of the central role of art and culture in forming and sustaining the existence of indigenous communities. The attack on language, rituals and cultural practices, amounted to an attack on the people(s) themselves.

In line with the logic of the report by the Canadian National Inquiry, Giulia Bernabei draws attention to the legal lacunae in the protection of cultural heritage when it comes to the specific field of international criminal justice. She insists that cultural heritage has value that goes beyond the physical objects that constitute it; it extends to their role in preserving life in a collective and communal sense. In her contribution, Shea Esterling explores the same topic in depth by focusing more specifically on the *Al Mahdi* case decided by the ICC. She argues for the importance of incorporating the narrative of cultural intra-nationalism in international criminal adjudication. This means that the court is to acknowledge the significance of cultural heritage to the local communities. Law is there to underscore arts' vital role for the survival of such constituencies. This view of culture as significant locally should complement the dominant view of cultural internationalism that treats the works of art as a legacy of humanity as a whole.

To conclude, we hope that the symposium provides insightful takes on the interaction between art and international justice on all the different levels mentioned in this short introduction. As co-founders of ARTIJ and editors of this symposium, we therefore hope that this is just the beginning of a new yet essential conversation.

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### About the Authors

[Marina Aksenova](#) Is Professor of Criminal Law at IE University and Director ARTIJ Art and International Justice Initiative.

[Maja Spanu](#) is Junior Research Fellow in International Relations at the University of Cambridge.

Marina Aksenova and Maja Spanu are the co-founders of [ARTIJ, which brings together art and international justice.](#)





Maja Spanu

A professional headshot of a middle-aged man with grey hair and a mustache, wearing a dark suit, light blue shirt, and patterned tie. He is looking directly at the camera with a slight smile.

# The Effective Law Department

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

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

General Counsel and their Directors of Legal Operations should spend more of their time managing legal services than they do today. Doing so is a pre-requisite for law departments that are more effective and are strategic contributors. Productivity, efficiency and the cost of counsel are important, but invariably trap legal services in a no-win conversation about being “part of the overhead”. On the other hand, innovation, delivering results, and being a strategic contributor to the organization are hallmarks of leading law departments. There are six basic ingredients in the recipe for success.

The first is to have a comprehensive business plan in place for the law department. Every department has a mission statement, roles and responsibilities, and an annual budget – the equivalent of a constitution and a budget for a country. Moreover, inhouse counsel typically have specific objectives in their annual personal development plans. However, fewer than 25 % of the law departments develop and maintain comprehensive annual business plans today that connect personal objectives to corporate plans.

The best ones itemize major projects for the year, are based on a forecast of the demand from business units, feature some innovation in legal services delivery, and explain how the costs of internal and external counsel will be managed. Corporate leadership should approve the business plan. Members of the law department should know the details and receive quarterly performance reports against the plan. Balanced scorecard formats are useful templates for law department business plans.

Secondly, leading law departments assemble

a reliable forecast of the demand for legal services that is based on corporate and business unit plans. It should detail the type, complexity level, volume (hours) and timing of legal work for one and possibly three years. It should be clear what part of this demand will be met by the law department and by law firms. Legal leadership can then adjust work intake and allocation practices to minimize the usual “you should have called me earlier” complaints about business units. Adaptability and stamina in handling legal work as it comes in the door are not enough to make the law department a strategic business contributor. The demand forecast should be embedded in the law department’s business plan.

Over the years, dozens of in-house counsel have explained that they are less stressed by heavy workloads than they are about the lack of control over when the work comes in. Workflow issues are more disruptive and stressful than workloads. Paradoxically, not having enough to do is more stressful than having too much on the table. Still, a good measure of predictability for work takes the improvisation out of the equation for transactions, regulatory matters, and disputes. Law departments need clear guidelines about when business units “should” call legal, when they “may” call legal and when they “need not” call legal. Far too many companies say that anyone in the company can call the legal department. Some guidelines and legal resource management plans agreed by business units identify and restrict who can call legal. Our studies reveal that as many as 70 % of the individuals contacting the law department are very occasional consumers of legal services and often poorly prepared to ask for and receive legal services. The business plan should include a program on how to reduce business unit

dependency on the law department.

The nature and pace of business changes faster than the static resources of law departments can anticipate and adjust. The organization and resources of a good many departments seem like a collection of solo practitioners or perhaps a captive law firm within the company. Because work intake protocols tend to be weak, one often finds that experienced in-house counsel spend up to 60 % of their time on routine or non-complex work with the average duration of a matter less than 2 hours over several days. This makes it difficult to take on team-based, strategically valuable matters and projects for the company. Few law departments have “junior” lawyers to whom they can delegate. Legal services technology is the new leverage that has begun to make legal assistants, paralegals, and entry-level lawyers redundant in some law departments and law firms. Legal leadership needs to re-think its legal organization and resources. Law firms committed to “getting off the clock” should provide advice to General Counsel and Directors of Legal Operations on how best to do this.

The choice of a company’s primary law firms should be reviewed every five years. People, technology and business requirements change. Unsurprisingly, the cost of external counsel is important but still a secondary consideration when retaining a law firm. Expertise, service delivery, knowledge of the industry sector and relationships matter more. Law firms are not early adopters of technology to improve efficiency and service delivery, regardless of the number of innovation awards available. Progressive law departments look for innovation in service delivery and predictable costs of counsel. Companies can go much further in using non-hourly fee arrangements to share risks and

rewards and to stimulate innovation and efficiency in the law firm. More than 80 % of legal work is still paid with some variation of an hourly fee. Companies should look for firms that have the capacity to manage supply chains of other law firms and legal service providers on a national and global basis. The savings of time, money and systems are substantial.

Few in-house counsel like metrics. They rarely seem to fit well. However, the right metrics will drive behaviours, priorities and the allocation of resources. Four key performance indicators are sufficient and should be embedded in the law department’s business plan. These are strategic impact on the company and its business units, results for the legal team and external counsel, knowledge transfer from legal counsel to business units as one way to reduce dependency on the law department, and cost reduction for internal and external legal services as a ratio of the company’s revenues. It is worth adding that innovation is essential for strategic impact, business results, knowledge transfer and cost reduction. In the end, legal leadership is responsible for the law department’s business plan, demand forecasting, workflows and workloads, organization and resources, the cost-effective use of external counsel, and performance that matters to the company and the people in it.

### **About the Author**

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# Lessons For New Leaders In Where To Invest Their Time

By Patrick McKenna, Thought Leader and internationally recognized author, lecturer, strategist and seasoned advisor to the leaders of premier law firms.

Read more from Patrick J. McKenna in his series on Leadership Development and Strategy at [Legal Business World Publications](#)



In accepting any new leadership position you are dealing with **firsts**. And as with other firsts in life, where specifically you choose to invest your precious and finite leadership time can impact your future effectiveness and leave a long-lasting impression on everyone involved. It goes without saying therefore, that where you spend your time should be entered into with some thoughtful and deliberate intent.

In an attempt to examine where new leaders have spent their time, I surveyed and spoke with the new managing partners of 19 U.S. law firms, between 100 and over 500 attorneys in size. My objective was to determine specifically whether there were any identifiable patterns for where these leaders spent their time, how productive they viewed their initial efforts, and now in hindsight, whether there was anything they might have done differently. I started by inviting each of them to identify three key activities that consumed the better part of their time during their first few months in the role. Many of them lamented that they were “much more internally focused than externally during this period” and 24% of the respondents cited their efforts to proactively contact, meet with and interview fellow partners / shareholders as the primary activity that consumed the greatest portion of their management time.

While that may have been the deliberate objective of a good number of these new leaders, another 18% found themselves busy responding to their partner’s requests for meetings and assistance with various matters while another 18% found themselves actively participating in the annual partner review, appraisal

and compensation process – usually as a result of them having taken up their new position in January.

### **Question 1:**

*“Looking back to the period following the announcement of you becoming the firm’s new leader and the first 100 days or so of your term, which three (3) activities consumed the greatest portion of your management time?”*

RESPONSES in order to magnitude of time spent:

- #1 Contacting, meeting and interviewing my fellow partners (24%)
- #2 Responding to my partners various requests for assistance / meetings (18%)
- #3 Participating in annual partner review, appraisal and compensation (18%)
- #4 Beginning to reshape the firm’s strategy (16%)
- #5 Assessing, rearranging, replacing members of my internal admin team (8%)
- #6 Learning and better understanding the financial aspects of the firm (5%)
- #7 Attending practice group meetings to learn what each group is doing (5%)
- #8 Meeting with associates and staff (2%)
- #9 Understanding the trends and competitive dynamics of the marketplace (2%)
- #10 Reading through meeting minutes and other materials (0%)
- #11 Participating in development of firm’s annual budget (0%)
- #12 Making contact and meeting with the firm’s key clients (0%)

The results above were encapsulated by one respondent who told us, *“I didn’t appreciate*

*the amount of time I would spend in meetings . . . meetings with administrative staff and meetings with attorneys. People want to be heard.”*

And from another managing partner, I heard *“The care and feeding of your law partners is a challenge. Each partner is unique and I never know what (seemingly minor) issue will bring out passion, anger and/or terror in a fellow partner.”*

In addition to the twelve activities listed above, a few respondents cited specific projects that they were committed to working on during their first few months. These leaders identified such things as opening a new office; re-establishing their firm’s role and visibility within the community; implementing a new compensation policy; working with partners on accounts receivable; and establishing more support for the attorneys’ business development efforts.

There was one particular activity that provoked some mixed feelings and that was whether a new firm leader should be involved, immediately upon taking office, in participating in the partner’s annual reviews. *“Our normal compensation review for our partners consumes most of February,”* commented the new presiding partner of one firm. Some felt that the time required was brutal and others commented that this was not an ideal way to have to interact with their peers as the firm’s new leader.

On a related note, some were consumed with internal personnel issues that they wished their predecessor would have handled. *“The*

*internal issues actually started before my term began, when I was ‘shadowing’ my predecessor. It turns out that we really have some average, as opposed to stellar performance. I will be replacing our COO and probably others. This should not have been ‘my problem,’ but it is what it is.”*

## **Applying Hindsight**

After having heard where leaders actually invested (proactively or reactively) their initial management time, I then posed the question of whether that was the right area to focus on.

### **Question 2:**

*“Looking back to the period following the announcement of you becoming the firm’s new leader and the first 100 days or so of your term, do you think the amount of time spent on each of these activities should have been lower or higher?”*

### **I should have spent MORE time on:**

- Making contact and meeting with firm’s key clients (28%)
- Attending practice group meetings to learn what each group was doing (17%)
- Contacting, meeting and interviewing my fellow partners (14%)
- Learning and better understanding the financial aspects of the firm (11%)

### **I should have spent LESS time with:**

- Responding to my partners various requests for assistance / meetings (45%)
- Reading through meeting minutes and other materials (18%)
- Participating in annual partner review, appraisal and compensation (9%)

When asked whether, with the benefit of hindsight, they should have prioritized differently, respondents said that they would have focused more time in a number of areas. Interestingly, the most common refrain (from 28%) was, “*I should have spent more time with clients.*”

And in spite of ‘interviewing partners’ having been cited as the highest rated time consumer, another 31% of firm leaders emphasized the need to spend far more time communicating with partners, either in practice groups or one-on-one. “*I can never communicate enough with my partners, even though I have been trying very hard in this regard,*” explained one firm chair.

The one area in which firm leaders regret spending so much of their time was with responding to “every minor and trivial partner request and sitting in on meetings that seemed to make little sense for me to ever attend.”

In the words of one DC managing partner, “*Time passes so very quickly in this position. There is so much to do and so little time to do it. My biggest challenge has been tending to my personal practice while still giving enough time to management issues. There is NOT enough time to do both. While I work on one for a few days, the other suffers. Simply reading all of my email is a challenge. Also, each day seems to pass very quickly without me being able to pinpoint what I accomplished. It is difficult to move forward my major initiatives without doing it on weekends.*”

And from one West Coast firm leader, “*I really feel that I should be spending more time*

*on all these issues. That, of course, is not possible. I do just enough to keep all of the balls moving forward. What I really need to do more of, is “management by walking around.”*

## **Leadership Tensions**

My final question of these managing partners was intended to reflect another important element of the first 100 days – the need for any new leader to balance the various tensions that may emerge. I was curious to discover whether there were any particular tensions that surfaced more often than others during these initial months.

While the responses I received were ‘all across the board’ one particular leader expressed the thought that one could probably summarize my entire list of 14 tensions into his “*needing to galvanize the partners to take ownership of the Firm’s issues and to act like equity partners.*”

In this managing partner’s words, “*Generally speaking, I enjoyed the first 100 days. In many respects it was less frustrating and more satisfying to implement your own judgment since a new managing partner is given deference, rather than having to work hard to influence others and work behind the scenes. Patience is definitely a virtue in this job but at the same time I need, and people have responded to, the bully pulpit to exhort the partners to act outside their professional ‘billing attorney’ box.*”

My third and final question asked of these 19 new firm leaders was:

**Question #3:**

“Looking back to the period following the announcement of you becoming the firm’s new leader and the first 100 days or so of your term, which three (3) of the following normal leadership tensions would you say were the most challenging for you?”

As you can see (fig. below), the top three tensions that seemed to resonate with most new leaders include.

#1 Pleasing your partners while ensuring that you meet your own priorities

#2 Being patient while becoming productive

#3 Initiating change while respecting the history and culture of the firm.

It goes without saying that an important element of the first 100 days is the need for the new managing partner to establish respect in his leadership role at the top. As one respondent expressed it to me at the end of our discussion, *“I see my job as maximizing credibility with my partners while moving forward with the least amount of dislocation.”*

13%	Being patient	while	Becoming productive
8%	Setting your own pace	while	Following the firm’s pace
8%	Trusting your intuition	while	Making deliberate decisions
15%	Pleasing your partners	while	Ensuring you meet your own priorities
13%	Initiating change	while	Respecting the history and culture of the firm
3%	Demonstrating competence	while	Seeking advice when needed
5%	Building new relationships	while	Testing assumptions about others
5%	Taking appropriate action	while	Waiting for enough information
3%	Drawing on past experience	while	Not letting past experience blind you
3%	Acting with conviction	while	Being open to learning
10%	Influencing decisions	while	Facilitating a consensus
5%	Not leading with your ego	while	Displaying confidence
8%	Making your position clear	while	Seeking input and feedback
3%	Strengthening bonds	while	Maintaining professional boundaries with people

## About the Author

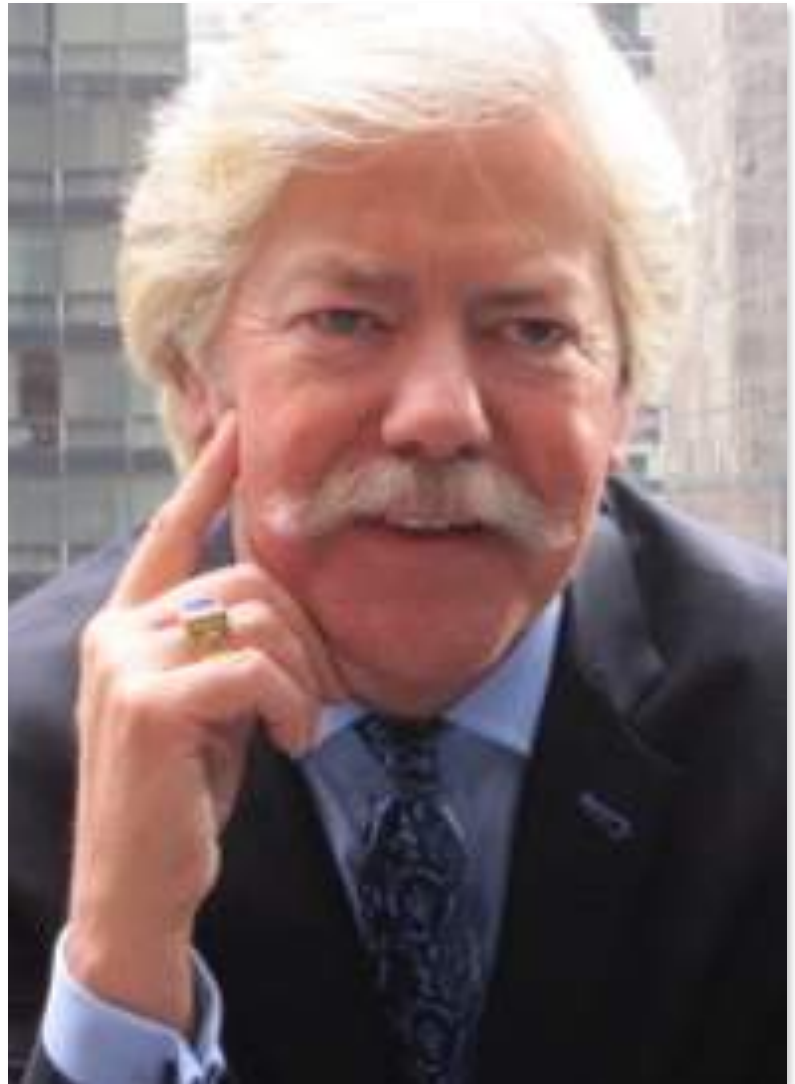
[Patrick J. McKenna](#) is an internationally recognized author, lecturer, strategist and seasoned advisor to the leaders of premier law firms; having had the honor of working with at least one of the largest firms in over a dozen different countries.

He is the author/co-author of ten books most notably his international business best seller, *First Among Equals*, currently in its sixth printing and translated into nine languages. His most recent work, *The Art of Leadership Succession* (Legal Business World Publications, 2019), provides in-depth guidance on the leadership selection process in professional firms.

Patrick's three decades of experience led to his being the subject of a Harvard Law School Case Study entitled: *Innovations In Legal Consulting* (2011). One example of that innovation was his launching the first instructional program designed to specifically address the issues that new firm leaders of larger firms face in their First 100

Days – which has thus far graduated over 80 new leaders many from AmLaw 100 and 200-sized law firms, as well as from notable accounting and consulting firms.

Patrick is the recipient of an “Honorary Fellowship” from Leaders Excellence of Harvard Square; and was voted by the readers of *Legal Business World* as one of only seven international Thought Leaders (2017).



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# When a Strategic Narrative Wins and How to Achieve It

By Elizabeth Ortega, Principal of ECO Strategic Communications

Every crisis communications counselor appreciates the importance of being the first to define the primary narrative. The well-thought out and clear message sets the tone of a story for days, weeks and months to come.

While iterations of the initial account may evolve with interpretations of the facts, the opening point stands the test of time. And if

done right, it turns a lay-up shot into a three-pointer in the communications arena.

*Context reigns king*

Recently, a client seeking counsel explained she was being considered to act on behalf of an infamous party with a dubious reputation. She needed my input before making the next move.

She understood the representation would be risky, but it would also serve a purpose. The client would likely attract publicity which would or could attach to the law firm. This could impact the firm. At the same time, the law firm would be providing a service to its community by accepting the instruction and representing the party to the best of its ability through its quality work. This could bring in more work downstream.

My client had an opportunity to define the strategy and construct the narrative from the onset. This control of the messaging appealed to her, as did the complexity of the case.

#### *The pros-and-cons analysis ensued.*

She started by polling peers and civic leaders to gauge interest in the matter. She was carefully knitting a strategy with input from her community, peers and trusted advisors. She took a leadership approach we often forget to tap into – informal support from our community, which allows us to take full advantage of all available resources. The feedback she received from her network was encouraging enough to keep going.

Like in crisis communications, getting ahead of the news and protecting her message will allow my client to take the controversial case and seek to harness any publicity positively.

#### *Defining your narrative is a wise bet*

Often, the first account of a story wins, because it sticks in people's minds. As impressionable beings, words dominate our thoughts when they have fundamental and pertinent worth. It's why crisis communicators and

marketers, alike, home in on catchy, roll-off-the-tongue phrases that can easily be repeated. Once they take root, it is practically impossible to reverse the original statement – even if it's not entirely accurate.

Take the Toronto Raptors' Tim Leiweke who raised eyebrows when he opined that basketball could be No. 1 in Canada, a land that lives and dies by hockey-team loyalty. Leiweke elected a tag line for the Toronto basketball team that, while not technically accurate, stood out, resonated and transcended Toronto's city limits to make it Canada's basketball team. "We the North" resonated with Canadians. While Toronto is in southern central Canada (and every Canadian outside Toronto loves to hate Toronto), Leiweke and Canadians understand that the NBA originated in the U.S., where Canadians are referred to as "our friends to the north." Where hockey loyalties lie in city and provincial boundaries, Canada's only NBA basketball team has the potential to transcend those boundaries, even as a team based in Toronto.

