

# Briefing

November 2016

SMARTER LEGAL BUSINESS MANAGEMENT

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## BATTLE WITH BIAS

Elisabeth Kelan on why a training course won't cut it for true inclusion

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# Editor's letter



## Who we are...

Briefing is published by Burlington Media Group, the only media and events business focused on legal business services

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**O**ne firm that we spoke to about Brexit earlier this year said teams had long been burning the midnight oil to compile a couple of strategic 'manuals', one for each way the referendum vote might go. They fully expected to bin one of them – and as the vote came in, of course that's the one they were thanking their lucky stars for.

There's a moral in that story somewhere. If this year has taught businesses anything, it should be the value of scenario planning – to expect the unexpected is more than mere rhetoric.

And there is evidence that firms in 2016 are taking risk management seriously indeed. PwC's latest Annual Law Firms Survey – just out – finds only 13% of firms have performed an assessment specifically for compliance with the EU's General

**Firms have a severe case of spare capacity. In the top 10, headcount is up by 8% – but chargeable hours are down 3%.**

Data Protection Regulation – but the number with an internal audit function has shot up from 40% to 56%. A total of 91% of firms are either very confident or just plain confident in their disaster recovery plans, too (not that I'm suggesting a vote to Brexit would necessarily feature in those).

But the biggest risk story in this year's PwC survey seems to lie in a different section of the report entirely. Firms have a severe case of spare capacity. In the top 10, headcount is up by 8% – but chargeable hours are down 3%. Among the top 26-50, there are 6% more bums on seats – but utilisation with that extra fat is flat. It's workforce planning and resourcing, says PwC, where firms really need to be investing to profit through the precarious. Firms have made headlines for freezing or delaying salary reviews in the aftermath of the vote, but they really can't delay thinking about matters such as how they can resource work across borders more efficiently, breed new skill overlaps, incentivise productivity and create more collaborative business partnerships.

Nor, of course, whether the path to Brexit and beyond might make any of that more difficult – although I'm sure they'd have considered that in detail already.

RICHARD BRENT EDITOR

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“Pitching before pricing is a form of madness”

Ori Wiener,  
Møller PSF Group



**Briefing** is the only legal business management title, and is focused exclusively on improving the work and worlds of law firm management leaders. Every issue is packed with relevant insight and lessons from peers and pros.

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 ROUNDUP

# Growing strains

The 2016 Law Firms Survey from **PwC** paints a picture of firms that need to do some battle with their finances in the wake of the vote to Brexit. Three-quarters of the top 100 reported revenue growth, down from 82% in 2015. And top 50 firms have increased fee earner headcounts by an average of 7.6% this year – but failed, as yet, to turn this investment into productivity or profit margin (both falling).

David Snell, partner and leader of the PwC Law Firms Advisory Group, commented: “As confidence returned to the sector last year, firms increased headcount in anticipation of continued improving market conditions. However, with the

## 7.6%

Average increase in fee earner headcount – top 50 law firms

market turning out to be more challenging than expected, and with increased competition from US firms and new entrants, spare capacity is now an issue. This situation is likely to be exacerbated following the EU referendum vote in favour of Brexit.”

Against this backdrop, said Snell, mergers are also once again on the rise – and those don’t come much more determined to boost prospects and profitability than the mammoth combination to form **CMS Cameron McKenna Nabarro Olswang**. By May 2017, the trio say in a press release, they’re set to be catapulted to the status of sixth largest global law firm by both headcount (7,500 employees in 65 countries) and revenue

(topping €1.2bn). Of all those lined up to offer comment about this ‘game-changing’ play, it’s perhaps **Nabarro** managing partner, Andrew Inkester, who most gives one pause: “Our combined talent and economies of scale will also deliver the resources we need to invest in new technologies and transform the way we deliver legal services,” he said.

Confirming merger as flavour-combo of the month, also in October **Hugh James** merged with Cardiff’s **MLM Cartwright**, taking on its 40 new staff (10 partners) to boost turnover to the £38m mark. This came just a month after the firm picked up property boutique **Claremont Richards** to power up its London presence. Managing partner Alun Jones confirmed the latest deal was in line with an acquisitive as well as organic growth strategy to create the “strongest commercial legal team in Wales with a growing City presence.”

And what will new market conditions mean for the attractiveness of an ABS route to growth?

**Gateley** is busy celebrating developments in two of its post-IPO strategic strands – diversification and incentivisation – in as many months. First, it bought its second

‘complementary’ business, property consultancy **Hamer Associates**, for £2m (it bought tax incentives consultancy **Gateley Capitus** in April). Now it has launched its ‘sharesave’ scheme (meaning staff can both save and acquire their own shares). CEO Michael Ward said: “In other firms, having an equity stake is an opportunity open only to a small number of partners. At Gateley, it is open to all employees.”

Mergers are also once again on the rise – and those don’t come much more determined to boost prospects and profitability than the mammoth combination to form **CMS Cameron McKenna Nabarro Olswang**.



RHOD SHIPLEY

Senior project manager, innovation and delivery – Freeths

The lawyers at our firm don't need to be project managed in the traditional sense. However, as project managers, we can introduce them to techniques and ideas which, once instilled, enable them to optimise how they work. For example, we can help them to see the benefits of spending time to plan and resource their complex matters, calculating cost estimates accurately and proactively managing risk – as well as exposing them to new technologies which help make their lives easier.



