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An Interview with Soledad Atienza Dean IE Law School, IE University

Contributors: Peter Connor, Lindsay Griffiths, Patrick J. McKenna, Mauricio Duarte, Abeer Abu Judeh, Sebastian Hartmann, Stephan Kaufmann, Ab Saraswat, Ari Kaplan, Richard G. Stock, Shany Raitsin, Iraidá Herrera Abreu, Helena Hallgarn, Alex Kelly, Anders Spile, Josh Blandi, Pamela Cone, Leo Staub, Anjli Garg

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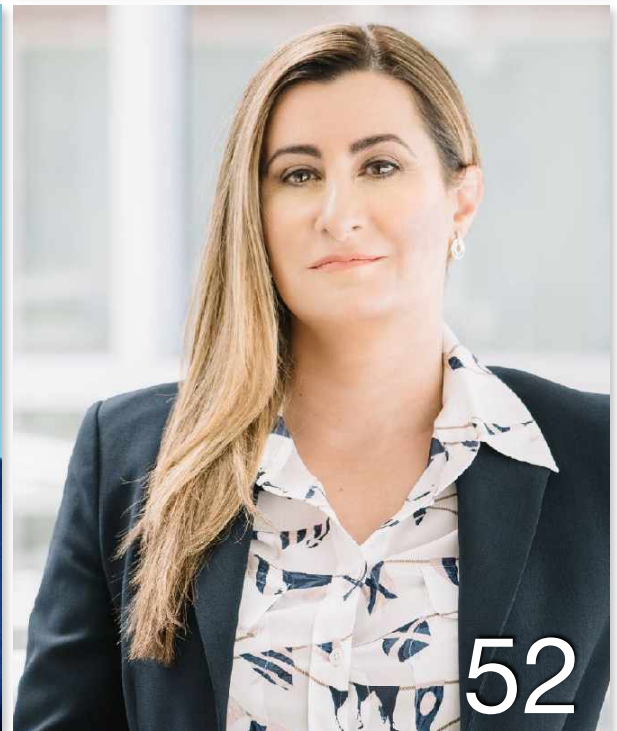
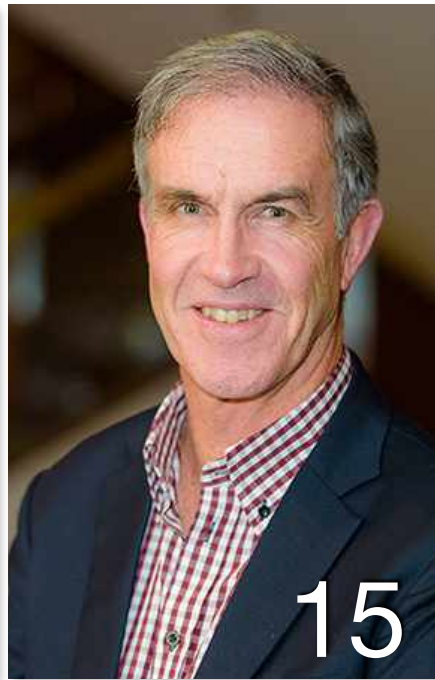
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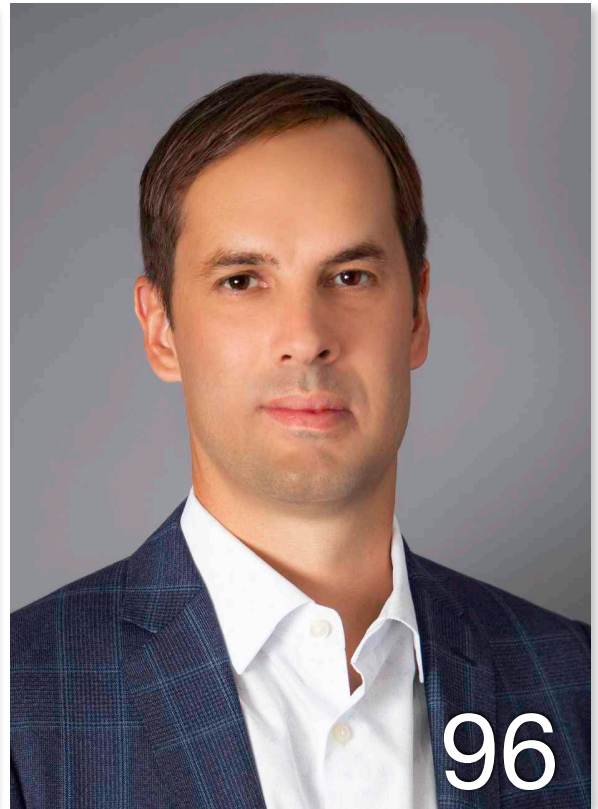
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The world is changing rapidly with the Covid-19 pandemic acting as an accelerator. This also applies to the legal market: The pace of digitization is increasing significantly, while the number of sceptics is decreasing. This leads to a wide range of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

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

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An Interview with Soledad Atienza

Dean IE Law School, IE University

1. Dr. Atienza, first and foremost: congratulations on your recent assignment as Dean of the IE Law School in Madrid. You will also continue your teaching role. What inspired you to apply for this prestigious position?

This is an amazing Law School, that is part of a forward-looking university and it is an honor to step into this position. I am thrilled to

have the opportunity to lead this great law school with a community of over 8.600 alumni from 79 nationalities, a most diverse and international student body and truly global faculty body, where providing top global legal education drives us every day.

Lawyers, as architects of society, are called to contribute to solve global social problems. At IE Law School, with that same commitment

and passion, that characterizes us as an institution, we are rethinking higher education and we are taking this opportunity to reinvent 21st century legal education.

2. If you have to choose 3 unique selling points which 3 should you choose to describe your School?

Global legal education. Legal education that goes beyond borders is now more important than ever, as local solutions or perspectives are not enough. We train our students through [comparative law](#) to master the different legal systems and provide them with a unique and creative **global legal mindset**. We also offer them multijurisdictional programs, offering the chance to access the legal profession in Spain, in the UK, the US or India.

Intersection of law and technology. We recognize the opportunities that lie ahead to use the [power of technology to improve legal education, legal practice, and legal systems](#), and **we are committed to research and teaching in the intersection of law and technology**. We are exploring the implications in the frontier of tech and law: from Artificial Intelligence and Data Privacy to issues related to Cybersecurity and Smart Contracts, through our think tank, [LawAhead](#), our [Legal tech Innovation Farm](#), an experiential legal tech lab, and our Jean Monnet Module.

Innovative teaching methodologies. Training global lawyers requires **expertise and innovation in global legal education** and we take this challenge seriously. Our

world-class international and diverse faculty, with academic and professional background use innovative teaching methodologies (including case method, flipped classroom or team based learning) and legal industry know-how, and they are the perfect combination to empower our graduates to succeed in the professional world.

3. Could you possibly elaborate a bit more on what your vision for the School in five years looks like?

I see IE law school as a reference in global legal education; as a hub for legal professionals in the broad sense (private legal practitioners, members of public administration and academics), and the IE law school community (alumni, students and faculty) to foster:

- **Innovation in legal education.** Through our global comparative and multidisciplinary approach as well as multijurisdictional legal education model, we take an active role in the transformation process of legal education around the world, to create a more global and tech oriented legal education.
- **Innovation in the legal profession** through research and teaching in new business model, technology and skills applied to the provision of legal services.
- **Close collaboration** with the leaders in the global legal profession, in the private and public sector as well as in academic institutions, including law schools, bar associations and other legal institutions in different regions and different legal

systems, **to serve the legal community and a society** with commitment and passion.

4. What is something that IE Law School is doing right now that you are really excited about? And by the same token, what do you perceive as the biggest threat to the integrity of the School right now?

This is a challenging time for society, for academic institutions and for law schools. And, at the same time is a time full of opportunities for those institutions that have moved from a contingency plan to a strategic plan, as IE University has done.

Under the current context, we have been able to move seamlessly to online classes, thanks to our 20 years' experience in hybrid high-quality formats, an advantage that has been consistently recognized (this year our Global Online MBA has been ranked first worldwide by QS and second by the Financial Times).

However, we have now moved to a new way of teaching: new **liquid learning**. Our experience in Blended Education and innovative teaching methodologies have allowed us to explore new boundaries in order to move to a **liquid learning environment** and to provide our students with immersive, experiential and practical learning experiences (such as our Legal Clinic, IE Labs and online competitions), that combine the on line and the face to face learning.

It is always a challenge to create and to implement a new teaching strategy; but at IE, we

believe that we not only have the experience, most important, we have a motivated and inspired community of faculty, students and staff, necessary to keep innovation in higher education. We are entrepreneurs, we are forward looking and we are ready to make this move.

5. 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? Do you see differences between American, Asian and European Schools in their curriculum and how they develop, plan and implement (innovative) tech strategies?

“Legal technology, development and innovation” is one of the 6 drivers of change in the legal profession described in the report by the International Bar Association on the Future of legal services, by María J. Esteban <https://www.ibanet.org/Task-Force-on-the-Future-of-Legal-Services.aspx>. In this report USA, UK, Australia and Canada stand out in terms of authors doing research and publishing in this field. This gives us an idea of the regions that are more advanced in the implementation of tech strategies.

This is in fact, one of the areas that will benefit from the current COVID 19 situation. As this situation is accelerating the digital transformation of the legal profession, including the judiciary. I believe this circumstance will accelerate the creation and implementation of new tech strategies that will allow the legal sector to provide a more efficient legal service.

Some law schools are also transforming into

more technology oriented schools and we have seen different levels of tech being introduced in law schools. One way is by introducing courses on technology as part of their programs (more intense with mandatory courses or less intense with electives), a second way would be to offer courses on legal tech (understood as technology and digitalization applied to the legal sector); and a third way is to launch programs fully devoted to legal tech, designed to help the legal industry make the necessary changes to become a more digitalized service.

6. As said, the legal profession is changing and professionals need to be more business and tech savvy. What do you see as the biggest challenge for the legal students, and so professionals in let's say five years from now? And what will the impact be of COVID19 on this, if any at all?

Technology and globalization are some of the main forces driving change in the legal profession and in legal education. There are various reasons to promote global legal education, such as the global economy, freedom of movement EU for citizens and professionals, growing number of people movement around the world ... Some law Schools already have students from around the world who have a legal vocation and want to practice the law internationally. Another key reason to promote global legal education is that candidates, students and future lawyers, request it, and they aim for a global mindset.

If technology and globalization are some of the main forces driving change in the legal profes-

sion. Some of the main challenges that I believe currently impact legal education are regulatory ones. Regulation of legal education is quite restrictive in most regions. And even if there is some flexibility that can be used to innovate and to design creative programs (for examples by focusing in alternative pedagogies and not only on content), I believe it is necessary try to change the culture, to take more risks and to innovate.

In connection to regulation to access the legal profession, for member of the EU the advantages are that legal harmonization makes legal systems in the EU more alike and that EU regulations makes it easier to practice law in different member states. I believe the legal market is slowly adapting and some law firms, legal services providers, in house legal teams are hiring lawyers with international credentials, but this is not yet the general practice.

Spain has received many of the top business law firms from the Anglo-Saxon market, Baker and Mc.Kenzie opened over 50 years ago their Madrid office, all magic circle firms (except Slaughter & May) have offices in Madrid, some of the last additions have been White & Case and Pinsent Masons.

This confirms that Spain is still a very interesting destination for international law firms, because of the business opportunities and the connection to LATAM. These law firms are starting to hire lawyers with a more international profile and starting to hire non-lawyers (economists, engineers ...). I think it is in this area where we shall see things changing in the very near future.

7. Many lawyers, GC and corporate counsel talk about the importance of the business of law and it looks like they easily adopt words like Brand Management, Consultative Selling, Legal Tech, A.I., workflow software etc. not knowing what it really stands for. Do you also experience this lack in knowledge and how do you cope with the difference in knowledge levels?

At IE Law School we experience this difference in knowledge levels due to the diverse student body that we have, in our undergraduate and master programs in law we have students from 45 nationalities, and this means different educational backgrounds which we value very highly. In our masters for experienced professionals or executive education programs we have students with many different professional backgrounds, for example in our Master in Legal Tech, some of our students are lawyers, some are managers and some are technology professionals. So we are used to train our students in a diverse environment that includes having different profiles in the same classroom.

We embrace this diversity of profiles and at the same time we understand the challenge of teaching in this environment. For this, many of our programs offer pre courses for those that do not feel comfortable enough in one discipline or the other. And above all, we establish a learning methodology whereby students learn not only from the faculty, but also from each other, by implementing large workload in teams; it is by interacting with each other that students achieve a consensus and reach similar knowledge levels.

8. 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?

This curriculum modification and the need to train on the business of law are very relevant for law schools that focus on training lawyers. In order to fully understand the trends and challenges in legal education (including the need to change the traditional curriculum) and to be able to create a guide with recommendations for law schools and law associations around the world, we have joined forces with the International Bar Association and the Law Schools Global League in order to launch the “[Blueprint for Global Legal Education](#)”, a joint research project to explore trends and challenges of legal education and to make an important contribution to legal education globally.

With the aims to identify the key drivers that shape global legal education, the consequent emerging responses and whether these responses can sufficiently address the challenges confronting legal professionals all over the world,

IE Law School is coordinating this ambitious research project which will be presented in the IBA annual conference in November 2020. Some of the drivers examined include: globalization, technology, and changes to regulatory frameworks.

Through the analysis of relevant literature, law schools’ websites, a global online survey and interviews with key stakeholders, we have engaged in intense work to study the trends that

are shaping the future of legal services, with a particular focus on the impacts of globalization and technological disruption. More than 400 law schools bar associations and other legal institutions participate in this project, which will culminate in the publication of a report to be showcased at the IBA's Annual Conference in 2020. For more information on the project: <https://www.ie.edu/law-school/initiatives/blueprint-global-legal-education/>

9. As Law Schools are the breeding ground for lawyers, how far –in your opinion- can we solve the problem of change acceptance by changing the curriculum?

Changing the curriculum is a step, but it may not be enough. In their **role in driving innovation** in the legal systems and the legal professions, law schools need to take one step further to ensure that they continue to deliver their mission. Their connection to law firms and other legal service providers, and the public sector, in order to add more value to society is very relevant.

We should aim for true **collaboration** to truly rethink the values and principles of legal education to **make better lawyers** for our society.

We should aim to attract top students to law schools, to all areas of the legal practice in a broad sense (private practice, public administration and legal academic) as we believe this is relevant for society. Law schools should work together to promote more vocations for the legal practice. We need to work together

with the public administration and the private sector in order to attract **talented students to law and talented graduates to legal practice.**

About Soledad Atienza

Dr. Soledad Atienza is the Dean of IE Law School and She has an extensive academic experience and a global vision of legal education. She practiced at the leading Spanish law firm Pérez-Llorca and her expertise includes the areas of comparative law and legal teaching methods.

Soledad Atienza is Senior Advisor to the Academic and Professional Development Committee of the IBA (International Bar Association), where she is co-chair of the project “**Blueprint on global legal education**” and is co-director of the Pérez-Llorca / IE Chair of Business Law.

She is author of “**Enseñar Derecho. ¿Puede servirnos la experiencia de Estados Unidos? (Teaching Law: Can the U.S. experience help us?)**”.



A portrait of Peter Connor, a middle-aged man with short, graying hair, smiling slightly. He is wearing a dark blazer over a red and white checkered shirt. The background is a blurred indoor setting with warm lighting.

The shape of lawyers in the future T, O or Delta?

By Peter Connor, Founder & CEO of **AlternativelyLegal**.

Living and working as a lawyer in the US, Asia, Europe and Australia for over 30 years, my legal knowledge and skills were the foundation of my career. But, more than anything, it was a range of non-legal skills and competencies that really helped me to change the way I worked. They allowed me to make more of an impact, enjoy my work more and ultimately be more successful. I'd like to say

that it was all part of a master plan, but it wasn't. It was largely opportunistic and unstructured.

I thought to myself that it doesn't need to be that way for other lawyers. So, in 2015, I decided to form **AlternativelyLegal** and share my experiences through a program that I initially called *Everything But The Law*.

Back then, only a few people were talking about the importance for lawyers to develop, and to know how to use, non-legal skills such as process improvement, design thinking, business partnering and change management.

A lot has changed over the last five years and especially the last twelve months.

At a macro level, there has been a general recognition of the importance for all workers to develop what are often referred to as ‘soft skills’ [1] Also, as the World Economic Forum’s Report on the Re-skilling Revolution [2] highlights, there is a critical and widespread need to *re-skill* and *up-skill* to anticipate the advance of technology and adapt to new roles and ways of working. Re-skilling involves learning new skills and competencies for potential new roles and up-skilling involves learning new skills and competencies for career progression within the same role.

Does this apply to lawyers or are lawyers somehow exempt from all of this?

Many tasks that lawyers do—such as legal research, document due diligence, contract review and, even, assessing the prospects of success in a dispute—can today be done, or facilitated, by technology. As Richard and Daniel Susskind point out in their book, *The Future of the Professions* [3], *increasingly capable machines* relentlessly encroach on tasks performed by lawyers and other professionals and, over time, no task is off limits.

Looking at this up-skilling imperative from a different angle, there have been many studies of late that confirm the critical importance for

lawyers to develop non-legal skills and competencies. For example, The Foundations For Practice: The Whole Lawyer study in the US, based on surveys of over 24,000 lawyers, found that *characteristics* and *competencies* were more important than technical legal skills. As the report states, “*We no longer have to wonder what lawyers need. We know what they need and they need more than we once thought. Intelligence, on its own, is not enough. Technical legal skills are not enough. They require a broader set of characteristics, professional competencies and legal skills that, when taken together, produce a whole lawyer*” [4].

It is now no longer controversial to say that focusing just on your legal knowledge and technical skills might have got you where you are today, but it won’t get you to where you want to be in the future. The debate now is about what specific subject areas are critical and how best to provide education, training and development in these areas.

Many universities around the world now offer various non-law elective subjects such as design thinking and technology-related topics. Others offer more comprehensive undergraduate and postgraduate courses [5] that are typically framed around innovation or technology that include a variety of non-legal subjects.

Universities and other tertiary institutions can, and should, be a key part of the solution to this up-skilling and re-skilling challenge. However, in a world where lifelong learning is now essential and where different types of more *applied* training and development are required for different career paths, other organisations must also contribute.

Historically, law firms have played a valuable role in continuing the development of lawyers after they graduate but that role may diminish somewhat as the focus shifts to non-legal areas and as more individuals don't work in firms as part of their career path. Firms will no doubt continue to provide legal updates, and in some cases legal training, to clients. Recently, I have even worked with a few firms to extend this training to non-legal skills.

To supplement these traditional sources of training, a range of businesses, centres and associations have emerged in recent times offering training courses on non-legal subjects in many countries. In these countries, lawyers now face a different challenge: *how to choose between an ever-growing range of training offerings from an ever-growing number of organisations?* My clients tell me that this challenge can be quite daunting and, given the limited time and budget available for training and development, they want to be sure they achieve maximum impact from their investment.

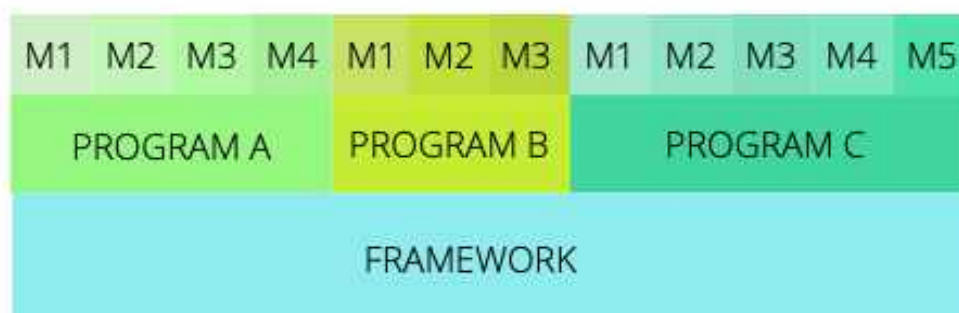
One problem with a lot of the training on offer

is that it is largely ad hoc, focusing on one or two supposedly critical skills or an apparently random combination of skills. How can you know whether what is covered in any program is sufficient and really going to make a difference?

One solution to this problem is to develop a holistic *framework* that forms the basis of, and provides the structure for, more focused *programs* and, for each program, a series of detailed *modules* or *courses*. Ideally, frameworks targeted at the same audience - for example in-house legal teams and individual in-house lawyers - should align with, and complement, each other. That should also be the case for the individual programs and modules forming part of a framework.

So far, three main potential frameworks or models have emerged for the training and development of lawyers that focus on non-legal skills: *The T-shaped Lawyer*, *The O-shaped Lawyer* and *the Delta Model*. This article will now explain each of these and highlight some key differences.

A Structured Approach





to innovate and problem-solve for the organisation as a whole or their customers. The study highlighted that the main obstacle for service innovation through cross-functional collaboration is a skill or knowledge gap. To address that issue, this report recommended that organisations should actively develop more *T-shaped professionals* throughout the organisation. This becomes especially important for the increasing number of companies that are transforming to an *agile* way of working but it remains important even for those that are not.

What does a T-shaped professional mean?

A T-shaped professional refers to someone who has deep domain expertise in one discipline, together with various competencies and skills and knowledge from other areas, that helps that person collaborate with specialists from different disciplines to innovate for the organisation as a whole, not just one department.

THE I – SHAPED LAWYER SKILL SET



1. The T-shaped Lawyer

The vast majority of professionals, such as lawyers, engineers or accountants, are referred to as '*I-shaped*'. They typically have deep expertise in one area but little to no skills, knowledge or experience beyond that specialist domain. Lawyers, for example, have deep knowledge of, and expertise in, certain areas of the law and their training and development has historically focused on honing that knowledge and expertise. They might have undertaken some general leadership, business or soft skills training but their primary purpose has largely been to enhance their ability to do traditional legal work.

As noted in a Cambridge University study [6], the problem with I-shaped professionals is that organisations increasingly need people to work collaboratively in cross-functional teams

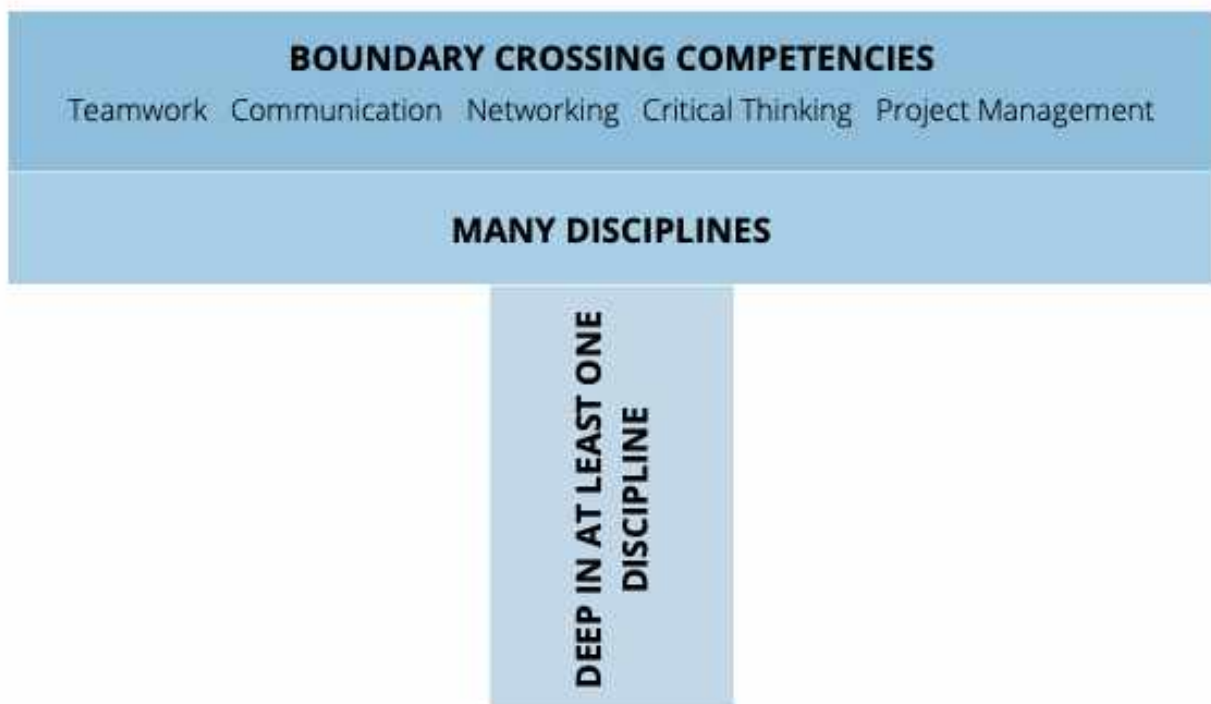
However, the benefits of becoming a T-shaped professional extend well beyond enhanced collaboration to include, for example, being more adaptable and resilient.