["The Globe and Mail"](#) lays out the strategy. "Leiweke set about trying to make people forget the 'Toronto' part of the Toronto Raptors. That's what 'We the North' was about." In this narrative, the slogan's appeal is universal, because there is complete unity and belief – whether you're from Toronto or not.

#### *Moving in unity*

These two examples show how leaders can use strategic messaging to convey purpose and resolve.

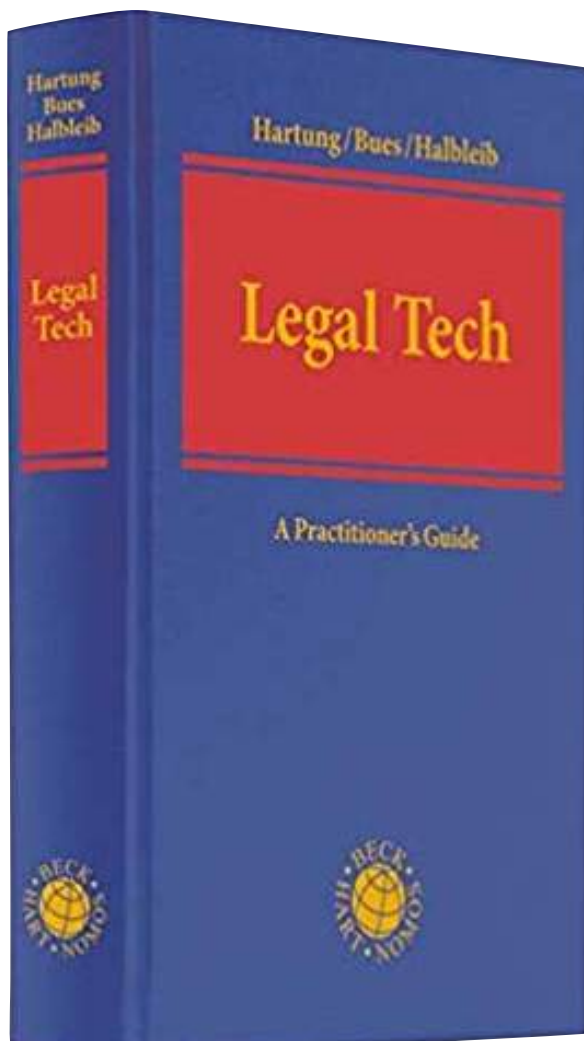
The lawyer examined the ramifications of her

case assignment with help from those close to her, and used their feedback to develop a narrative about that case that resonates with a wider audience. Meanwhile, the sports executive used a meaningful universal motto to push a country past one sport and one city to unleash widespread interest, making history in the process.

Using public influence and establishing the first narrative is a recipe for success across industries.

### About the Author

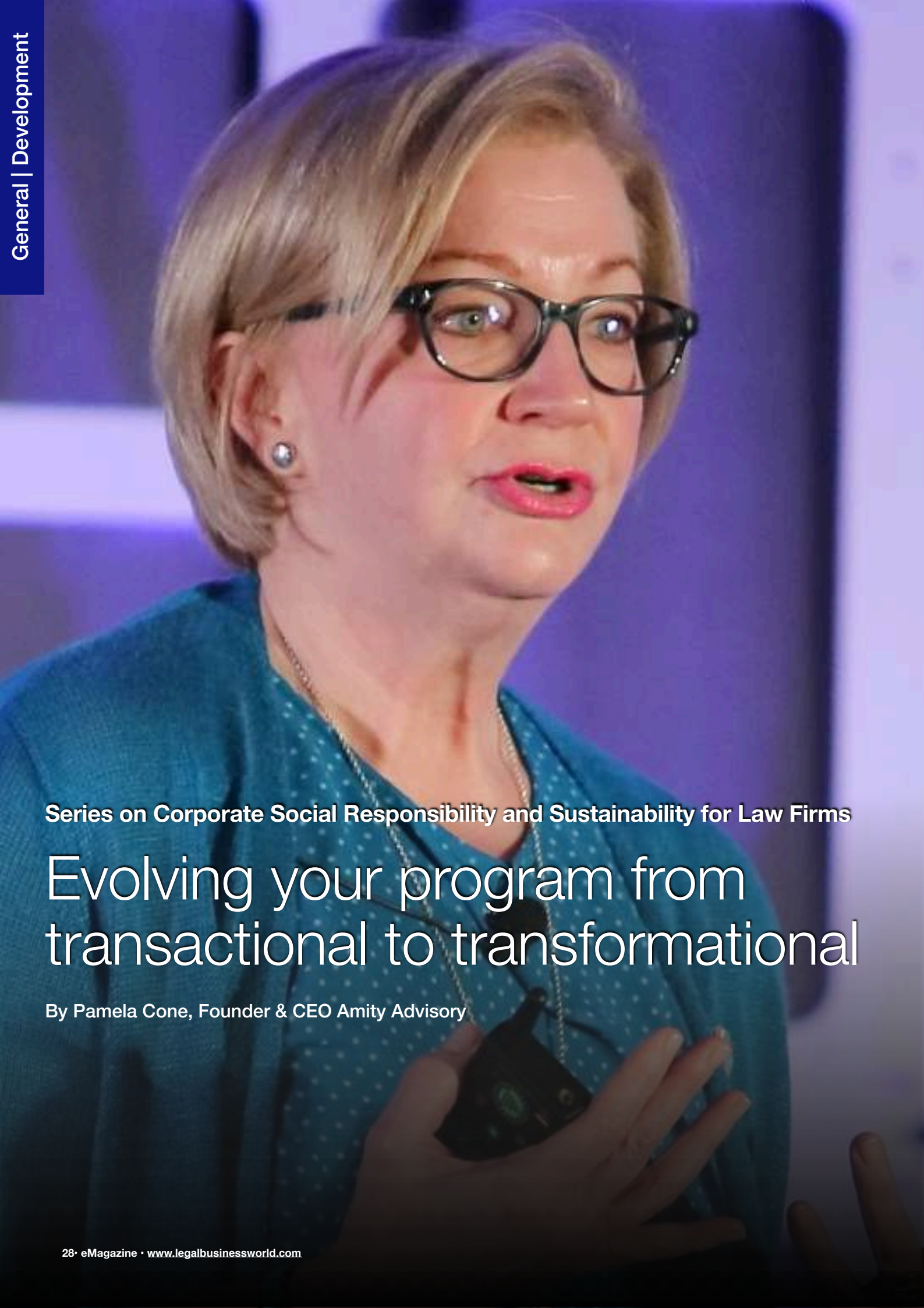
Elizabeth Ortega is principal of [ECO Strategic Communications](#), A Miami-based marketing agency that focuses on achieving lawyers and law firm's leadership goals in competitive markets around the world. Consistent with her leadership counsel to lawyers and in unison with clients, she co-founded [The International Academy of Financial Crime Litigators](#), a collaboration of experienced public-and private-litigation professionals working with the Basel Institute on Governance to expand worldwide access to solutions in economic crime cases.



### The Current and Future State

This new handbook comprehensively analyzes the current and future state of digital transformation in the legal market and its implications from a global perspective. It provides a multi-faceted overview of the use of Legal Tech in law firms and legal departments in different parts of the world (including Africa, Australia, Brazil, Canada, China, Europe, Russia, and the United States) and formulates clearcut strategic advice for a successful digital transformation. With concrete examples, best practices and first hand experience reports, more than 50 renowned international experts explain how and to what extent Legal Tech - through automation and technology - will change the way legal services are delivered. The reader learns what strategic decisions and steps are necessary to equip the legal industry for the changes to come. Future developments (e.g. Smart Contracts, Blockchain, Artificial Intelligence) are also explained and analysed in this unique book.





**Series on Corporate Social Responsibility and Sustainability for Law Firms**

# Evolving your program from transactional to transformational

By Pamela Cone, Founder & CEO Amity Advisory

## **Random acts of kindness make an impact, but to be truly transformational, your firm must go to the next level.**

The first step in your evolution is to analyze where you stand now. In this article, you'll find a list of questions to answer about your firm's current programs and practices. This data will help you take steps to move your firm's CSR program from transactional, random acts of kindness to a truly transformational program that makes a larger social impact.

## **How does your social impact program function today?**

Most law firms today have pro bono programs and diversity and inclusion initiatives. Perhaps they even have a "green team" of interested employees who focus on sustainability issues, such as recycling, reducing paper waste, and switching to LED lighting. These programs are usually isolated and completely independent of each other. While each program likely achieves good outcomes, this structure doesn't maximize the value it could by taking a more holistic, collaborative, and strategic approach.

## **Answer these questions about your firm's programs:**

- Are your pro bono, diversity and inclusion, and sustainability programs aligned with your business strategy?
- Are you leveraging the highest and best talents and skills of your lawyers for greater social impact through your pro bono work? Provide examples.
- Does your pro bono work align with your firm's social impact goals?
- How does your diversity and inclusion program help deliver on your firm's business strategy?

- How are you collaborating with clients for greater diversity and Inclusion results?
- Are the leaders of each of these programs part of the firm's governing body? Is firm management listening to program leaders?
- Does firm management consider the social impact ramifications of its decisions?

Your program is "transactional" if your social responsibility initiatives function in completely separate siloes, aren't collaborative in nature, and aren't part of the firm's governance process. Your firm is missing an opportunity for much greater social impact if you are at the transactional stage. Migrating your social impact programs into a more holistic approach will leverage your efforts and achieve more results that align with the firm's strategy.

What does the next stage look like and how does a firm get there?

## **Maturity stages of a CSR and sustainability program**

One way to understand the maturity stages of a social impact program is to consider the following three stages: **Transactional**, **Transformational**, and **Transformational**. Here's what a program looks like at each stage.

**Transactional.** This is the most common description of law firm's programs today. Occasionally, due to a client request, a partner's passion, or an employee's initiative, the firm (or more likely an individual office) and its people will get energized around a particular cause or event. They might form a team to play in a charitable golf tournament with a client,

or there might be a team of employees who volunteer to do a park clean-up, or perhaps a gift drive at holiday time. These are all great community involvement activities, and they are all worthy causes. However, there is no overall strategy or focus, and these activities are stand-alone, random, and not strategic to the business. This is considered a “transactional” program—offering time, but not talent or treasure.

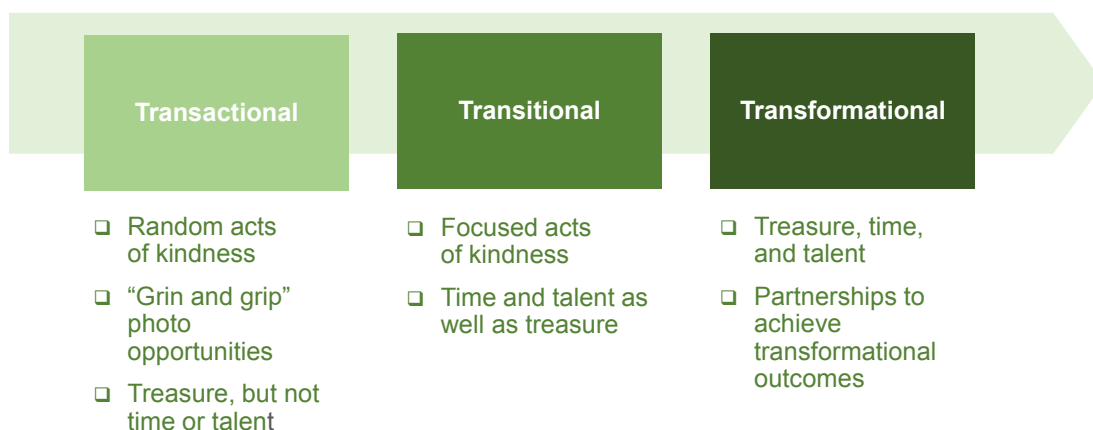
**Transitional.** The next step in the maturity of a social impact program can be described as transitional. In this phase, it’s likely the firm is a bit more focused in its efforts. Perhaps the firm has identified specific themes or specific partnering organizations or causes. Aligning with such themes or with specific partners allows for greater outcomes, simply because of the increased concentration of resources toward more focused objectives. In this phase, a firm is likely to be offering time and treasure—and perhaps even a bit of talent as well (such as pro bono work).

**Transformational.** The ultimate phase of a social impact program is to operate at the

transformational level. For a social impact program to be truly transformational, the firm must set specific themes and objectives that align with its specific talents and skills. The firm will have sought specific, collaborating organizations with whom to form partnerships (including clients), thus achieving more than the firm could achieve alone. At this stage, the firm provides time, treasure, and talent to achieve greater results and greater social impact.

**Social responsibility programs must align with the firm’s business strategy**  
 Given growing expectations of stakeholders (clients, business partners, recruits and employees), corporate social responsibility can no longer be an afterthought. These initiatives need to be strategic to the firm’s mission and business focus. Firm management must consider environmental, social, and governance issues as factors in its decision-making. Where are your firm’s efforts on the transactional, transitional, transformational scale? What steps does your firm need to take in order to achieve transformational outcomes? What does transformation even look like for a law firm?

## Maturity stages of social impact programs



The CSR issues are based upon international standards such as the 10 Principles of the UN Global Compact, the International Labour Organization conventions, the Global Reporting Initiative's standards, the ISO 26000 standard, the CERES Roadmap, and the UN Guiding Principles on Business and Human Rights — also known as the Ruggie Framework.

The issues covered in each assessment are based on the relevance of the 21 CSR issues to the company context, such as industry, size, and geography and shape the client questionnaire.

### **Resulting scorecard and benchmarks.**

Companies can engage EcoVadis to audit and assess their selected supply chain vendors, and/or they can participate in an assessment in order to obtain an EcoVadis scorecard for their own firm. Law firms that represent multinational and global clients may be asked to provide their EcoVadis score, so firms may want to be proactive and complete the assessment each year to have their scorecard available when clients ask for it.

Your EcoVadis assessment also provides benchmarks against which you can strive to improve. Since the process includes a rating methodology based on activity, size, and geography of the assessed company, this produces standardized scores that benchmark CSR performance of companies like yours and clearly shows how your score compares to similar companies.

### **B-Corp Certification**

Businesses that meet the highest standards of verified social and environmental performance, public transparency, and legal ac-

countability to balance profit and purpose can be certified as B Corporations. Driven by a higher standard, B Corps are accelerating a global culture shift. Clearly, the world's most pressing challenges can't be fixed by nonprofits and government agencies alone.

“The B Corp community works toward reduced inequality, lower levels of poverty, a healthier environment, stronger communities, and the creation of more high quality jobs with dignity and purpose,” according to the nonprofit [B Corporation Lab](#) website. “By harnessing the power of business, B Corps use profits and growth as a means to a greater end: positive impact for their employees, communities, and the environment.”

### **Becoming a B Corp—Certify your company for the good of the world**

Certification requires three levels of assessment and commitment.

1. **Third-party assessment:** Certified B Corporations achieve a minimum verified score on the B Impact Assessment—a rigorous assessment of a company's impact on its workers, customers, community, and environment.
2. **Public transparency.** B Corps make their B Impact Report transparent by posting it on the B Corporation website.
3. **Legal accountability.** Certified B Corporations also amend their legal governing documents to require their board of directors to balance profit and purpose. The combination of third-party validation, public transparency, and legal accountability help Certified B Corps build trust and value. Learn more about [B Corp certification](#).

For more information, read [last month's article](#) about the role clients have begun to play in auditing their outside firms' social impact and sustainability programs. What would your firm's social impact report card look like?

### Coming up

In next edition's article, I'll share a few case studies of law firms who have implemented truly transformational social impact programs, achieving much greater results than the traditional transactional approach.

If you'd like to measure your current program and create a transformational strategy, contact me at [pamelacone@amityadvisory.com](mailto:pamelacone@amityadvisory.com) or via +1-206-499-6890.

### About the Author

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



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# Covering Your Bases in a Highly Connected World: The Role of Law Firm Networks

By Jennifer Smuts, Chief Marketing Officer for Connolly Gallagher LLP

Right here, right now no matter what size your law firm or how deep your client relationships go, new deals are being made and if you aren't winning market share –you're losing! With a finite amount of legal spend available you have to win over a competitor's client in order to grow your book of business. Some lawyers are doing that by offering desirable pricing incentives.

Others are doing that by proclaiming to be the 10,000-pound gorilla that will protect, champion and ultimately produce favorable results for the client. More often than not, what produces market-share results is affording the client access to intelligence and relationships that makes them successful in achieving both their business and legal goals.

Sounds easy –right? Not so much! Because what is required to afford clients both intelligence and relevant business connections is time, communication, technology and access to a network of valuable business contacts. Enter –law firm networks.

During the course of my legal marketing career I’ve had the privilege of working with several global law firm networks that concentrate on both mid-size and small law firms. They include; ALFA, Terra Lex and ILN. While the networks are similarly designed to accommodate membership, the benefits of membership vary and it’s my impression that you get what you pay for and of course, what you put in to it!

The act of networking typically sends shivers down the spine of most lawyers but law firm networks provide a safe landing pad for members to feel welcome, needed and relevant. Jim Jarrell is the Chief Marketing & Business Development Officer at Norris McLaughlin P.A. and his firm is a member of the Meritas law firm network. “Law firm networks empower individual lawyers, practice areas and industry groups by affording them depth and breadth of both experience and marketing.” “When our goal is effectively and efficiently grow market-share, law firm networks are a no-brainer!”

With the world’s economy being reliant on markets that span the globe it’s imperative that you cover your bases. What I mean by that is even though your law firm may not have business in eastern Europe today it’s important to develop connections via your law

firm network in order to be ready to offer assistance when the situation changes. Here in Wilmington, Delaware and noted by New York-based online magazine, MentalFloss “more than [50 percent](#) of publicly traded companies in the U.S. and more than 60 percent of Fortune 500 companies—are [incorporated](#) in Delaware” we see a lot of business issues come through the Delaware Court of Chancery that could potentially contain useful insights for our law firm network firms. By utilizing your law firm network communication hub to distribute legal precedent as well as “thought leadership” members see, learn and understand when to turn to you with questions or potential client work.

Law firm networks work hard to provide regular in-person meetings or conferences in various countries around the world in order to acquaint member firms to each other. Internally these gatherings are sometimes naively referred to as boondoggles and that’s because the name-caller most likely hasn’t attended or effectively participated in a conference. For the lawyer or lawyers that do attend they quickly gain a sense of respect and appreciation for the value the conference experience affords attendees. From cultural education and peer-to-peer training to general discussions related to potential client development opportunities – attendees collaborate as legal team members as well as using the in-person time to develop interpersonal relationships.

Whether it’s the Volkswagen recall of 2016 or the Boeing Airbus suits of today –teams of lawyers from around the world have the opportunity to collaborate and provide

international companies both business and legal guidance in order to resolve their legal issues.

Law firm networks have a talent pool of lawyers that only a small handful of multi-national firms can compete with. By mobilizing the law firm network resources more of these opportunities are being secured and awarded to law firm network teams. Some law firm networks even have trained project managers on-staff to assist with discovery and effective facilitation of network Request for Proposals (RFP).

“One of the biggest law firm network developments in recent years is the focus on facilitating collaborative business development with technology, experienced staff support, and direct connections to the General Counsel community.” states Terri Pepper Gavulic, Chief Business Officer at Terra Lex. “This allows Terra Lex members to extend their global footprint and compete for -and win -work they would not have been able to previously, in teams ranging from two member firms to 20 or more collaborating firms.”

It’s no surprise that technology is helping support the connectivity of law firm networks. LinkedIn groups provide a platform for practice specific focus. News distribution services, aggregate law firm network articles and push content to key readership segments including Corporate Counsel, Human Resource professionals and more. Law firm network websites afford members access to valuable content including professional development, practice specific and of course, membership data. Of-

ten this resource is overlooked when developing individual and strategic marketing plans.

Law firm networks afford small and mid-sized law firms access to industry-leading consultants, media outlets, distribution channels and content they wouldn’t otherwise be able to afford. Some top of mind benefits includes; access and use of intelligence reports for strategic planning, collaboration with network members to gain sponsorship access on a national scale or peer-to-peer mentor groups.

“Covering your bases is a good title for this article,” states Lindsay Griffiths, Director of Global Relationship Management for the ILN, “because small and mid-sized firms don’t have the internal bandwidth to always grow national (or international) market-share on their own -it’s important to use the network to cover your bases!”