LYNN MACKAY

Legal project analyst – Herbert Smith Freehills

In my view, it's all about people and collaboration rather than applying prescriptive frameworks or mandating how others do their job. Our global LPM team includes lawyers, project managers, consultants and data experts, all bringing their expertise to bear, working closely with legal teams and clients to design and to deliver the best way of achieving objectives. Ultimately, it's about working together to leverage tools and techniques that will enhance the client experience.

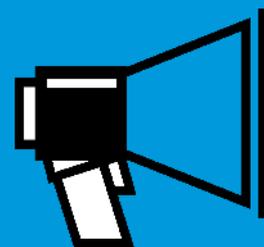
LEX POP

## Project in power

Do the lawyers at your firm need others to project manage them?



Do you have a view? Or an issue that we ought to debate? Have your say on Lex Pop – tweet us @Briefingmag or email [briefing@lsn.co.uk](mailto:briefing@lsn.co.uk)



LORRAINE BELLINGER

Head of project management, banking – Ashurst

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STUART HOPPER

Head of legal knowhow and training – Dentons

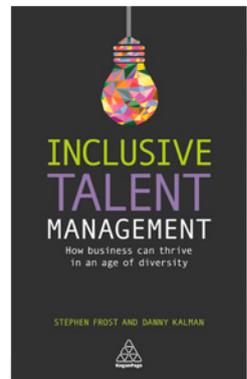
The direction of travel is very clear here – lawyers certainly need to be guided by the ethos of effective service delivery, and to apply that in all of their advisory and transactional roles.

Specifically, however, this is sometimes best done by having them manage their own provision more efficiently. At other times, and for other projects, overall service delivery can be improved by having dedicated individuals project-manage lawyers and legal matters directly.

## READING LIST

# Got the difference?

Sue Eve, HR director at Bates Wells Braithwaite, says a new book on the benefit of embedding diversity into all aspects of talent management is packed full of tips to consider for inclusion



It doesn't seem the ideal choice as a holiday read on first impression, but coupled with repeated listening of Michael Kiwanuka's track *Black Man in a White World*, it was an appropriate backdrop for reflection on the significant themes emerging from this book.

It tackles the ever-present challenge of more diverse and inclusive organisations that reflect our society – which goes further than protected characteristics and includes cultural, socioeconomic, religious or linguistic differences. The authors, Danny Kalman and Stephen Frost, (Frost had responsibility for Inclusion during the London 2012 Olympics and Paralympics), have spent considerable time researching leading examples that may provide the stimulus for change.

Early on, the reader is already seeing an urgent need to address diversity. Chapters are punctuated with examples that reflect the need to move from homogenous talent management to inclusive talent management: a shift from an approach that fails to account for – or benefit from – difference, to one that takes potential and culture into account to optimise people's contribution. And if you can stick with the significant portion that looks at the present state – and “those who do not remember the past are condemned to live it again,” – you will be rewarded with case studies galore on the possibilities.

I was struck by many aspects. The authors stress that “diversity is talent, talent is diverse,” but most companies have separate diversity and inclusion functions that impose initiatives within firms. We're asked to think about why we do that in our own companies and who is responsible for both. For smaller firms – mine included – a diversity function is often not possible and therefore falls, by default, to the IIR or learning and development team. We need to rethink this.

There are also many ideas to improve diversity in recruitment. One of the more enlightened examples is of KPMG, which publishes targets beyond gender for recruitment, using proportionality. While people may be divided on whether targets are good, we are encouraged to at least analyse our data.

When considering promotions, there is much talk about the safe, or known, candidate. This is particularly true in professional services, but we need to bring on people who are different. We need to take a risk and identify qualities in individuals, who will add more rather than the same. Plenty of examples are given – for example, individual feedback sessions to avoid ‘group think’, group interviews, and carefully-selected interview panels (not all white and male). My copy is now on its way to the chair of our diversity and inclusion forum – and ought to make its way around partnership before too long. ▶

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**Chapters are punctuated with examples that reflect the need to move from homogenous talent management to inclusive talent management: a shift from an approach that fails to account for – or benefit from – difference, to one that takes potential and culture into account.**



# WHAT'S ON YOUR WHITEBOARD?



Su Akgun, Osborne Clarke's first diversity and wellbeing manager, outlines business inclusion and diversity goals, and says she plans to get there by including as many firm people as possible

## Q What's on your to-do list right now?

**A** We've just held our very first 'diversity month' – so that's on my 'just done' list, and now it'll be about capturing and building on that momentum. I've been busy running multiple events across our offices. For example, we had events around disability and LGBT, and sessions on unconscious bias and the benefits of diversity for everyone in the business, not just the groups themselves. I've also arranged a cultural event, where we welcomed refugee communities into the office. We all brought in different food dishes and we called it 'Cook and Converse', eating while talking about food stories and our different backgrounds.

## Q Is there anything in the diversity field that you'd describe as innovative?

**A** I don't know whether others would call it innovative – but one of our workstreams includes joint parenting sessions. The particulars of childcare isn't something many people typically choose to talk about with colleagues, but all sitting together you can find you're experiencing similar

difficulties. As well as being educational, it helps bring people together to come up with possible solutions and just be more open with one another. We have an online platform all about families and caring – all types of families of course. We also have a hypnotherapist. She first came to do a talk about brain functioning as part of our wellbeing week, and we decided to bring her in more regularly. People can book her for an outcome-based problem-solving session.