References to T-shaped professionals and skills have been around for many years [7]. Recently, various derivatives have been suggested including the Key-shaped, X-shaped or Pi-shaped professionals. Each of these concepts has some merit. However, the T-shaped construct is by far the most widely recognised and adopted globally throughout the corporate and academic [8] world. For example, others have taken the high-level T-shaped professional concept depicted above and applied it in more detail for T-shaped individuals, university graduates, employees, engineers, designers, accountants and IT, HR and marketing professionals.

The fact that the construct is so widely used is one of the reasons I chose to adopt it. I believe that lawyers should stop thinking of themselves as special, especially as one of the main objectives of developing non-legal skills is to collaborate with non-legal professionals. However, the main reason I decided in 2016 to use the T-shaped branding is that it provides the perfect basis for my vision and programs for transformation, not just improvement, of individual lawyers and also for legal teams and law firms.

At the same time, I wrote an article called ‘The T-shaped Lawyer’ that was published in various international publications [9]. I thought that I was the first to make the connection between the T-shaped professional construct and lawyers. However, I subsequently found out

The T-shaped Professional



that someone—R. Amani Smathers—had written an article and spoken at a conference about it a year earlier. Since then, a number of people have written or spoken about the T-shaped Lawyer.

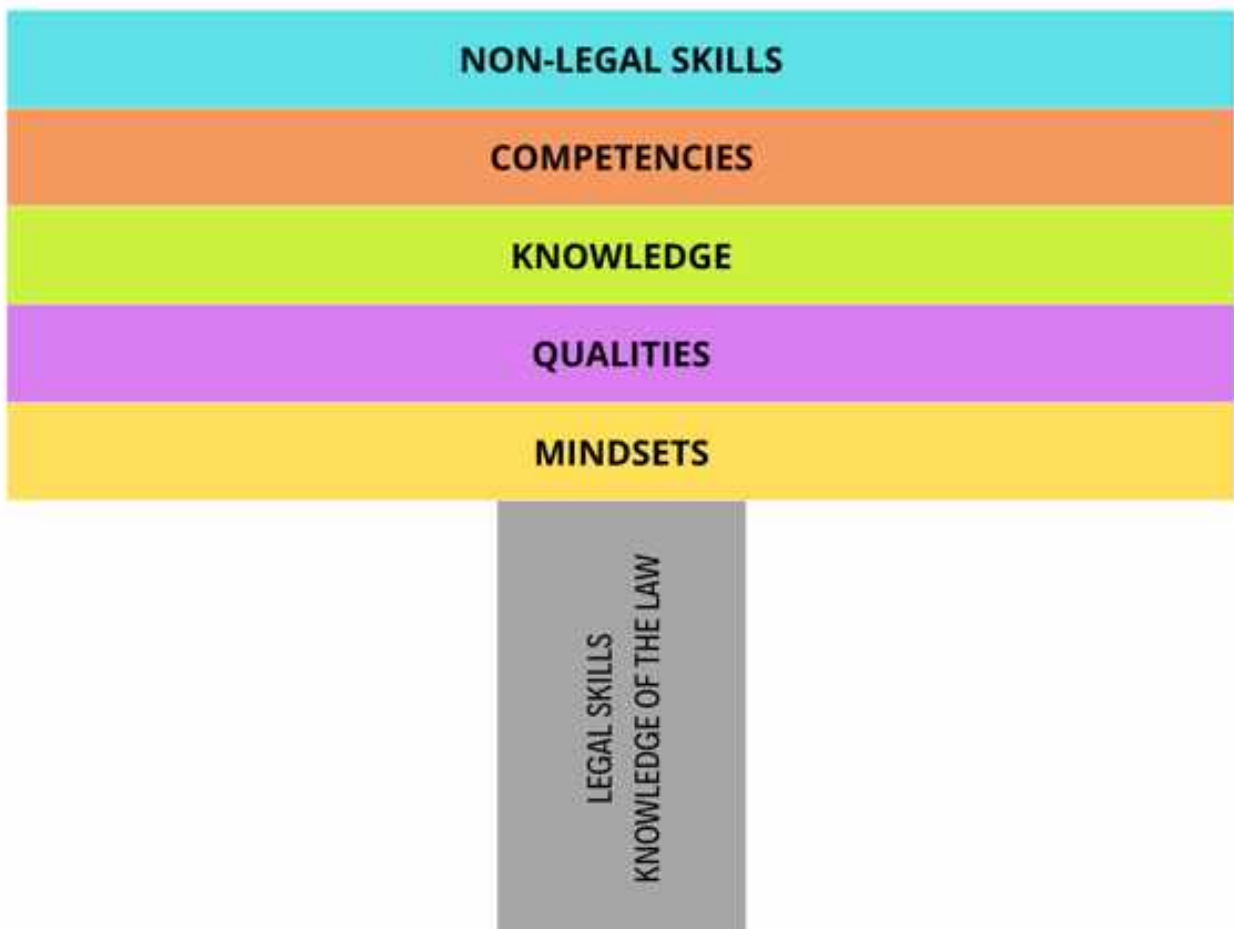
However, as far as I know, I am the only one who has progressed from talking about it as a construct to actually developing comprehensive frameworks and programs for legal teams, law firms and individual lawyers and delivering these programs to over one thousand lawyers worldwide for the last five

years. At a high level, the generic framework, that extends beyond just skills, is as shown below.

There is a lot of detail within each layer of the framework and to explain that is beyond the scope of this article. So far, I have only shared details of the frameworks and program with my clients. But I am planning to make information about the T-shaped Lawyer Framework available more broadly. Stay tuned or get in touch if you'd like to find out more beforehand.

The T-shaped Lawyer Framework™

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service in a more diverse, inclusive and healthier environment.’

The group is seeking to have the O-shaped Lawyer Framework (see below) adopted in two main areas. First, in the early stages of a lawyer’s education at university and in the new Solicitors Qualifying Exam program in the UK.

Second, in the ‘practise stream’ specifically to adopt the O-shaped Framework in the engagement between law firms and in-house teams. As I understand it, they are currently attempting to kick start the initiative with some pilots between firms and in-house teams in the UK.

According to this framework, lawyers can develop these ‘O’ behaviours by having a proactive mindset, together with legal, business and customer knowledge and the skills outlined on the next page.

2. The O-shaped Lawyer

Dan Kayne, general counsel of regions, Network Rail UK recently came up with the idea of the O-shaped Lawyer to develop more well-rounded lawyers by focusing beyond technical legal skills. Late last year he assembled an impressive working group from across the legal profession in the UK and formed *The O-shaped Lawyer Program* [10]. According to their website, they aim to ‘show that with a greater emphasis on a more rounded approach to the formation of our lawyers, the legal profession will provide its customers with a better

The work of The O Shaped Lawyer Programme is driven by a framework of five behaviours and mind-sets which guide our actions:

OPTIMISM - Traditionally, lawyers are trained to find fault which means they are often labelled as blockers. Creating a positive mindset will allow lawyers to be seen as business partners, not business blockers.

OWNERSHIP - A technical based training means lawyers provide advice and step back from the difficult business decisions. Lawyers need to be schooled in taking more accountability for outcomes.

OPEN-MINDED - Lawyers need to develop an open, growth mindset. Unmitigated success in technical education leads to a defensive, fixed mindset when it comes to practising law.

OPPORTUNISTIC - Lawyers are trained to view things through a lens of risk avoidance. The focus on technical excellence is often at the expense of business opportunity.

ORIGINAL - Lawyer training is steeped in precedent and is largely backward looking. Future lawyers will need to be more creative and innovative in their approach to problem solving.

Be Adaptable

The suite of skills needed to thrive in new and different environments throughout the legal career

- Courage - The skill to take action in the face of fear or uncertainty
- Resilience - The skill to recover quickly from disappointment or setback
- Feedback - The skill to seek out information to identify areas for improvements
- Continuous learning - The skill to apply new skills, techniques, and information into practice



Build Relationships

The suite of skills needed to build long-term connections with a wide range of people

- Empathy - The skill to understand perspectives and agendas of other people
- Influencing - The skill to change the actions or mindset of others
- Communication - The skill to deliver the right message to a given audience
- Collaborate - The skill to work effectively with people both in the short and long term

Create value through legal initiatives

The suite of skills needed to identify opportunities and find the best legal solution

- Identify the opportunities - The skill to see business opportunities in the face of legal challenges
- Solve the problems - The skill to find the optimal legal solution to a given business opportunity or challenge
- Synthesise - The skill to form sound judgements by combining information and determining its importance
- Simplify complexities - The skill to distill the most critical elements into an easy to understand form



3. The Delta Model

Last year, a diverse group of academics in the US [11] conducted some empirical studies that confirmed the critical need for lawyers to develop non-legal skills and competencies. They formed a group to devise a competency model that could be used by anyone in, or planning to enter, the legal ecosystem irrespective of whether the role is a legal or non-legal one and also irrespective of the stage of their career.

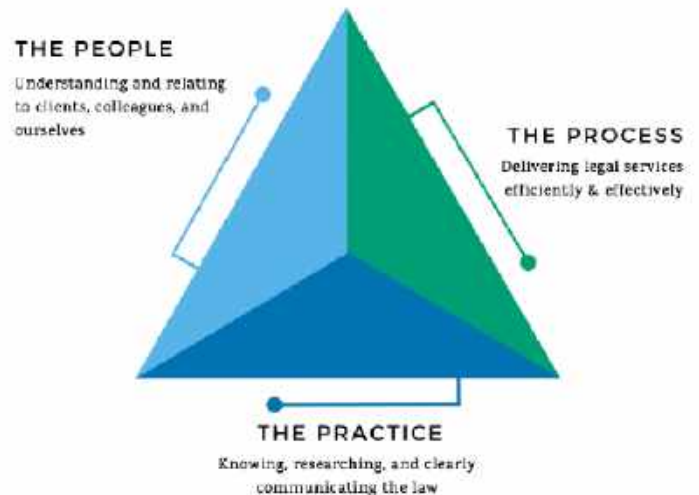
The group were attracted to the T-shaped concept, but they perceived that it lacks what they originally referred to as the *personal effectiveness dimension* and what they now call the *people dimension*. It is true that Smather's depiction of the T-shaped Lawyer—which is what they were using as their reference point—did not highlight these so-called personal effec-

tiveness aspects. However, these aspects are indeed covered in the general T-shaped professional concept, being explicitly referred to as *boundary crossing competencies*, and in my T-shaped Lawyer Framework.

The group decided to take the T-shaped concept and modified it into what they refer to as the Delta Model. The model has evolved through several iterations but the latest version at the time of writing this article is as shown below.

The Delta Model:

an agile competency model for
the modern legal professional



Because the Model is still being developed, the details are still evolving. However, we can gain some insight into what is intended to be covered by noting that in the penultimate version of the Model, known as Version 3, the:

- practice dimension was referred to as the *Law* and was stated to include subject matter expertise, legal research, legal analysis and legal writing

- process dimension was referred to as *Business and Operations* and was stated to include business fundamentals, project management and data analytics
- people dimension was referred to as *Personal Effectiveness* and was stated to include relationship management, entrepreneurial mindset, emotional intelligence, communication and character.

Further insights into what is intended to be covered can be found on their informative and helpful site (<https://www.designyourdelta.com/>) where they refer to some specific competencies as follows:

People competencies - business development, character (accountability, common sense, integrity, professionalism, resilience, work ethic), collaboration, communication (active listening, conflict resolution, interviewing, managing change, speaking/writing persuasively), creative problem-solving, emotional intelligence (empathy, self-awareness, self-regulation), entrepreneurial mindset (adaptability, proactive problem-solving, taking initiative, strategic planning, curiosity), human-centred design, leadership, and relationship management (feedback, coaching)

Process competencies - business development, business fundamentals, data analytics, data security, human-centred design, process selection/design/improvement, project management and technology

Practice competencies - case analysis, case framing, issue-spotting, legal analysis, legal judgement, legal research, legal writing and subject matter expertise.

Their site also refers to the current effort to develop playbooks that they plan to make available for use by different groups within the legal industry.

So which framework is best?

Although it is obvious where my preference lies, it would be difficult at this time for you to reach a conclusion on this question because details of the programs that underly the O and Delta Frameworks are not finalised, and details of my programs are yet to be broadly publicised.

However, it is worth noting the following points of difference between the three frameworks:

- the primary aim of the T-shaped Lawyer Framework and associated programs is to offer a solution for *human transformation*, which has so far been overlooked in the current preoccupation with *digital transformation*. In other words, it outlines a comprehensive vision and means for lawyers to develop new skills, and competencies, capabilities, knowledge and mindsets so that they can, and actually do, use these to truly transform what work they do and how they do it, not just improve their current way of working. It is not clear to me whether the same can be said for the other two frameworks that appear to have different purposes
- the T-shaped Lawyer Framework takes a well-known and established construct that is widely used by a range of professionals in the business world and applies it to lawyers. The other two models are being developed

by lawyers or legal academics just for those working in the legal industry

- the T-shaped Lawyer Framework and associated programs have been refined, tried and tested over many years and in many countries throughout the world for in-house lawyers and in-house legal teams and I am now, in conjunction with a leading firm, in the process of developing it for lawyers working in firms. The other two frameworks and associated programs are still under development and, as far as I know, not yet tested or applied in the real world
- unlike the O and Delta Frameworks, the T-shaped Lawyer Framework was not originally designed with law students and graduates in mind, although it would be possible to develop such a version
- the O-shape is symbolic of the well-rounded person its programs are intended to produce. The three sides of the Delta Model are intended to symbolise change and the three dimensions of education and training essential for anyone working in the legal industry. The T-shape is symbolic of the specific shift that I believe lawyers need to make from narrow/legal to broad/business and from specialist to *expert generalist*
- the founding group of the Delta Model are high profile academics in the US, which is likely to help their efforts to have their model adopted. The O-shaped Lawyer movement has the support of some general counsels and a few law firms in the UK and that, too, will likely assist their efforts to have their model adopted. The T-shaped Lawyer

Framework is not that well known other than to the legal teams and law firms around the world that have participated in my programs. That is one of the reasons why I have decided to 'open source' a lot of the information about it in my upcoming book.

Conclusion

Whatever differences there may be between the three frameworks, the one thing that they have in common is that they all emphasise the crucial need to focus training and development beyond legal knowledge and skills.

Having a framework and associated programs is important because it can convert an otherwise random grouping of theoretical courses on non-legal skills into something capable of being applied in various practical contexts more broadly and consistently. It also facilitates credentialing or certification that will eventually help to validate qualifications in this previously opaque area of professional development.

Ultimately, it is not the name of the framework that matters but rather the extent to which the framework, and the detailed programs and modules, meet your objectives, whether that is to just learn a few more skills to be better at what you do today or to truly facilitate human transformation to complement any digital transformation programs.

The other critical factor is the qualifications and experience of the person delivering the program and how well they understand and can explain the application of the theory, to your unique work situation.

In a way, it is a bit like when you look in the mirror and ask yourself are you in the best physical shape for whatever it is you want to do. Once you've decided on your objectives, you then have a choice. You can pick a few exercises that you think are going to achieve your goals and do these on your own. Alternatively, you can sign up to a program designed by a health and fitness professional. You can then do the program on your own or with the help of a personal trainer to make sure that you are doing the exercises properly and keep you focused over the long term.

For something as important as your health or career, it is crucial to be clear about your objectives and take the time to become better informed about the different options to help you achieve your objectives. This article is intended to raise your awareness of the three primary options so that you can find out more about each one and make an informed choice about what shape you'd like to become.

Notes

[1] See, for example, The World Economic Forum 2018 Future of Jobs Report

[2] <https://www.weforum.org/press/2020/01/the-reskilling-revolution-better-skills-better-jobs-better-education-for-a-billion-people-by-2030/>

[3] The Future of the Professions: Richard Susskind and Daniel Susskind, OUP Oxford 2015

[4] [Foundations of Practice: The Whole Lawyer study of over 24,000 lawyers in the US](#)

[5] See for example [Suffolk University's Legal Innovation and Technology Certificate](#), [University of Calgary's Legal Practice: Innovation course](#), and the report compiled by Andrea

Perry-Petersen on [Innovation courses in Australian Universities](#)

[6] [Succeeding through Service Innovation](#)

[7] See David Guest, "The hunt is on for the Renaissance Man of computing," The Independent, September 17, 1991. The concept was popularised by Tim Brown, CEO of Ideo, when referring to the type of person his famous design studio seeks to recruit.

[8] See for example [T-shaped graduates](#) and <https://www.studyinternational.com/news/leading-law-schools-that-produce-t-shaped-graduates-with-global-talent/>

[9] Peter Connor, "[The T-shaped Lawyer](#)". ACC Docket July Edition 2017.

[10] <https://www.oshapedlawyer.com/>

[11] Natalie Runyon, Shellie Reid, Cat Moon, Alyson Carrel and Gabe Teninbaum

About the Author

Peter Connor is the Founder & CEO of AlternativelyLegal. In the last 5 years, he has helped more than a thousand lawyers working in leading firms and in-house at brand name companies and government organisations to help them to reinvent themselves and to reimagine their way of working. Leveraging over 30 years of global experience as a lawyer, he has developed the unique T-shaped Lawyer Framework™ and T-shaped Legal Team Framework™, which he uses in his training and consulting work with in-house teams and firms.

Peter also regularly publishes articles and speaks at conferences and at team offsites around the world on innovation and transformation. He can be contacted at peter.connor@alternativelylegal.com

Survive & Thrive Post-Pandemic: A Guidebook for Legal & Professional Services

By Julie Savarino

Now more than ever, every lawyer and professional services provider can benefit from reinvigorating their practice, habits, and business.

This highly-rated guidebook, *Survive & Thrive Post-Pandemic: [A Guidebook for Legal & Professional Services Providers](#)* was written by a top thought leader, [Julie Savarino](#) and provides detailed, specific, and strategic steps any practitioner can take to ensure their continued prosperity.

This book contains a wealth of immediately usable and strategic information to help determine the next best steps for refreshing or rebuilding professional practices and firms in the wake of the pandemic.

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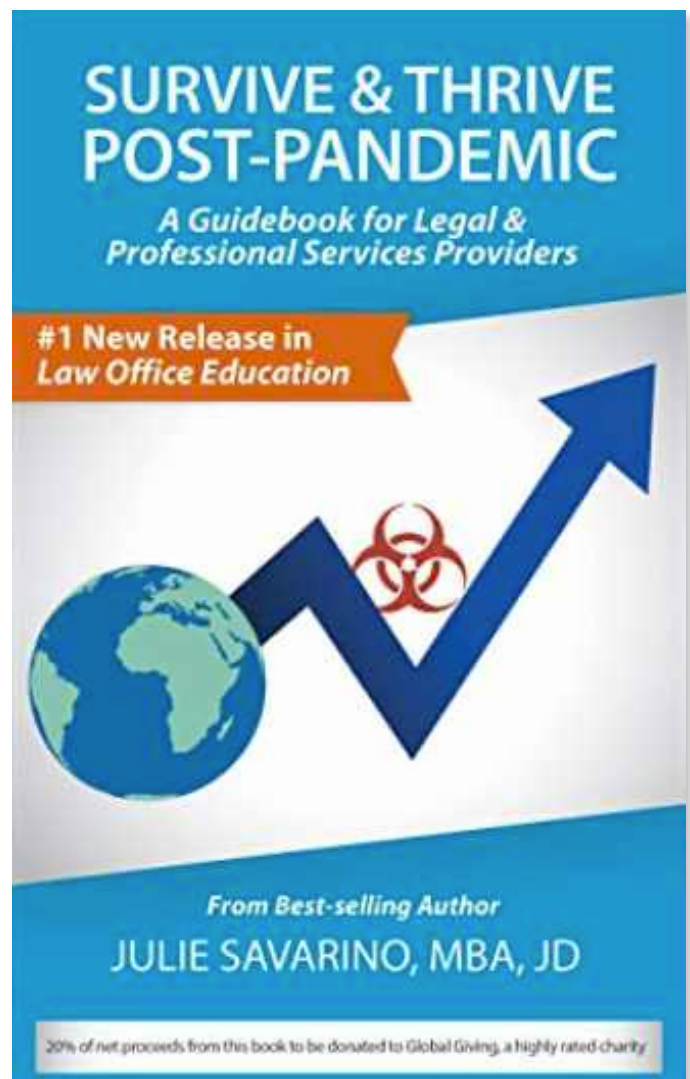




Photo Lev Radin / Alamy. Empty offices, empty streets, the new reality?

Leadership in a Time of Crisis: Lessons from Quarantine

By Lindsay Griffiths, Executive Director International Lawyers Network

I'm a new leader in my organization.

While I've been in a leadership role for a number of years, and held leadership positions in other organizations, it wasn't until my dad (our former Executive Director) stepped down in December that all eyes were on me to take the reins and steer the ship (forgive me the mixed metaphor).

And then a pandemic happened.



I had to laugh, really, at first, because it seemed so unbelievable. Until I remembered that my dad was scheduled to fly out for *his* first conference as the ILN's Executive Director on September 11, 2001 from Newark Airport. I remember very vividly believing he was already on a flight that morning and being forever grateful that I managed to get through to him on the phone before the lines became too overwhelmed for calls. The conference proceeded, but he was grounded, along with fellow US delegates, a very small inconvenience considering the enormous price that others paid that day.

He also steered the organization through the economic downturn of 2008 & 2009, an exceptionally challenging period for the legal industry in particular, and one that it took tremendous skill to not only weather but recover from. My dad has been a phenomenal leader for our organization, one that the membership has always looked to for guidance (and me too!).

So one of the first lessons for leadership that I've learned in this time of pandemic is that I'm not unique – even if the situation facing us is one that is unprecedented, someone before us has been through something challenging and awful before, and we can learn from the way that they've handled it (or not handled it) to lead our organizations through. Whether you look inside your organization for this person, or to other leaders, you can always find a precedent to follow or avoid.

Of course, at this moment, time has yet to decide whether my leadership will guide the ILN through successfully – I can only work dili-

gently, creatively, passionately, and with a tremendous amount of hope, to ensure that it does. With the incredible group of lawyers that I have behind me, I am sure that we will prevail. Over the last several months, I have seen so much strength, kindness, grit, and compassion from them, that I know we have what it takes as an organization to thrive.

But there are lessons that I have learned during this time that I feel are helpful to share with others who may be new to leadership or may be looking for something to hold onto in these turbulent times.