If your firm is a member of a law firm network and you are not taking advantages, ask your marketing department for insight then get involved. Take advantage of the no-cost or low-cost benefits including; joining a practice group committee, connecting with viable referral contacts over a virtual coffee break or contribute to the network’s invaluable group-think efforts.

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### **About the Author**

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# The Legal Skills of the Augmented Legal Practitioner

By Kristi Erasmus, Attorney, Futurist in the making and Academic Director of the Futures Law Faculty

With the dawn of the Fourth Industrial Revolution and its associated technologies and job market changes, the question arises whether the changes and advancements brought on by the Fourth Industrial Revolution does not necessitate an amendment and/or realignment of the skills, techniques and thinking processes deemed necessary of law graduates and which are taught during the years of legal study.

Are law graduates suitably skilled to apply and practice the law of tomorrow?

Looking at the curriculum of the general Bachelor of Law qualification (the LLB) and considering the learning outcomes to be achieved upon completion of the 4 year programme, it is apparent that upon the completion of the LLB degree, law graduates are expected to have a clear understanding of, and

ability to analyse legal and related concepts, principles and theories, to have acquired an understanding and ability to apply relevant techniques and strategies in legal research and problem solving. The graduate is further deemed to have the skills necessary to effectively collect, organise, analyse and critically evaluate information and evidence from a legal perspective and then to communicate these findings successfully in a legal environment by means of written persuasive methods and sustained discourse. It is accepted that the graduate has the ability to solve complex and varying legal problems, not only logically but also creatively, critically, ethically and innovatively, working effectively with colleagues and other role players in the legal process. The graduate is also believed to have acquired sufficient computer literacy skills to effectively communicate, retrieve and process relevant data in a legal environment and to have the skills necessary to manage and organise professional activities in the legal field responsibly and effectively, while being able to participate as a responsible citizen in the promotion of a just society and a democratic and constitutional state under the rule of law.

Ultimately with all of these skills and abilities merging in the ability to solve problems responsibly and creatively in a given legal and social context. (South Africa Qualifications Authority, 2019)

South Africa's Legal Practice Act, 2014 governs, amongst other things, the enrolment and admission of legal practitioners (South African Government, 2019) and requires candidates to complete a set period of practical hours, usually completed in two years of articles, similar to an internship, with the associated, stereotypical minimal income and thereafter write and suc-

cessfully pass the bar examinations. The examinations serve to test whether a graduate is suitably qualified in knowledge and practice to enter the legal industry and provide legal advice and services to clients.

In terms of Section 26(1)(d) of the Legal Practice Act and Rules 21.1 and 21.2, (Law Society of South Africa, 2019) the four papers are comprised as follows: Paper one, which tests a graduate's knowledge of the practice and procedure in the courts as well as the practices and procedures relating to motor vehicle accident claims and criminal procedures. Paper two, determines a graduate's ability to wind up and distribute the estate of a deceased person and the extent to which the graduate knows and understands the policies, practices and procedure followed in this regard. Paper Three concerns the practice, function, duties and ethical obligations of a legal practitioner, despite mainly testing drafting skills and the last admission paper, Paper four, concerns basic bookkeeping and accounting skills to determine if the graduate can sufficiently deal with payments by and on behalf of a client and the costs associated with a legal practice.

To prepare law graduates for the exams and ultimately for entering the legal practice field, 6 weeks of practical vocational training is provided to students, comprising of lecture style classes with an expert in the field of the four areas of law that are ultimately tested in the examinations, that is - court procedures, wills and estates, ethics and bookkeeping. (Law Society of South Africa, 2019)

The World Economic Forum has recently published a report on the future of work titled "The Future of Jobs Report 2018".

The report makes it clear that bold leadership and entrepreneurial spirit will be required to grasp and apply the potential and actual benefits provided by new technologies, such as automation and algorithms, brought on by the Fourth Industrial Revolution which will ultimately lead to higher-quality jobs and substantial increases in the productivity of the existing work of employees. (World Economic Forum , 2018) Although the Fourth Industrial Revolution will no doubt decrease the demand for certain basic skills, it is believed that the

demand for new skills and new job roles such as app development and/or drone piloting, will offset the decrease in demand for the outdated, routine skills which will eventually be automated. (World Economic Forum , 2018)

Based on the research undertaken by the World Economic Forum, the changes brought on by the evolution of technology and its increasing use in the job market has significantly altered the skills demanded in the job market over the years, as summarized in the table below:

<u>2015</u>	<u>2020</u>	<u>2030</u>
• Complex Problem Solving	• Complex Problem Solving	• Analytical thinking and innovation
• Coordinating with others	• Critical Thinking	• Creativity, originality and initiative
• People Management	• Creativity	• Active learning and learning strategies
• Critical Thinking	• People Management	• Technology design and programming
• Negotiation	• Coordinating with other	• Complex problem-solving
• Quality Control	• Emotional Intelligence	• Leadership and social influence
• Service Orientation	• Judgement and Decision Making	• Reasoning, problem-solving and ideation
• Judgement and Decision Making	• Service Orientation	• Critical thinking and analysis - systems analysis and evaluation.
• Active Listening	• Negotiation	• Resilience, stress tolerance and flexibility,
• Creativity	• Cognitive Flexibility	• Emotional intelligence

With the above in mind, it is clearly evident that the current curriculum of the LLB Degree and the post-qualification, vocational training required to be completed by law graduates, encourages and builds vital legal skills such as analytical thinking, complex problem-solving and reasoning, no doubt of significant importance to legal practitioners in resolving their client's legal questions, problems and disputes.

However, it fails to acknowledge current advances that have been made in machine learning and the realistic possibility of machines and associated AI performing analytical and problem solving tasks, which have previously almost exclusively been characteristic of the work and tasks performed by legal practitioners. Given the advances that have to date been made in machine learning and that are continually being made daily, analytical thinking, complex problem-solving and reasoning will in all possibility be performed by AI, machines and algorithms in the not so distant future.

The possibility of machines, AI and algorithms acquiring the skills and techniques to undertake logical and critical thinking, problem-solving and reasoning, characteristic of the work and skills performed by legal practitioners was recently demonstrated by AlphaGo Zero. (Silver, et al., 2017) AlphaGo Zero, Deep mind's AI machine, through reinforcement learning, its neural network and a search algorithm, taught itself to play GO better than any other player, providing new knowledge, strategies and moves that have not previously be documented nor carried out by another GO player, based on only the basic principles of

GO with which it was programmed. The ability of AlphaGo Zero to teach itself strategic moves and positioning not learnt from a human GO playing counterpart, illustrates the possibility of AI, machines and algorithms teaching itself the skills and techniques previously deemed exclusively vested in humans and taught to legal practitioners and law graduates alike in solving legal problems.

The Fourth Industrial Revolution, while significantly changing existing job markets, eliminating the demand for certain skills and abilities, simultaneously creates a demand for the upskilling, reskilling and re-alignment of job skills. In the legal context and given the existing legal qualification and training required by law graduates, the LLB degree and vocational training should be modernized to provide for the lawyer of the future, the so called augmented lawyer. The Augmented Lawyer, as baptized by Kevin Oliver (Head of Advance Delivery (Tech) at Allen & Overy) at the recently held Legal Innovation and Tech Fest in Johannesburg, Sandton, will continue to practice law and provide legal services and advice to clients, however will change the means and manner of doing same, by utilising technology, AI and available Legal tech to increase the efficiency of legal service delivery to provide effective, efficient and reasonably priced legal advice and services .

Thus universities, law societies and its related vocational training institutions should not only provide the theoretical basis for the interpretation, application and practice of law in general, fostering techniques and skills of analytical thinking, critical problem solving and



reasoning, however should additionally provide and encourage the teaching, development and nurturing of humanity skills including, but not limited to, creativity, originality, initiative, leadership, social influence, resilience, stress tolerance, flexibility and emotional intelligence. The merging of the legal and humanities field should not be done in isolation but should utilise modules and study materials from other disciplines such as design thinking, systems thinking, futures studies, engineering and computing to provide for a diverse, future skilled augmented legal practitioner to effectively apply and practice the law of the future.

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### About the Author

[Kristi Erasmus](#) – Bcom (Law) [University of Johannesburg] LLB LLM (Company Law) [ Stellenbosch University] – admitted attorney, futurist in the making and Academic Director of the Futures Law Faculty, a branch of the accredited Institute of Legal Practice Development and Research, offering specially curated Masterclasses and Workshops, equipping professionals with the tools and techniques of thinking and preparing for the future of tomorrow.

Kristi engages in substantial research concerning the possibilities of the future of law and how same may be impacted by technology and AI. She has particular interest in Legal Tech and Legal Software and how it affects the practice of law.



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# An overlooked factor in the changing legal market

By James Côté, Legal Technology and Innovation Specialist, Bennett Jones SLP

In this essay I want to explore what I think is perhaps the most influential factor changing the legal market: the number of lawyers in the marketplace. When a market supply increases faster than its demand, the market value of a product or service decreases. The supply of sophisticated lawyers is at an all-time high but [demand](#)

[for legal services remains relatively flat](#). Today's lawyers possess more specialized expertise than their predecessors, yet we're seeing unprecedented a quantitative and qualitative change in how lawyers are perceived by their actual and potential clients.



Taking into account the present [overcapacity of legal specialists](#) will improve a law firm's strategic decision-making. A growing the number of participants in any market will increase competition; and increased competition has predictable effects. In fact, the Competition Bureau literally has [a checklist](#) of “price and output...

quality, product choice, service, innovation and advertising” based on what it knows to happen when the number of participants in a market fluctuates. I don't think it's a coincidence that the Bureau's checklist closely aligns the current hot topics in the legal market.

Of course, there are many factors in a changing legal industry, but I suggest like a lot of them follow from the supply-driven increase in competition. For example, the notion of process improvements is not new and not dependent on any technology – so why has it only recently received so much attention? The rise in in-house council is putting lots of pressure on firms to change, but we would not have such large in-house legal departments without there being a large enough supply of lawyers. Better understanding deeper changes like overcapacity will help show the higher-level, more noticeable changes in context.

### Our journey to overcapacity

As crazy as it might seem today, one-hundred years ago there was a [real lacking](#) of sophisticated business lawyers. With the rise of corporate entities, it was necessary to create collective forms of law practice. But how do you bring lawyers together without feeling like you're herding cats? Enter “the [Cravath system](#),” whose innovations made training scalable while ensuring that the most remunera-

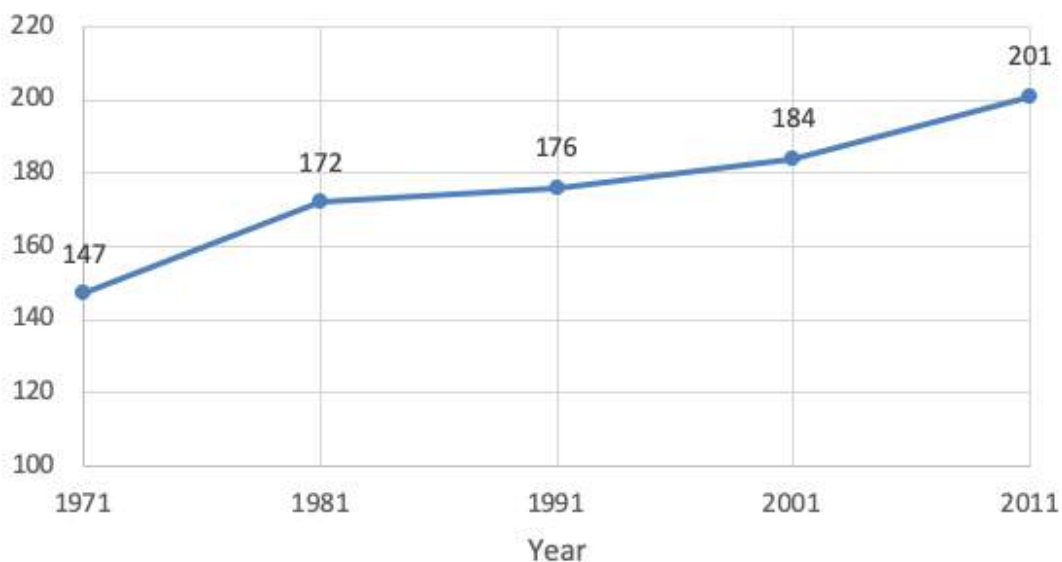
tive place to ply those in-demand skills was as a partner at the Cravath firm.

For a long time, the partnership model was undeniably the best model for practicing law. If a more profitable way to cultivate and sell legal expertise had come along in the past hundred years then we would have a counter-example to the partnership model. But we don't. During a period of sophisticated lawyer scarcity it probably would have been a poor business decision to do anything that wasn't aimed at growing the number of sophisticated lawyers. Yet, as brilliant as it was, the sound logic of the using a partnership model becomes complicated as lawyer scarcity diminishes.

As one might expect, law schools continued to grow to fill the demand for more lawyers. For a while, more universities began creating their own (profitable) law schools:

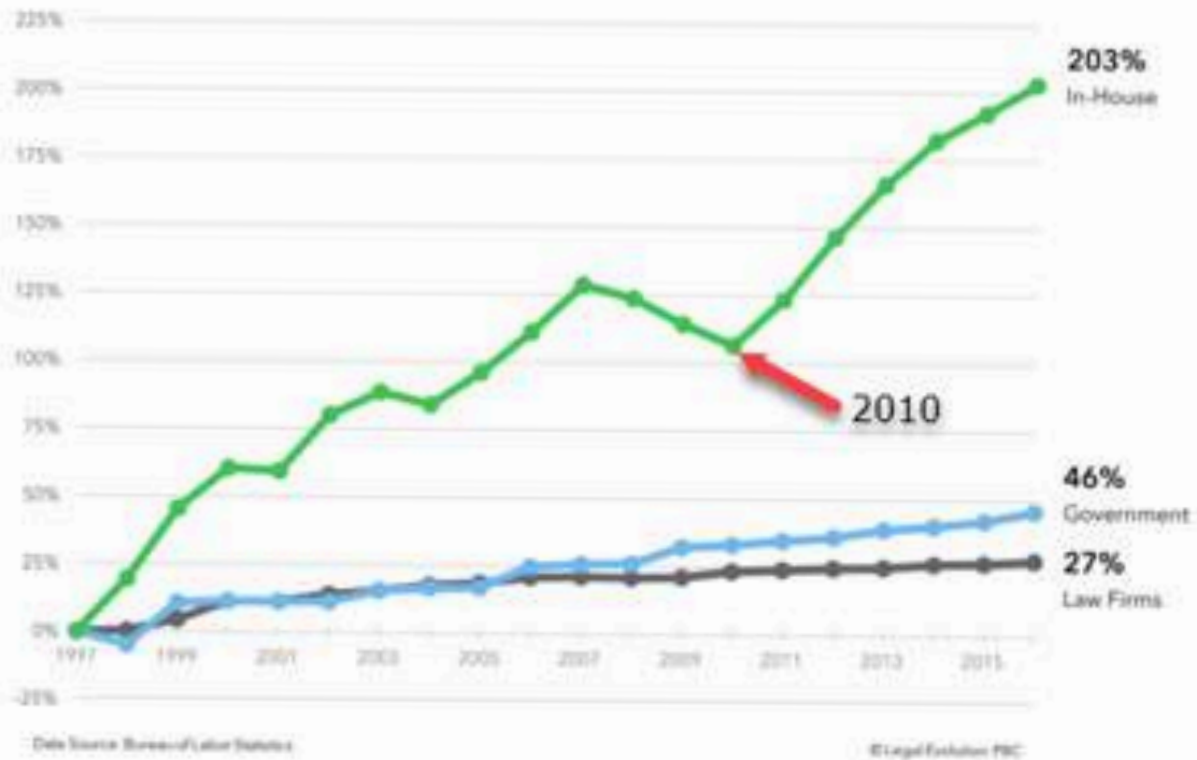
If 54 new law schools isn't impressive, the [rise in law graduates](#) during this period is truly remarkable.

Number of ABA-accredited law schools



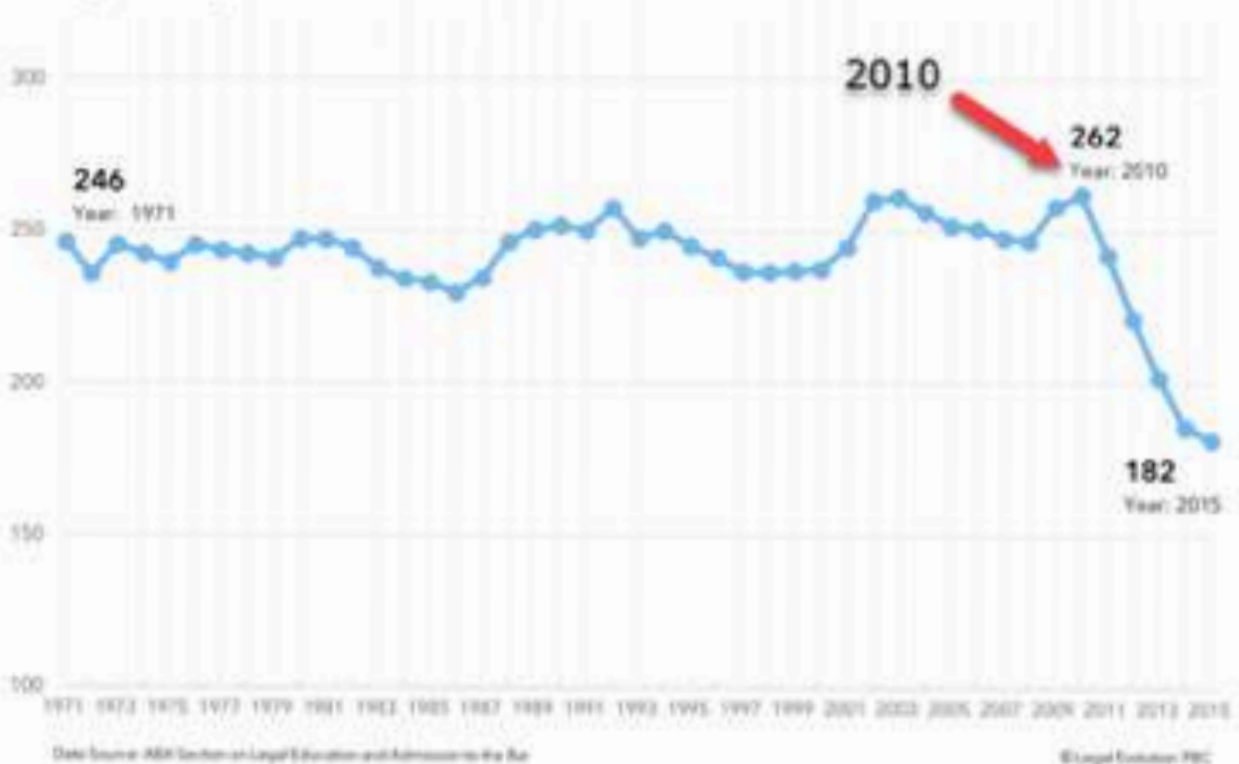
## THE NUMBER OF IN-HOUSE LAWYERS HAS TRIPLED.

% Change in Number of Employed Lawyers by Practice Setting, 1997 to 2016.



## AFTER PEAKING IN 2010, LAW SCHOOL ENROLLMENT TUMBLED.

Average Entering Class Size at ABA-Accredited Law Schools, 1971 to 2015.



The US went from roughly 27,000 law grads in 1974 to roughly 47,000 in 2010. That 20,000 increase is enough to accommodate every new law school having a cohort of 200 grads and for the initial 147 schools to each grow their cohorts by 62 grads. That is a lot of new lawyers! Even if the percentage of those law grads who become (or intend to become) sophisticated business lawyers doesn't change, the number of such lawyers entering the market each year is still increasing.

### **How can the market absorb all these lawyers?**

Older lawyers didn't simply retire to make room for these new grads. So the number of lawyers in the market grew and grew. As the supply increased, it was inevitable that at some point the market value of lawyers would decrease if demand could not keep up. Eventually, the market value per-lawyer became such that it made economic sense for more corporations to hire more in-house lawyers. Amazingly, even during a period where [the number of in-house lawyers tripled](#), law firms and government legal departments also grew.

For a while, the market value per-lawyer had a happy balance between being low enough to keep growing in-house yet high enough to also keep attracting new enrollment in law schools. However, in 2010 we see *both* (1) in-house lawyers begin a period of unmitigated growth, and (2) law school enrollment begin a period of unmitigated decline.