## Q Do you have any tips for getting better buy-in for diversity exercises or training?

**A** Humour is good. We've started working with an ex-lawyer consultant who delivers our unconscious bias sessions – and it's called 'Let's hear from the quiet Asian lady'. It's a bit of humour, but it also helps to tackle head-on that concern about political correctness, that people sometimes don't know what to say to people with different backgrounds. Unconscious bias should also be about dispelling myths and fears. We also have a disability awareness session called 'Can guide dogs read bus timetables?' And you need people actively in-

involved at a senior level. Our managing partner speaks about the topic passionately at every platform, which is a huge help. But ultimately success builds from the bottom up. The key is that it can't be an HR initiative. We have 80 diversity and wellbeing ambassadors – about 10% of the firm – whose job is to get the engagement from the top and communicate initiatives to their teams. They're also coming up with their own ideas and helping to organise activities.

## Q Do law firms need to commit to targets for gender diversity?

**A** I think realistic targets, with a timeframe, do help people to take more steps to achieve them. Measuring and recording helps to make change happen. Research by the 30% Club has also found 30% is a tipping point – there are more role models available, and minorities stop behaving like minorities. After that it becomes easier to reach an even higher percentage. I'd also highlight that targets are different to quotas – because that gets confused quite a lot. We want to promote people on merit in every case – and, of course, that's what the people want too. ▀



## NEWS FROM THE THOMSON REUTERS ELITE COMMUNITY

Hi everyone. It's great to be back in touch with this, the latest Thomson Reuters Elite update in Briefing Magazine. Lots of exciting news to report on this month, not least another fantastic VANTAGE event in London and lots of exciting growth for 3E, which keeps going from strength to strength. More on that below!

Are you an Elite client? Join the discussion with your peers online at the Thomson Reuters Elite Community and visit <https://customerportal.elite.com>.

### VANTAGE London Success!

- Thanks to everyone who attended another brilliant VANTAGE EMEA conference in London. This year's event saw a record number of attendees, with more than 350 clients and partner organisations meeting and knowledge sharing over two great days.
- This year's keynote saw Thomson Reuters Elite management discussing the latest developments affecting the legal technology landscape, as well as how key innovations across Elite's product range continue to help law professionals stay ahead of the curve. Patrick Hurley also shared an update on our continued commitment to customer advocacy.
- It was great to see so many of you there, sharing ideas and best practices, engaging in user group meetings and attending our various learning labs. If you missed the conference this time, be sure to be there next year!

### 3E Momentum

- VANTAGE London gave us the perfect opportunity to announce some really exciting new figures that show how more and more law firms in the UK and across EMEA are adopting Elite solutions. 44 firms across EMEA have now selected 3E, our market-leading enterprise and financial management offering, taking the global total up to 176.
- It's particularly satisfying that so many firms have chosen to transition to 3E from Enterprise, with 34% of total 3E customers being former Enterprise clients.
- More widely, we're proud that 60% of UK 100 law firms are now using at least one of Elite's Enterprise Business Management Solutions. MatterSphere® and eBillingHub™ continue to grow, with three EMEA firms having gone live on MatterSphere, the market-leading case and matter management offering since May alone, with another seven scheduled to do so in the next year.

### Supporting A Worthy Cause

As part of VANTAGE London, Elite was honoured to raise money for World Bicycle Relief, a fantastic charity that helps support economic development in developing countries by providing bicycles for people with no other means of transport, helping them gain access to vital goods and resources.

The £2430 raised in the course of just three days at VANTAGE London will help deliver 25 bicycles to communities who need them most. Thank you to everyone who gave so generously!



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## SPEAK UP

# Peer pressures

Don't ignore firms that don't seem like you on the surface. They could be a very valuable surprise, says Tony McKenna, director of IT at Gowling WLG and chairman of ILTA Europe



When it comes to law firms, does your size really matter? In my experience it's the deal that matters most and that can happen anywhere, at any time. If that's true, it means that competitive advantage centres on our ability to grasp opportunities as they happen. To power up the fee-earning side of a legal business the support functions must ensure they have the agility to deliver what's required – 24 hours a day, 365 days a year, globally.

The highly competitive world of smaller law firms is doing this on a daily basis, just to stay alive. I see dynamic innovation in working practices and technology. More streamlined governance means less 'politics' and fewer partners to engage, and more empowered staff give smaller firms real advantage over their silver and magic circle friends. Combine this with not always having the same large investments in legacy technology and out-of-date real estate, and these firms have the ability to move faster in an increasingly digital world.

I know that some small firms in the US have moved on from laptops, and even tablets, and have been working on the Surface Pro for a couple of years. And they freely share their real-world experience through peer-to-peer networks, giving one another granular detail on what works, and what doesn't. This sort of

**Smaller firms don't need an army of change people to make change happen. They can be truly agile, and focus more on taking advantage of digital to draw in customers and build buy-in.**

sharing truly helps firms plot out a roadmap's potholes and avoid them. Smaller firms don't need an army of change people to make change happen. They can be truly agile, and focus more on taking advantage of digital to draw in customers and build buy-in. But I guess you can't really say it's true agile or DevOps methodology when you're the only person in the team!