“Be more human”

This one comes from a keynote speech that Dan Pink gave a few years ago at a conference and it's essential in the current moment. I can't emphasize enough the importance of leading with our humanity first – most of us are uncertain, if not downright anxious, about what's next, whether that's sickness, the impact on our businesses, our employees, our families, the economy, you name it. That uncertainty and anxiety is causing friction at home, with our colleagues, out in the world (when we DO dare go out in the world) and definitely in our communications with each other and our colleagues, clients, and those we lead. It's okay to admit that we're anxious too. There's a thin line between seeming hysterical and terrified about what's going to happen (even if you are), and letting the people that you lead know that you share their anxieties about the future, but that no matter what happens, you're in this together, and you will do everything in your power to guide them through this. Leading with empathy and humanity in the current environment is essential.

Even a few months into this, anxiety is still fully present and leading with humanity is more important than ever.

Add a dose of grace and patience

For many of us (most of us?), the early weeks of the pandemic were marked with chaos. Some firms were figuring out how to work from home for the first time, some were figuring out which employees were essential, and which weren't, and what equipment everyone needed, and where. Parents were juggling homeschooling for the first time, while also trying to navigate working full time AND parenting AND homeschooling. Even those of us who always worked from home were distracted by increasing virus cases, daily changes to orders to stay at home, wondering what qualified as an "essential" versus "non-essential" business, and worrying about our friends in healthcare, retail, and other essential careers. The likelihood of someone hosting a video call where a child, pet, or spouse popped into the background was extremely high. Truthfully, none of us were getting this 100% right – and while we've come to a certain type of "new normal," the stress and anxiety may mean that distraction and interruptions are highly likely at any time – especially as we now navigate students returning to school or hybrid schooling, or we return to the office. Accepting that those you lead may need some leeway and flexibility is key. Understanding that not only will others make mistakes and not do this perfectly, but YOU also won't, is an important lesson for all of us. Trust me – I didn't (and don't) get it perfectly right, and that's okay! The more we approach this with grace and patience, the easier we make these ongoing transitions on everyone, and the more those that

we lead will be willing to look to us for support and guidance.

Hey, self-care!

This has become a bit of a catch-phrase lately, and I know a lot of people sort of roll their eyes about it, but I have learned over and over again through the time of the pandemic that this is truly important to me. I'm not talking about getting in a bubble bath and spending four hours reading for pleasure (though, if that's your jam, get after it!). I'm talking about the importance of schedule and boundaries. As I mentioned, I'm a work-from-home veteran, and so I assumed that I had my routine down already, but I learned very quickly that because I wasn't facing the week with enough intention, I ended up working extremely long days without enough focus, and they were leaving me too drained to do enough of what I needed to do. I now treat each week much differently – I start my day an hour earlier with meditation, take a break midday for a walk (as much as I can), drastically limit my social media, and commit to focusing only on one task at a time. It leaves me MUCH more focused, which helps me to get things done more efficiently than in the early days of the pandemic.

I also fully disconnect on the weekends, checking email only intermittently to answer those messages that are urgent and relegating all others to my in-office to-do list. This has been a big shift for me, since we're an international, 24-7 business. But when I make myself available and responsive without any breaks, that's what's expected of me – and I can add value to my clients without burning myself out in the process. In fact, I add MORE value to my clients when I set boundaries that ensure I'm

showing up to work fully engaged in the process, feeling fresh enough to be creative and passionate about solutions, and not distracted and exhausted.

Communicate More

This was a new one for me! I knew my lawyers were overwhelmed with work, because they had clients reaching out to them from a variety of areas as businesses were being asked to shut down and questions were being asked and force majeure clauses were being invoked. I always aim to be of value and not a bother (my lawyers who receive many emails from me will laugh at this), so initially, I wanted to give it some time – and then a lawyer reached out to me with a couple of questions, and it made me realize that they needed to hear from me too. My communications still needed to be of value, but I could be providing them with resources that they could avail themselves of or not and reaching out on a continuous basis. After sending out my initial communication, one of my members and the managing partner of his firm, sent me an excellent article on “Leading through COVID-19: An Organizational Psychologist’s Perspective,” which reinforces this point, and makes several other excellent ones. Particularly at the moment when we are, in many cases, working virtually, regular communications with your team are absolutely essential – they must be valuable to your team, but they need to know that you’re there, that you are willing to listen and help them, and what resources you have available to them.

As I connect with more and more leaders within my organization (and outside), the one lesson that we’ve all learned during the pandemic

is the importance of good (and regular!) communication with our teams. This shouldn’t be limited to work-related communication either. Many people may only just be realizing the impacts of low-grade constant anxiety from the last several months, or may have been suffering over time, while others are thriving in this environment (if it’s you, please tell us your secrets!). Having touch points with these people to ensure that everyone is okay shows care and concern and can avoid a larger problem down the line.

Build in community

This is an idea I wish I’d come up with myself, but one of my lawyers approached me with it – we were supposed to have our Annual Conference in March, but like many organizations, have postponed our in-person events for this year. Instead, he suggested, why not at least have our welcome reception online using Zoom? I had always planned to connect everyone virtually at some point through virtual learning opportunities, which indeed we have done, but his idea was spot on, and even better – one of the things that we immediately lose out on when we have to cancel everything and quarantine is that sense of community. While it’s not entirely replaced by virtual options, we can make the most of what we have using technology. What are some of the ways you have replicated your firm’s culture virtually?

It may not need to involve the entire firm at once, but maybe a practice group hosts a virtual happy hour one Friday, or the managing partner volunteers some “office hours” over coffee a couple of days a week. Yes, it’s challenging to keep offering up what seems like “free” time when we’re all swamped with other

concerns but building community when we're so far apart geographically at the moment is so necessary to preserving the firm's culture.

One of the lessons I've learned in creating and preserving our digital culture is to not "set and forget it." When we have one idea and it's successful, we always need to be working on what the next idea will be. So, while we have now hosted our virtual welcome reception, coffee breaks, educational opportunities, we do need to constantly be "reinventing the wheel," to identify what the next best idea for connecting with our organization's members is to continue to preserve our digital culture. Maybe that's a break from Zoom calls to have phone calls for a month with your team, or a digital game night. Maybe you arrange for everyone on your team to receive the same wines and invite a sommelier to do a virtual wine tasting. I've heard from a number of firms that were previously operating multi-office settings that they're now closer than ever before, because they're able to engage with people that they weren't used to seeing on a regular basis. So while I'm sure we will get back to being in an office at some point, there are certainly benefits to having, and maintaining, a digital culture as well.

It's a challenging and unprecedented situation, but there is always an opportunity to learn. It may be difficult to find the silver lining in a quarantine, but these leadership lessons will serve us well in the long term in creating a cohesive and connected culture among our organizations.

About the Author

Lindsay Griffiths is the International Lawyers

Network's Executive Director, where she served as the Director of Global Relationship Management since 2004. As Executive Director, Ms. Griffiths is responsible for the oversight and management of day-to-day operations of the [International Lawyers Network \(ILN\)](#). She develops strategies and implementation plans to achieve the ILN's goals, and handles recruitment, member retention, and a high level of service to members. She is engaged in the legal industry to stay on top of trends, both in law firms and law firm networks.

The ILN has been ranked as a Chambers & Partners Leading Law Firm Network since 2011, under Ms. Griffiths' tenure. She was awarded "Thought Leader of the Year" by the Legal Marketing Association's New York chapter in 2014 for her substantive contributions to the industry. Her blog, Zen & the Art of Legal Networking was chosen for the American Bar Association Journal's inaugural Web 100's Best Law Blogs in 2019, where judge Ivy Grey said "This blog is outstanding, thoughtful and useful." Ms. Griffiths was recently chosen as a Top Author by JD Supra in their 2019 Readers' Choice Awards, for the level of engagement and visibility she attained with readers on the topic of marketing & business development.

**COMING SOON
THIS FALL ...**



HELPING THE NEW FIRM LEADER SUCCESSFULLY TRANSITION

VIRTUAL ADVISORY SESSIONS

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

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

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

One-On-One Consultations

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

Homework and Reflections Assignments

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

Document Review

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

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

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

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

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

WHAT IS INVOLVED IN MY FIRST 100 DAYS ADVISORY SESSIONS

Here are the issues that we will address over the course of our sessions together.

- Session 1: Beginning Before the Formal Handoff**
What competencies, resources, and skills do you bring to this new role and how will you leverage them?
- Session 2: Getting Clear on Your Mandate**
Review 4 predictable stages of your transition and 10-point critical action plan for working with your predecessor.
- Session 3: Understanding Your New Role**
How does your firm's current circumstances shape your expectations of what your first steps should be?
- Session 4: Hitting the Ground Listening**
Determine partners views of the important areas where you must succeed and what their appetite is for change.
- Session 5: Working with Your Administrative Professionals**
Identify how well your administrative professionals are performing and how they should work with you.
- Session 6: Working Effectively with Your Business Units**
Review 10 elements of structural integrity and how you can help your practice/industry groups accomplish results.
- Session 7: Setting Your Strategic Agenda**
We will develop your specific 100 Day Action Plan identifying your priorities going forward
- Session 8: Stimulating Change That Sticks**
Review 25 different strategic levers you have available to you to stimulate productive change
- Session 9: Securing Early Wins**
Design some 'early wins' pivotal to building political capital and momentum around results
- Session 10: Managing Your Time – Priorities Dilemma**
How will you balance your time in the early weeks, given the demands that will be made?

LET'S ARRANGE A NO-OBLIGATION INITIAL DISCUSSION

Contact me (patrick@patrickmckenna.com) to set up a time for a get-to-know-you conversation. I will ask about the challenges and issues you are expecting to face in your first 100 days and you may ask me any questions you wish about my background and specific expertise.

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

Patrick J. McKenna



Becoming Firm Leader: How Difficult A Job It Can Actually Be

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

The very concept of leadership is elusive and tricky. Every business-book author coins a new "type" which is then sold as the latest elixir to problems. We see these everywhere: authentic leadership, transformational leadership, charismatic leadership and other faddish titles. It is hard to define leadership in a way that is satisfactory to everyone although most professionals tell me that they believe they know it, when they see it.

What these same professionals may not appreciate is how difficult the job of leading a firm can actually be. There are a number of truths that aren't identified in any guidebook; that experienced leaders only whisper about after having been in the role for some period of time and after having recognized that the fine art of leadership is always a work in progress.

Here are some truths that I know to be valid based upon anecdotal evidence gleaned from countless discussions and interviews with firm leaders, much wiser than I:

1. Be prepared to become unpopular

Many professionals become leaders by virtue of the fact that they have some popularity amongst their peers. We take on leadership roles in the belief that we can make a difference and make our firms even better. Which most often means that we must make changes, hold people accountable and move forward with purpose and determination. We soon realize that making the changes and progress we were so excited about all comes with a price.

One of your important tasks in being an effective firm leader is to make decisions. To make

any decision requires that you review numerous options toward finally putting aside various possibilities in order to select just one. Decide is an interesting word. The root word *decider* means to "cut off." Thus, any leadership decision can be seen as cutting you off, separating you from all other possibilities as you select just one course of action.

And there are FEW easy decisions. The best understand which ones they can delegate and which they need to focus on, but ultimately you will need to decide certain things that will invariably go against the interests of certain of your partners. And every decision you make will serve to earn you the favor of some colleagues while simultaneously suffering the disfavor of others. Isn't that comforting? Each decision you make blesses one partner while alienating another partner.

Some of the best leaders I've met periodically engage in what I would call, "Purposeful Deferment." They operate on the principle of never making a decision today that can reasonably put off until tomorrow. And I'm not being uncomplimentary. Whenever requested to make a decision they would first ask, "How much time do I have?" In other words, is it essential that the decision be made now, in a day, next week or within the year? These leaders have wisely discerned that if a particular decision can be reasonably delayed for a short while, than circumstances may change – an adversary may leave the firm, a competitor stumble, or an advantageous new development emerge.

Strategic decisions, budgetary decisions, compensation decisions, all involve the distribution

of finite resources that are seldom distributed equally. Thus, every decision you make is “like surgery.” It is an intervention into a body politic that carries with it the risk of “shock” to the system. To be a great leader, you need to have a strong will and an even stronger stomach.

Nevertheless, at the end of the day, you need to remind yourself that your job isn't to make everyone happy or even satisfy the interests of certain power partners, but rather to progress the best interests of the firm as a whole. So eventually you will say no to many of your partners. It is to be expected that any good leader will make enough decisions to eventually . . . disappoint everyone at some point in time!

And as it is impossible to lead partners who doubt or despise you, your constant anxiety will be in making those decisions that are the least offensive to the greatest number. As Harry Trueheart, an old friend and now former Chairman of Nixon Peabody once told me, “You know your time is up, once you have had to say no to enough of your partners.”

Thus, your job is to make decisions until eventually the decision is made – to get rid of you.

2. Be prepared to be afraid

Most leaders will go out of their way to hide their fears. In fact, there is a common myth that suggests that to be a good leader, you must be fearless. But that is not what some of the best leaders would quietly tell you.

Any leader professing that they have no fear

may well be someone who lacks sound judgment. Any leader who refuses to admit their fears may well be imbued with hubris and self-importance. Fear does not make us weak, nor does it mean that you have a lack of faith in your capabilities. Fear is necessary, cannot be eliminated, and is a natural part of being a leader. You do not have to overcome your fears; but rather you need to know precisely what you are afraid of.

Consider this perspective from widely regarded CEO Coach, Mike Myatt:

“It has been my experience that the greatest fear most professionals struggle with is the fear of failure. In fact, it is often this fear of failure that governs how much risk they will take on, and in turn how successful (or not) they are likely to become. Everyone reading this has failed with respect to some undertaking in the past. Life will become much easier to navigate when you learn to accept failure as healthy and normal. From my perspective, when my life is void of failures I'm not growing, developing, stretching, or pushing. Put simply, if I'm not failing then I'm not trying. I've experienced lots of failures and I'm better for them.”

Any leader who has ever launched a new initiative understands the inevitability of running into numerous hurdles over the lifecycle of their undertaking. The difference between those who succeed, and those who fall short, is their perspective on how to deal with those hurdles. As Mike says, fear of failure can be far more destructive than failure itself. It can paralyze any firm leader who holds the view

that anything short of perfection is not even worth attempting. Over three decades of working with firms I have observed firsthand, firm leaders, who but for being obstructed by fear of failure, could likely have been enormously more successful.

Here's the thing – setbacks and difficulties are an inevitable part of leadership. If, as the firm leader, you don't ever fear that you are in way over your head, I would suggest you're not spending enough time in the water. It is HOW you learn to overcome your fears and manage risk that will determine how successful you will become.

3. Be prepared to always be on stage

Imagine yourself projected on a 50-foot screen by a video camera. That is precisely what is happening right now for every firm leader. Every move you make, whether physical or virtual, is subject to discussion, review and interpretation. That includes how you relate to certain people (like who gets included on your email communiques), how you allocate your time, and how thoroughly you prepare for various meetings.

Meetings are an interesting example. Every firm leader holds numerous meetings, and every meeting has an agenda, whether written or unwritten. The cumulative content of your agendas clearly signals your priorities and concerns. The conscious management of your agenda, and your input into meeting agendas, is a powerful signaling device.

And your presence must always be present. Your microphone is always on and every mes-

sage, verbal or non-verbal, is open to misinterpretation. A study conducted by Harvard professor Daniel Gilbert estimated that 46.9% of the mind is spent "wandering." Being present means simply having a moment-to-moment awareness of what's happening. It means paying attention to what's going on rather than being caught up in your thoughts. In the middle of a conversation, if your mind is somewhere else, your eyes will glaze over and you'll start making facial expressions not typical of a person really listening. It is guaranteed that your partners will notice.

Leadership is basically a people business. You can't let paperwork or deadlines create a barrier between you and the opportunity to touch your colleague's lives. So, here's the key: Never see your colleagues as interruptions. If your partners conclude that your day-to-day tasks are more important, they come to the conclusion that you don't care about them.

Finally, if you have ever whispered negatively about some aspect of your firm or about some partner you work with, you may have not realized how that can come back to bite you in the ass. People will not trust or build a meaningful relationship with anyone who gossips about others. Too often, leaders are oblivious to how quickly word of their conduct can spread throughout the firm. When it does, their partners will start wondering what's being said about them in private. Even if you don't initiate the conversation, if you take a passive role and laugh while others are talking, you are still guilty of participating. Beware of ever rolling your eyes while someone is talking or discussed some partner's personal life. Smile . . . someone is ALWAYS watching!

No matter what you are dealing with, no matter who you are talking to, no matter where you are, you must never let your guard down. The job of being the firm leader means always being under a microscope.

4. Be prepared to purposely mislead

People frequently tell what might be called social lies. For example, in order to maintain a good working relationship with a fellow partner you pretend to be busy when he asks you for lunch rather than have to admit that you find this partner's company boring and would rather not spend time with him.

Of course, firm leaders need to set an example of honesty and integrity for their firms. But part of the art of leadership is knowing when untruths have to be told and being able to distinguish those deceptions —the ones created for unselfish reasons —from the purely self-serving kind. History is rich in stories of leaders who decided that spin, omission or outright lies, whatever it took to get people to do what had to be done, would serve their constituencies better than the truth.

As stated earlier, leadership is like a theatre and the firm leader must often behave as an actor on the stage. Thus “being the face of the firm” and the image presented to the outside world is not the true self but an edited version. This edited self takes into account how one wishes to be seen by others.

Quick show of hands: “Who, then, wants to willingly reveal their inadequacies, errors or performance problems to the rest of the profession?” So, while you endorse the belief that complete honesty is important, you will never-

theless conceal, deceive and exaggerate to make a positive impression on others. In fact, many firm leaders attend seminars and conferences secretly hoping to discover that every other firm is as they are.

There is “spin” — statements that arrange the facts to paint the rosier possible picture. “The sin of exaggerating profitability here or puffing up firm statistics there will be outweighed by the great job I’ll do when I finally get this all worked out.” You will spin your stories to make your firm (and by extension, yourself) look to be performing far better than you might otherwise be. You will, of course, justify your actions on the basis of needing to have your firm appear appealing to clients and to attractive lateral candidates.

If social honor, damage control and survival all can justify deception, the central task for any firm leader is this: distinguishing the situations where those motives do justify falsehood, from those where deception would still be wrong.

5. Be prepared to be kept in the dark

From the day you take on the role of firm leader you are flooded with information, from those partners wanting to meet with you to those who want to let you know “how things really work around here” — but reliable information . . . will be surprisingly scarce!

Much of the information that comes to you will be filtered, sometimes with good intentions, sometimes with not so pure intentions. As one managing partner phrased it for me, “The issue is, after you become the firm leader,

how do you get a good grasp of people's candid views, when it seems like all of your partners and indeed the whole firm, is conspiring to tell you only what they think you want to hear?"

Accessing reliable information becomes even more difficult when immediately after you are elected as firm leader, all of your prior relationships change. Well-meaning partners edit themselves your administrative staff are not naturally inclined to now disagree with you, and the truth becomes difficult to ferret out. Further, because you may be able to impact some partner's compensation and their career, each partner's agenda colors the way you perceive their truth.

Effective leaders tell me that you need to get out and about within your firms, hold (even virtual) informal gatherings to receive input, promote openness and show interest in your colleagues' opinions, consciously promote diversity of opinion and be discrete in keeping the confidences of others. And reach out beyond just your partners. I will never forget one firm leader telling me about her monthly Birthday Lunch wherein anyone and everyone in the firm (could be done by office) who had a birthday in a specific month would gather together for a celebratory luncheon. She related how she would attend, sit there amongst the group, and stay just listen. She claimed she learned more about what was going on throughout the firm at those gatherings, than any other activity she engaged in.

Several other firm leaders pointed to important relationships they had with independent advisers who can tell them unvarnished truth and have license to criticize their thinking.

6. Be prepared to drive with your head out the window

Time is your most precious resource. One mistake that some leaders make is spending far too much of their leadership time looking in the rearview mirror. You cannot obsess about what happened last year or over what actions your competitors have been taking. You need to look at the road ahead.

Look at the issues that are currently consuming your time. I often ask firm leaders a couple of questions that painfully illuminates where they spend their time. First: "What proportion of your time is spent solving problems versus what proportion is spent on exploring new opportunities?" After a rather awkward reflection period, the answer I usually elicit is about 80% solving problems and 20% on exploring opportunities.

I secretly suspect that it is really more like 95% on problems and 5% on opportunities, but let's analyze what this division of time infers. This means that as the firm leader, you are spending 80% of your time and energy looking backwards and fixing things, while only 20% looking forward and creating things. Firms operating in this mode will never lead in their marketplace.

So why does this happen? Well, it should be obvious that most of us professionals are veteran problem solvers. We are trained to resolve the issues, put out the fire, correct the underperformance, and generally "fix" the problem. There is a powerful gravitational pull that unconsciously moves us toward fixing things instead of innovating; toward restoring

instead of increasing and toward reacting rather than being proactive.

We need to understand that fixing things, however noble, simply restores the prior performance or condition, which is comfortable, but limits value. However, if your focus is on improving the condition, on inspiring entrepreneurial endeavors, on being innovative; then your intent is not on restoring the status quo, but on developing a level of performance that exceeds yesterday's standards.

There is a follow-up question I then usually pose: "Of the time you spend on exploring opportunities, (remember it was reported to be 20% of the total) how much of that time is directed toward pursuing billable production, winning the next big transaction or responding to a competitor, (the present) versus pursuing the development of entirely new skills, new services, new technologies, or new revenue streams (the future)?"

Again, if I was generous in reporting what I've learned, the average firm leader spends about 60% of their (20%) time exploring present opportunities and 40% on future opportunities. That drives a point worth scrutiny: What kind of a future is likely to be created by a firm leader spending about 8% of his or her total leadership time and energy focused on that future? And this is in firms that have a full-time firm leader - someone who actually spends all of their available time on leadership and management matters. Those spending less than full-time usually have next to no time for the future . . . except of course, during that one-day, off-site annual planning retreat. (Is it any wonder why so many of these retreat-gen-

erated "strategic ideas and initiatives" are dead on arrival!)

Attention is your most powerful tool. So, if you want your partners to focus on innovation or business development or client service – nothing speaks louder about what is of bedrock importance than where and how you choose to spend your time. Where a firm leader spends their time is not a matter of chance. Choices are made daily about what to do and with whom.

The best firm leaders are compulsively attuned to their external environment and always looking to identify how, or how fast, the competitive game may be changing. They seem to have a sixth sense toward detecting trends, early warning signs and snippets of emerging opportunity. One firm leader I know gets his office managing partners together on a quarterly basis to discuss what's new and what's going on in their area of the country. They examine their world from multiple angles, look for unstoppable trends and share their best thinking on which signs of change may matter the most to the firm and how each could play out. This firm leader then goes to his monthly partners meeting and throws out a bunch of hand grenades to (as he phrased it) "shake up his partner's thinking."

Favor the future over the past and focus on opportunities not problems.

7. Be prepared to dispense tough love

I've heard all the various excuses: "This isn't the right time." "There's nothing I can do." But someone needs to decide, advocate, and

take ownership. It isn't enough to simply ask for more data. It is usually obvious who needs to go and most of the time I see how firm leaders know it in their gut but are still reluctant to take remedial action.

Sometimes, being courageous requires that you have to confront friends, the ones who have furthered your career and know your secrets. It can be hard to admit that there is a problem when you have a long-term working relationship with a particular partner or think that if only you could spend some time coaching some administrative professional, everything could work out. The best leaders know that it is all about helping professionals take charge of their own careers. This can be orchestrated through encouragement, giving direction, and sometimes offering really tough advice. Candid advice is the best counsel you can give, as opposed to letting someone continue to operate in a rut.