I suggest that 2010 represents the point when the perceived value of becoming a lawyer became too low to justify three years and signifi-

cant debt. In addition, the lower market value can also explain also why companies are finding it increasingly easier to justify hiring in-house counsel – lawyers are just as smart and effective as ever, and companies can get them at better prices than ever.

### **Quantitative Changes**

So far we've talked about numbers, but there is also a qualitative change. As Bill Henderson [details](#), lawyers have gone from generalists, to specialists, to project managers and with it, [our lexicon has shifted](#) from “legal profession” to “legal industry”. Even if I can't quantify the declining market value, I feel pretty certain that “project managers in an industry” does not connote the same prestige as “specialists in a profession.” Below are three examples of how the volume of lawyers being at an [all-time high](#) is causing problems for the profession's sense of identity.

First, many lawyers quite understandably continue to prefer seeing themselves as specialists in a profession. But their insisting on it is creating problems for lawyers and clients alike. When clients feel prices are too high and lawyers feel they deserve to be paid a certain price, we end up in a weird situation where “a sizeable portion of the public struggles to find a lawyer and a sizeable portion of the bar struggles to find sufficient fee-paying client work”. [1]

Second, companies are hiring more in-house lawyers even though [clients' perceptions of law firm fees are slowly declining](#). I see two plausible explanations: the cost-per lawyer is going down; or more companies are finding benefit

in [sandwiching](#) lawyers between other business units like they would with any other

department. Both speak to the qualitative devaluation of lawyers from independent specialists to just another department.

Furthermore, the fact that clients perceive their fees going down and still push for more write-downs underscores the view that law is becoming far more transactional and valued purely on tangible benefits. This behavior implies seeing a "lawyer function" as opposed to experts who can add value.

Lastly, students are less willing to pay for legal education ([see drop in enrollment](#)). I suggest that fewer students perceive being a lawyer as a valuable career than in the past. After four decades, law school growth seems to have hit a tipping point. Enrollment has plummeted and [law schools are closing their doors](#). Ryerson's law school efforts embody the tension of trying to embrace the qualitative change while contending with an already overcrowded market. Its [focus](#) on lawyers-as-entrepreneurs fits

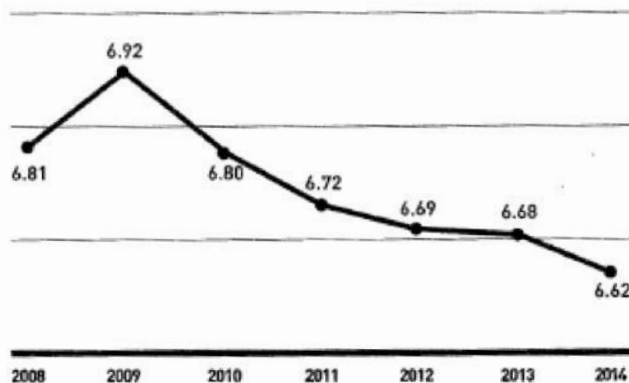
much more closely with project managers in an industry than with sophisticated experts in a profession.

**Conclusion: It's always market-based** "NewLaw", begaving more like the rest of the economy, need for innovation... all follow from a changing market. The demand-side, fuelled by the "in-house" revolution", is forcing its own changes. However, that revolution a priori depends on a rise in the supply-side.

Pulling the legal market in two directions. One hand, qualitative changes can have significant effects in driving down the value proposition of lawyers. Instead of their expertise being perceived as sufficient value, lawyers must now become project managers and deliver efficiency. The rising prominence of running law firms like corporations further underscores the devaluation of legal expertise because, as David Maister points out, these are not designed so much for developing expertise as they are for leveraging experience and creating efficiencies.

**FIGURE 3.1**

**Clients' Perceptions of Fees Charged**



Q. "How would you rate the fees charged by [Firm] over the last 12 months, where 0 = 'extremely low fees' and 10 = 'extremely high fees'"

On the other hand, abundant supply is pushing lawyers toward greater specialization. For those who decide to try and maintain their value proposition of legal expertise, they must further specialize. Keeping up with new business areas and the substantive law that will follow (e.g. [workplace surveillance](#)), but also target markets and levels of standardized service. This end is leading to [increased fragmentation](#) in already balkanized markets.

There are different levels... the more obvious levels of tech, service, etc follow from competition. Seeing them in context will hopefully lead to less reactive and more long-term solutions.

I agree that the law firms could improve price and output, quality, product choice, service, and innovation (the natural battlegrounds of increased competition); it is worth recognizing the stress that these factors put on law as a profession. While there's no going back to a golden era of law, it's probably worth asking how to reconcile increasingly more powerful

buyers and the potential [devolution](#) of the legal profession with the notion that lawyers are meant to embody more than mere business interests.

### Notes

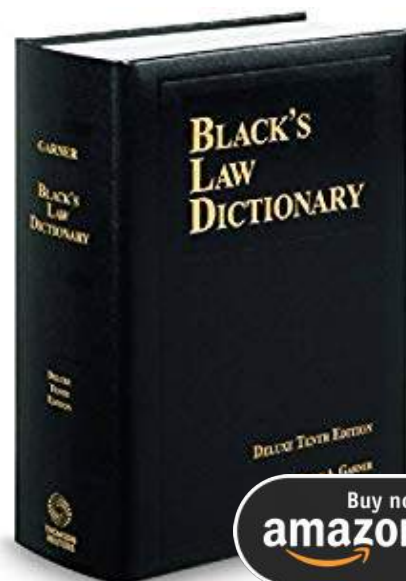
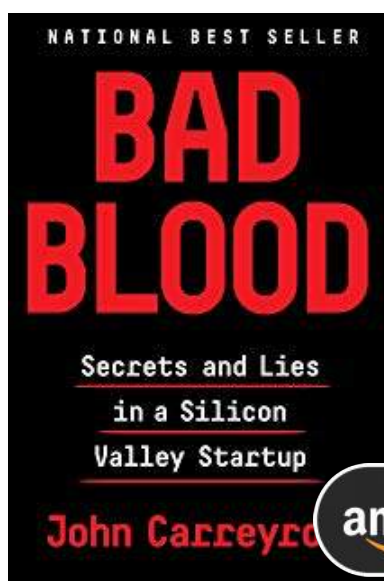
[1] See Bill Henderson's [Report to the State Bar of California](#). Aside: this is a truly difficult issue when you consider the human dynamics involved.

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### About the Author

[James Côté](#) is a Legal Technology and Innovation Specialist at Bennett Jones LLP. He combines technology and innovation with business strategy to navigate the changing legal landscape. Before law, he worked as a journalist, entrepreneur, engineer, and farmer.

*Views and opinions expressed in my articles are my own.*





## The Value Series

A ClariLegal interview with Mark Yacano, Global Practice Leader, Managed Legal Services for Major, Lindsey & Africa

By Cash Butler, founder of ClariLegal and James Johnson, principal attorney of First Venture Legal.

We recently spoke with Mark Yacano, Global Practice Leader, Managed Legal Services for Major, Lindsey & Africa. Mark began his legal practice working for a firm in Cleveland, before moving to a national litigation boutique firm in Virginia, practicing in the area of products liability and commercial litigation. Mark's last position in private practice was in the field of ediscovery and information management, building one of the first law firm-centric e-discovery and document review practices. Mark left private practice to head Hudson Legal, a legal staffing firm in the ediscovery space.

Ultimately, Mark moved to his present position at Major, Lindsey & Africa. In his role, Mark focuses on delivering value to clients by working with them to choose appropriate contract management technology and implementing best commercial contracting practices.



Also, Mark and his team developed Smart-Look Analytics™ Contract Review Services, a hybrid solution that allows the firm to leverage technology and lean teams of subject matter experts to perform complex contract analysis. Smart-Look Analytics™ is designed to provide clients with a thorough understanding of their contractual risks and obligations in the due diligence, post-closing integration, data migration, and compliance contexts.

We began by asking Mark what value means to him. Mark begins by stating that enabling the client to choose and select the right solutions by providing them with the help and expertise to do so is the ultimate measure of value. We are here to do the “clients night job. They all know they need to find solutions, assess risks, and make decisions. They often lack the bandwidth or the frame of reference to do so, and that is what our team provides them.”

We next asked Mark how clients define value. Mark observed that “clients do not necessarily view the concept of value through one lens.” He noted that some clients view value as investing in technology that allows the business to shorten the turnaround time for the creation and the execution of contracts. Others view value as “the ability to shift certain types of content creation directly to the business units so the legal department can focus on complex legal work, while some simply look for cost-savings.” Clients seize upon service solutions to give members of the legal department more bandwidth to do higher-value work and become better partners to their respective business units.

We also asked Mark for his thoughts on how well the concept of value is understood and

communicated in the legal industry as a whole. Mark’s perception is that there is not yet a standardized definition in the legal industry of what constitutes value. He pointed to the lack of “triangulated dialogue among service providers, buyers, and corollary providers as to what it means to deliver value.” For example, both buyers and providers often use the terms value and price reduction interchangeably. But “when the lowest-priced solution does not deliver the necessary functionality or efficiencies to meet a client’s needs, then it has not received much value from that solution. However, Mark believes that discussions around value are becoming more sophisticated because the field of corporate legal operations is “rapidly upscaling” and law firms are increasingly investing in innovation officers, project managers, and data scientists to “help design solutions that deliver better outcomes.”

We asked Mark about the perceived value of emerging technology. “Clients are receptive to solutions that leverage both technology and human acumen.” Mark has found that clients often push back against a technology solution premised on the idea that artificial intelligence provides a complete solution. Instead, “clients want to blend the use of artificial intelligence with a healthy dose of “personal intelligence.” Because Mark and his team are platform-agnostic, they can tailor solutions that meet both their clients’ needs and their thresholds for the adoption of technology. He states that “our team rejects a formulaic approach to consulting and instead embraces a case by case approach to understanding the client’s needs, budget and capacity for behavioral change. ... once we understand all of the that, then we find and build solutions that are relevant to those requirements.

Mark notes that companies that do not have a contract management system or have a population of contracts that have not been reviewed or assessed can benefit greatly from their services. “Effective contract management and the strategic use of contract analytics enables companies to accelerate the revenue generation cycle, better manage their contractual obligations, and find and mitigate hidden business risks.” Ultimately those clients “want systems and processes that allow their teams to work faster, more consistently, and to have the information necessary to remediate unacceptable contractual risks.” Clients measure value on how well the solutions and the substantive contractual analysis performed by Mark and his team accomplish those objectives.

Finally, we asked Mark about how vendor management platforms affect the conversation about creating value. Mark begins by noting that vendor management tools have their advantages in the legal industry, arguing that platforms such as ClariLegal help “standardize both the definition of client requirements and the corresponding inputs you want from vendors so you can evaluate them in a more focused way.” As an example, Mark says that his firm performs “deep-level requirements scoping” so that the firm can structure the potential vendors’ demonstrations to focus on the client’s specific requirements. Mark believes that vendor management systems can help impose structure, although they are not yet “a perfect vehicle for procuring the entire spectrum of legal services.

*Disclaimer: The statements of the interviewees in the Value Article Series are opinions and observations of a personal nature and do*

*not necessarily reflect the opinions and policies of their respective employers.*

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### **About the Authors**

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

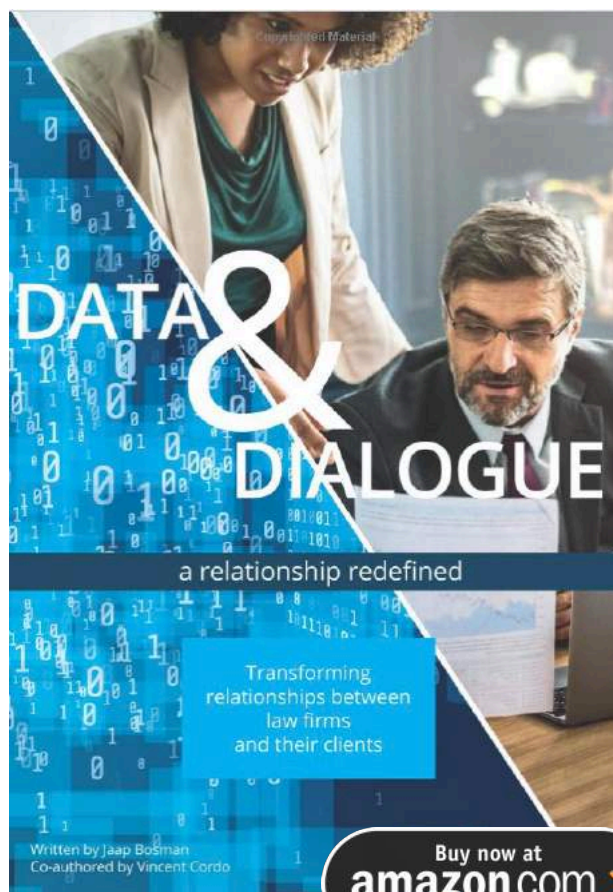
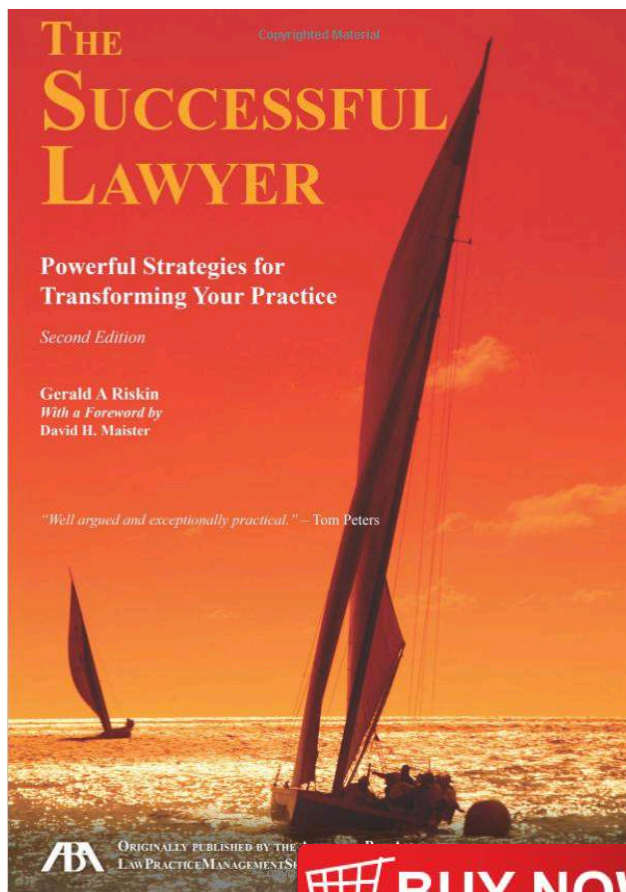
In addition to practicing law, James works with ClariLegal, focusing on building out its innovative platform and spreading the word of



ClariLegal’s mission to reduce cost and complexity in legal vendor selection and management for law firms and corporations.

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

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



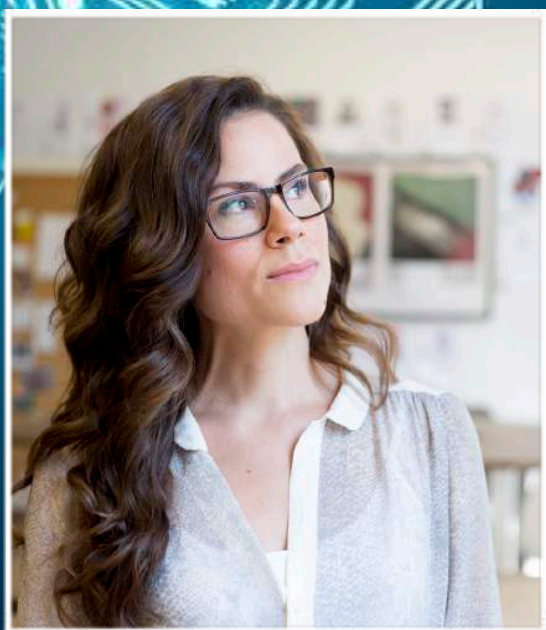
# TECHNOBREW

A Series about Emerging Technologies  
& Global Systems

## Musings on the Global Status of Tech Regulation Post World Legal Summit Aug 1st Event

By Aileen Schultz - Senior Manager, Labs Programs at Thomson Reuters; Founder & President, World Legal Summit.; Fmr. Co Founder & Global Organizer, Global Legal Hackathon.

Part One of the inaugural World Legal Summit (WLS) just completed on Aug 1st, 2019. It was the summit portion of the world wide initiative that occurred in 30+ cities, across 20+ countries simultaneously in respective time zones. This first part was designed to curate a global community around topics dealing with the legislative and regulatory structures for emerging technologies. It is to be followed by initiatives designed to put these insights into action by making them accessible and palatable to technologists. The central drive behind all of it, is to support the further development of technologies in a way that is globally sustainable.



Given the massive mandate of the WLS, this first year had a narrowed scope focused on just three core topics driving much of the legal dialogue around new technologies: Identity and Personal Governance, Autonomous Machines, and Cyber Security and Personal Data. The intent being to provide context for having discussions surrounding core legal concepts dealing with new technologies and related systems like blockchain, artificial intelligence, or decentralized autonomous organizations (DAOs), all of which have substance in each of those three core categories.

The primary outcome of the WLS is a global publication that is being co-created along with the hosting organizations and individuals that participated in the Aug 1st summit. Their local discussions are partnered with a global framework designed to create the foundation for a thorough analysis of these topics in a globally relevant schema. While this publication is being compiled, there are some early insights surfacing and this article is meant to highlight a handful of those early musings.

### **It's not Just a Gap in Knowledge for Technologists**

Much of the work of the World Legal Summit is based on the premise that the law is not accessible nor is it practical for the demands of developing and adopting new technologies. However, this gap between law and technology is not as one sided as one might expect. Given that many of these bodies of legislation dealing with emerging technologies are quite new in the jurisdictions where they exist (if they exist at all), lawyers too are ill informed and not well equipped to translate and apply

that law in their work with clients. Further, many technologies are developed and active in markets in ways that are preexisting any current or soon to be enacted legislative standards, and are now being rendered illegal. While these standards are certainly well overdue, we must also consider the difficulties this creates for the legal departments of these technologies as it's proven highly difficult for them to adopt as well. It seems that rather than the issue being one of professional qualifications, that it is instead endemic of the way in which these frameworks are being established and executed altogether.

For example, many nations now have variants of the GDPR in effect or at least being proposed. Following the GDPR's enactment, there was a global blundering of companies trying to figure out how to establish compliances. Many companies were in effect guinea pigs for the legislation and massive penalties are still emerging, [for example](#) Marriott's \$124 million fine or British Airways record setting \$230 million fine, and the pattern will surely continue as we move into the second full year of its adoption.

### **Concepts of Data Insecurity Nod Toward Global Standards**

Concepts of data security and the drive toward origin ownership (users owning and controlling their data) are seemingly global. Even in places like Algeria, where there is little indication of a well known and robust data market (companies selling user data), there is still a trend toward obtaining personal data ownership and control; efforts are being made to reduce the exposure and use of personal data online for example.

The prevalence of these concepts lends well to the ideology of global standards for governing these core areas of new technology adoption. Many nations are looking at the application of these legal concepts within their own borders, however this does not address the demand for a solution that goes beyond borders. It is unclear for many jurisdictions what happens when their citizens data is breached beyond their borders, for example with platforms like Facebook or other social media channels that are by their very nature globally dispersed.

For these exact reasons there are bodies of legislation that are, perhaps unwittingly, acting as a basis for global models. For example, it probably goes without surprise that the GDPR was a recurring reference on Aug 1st as a body of legislation for which many nations are modeling their privacy protection laws. While this is not necessarily a truly global framework, as it is yet each nations interpretation and unique application of central tenants, it does show an indication that global collaboration and acceptance is perhaps possible. For example, there are several key themes of GDPR compliance that are replicated in other proposals, such as:

- Consent to storing user's data
- Source and identity anonymization
- User can ask for removal or modification
- Right to know where and how data is being stored

### **Legal Sci-Fi a Near Non-Fiction?**

Many host locations of the World Legal Summit dedicated a portion of their day to exploring something unique to their jurisdiction or otherwise something they were pas-

sionate about that didn't have a home in the core categories. While this was an opportunity to go outside the box, there were a couple similar themes that surfaced in multiple locations.