Peer-to-peer networking tools, such as ILTA's connected communities, grant direct access to 'real' people inside law firms working on stuff that you often can't get traction to investigate. It's so important because it gives you the opportunity to strengthen your business case at no cost, or move in a different direction without wasting lots of time and resources. Another efficiency benefit of peer-to-peer networking is that it doesn't spawn five different lines of enquiry from eager vendors clogging up your inbox in an attempt to sell you the answer before you even manage to understand the problem.

For example, David Pollard of Ince & Co's article on the practicalities of moving office (and open plan) in the last issue of this very magazine was an excellent example of how firms should be looking at peer-to-peer networking across all firms to support the development of strategy, rather than rely on external consultancies.

It's not just smaller firms that can learn from how the magic circle is trying to innovate to please its clients more – something easy to assume. Rather – as is the case with the generations of professionals in today's firms – opportunities for learning cut both ways. And perhaps the biggest change lesson BigLaw can learn is that it's quite okay to cut into, out and across those formalised functions – just as we see when working across boundaries on legal matters with smaller partner firms. ▶

# Building on the back of Brexit



The decision is made – now let's get on with it, says Philip Rodney, chairman of Burness Paull

**O**kay. Let me get it on the table. I was very much in the Remain camp. I'm an unreconstructed Europhile. One client talked about the EU in the context of the 'ugly child syndrome': it may not be gorgeous, but it's yours and you love it with all its imperfections. On 24 June, I was gutted – although really not all that surprised.

I was reading an article by the excellent Stephen Gold in the Journal of the Law Society of Scotland that resonated with me. "On the night of the vote, I spent the small hours exchanging texts with the head of a leading firm. At 4am he was despondent. At 8am, after a few hours' sleep, he texted me: 'The decision's made, now we have to get on with it.'" The reason it resonated was because he was talking about me!

Like it or not, we have to look forward. No matter how unhappy we may be about the campaign – and notwithstanding our views on the reasons for the outcome – a democratic decision has been made. We have to respect that outcome and move on.

The economic impact has been mixed. The stock market has held up while the value of the pound has gone down. That means exports should increase, while the cost of importing materials required for manufacture will increase with a potential impact on prices. A fair way to describe the financial indicators might be to say that the impact has been better than we feared, but not as good as we'd have hoped for. A lot of the noise has been around sentiment. The concerns about instability are very real, but difficult – at least at this stage – to quantify.

So what does Brexit mean for the UK legal profession?

In the immediate aftermath, as lawyers, we have naturally focused on risk. Will there be as much deal activity? Will there be demand for the services we have been used to supplying? But the thing that lawyers aren't as good at looking for is opportunity. And there really is quite a lot.

First of all, let's look at the macro. In the

**A fair way to describe the financial indicators might be to say that the impact has been better than we feared, but not as good as we'd have hoped for. A lot of the noise has been around sentiment. The concerns about instability are very real, but difficult – at least at this stage – to quantify.**

immediate aftermath of Brexit, some property funds were devalued by as much as 15%. Sterling reduced in value against the US dollar by 15% and 9% against the People's Republic of China renminbi. If you could get a discount of, say 25%, wouldn't you be prepared to take a punt on investing in the UK? Softbank's acquisition of ARM for £24.3bn showed how exchange rates could stimulate the appetite for investment in the UK. So, an indirect outcome of Brexit is likely to be more inward investment. Not a bad thing.

Then, of course, there are opportunities for lawyers to work with clients in these changed circumstances – creating new service lines and helping them with issues such as trade compliance and agreements, customs disputes, investment protection, compliance with the new immigration regime (whatever that ultimately may be), and so on. At a time of change, lawyers become more relevant, not less so. This is a time when we can really provide meaningful support to our clients, rather than generic repetitive services where other challengers have entered the market.

I don't want to come over all Pollyanna-ish – but we can't put back the clock now. There's no point in wishing for what might have been. But we can reboot our practices and focus on working with our clients in making a success of the adventure ahead. **▶**



# Features

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*Brands standing?*

How law firms are taking tips from the consumer world to market themselves as places to want to work

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*Ps and Qs*

**Briefing** reports on the power of pricing, pitching, projects, process and people from the **Briefing** 5P conference

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*Learning to compete*

**Abigail Hunt**, associate at **Møller PSF Group** on reassessing training styles to create an improved learning culture

## THE BIG IDEA

# Brands standing?

The job candidate is now as much a tech-enabled and advert-savvy consumer as a starry-eyed hopeful – and employer branding approaches must evolve to match

Words Richard Brent

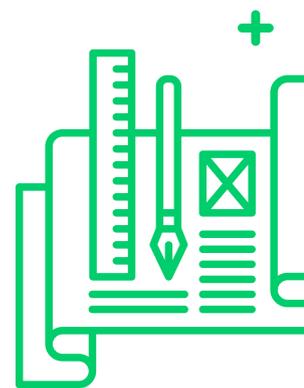
**L**aw firms have historically struggled to stand out in a crowded, highly competitive market – and as IT options increase, today there's a strong focus on their capability to innovate to serve clients more efficiently.

But the branding challenge for law firms runs deeper than a quest for differentiation in the eyes of those paying the bills. In a line of work where people are still a large part of the product, law is a great example of the way businesses now need to market themselves as employers as much as service providers – and use each proposition to reinforce the other.