Sometimes it can mean letting a top performer go – suggesting that some partner who has been a brute to his colleagues would be better suited finding another firm to take his practice to; or reducing the compensation of a star who doesn't share clients with her partners in the practice group.

It's damn hard. And yet if you are really the firm leader, this is one situation you cannot avoid. It requires courage.

8. Be prepared to be forgotten

One of the tragedies of anyone in a leadership position is making some decision or taking a course of action based on a belief that this will

be your legacy – you will be remembered by this brilliant initiative. Can an obsession with recognition and being memorialized cause one to focus on short-term gain at the expense of the longer-term?

Here's the cold hard truth: much of what you do will not be remembered a year after you step down from office . . . unless, perhaps, you really screw up!

Many years back, I received a gift from a managing partner for the strategy work I had done with his firm. The gift was an inscribed hard-covered book entitled *The History of Wilde Sapte*. This was from a very prestigious British law firm that could trace its ancestry back to 1785 when Thomas Wilde first founded the firm. And where is Wilde Sapte today? Someone who bothered to trace its history would find it was absorbed by a series of sequential mergers that has since become the global firm known as Dentons. And amongst all those mergers, which firm leader's legacy is remembered?

What will your legacy look like, a year from now? A decade from now? If you think it will be a physical book or something else that can be held, you are likely mistaken. If you think it may be a place or a plaque with your name on it, you may end up shocked to discover what happens as your firm merges, over time, with other firms.

I'm constantly reminded by those who have traveled this road already that – Leadership is not about you, your ego, your pride, or your personal legacy – it's about caring for and serving your partners.

I've learned that the best leaders believe that what really lasts is not the bricks and mortar or grand strategies, but rather what is intriguing to those of us that had the good fortune to come into contact with them. What lives beyond is likely to be your career-shaping ideas, inspiration, guidance, friendship and the character that stays with me after you have left the room? What of your influence and attitudes continues to shape my actions in small ways, even decades later? Hidden in tiny exchanges but profound in how it shaped people's lives. That is the real essence of a leadership legacy.

So, what do you want to be remembered for?

That all said, as one firm leader disclosed to me many years ago, "You can NOT live in the short term, put off painful action; allow problems to fester; and pray the day of reckoning will arrive . . . after you have left!"

About the Author

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

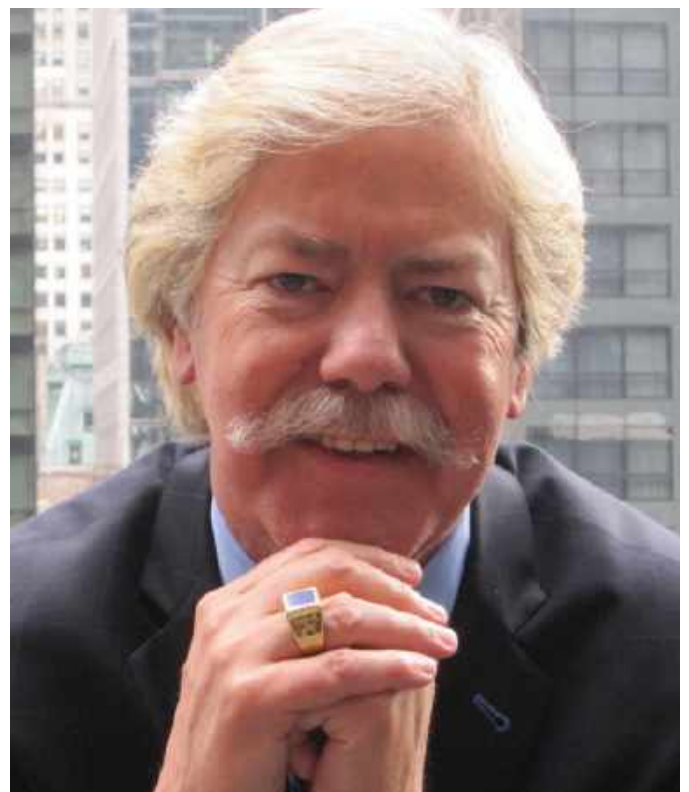
He is the author/co-author of 11 books most notably his international business best seller, *First Among Equals* (co-authored with David Maister), currently in its sixth printing and translated into nine languages. His two newest e-books, *The Art of Leadership Succession*

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

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

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



Diversity increases the Financial Performance

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

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

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

The data suggests diversity correlates with better financial performance.

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

Ethnic diversity



Gender diversity



Gender and ethnic diversity combined



Source: McKinsey Diversity Database

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A portrait of Mauricio Duarte, a man with short dark hair, wearing a blue suit jacket, a white shirt, and a colorful patterned tie. He is smiling slightly and looking directly at the camera against a light blue background.

Above And Beyond Virtual Courts.

By Mauricio Duarte, Attorney, and Justice Entrepreneur at A2J Tech, Guatemala.

The COVID-19 pandemic has led to an unprecedented increase in virtual business meetings and home-working. The legal industry is no exception. Virtual hearings and remote courts have been implemented on all five continents. We have seen efforts worldwide, including Peru, Argentina, Guatemala, Colombia, England, Australia, the United States, China, Dubai, and many others. You can keep track of all the efforts in Remote Courts Worldwide [1], a website designed to help the global legal community share their virtual court experiences.

Courts worldwide have recognized that they have the responsibility to ensure access to justice with the implementation of virtual courts. Even if virtual courts are the right step to promote access to justice, they are not enough. Virtual courts have challenges that need to be solved.

CHALLENGES RELATED TO VIRTUAL COURTS.

1. Internet access.

We have seen a reaction from courts that want to implement a robust I.T. infrastructure to aid judicial proceedings. Most virtual courts rely heavily on web apps such as Zoom, WebEx, Microsoft Teams, or Google Meets. Besides, it would be best if you had a stable Internet connection to access a virtual hearing. However, statistics suggest that until 2017, nearly 41% of the population does not have any access to the Internet. [2] Similarly, Internet connections around the world are unevenly distributed. Let us make a distinction. WiFi is not the same as mobile data services. WiFi is another frequency of radio we use to connect devices wirelessly. Your laptop or smartphone connects (over WiFi) to a wireless router—like the one you access at your home or your favorite Starbucks- to use the Internet. When you use mobile data services, you do not need a router or a WiFi connection. You can access information, applications, email, websites, and more on your phone or tablet using as you are in the coverage area.

Regardless of the distinction, according to the U.N. report titled Achieving universal and affordable Internet in least developed countries: "*Mobile broadband accounted for 90 percent of all Internet subscriptions in 2015 and a 3G or 4G network covered around 80 percent of the population(...)*". Hence, Internet users predominantly use mobile networks and increasingly 4G and 5G mobile broadband. However, some underdeveloped countries or regions have not implemented 3G broadband successfully. Let us remember that 3G was launched

in 2008, with the deployment of the first 3G network.

Virtual courts without the Internet is unimaginable. Some might argue that the Internet is a core pillar of the modern information society, that is, access to the world wide web should be a human right. [3] For instance, in July 2016, the U.N. issued a declaration emphasizing the importance of: "*applying a comprehensive human rights-based approach when providing and expanding access to the Internet and for the Internet to be open, accessible and nurtured*". However, a gap remains between those who have access to the Internet and those who do not.

Therefore, the use of virtual courts could represent a challenge to many users of the judicial system. A lack of access to the Internet is a barrier to justice when relying heavily and exclusively on virtual courts. Thus, courts should not think that virtual courts' implementation is the panacea for access to justice.

2. Digital literacy.

Digital literacy looks at the capacity to use the Internet and the tools associated with it. Digital literacy does not refer exclusively to creating an Excel spreadsheet—a task with which many struggle. Digital literacy should be understood broadly as the ability to carry out basic tasks on the Internet, such as reading the information, sending an email, or understanding how to connect and use Zoom for a virtual hearing.

Imagine an uneventful court appearance on Zoom. However, experience has taught me there is rarely an uneventful Zoom meeting.

Even if Zoom is not the only platform used by the courts, according to a survey done by Norton Rose Fulbright, it seems to be one of the most prevalent. [4]

Lawyers with a background from their virtual happy hour, the usual participant who does not "mute" himself, or a participant who frames the camera to focus his forehead. We have all witnessed a similar situation. Imagine the Honorable Dennis Bailey, a judge in Florida, that wrote a public letter calling on lawyers to dress more appropriately after seeing a male lawyer show up shirtless. [5] As judge Bailey stated: "*And putting on a beach cover-up won't cover up you're poolside in a bathing suit. So, please, if you don't mind, let's treat court hearings as court hearings, whether Zooming or not.*"

Digital hearings can be tricky for people who are not as comfortable using videoconferencing technology. However, let us move away from lawyers. If people with law degrees struggle in front of a virtual hearing, users with limited access to technology will struggle as well.

More than ever, attorneys, judges, and users of the judicial system need to become familiar with the technologies used for a remote hearing. However, courts will have to be transparent and provide resources to gain an adequate competency level to use a specific platform.

We cannot expect that users magically become experts on a specific platform. Courts have to select adequate technology tools for virtual hearings and provide resources for the system's potential users. Participants unfamiliar with a specific platform are likely to make mis-

takes, such as having trouble connecting, speaking on mute, or sharing sensitive information. Such mistakes can have a determinative impact on the case.

Consequently, failure to provide resources and information could harm someone's case. For example, the Surveillance Technology Oversight Project [6] highlighted concerns like lack of privacy between attorneys and clients and bias with trials over digital platforms, when someone does not understand how to use a specific platform. For instance, if you understand how to use Zoom, you could have the ability to request breakout or sidebar rooms, direct instant messaging, or separate audio lines for in-trial communications.

The shift to virtual hearings should not represent a situation where the loss of face-to-face contact puts users at a disadvantage. Therefore, as long as there is no digital literacy for the virtual court users, it will be hard to have a successful system that genuinely promotes justice. Like Douglas Keith, counsel at the Brennan Center for Justice, said: "*People may be judged not only on their clothes but also on their surroundings or the quality of their internet connections.*" [7] Consequently, any judicial system that wants proper access to justice should provide information and resources for their users. The lack of transparency and information could result in an adverse effect on the system.

3. Due process.

Judge Emily Miskel of the 470th District Court in Texas recently said: "*The human judiciary is never going to be able to be replaced because of the ability to exercise equity and allow for modifications, notwithstanding the tools that*

[we] have to make our jobs easier." Technology can help us to automate the court system and make it better for everyone.

However, there are concerns about the mechanisms we can implement to guarantee a due process.

Undisputedly, there is a significant difference between audio-video and in-court dynamics. For example, it is not the same to examine a witness in a court where you can assess the witness through his testimony and their physical and emotional demeanor. There are growing concerns that evidence displayed through video conferencing may distort the content. In other words, digital infrastructure can adversely affect one of the parties. [8]

If virtual courts are not implemented correctly, there could be a decreased understanding by parties of their rights, and remote attorneys may struggle to advise their clients of some rights effectively. Therefore, there may be adverse impacts on the attorney-client relationship. Also, courts have to make an honest assessment of any virtual judicial system. A virtual hearing does not provide the same experience or nonverbal information as an in-person hearing. [9] What happens if a party loses connection? Does testimony with echo and interference over a microphone is just as persuasive? How can we make sure that a witness is not having help from an attorney or a third party? Can a court compel a witness to appear electronically at a remote hearing, even if that witness is within proximity to the court?

Virtual courts have to ensure fairness for all parties and the process's integrity when courts

go online. A remote hearing should not create an advantage for a firm that can pay for good lighting and stable internet connections. Virtual courts that understand how to preserve due process will provide a step forward in ensuring access to justice.

4. Cybersecurity and privacy.

While virtual hearings can be useful, authorities have to implement adequate safeguards to ensure that the proceedings are protected.

For example, in a recent incident, a lawsuit challenging Florida's mask order took an uncomfortable turn. While the attorneys prepared to present their oral pleadings, hackers infiltrated them with bursts of music and offensive sexual depictions. [10] In other words, the hearing was subject to a Zoomboring. It has been reported on different occasions the cybersecurity issues with Zoom. Besides, Zoom has not helped its case by misrepresenting its product's level of security and privacy practices. [11]

Any virtual court has to provide adequate cybersecurity measures, both in terms of who has access and how data is stored; and how confidential information will be administered. For example, if private communications between counsel and their clients occur in a specific platform, it is imperative to use a platform that offers robust cybersecurity. In addition, virtual courts have to provide platforms that make it easy to protect the presented evidence.

With cybersecurity and privacy, there are many questions we have to ask. For example, if all virtual hearings are open to the public for

remote viewing, there is potential for recording shared evidence by anyone with internet access. Are there adequate mechanisms to prevent this? How courts store evidence and data from virtual courts?

In a more complex scenario, how can we prevent 'deepfake' technology that enables someone to claim and visually simulate a fraudulent identity? [12] Questions like these have to be answered before courts rely heavily or exclusively on virtual courts. Any virtual court must consider privacy, fairness, and cybersecurity concerns as technology become more complex. Only by adopting adequate cybersecurity protocols, virtual courts will be able to enhance access to justice successfully.

THE FUTURE IS BRIGHT

Do not fear; I am a firm believer in virtual courts. However, we have to look carefully at how these procedures work in practice and improve our approach. Many issues need to be solved before relying exclusively on virtual courts. Recently, the Honorable Judge Roy Ferguson of the 394th Judicial District Court in Texas said: *"you can't blame Zoom because we're not driving their bottom line — what we need is 'Zoom Virtual Courtroom' instead of 'Zoom Virtual Meetings.'"* In other words, we have to be creative and innovative to find better solutions that are adequate for the legal industry.

Zoom, WebEx, Google Meets, or Microsoft Teams were not created to held virtual courts. I think it would be unfortunate if the courts become too reliant on remote proceedings using mainstream platforms. When COVID-19 ends,

courts should not use mainstream platforms only because they are more cost-effective solutions. Courts have to consider the potential risks of using traditional tools.

Therefore, courts should implement virtual courts that come with a focus on a longer-term shift towards remote proceedings. Virtual courts could become the 'new reality.' However, this should not be an excuse to disregard severe concerns with the current solutions that came out of this crisis.

As Richard Susskind expressed in his article "The Future of the Courts", we have to: *"radically redesign our court systems and put in place a new configuration of people, processes, technologies, and physical spaces that is user-centered, technology-enabled, sustainable, accessible, and better than what we have today."* I think we can all agree on this premise.

My prediction for the future of virtual hearings is positive and optimistic. Virtual hearings can genuinely expand the capabilities of the judicial system. However, looking forward, we have to move above and beyond what we have today. We have to learn from this crisis and create better solutions that genuinely improve access to justice. It will be up to judges, lawyers, and users to create better alternatives that ensure access to justice.

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Mauricio is a Justice Entrepreneur with A2J Tech, a company in Denver (Colorado) that builds legal tech solutions to improve access to justice. Mauricio serves as an Of Counsel Partner of Legal Plus; a law firm focused on advising entrepreneurs and technology companies. In addition, Mauricio has served as a Kleros Fellow of Justice and is the Host of the Legal Hackers Podcast (In Spanish).



The Fantastic Four of Digital Transformation

By Abeer Abu Judeh, Attorney and Founder of LexDock

Companies toy with the idea of digital reinvention all the time. Most of them fail. That's because "true" digital transformation, venturing outside of a company's business norms, can be like going on a space mission. To succeed, a company must have a bold imagination and true commitment to change. The Fantastic Four of Digital Transformation can help:

The Thing:

Before embarking on an out of this world mission, an organization must select The Thing or a Tech Rock to lead its digital transformation. The special power of the Tech Rock lies in his keen knowledge of foundational IT. He carries the load of everyday tech operations.

He is also responsible for designing the digital transformation roadmap. He must also be a visionary; someone who is able to conceive technology modeling to meet the corporation's anticipated business needs.

The Tech Rock is an architect carefully balancing between legacy and new technology products. His talents allow him to identify the legacy technology to preserve vs. that which is weighing down progress. He values the technology necessary for business continuity while constructing the way for future operations. In a nutshell, he validates existing technology and weeds out the dead ones.

What differentiates the Tech Rock is his imagination. He sees the fantastical space where the organization is headed and possesses the IT know how to navigate through the transformation minefields. He can foresee future technology solutions and how it can be built from today's toolbox. Indeed, the heavy weight of the organization's digital transformation rests on the shoulder of its Tech Rock.

The Invisible Woman:

In the tech world, the Invisible Woman is the Data Wiz. Every organization needs her, especially if it's planning a mission to outer space. The data referred to here is that hiding behind the scenes. Most associates don't know about this secret data. But there is an Invisible Woman permanently planted in the server room sorting through it. To invest in a Data Wiz is to ensure high-performance capabilities. In other words, it helps your spaceship navigate through space at optimal speed.

The Data Wiz knows data and all things analytics. The source of her power comes from her knowledge of the data germane to the organization. She understands content, value and quantity. Her real knack comes into play in visualizing not only existing content and capacity but that which is needed for optimal performance in the future.

The Data Wiz is a master of sort. It's not so much about mass retention of data. The process requires precise excision of useful information and then running targeted analytics to create beneficial compilations. The Data Wiz carefully sets the parameters for what data to extract and what tools to utilize in the process. With her talent, she is able to compartmentalize information into two key categories; that which is needed for inter-organization improvements and that which is focused on customer experience. You may not see the Invisible Woman, but your Data Wiz is the key to your digital transformation optimization. It provides your organization and its users a marvelous experience.

The Human Torch:

When you are cruising through space, you will need fire power. The Human Torch clears the way for a reimagined future and boosts the engine to stay on track. He assumes the helm of your digital transformation initiative.

It is true that the mapping out of the organizations' digital future is a collective effort. It requires infinite contributions from talented leaders across the organization including business, technology, people and data units.

The collective team devises the digital transformation plan but it's the Human Torch that paves the way.

For a successful digital overhaul, it is essential to build a strong foundation not only to launch but to stay the course. To accomplish the mission, the Human Torch will need the authority to resolve obstacles and ensure the completion of the transformation process. As we all know, change spurs dissent from conscientious objectors and those lade with fear. The Human Torch is able to temper his power to respond to the challenge at hand. Actions intended only to hinder the transformation process must be met with resilience. When planning an organizational digital transformation, be sure to dial in your big guns.

And finally, Miss. Fantastic:

Miss Fantastic is the digital transformation cheerleader. She is an invaluable ally to rally the troops and combat fear. She garners the necessary support for the organization's mission and prepares associates for the new age. She is also a critical release valve to reduce tensions in the control room. Miss Fantastic is the one you call when the going gets rough.

The Human Torch can only lay down the road, but Miss Fantastic paves it with the work of committed associates. Having a consistent message builds trust. With cheer and upbeat disposition, Miss Fantastic encourages associates to shine and softens the impact of change. She collaborates with business units across the organization to determine their capabilities and adjustment needs. Utilizing her resourcefulness, she plans and rations to meet the troops needs during the transformation.

Who knows what will happen on a journey into the future? You can prepare with provisions and tools but what about the leadership team and their wellbeing? In the confined cockpit, passions on the organization's direction, progress and course correction may get to a boiling point. Miss Fantastic centralizes and focuses the powers of the Fantastic Four to stay the course. She listens, explains and mediates conversations. She releases tensions to protect the core of the mission.

When you are mapping the technology future of your company, be sure to enlist and trust a fantastic team. The Tech Rock, Data Wiz, Human Torch and Miss Fantastic are the four indispensable pillars of your digital transformation. Each is equipped with a unique talent to further the mission. Together, they boldly guide your organization into its new digital frontier.

About the Author

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

As founder of LexDock, Abeer focuses on creating technology solutions to reinvent the manner in which LexDock, Abeer focuses on creating technology solutions to reinvent the manner in which legal services are rendered. With infinite passion for justice and technology, she paves the way for the democratization of the legal market place. LexDock empowers

Businesses with the tools necessary for them to manage their legal affairs in real time and on budget. LexDock was hailed by LawWeek Col-

orado as a “A New Marketplace on the Market” and was named by the National Law Journal “2020 Emerging Legal Technology Leader.”



The graphic features a faded background image of a city street with a prominent clock tower. In the center, the Suffolk University Law School logo is displayed, consisting of a shield with a book and a quill. Below the logo, the text "SUFFOLK UNIVERSITY" is written in a large, dark blue serif font, and "LAW SCHOOL" is written in a smaller, gold-colored serif font below it. At the bottom of the graphic, there are four light gray rectangular boxes, each containing an icon and text:

-  **Top 20**
Clinical Program
-  **Top 3**
Legal Writing
-  **Top 15**
Trial Advocacy
-  **Top 25**
Part-Time Law Program



Stay Calm and Steer Your Firm

Can your firm's management reporting support your leaders and managers during the post-pandemic recession and into the accelerating future of professional services?

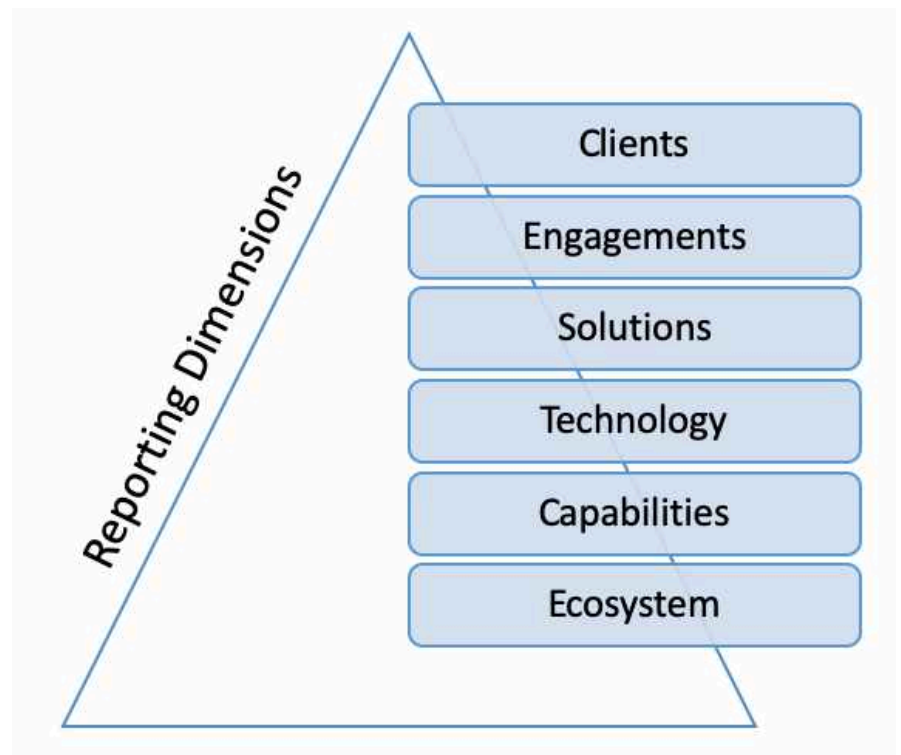
By Sebastian Hartmann & Stephan Kaufmann, KPMG

Across the world and in most economies and industries, we are not only fighting a pandemic and facing a recession but also see the pace of change accelerating. Consulting, legal, tax, outsourcing, and technology services firms are traditionally riding this wave of change and shape therewith arising client challenges and responses. Only this time, they are right in the middle of it – and need to transform themselves.