**Robot Rights:** A discussion and insights building around whether or not, and in what capacity, robot or automated systems should have rights similar to human beings. The discussion was particularly reinforced in conversations about the ethical frameworks for the adoption of autonomous vehicles. A variant of the following scenario is consistently reviewed:

What happens when an autonomous vehicle is programmed to make ethical decisions, for example, if there's a scenario in which there is a choice to be made between ensuring the safety of the passenger or the safety of others beyond the vehicle. If the answer is "always do what is safest for the most amount of people", then would passengers willingly make autonomous vehicles their primary mode of transportation? And is such a conclusion the right way forward for adopting autonomous transportation in real world scenarios?

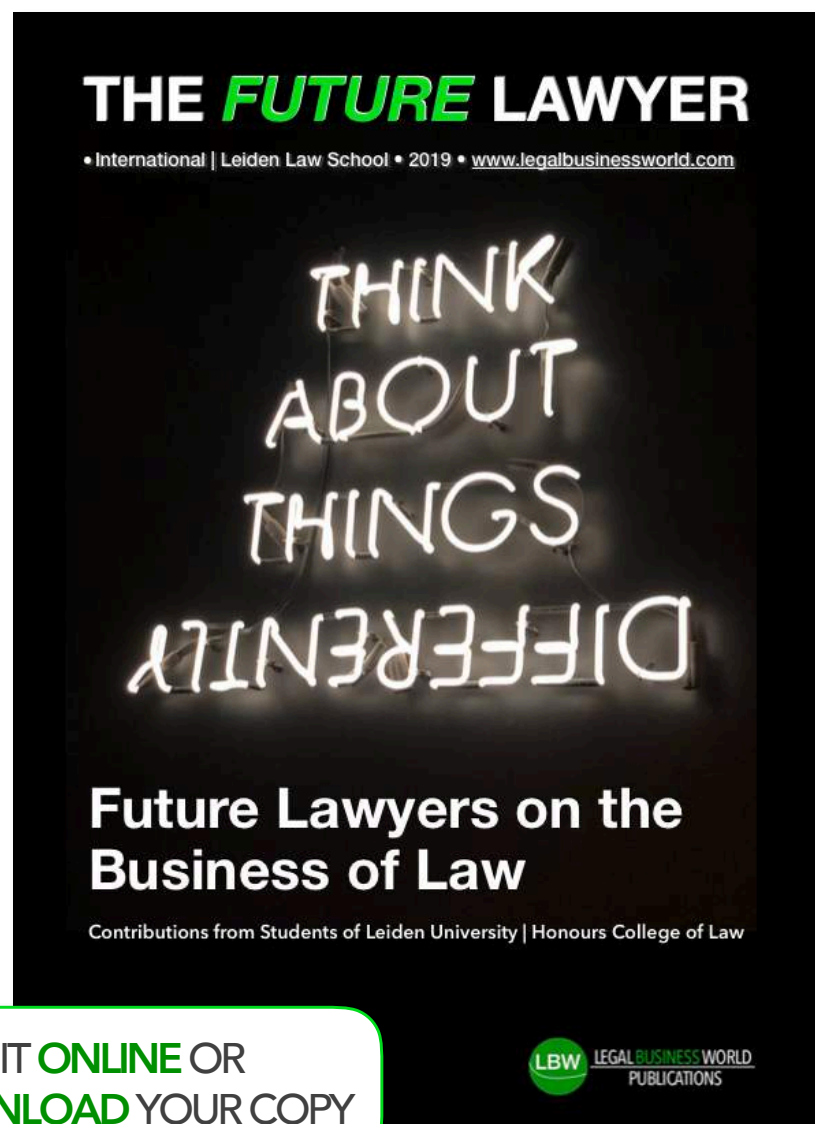
**Computational Law:** A discussion about the desirability from an ethical standpoint, and the practicality of making law computer programmable and with automated systems of enforcement. While this is not an overall new topic, it has traditionally sat in somewhat nascent circles where it has a difficult time finding grounding beyond academic rhetoric. It's clear this topic is gaining more and more momentum, and perhaps finding a basis for real world exploration and development.

While there is much work to be done in reviewing the insights submitted from the Aug 1st multi nation summit, the above is a set of (perhaps provocative) themes and trends that are surfacing. These insights are indicative of an energetic global environment ripe for continued dialogue around these, and additional, core topics toward the improvement of technology from a legal standpoint. If we can also successfully pair discussions like these with true activity in the development of the tech-

nology itself, we are likely to find ourselves much better equipped to deal with the ever increasing speed of innovation.

**About the Author:**

[Aileen Schultz](#) is a Toronto based award winning growth and innovation strategist with a global footprint, and a passion for creating better exponential systems. She works with SME's across several sectors with a focus in legal and blockchain technology.



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# Opportunities for lawyers in Privacy and Data Protection

By [Ridwan Oloyede](#), Partner (Privacy, Data Protection & Legal Services) Tech Hive Advisory

## INTRODUCTION

Globally, niche and specialization is fast becoming the trend, and part of the future for professionals. The Legal profession is not in isolation and therefore not exempted from the sweeping wind of change. The advancement of technology and wave of emerging technologies is changing the traditional model of doing things and solving problems, thereby creating new challenges which often intersect with

regulations and business interests. These challenges sometimes raise privacy questions and there is now the need to balance human rights and business interests. Consequently, these require the know-how of privacy professionals like lawyers in ensuring compliance, and providing a competitive advantage for companies. Cybersecurity, data protection and privacy is therefore a pivotal conduit for enabling business in the digital economy.

There has been an increased scrutiny on the practice of technology companies, as it relates to the right to privacy of users and commodification of users' data. In another breath, cyberattacks and threats are getting more sophisticated, expensive and rampant, bringing a closer examination on balancing risks, business interests and the rights and freedoms of people. This in turn makes privacy and security risk a major concern for both public and private organisations.

The growing cybersecurity and privacy needs, requires a breed of professionals with technical and regulatory expertise. This is not completely a new direction in some parts of the world, but nascent in certain parts of the globe that recently adopted data protection laws. For instance, the European Union General Data Protection Regulation brought privacy to the forefront of conversations, spreading like a wave that made a number of countries legislate a GDPR-esque legislation. The enactment of these legislations births the requirement for new brand of professionals such as data protection officers, chief privacy officers, privacy attorneys, or those working with the regulators or whichever appellation is ascribed to the role to carry out data protection implementation, advisory or audit. Clearly, the growing privacy landscape is not a space unique to the expertise of lawyers, however, lawyers have a big role to play.

To practice law within the space will require more than the knowledge of law. While you might not need core technical skills like the ability to program and write code, you will need to have decent knowledge of how sys-

tems, networks, deployment of technology, business model of clients and fair knowledge of design. Lawyers need to be “equipped with a comprehensive understanding of how to identify and manage operational risk, litigation risk, and [reputational risk](#).” Security is one of the principles of data protection recognised in many data protection laws. A fair understanding of cybersecurity will help a privacy professional to provide good advisory and interface seamlessly with the security team.

## **UNDERSTANDING PRIVACY AND DATA PROTECTION**

First, privacy is not secrecy as it is erroneously touted. Privacy means control. Control over what you want people or organisations to know about you. Privacy is your right to control personal information about yourself. It is a fundamental right guaranteed under the Constitution of many countries.

Data protection deals with the integrity of data. It is the protection from corruption or errors, and its accessibility to only those that should have the access or privilege to it. The kind of data that concerns us, links us, associates us, reveals us and can potentially lead to our harm (huge and fluid) where it falls into the wrong hands. [Data Protection](#) is focused on the use and governance of personal data, things like putting policies in place to ensure that consumers' personal information is being collected, shared and used in the appropriate ways.

While privacy as a right focuses on the right to be left alone and enjoy private life, data protection is the right to protection with respect

to the processing of personal data. For a start, it is also important to avoid using the phrase 'data privacy' in place of 'data protection'. The phrase presents a convoluted view that the data should be kept private or secret, which is not the essence of data protection.

### **PRIVACY COMBINATIONS**

The privacy space is a very big one with different combinations and distinctions. It affords a potential entrant an opportunity to further specialise.

**Privacy in IoT** – No doubt, the proliferation of Internet of Things devices raises privacy concerns. Hence and privacy professionals will be needed to advise developers and the manufacturing team on embedding privacy at the design stage, by default and conducting an impact assessment if the invention is capable of occasioning risk to the freedoms and rights of individuals.

**Privacy in Big Data** – The increased use of Big Data by businesses requires privacy professionals to properly advise on; the responsible use of personal data, how to minimise risk and abuse, conduct impact assessment for use that could occasion risk to rights and freedoms of data subject.

**Privacy in Healthcare** – Growth in the use of technology in healthcare intersects with the privacy of patients. The rise of predictive medicine, electronic health records, genetic testing and biobanks, telemedicine and other inventions have privacy implications that should needs to be carefully managed. Professionals will need to advise healthcare providers on the

status of health records as a sensitive personal data, retention period, and responsible use among other issues that may arise.

**Privacy in Cloud Computing** – There is also the continuous use of cloud as a platform and it holds large volume of personal data. Professionals will need to carefully review data processing agreements between controllers and processors in other to carefully delineate responsibilities and liabilities. Also, professionals will be in place to advise on appropriate use of such data and to prevent abuse.

**Privacy and other emerging technologies** – The growth of emerging technologies requires the need for privacy professionals to work with the developers and product design team on considering privacy at the designing stage before going to market in other to avoid it being an afterthought. Companies developing and deploying need privacy professionals to advise on possible intersection of the use case with privacy and how to stay complaint and possibly ethical.

**Privacy and Data Ethics** – The use of artificial intelligence, and other emerging technologies for example raises both legal and ethical questions. Privacy professionals whose background intersects with ethics can advise on how to draw lines between legitimate use of personal data, commercial interest, rights and freedoms of individuals and the consequence of automated processing. The field of data ethics is getting bigger and would need more professionals to help develop a legal and implementation framework.

**Cyber insurance** – With the frequency and size of data breach, coupled with the risk of sanctions from regulators and possible litigation liability, organisations are procuring cyber insurance to limit exposure and cover potential risk. There is a need for lawyers to review the scope of insurance cover, think like a data risk manager to ensure policy is risk and budgetary custom – especially for privacy liability, regulatory fines, and potential law suit.

**Privacy and cybersecurity** – Security is one of the principles of data protection and a distinct speciality. There is a role for lawyers in governance, as well as the risk and compliance aspect of cybersecurity. Also, lawyers with privacy background need to understand security for seamless interaction with the security team.

#### **EMERGING SPECIALISATION AND ROLES**

There are different roles which lawyers can take up in this fast-growing industry. I would highlight some. They include:

**Policy advisor and analyst** – Policies remains the driver of a regulatory framework. Technology growth and development need to be anchored on good policies and this can only be done when they are drafted and developed by a team with good expertise. Another way to be part of the conversation is to contribute to policy recommendations when a draft regulation is released for public consultation is issued or developing policy briefs to stir and ignite a conversation. Also, organisations deploying technology utilise policies to drive it and lawyers are in pole position to develop context-specific policies.

**Privacy attorney** – Data Protection laws provides a right to lodge complaint which allows data subjects to initiate lawsuit before a supervisory authority or a national courts in instances of infringement of their rights. Also, sanctions are imposed on organisations which are also challenged before national courts. There is an opportunity for collaboration between privacy lawyers with core litigation lawyers to navigate the slippery-slope. Outside the remit of litigation, there lawyers working in-house or in a law firm that provide advisory service on privacy and data protection.

**Legal Consulting** – Data protection laws creates a veritable opportunity for lawyers to consult and provide advisory to organisations on the appropriate implementation and compliance with privacy laws as a risk based strategy.

**Legislative Tracking** – Lawyers can provide latest legal opinions and update organisations with latest decisions and laws that can impact their business. This entails providing real-time update and guidance to companies, especially global ones on the development in privacy laws globally and how it could possibly impact their business in order to guide them to wider compliance.

**Legal Compliance** - Data protection laws requires organisations to appoint data protection officers and also appoint professionals in other capacity to assist with compliance. Lawyers can effectively function as data protection officers, chief privacy officers or any other designation, assisting organisations with compliance and transparency.

The data protection officer is responsible for overseeing a company's data protection strategy and its implementation to ensure [compliance](#) with extant data protection regulation.

**Legal Researcher & Fellow** – Lawyers in privacy can publish academic papers on privacy or earn a fellowship with a research institute and continue to contribute to the body of knowledge. There is also the opportunity to collaborate with research institutions.

**Sector-specific role** – There is a unique opportunity in different sectors of the economy that intersects with privacy and which professionals will be able to provide tailored services, like healthcare, start-up, financial institution, insurance etc.

## **PATH TO GROWTH**

**Read articles and books** – There is a big body of research and literature on privacy by leading authors. There are also articles from notable websites that could help increase the body of knowledge. Strive to read something new every single day to understand how the landscape is evolving, this includes reading latest decisions from courts in other jurisdictions, opinions and guidelines from different data protection supervisory authorities.

**Sign up for courses** – There are a number of free and paid courses available online on different massive online open courses platforms. Some of the platforms issue certifications after concluding the courses. You might also consider obtaining certification from any of the privacy professional bodies.

**Attend conferences and events** – There are growing number of privacy summit and conferences globally. The IAPP host the biggest event. There are other regional and in-country events too either wholly privacy or has a session on privacy where thought leaders share their expertise. Ask questions at such events to have a better understanding of privacy.

**Write about it** – No doubt, writing a well-researched article or academic paper improves knowledge base. There is dearth of opinion in many national privacy framework, more privacy professionals need to write more well-researched opinions to help grow the understanding of the ecosystem. Writing could be articles, policy briefs, academic papers exploring one or combinations of any subject under privacy.

**Contribute to policies and conversations** – It is in common place for regulators or supervisory authorities to issue draft guideline or framework for public consultation. You can share your researched thought on how the framework can be better in implementation.

**Ask questions** – This sure helps clarifies clarify doubts and help to better understand the subject. This could be from asking questions during events, a LinkedIn post, and author of an article. It is important to ask questions.

**Follow leaders of thought** – The internet and social media has provided a veritable platform for interaction. The thoughts and knowledge shared by thought leaders and industry

experts on these platforms are invaluable.

However, you need to be mindful of what you take in, ask questions and you are allowed to disagree constructively if you have a superior a well-informed dissenting view.

**Speak** – Speaking helps to builds confidence and knowledge and the message is shared too.

## CONCLUSION

The above is barely scratching the surface towards building a good career in privacy and data protection. However, in a little way, it highlights the opportunities available for exploration and basic path to starting a career in privacy and data protection.

Finally, if you are looking at starting a career in privacy and data protection, I have prepared a starter kit that could serve as a pointer. I hope you find it a beneficial read. You can access it [here](#).

*"Niche is critical. Focus is key. Consistency is everything."* Senator Ihenyen

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## About the Author

[Ridwan Oloyede](#) leads the data protection team at the Tech Hive Advisory. Ridwan is also a policy advisor and analyst who has made recommendations to legislative process, reviewed legislations and published policy briefs. He is a Research Fellow at the African Academic Network on Internet Policy (AANOIP). He was recognised by Lexology as

the Legal influencer for TMT (Technology, Media and Telecommunication) in Africa and Middle-East for Q4 2018. Ridwan speaks and writes both locally and internationally and advises clients on the intersection of law, technology, cybersecurity and privacy.

## Contact

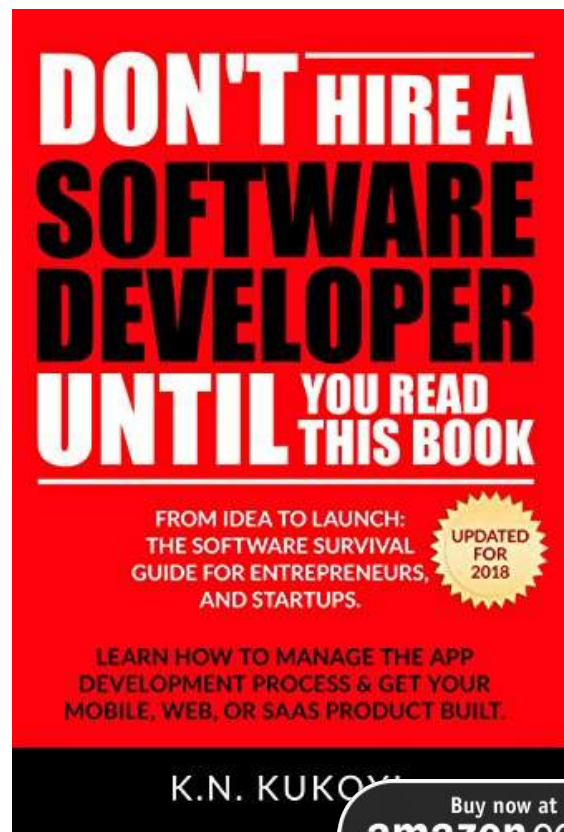
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Niels Martin Brøchner

## The Fluid Law Firm: Engage in the tech- ecosystem

By Niels Martin Brøchner, CEO in Contractbook & Anders Spile, Executive client advisor in Contractbook.

The legal industry is haunted by the clients: demanding digital transformation, new delivery models and alternative fee arrangements. Unfortunately, there seems to be a fatal disconnect between law firms and their clients as more and more companies decide to bring legal work in-house and lawyers suffer from low levels of [trust](#). The Hague Institute for Innovation of Law even [estimated](#) that: “Each year, 1 billion people have a new justice problem. Of the severest ones, a mere 18% is completely resolved.” That is proof of a severe problem with access to justice, but it is also evidence that there is enormous untapped potential in the legal industry.

Simultaneously, the concept of client-centricity is becoming more and more important. The era of shareholder primacy and short-term investments is [over](#) and the internet continues to hand over enormous amounts of power to the consumer.

It has improved the clients' access to justice as they can find contract templates, chatbots and information about legal matters themselves. They can also acquire knowledge about different law firms and easily match the prices against each other which have enhanced their power and increased competition. If they want to find alternatives, they can buy the services more or less regardless of location. That is an enormous improvement of consumer rights, and it has only created more awareness among legal clients that they can demand more from the law firms. As Mark Cohen writes in his brilliant [Essays on Legal Transformation](#) law firms “will be measured by results, not profit-per-partner” in the client-centric age.

This overall background analysis is one of the reasons we have published our vision for the future of law firms: the fluid law firm. We introduced it in [Forum Magazine](#) in June, followed up in [Legal Tech Weekly](#) and last month we finally published [The Manifesto of the Fluid Law Firm](#) in which we conclude that law firms must embrace the concept of fluidity to meet the new demands for client-centricity. They must value inclusion over segregation, be less protective of their knowledge and re-arrange themselves in more radical formations. Instead of being closed entities with solidified boundaries, law firms should strategize for externalization, engage in collaborative ecosystems and replace their entrenched walls with flexible membranes that can absorb and extract talent and resources more seamlessly.

So how could that work in practice? A great place to start would be to engage actively in the legal tech-ecosystem. So let us take a closer look at how law firms can benefit from that.

### **External innovation and the fast-follower myth.**

Client-faced legal tech products are excellent vehicles to become more client-centric. The right tools enable law firms to be more transparent, streamline their communication and deliver more holistic services. Such client-centric tools will also enable law firms to deliver new business models such as subscriptions or fixed price deliveries that are in demand every day these days.

However, most of the innovation initiatives in the legal industry are currently focused on internal innovation. Many law firms look to optimize their internal processes with contract drafters to review tools. Such tools are amazing and they can bring huge benefits to any law firms, but they do not affect the client-relation significantly. Their service will at best be same-for-less instead of more-for-less.

Consequently, we suggest that law firms focus their efforts on client-facing tools and in that process adopt a more client-driven approach to innovation. Lawyers will not be able to figure out what clients want if they do not start engaging them in the processes. Therefore, law firms should invite clients to co-create, test and evaluate legal tech products. If the clients are part of that process, they will automatically take ownership of the innovation and in this way law firms can forge stronger bonds with the client and thereby increase client loyalty.

In some parts of the legal industry, there is still an assumption that it is better to wait for the technologies to mature and the legal tech market to converge.



Some lawyers justify their passive approach by perceiving themselves as fast followers or smart seconds because they want to avoid wasting money by betting on the wrong solution. These lawyers are missing the chance to gain a competitive advantage since the “holy grail” of legal tech is probably never going to come around. And to be frank, if the markets would suddenly converge around a single legal platform, the followers probably would not be around long enough to find it.