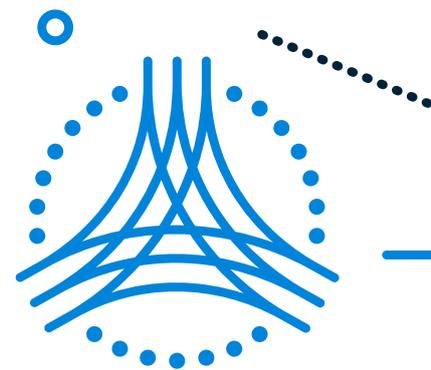
In a 2015 Lancaster University Management School white paper, *Employer branding: From attraction to a core HR strategy*, Professor Paul Sparrow describes a necessary departure for companies – from thinking about employer brand as a 'psychological contract', which makes specific blanket promises, to branding that – as with corporate branding – successfully taps into ideas of "social identity" and uses "signalling" to

attract candidates that helpfully self-select themselves as the right fit. In particular, the paper recommends shifting some of what would typically be marketing's over-focus on what an organisation 'does' to what working for that organisation 'implies' about the people it plans to attract. This is especially important at a time when – recent global recession notwithstanding – many organisations are characterised by greater employee churn. Fewer examples of the 'job for life', and the rise of portfolio careers and startup entrepreneurialism culture, have changed the employment loyalty dynamic. As tenures get shorter, time is precious – first, for employers to create the right impression to hook the applicants they want at the time they really want them. And second, to turn that piece of recruitment into a truly successful strategic hire that achieves return on investment before the individual moves on.

Employers therefore need to work that much harder at building trust in their brand – the workplace had better live up to any marketing 'hype' used to sell it. Sparrow says: "The very worst thing you can do is attract people



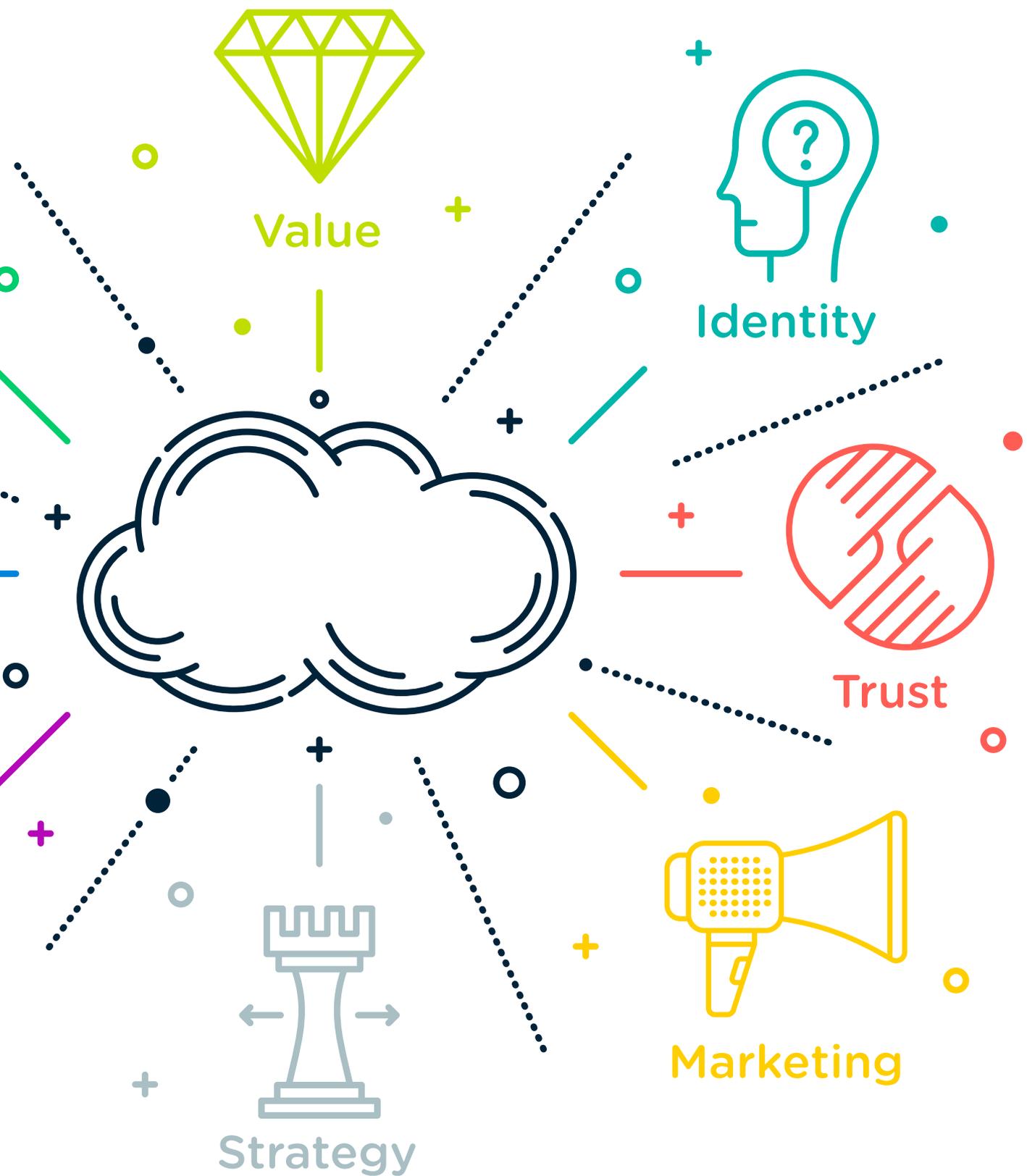
Design



Logo



Advertising



through on an idea that has now become a brand promise, only for them to rapidly realise that it's really not like that at all. An employer brand must demonstrate authenticity.”