Being under pressure for quite some time, the traditional time & material model for professional services continues to erode with remote working and virtual engagement models on the rise. Personal relationships, high billable daily or hourly rates, and great utilization alone are no longer a recipe for success. Technology is moving to the center of attention, and firms are spending more and more – absolutely but also relative to their revenue. If solely treated as a cost position, it becomes a race to the bottom. Instead, if considered a revenue driver, technology paves the way for new business models. The whole architecture and value chain of services is, therefore, evolving towards a new reality for the professions. “Smart people” are not the “product.” Maximizing individual partner income is not enough motivation. Neither to drive significant scale nor to justify adequate technology investments. So, the management playbook has changed – across consulting, legal, tax, accounting, and other professional services firms (PSFs). But how can firm leaders manage their new reality based on facts and figures? What does a future-ready management reporting

look like in professional services? Quite often, we find that while both the value and cost management levers have changed, many finance and controlling departments are still producing the same old reports, if any. Their focus often remains on net sales, charge-out rates, utilization, and realization. But it is increasingly questionable whether the traditional KPI sets suffice to manage a professional services business – especially if this business is leveraging technology, virtual client collaboration models, digital sales channels, shared delivery centers, suppliers, a contingent workforce, freelance expertise, alliance partners and co-creating new solutions with a growing ecosystem of players around clients.

The next generation of management reporting needs to combine different perspectives and new dimensions to create a more meaningful picture and provide actionable transparency to leaders and managers in professional services:



- **Clients:** “Client reporting” is typically one of the more mature reporting dimensions, where most PSFs have a reasonably good understanding of how much revenue is achieved per client or account and whether account revenues are growing or declining. Nonetheless, many PSFs already stumble when asked about single client profitability and penetration of services. They have great difficulties to run reports regarding their share of wallet with a particular client or struggle to segment their client base beyond an industry classification, e.g., based on business models, relationship strengths or compositions, CxO addressees, credit scores, risk exposures, and other attributes. Being able to determine the state of your client base in times of crisis is a painful lesson, which many PSFs are learning at this very moment. Another increasingly important reporting angle evolves around the actual client experience. With a massive shift towards more virtual collaboration or even completely digital delivery models, this perspective may become one of the key advantages for firms capable of providing superior and integrated digital and personal relationships, interactions, service deliveries, and client journeys. So, being able to analyze your client experiences holistically is an essential reporting capability for PSFs going forward.

- **Engagements:** We see vast differences in the way engagements (or projects, cases, matters, etc.) are treated in reporting. Many firms simply leave it to the responsible partner to keep engagements on track and clients happy. In other words,

they provide no assistance or systematic management approaches. Overall, only a surprisingly small percentage of PSFs can report on anything more elaborate than count, size, volume, and resourcing of engagements. Indicators of operational delivery performance or even client success rarely make it beyond the team itself. Even fewer firms truly aggregate and include operational performance reports within their management and leadership reporting. Furthermore, as PSFs shift toward subscription-based, XaaS, or managed service business models and consequently more digital value chains, the nature of engagements is also changing significantly – requiring new angles to engagement reporting, such as incorporating phases or lifecycle information, insights on service levels, or usage and consumption patterns. We urge firms to adjust their definitions of what client engagements look like, how they evolve – and how they should be managed and reported.

- **Solutions:** As firms begin to [re-architect their value chains](#) and become more professional in the way technology, data, new capabilities and resources are leveraged, a reporting dimension is taking shape where all of this comes together: „Solutions“ – the term for services, products, and their combinations. In other words, this is about “what” is truly being delivered to clients – and how solutions (services, products) are performing across multiple clients, engagements, offices, and teams. Almost every industry or company would be quick to confirm the importance of this reporting dimension. Meanwhile, most PSFs still

have severe deficits when it comes to understanding and reporting around their ill-defined services and/or products. This leaves the management clueless or reliant on gut feeling when it comes to related investment decisions, strategic analyses, or even the identification of operational solution and delivery management levers and potential. Solution-centered reporting for PSFs should be made granular enough to have meaningful conversations about the work being delivered. We recommend including at least essential aspects such as revenues and profitability (across clients, engagements, etc.), budget deviations, operational performance, and ROI/NPV indicators.

- **Capabilities:** Capability groups (often called practice groups, service lines, etc.) are traditionally one of the more mature reporting dimensions in PSFs. They are typically managed based on their people structure, utilization, and some information on the group's involvement in client work. The resource and utilization numbers of capability groups are often used as the foundation for annual sales planning processes – which unfortunately neglects market potential and a growth-oriented sales view. The limits of the management reporting for capability groups are typically reached when it comes to skill profiles, learning and development paths, or strategic analyses through a client and solution portfolio lens. As professional services evolve, this reporting dimension needs to shape a matrix view with clients and solutions.

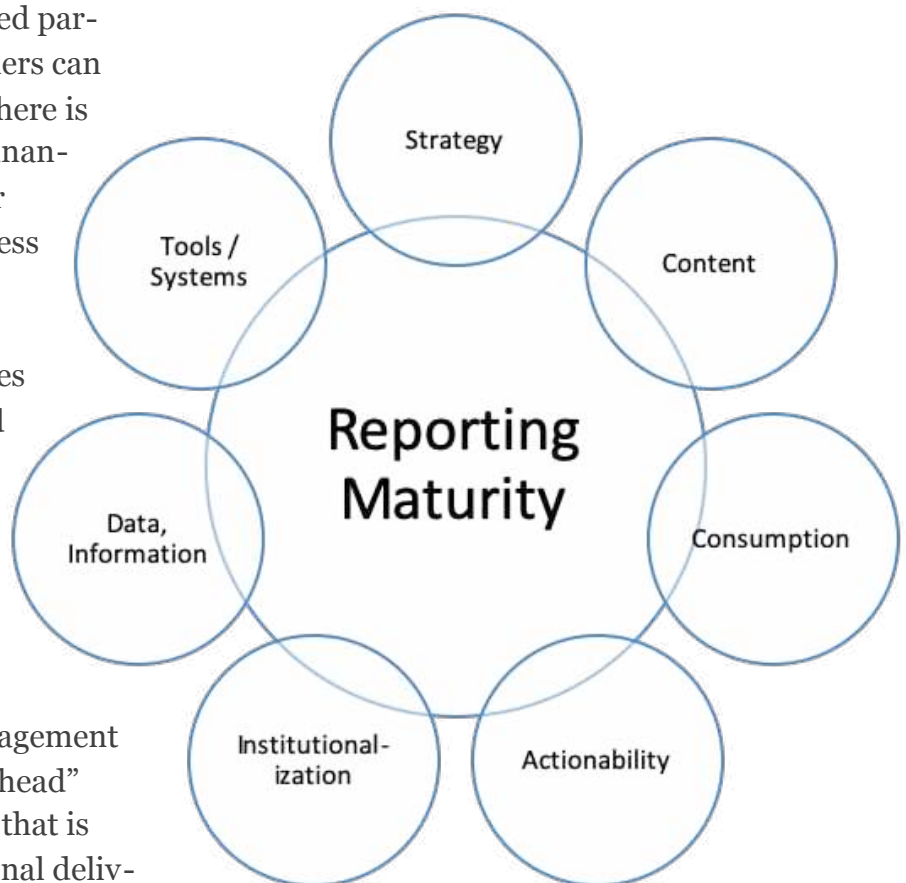
- **Technology:** The more solutions or services are underpinned by technology, the more it is critical to gain actionable transparency about the associated costs and consumption patterns – especially when clients are to be billed. The reality for most PSFs, however, is one far away from charging technology to their clients. Managing technology can be a daunting challenge in itself. And so is transforming an information & technology department (I&T) from an internal “behind the scenes” infrastructure provider or service desk to a value engine within the firm. I&T should not only understand the primary business on a much more operational level but also become an accepted partner thereof. One essential cornerstone of this transformation is creating the reporting capability to distribute I&T costs across engagements through “I&T services.” To do so, the I&T organization must develop a service portfolio that can be comprehended (business jargon) and consumed (price and unit measure) by the business. Thereby, the business is enabled to consider technology costs in its client proposals and ensure accurate billing to clients on a consumption basis. Typically, the I&T organization benefits from developing three stakeholder-specific views. One for finance, one for I&T, and one for the business. Each view with a distinct lingo to address the respective stakeholders in a meaningful way. The business view, we find, often poses challenges to I&T organizations whereas both finance as well as I&T views are typically available. The business view, in contrast, does require a sound understanding of the business and its solution portfolio.

- **Ecosystem:** Across professional services, we find a growing awareness of ecosystems – most notably through the ever-increasing number and intensity of collaborations between different firms, technology partners, alliances, suppliers, or even individual freelance experts. The integration of those ecosystem connections and players as well as the interactions, transactions in the management reporting is, however, an underdeveloped perspective (at best). Even simple spend analytics are a challenge for many firms, which have understaffed and immature [procurement functions](#). With growing spend levels and dependence on other parties for their market success, this lack of reporting quality can not only be costly but also negatively impact the top line for PSFs. It is difficult, for example, to align joint sales activities without shared pipeline views between the involved parties. Jointly delivering with suppliers can also turn into a nightmare when there is no aligned understanding of the financial implications for both provider sides – and how they tie into success for clients.

[Gavin Gray](#), COO of K&L Gates, echoes our reporting dimensions picture and the underlying paradigm shift: “We are moving from lawyers practicing law towards delivering legal solutions – and managing not just a legal, but a professional services business. We are moving our mindset around firm administration and management from a necessary housekeeping “overhead” burden to a differentiating capability that is more directly relevant to the exceptional deliv-

ery of client service. Management reporting, which allows us to better serve our clients – not just in hindsight, but “live” and continuously – is a key pillar for us. Client insights, solution and service performance, our use of technology and capabilities as well as our ecosystem activities are the essential ingredients for a more relevant and dynamic infrastructure that is capable of supporting our firm strategy and execution.”

To elevate a firm’s reporting maturity, it is critical to establish a sound understanding of the firm’s strategic ambition – which in turn shapes the reports within and across all management dimensions. A mature and impactful management reporting, however, needs more than just the right strategy and ticking of content boxes.



Management reporting should first and foremost serve the needs of the people in charge of managing the firm. In a professional services context, this may well include a considerable percentage of all employees – on potentially all hierarchy levels. To provide value, reports need to be pre-designed for specific roles and allow for customization driven by individual information needs. Mature firms use reporting to trigger actions automatically and thereby steer behavior. This goes beyond plain report design but includes the related communication processes and domain management mechanisms. Report addressees should find it easy to derive appropriate actions from reports and understand their personal or role-specific contribution to better firm performance. The organizational setup of the reporting function is another pillar, which needs careful design – and is highly dependent on the firm’s management structure, culture, and the reporting maturity (e.g., in terms of robustness or automation). Many reporting functions only serve as report producers and distributors with little involvement in the adjacent management processes and discussions. This setup often creates a disconnect on the data and content levels, too, which lowers the value of the reports or even creates “alternative truths.” Management reporting needs to evolve towards an institutionalized capability of the firm – a capability that is just as essential to serving clients, as the professionals themselves, the data and knowledge they bring to the table, or the technology deployed. As such, reporting functions need to foster a data-driven culture within the firm – and work hand in hand with I&T teams to deploy appropriate, user-friendly reporting tools for leaders, managers, professionals, and support staff

or any other role and function within the firm. Ease of use for actionable management reporting is, however, not a tool selection question. It is much more about the integration of relevant reporting information within the right management information systems in processes, workflows, and collaboration spaces. In short: The information needs to be available wherever it is needed or useful. Ultimately, mature reporting organizations must be deeply embedded in the business management approach, driven by business-value and leverage technology to automate, accelerate, and continuously enhance reporting.

So, in the light of the pandemic, an economic downturn, and an unparalleled technological upheaval across professional services, we urge firm leaders to take a careful look at their management reporting – and to invest in its maturity and future-readiness. It is, after all, one of the most essential tools for any leadership and management role.

About the Authors:

A classic career in the field of operations consulting (working for DAX and Fortune 500 as well as midcaps in Germany, Europe, Asia and the US) has led [Sebastian Hartmann](#) to [KPMG](#). He has held various leadership roles across KPMG on both national and international level. Since more than two years, Sebastian is in charge of KPMG’s global technology strategy. He is also advising other leading professional services firms (e.g., legal, engineering, consulting or creative) on strategic management, innovation and operations challenges. Sebastian holds a degree in service

management, system information science and international management.



[Stephan Kaufmann](#) holds degrees in both management and finance with a particular focus on professional services firms. As a project



manager at KPMG he delivers service firm management & turnaround projects from strategy to operations for large and mid-sized clients across Europe and the US. He is also an integral part of the Global Technology Strategy Team for KPMG International.

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Don't be obsessed with
looking back to what
has happened...



...For progress you
need to look at the
road ahead!

Read more about challenges, and pitfalls for new firm leaders on [page 36](#)

Helping Legal Teams Reimagine the Tech Toolkit

By Ari Kaplan, Principal, Ari Kaplan Advisors

Ari Kaplan speaks with Ab Saraswat, the vice president of international sales for Litera Microsystems, a software company that provides document lifecycle and deal management solutions to the legal profession. Ab is also the host of the popular Fringe Legal podcast.

Ari Kaplan

Tell us about your background and your role at Litera.

Ab Saraswat

I'm part of the revenue team at Litera and look after the international team, which is essentially everything outside of North America, focusing on EMEA, APAC, and Latin America, but I'm based in the U.S. so I end up getting a view into the entire world, which I'm quite lucky to do. I am trained as a barrister in the U.K. and joined a legal tech company that Litera acquired.

Ari Kaplan

How are you managing your global responsibilities without the ability to travel?

Ab Saraswat

I am still in the happy phase of not being constantly jet-lagged and like everyone else in the world, we pivoted to having meetings online using Zoom and Teams, among other tools. And actually, since we are not traveling to see our clients as much, we have been able to speak a lot more.

Ari Kaplan

What have you seen in terms of how international law firms have fared in the pandemic compared to their U.S. counterparts?

Ab Saraswat

One of the benefits of managing such a diverse portfolio is that you get to see the trends sometimes ahead of when they may hit the U.S. so as the market started shutting down in Asia, for example, we saw the impact that

would have for other law firms. One of the ways that we helped our clients was by communicating some of the things law firms were doing in Australia, Hong Kong, and Singapore so they could prepare better. For the most part, though, it has been similar to what the U.S. has done though firms shut down at different paces and had to quickly accommodate working from home. Now, they are getting to the stage where their markets are opening up so you see a higher velocity and volume of transactions encouraging their lawyers and other staff to make sure that they all work to the requirements of their clients. From the U.S. point of view, those that have really stepped up have been the knowledge team, the document production teams, and the supporting teams, which are pivotal in a law firm.

Ari Kaplan

Which firms that are managing to continue to find success are leveraging technology to support their teams most effectively?

Ab Saraswat

Firms of all sizes. Smaller firms, from solo practitioners to 50-lawyer firms had good tech stacks in place already so they have become more agile to compete and maximize what they can do for their clients. Larger law firms have also been able to leverage technology to ensure that business as usual remains as usual. In particular, those firms that have had a strong knowledge function have really thrived because when the serendipitous moment of bumping into someone or walking over to their desk to get the information you require is eliminated, a strong knowledge function allows you to transfer, allocate, and absorb

information distributed across the entire firm much more easily and readily.

Ari Kaplan

In what ways are those knowledge management teams elevating their influence?

Ab Saraswat

The first is just supporting and being a beacon of light by helping the lawyers find information. From a training and development point of view, it is being able to assess and recommend technologies to them, whether they have them in house or are looking at acquiring them in the future. The second is ensuring that they can capture the tacit knowledge that their lawyers have, such as through a content library, from which everyone, trainees through senior partners, can benefit. And, the third is about being that fluid layer in the law firm that links everyone together. In my experience, KM professionals are the most well-connected within a law firm. They know who to go to in order to get something done and empower individuals to collaborate, especially when it comes to pitching for work.

Ari Kaplan

What challenges and opportunities are legal professionals seeing in this remote work environment?

Ab Saraswat

Engagement has been the most significant challenge. When things were moving so fast and there were so many unknowns, it was critical to pick up the phone and ask clients how they were doing and how their businesses were managing. I heard from plenty of in-

house lawyers that this type of outreach was not happening enough. In fact, many were only really hearing from their lawyers when they needed something, such as the payment of an invoice or work to be delivered. The lawyers and legal professionals who stood out were those that were connecting on a regular basis. And, while there has been a torrent of information, which is fantastic, being a trusted resource for clients and understanding their business needs really set some legal professionals apart.

Ari Kaplan

How do you see Litera's approach to technology evolving?

Ab Saraswat

We are all about ensuring that there are workflow innovations happening by helping teams work smarter. This could be a monumental shift, such as using transaction management software in a transaction-heavy practice to make a difference. Or, it could be helping simply reimagine your toolkit as a lawyer or as a legal professional by providing a more guided experience. Lastly, we are making sure that there is a lot more interoperability across all of our products and making things as simple as possible.

Ari Kaplan

As a fellow host of a podcast, Fringe Legal, what issues are resonating most with your audience?

Ab Saraswat

The issues are quite varied. Human connections really resonate with individuals. People

are missing those networking opportunities where they may run into a colleague from another law firm or another practice group out for lunch, in court, or at a conference. In absence of that, helping individuals connect has been super important and is something on which almost everyone is focused. A lot of legal professionals are also leaders and these are difficult times in which to lead. There are crises all around us and there is an increased awareness around mental health, which is critical.

About the Author

[Ari Kaplan](#) regularly interviews leaders in the legal industry and in the broader professional services community to share perspective, highlight transformative change, and intro-

duce new technology at <http://www.ReinventingProfessionals.com>.

Listen to his conversation with Ab Saraswat, the vice president of international sales for Litera Microsystems, [here](#)



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CEO ROUNDTABLE: LEADERSHIP IN THE PANDEMIC I



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ARI KAPLAN ADVISORS CEO ROUNDTABLE



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May 2020

CEO ROUNDTABLE: LEADERSHIP IN THE PANDEMIC II



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to read body language on video.



EMPLOYEE EMPOWERMENT
is not a substitute for leadership.

MY JOB AS CEO
is to give hope and
INSPIRATION
to our employees.



AMPLIFIED
communications
made an impact.



The courts have been
FORCED TO EVOLVE.

SELF-SERVICE

capabilities are
becoming
MORE PROMINENT.



AK ARI KAPLAN
ADVISORS
CEO ROUNDTABLE

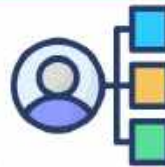


I have found my job to be
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than in the past as the role of CEO
now has a **HIGHER MEANING**
and purpose.

This has been
an incredibly
intense,
HUMANIZING PERIOD.



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authentically, it can
DRIVE COMPANY
CULTURE FORWARD.



Team management in a
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June 2020

Critical Preparations

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

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

My first article for *Legal Business World* was “Negotiating with Law Firms” in early 2018. For the most part, it reported the findings of Altman Weil’s Chief Legal Officer survey (2017). At the time, I concluded that “fair and informed negotiation of operating and financial arrangements with preferred law firms requires companies to enforce guidelines for matter staffing, matter budgeting, expenses and billing. Non-hourly fee arrangements for complex and routine work should be the order of the day, and in-house counsel should be proficient with every aspect of AFAs if they are to be accountable for the business side of the relationship with external counsel”.

Today, 30 months later, the evidence suggests that many company legal and procurement departments continue to underperform when sourcing external legal services. One of the primary reasons for this is insufficient preparation. This brief article is intended to make the eventual negotiations with law firms as effective and efficient as possible. One assumption in writing this piece is that such negotiations would be in respect of multi-year portfolios of legal work rather than for single legal matters. I also favor non-hourly fee arrangements for almost all types and complexities of work.

Building Blocks

There are three critical building blocks when sourcing external legal services. Each depends on the participation and collaboration of Procurement/Strategic Sourcing and of the legal department with its legal leadership - and with the legal operations professional when there is one.

Securing Sponsorship

The first step is to forge a formal alliance. Procurement should develop a detailed sourcing program for legal services. It should describe the company’s non-financial objectives for convergence, the optimal configuration of primary and secondary firms by jurisdiction and globally, simplified reporting and billing requirements, and the place of technology to improve effectiveness and efficiency.

The sourcing program should set out the company’s objectives for non-hourly pricing, annual price increases, disbursements, law firm performance, annual review and adjustment mechanisms, and payment terms. The sourcing program sets a financial target for total legal spend and for savings to be achieved with the Request for Proposals (RFP) or Invitation for Strategic Partnering (ISP).

The written sourcing program should also describe Procurement’s division of labor with the law department for the preparation and conduct of negotiations. The company’s law department should then sign off on the program before the work begins. Progressive companies typically share many, but not all, of their non-financial and financial objectives in the RFP / ISP and in the meetings with law firms.

Scoping Legal Services

The second building block – scope of work – is typically core procurement competency. Providing extensive detail in the RFP / ISP about the scope of legal work which may be available to law firms over time is the basis of migrating the relationship with law firms from that of a traditional vendor where the company

purchases one hour or one matter at a time, to that of a strategic business partner that is prepared to adopt non-hourly pricing, innovate with service delivery and operating practices, and invest in technologies that the law department that of a traditional vendor where the company purchases one hour or one matter at a time, to that of a strategic business partner that is prepared to adopt non-hourly pricing, innovate with service delivery and operating practices, and invest in technologies that the law department can use. See Ben Heineman's *The Inside Counsel Revolution*, starting on page 401.

Scoping legal services for sourcing purposes means describing each category of work, the types of matters and the complexity mix for each category, and the estimated volumes of work by category and by jurisdiction. The scope of work should set out the optimal practice patterns – staffing ratios – by legal category.

Not every company wishes to reveal this level of detail, perhaps reticent that by doing so it will raise expectations in law firms which cannot be fulfilled. However, all estimates are provisional, and none constitutes a guarantee of work to any firm. The advantages of sharing this information outweigh the perceived risk of doing so because firms will be more prepared to accept the company's non-financial and financial objectives when preparing proposals and negotiating favorable long-term arrangements.

Pricing

The third building block calls for consensus on the most effective form of pricing legal work. When favoring non-hourly fees as the predominant financial arrangement for most categories

and complexities of work, the fee configuration should stimulate and reward effectiveness, efficiency and innovation in legal services provided there is a measurable contribution for each of these.

What to Negotiate

Quite specific questions should be asked of the law firms in the RFP / ISP. These can be expanded for both the financial and non-financial elements. The answers will assist in qualifying firms and accelerating the negotiation process. Consider the firms' written responses to be the early stage of negotiations.

Some of the *non-financial elements* to discuss with firms include:

- a commitment to detailed matter planning and budgeting to manage the number and distribution of hours before they are worked by the firm
- coverage by the firm for each legal specialty, for various levels of partner / associate / paralegal experience, and by jurisdiction
- the expertise and availability of the law firm's team members at all levels of experience
- service level guarantees with key performance indicators, covering all offices of the firm as well as the allocation of work by primary firms to secondary firms
- a relationship partner accountable to the company for all aspects of the firm's professional and financial performance
- acceptance of the transfer of administrative and management reporting from the company to primary and coordinating firms to minimize the company's investment in infrastructure.

Some of the *financial elements* to cover with the RFP / ISP and in meetings with firms include:

- the company's preferred staffing distributions by category of work
- the use of alternative fee arrangements
- the prices and related conditions/discounts for the work proposed by the firm
- the stability of prices over the RFP / ISP reference period
- fees for performance and / or innovation as part of hybrid fee arrangements
- the admissibility of disbursements
- the speed of payment and its relationship to price
- annual review and adjustment mechanisms based on work type and volumes

Roles and Responsibilities

The working group charged with scoring the proposals and meeting the firms should consist of no more than five individuals: the Project Manager, likely from Procurement; a second person from Procurement to record discussions and decisions as well as to run all financial projections; the CLO or deputy; and one or two senior members of the law department representing significant legal categories. Because the sourcing process can stretch out over time and the documentation can be extensive, a five-member working group is sufficient, assuming there is consultation with other stakeholders at select intervals. One of the group members should be proficient in the full range of AFAs and law firm economics.