As noted in [this article](#), digital innovation is not about choosing one solution and then sticking to it forever. It is about testing multiple tools, compare them and find out what works. Law firms should be first movers and fast followers simultaneously. They should test new products, discard the bad ones, implement the good ones and always look for upgrades. To find the best in class solutions, law firms must engage the clients who are eventually going to be the judges of the final product. But it also requires a strong bond to the legal tech industry to stay aware of what is on the market.

### **The tech ecosystem**

We do not suggest that every law firm should pursue all strategies of fluidity, and it is also important to mention that the fluid law firm is not some fixed concept. It is a broad variety of externalization strategies and elements that can be applied in different practice areas and jurisdictions depending on the specific competition conditions.

However, one thing is for sure. Any successful law firm of the future will need to have a comprehensive tech-stack to always be able

to offer their clients the best technologies available. Law firms must, therefore, engage with developers, product managers and designers to stay on top of the market. They must collaborate with the digital providers and legal tech entrepreneurs, and they can even form partnerships with digital consultants to make sure they really have state of the art available.

One way to get closer and open up to the legal tech providers is to offer them free office spaces at the law firm. Establishing a legal tech lab in the law firm will shorten the distance between the lawyers and the developers and thereby enable them to seamlessly bounce ideas around. The lawyers will enhance their tech-literacy and gather the required knowledge while legal tech providers will get valuable insights to the everyday work of a lawyer. Less ambitious initiatives could be to establish [legal tech labs](#) or legal tech hubs. A great example is the Legal Tech Hub Vienna where seven of the largest Austrian law firms have chosen to collaborate with five promising legal tech products in order to gain a better understanding of the market and affect the legal tech products in a direction that is useful to them.

An even less demanding and yet beneficial model is hosting and participating in frequent events such as legal hackathons, demo-showing days and technology conferences. Initiatives such as [Legal Hackers](#) or [Tech Academy](#) are also brilliant ways to engage with the developers and younger generations of lawyers at the same time and in that way develop a large pool of talent to recruit from.

In general, law firms should be better at engaging in collaborations with the legal tech scene and their clients to find new digital products and technologies, test different solutions and always be looking to optimize. A fluid law firm would thus be both a first mover and a fast follower excelling in client-driven external innovation with a client-centric output.

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### About the Authors

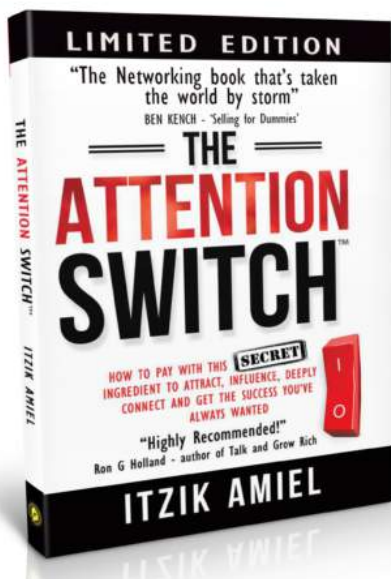
[Niels Martin Brøchner](#) is founder and CEO of the Danish legal tech company Contractbook. He was recently awarded one of the most promising young businesses talents in Denmark and has a strong voice in the Nordic legal tech community where he often participates in debates about innovation in the legal industry.

[Anders Spile](#) is client executive advisor in Contractbook. He also has hands-on experience as to what it takes to develop an innovation strat-

egy and implement legal tech solutions in larger law firms.



Anders Spile



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According to power networker Itzik Amiel, giving 'Authentic Attention' to other people is the secret ingredient to reaching out and connecting with other people. What distinguishes highly successful people from everyone else is the way they use the 'Power of Attention' to build relationships, both in business and in their personal lives, so that everyone wins. Learn new strategies to help you reach out and deeply connect with colleagues, friends, and prospects - the people who will help you reach amazing success.





## “STAND OUT”

### Emotional Intelligence: Your Authority Key Differentiator

Series on building your personal brand, becoming the go-to expert and authority in your field  
by Itzik Amiel

*Ready to become the sought-after expert your clients will want to work with and be willing to pay a premium to do so? Do you want to know how you are unique to your clients & how you can stand out in the sea of competitors? Are you the "best kept secret in your market?" If you want to know the shortcuts to build your personal brand and become the go-to expert and the authority in your field, DO NOT MISS this series by advocate Itzik Amiel, bestselling author and international speaker and the global authority on personal branding for professionals.*

When you think of a "perfect authority," in your legal field what comes to mind?

You might picture a lawyer who never loses her temper, no matter what problems she's facing. Or you might think of a lawyer who has the complete trust of his staff,

listens to his team, is easy to talk to, and always makes careful, informed decisions.

These are qualities of someone with a high degree of Emotional Intelligence.

High Emotional Intelligence is what differentiates successful lawyers and great legal leaders from the rest.

I am aware that I just shared with you a strong statement. And in this article in our series I will share with you why I believe so and how can you also get EQ traits to work for you and to build your authority.

We all know these lawyers who are self-aware, self-motivated, self-regulated, and are eager to do more and more.

But what is it that makes this sort of lawyers, in many occasions, transcend the competition and accomplish together with their team the impossible?

Understanding how emotions affect your own performance, as a lawyer, is important.

Understanding how emotions impact your team's performance is even more important.

Think about a great manager that you've had in the past in your legal career. You likely (I hope) felt comfortable going to that person with your questions, concerns, and needs, and they were likely receptive to you and worked to address them and make sure that you felt supported. And if (or when) you both had disagreements, they were likely respectful and

productive exchanges.

And you probably remember these people for good. Right?

So how can we re-wire our brains to perform at a higher level and STAND UP in a crowded legal market place?

To understand it, let me start by defining "Emotional Intelligence" for the sake of this article.

### **"Emotional Intelligence" - Definition**

So, what is emotional intelligence?

In short, emotional intelligence is the ability to recognize and manage emotions and relationships.

The term emotional intelligence comes from the [work of researchers Peter Salovey and John D. Mayer](#) (Daniel Goleman later popularized their work in his book, Emotional Intelligence).

In their work, Salovey and Mayer concluded that people with emotional intelligence do the following:

1. They understand their own emotions (positive and negative).
2. They understand the emotions of others (positive and negative).
3. They are effective at regulating their emotions effectively to pursue their goals.
4. They are effective at influencing positive emotions in others.

So what is that to do with building your authority and stand out as a lawyer?

Emotional intelligence begins with a lawyer recognizing and then managing his or her own emotions.

When you as lawyer are able to do this, you can begin to improve your credibility with others.

The next step for you, as a lawyer, to stand out with the help of emotional intelligence is to recognize and manage the emotions of others.

Emotional intelligence has the following five dimensions:

1. Self Awareness - Being aware of your emotions (understanding what you are feeling)
2. Self Motivation - Ability to persist in the face of obstacles and setbacks (influencing constructive emotions in yourself)
3. Self Management - Ability to effectively manage your emotions and impulses (controlling your destructive emotions)
4. Empathy - Sensing how others are feeling (understanding what others are feeling)
5. Social Skills - Ability to effectively handle the emotions of others

So, now when you are familiar with the general definition of EQ, let's go back to the main question for this article - how can we re-wire our brains to perform at a higher level of EQ and stand out?

To help you out, in a practical way, let me share with you how you can cultivate your emotional intelligence:

### **1. Self Mirror**

While mentoring many lawyers to build their

authority and stand out – one question I asked many of my mentees is how do you want to stand out?

What does that top lawyers look like? What do they do that makes them to stand out and be considered as an authorities in their respected fields?

If you can clearly see what those legal authorities are doing to stand out and then think of your current reality, you will identify weaknesses.

That could be a great starting point to start growing your own authority by using EQ.

### **2. Create a Self-Challenge**

One of the proven ways to change habits is by making small steps in the direction you want to go.

If I can confront my weaknesses and see in my minds eye how I'll respond to certain difficult situations I can push myself in real life.

Try it for yourself.

Visualize yourself and how you may handle a challenge in your practice.

Get comfortable with that challenge. When you confront those issues in real life they will begin to come more easily and you surly solve them.

### **3. Use support**

If you have colleagues who are seeking growth in their legal career or to grow their legal

practice as well, ask for support.

By the way, it can also work with a support from a friend outside of the office too, that have similar challenge.

Offering candid feedback and the mutual trust is important for growth for both of you.

#### **4. Go out of your routine**

This way helped me and many other professionals dealing with many challenges.

You can use an offsite location or be involved in a team activity outside of your office.

This is a great way to break old habits of yourself or of interaction with your team members.

In my humble opinion, this is one of the best ways stimulate the creativity of yours and your team members and many times allows for you to try new responsive patterns to your colleagues.

#### **5. Cultivate self-confidence**

I mentioned many times before that self-confidence is an important trait to become an authority in your field. EQ can help you achieve it faster.

Learn for example to reward yourself even for the smallest wins in your practice.

Another example is getting comfortable with feedback, by seeking a constant constructive feedback from relevant people. This is uncomfortable, I get it. But if you can get to zero (which will be painful), you can begin to build on your weaknesses.

All these sort of small actions will help

cultivate your self-confidence.

#### **6. Control your Emotional reactions**

When helping recently a lawyer to build her authority and grow her practice, we realized that her team was underperforming because she was out of the office too many times.

I assessed the issue with her, and we decided to modify her schedule accordingly.

Becoming emotional in such a fast-paced, high-stress legal career is inevitable, but your success depends on your ability to maintain an even keel.

In other words, by controlling her emotional reactions and pointing a finger at her team for the low performance. She took a step back to address the real cause of the underperforming. You can imagine the effect this had on her practice. Positive, of course.

#### **7. It is Contagious!**

Here is the secret – EQ is contagious. So, you cannot only keep it to yourself.

High or low EQ travels through law firms like wildfire.

If you're approaching your work with self-awareness, empathy and compassion your team will too.

Part of building your authority and stand out is learning to be someone who can remain positive during adversity

I know it is not easy (I'm guilty too :-). But that is why it is always a work in progress.

## Last Thought

Daniel Goleman, the author of the book “emotional Intelligence” notes in his article about [emotional intelligence in the workplace](#), that:

*“[n]o matter what leaders set out to do—whether it’s creating a strategy or mobilizing teams to action—their success depends on how they do it. Even if they get everything else just right, if leaders fail in this primal task of driving emotions in the right direction, nothing they do will work as well as it could or should.”*

To stand out from the crowd as a lawyer is not difficult if you understand how to develop your emotional intelligence.

Your IQ alone is not what will make you stand out and develop your authority in your field. High emotional intelligence as well as embracing your authenticity will set you apart from other lawyers. To be effective Authority lawyers must have a solid understanding of how their emotions and actions affect the people around them.

Studies show that the emotionally intelligent lawyers out-perform in production and revenues their less emotionally intelligent colleagues,

The better a lawyer relates to and works with others, the more successful he or she will be in building his or her authority.

In addition, emotionally intelligent lawyers are likely to stand out amid the rise of artificial intelligence and machines performing more tasks in the workplace. Take the time to work

on self-awareness, self-regulation, motivation, empathy, and social skills. Working on these areas will help you excel in the future!

Want to discover more on how to develop your EQ to build your authority in your field and attract the right clients – and the steps you need to take? Download [my workbook](#) [for free] [here](#) and answer all the relevant questions or [schedule a strategy call here](#).

If you have any specific questions with regards to building your authority position and your personal brand or need our help in building your authority position and attract more of the right clients consistently, [please send us an e-mail](#) and share it with us. We definitely can help!

Your time to **STAND OUT** is **NOW!**

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## About the Author

[Itzik Amiel](#) is considered the global leading authority on Business Development, Business Networking & Personal Branding. He is a sought-after international speaker, trainer, business mentor, & attorney-at-law. He is also the bestselling author of “[The Attention Switch](#)” & Founder of [THE SWITCH®](#), the global community for professionals to grow their practice. Itzik teaches Lawyers and other professionals to attract and win their ideal clients by becoming seen as authorities in their field and to SWITCH their relations to Referrals+Revenue+Results.

See more information: [itzikamiel.com](#) or connect with Itzik via: [info@itzikamiel.com](#)



# Through Hardship to the Stars

## The Rise of the Israeli law firm with 150,000 Facebook followers

By Editorial Department

### Introduction

It's a story of a law firm managing partner – [one of the largest law firms in Israel](#) - that has not only overcome many obstacles in his personal life - but has also pushed boundaries in the Israeli legal industry in an unprecedented manner. He has built a legal empire with stellar representation and a unique business model.

Israel holds a record of the highest number of lawyers per capita in the world. Law firms, especially newly established ones, face extreme competition in this densely saturated industry. In order to stand out and succeed, it is vital to offer innovative and pioneering services.

Sende's firm, established a mere 5 years ago, is currently the top bankruptcy and insolvency law practice in Israel. It has experienced unaccustomed growth and success, with an expansion rate of over 40% in the last year alone. The firm has made its way onto Israel's Top 25 law firms league, employs over 70 attorneys, and has almost 150,000 followers on Facebook.



These are major accomplishments in such a congested and competitive industry.

### **Background**

However, it is important to clarify that Sende's achievements are not a result of a privileged affluent upbringing – quite the contrary. His childhood was fraught with struggles as his family experienced overwhelming financial difficulties, following which his father, trying to assist the family with the debt, was killed in a car accident, adding to Sende's mother which fell to her death a few years ago. This begs the question, how did Sende overcome these tragedies and create such a successful legal phenomenon?

### **His Unique Approach and Business**

Instead of succumbing to his misfortunes, Sende used his adversities as motivation for success. He took a risk and tapped into a vacant industry. The firm exclusively assists private individuals experiencing insolvency or bankruptcy related difficulties. This goes against the norm of most firms who solely represent companies and big corporations.

His unconventional approach, combined with his persistent stamina, has positioned the law firm to be the largest and most reputable in its field. The legal proceedings handled by the firm alone are currently accountable for more than a staggering 20% of bankruptcy cases in Israel. This unambiguously attests to his resourcefulness and innovative approach, and how these have greatly contributed to his success.

Sende's firm also follows a distinctive and unusual set of hiring requirements. They do not place too much importance on prospective

employees university degrees. Rather, the firm looks at the candidates themselves, including their approach to life and their desire to win cases. He credits this aspect as one of the firm's strongest attributes.

In 2019, the firm was ranked as 22nd in Israel in relation to size, with a team consisting of attorneys, economists and accountants.

In addition to having offices in North and South Israel, he has also globally expanded his enterprise by establishing branches in New York, Los Angeles, and Europe. The offices situated outside of Israel are aimed at clients who cannot return home because of their debts. His unusual approach has allowed his business to not only grow locally but also to access foreign markets.

### **Recent Notable Business Activity**

Sende has now led counsel for various significant proceedings, some of which have resulted in rulings affirmed by the Supreme Court. Recently, he assisted in implementing a specific credit card, where one does not require a checking account, nor is one liable for loans. He also frequently advocates against financial institutions and banks that recklessly provide loans and cause naive customers to instantly become debtors. This approach is often unprecedented in the legal profession – especially when relating to bankruptcy.

### **Staggering Social Media Presence**

It is also important to highlight the firm's impressive social media presence. We live in a digital age where online activity is a necessity for the survival and growth of any business. Sende entered a densely populated profession, where it is hard to prevail, let alone stand out.

He managed both, to such an extent, making him one of the largest law firms in the world (!) with regard to Facebook activity, if not the largest one – according to last search.

Lirom Sende has marked staggering, unprecedented achievements with regard to social media. In order to comprehend this, consider the following: some of the world's largest international mega-law firms have garnered thousands of 'likes' on their Facebook pages – such as Baker McKenzie (14,400), White and Case (9,700), Clifford Chance (3,400), Allen & Overy (1,100). Lirom Sende's firm is rapidly approaching the absolutely astonishing 150,000 threshold.

He may still be a somewhat anonymous player in the international arena – he is the only one in the game displaying such a striking feat, one which many companies can only dream of emulating.

### **Future of the Firm**

Sende has ambitious aspirations for the next 10 years. He seeks to educate the Israeli public about financial and fiscal repercussions so that they can make informed decisions regarding finances. He also aims to make his firm the largest in Israel and create new departments, such as; taxation, real estate, labour law, military law, commercial litigation, and IP. This will eventually generate an all-in-one service provider for his clients.

The firm has only been active for the past five years, and has already experienced exponential growth and recognition. We can only try and imagine what the future holds in store for Sende's legal powerhouse.

### **Lessons Attained by Sende's Experience**

Lirom Sende and his firm provide numerous lessons from which one can acquire. Sende stresses that it is important to: 'never fear initiative, enrich your knowledge in your field of expertise, and believe in your cause.'

His unparalleled desire to consistently improve the services he offers, as well as his drive to be the best, is something to be commended.

### **Take-Home Pointers**

Sende has proven that in order to succeed in this highly competitive field, it is vital to provide services that are different and niche, that stand out, that are out-of-the-box and to identify and cater for clients whose needs are not addressed by the other masses of law businesses currently operating in Israel.

He credits difficult stages in his life for providing the foundation for growth, and for giving him valuable life lessons. Lirom Sende is a legal sensation, and has not only successfully infiltrated and grown in his field of expertise – he has also shown that if one wants to succeed, it is of crucial importance to aim for the stars, think different and offer something truly unique.

---

### **About the Author**

[Adv. Lirom Sende](#) is widely regarded among the leading experts in the Israeli private bankruptcy and insolvency practice fields. A young and ambitious rising star in Israel's legal landscape, over the past years Sende has demonstrated a combination of outstanding and creative legal skills and a uniquely keen business

vision, with which he has built a first-of-its-kind legal enterprise and which he has rapidly led to be ranked as one of the top 25 largest Israeli law firms.

Adv. Sende regularly participates in a wide array of parliamentary and legislative proceed-

ings, among which the recently accepted Insolvency Act that will be taking effect this year and that is expected to constitute a legal revolution in this sector. Aside from his ongoing legal activities, Sende is a much sought-after lecturer, regularly appearing and lecturing before leading banks and financial institutions

## The 2019 Tech GC survey:

Inside legal at the world's fastest-growing companies



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## What's inside?

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- Key findings, What the numbers tell us
- Scaling legal process, Managing aggressive growth
- Interview: the Head of Legal, Sophie Salisbury, AppearHere
- Tooling and technology, Research, procurement, adoption
- Interview: the VP Legal, Rohan Paramesh, Habito
- Adding value to the business, From blockers to enablers
- Interview: the Chief Legal Officer, Chris Fox, Kambi
- Conclusions by Richard Mabey, CEO, Juro

**LBW** [READ IT HERE](#)

# A Recipe For Legal Design

By Charlotte Baker, Legal Design Engineer at Simmons Wavelength Limited

In this article, I'll share with you a 'recipe' for Legal Design. We'll measure out the right mix in crucial ingredients – like a multi-skilled team, visualisation, plain language and technology – and follow the instructions – involving empathy, user centricity, design thinking and divergent and convergent thinking – so

that you too can create freshly-baked legal solutions tailored for the needs of your users.

## INGREDIENTS

To make the most crowd-pleasing Legal Design solution, we use only the best ingredients – and generous helpings too!

# Legal Design Recipe

## ***1 ripe Multi-Skilled Team***

Gather a diverse team with a range of skills and viewpoints. This might include people specialising in technology, people and culture, psychology, design, law and, most importantly, your users! To generate the best ideas, we need people to think outside the box and challenge existing ways of doing things.

## ***A large dollop of Visualisation***

Make your Legal Design process, as well as your solution, as visual as possible. Information presented visually is easier to absorb and interpret. Include intuitive diagrams, icons, timelines, summaries and any other helpful visualisations of information.

## ***Lots of Plain Language (jargon removed!)***

Use 'human' language wherever you can – avoid complex legalese and jargon. It takes real skill to uncomplicate legal terms. The legal profession often has deep-rooted ways of saying things – so question the language used. Be clear and succinct.

## ***A pinch of Technology (add more to taste!)***

Incorporate technology, if it makes sense for your solution. Technology can augment your solution and provide your users with easy integration and access. But remember – many of the best Legal Design solutions are simple (but clever!) and may not need to utilise technology at all.



## INSTRUCTIONS

### *STEP 1: Preheat your empathy oven!*

Use empathy to put yourself in the shoes of the user and work to understand their perspective. What do they need? What frustrates them? What do they love? Empathy is one of the most important principles of Legal Design and needs to be used right throughout the process. Only when you have properly understood your users problems, can you design the right solution.

### *STEP 2: Add the ingredients to your users' taste*

Make sure your user remains at the very centre of your design – always think about their needs when designing your solution. The goal is to build legal solutions that are more user-friendly. We must engage with our users to understand their needs, then try to translate those needs into the design of our solution. That way, we can create tailored legal solutions that actually work for them.