#### All onboard?

The smart business, for example, will devote plenty of thought to

talent onboarding – and Sparrow points to the value of “realistic job preview” in this process.

“All the evidence shows that the more realistic the candidate insight, the more likely they are to select – or deselect – as a possible fit, and provide a greater return on investment in the long run. And if the realistic job

preview reveals that promised brand values are indeed authentic, that then carries huge potential power – especially in hiring, where there is an element of courtship.”

But recruitment of new talent is just one activity in the employee engagement lifecycle. To mitigate churn, a firm’s



**“People want you to talk to them as straightforwardly as possible and to avoid wrapping things up in too much marketing hype and hyperbole.”**

*Clare Harris, associate director of legal resourcing, Hogan Lovells*

employer branding strategy also needs to change as its employees change. “Everyone won’t be attracted by the same value proposition – and over time people also naturally start to look for different things from an employer relationship,” says Sparrow. In addition to advertising for its future stars, management must therefore invest in the internal branding activity that might help to retain talent that’s onboard already.

And engagement doesn’t only change with tenure. Hogan Lovells, for example, recently revisited employer branding to ensure fitness for a firm that had changed through merger and expansion.

Associate director of legal resourcing Clare Harris says: “We needed to be able to tell a new story about the global entity we are today – for junior lawyers, partners and business services – but also to tailor some nuance of those messages for particular markets.”

“But the really important thing is for us to send messages about what makes the firm different honestly,” she agrees. “That way people can select themselves in, and the match should be that much better.”

It’s fitting that one of the things most emphasised in the

resulting materials is an avoidance of ‘corporate speak.’

“That’s also very complimentary to the client-facing brand,” explains Harris. “People want you to talk to them as straightforwardly as possible, and to avoid wrapping things up in too much marketing hype and hyperbole. There’s little difference between targeting new clients and future recruits in that respect.”

To get it accurate, the firm refreshed its brand identity through a process of internal engagement that included one-to-one interviews and focus groups. “There was an external consultant, because it’s important to have an objective observer and listener you can trust to feed back,” says Harris. “But it was voluntary, and it encompassed people from a range of business areas.”

And brand clarity helps with onboarding, she adds. “Trainee new joiners will come in before their first day, there are two weeks of induction, and we’ve recently also revised the trainee mentor role. However, getting that consensus of truth behind you in the first place really helps to mitigate any mismatch.”

Taylor Wessing graduate talent adviser, Sarah Harte, says the firm’s new ‘Trail Blazing’

recruitment campaign, which has won awards after similar focus group work, found the best thing for materials to stress was, in fact, client breadth.

“Propositions often emphasise similar strengths – for example, about a global career or their L&D – whereas we found that millennials, in particular, most want challenging work with exciting clients,” she says. Marketing materials and activities therefore pick out the highlights from deals and matters in the public domain. “It’s clear our representatives and brand ambassadors are also able to have better conversations with this more tangible, clearly defined message,” she says.

Head of resourcing Ed O’Brien adds: “Pre-joiner engagement is also crucial.

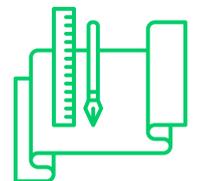
“Candidates receive a personal coaching call before assessment days, and those offered summer vacation schemes come in for a training and networking session in April to ensure we maintain engagement before starting.”

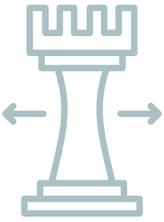
### Topping the league

Sparrow’s LUMS white paper says academics are sceptical about efforts to benchmark around a blueprint of an ideal employer brand – while league tables reflect the psychological contract approach. Tables stress what the applicant will specifically gain in return for their hard work and commitment to continuance of the brand.

But it can’t be denied that competitions such as the Sunday Times 100 Best Companies To Work For carry a certain surface kudos that firms can then live up to – or not.

“Employer branding is very





hard to measure, because we only know what we know,” says Sandy Boyle, director of human resources at Mills & Reeve (ranked 74th by the Sunday Times). “Although we can’t really say whether we’d ultimately have fewer applicants of the same quality without it, having external validation takes what you say about yourself that step further. If you’re competing with just one other firm, then it may help to sway the outcome.”

One thing that certainly ought to be good for the Mills & Reeve brand is the ability to say it’s the only law firm that has been on the Sunday Times list for 13 years running.

“One signal of authenticity is sticking to principles, and maintaining a culture, through thick and thin,” says Boyle. “We’ve been there throughout the difficult low growth environments of the last decade – and that sustainability could be more important than making a sudden splash into the top 10.”

Gowling WLG is one of only two organisations that can claim ‘master status’ in another ranking arrangement. The firm has been one of the UK’s Best Workplaces for 16 years. “It’s particularly satisfying as we have grown significantly through merger and organic growth,”

agrees HR director Chris Oglethorpe. “In spite of a great deal of change, we’ve managed to ensure that our culture and focus on employee wellbeing is central.”