Experience suggests that the law department should take the lead in "negotiating" the non-financial elements. It is preferable that these

be addressed before the financial elements. Discussion of the financial elements should be led by the Project Manager and/or by the company's AFA specialist – ideally an individual from Procurement, provided there is a very good understanding of law firm economics, the full spectrum of alternative fee arrangements, law firm cultures, and partner compensation systems.

Conclusion

Successful negotiation of sustainable relationships with law firms depends on putting the three building blocks in place, developing a detailed scope of work for the RFP/ISP, explicit statements of financial and non-financial objectives for legal services, and meaningful roles and responsibilities for the procurement and legal departments during the sourcing process.

About the Author

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**INDUSTRY NEWS &
INSIGHTS ...**



Static Legal Teams: A Slow Extinction

By Shany Raitsin, Marketing Director at LawFlex

Even in the aftermath of the pandemic, companies and law firms will be inclined to turn to legal outsourcing to scale their legal teams up and down. The new normal has solidified; and static in-person legal teams will face slow extinction. Even as law firms across the world begin to reopen, various reports show that legal teams continue to enjoy the benefits of remote work – more and more firms are beginning to resemble the flexible internal structures of ALSPs—who have been outsourcing remote legal talent for decades.

It's still unclear where we are in relation to our journey in this pandemic. Depending on where you are in the world, it may seem as though society is slowly but surely trudging out of the woods. You may be seeing a decline in COVID-19 cases in your area, lightened restrictions and the subsequent re-opening of businesses.

Among these re-opening businesses, aside from beloved restaurants, movie theaters, and coffee shops, are law firms.

But even in the tentative ‘aftermath’ of the peak pandemic outbreak, legal departments are hesitant to return to their old ways.

Leading international law firm Ashurst LLP is among the many firms that are re-thinking how they prioritize in-person teams. Ashurst’s Perth office managing partner Gaelan Cooney commented that his team has already proven that “working remotely works,” and adding that “While we are pleased to see staff return to the office, we are also using this opportunity to build on the flexibility we have embraced in recent months.” Cooney’s statement echoes the current rhetoric that is surfacing within the legal industry; remote working *works*, so is there much justification left for static physical teams?

A Change of Heart

Many have speculated that the current onslaught of change the industry is facing has been slow brewing, and in the words of Ballard Spahr’s chief client value & innovation officer Melissa Prince, the pandemic has simply “exacerbated that change”. Back in July, when Chicago was unrolling its phase 4 preparations, managing partner of Baker McKenzie, David Malliband, expressed his reservations about returning to full-scaled in person teams. Malliband said he wouldn’t even be able to take a gander at guessing when his 580 employees would be returning to the office, that they were “early to close down, but I don’t think we’ll be early to open up.”.

Somewhere along the timeline of the pandemic, the discourse surrounding going back to ‘life-as-we-knew-it’ changed. The shift is

palpable; there is no longer a pressing urge to return to pre-corona times because many law companies are realizing the inherent benefits to remote working. Somewhere along the way, lawyers had a change of heart, and began to favor the flexible, virtualized infrastructure of NewLaw.

The realization that client relations do not have to suffer with the implementation of virtual legal services is monumental. Baker McKenzie’s Tampa office seems to share the same sentiments as its Chicago counterparts, its executive director Jamie Lawless stated, “Videoconferencing capabilities have been critical.

We are rapidly gaining virtual experiences and closing deals, working on mergers and acquisitions with clients and engaging discussions.”. Lawless claims that despite the physical distance to her employees, she’s never felt this connected to them.

The Pro’s & Con’s of E-Lawyering

In a study conducted by Major Lindsey & Africa (MLA), 95% of survey respondents stated that they believed the pandemic has changed remote working practices at their firms for good, but it’s no secret though that despite the benefits of e-lawyering, many attorneys are experiencing ‘Zoom Fatigue’, the result of countless hours spent monotonously in front of a screen, on calls that drone on for longer than they arguably should.

Sometimes these calls aren’t even completely *necessary*, as one partner at a U.S. firm in London reports, “I was on back-to-back Zoom calls for eight hours yesterday,

and I've just finished a four-hour video call about something that absolutely could have been talked about over email.”

So let's really look at the negatives associated with the virtualization of the legal profession; what is the true result of this? Over-communication and fatigue? Can an excess of communication between clients, or between team members, really be called a flaw within virtual legal services? The answer is enmeshed in a lot of grey, because the fact of the matter is virtualization may not be the answer for every law firm, but the pandemic has pushed legal departments to become tech enabled, so now even if/when they slowly return to their physical offices, they will still carry with them the lessons they learned regarding the efficiency achieved through legaltech/remote working.

The pandemic has pushed firms to increase their efforts to protect IP and sensitive information, to explore cloud-based technologies to store important data. It is also undoubtedly altering the very DNA of these law firms, who are now embracing project-focused approaches. Now more than ever, clients are doing what they can to ensure the various micro-goals they set for a firm are met; looking to maximize efficiency as well as transparency.

This is precisely where the appeal of an ALSP comes in, because the structure of an ALSP allows for the fluid redistribution and restructuring of a team without disrupting the progress of a project. In fact, it *increases* the speed at which a project progresses; with a service like legal outsourcing, a firm can bring in legal talent per their changing needs, and request to be matched with the profiles of lawyers who carry

specific qualifications/experience. Never before has the need for ALSPs been more apparent.

Companies like LawFlex, Lawyers On Demand and Axiom stand out as the titans of the legal outsourcing industry, all bringing to the table pools of diverse legal professionals. As many have already predicted, the increase in utilizing services like legal outsourcing is also leading to additional growth within the gig economy, ballooning the already popular trend of free-lance lawyering.

The Proof is in the Pudding

Again, it's not that law firms or in-house counsels need to consider being *wholly* virtual, but now that the legal industry has been forced into a corner (so to speak) by COVID-19, it's comforting to know that lawyers *can* work remotely. It's also comforting to know that more and more legal departments are exploring the avenues of alternative legal services, and that the rigid structures of traditional corporate legal teams are breaking down, revealing a mountain of opportunity for flexibility and cost efficiency.

According to KorumLegal, legal departments, on average, save 33% per day with ALSPs as opposed to an in house hire. If the costs are compared to that of utilizing a mid-sized law firm, it is reported that instead by using an ALSP, a legal department would save 50% per day. Legal operations serve to ensure that when a legal team invests in a freelance hire, or a new legaltech software, this change is absorbed smoothly.

Legal ops also seek to find new ways to increase efficiency for both the legal department

and the client, acting as the integral backbone of a legal team. It is reported that 74% of GCs who invested in legal operations saw increased efficiency within their departments, proving that the benefits of using an ALSP to a legal department's advantage can no longer be ignored or underestimated. The proof is simply in the metaphorical legal pudding.

Now that law firms are beginning to slowly reopen their physical doors, they may very well find that the demand for flexible virtual working from their employees won't lessen; why revert back to a way of life that simply wasn't as modern or efficient? The modern day working lawyer will not take for granted the flexibility that comes with remote working, especially when they are juggling a 50 hour work week (the average for a Canadian lawyer) as well as a family.

So if I had to take a guess and visualize what the post-corona world might look like for lawyers, I'd predict that it's one where working remotely, at least part time, has become the new normal. Following that prediction, I think it would be logical to assume that with the dominant virtualization of the legal profession, free-lancing will follow as a solidified new normal. It's hard to ignore the fact that, according to KorumLegal, 71% of GC's already use ALSs for specialist expertise, once again reaffirming that legal departments are adopting a paradigm that is project-centered.

In a world that is increasingly globalized and tech savvy, it's about time the legal industry accepts that virtual workspaces are here to *stay*. Legal resourcing teams are an invaluable asset, that when utilized can diversify a

department's staff, and not only in terms of a talent's experience but by social terms as well.

It has never been more important to ensure inclusion initiatives are enacted among legal teams. One of the biggest issues in the legal industry to date is how under-represented some minorities are, such as Black people, who make up just 3-4% of the legal profession. According to Esuga Abaya, a business attorney at GrowthCounsel, this underrepresentation is a natural barrier for many black lawyers looking to advance their careers because it means they are essentially "fighting against the disadvantages of their network."

This is one of the many reasons why legal resourcing companies are crucial to utilize, for their ability to provide a legal department with a pool of profiles that can help diversify their team, and fight against issues like the underrepresentation of POCs within the legal profession.

Static, stagnant, rigid legal teams are bound to suffer--the wave of change has already come and gone. Anyone who resists it is simply resisting the inevitable, because if this pandemic has told us anything, it's that remote working isn't just the safe route, but the smart route too.

About the Author

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Central American “Fintech” policy: a call to action.

By Iraida Herrera Abreu, Project Manager at A2J Tech

After analyzing the fintech regulatory schemes of Singapore and the United Kingdom, the main regulatory components of those systems are the following: a) a specific Fintech law, b) sandboxes, c) a consolidated Fintech association, d) a joint working group with the regulator. [1]

Some countries in Latin America have already set up their Fintech associations. Central America is not an exception. Nevertheless, the establishment of these regulations is recent, and therefore, initiatives such as developing specific Fintech law proposals, innovation offices or regulatory sandboxes have yet to be consolidated.

In Latin America only Mexico has approved its own Fintech law. [2] On the contrary, even though Central American countries are facing a rapid growth of the fintech industry they do not have any specific regulations. Even when they shall comply with regulations that are applicable to any business (e.g. data protection, taxation, consumer protection) there are no specific regulations for the financial technology developments in the region.

Central America offers interesting possibilities for policy and regulatory solutions on Fintech. State parties to the Central American Integration System (SICA, for its Spanish acronym)



and, in particular, to the Economic Integration Subsystem, can adopt binding, regional regulation through a community law system with multiple sources of law. These include traditional, international law mechanisms (e.g., treaties) and binding legal instruments adopted by regional bodies through autonomous procedures. [3]

Fintech, as a dynamic industry, requires action from both the private and the public sectors. It is now a question if policymakers need to take the necessary steps to address the dynamism and potential that Fintech firms and their alignment with the law's objectives can provide; and if so, how they should do it.

The first question we should ask is then: should the governments of Central America regulate Fintech transactions? If so, why? When designing fintech policy we should consider, also, if it is possible to construct a unifying fintech regulation for Central America's jurisdictions and, if not, the alternative to a general legal regional framework. The results may help governments formulate an adequate policy that improves financial inclusion for the Central American populations and for attraction of foreign investment within the region.

As regulators are domestic by nature, building mutual trust between national regulatory bodies is a question of time and its achievement is a real challenge. However, like in cross-border banking regulation, international regulatory networks might be entrusted with an essential function in establishing regulatory standards for dealing with Fintech. [4]

Regulatory challenges in Fintech subjects tend

to vary on the specific Fintech sector, the state of development of financial products and services in the region in question, and the regulatory environment. In other words, achieving a qualitative, responsive, and effective regulation across borders cannot be considered an easy task.

The thought I intend to spread is: have you ever considered what would happen if the regulators of Central America would ensure a sufficient level of information sharing between each other, for the purpose of establishing a uniform monitoring regime?

Considering the history and challenges of Central American governments *e.g. corruption*, we should determine if the means to achieve a proper Fintech development supervision around the region is through a regional innovation office, a regional (multi-jurisdictional) regulatory sandbox, a regional regtech proposal or an alternative to a regional legal framework.

Over the last two years, there has been an increasing academic interest in Fintech around the world. This rise has run parallel to the evolution of the different business segments for technological financial services. Studies in the United Kingdom, Singapore, Europe and the United States identify, define and explain the essential concepts of Fintech, such as "financial inclusion," "regulatory sandbox," "regtech," "innovation office" and so on. [5]

Some early lessons have been shared by academic institutions and research organizations around the world on regulatory innovations to enable inclusive Fintech, such as UNSGSA [6]

and University of Cambridge. These studies are focused on more developed countries. In Latin America and Central America, however, only the Inter-American Development Bank has studied this phenomenon. I consider this a problematic as there is a lack of objective information around the region.

The “Report on Fintech in Latin America 2018: Growth and Consolidation”[7] –which is the most updated source extended by the organization—provides a description of the financial technology sector in the region, tackling gender issues and Fintech, the studies of the existing Fintech associations and the discussion of the Fintech’s sector’s potential for improving financial inclusion, and funding for the productive sector in Latin America. [8] Costa Rica is the only country in Central America where (even if there is no specific regulation for Fintech transactions) the Inter-American Development Bank (IDB) has performed an ecosystem investigation. This research [9] describes the lack of regulatory provisions that the country faces, such as a lack of special regulation for fintech startups, lack of financing and capital, among other fundamental instruments that Costa Rica lacks.

But Costa Rica does not lack only of regulatory provisions. The country, as the rest of the Central American countries, lacks academic research on the necessity of certain provisions for Fintech development around the region. They lack a proposal or an exclusion of regulatory assessment for Fintech transactions. According to the Guatemalan Fintech Association, there is yet not one single publication or academic research addressing the regulatory

framework for FinTech companies in Guatemala. [10]

Definitely, further research should be conducted to define the regulatory model that should be adopted for Fintech in Central America. This should be done by academics, professionals, private entities, Fintechs and public institutions. In recent years technology has unquestionably brought new development opportunities to our Markets. We must understand it: financial technology is influencing the financial industry overall. Thus, we should address the question of what the best regulatory scheme is to encourage competition and innovation, while minimizing risks and ensuring a level playing field in the region.

The rise of Fintech generates a number of concerns about its effect on the stability of the financial system as a whole. These concerns are connected with the structure of Fintech industry. Systemic risks are higher when individual actors are fragile, shocks are easily propagated, and information asymmetries are widespread. [11]

Under scope theories such as the theory of the systemic risk of decentralization, we should address whether Central American governments should provide special regulations for Fintech transactions or not. Said theory explains how, in the post-crisis era, it is assumed that “too big to fail” institutions present the greatest systemic risk to the economy. But the small size and disperse nature of the Fintech industry might raise specific systemic risks. A careful analysis of the for Fintech-specific regulation (or for its absence) shall be conducted not only by our governments but by the

private institutions and associations throughout the Central American region.

Lastly, financial policy makers must take into account the international dimension on Fintech operations. Usually, regulations are drafted without close scrutiny of the long-term international consequences of particular regulatory approaches. Both private and public institutions should study and propose how to treat Fintech in Central America under the lenses of both international and community law, as Fintech transactions are typically not located in a single jurisdiction. With accurate Fintech policy, Central America can be strengthened as a region.

Notes

- [1] UNSGSA FinTech Working Group and CCAF “*Early Lessons on Regulatory Innovations to Enable Inclusive FinTech: Innovation Offices, Regulatory Sandboxes, and RegTech*” Office of the UNSGSA and CCAF: New York, NY and Cambridge, United Kingdom (2019), Page 62.
- [2] Please refer to the “Law to regulate fintech transactions” of the Congress of the United Mexican States, published on March 9, 2018.
- [3] Guatemala, Costa Rica, El Salvador, Nicaragua, Honduras and Panamá.
- [4] Ivanova, Petja “*Cross-border regulation and fintech: are transnational cooperation agreements the right way to go?*” Published by Oxford University on behalf of Unidroit. Unif. L. Rev., Vol. 24, 2019, 367–395, Advance Access publication: 19 June 2019, Page, 368. [5] UNSGSA FinTech Working Group and CCAF “*Early Lessons on Regulatory Innovations to Enable Inclusive FinTech: Innovation Offices, Regulatory Sandboxes, and RegTech*” Office of

- the UNSGSA and CCAF: New York, NY and Cambridge, United Kingdom (2019), Page 62.
- [6] UN Secretary-General’s Special Advocate for Inclusive Finance for Development.
- [7] IDB, IDB Invest and Finnovista Coordination: Gabriela Andrade, Daniella Kathyuska Bolaños, Andrés Fontao, Macarena Banus, and Jessica Pleguezelos “*Fintech Latin America 2018, Growth and Consolidation.*” Jel Code: 033.
- [8] Idem. Page 2.
- [9] Ernest, W., Gutiérrez, P. Schneider, C. “Fintech in Costa Rica: the evolution of financial services” IBD Monography 732.
- [10] Interview to Natalia Pinzón, President of the Fintech Association of Guatemala, conducted on May 11, 2020.
- [11] Magnuson, William, “*Regulating Fintech,*” 71 Vand. L. Rev. 1167 (2018), available at: <https://scholarship.law.tamu.edu/facscholar/1256>, page 1120.

About the Author

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Legal Tech:

Moving from ideas to execution

By Helena Hallgarn, co-founder of Virtual Intelligence VQ, Sweden, Ambassador of ELTA in Sweden and chairman of the Swedish Society for IT and Law

The buzz around legal tech is huge these days. In the legal sector, two of the hottest topics are “Legal Tech” and “innovation”, or a combination of these. There are legal tech events, tech academies, innovation hubs, legal design initiatives, legal hackathons, innovation managers at law firms and a lot of articles on “New Law” being published. To me, as one who has been working with these issues for more than twenty years, this is really good news. For many years, the legal tech world has presented new ideas on how to modernise the legal sector. But how many changes have we actually seen so far? Most legal tech initiatives still centre on making lawyers more efficient in their legal work. And in Sweden, legal services are mainly delivered by law firms focused on the billable hour.

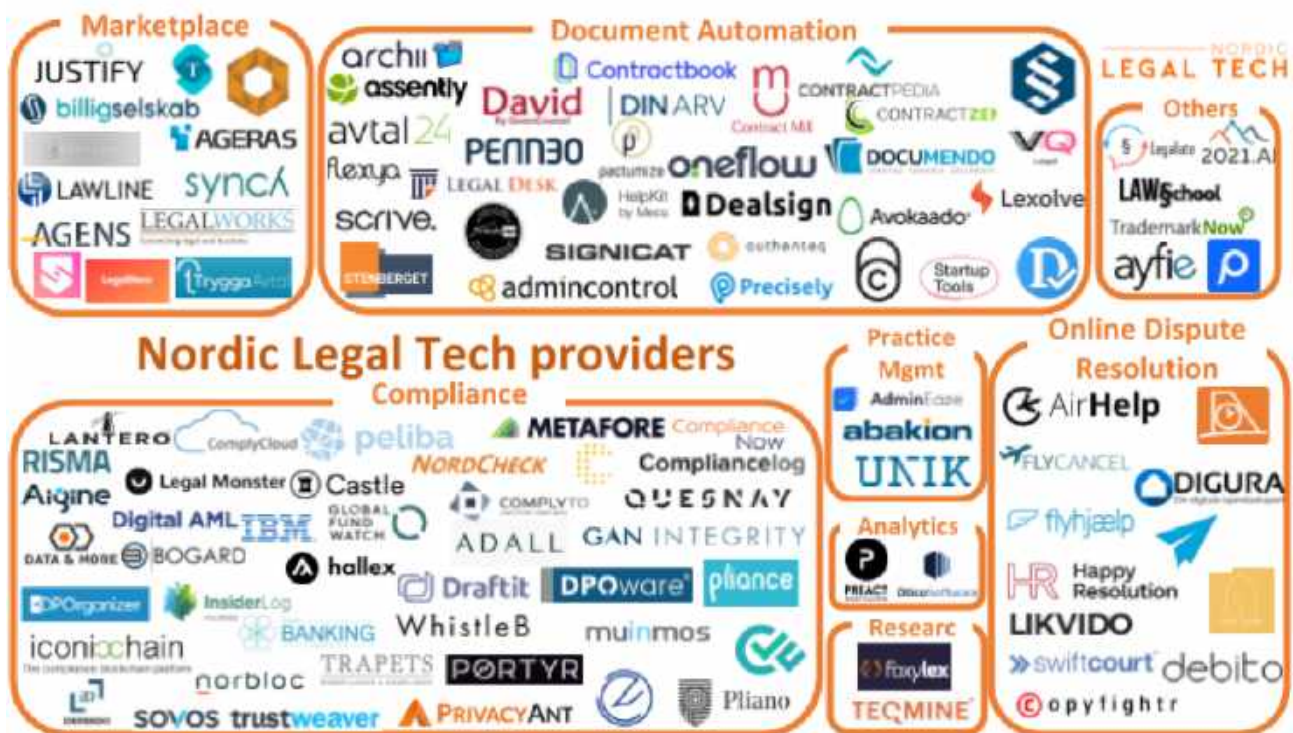


Now it is time to combine technology and lawyers and develop new legal services. This is an opportunity for both established law firms and tech start-ups to move on from ideas to execution. In this article I would like to share my views to support this development.

Legal Tech and the Legal Services market

We can see the legal tech market booming with a vast amount of alternative technology solutions aimed at the legal sector. The Nordic Legal Tech Hub has created [an overview of tech providers based in the Nordics](#):

gram in Legal Tech that was available online this summer). He explained how Alternative Legal Service Providers (ALSPs) have expanded their business from 8.4 billion dollars in 2015 to 10.7 billion dollars in 2017 and they are offering more and more sophisticated services for their clients. He found an increasing willingness to invest in legal tech with more and more legal tech solutions available outside of USA. On the negative side, this increased willingness has led to legal departments and law firms being overwhelmed with different kinds of legal tech offerings. He also commented on the resistance



When trying to summarise the state of the legal tech scene I would like to refer to the presentation by Roland Vogl (Executive Director at Codex, the Stanford Center for Legal Informatics) at the Bucerius Legal Tech Essentials (Bucerius Law School Summer Pro-

gram in Legal Tech that was available online this summer). He explained how Alternative Legal Service Providers (ALSPs) have expanded their business from 8.4 billion dollars in 2015 to 10.7 billion dollars in 2017 and they are offering more and more sophisticated services for their clients. He found an increasing willingness to invest in legal tech with more and more legal tech solutions available outside of USA. On the negative side, this increased willingness has led to legal departments and law firms being overwhelmed with different kinds of legal tech offerings. He also commented on the resistance

investment, many partners still see it as an expense.

One of the internationally well-known ALSPs is UnitedLex. UnitedLex was launched in 2006, currently employs more than 3 000 lawyers, engineers, programmers and other high-skilled professionals and is now an established provider of legal services and a competitor to traditional law firms providing legal services to more than 25% of Global 500, 30% of Fortune 50, and 50% of Am Law 100 companies.

Amongst law firms we also see the development of new legal services. The UK based global law firm Allen & Overy has been working on developing new legal services during the past decade. They can now, beside their more traditional legal expertise, offer a broad range of new legal services in their “Advanced Delivery & Solutions” business.

How have all these new initiatives affected buyers of legal services in Sweden and many other European countries outside the UK? Well, not as much as could be expected. Most CEOs or in-house counsels in Sweden looking for legal support still focus on two options; they either turn to law firms or hire in-house lawyers when solving their legal issues. There are few obvious alternative legal services to choose from. And the business model for law firms is still focused around the billable hour.

At the same time, Swedish law firms seems to prosper. The Swedish weekly news magazine “Affärsvärlden” reported (April 2020) that the annual turnover for the 58 biggest law firms in Sweden 2019 amounted to USD 1,304 million,

an increase by eight percent compared to 2018. The five biggest law firms with an aggregated turnover of USD 502 million in 2018, last year distributed dividends to their partners amounting to a total of USD 114 million according to the Swedish business newspaper “Dagens Industri” (10 September 2019). New law initiatives driven by digitalisation and legal tech still only have a tiny fraction of this market, thus posing no threat to the established law firms.

This was confirmed by Frida Perner, docent and assistant professor at the Stockholm School of Economics, who summarised some take-aways from her international research project on digitalisation of expertise at the legal innovation event VQ Forum in October 2019. She analysed how different types of expertise have been affected by digitalisation based on the parameters process innovation and service innovation. She concluded that legal services are focusing on process innovation, not service innovation. This means that the focus is on changing their internal processes and not as yet focusing on changing their delivery of services or on the development of new services. The conclusion is that this phase of digitalisation is merely considered to be a “cost squeezer”. It is not disruptive.