### *STEP 3: Mix design thinking with legal expertise*

Next, we mix our legal knowledge with design thinking principles to creatively solve problems. This allows us to improve any aspect of the law – from legal contracts, policies and advice, to workflows and organisational structures that lawyers operate in.

### *STEP 4: Combine divergent and convergent thinking*

Get a nice balance of “divergent thinking” and “convergent thinking”. Use divergent thinking to generate lots of information and ideas; then use convergent thinking to make sense of

those ideas, focus your thoughts and make decisions.

### *STEP 5: Get your hands dirty!*

The creative process behind Legal Design is all about doing stuff – not just talking about it. So, get your hands dirty!

Get your thinking down onto post-it notes for everyone to see, cluster thoughts visually on a wall or whiteboard, sketch your amazing ideas and build usable prototypes.

## RESULTS

Once your design has risen and is browning at the edges, remove it from the oven and let everyone have a taste! It doesn't need to be perfect – even if it sinks in the middle or you realise you added too much salt – listen to what people liked or disliked, learn from your mistakes and improve it for your next batch. The results can be fantastic.

### *Innovation*

We can create innovative new legal products, services, systems and environments – leading to more efficiency and value. Legal Design allows you to unlock the brilliant, innovative ideas lying dormant in the minds of your team. These might be completely new innovations or adjustments to existing ways of doing things.

### *Satisfied users*

The users of the legal system will be happier and more satisfied. If we make the effort to step into their shoes – listen and engage with them and think about their needs – our relationship with our clients and customers will be greatly enhanced. Collaborating with clients can be rare in the legal sector, but by getting

together and co-creating with our clients, we can create tailored solutions that actually work for them.

*Improved legal understanding and compliance*

Well-designed legal solutions will enhance our communities' understanding of the law – increasing engagement with the legal system and compliance with legal obligations (meaning fewer disputes and shorter negotiation times!) Legal Design allows people to more clearly understand their rights and obligations under the law, and participate in the legal system.

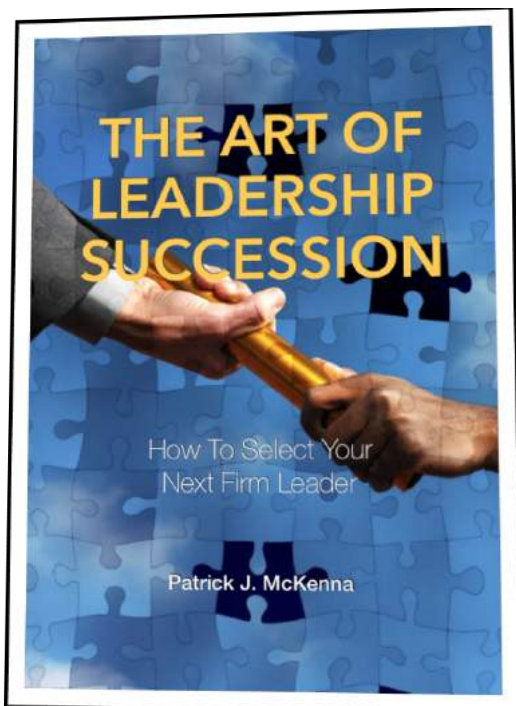
Serve and enjoy user-friendly legal solutions that are more engaging, easier to understand and more accessible!

*(one-pager complete recipe, [next page](#))*

**About the Author**

As a member of the international Legal Design team at [Simmons Wavelength Limited](#), [Charlotte Baker](#) applies creative and design thinking to the law; which includes using these approaches to focus on the user experience in the legal processes and solutions that Wavelength develop. Charlotte is also an experienced commercial and corporate lawyer, before becoming a Legal Design Engineer, she worked in-house as a lawyer at the BBC and Cambridge Assessment, and in private practice at the law firms Allen & Overy (the Netherlands) and Chapman Tripp (New Zealand) where she specialised in mergers and acquisitions, equity capital markets and general commercial and contract law.

*(Wavelength was the first regulated legal engineering firm in the world, operating globally)*



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# A RECIPE FOR LEGAL DESIGN

## INGREDIENTS

- **1 ripe Multi-Skilled Team** - gather a diverse team with a range of skills and viewpoints.
- **A large dollop of Visualisation** - make your Legal Design process and solution as visual as possible.
- **Lots of Plain Language (jargon removed!)** - use 'human' language – get rid of complex legalese and jargon.
- **A pinch of Technology (add more too taste!)** - incorporate technology, if it makes sense for your solution.

## TIME TO PREPARE

Take the time to fully **understand your users'** needs and pain points

## TIME TO COOK

Take the time to **develop ideas and prototype** solutions

## NUMBER OF SERVINGS

**Unlimited!**

## INSTRUCTIONS

### STEP 1: Preheat your empathy oven!

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### STEP 2: Add the ingredients to your users' taste

Make sure your user remains at the very centre of your design – always think about their needs when designing your solution.

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Use divergent thinking to generate lots of information and ideas; then use convergent thinking to make sense of those ideas, focus your thoughts and make decisions.

### STEP 5: Get your hands dirty!

Do stuff! Get your thinking down onto post-it notes, cluster thoughts visually on a wall, sketch your amazing ideas and build usable prototypes.

## RESULTS

Remove from the oven and let everyone have a taste! It doesn't need to be perfect - listen to what people liked or disliked, learn from your mistakes and improve it for your next batch.

The results can be fantastic:

- **Innovation** - innovative new legal products, services, systems and environments
- **Satisfied users** - happier clients and stronger relationships
- **Improved legal understanding and compliance** - communities that are more informed and engaged with the legal system, who understand and comply with their legal obligations



# Legal marketing is not what it used to be

By Pepe Toriello is a Mexican lawyer and Founder of Red de Firmas

Neither online media nor social networks will replace the personal skills of a lawyer to win clients.

However, digital marketing tools can help you raise your law firm's brand awareness more efficiently.

Then let your personal skills do the rest.

## **The Internet era**

Remember when Google bought YouTube for USD 1.65 billion in 2006 or when Facebook bought WhatsApp for USD 19 billion in 2014? These numbers are few. I know. However, they set a milestone in every market. They proved what a company could do when it knows how to operate using the internet.

They proved what a company could do when it knows how to operate using the internet.

### **The new online distribution channels**

Today there are thousands of companies that changed their operation to promote their services online, and crushed their competition.

However, this success was not only because they created a website. It is much more complicated than that.

This success is due to the correct execution of a marketing strategy focused on its customers.

Understanding their pain points and create specific solutions.

These companies are taking advantage of on-line tools to reach thousands of people in seconds from their cell phones.

That's the key!

### **Sales v. Marketing**

It is crucial to make this big difference: marketing activities are not the same as closing a new client.

Law firms cannot evaluate the performance of their marketing department by the number of new clients they bring.

Why?

Because clients hire lawyers.

Lawyers are in charge of knowing the clients, of understanding their problems, of liking them.

The objective of a marketing department is to execute strategies to increase the law firm's brand awareness.

Once a potential client knocks on the door, it is the lawyer's job to close the deal.

### **Definition of sales and marketing**

On many occasions, I have seen how lawyers transform their faces when I ask them if they have worked in sales.

As if this were something terrible or that could affect his reputation.

The truth is that sales are the engine of any company. It is what defines your success in the market.

A company without sales is a company without profit, and a company without profit is doomed to fail.

On the other hand, we have marketing activities.

[Philip Kotler](#), a professor at Kellogg School of Management and one of the most important marketing experts in the world, defines marketing as:

*"Marketing is the science and art of exploring, creating, and delivering value to satisfy the needs of a target market at a profit."*

*Marketing identifies unfulfilled needs and desires. It defines, measures and quantifies the size of the identified market and the profit potential.*

*It pinpoints which segments the company is capable of serving best, and it designs and promotes the appropriate products and services.”*

However, what exactly is the difference between marketing and sales?

In my opinion, marketing activities aim to identify needs in the market and design products and services to meet them.

Sales are the closing of a transaction.

### **Digital marketing: the new traditional marketing**

Until very recently, people considered online marketing as something different from traditional marketing. By traditional, I mean media advertising, conferences, or newsletters.

Very few managers paid attention to the content of their corporate website or social networks. This mindset has changed.

Now, online marketing is an essential element of any company. There is no longer a marketing strategy that can ignore social networks or Google.

### **Advantages and disadvantages of digital marketing**

The success of social networks and Google is because everyone uses them daily, for hours. LinkedIn, YouTube, Google, Twitter, and Facebook have become part of our daily lives and has helped us to communicate with anyone anywhere in the world. They have become a source of knowledge and entertainment. While it is true that communicating with any-

one can be done in seconds through our cell phone, the reality is that today there is an oversaturation of information.

We receive hundreds of emails, thousands of notifications on all networks, WhatsApp messages.

The trick to win is to know how to get the attention of your niche market, and the most important thing to win their attention is to share valuable information.

Something that can solve a problem they are facing, or at least entertains them. Otherwise, your posts will go unnoticed, and all the time you invested will go to the trash.

Remember the rule of the 7 seconds of Google: You have 7 seconds to gain the attention of a person when entering your site. Otherwise, they will go elsewhere.

### **Creating relevant and consistent content**

I read [Joe Pulizzi's](#) Epic Content Marketing book, and it changed completely the way I thought about marketing and business.

There is one fantastic quote I will never forget:

*"Customers don't care about you or your services. They care about themselves, their wants, and their needs."*

Content marketing is about creating information that helps your customers solve real problems. It helps your readers to discover (preferably on their own) that you are the best lawyer in your field.

You have to know the pain points of your target market and create the content of value to position yourself as an expert and gain the trust of prospective clients.

Then use online marketing tools to get your message across and build awareness.

I built [Red de Firmas](#) implementing these same marketing strategies, and business has been growing great.

### **What happens in law firms?**

Until recently, few law firms paid attention to marketing activities. I don't know why.

During the 80s it was perhaps not necessary to have to leave your office to bring customers. Lawyers could sit back and wait for clients to ring their phones.

### **Law firms' directories**

Then came the law directories, starting with [Martindale](#). During his golden years, Martindale was the only way for potential clients to know your signature.

They had a monopoly on the "yellow pages" for law firms.

### **The Rankings**

Then, [Chambers and Partners](#) appeared and created a new advertising model for law firms: the rankings. These new magazines allowed law firms to publish the transactions they represented during the year.

### **The reputation of lawyers in the digital age**

An essential element to promote yourself as a lawyer is to provide excellent service.

There is no better marketing than that which comes from highly satisfied customers.

Our reputation as a lawyer is our most valuable asset.

Digital marketing tools are nothing more than devices that allow us to communicate with a much larger audience in seconds.

To have better communication with our online audience, we must follow the same principles as when we talk to someone personally.

You cannot arrive from anywhere with the CEO of a company and offer them to change their lawyers and hire your firm.

First, you need to work on creating a relationship of trust, and then you will have the opportunity to offer your services. So, the first thing you have to be aware of is to focus on helping.

Communicate information that helps your target solve problems they face in the day-to-day work.

The key to an efficient marketing strategy is to help. Helping people brings trust and builds a good reputation. Good reputation and personal skills bring clients.

### **Use your time wisely.**

Raising your brand awareness or improving your client's loyalty is a long-term strategy.

The most important thing to remember is that

you have to be relevant and consistent while executing your marketing strategy.

We all want to bring new clients to our firm. Closing a deal requires a lot of effort and patience.

However, if you have a great marketing strategy, execute it correctly, and have excellent people skills, you will be successful.

Remember that B2B sales do not close as fast as we wish. Consider that you will take around 6-8 months on average to work on your prospects.

Continue giving away valuable content and gain the trust of your prospects.

### About the Author

[Pepe Toriello](#) is a Mexican lawyer graduated from ITAM and alumni of the LLM/Kellogg program in Northwestern Law.

Before founding [Red de Firmas](#), he worked in three of the most important law firms in Mexico in the fields of M&A, energy and project finance.

He currently advises big law firms to implement marketing strategies, and also advises corporations to become more efficient by implementing legaltech in their processes.

He's been a guest lecturer to speak about legal innovation and online marketing at schools like ITAM, Northwestern, and Fordham Law.



Reimagining Justice

BY ANDREA PERRY-PETERSEN

Welcome to Reimagining Justice - a global podcast for the change makers in law and the first Australian-based podcast shining a light on issues at the intersection of law, social justice and innovation. Join Andrea Perry-Petersen, an Australian lawyer and social justice advocate, as she interviews guests from around the world who have discovered and implemented innovative ways to update the legal profession while improving people's experience of the law.

Legal Business World  
Podcast



# Legal Innovation starts here

By Ulf Lindén, co-founder of LegalWorks

We live in an era of innovation and technology change reshaping the whole infrastructure of society. But where is innovation and change happening among business lawyers? The legal industry is still dominated by two main groups - the traditional law firms and the in-house legal counsels employed by the large corporations. As of today, we have not seen a lot of innovation coming out from these groups. Quality and high performance – yes. Innovative products and services - less. Perhaps not surprising as the main driver of most traditional law firms is hardly playing the in-

novative long-term game of value creation but rather maximizing yearly profits and the in-house legal teams constantly struggling to do more with less. As being a previous in-house counsel myself, I know how hard it is to turn your ambitious improvement ideas into reality when dealing with the daily pressures from the business.

For the last ten years alternative players have been advancing into the field of business law – the alternative legal services providers (ALSPs) and the legal tech companies.

These players are aiming to transform the industry by technology, new business models and shifting from a high performance to a growth and innovation-mindset, a road less travelled in legal - paved with both challenges and opportunities.

### **The challenges.**

In a recent survey in Australia (The Legal Innovation Report 2019) the two biggest obstacles in driving legal innovation were not surprisingly found as “Getting enough time and resources away from Business as usual” and “Upskilling teams and improving processes”. If you have a management team with focus on annual dividends to the partner collective and lawyers trained to play it safe with no time and resources for driving change projects, you should not expect a lot of innovation coming out from the organization. If you measure and reward people on billing hours you will get billed hours, not innovative products and services. As result, you will often meet a general organizational bias for status quo that can make innovation and change a challenge. Something fundamental needs to be changed to traditional legal organizations before innovation will happen. They need to create a culture of innovation. The question is how that is achieved?

Among the inhouse counsels, the situation is similar where “Doing more with less” is by far the biggest organizational challenge year by year as shown by [Nordic General Counsel report](#) by ALTNordic. The workload is driven by increased regulation in combination with increased complexity of the business. It is the classical catch 22. You are too busy to have

time to drive your improvement and efficiency projects that will free up time to focus on the strategic and important matters. And it is of course not a fertile ground to grow innovations.

### **The opportunities**

At the same time the opportunities are massive. There is for example a huge potential to automate a lot of the typical tasks of an in-house or law firm lawyer. A large part of lawyer’s work is about analyzing data, semantics, logic and procedures. This tasks that computers generally do much better than humans. However, we are lucky that humans do other things much better than computers (at least currently) such as strategy, creativity, empathy and collaboration. The combination of both, human and machine, is the winning concept as I see it.

The opportunities to develop new tools that help clients to solve legal issues and lawyers to be able to become much more powerful and effective cannot be over-stated. Personally, I think we are just in the beginning of this journey. Here are a couple of signs of the new era:

- While there is no burning platform yet for the traditional players in the legal industry, there are new players with new business models advancing, like Axiom, Elevate, United Lex, Radiant and also the Big4 with massive resources and also an appetite for investments (note E&Y acquisition of Riverview Law’s technology based legal services business).
- There is increasing number of legal tech

start-ups with smart technologies replacing a lot of the classical artisanal legal work, for example creating and reviewing legal documents. Presently 1207 legal tech companies are currently listed in Standfords CodeX legal tech index and the numbers are growing steadily year by year.

- You will find legal tech events around the world attracting lawyers, students, coders, investors and others. The annual tech event LegalWorks is running in Stockholm, [Nordic Legal Tech Day](#), has almost doubled its visitors each time the last 4 years. This year Nordic Legal Tech Day had more than 25 tech companies meeting up for one day together with lawyers, investors and tech people. In UK LegalGeek has 2000 visitors to their conferences.
- The total investment into legal tech has been growing dramatically the last ten years. In 2018 the total investments into legal tech reached 1 billion USD (according to Investec). That is a fairly big number and important to fuel further innovation.
- Technology has become so much better and affordable the last 10 years. In the 1990s a contract data base project for a company could have a six digit budget expanding over several years. Today you can buy a cloud-based contract management tool doing more or less the same job for 39 USD a month and implement it the next day.

So, in some parts of the legal industry innovation seems to be flourishing and money is finding its way to the inventions.

## **Culture of innovation**

Innovations does not happen in a vacuum. So how do you create a **culture of innovation** in a legal environment?

Dr Waguish Ishak has spent a lot of thinking on how to create a culture of innovation as a R&D chief in Silicon Valley for 40 years. In his report for McKinsey Quarterly he points out that “No culture can be innovative without great people” and that you need to find the people with the right mindset. “These are people who want to solve problems that matter and take the from invention to final product”. This sounds like a pretty sound advice and for the legal industry it means that you may need to recruit a different kind of talent, screening for different skills and traits than what you are used to.

Having great lawyers with a passion for solving problems is a good start. You need to understand the law to be able to automate it. But not less important is having skilled project leaders and technologists on the team. Then there is the missing link: How can you take the law and structure it into code? Is it even possible with all the “if’s” and “but’s” of the law? This I believe is the biggest challenge when it comes to legal innovation. Very few understand both law and technology, but there are lawyers that are system thinkers and can see the patterns behind the lawyers often intuitive and experience-based methods. Make sure you start recruiting them and then add technologists that are open to learn a bit about the law.

Last year LegalWorks got a public grant to develop a corporate administrative tool together with the blockchain company Chromaway.



I was positively surprised how quickly the technologist got behind the lawyers “it depends”-answers we gave them and systemized the different options in a logical structure that can be turned in to code and algorithms.

Lawyers and technologists need to work together and the technologists should not be afraid to take the lead in the development, since they generally have better project management skills than lawyers who may tend to focus on detail and avoiding mistakes rather than progressing the project.

A key take-away is that you need to recruit the right team, which likely is different from the team you normally have in your legal organization. You need both lawyers that are passionate about solving problems that matters and technologist helping them to turn ideas into code.

In order to create a culture of innovation the legal industry can learn a lot from start-ups. For example, to be prepared to take risk and face a failure. Many legal professionals are from the very beginning taught a fear of making mistakes and errors together with developing a risk avert mindset. Meanwhile recent organizational psychology research and studies likes Googles Project Aristotle show that the hallmark of innovative teams is psychological safety meaning that team members feel safe to take risks and be vulnerable in front of each other. Failure must be an option in your organization if you want your staff to develop new innovative products and services. Is that values you promote in your organization?

Another thing you can learn from start-ups is to be prepared to spend a lot of money with-

out any guarantees on return of investment. Investments in technology are long-term and there is always a tech risk attached to it. You will need a significant R&D budget if you want to see your innovative ideas turn into reality.

So all in all, there is no surprise that the legal industry has been slow to technological change considering the modus operandi of the legal departments and law firms. If the traditional players will change its ways of working into a more innovative path remains to be seen. If not, there will be others driving the changes in the industry.

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### About the Author

[Ulf Lindén](#) is a senior legal and management professional and entrepreneur with experience from in-house law departments in large international companies, law firms and consulting business. After eight years at a law firm, Ulf went in-house to become a corporate lawyer. For 14 years, he was leading the Swedish legal teams for companies like Pharmacia and GE Healthcare. In 2015 he founded [LegalWorks](#) with Leif Frykman.



[Resolve Disputes Online](#) is dispute resolution software as a service empowering ADR experts, courts and tribunals with innovative technology to improve access to justice around the world.

# Innovation, Disruption, and Impact: Should We All Jump Aboard the Legal Tech Hype Train?

By Peter Melicharek, Lawyer and Entrepreneur in Vienna and Franziska Lehner, Legal Engineer and Product Owner at the Austrian Federal Computer Centre. Feature Article Editor: Victor Olabode Munis, Legal Practitioner, Nigeria and the United Kingdom.

*Views expressed are those of the author and should not be attributed to the Editor.*

Digitalization has been an ongoing process for decades now. That carries innovative, as well as disruptive, potential for several industry sectors. Nevertheless, the “legal tech revolu-

tion,” as some call it, continues to get blown out of proportion. The status quo from the Central European perspective is that software solutions that some aggressively promote as “artificial intelligence” are, in reality, no more than conventional search engines with a fancy user interface and marketing label.