But these exercises also offer the benefit of feedback data to help improve future talent management and engagement. “We also do our own internal research every two years, and we can use the historic trend data from the two sources together to make appropriate changes,” says Boyle. For example, he has recently modified some performance management processes, both increasing feedback frequency and introducing supporting software to streamline the employee development experience.

Gowling also gets feedback that informs the path of future policies. “There are always improvements to be made to stay ahead,” says Oglethorpe. “We supplement the data-based feedback with focus groups and chatrooms, and often also test new initiatives before implementation. Recent examples include taking views in the design of a new fee earner bonus scheme, and our approach to agile working, which involved pre- and post-pilot feedback.”

He adds: “The launch of our

reverse mentoring initiative should also help to keep our leaders in touch with the work and life challenges faced by younger lawyers.”

Amanda Dow, head of HR at Royds Withy King (ranked 45th by the Sunday Times prior to its 2016 merger), says her firm further benefits from an extra package that provides insight to individual managers. “Anecdotal feedback says the listing is good for our brand, and particularly at more senior levels. But there’s also a bigger programme of activity that is a good match with our recent investment in talent management and building leadership capability.

“The competition allows us to report feedback to individual managers on different areas of engagement. They receive a personal score, and they’re understandably keen to see whether they’ve improved on last year.”

In addition to policies such as a partner coaching pilot and the introduction of identifiable leadership behaviours, it makes up a package of promoting greater “self awareness” throughout the firm, Dow explains.

### Making it personal

Sometimes, of course, making a splash into a top employers table can produce highly measurable column inches – such as when south west-based Stephens Scown soared into Best Companies’ 12th place (above every top 100 firm). To top it off, the firm – which made headlines for being first with its ‘John Lewis-style’ shared ownership model in 2016 – was also named ‘most improved company’.

But Mandy Reynolds, the



**“In spite of a great deal of change, we’ve managed to ensure that our culture and focus on employee wellbeing is central.”**

*Chris Oglethorpe, HR director,  
Gowling WLG*

A photograph of two men in business suits walking through a modern office hallway. The man on the left is older, with grey hair and glasses, wearing a dark suit and tie. The man on the right is younger, with short dark hair, wearing a dark suit and tie. They are both looking towards the right. The background shows office cubicles and bright lighting from windows. There are green and teal geometric shapes in the top left and bottom right corners of the image.

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firm's director of marketing, also agrees that the biggest benefit is the opportunity to make management improvements.

"You can dig into all the areas where you haven't scored as highly," she explains. "For example, last year we were in 39th place, and we were surprised to see that we weren't marked as highly as we'd expect in corporate social responsibility and charity work.

"But we knew that wasn't because we weren't doing it – employees just weren't aware. So we set out to improve communication and engagement with things like infographics on CSR and pro bono hours, and forming new charity groups.

"Professional services generally don't invest enough in internal communications, but the external job can then be halfway done. Staff are out there in the market talking about you, and they then become your brand ambassadors."

Stephens Scown gives its people plenty of other things to talk about too – such as the 'Love Where You Live' campaign, which finds differentiation in emphasising commitment to the local region. Employees can use the firm's new campervan – which has already hosted one client and one staff wedding – and recently compiled an 'Insiders Guide' to local hotspots and 'secrets', complete with personal photographs.

"Motivated employees relish getting involved, so the trick is keeping them engaged. The marketing team goes out for one day each year to brainstorm more ideas," says Reynolds.

Such 'real' people stories are increasingly used to highlight the authenticity of any product



**"Professional services generally don't invest enough in internal communications, but the external job can then be halfway done."**

*Mandy Reynolds, director of marketing, Stephens Scown*

in a business brochure – and that could work for people as well. Stephens Scown, for example, also has its 'Today I ...' advertising campaign. Messaging includes "Today I dressed-up for a charity abseil," or "Today I travelled to work by paddleboat," says Reynolds. (Unsurprisingly, the firm aims to emphasise that it's a fun place to work, among other qualities.)

### Channel hopping

It's the same for bigger businesses. PwC, for example, uses a heady combination of consumer marketing techniques and its own people to spread the word.

"Over the last decade we've tried to be a bit more disruptive in stopping students for conversations," says head of talent channels Sammie Stapleton. "We've used outdoor attraction techniques such as building projections and interactive floors, and we've created some 'flogos' – biodegradable clouds in the shape of logos that float into the sky. And we think about where professionals might be outside work. We've advertised in train stations and gyms – and also on ATM machines, which can get you some especially good hard measurements.

"But we also incentivise

people to think about their own networks and encourage the use of social media – by students as well as more seasoned professionals. They're our best brand ambassadors, so they're given access to official messages they can use, as well as training to ensure they're comfortable posting on the firm's behalf."

Campaign channels for Taylor Wessing's messaging – including social media – also go through a rigorous ROI analysis based on objectives and last year's performance, adds graduate talent adviser Harte. "And we analyse university connections carefully – for example, where departments are especially aligned with our range of practice areas."

A bright spark on the recruitment team at BLM came up with Twitter hashtag #BeLikeMe for advertising new role opportunities. "We'd been a little slow to pick up on engaging people using new media," admits BLM's HR director Louise McCarthy-Teague. "But now all imagery is of our current staff. We're getting more photos for Twitter and Instagram at law fairs, and quickly turning some more relaxed conversations into new followers. Until I arrived three years ago, we'd never done a fair."