Why haven't we seen more change?

Around 2000, when I attended several conferences about Knowledge Management (KM), I was impressed by all presentations of innovative projects. Over the years I have seen the passing of trends focused on trying to solve KM issues to support knowledge sharing within a company (with a focus on law firms).

Projects such as implementing an intranet where all employees could share their information, implementing a KM database where all know-how could be collected and shared within the company, implementing a search engine making all the know-how within the company easy to find and share, implementing internal “yellow pages” to find the person with the best experience and knowledge internally, etc. They were impressive plans highlighting the great impact they would have on knowledge sharing within the company. After a while, I realised that all these projects never seemed to reach their potential and deliver the great impact that was expected. The reason for this could be because the lawyers did not want to learn how to use the new tool, they did not want to spend time on adding information into the database, the searches resulted into too many irrelevant responses and the experienced lawyers within the firm never felt any need to add information about their own knowledge into a database as they were busy working.

The ideas were great but the execution failed. Why? And why could this be of interest now? It is because today, I can see the same pattern when it comes to legal tech. We have loads of great ideas, a lot of interesting technologies and interesting solutions and we complain about lawyers who do not want to change and use these tech tools since they do not seem to want to change the way they work. There are too many ideas that do not reach their potential. Even though the KM projects described above had internal managers executing the projects, and the solutions were aimed at supporting their colleagues, their internal customers, they failed to understand

the user’s behaviour and motive.

Working with KM, I soon realised it was possible to take some of those ideas and execute them differently by focusing much more on the execution, on the implementation phase, which I have experience from through working on many projects together with my current colleague Ann Björk.

When implementing a Knowledge Database, we focused much more on the structure of the information and adapted the search engine to better support the way a lawyer would like to find the know-how without any need for training. For example, we made it possible to do a search for “Business Transfer Agreement” and find such standard agreements and good examples but at the same time and in the same search result the user would also find other relevant documents and news related to the matter, for example employment related aspects of the transaction that the practitioner may not have been focused on. In this way we could support the lawyers working with that type of matter. Naturally this gave the lawyers an incentive to further use the Knowledge Database. Also, this meant that the lawyers started to contribute their own material, their own know-how, to the Knowledge Database, since they realised they could easier find their own material in there. The Knowledge Database then turned into the valuable platform for know-how within the firm.

When we wanted to implement an internal database with information about M&A deals, we realised how difficult it would be to try to collect that kind of information through some kind of “post-deal-summary” when everyone

would be exhausted after finalising the deal. Instead, we focused on the lawyers' ambition to get recognised in MergerMarket's list of dealmakers. Lawyers were incentivised to send reports to MergerMarket about their deals so we implemented a support function to simplify these reports and at the same time avoid some of the pitfalls we found. In this way, lawyers preferred using our "DealTracker" to report a deal to MergerMarket. In the same time, we could collect that information in our database and build internal knowledge about the different deals handled by our lawyers. The result of this project – the "DealTracker" – was both better reporting to MergerMarket and a valuable internal knowledge base about deals done.

The point here is that the ideas do not need to be unique. The difficult part is the execution.

Collaboration is key

In order to execute innovative ideas, my advice is to discuss these ideas with other people and open up for collaboration with people having other skills and experiences. I must stress that collaboration is a business necessity. Lawyers need to team up with other kinds of experts to make joint efforts to execute on these ideas because one difficulty in legal tech is the combination of those two fields. A service delivered by software specialists might fail just because they don't understand the legal profession, how law firms operate. And legal professionals often lack the insight into the technology that is needed for the service to perform as desired.

The lecture from Alma Asay, a Legal

Technologist, in the "Buceries Legal Tech essential" seminars was interesting to listen to. She openly shared the difficulties in developing a legal tech solution. She experienced difficulties in for example the collaboration between lawyers and technologists since they did not "speak the same language". The lawyer needs to find professional technologists to discuss the ideas and find the right technology to build the legal tech. Both the lawyer and the technologist need to better understand each other. The lawyers need to work more thoroughly in specifying the functionality of the solution. Alma summarised it as "Technology providers can't build 'it' if you don't tell them what 'it' is." But it is also important for the technologist to better describe the possibilities and limitations of the technology platform. That way they can easier speak to each other and collaborate in a more efficient way. Collaboration is the key since it is a long way from idea to execution.

Move to execution

The whole point here is that it's not the lack of ideas that keeps progress at bay. There are a lot of relevant "details" to handle when it comes to the development of new legal services based on technology in order to really change the market for legal services. The implementation of an idea that is both functional, usable and makes business sense is the difficult part of the equation.

Steve Jobs, the iconic Apple founder, also commented on this when he said, "To me, ideas are worth nothing unless executed. They are just a multiplier. Execution is worth millions."

In my view the best way to proceed to execution is to focus on the following steps:

1. Clearly define your target group for your business case

Having a “customer-centric view” is not only a buzz word but crucial when designing your solution. You should target your service to a specific customer group and focus on an understanding of their needs and incentives, including their willingness to pay for such service. This means trying to get a true understanding of their behaviour and motivation. If you want to make an impact on the market for legal services you ought to aim towards the profitable segment of business law, where the profitable bigger law firms are.

2. Find the right technology to build your solution

In many cases you find people interested in technology such as Blockchain or AI who want to build a solution based on that technology. It might work but it is the wrong starting point. You have to clearly define your solution and the functionality you expect from this solution before you proceed into deciding the right technology platform for this. In order to do so you should discuss this with technology experts such as system architects etc. Otherwise you might think you are building a Porsche but when looking further into the solution, you realise the motor is from a moped. It looks nice and shiny but will not perform as expected.

3. Focus on the user interaction when building the solution

There is a lot of interest in user interface and

legal design. The problem, however, is that it is easy to focus on how the product looks, but in many cases this may be futile if the user interaction with the application does not deliver. The key here is an understanding of the difference between user interface (UI) and user experience (UX). Instead of focusing on the UI, the design of the solution should focus on the part that the user interacts with, i.e. the UX. If the behaviour and functionality of the product is not what the user expects, it doesn't matter if it looks pretty. No matter how much lipstick you put on a pig, it is still a pig.

When I attended a course in User Interaction at Stockholm University several years ago, we were supposed to design the user interface of an ATM which would allow the user, naturally, to withdraw cash and also receive an account statement. Our natural response was to design two buttons representing these two alternative actions, but since 95-99 % of the activities at an ATM are related to cash withdrawal, we learned that we instead should focus on simplifying cash withdrawals by just clicking once on the amount asked for. When doing a rarer activity such as asking for an account statement, the user interaction could be slower with a need to click on extra buttons to receive that result.

All this could best be described by the creator/writer/start-up advisor Dain Miller who said, "UI is the saddle, the stirrups, and the reins. UX is the feeling you get being able to ride the horse."

Summary

There is an opportunity out there for both law

firms and tech start-ups to move from developing and implementing technology tools that make lawyers more efficient, to focusing on developing new innovative legal services giving buyers of legal services a wider range of alternatives in handling their legal issues. We have the technology and the knowledge. We now need to proceed to combine technology and lawyers to develop these new legal services. There is great opportunity out there, especially in the profitable business law segment of the market.

But, effort should be put into the execution. Be sure to discuss your ideas with other people who can support you in your journey. Getting true feedback – not compliments - and integrating it into your development is crucial for success. The idea you start with might not be unique, but with advice, collaboration and customer feedback, you can create services that truly can modernise the legal profession. Take

this opportunity - you can make a true impact on the market!

About the Author

With over 12 years' experience in knowledge management (at the law firms Mannheimer Swartling, Vinge and Gernandt & Danielsson) and in total over 16 years' experience from legal practice, Helena Hallgarn is one of the most experienced knowledge management professionals in Scandinavia.

She is also one of the pioneers in legal tech in Scandinavia having founded Virtual Intelligence VQ in 2010 together with her colleague Ann Björk. At Virtual Intelligence VQ they have been able to combine their legal knowledge with their IT skills to develop innovative IT tools for the legal sector. Their most well-established tool VQ Legal has, for example, truly changed the way company registration matters are being managed.

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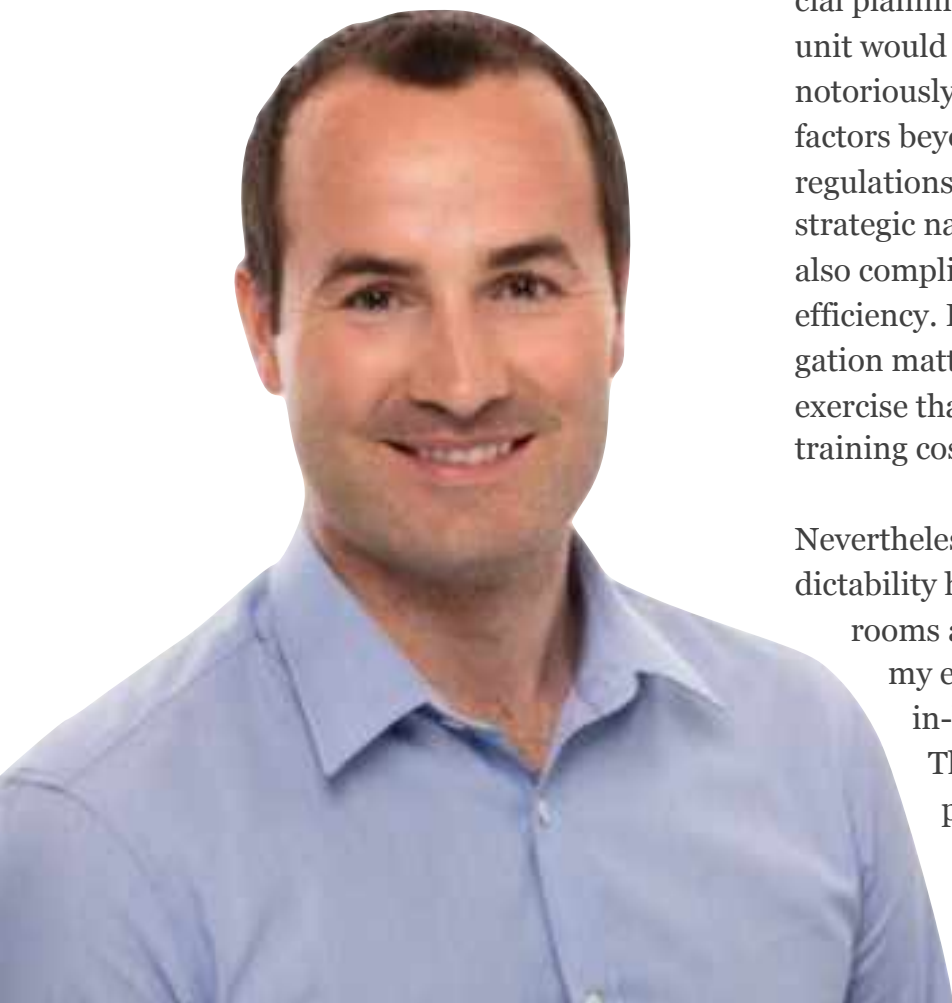
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ROSS FISHMAN, J.D.

Edited by Susan Freeman, M.A.

An A.I. Answer For Accurate Legal Spend Forecasting

By Alex Kelly, co-founder and COO of Brightflag



Corporate legal departments face several financial planning obstacles that no other business unit would envy. Demand for their services is notoriously unpredictable and driven largely by factors beyond their control, such as industry regulations or competitive developments. The strategic nature and variable scope of the work also complicate the process of evaluating cost-efficiency. Projecting the price of a complex litigation matter, for example, is a much different exercise than forecasting next quarter's sales training costs.

Nevertheless, the desire for financial predictability has only grown stronger in boardrooms around the world this year. And in my experience, I know that's a challenge in-house legal leaders want to answer. They want to be dependable business partners and help steer their organizations safely through these financially precarious times. They just haven't always had the appropriate tools at their disposal.

A.I. Forecasting In Theory

The first major leap forward in legal department financial management was the introduction of e-billing software. Accurately and efficiently tracking legal spend each month suddenly became the rule, rather than the exception, for teams using the technology to their advantage. But confirming what has been spent and declaring what will (or should) be spent are two different tasks. To help address the latter, some e-billing tools have been adding more analytical features and evolving into proactive spend management solutions.

Artificial intelligence (A.I.) is driving this development in two ways. The first is at the invoice review stage, where a machine learning engine can interpret line item descriptions at a rate of speed and accuracy that no human could rival. The software translates each task performed and hour billed into a data point available for future analysis and comparison. As a result, in-house legal teams can gather maximum context from their invoices with minimal effort.

As this detailed record of spending habits continues to grow, the A.I. can then step into its second role of financial forecaster — modeling what *will likely be* spent going forward. Using past behavior to predict future behavior is by no means new, of course, but the speed of calculation certainly is. Instead of trying to connect the dots across dozens of spreadsheets, legal staff can simply refer to the software's continuously updated projections at any time. There's also a hidden advantage embedded within those forecasts. The A.I. is actually referencing the combined activity of *all legal*

teams using the software when making its calculations. The collective experiences of your peers factor into your individual projections, increasing precision by several degrees. That ultimately provides you with a confident perspective on how much a certain type and scope of work is likely to cost — before it's resourced and executed. And if that number puts you on the wrong side of your expected budget, then you'll have time to take proactive measures.

A.I. Forecasting In Practice

Now let's put the technology into context by applying it to a scenario many readers will have grown familiar with: You've been given a mandate to reduce the legal department's spend by 10% year-over-over.

If you've been tracking expenses via A.I.-powered spend management software, you'll be breathing a little easier than most of your peers. The basic e-billing features will help confirm what's been spent to date across all matters and what's waiting just around the corner in the form of accruals. Combine those two categories and you'll know roughly how much runway you have remaining before exceeding your (now reduced) annual budget target. How quickly you're likely to use up the runway is a question A.I. can easily answer. By referencing the spending patterns of all its users, the software can project the final annual cost for the legal services that resemble your current portfolio of work.

Let's say, for example, the A.I. model suggests that you're likely to overrun your annual budget in October. What proactive steps might you take to avoid that fate? First, it would be

best to communicate that insight to the full legal team as quickly as possible. You'll want to get everyone thinking about where some extra financial flexibility might be found within their portfolios. (That suggestion could be converted into a formal mandate as well, with internal matter leads held accountable to specific cost reduction targets.)

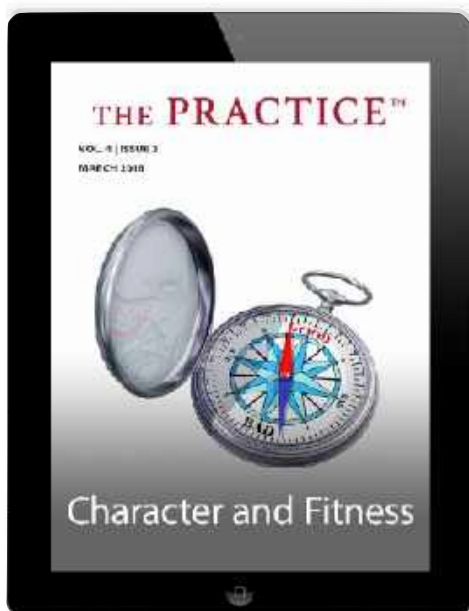
Next, it's time to debate and devise creative cost control strategies. There are rarely any easy answers here, but it's best to take a prioritized view of your legal spend and focus on the matters and vendors making the largest contributions to your bottom line. Is there a fixed fee structure that might fit one of those primary projects? Could the associated expenses actually be shifted to the business department which originated the matter? Might the law firm be receptive to a volume discount?

A.I. ultimately gives legal teams more time to pose — and better data to answer — such strategic questions. At worst, you may decide

that there simply isn't a path to reducing costs that doesn't simultaneously raise unacceptable legal risks. But the ability to break that news months before an impending budget overrun would still be valued and appreciated by your business colleagues. At best, your clever reallocation of resources could be the reason your organization stays below a critical financial threshold. But in each case, you'll enter the room with the same assured feeling that you have an equal seat at the table.


About The Author

Alex Kelly is the co-founder and COO of Brightflag, the A.I.-powered [legal spend management solution](#). Alex leads global operations across Brightflag's offices in New York, Dublin, and Sydney, ensuring the entire organization is aligned around its customers' critical business objectives. Prior to Brightflag, Alex qualified and worked as a corporate lawyer with a leading international law firm.



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Legal tech is over-hyped

By Anders Spile, client executive advisor at Contractbook

Legal tech is overrated. That is probably a surprising statement coming from a legal tech and innovation consultant who works in a successful Scandinavian legal tech company. I should preach and advocate in favour of the industry. Nevertheless, that is what I believe. I believe that legal tech is over-hyped, largely redundant and maybe even counter-productive to the much needed digital transformation of the legal industry.

Let me explain to you why.

I assume that most lawyers use an iPhone. Many have cars with autopilot functions, they watch entertainment on Apple TV, and they gladly binge what the algorithms recommend for them. They use AI-powered auto-correct when they text their kids about when they will be home for dinner. Dinner is sometimes even coming from AI-powered Uber eats. But next morning, when they arrive in at the law firm office, suddenly this comfort with tech seems disappeared. The same modern technologies now seem cumbersome at best, threatening at worst.

The reason is at least twofold: Firstly, legal tech is over-sold and wrapped in the wrong packaging. Secondly, lawyers over-estimate their own domain when they demand too industry-specific tech solutions.

Legal tech vendors tend to alienate the lawyers they are selling to. They market their products as overly complicated, advanced technologies instead of making them seem edible and trustworthy.

Moreover, the way we talk about legal tech is often a bit over-gearred. We talk about whether lawyers should learn to code, but the fact is that some haven't even learned how to use the cloud properly yet. We talk about applying fancy AI when most lawyers are not even working in a machine-friendly data format and haven't organised it in streamlined manners that AI's can leverage. And we spend legal tech event after legal tech event discussing edge case liability and responsibility issues for autonomous algorithms when even the most simple tasks are yet to be automated.

You've got to crawl before you walk and some legal tech vendors are trying to sign law firms up for a marathon. You don't see Netflix branding themselves as an AI-powered super cinema. And even Tesla, whose CEO is usually not holding back with the visionary speeches, have understood that they are not able to sell their vehicles as robots on wheels. They let their customers get familiar with their product by selling it as electric cars. Likewise, legal tech providers should focus on making their products seem non-threatening, easy to comprehend, and manageable to implement.

However, it is not only the tech providers who should take it down a nudge. Law firms should also focus more on creating some simple digital workflows. The problem is that some parts of the legal industry are caught in the illusion that they need their own tech products tailored for their specific sector or even practise area. But what makes legal work so unique that it cannot be managed in Trello? Why should clients accept to collaborate with their lawyers on yet another collaboration platform? Why don't use Slack or Teams that solve collaboration and communication issues ideally just like everyone else?

Instead of re-inventing the wheel with special legal tech applications, law firms should stick to the tools that their clients are already using. If their clients communicate on Slack, so should lawyers. If the clients use a certain contract management system, so should the lawyers. Instead of adopting a million different small niche applications, law firms should adopt digital workflows that are proven in similar organisations, get accustomed to digital life and leverage the opportunities in products that are proven.

The only true client-centric approach to tech is to be where the clients are and adopt the technologies that they use. The client should feel that it is effortless and easy to work with the lawyer. They have multiple service providers, as least as long as law firms are not offering [one-stop-shop](#) concepts, and they have their own systems. They have limited resources to get accustomed to new products every time they use a new provider.

Secondly, lawyers will learn that there is a

reason these tools are so widely used: because they work as intuitively as their iPhone and their Apple TV. Small legal tech applications will not have the chance to collect user-feedback and the necessary data to improve their platforms in the same way that broadly used products have. Because of this, they will be too dependent on what the law firms think they need, and not what the data suggest works. That will make the products to lawyer-centric and in the end be an even bigger annoyance to the user.

The digital transformation of the legal industry

is too important to be wasted on narrow legal tech applications with bad UI. It is too urgent to be postponed by over-gear marketing that makes things seem even more complicated. And it is too client-driven to be controlled by law firms sentiments.

About the Author

[Anders Spile](#) is client executive advisor in [Contractbook](#). He also has hands-on experience as to what it takes to develop an innovation strategy and implement legal tech solutions in larger law firms.



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The poster features a teal and blue background with a grid pattern and a circular logo in the top right corner containing the text 'LAWIT' and 'LEGAL SUMMIT' around a stylized 'LW' symbol.

A professional headshot of a man with short, dark hair, wearing a dark suit jacket, a light blue shirt, and a dark tie. He is looking directly at the camera with a neutral expression. The background is a plain, light-colored wall.

Hey GC, Does Your Law Firm Know More About Your Litigation Portfolio Than You Do?

By Josh Blandi, CEO and Co-Founder of UniCourt

Law firms are turning to legal data for strategic business development insights and many have or are eclipsing their in-house counterparts when it comes to leveraging data to learn more about their clients' litigation portfolios. General Counsel need data to make the most informed decisions possible, and as legal information continues to become more widely available, there's no reason they shouldn't know as much as their outside counsel about

what's happening with their litigation portfolio.

In this article, we'll discuss some of the most impactful ways law firms are already using legal data to understand and anticipate their clients' legal services needs, how GCs can use those same practices to better manage their litigation portfolio, and how GCs can partner with law firms who are already innovating with legal data.

Anticipating Client Needs with Legal Data

When it comes to technology budgets and the adoption and implementation of new tools, law firms are typically better positioned than their in-house clients to onboard new technology providers. GCs are often bound to tighter budget restraints and have to wade through bureaucratic procedures within their procurement departments simply to get the tools they need. As such, firms can take advantage of the opportunity to test out more technology tools and the solutions of more recent entrants to the legal tech market.

More specifically, innovative law firms are moving beyond their legacy data providers to gain bulk access to the data they need to track all of the litigation in which their clients are involved. To do this, they are taking advantage of outside data sources that automate bulk data collection. This enables them to make informed decisions on which clients have new matters or pending legal services needs. This means they don't need to rely on cold calls or blanket email pitches to discern their clients' needs. Rather, they know what clients have needs even before the clients themselves do by way of receiving automated alerts that clients have been sued even before they've been served. Innovative law firms are proactively getting in front of issues to provide the counsel, protection, and offensive representation that clients need.

This begs the question: *how are these firms accomplishing all this?* The answer is the strategic use of [Legal Data APIs](#), a tool that helps firms ingest data for all of the new cases filed involving their clients in a streamlined fashion. APIs, or application programming interfaces,

are technological tools that allow law firms to swap antiquated, expensive, and labor-intensive processes for automated, accurate data collection and reporting. In the context of law firm business development, this looks like moving beyond hiring and managing teams of paralegals to track all the U.S. court cases filed every day to identify filings involving firm clients. Instead, firms are leveraging APIs to gain real-time reporting on litigation involving thousands of their clients all at once.

APIs also eliminate one of the most time-consuming, meticulous, and risk-prone components of tracking clients' legal services needs: *data entry*. By using APIs, law firms no longer need to research which clients are involved in litigation and then manually enter in the data into their matter management software or CRM solution. Rather, APIs can supply firms with all the litigation data they need, automatically enter that data into their systems, and allow firms to set triggers to notify business development teams or lead partners when key clients become involved in potentially profitable cases within their wheelhouses.

While this may sound aspirational, it's not. In fact, AmLaw firms nationwide have already adopted this [automated, data-driven practice of powering their business development efforts](#), and even in the midst of a global pandemic, it's proven enormously successful for staying ahead of the competition.