Paul Bauer Photography



In other cases, some predictive analytics disappointingly work only in routine cases with standardized facts. Further, potentially promising solutions using machine learning are requiring upwards of a four-digit number of comparable cases to bring reliable results – more than the databases of what most jurisdictions can offer at the moment. To sum it up: Too many wizards! But where is the magic?

### **Chasing Buzzwords and Revenue: Putting Legal Tech into Proportion**

“It’s not new. It’s only new for lawyers”, said Thomas Kohlmeier, the co-founder and Managing Partner of Nivalion AG, at the Berlin Legal Tech Conference 2018, reminding the audience, mostly lawyers and legal professionals, to choose a humble and modest approach to technology. This seems even more valid when the legal industry is put in proportion with its potential economic impact. The combined worldwide earnings of the ten biggest global law firms by revenue fail to equal the revenue of the smallest of the “Big Four” accounting firms, comprised of Deloitte, Ernst and Young, KPMG, and PriceWaterhouseCoopers. The combined revenue of the top ten global law firms by revenue was roughly \$25 billion last year, according to *The American Lawyer*. In contrast, KPMG, the smallest of the Big Four, reported earning roughly \$29 billion.

Reading through ALM Intelligence’s study “Elephants in the Room Part I” (2017), one would tend to believe that clearly the Big Four’s expansion into legal consultancy would become a far greater threat to the industry than all robo-lawyers, artificial intelligence, chatbots, due diligence and contract automation tools put together. From a numbers

perspective, the revenue of each Big Four accounting firm is still significantly less than the dinosaurs of other industries. For example, Walmart reports that it earned in \$486 billion in revenue last year, while Apple reported earnings of \$267 billion. These revenue differences call for the phenomenon to be put into perspective. The Big Four’s exploration of the legal business may not change the law firms’ universe at all in the long run, as cross-selling of legal services might not work, particularly if most clients hate it. Further, it is doubtful that using an accounting firm’s brand and partial infrastructure will be sufficient to lower access barriers for potential clients and to create the need for legal advice where there is none.

Momentum for innovation has, to a great extent, always come from the side of the clients and, from there, percolated into the world of lawyers. It is very likely that this trend will continue. Instead of chasing after buzzwords, whoever is ready to listen to what their clients believe, will change their businesses and will be in a good starting position. Hence, changes for clients are also likely to have a certain impact on their legal advisors. The legal business should concentrate on clients’ requirements rather than celebrate itself for what it supposes to be innovative.

### **Demystifying the Hype: Focus on the Impact Factor**

While innovation is described as a greenfield novelty, the term disruption is defined as a change to the traditional way an industry operates, especially in a new and effective way, and as interrupting the normal course. The latter carries, to some extent, the element of destruction, or at least a major disturbance, of the old with it.

Neither innovation nor disruption has any effect unless combined with impact. Impact may derive from associated industries and vice versa, such as the innovation of Frederic Tudor, known as “the Ice King,” in 1806, namely an insulated brig for transporting lake ice to distant markets, which later brought enormous impacts for the world’s food industry and related supply chains, commodity futures markets, and patent litigation. Tudor’s innovation was disrupted by Jacob Perkins’ compressor chiller machines in the 1870s, which was disrupted by the household refrigerator in the 1920s.

While technological innovation is certainly a factor confronting the legal sector with considerable changes, the side effects of digitalization in other industries actually reflect on the legal sector being much stronger than its own innovations. To generalize these side effects as “legal tech” would mean ignoring from where the impact’s force came and where it hit. Technology is not automatically legal tech only because it is being used by lawyers.

### **A Look into the Crystal Ball: A Bold Forecast Is Justified**

Judging from media and social media coverage, the hype around legal tech is clouding our judgment. What effects will digitalization, whether originating from the protagonists on the side of the law firm or from the clients, really have on the legal industry globally and locally? As Amara’s Law states, we tend to overestimate the effect of a technology in the short run and underestimate its effect in the long run. Under this principle, a bold forecast is justified.

Let us examine the number of lawyers per resident in the most litigious countries, an inter-

esting statistical benchmark. According to Clements Worldwide, the United States has one lawyer for roughly every 300 people, compared to New Zealand, Spain, and the United Kingdom at one to 400, and France with one to 1,400. Will overpopulation of lawyers in some jurisdictions change as legal tech advances? Will legal advice become less dependent on particular features of the local turfs? Nobody can safely predict this. We believe that local competition in jurisdictions with a lawyer per capita ratio significantly below 700 will lead to an increasingly dynamic market, irrespective of technology that soon will be widely used and thus no longer represent a unique selling proposition.

### **Democratisation of Legal Knowledge is the True Disruption: With Little to No Direct Impact on Lawyers**

Certain technological advances will give rise to substantial changes in the legal business. One area is small consumer claims, an area not particularly attractive for law firms because they are largely processed manually at the moment. These claims, however, will become interesting when handled by algorithms. The claims cover a broad range of activities, such as airplane passenger disputes, small investor protection, car accidents, small insurance coverage, and shipping damages. All of these claims, as well as claims clearings, currently are unlikely to threaten traditional lawyers’ businesses. Yet, the sheer number of small claims cases may result in a relatively reliable prognosis of the possible outcome of such disputes in the near future.

This predictive ability will have an impact on litigation and risk financing institutions, which consequently may face fiercer

competition soon. Those engaging in such small claims cases will probably want to explore technology that helps to structure incoming communication and data, such as web-based client on-boarding systems, application programming interfaces (APIs) to existing law practice management software and case management tools, and chatbots to cover commonly asked consumer questions.

Just as most consumers are satisfied with having their routine legal questions answered for free by chatbots or question and answer websites on a “good enough” basis for their small-value disputes, the algorithms for risk assessment of standardized mass cases will very likely trickle down to the public, too. Small claims will be offered on peer-to-peer marketplaces for factoring at a discount, making litigation financing a commodity. The legal business’ elitist Hermetism will soon be over, when the veil of mystery is replaced by easily accessible knowledge.

## Summary

Legal tech sheds a positive light on the future of legal services. Instead of eradicating lawyers’ jobs, legal tech will create a new business segment in a field that was, until now, more or less unattractive—small routine cases. In the traditional and high-profile segments, legal tech likely will not see a revolution. Instead, clients will pay less for standard routine jobs, and legal tech will simply help to rebalance the market, making a lawyer’s life a little less work-intense at the same time. Lawyers who wish to seize some of the opportunities that the megatrend of digitalization has only just begun to open up, will find a very positive

environment for improvements to their daily work. Support and inspiration can be found in meetups, social media groups, and literature. Some case studies can be found in “Legal Tech: A Practitioner’s Guide,” authored by Markus Hartung, Dr. Micha-Manuel Bues, and Dr. Gernot Halbleib and published by Beck and Hart in 2018. As the case studies show, lawyers should start with a thorough analysis of their current traditional procedures and workflows. Optimizing your law firm’s output and efficiency using technology will bring benefits and noticeable progress, at least in the first steps and soon after finding out where the pain points are. A common pain point is work that clients neither consider useful for them nor wish to pay. Legal tech can help you focus on finding workarounds for those pain points, while allowing you to minimize your investment of personal time resources.

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## About the Authors

[Peter Melicharek](#) is a lawyer and entrepreneur in Vienna. He studied law and economics and started his career in an investment bank in the 1990s, before he went to Baker McKenzie to become an M&A specialist and later a litigator, until he opened the litigation and transaction boutique Wiener Advocatur Bureau in 2008. Peter took his first steps in computer programming when he was as young as eight years old. As he kept up his interest in the IT world, he co-founded the multiple award-winning legal tech firm [LeReTo](#) in 2014 to do

some pioneer work in the Austrian and European legal tech field. His team recently won the EU Datathon 2019 with “The Smartfiles Network”, a EU case law analysis and visualisation platform (<http://smartfiles.net>).

[Franziska Lehner](#) works as Legal Engineer and

Product Owner at the Austrian Federal Computer Centre. Franziska has a demonstrated history of working in the legal services industry and developing legal tech and prop tech solutions. As the Founder of the [Legal Tech Initiative Austria](#), she was awarded the “Woman of Legal Tech 2018” recognition.



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WEBSITE ARTICLE OF THE MONTH

**Aditya Shivkumar,  
Co-Founder of Resolve  
Disputes Online**



*RDO - Making Justice Effortless and Accessible*

*[Resolve Disputes Online](#) is dispute resolution software as a service empowering ADR experts, courts and tribunals with innovative technology to improve access to justice around the world.*

# Interview with Aditya Shivkumar, Co-Founder of Resolve Disputes Online

By Editorial Department



**Can you tell us something about yourself and your profession. About the things you do on a day-by-day basis in the legal sector and so on.**

Before I share some of my thoughts to the readers of the LBW, I would like to thank the Legal Business World team for giving me this opportunity and thank them for their effort of sharing knowledge and information on an open platform in the legal field. Hailing from a family of legal and political acumen, law has been a mainstay. Be it from the first parliamentary debate he attended at the age of 5 at the Australian Parliament to being elected amongst 35,000 strong student union community at his university in England to being UK's youngest Mediator accredited with the Civil Mediation Council by the age of 20. I have been passionate about law, politics and justice right from his formative

years, even since my great grandfather became instrumental in the drafting of the Constitution of India during the pre Independence era and overseeing General Elections during his stint as the Chief Election Commissioner of India.

Upon my return to India in 2010, I began my litigation career by appearing in various courts arguing issues ranging from Sport to Civil to Commercial cases. This provided a critical insight which laid the foundation for improving access to justice through technology and the law. Idealistic as it may sound, a crucial takeaway from my litigation stint has been that in India and around the world only 36% of the people are satisfied with the Court Process.

It is the passion for change, desire to contribute to the passion of improving access to justice with innovation that made me and myself, form Resolve Disputes Online. Our motto is making justice effortless and accessible. The passion to deliver a world-class

platform empowering the stakeholders to offer quality solutions to improve Access to Justice is what enabled us to start RDO in the first place.

“If you don’t have big dreams and goals, you’ll end up working for someone that does.” – Unknown.

As a novice in the field of entrepreneurship and in the early stage of my journey as a Legal Tech entrepreneur, one of the lessons that I learnt early in my career is always be resilient and have the nerves of steel to succeed. Failure is bound to come and I am happy to share with you today that RDO is my second venture in this space. My earlier venture bombed with elan but it brought in resilience and desire to succeed. The result of this resilience and belief is RDO.

Within the legal sector I look to engage with thought leaders and entrepreneurs in the quest to empower digital justice to every citizen around the world.

**You are Co Founder of Resolve Disputes Online (RDO). RDO is dispute resolution software and as such improves access to justice. What are its key elements? How does it provide value? And what’s the role of technology in this approach?**

Resolve Disputes Online was founded in 2015 enable easier access to justice through innovation of the law with technology. With a rapid rise in demand for ADR (Alternate Dispute Resolution) the future is ripe with opportunity. One cannot be everywhere when disputes arise. RDO’s pioneering technology enables you to resolve disputes from anywhere in the world, as long as you have got access to an internet connection. As Industry experts, we set out to build an Online Dispute Resolution (ODR) solution we’d want to use ourselves. It is a solution built from the groundup to leverage one’s considerable expertise, not dull it. So we came up with RDO, a simple software for experts to resolve disputes.

Our Motto is to empower Digital Justice around the world. In our quest we have designed and developed a dispute resolution software as a service designed to empower ADR experts, courts and tribunals by leveraging the best modern technology to improve access to justice around the world. This platform runs both on centralised and decentralised ecosystems.

RDO's technology has been built by lawyers, mediators and arbitrators from around the world who understand the need for greater access to justice and dispute resolution because they have experienced it themselves. RDO's technology is created by dispute

resolution experts from around the world who understand the ADR and litigation processes. RDO can create and host your very own branded platform comprising of effortless case management, dispute resolution tools and insightful data analytics. RDO's belief in effortless dispute resolution is reflected by its 'birds on a wire' logo. Dispute resolution, like birds chirping on a wire, should be easy and accessible.

### **How does RDO differ from similar initiatives? What's the added-value RDO presents?**

There are other ODR players in the market who are run by technologists and people who believe in Innovation. RDO is nuanced within the same space, we are lawyers, mediators, judges, barristers, solicitors who understand the need of the people and the prowess of technology. We work with the grassroots Alternate Dispute Resolution Community to build our platform, work with end users and understand what do they look whilst resolving an issue, such is the nature of the innovation that it is built with empathy and commitment to enhance the chances of digital justice around the world. We hear the voice of the industry, the people and their aspiration to deliver a world class ODR product.

Therefore, we are a white label, B2B bespoke ODR platform provider to courts, tribunals, ADR Centres, ADR practitioners and any gatekeepers of disputes such as Banks, Insurances, Credit Card companies amongst other target audiences.

We are happy to share with you and your readers that with RDO's tailored application, anyone can launch their own bespoke ODR application in 96 hours !

### **Do you have plans for a world-wide roll-out of RDO? Are there any differences compared to the Asian market which might hinder a roll-out to other continents?**

It is a very strategic question, the beauty about RDO is that it is sector agnostic and jurisdiction agnostic. We are looking to explore all possible options into rolling RDO out in regions that has a strong and robust demand for an ODR solution. Apart from linguistic and mindset shift that may come with any continent, RDO does not foresee any problem whatsoever in moving into continents around the world. Infact the world is moving towards ODR which is good from an RDO standpoint as it would give us an opportunity to pursue our mission: empowering digital justice around the world. However I wish to dive a bit more deeper into the two issues mentioned as critical challenges:

First, it is difficult to change a person's mindset to accept a virtual platform rather than physical interaction. People want to see the lawyer in the flesh and communicate with

him/her in real life. It takes time to shift such a mindset.

Second, people are afraid of change and are reluctant to devote time and resources to implement new software and upgrade existing technologies. Technology is constantly changing so there is a need to stay updated with the times.

What's overall your opinion on the current process in the Legal sector when you think about development, planning and implementation of (innovative) tech strategies?

We are witnessing a tectonic shift in the mindset of people within the legal sector. Earlier technological innovation was an option within the industry but over the last 12 months, the legal tech sector has witnessed the growth of 713% highlight the importance technology plays within the legal industry. We are now in an era where technology is an intrinsic part of the legal industry. We at RDO call the next decade as a decade of harmonisation between human interaction with legal technology solutions.

**Do you see differences between Asian, American and European firms in their daily operation and how they develop, plan and implement (innovative) tech strategies?**

The traditional legal services industry is at the cusp of being eclipsed by technology in the coming decades. Law firms are realising the importance that technology plays, especially with the growing need for automation in commoditized work products. Many top law firms in Asia are examining use of legaltech where the same has been in vogue in law firms in Europe and America. This has got to do with the Oriental mindset of conservatism vis a vis a liberal outlook to technology in the western world. Whilst the paths may be different, I have observed that the destination remains the same: Embrace Legal Tech and offer innovation as a service to your clients.

**Do you think that Law Schools understand the need to change the traditional curriculum or at least give more attention to the business of law?**

Yes they do, and we are seeing various such initiatives around the world. It gives me great pride in sharing with you that RDO is collaborating with an UK university to setup the world's first pro bono ODR clinic in the first quarter of 2020 and is working closely to setup a similar ODR Clinic with a leading SE Asian University, representing a mindset shift in Law schools around the world. Legal Tech will begin to play a crucial role in the curriculum in the coming decade.

**As Law Schools are the breeding ground for lawyers, Can we increase the**

**acceptance of changing the curriculum?**

The next decade will see a new breed of lawyers emerge, Legal-Tech Professionals who will not only be able to offer legal advice but also understand the finer nuances of how technology works. Perhaps who knows, lawyers of tomorrow could double as coders too !

There is a lot of discussion ongoing about disruption in the legal market: a big bang against incremental change. Some say the legal market is on the verge of a disruptive force that will have a huge effect on the market. Then again, others say change will be an incremental process and the market will evolve naturally. What are your thoughts on this?

I am often reminded about the story of the bamboo and the fern. Any industry that grows exponentially without strong foundations is bound to have its bubble burst at any given opportunity. The legal industry has matured over centuries to have robust foundations to integrate technology within its ecosystem. It will be one of natural progression and continuous development. Disruption is becoming a fad, every second idea is a disruptor. No technology will disrupt any industry if it does not have an intrinsic value and any technology will only be an enabler in any industry.

**What advice can you give the young legal professionals or aspiring legal entrepreneurs about starting company and/or working for a legal startup?**

“If you don’t have big dreams and goals, you’ll end up working for someone that does.” – Unknown.

As a novice in the field of entrepreneurship and in the early stage of my journey as a Legal Tech entrepreneur, one of the lessons that I wish to share with the future entrepreneurs and innovators is to always be resilient and have the nerves of steel to succeed.

Failure is bound to come and I am happy to share with you today that RDO is my second venture in this space. My earlier venture bombed with elan but it brought in resilience and desire to succeed. The result of this resilience and belief is RDO.

Tough days become worse but at the end of the journey, you are bound to succeed. Believe in yourself, believe in your vision, trust your passion and know your industry. Entrepreneurship is not about the success stories you see on the front pages but it is about how efficiently you manage the back pages to ensure you get to the front with precision.

**Any closing remarks?**

Anyone who is passionate about Access to Justice is welcome to join us in our journey to change the way disputes are being resolved around the world.

We are at the cusp of a tectonic shift in the way disputes are being resolved and at RDO we would like the best minds who have a fine understanding of business and legal industry to be part of this exciting and challenging journey.

RDO is here to empower you to launch your own ODR service. We look forward to working with Courts, Governments, Businesses, ADR Centres and ADR Practitioners in the coming years

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### **About Aditya Shivkumar**

[Aditya Shivkumar](#) Is the Co Founder of [Resolve Disputes Online](#) which was founded in 2015 and subsequently incorporated in 2017 to enable easier access to justice through innovation of the law with technology. With a rapid rise in demand for ADR (Alternate Dispute Resolution) the future is ripe with opportunity. One cannot be everywhere when disputes arise. RDO's pioneering technology enables you to resolve disputes from anywhere in the world, as long as you have got access to an internet connection. As Industry experts, we set out to build an Online Dispute Resolution (ODR) solution we'd want to use ourselves. It is a solution built from the ground-up to leverage one's considerable expertise, not dull it. So we came up with RDO, a simple software for experts to resolve disputes.

He is a sought after speaker in the field of Legal Technology and was recently invited to address India's first Legal Technology Conference which took place in Delhi on the 15th July 2017. He has been invited to be the Keynote Speaker at the 8th Asia Pacific Mediation Forum in Da Nang between the 11th-13th November 2017, Society for Construction Law Annual Conference in Singapore, 2018. Recently he has been invited to speak at the IPQuorum, Russia on Intellectual Property and Online Dispute Resolution. He has also addressed the World Mediation Summit, an annual affair taking place in Madrid, Spain. Aditya has been a member of the famed international Mediation Institute's ODR Task-force for the year 2015-2016.

Aditya has been nominated to this year's Fortune India 40 Under 40 Class of 2019 and is emerging as a thought leader in the field of Access to Justice and Legal Technology.



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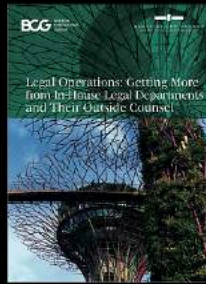
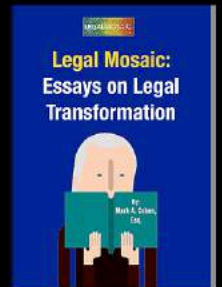


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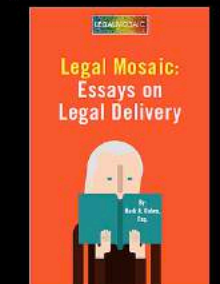
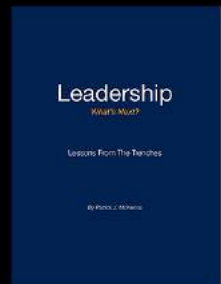
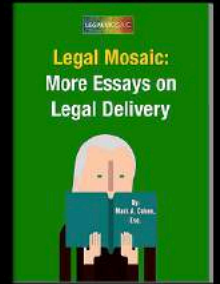
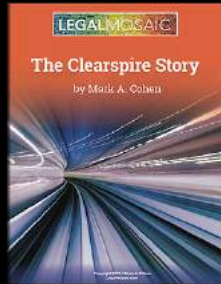
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