Better Litigation Portfolio Management for GCs

The experimentation and success stories of AmLaw firms highlight a bright new future for GCs: they can take advantage of the lessons

law firms have learned, without having to buy every shiny legal tech tool on the market. The key to better litigation portfolio management, and what many forward-thinking, innovative law firms have found, is getting reliable, recurring access to data - more specifically, data that has been structured, cleaned, and normalized

Just as it has helped law firms track and anticipate client needs, access to better data through APIs can help GCs manage their litigation as well. Automating data collection can greatly reduce the time legal departments spend locating new cases involving their corporation and slash the need for a substantial workforce to simply acquire and enter data. However, it can also help GCs eliminate costly errors inherent in manual data entry. Bad data leads to bad reporting, which can leave GCs spending endless hours poring over what should be basic reports on their company's litigation.

APIs also break GCs' historical dependence on law firm reporting and gives them more control over the direction of their litigation portfolio, and especially the bet-the-farm cases of the utmost importance. Further, automating litigation feeds with APIs empowers GCs to free up their in-house teams to more proactively manage their own caseloads and focus on strategy as opposed to being reactionary and waiting to find out what's happening from frequently overburdened and unresponsive outside counsel.

Partnering with Innovative Law Firms

For GCs who are hesitant to invest the time and funds into integrating APIs with their matter management systems, or whose legal departments may lack the technological competence

to undertake such a project, don't go it alone. Partnering with outside counsel who are more proficient with technology integrations and have experience working with automating data streams and process flows can significantly reduce any perceived or real burdens involved in API integrations.

After all, there is simply no need to reinvent the wheel - and your outside counsel are likely more than happy to help share insights on best practices that have helped their firms thrive. Outside counsel can also mediate conversations with your key internal stakeholders if questions or concerns arise on the efficacy of integrating APIs - particularly if they, themselves, have already experienced great success with increasing their own efficiency while reducing overhead costs.

The future of the legal services industry is grounded in access to data, and there is no reason GCs can't take advantage of APIs in the same way law firms have to better manage their litigation portfolios.

About the Author

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

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Series on Corporate Social Responsibility and Sustainability for Law Firms

Deciphering ESG frameworks, assessments, and audit tools: Why now is the time to act

By Pamela Cone, Founder & CEO Amity Advisory

“Regardless of the pandemic, our carbon reduction goals have not changed. We expect our vendors and supply chain partners to continue their progress as well.”

Procurement professional at global insurance company

During the pandemic, you might assume clients would have taken their foot off the gas when it comes to assessing the environmental, social, and governance (ESG) status of their vendors and suppliers. The opposite is true.

Companies are feeling a heightened awareness and responsibility to make socially responsible choices and respond to current issues. And they increasingly expect their vendors and suppliers to do the same.

If your firm has received questionnaires, assessments, or audit requests from your clients—even during this pandemic—you would be well-advised to respond. If you haven’t received such requests yet, now is the time to prepare.

An alphabet soup of acronyms

Companies are using a variety of assessment and reporting tools to measure and manage ESG metrics and performance. Many of them are known by acronyms: GRI, SASB, TCFD, CDP, to name a few. Your clients also may use services such as EcoVadis and IntegrityNext to assess ESG performance of their suppliers/vendors, including outside professional service firms.

Here are some of the prevalent standards and tools and their characteristics to help you un-

derstand what your clients are looking for when they request you share your ESG metrics.

You can also adopt one or more of these tools now in order to assess your business and prepare for requests by prospects, vendors, and other stakeholders.

Global Reporting Initiative (GRI) – www.globalreporting.org

GRI is an independent, international organization that has pioneered sustainability reporting since 1997. GRI helps businesses and governments worldwide understand and communicate their impact on critical sustainability issues such as climate change, human rights, governance, and social well-being. This enables real action to create social, environmental, and economic benefits for everyone. The GRI Sustainability Reporting Standards feature true multi-stakeholder contributions and are rooted in the public interest.

Sustainability Accounting Standards Board (SASB) – www.sasb.org

SASB helps companies around the world report on the sustainability topics that matter most to **investors**. SASB standards focus on *financially material information* covering a range of industry-specific sustainability areas, including environmental and social topics and their governance.

Whether used alone, alongside other reporting frameworks, or as part of an integrated report, SASB standards and metrics provide a detailed, powerful way to communicate with investors.

Task Force on Climate-Related Financial Disclosures (TCFD) – www.fsb-tcfid.org

TCFD develops voluntary, consistent, climate-related financial risk disclosures for companies to provide to investors, lenders, insurers, and other stakeholders. The Task Force considers the physical, liability, and transition risks associated with climate change and what constitutes effective financial disclosures across industries.

These recommendations help companies understand what financial markets want from disclosures in order to measure and respond to climate change risks. And they encourage firms to align their disclosures with investors' needs.

CDP – www.cdp.net

The CDP (formerly the Carbon Disclosure Project) is a not-for-profit charity based in the United Kingdom that runs the global disclosure system for investors, companies, cities, states, and regions. It helps companies measure, manage, disclose, and ultimately reduce their greenhouse gas emissions.

CDP aims to make environmental reporting and risk management a business norm and help its members take action to build a truly sustainable economy. Over 8,400 companies with over 50% of global market capitalization disclosed environmental data through CDP in 2019. This is in addition to the more than 920 cities, states, and regions who disclosed, making CDP's platform one of the richest sources of information globally on how companies and governments are driving environmental change.

United Nations Global Compact (UNGC) – www.unglobalcompact.org

The UNGC launched in 2000 as the world's largest corporate sustainability initiative. It is a call to companies to align their business strategies and operations with its 10 Principles on human rights, labor, environment, anti-corruption, and take actions that advance societal goals. Companies are using this framework to guide their social impact efforts. By signing on to the United Nations Global Compact, firms incorporate its 10 Principles into their strategies, policies, and procedures. Through its Local Networks and over 10,000 companies who have signed on around the world, the UNGC is uniting businesses to address some of the world's most pressing problems.

International Standards Organization 26000:10 (ISO 26000) – <https://www.iso.org/iso-26000-social-responsibility.html>

ISO 26000 provides guidance for socially responsible businesses who recognize that respect for society and environment is a critical success factor. As well as being the "right thing to do," ISO 26000 is a way to assess an organization's commitment to sustainability and its overall performance.

ISO 26000:10 provides guidance rather than requirements, so it isn't a certification unlike some ISO standards. Instead, it helps clarify what social responsibility is, helps businesses and organizations translate principles into effective actions, and shares social responsibility best practices.

It's aimed at all types of organizations regard-

less of their activity, size or location. Its guidance is often used in conjunction with other frameworks, including the UN Sustainable Development Goals.

Organisation for Economic Cooperation and Development Guidelines (OECD) – www.oecd.org

The OECD Guidelines provide principles and standards for responsible business conduct for multinational corporations operating in or from countries that adhere to the OECD Declaration on International Investment and Multinational Enterprises. The goal is to shape policies that foster prosperity, equality, opportunity and well-being for all.

OECD works with governments, policy makers, and citizens to establish evidence-based international standards and find solutions to social, economic, and environmental challenges. From improving economic performance and creating jobs to fostering strong education and fighting international tax evasion, it provides a knowledge hub for data and analysis, exchange of experiences, best practices, and advice on public policies and international standards.

EcoVadis – www.ecovadis.com

Since its founding in 2007, EcoVadis has become a trusted partner for procurement teams in more than 450 leading multinational organizations to reduce risk and drive innovation in their sustainable procurements. EcoVadis envisions a global marketplace where sustainability intelligence influences every business decision—improving economies, people’s lives, and the planet. The EcoVadis sustainability assessment methodology is at the heart of its

Ratings and Scorecards and evaluates how well a company has integrated principles of Sustainability/CSR into its business and management system.

IntegrityNext – www.integritynext.com

IntegrityNext enables procurement organizations to qualify and monitor their suppliers to improve sustainability and compliance and meet customer demands and regulatory requirements. IntegrityNext is a cloud-based platform that covers all major aspects of CSR and sustainability requirements, allowing companies to monitor thousands of suppliers with minimal administration.

A growing movement to measure social impact Over the last few decades, social and environmental awareness and reporting have undergone rapid development. This movement has been amplified by the pandemic. Your clients, prospects and suppliers are exponentially increasing the level at which they evaluate and assess the ESG performance of business they work with. All businesses, including professional service firms, need to plan for and respond to these audits/assessments. Now is the time to prepare—before you receive the first inquiry from a client.

Explore which of these reporting frameworks is best suited for your firm and take steps now to participate.

The process will not only provide you with a resulting “grade” or “score”—but you’ll see where your firm can make improvements.

Stakeholder expectations, and in some cases regulatory pressures, now require a much

wider perspective of corporate responsibility and transparency. Your firm will be called on to communicate your practices covering sustainability, triple bottom line, and all related corporate social responsibility initiatives and programs. Are you ready?

If you'd like assistance to determine what tools and frameworks are best for your firm or to learn more about the ESG metrics and requirements, [please contact me](#).

About the Author

[Pamela Cone](#) Pamela Cone has more than 25 years' experience in the professional services industry in marketing, communications and social impact and sustainability roles.

She is Founder and CEO of Amity Advisory, a consultancy to help firms strengthen their Social Impact and Sustainability programs beyond transactional to achieve truly transformational social impact outcomes.



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What is Inclusivity?

"Diversity is being invited to the party. Inclusion is being asked to dance."

—Pauline Higgins, a leader in diversity education

Leadership By Example:

What is your Corporate IQ (Inclusivity Quotient)?

By Anjali Garg, Director, Associate General Counsel, Citibank, N.A., and an executive leadership coach.

(Original source *The Conscious Inclusion Company Series* ; [see website publications](#))



'You are welcome here. You are valued. You belong.'

How do you feel when you read these words?

All employers want to hire and retain talented, engaged and productive employees. What draws talented employees to your team, and what helps them stay?

Inclusion. Feeling that they are a valued and welcome part of the team.

Fortune, which has been publishing 'The 100 Best Companies to Work For' for over two decades, has consistently found that: "Inclusion has become the gold standard

for employee-centric companies." [1] Fortune's findings simply reinforce what each of us already knows: The expansive power of inclusion, and conversely, the shrinking feeling that accompanies exclusion and indifference. If you have any doubts, just go back to the top, re-read the first three sentences and really feel the effect of those words on you.

When employees feel embraced as a valuable part of their company, they contribute to the success of their company through their creativity and engagement.

So how does an organization make employees from all different backgrounds, viewpoints, belief systems, races and orientations feel that:

1. Their authentic selves are welcome and contribute to the strength of the team;

2. They have a seat at the table;
3. Their perspective and voices are heard and welcomed by the team; and
4. Their contributions are valued by the team?

In short, how does a company foster and maintain culture of inclusion?

As an immigrant, a woman of color and a leader in corporate America for the past two decades, I have experienced first-hand the powerful effects of both inclusion and exclusion. I have consistently found that awareness, empathy and taking personal responsibility result in real and lasting change. In fact, they are transformative. This realization propelled me to do a deep dive into leadership and emerge as an executive leadership coach. I now coach corporate leaders on how to thrive as inclusive leaders.

This piece focuses on leadership's role in creating an inclusive corporate culture through a shift in the consciousness of leaders. When leaders shift to an inclusive mind-set, their personal transformation ripples out effecting change in their teams and wider organizations.

As a leader, where do you start? As with anything, you begin with yourself, and use inquiry as one of your primary tools. By inquiry, I mean examining what is, with curiosity. In my legal and coaching practices, I have found that one of the most effective tools for examining an issue is asking questions without any agenda or conclusion in mind. Just as a detective looks for clues to solve a mystery, you are using inquiry to get to the truth of your corporate IQ (inclusivity quotient). This may seem like a simple thing, but most of us, caught up in the daily pressures and routine of life and work, rarely stop to inquire into the 'why' of our actions. Why are we doing what we are doing? Why are we doing it in this particular way? Is there another way to do this?

Corporate IQ (Inclusivity Quotient) Inquiry

I offer the following exercise that applies coaching principles to help you assess your corporate IQ. When engaging in this exercise of inquiry, I would encourage you to create a quiet space without distraction and allocate some dedicated time for reflection. When done authentically, this can be an uncomfortable exercise. All of us suffer from unconscious biases and have preferences and leanings. So, as you engage in this exercise, be curious and let go of any judgments about yourself and others that may come up. You can do this in the privacy of your own mind space, or with a trusted friend, ally or coach. If you have never consciously thought about inclusivity, then starting with your own mind space makes sense. At some point, you will need to engage with someone else, because, all of us have blind spots that will need to be uncovered in order to see more clearly. This conversation will take courage and require vulnerability, so find someone with whom you feel

safe to be authentic and real. Remember, vulnerability is a strength, not a sign of weakness. Being a great leader does not mean that you are a perfect person. Leadership requires energy, thought and awareness to know what is needed, courage to be uncomfortable and vision to inspire change.

The First Step: You

This exercise starts with you. Ask yourself, how inclusive are you of yourself at work? Meaning, how much of who you are do you share or hide with your colleagues, your managers and your direct reports. Here are some questions to help you with this inquiry:

1. How do I show up as a leader?
2. How free do I feel to be myself at work?
3. Do my words and decisions at work reflect my values and who I am?

These open-ended questions are different ways of getting at whether you bring your authentic self into your work and in your interactions with your colleagues. For example, if at your core you value consensus but adopt a more directive leadership style with your team, ask yourself why (with curiosity)?

This self-inquiry matters, because if you do not feel free to be yourself at your organization and in your role, how will those who are looking to you for inspiration and motivation feel free to be themselves? I have seen the power of this self-inquiry first hand. When I was coaching a leader who was disengaged in her work, it became clear that one of her main sources of discontent was that she did not feel free to be her authentic self at work. She had to pretend to be someone else, someone less outspoken and more accommodating. When she realized that speaking up was a core value for her, she experimented with ways that felt safe for her to speak up. She felt happier and freer in her work, and so did her team.

The Second Step: Your Team

The next step in the corporate IQ inquiry is to take a look at your team, and how you view and interact with your team members. Here are some questions to help you with this aspect of the inquiry:

1. Who is part of my team? How is each person different from the other? What do they all have in common? How diverse is my team?
2. What are the traits of my team members?
3. What does each member of my team need to thrive?
4. Are certain members of my team always quiet? Why?
5. Whom do I turn to first on my team? Why?
6. Whom do I trust most? Why?
7. Whom do I value most on my team? Why?

8. What traits do I look for in a successful employee? Why?

9. Who gets the juicy assignments? Why?

Review the answers to the above questions, and look for any patterns or themes. Ask yourself, what do my answers reveal about my values? What conscious or unconscious biases may be at play? Again, these questions may be difficult to delve into on your own. I strongly encourage you to explore these questions with someone who can hold space for you to explore without judgement.

The Third Step: Your Team's Team

As you continue your inquiry into your corporate IQ, you can take a look at each member of your team in his/her leadership capacity by asking the above questions with that person in mind. For example, if Shirley is part of your team, who is part of Shirley's team? And so on. This step in your inquiry is equally important, because each person and their actions and mindset contribute to and are reflective of your company's inclusivity culture.

The Fourth Step: Your Corporate Environment

The next step in your corporate IQ inquiry journey is to look at your organization as a whole and ask yourself:

1. How inclusive is my company?
2. How diverse are my colleagues at each level of the organization?
3. Are there any common cultural aspects to the organization, such as common styles of dress, speech and mannerism?
4. What are the stated values and mission of the company? Do those values and mission include diversity and inclusivity?

By this stage in the process, you will likely discover some patterns regarding inclusion in the insights you've gained at each step of your inquiry. You will likely have thoughts on how the company is fostering inclusion, and where further attention and work is needed.

The Fifth Step: Bringing Inquiry and Corporate IQ to the Organization

At some point, it would make sense for you to engage your team members and your wider organization in this conversation and inquiry exercise. How and when is up to you to determine. How hesitant or willing you are to approach them with these questions is important information for you about the state of inclusivity in your team and company.

These five steps are not the end of the inclusivity conversation. They, and the tool of inquiry, are merely a beginning framework for leaders to take stock of their and their organization's inclusivity quotient. I firmly believe that in order to foster a collective consciousness of inclusivity in an organization, each leader must adopt an inclusive mind-set and have the courage to see and do what is uncomfortable. An inclusive mind-set requires

awareness, empathy and self-work. Your team and your organization will thank you, and so will your bottom-line.

I would love to hear your thoughts, and your experiences with the corporate IQ inquiry exercise. Please also get in touch with me if you are interested in participating in a group on corporate IQ inquiry.

About the Author

Anjali Garg's passion is to help people tap into their innate power so that they can live the life they truly desire and thrive even when things don't go the way they expected. Her superpowers are deeply connecting with people from a place of total acceptance and presence, so they can recognize their greatness and find their most innovative, creative selves. This enables clients to create the life they've dreamed of and enjoy their success.

Anjali has published articles and spoken at conferences and panels on topics such as privacy and data security, unconscious bias, and diversity and inclusion. She has 20+ years of experience as a corporate transactional attorney, and obtained her J.D. from NYU School of Law.

Currently, Anjali is Director, Associate General Counsel, Citibank, N.A., and an executive leadership coach. At Citi, she is the global counsel to the commercial cards business, working with its largest institutional clients. She is also an active member of Citi Legal's Global Diversity Council. She can be reached via LinkedIn at Anjali Garg or via her website at www.yourcoachtosoar.com.

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Client retention hampered by decreasing client loyalty

By Prof. Dr. Leo Staub, Thought Leader and Professor emeritus of the University of St. Gallen where he, until spring 2020, served as the Academic Director of the division Law & Management.

(Original source Staub on Law Firm Management Series ; [see website publications](#))



Let me bust three myths today: (1) Successful lawyers are primarily dealmakers and thus do not depend on the cultivation of relationships. (2) The most important partners in a law firm are the rainmakers. And (3): At the end of the day, that law firm which has the best legal expertise will win the competition for the best clients.

One of my former law firm partners once said to me: “We lawyers are dragon slayers. When the dragon’s been sorted, we move on. There’s bound to be another such monster behind the nearest hill, as well as someone who’ll be happy if we get rid of it.” His message was: don’t let’s waste our time informing our clients about news from legal practice (free of charge!), giving lectures to colleagues from legal departments (free of charge!), offering (badly paid!) secondments in order to help bail out clients, or providing services like (non-billable) monthly reports or enabling young employees from legal departments to serve internships in our firm. Yet it has long been scientifically proved in marketing that investments in customer retention are much more efficient and profitable than investments in customer acquisition. Don’t get me wrong! New clients are important. It is much more important, however, to retain existing clients and to generate new business with these clients.

Who gets the longest round of applause at the law firm’s Christmas party? Who gets the most generous present from the managing partner’s discretionary kitty for particularly deserving partners? Who is most likely to skip individual rungs on the ladder to the highest

remuneration level in the lockstep of business law firms? The rainmakers, of course, those colleagues who attract the highest number of new clients. Which law firm, however, measures the efforts that lawyers make to cultivate existing clients? How are colleagues rewarded who still listen to a client when the talk has long been about something other than the project and the time is therefore not billable? Like those lawyers who make an effort “at their own expense” to really understand the client’s business in order to be able to discuss non-legal issues with him on an equal footing as well? Like the lawyers who write a birthday card to a client or take a client’s teenage offspring along to a court hearing in order to provide them with an insight into our profession? Law firms are well advised not only to appreciate “rainmaking” but also those colleagues’ efforts who “merely” serve the cultivation and expansion of existing client relationships.

“Our law firm has the best lawyers that our profession can offer. That’s why we’ll always outclass our competitors!” This is a great fallacy, dear colleagues! Studies have revealed that clients – and notably also professional clients – regard state-of-the-art legal services that are provided in a state-of-the-art manner as a matter of course. This doesn’t need to be a debating point when a mandate is entrusted to a law firm. If the specialist aspect of the service quality is right, clients are at any rate not dissatisfied. What brings them back to the law firm at the very next opportunity, however, is service quality, i.e. all those elements of the service which exceed the clients’ obvious expectations regarding legal quality: accessibility, a high degree of availability, short response times to enquiries, a sound understanding of the client’s business, transparency and predictability in mandate management and billing, empathy, a willingness to listen, as well as proactive, targeted and comprehensively professional communication on an equal footing.

Therefore you’d be ill-advised to put your feet up simply because you’re a great lawyer of above-average talent! This may be a wonderful starting point for success but on its own won’t be enough by any manner of means. Run your business as if the future of your law firm depended solely on the loyalty of your clients, their enthusiasm regarding the way you look after them, and the quality of your services! If you succeed in combining legal expertise with the willingness to serve, the dragons will queue up for you.

About the Author

Prof. Dr. Leo Staub is Professor emeritus of the University of St. Gallen where he, until spring 2020, served as the Academic Director of the division Law & Management. He is still active and internationally recognized as a scholar in the field of Legal Management. Leo can be reached at leo.staub@unisg.ch

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LAWTOMATIC IS BACK

NEWSLETTER BY PROF. GABY TENINBAUM

THE APPETIZER: SPONSORS

- Do you want to pass the bar exam? DO YOU? If so, sign up for [SpacedRepetition.com](https://www.spacedrepetition.com). This is a tool to help law students & bar preppers learn more. Named one of the world's [Top 20 Legal IT Innovations](#) by ALM.

THE MAIN COURSE: 5 THINGS THAT MADE ME THINK THIS WEEK

- [Arizona Becomes the First State to Allow Non-Lawyer Ownership of Law Firms](#): for eons, this has been among the holy grails for legal futurists, who envision it as a way to bring not just new money, but new energy and incentives, to improve legal services. Arizona's move came on the heels of Utah announcing sweeping changes to their own lawyer regulation. [Bob Ambrogi of Law Sites Blog](#) breaks it all down in this post.
- [FastCase 50 Announced](#): it's basically the Academy Awards of legal innovation, minus the red carpets, emotional speeches, and glamorous after-parties. Every year, this list of 50 people doing daring, interesting, & cool things in law becomes more impressive. Read it and be inspired.
- [Four Opportunities for Legal Industry Innovators](#): this is a long read from [Dan Currell](#), writing on the Legal Evolution blog (which basically never fails to deliver interesting reads - if you have an RSS feed, you should add Legal Evolution) framed around lessons learned from the 1990 book about Toyota, The Machine that Changed the World.
- Free "Coding the Law" Course (and more from the [Suffolk LIT Lab](#)): my colleague, [David Colarusso](#), has made [materials from his "Coding the Law" course available](#), at no charge, for anyone who wants to play along at home. It's been a busy few months in the LIT Lab, including [Quinten Steenhuis](#) joining the team in March and setting an all-time record for going from being hired to having a [major newspaper article publish an article on this impact](#). The LIT Lab's [Document Assembly Triage Project](#) is one of the few silver linings in the pandemic and is making a real difference in the lives of people in need of legal help.
- A Kiosk Grows in Brooklyn: [a nice story](#) about the various ways NYC courts are using legal tech to help people get access to needed legal services during the pandemic. It's gratifying to see stories of courts and judges finding ways to keep the system working when little around us seems to be. An additional example is [Judge Scott Schlegel](#), from Jefferson Parish, Louisiana, who has [created a system so hearings can be completed online](#) (one of many excellent projects he has kicked off).

LAGNIAPPE

IKEA Archive: I mostly go to Ikea to buy the delicious [foods sold in toothpaste tubes](#) from their small speciality food shop hidden among all the flat boxes. I also happen to collect their catalogs. I've got a stack with every one from 2007 to present (missing 2008 and 2012 - if you have a spare, please [send it to me](#)). Now, I can save a tree - and you can too. The IKEA Museum has [posted every IKEA catalog since 1950](#). They're really worth a look.

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