## Games for a change?



Tied to the dynamism-implying 'Trail Blazers' campaign, Taylor Wessing aims to appeal to a generation it knows is digital native in a number of ways, says graduate talent adviser Sarah Harte.

"We now head off to campus armed with large interactive screens to show off some exciting animations – which is a bit different to the standard table stuffed with pens.

"This is also the first year we're piloting game-based assessment for training contracts. If online application is successful, we now ask our candidates to download an app. It's a bit like a psychometric personality test – but people pass through various levels to pick up points.

"It's great for us, because it isn't a test you can prepare for. It assesses underlying behavioural traits – and that's good for our diversity goals, as it doesn't only focus on experience. Plus, it's useful for candidates because they get some quick feedback in the form of a report that might be useful in the future."

Over the same period, she has leveraged BLM's commitment to the Recruitment and Employment Confederation's Good Recruitment Campaign, she says, to pick up tips for a huge strategic sourcing shift. "We now operate a 75% direct sourcing model using in-house recruiters. Unlike external partners, who might manage one role a year for us, going direct requires a deeper understanding of the business's specific challenges and successes to tell our story."

BLM canvasses its current workforce to tell that story authentically. "They're the people best placed to tell us why others should work here," she says. "So each quarter, the senior partner and I meet all the previous quarter's new joiners – whether they started their careers with us or not.

"That might be six months in – if they have a long notice period. They've settled in by

then, but can also provide a really fresh perspective. We ask for very honest feedback – and one question I always ask is about their recruitment and onboarding experience."

### Feedback hoops

Frequency of feedback is a key theme. Employees want it on their own performance, as well as to give it back to the business, and clearly it helps businesses build a brand strategy. Dow at Royds Withy King, for example, is rounding off a process of asking graduate focus groups how they prefer to find and apply for jobs (she too has overseen a dramatic increase in direct sourcing – from around 20% to 80% in three years). She also introduced a video interview stage in 2016, and plans to repeat that after it proved a hit with the latest millennial joiners.

"Interviewees receive a link to some of our questions, and they can record answers in their own

time, for us to assess in ours," she says. "It cuts down what is quite a static, paper-based process, and candidates also have the opportunity to sell themselves more visually at an earlier stage."

The picture emerging is that young talent in 2016 wants to be courted not just authentically, but also efficiently. Graduates are well aware of how technology makes that efficiency possible, and failure to respect their time might mean disappointment and a failed hire.

And explicitly recognising that might also be very good for your brand. In summer 2016, for example, ABS KPMG saw an opportunity to differentiate its recruitment experience following consistent feedback from interviewees that they wanted faster feedback themselves. Candidates now attend only one full day of assessment – dubbed Launchpad – and know whether they've been successful very soon after.

UK people director at KPMG, Martin Blackburn, says: "We ran a pilot in 2015, and this year we're holding just nine events across the country. Each involves around 250 candidates, and they can pass through the entire interview and assessment process in one day. They'll receive news of an offer in about 48 hours.

"Feedback always works better when it's closer to the event – and meeting more people means candidates have a better sense of the community they might be joining. As there are fewer events, we can also afford to have senior leadership more heavily involved in the experience."

Confirming employer branding as a strategic issue, the



change also coincides with KPMG's published 'new deal' for 2016, which shifts emphasis from monetary benefits – preferential mortgages, repaid student loans, and so on (all still in place) – to focus more attention on brand behaviours.

One point that permeates is mutual respect on both sides of the psychological contract. “We ask people to take ownership of their own self-improvement,” explains Blackburn. “But one of the differences we now articulate is that we accept people don't join KPMG for life. We want people to own their own careers, whether that's within KPMG or beyond. We actually have an independent careers transition unit here,



“One of the differences we now articulate is that we accept people don't join KPMG for life. We want people to own their own careers.”

*Martin Blackburn,  
UK people director, KPMG*

where people who are thinking of leaving can have a confidential career conversation. And we're seeing an increasing trend of people returning to us having taken their career elsewhere.”

Creating such a level of openness is a clear brand promise to talented people that a

desire to move on doesn't imply a disastrous ripping up of their psychological contract. It is a legitimate choice in line with a new reality. And being transparent about that could be precisely the signal of employer brand authenticity that persuades people to stay. ▲

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## BRIEFING CONFERENCES

# Ps and Qs

Pitching teams took centre stage at Briefing 5P 2016 – presenting all they’d learned about the power of pricing, projects, process, and themselves as empowered business services people

Words Richard Brent

**A**t our last conference – **Briefing Transformation** – we kicked things off with a quote by Friedrich Nietzsche. We’re pretty intellectual like that. At the second annual **Briefing 5P** conference, in September 2016, things were taken up just a notch, with a nod to none other than the Marquis de Sade.

Let’s not forget that the traditional way for law firms to make themselves profitable was “bill them until they scream, and then bill them some more,” said Ori Wiener, head of the business development practice at Møller PSF Group (and before that global head of BD at Linklaters) in a colourful keynote address.

The point – of course – is that instruments of persuasion are now being used to apply more and more pressure in the other direction – on to a rather shaken group of law firms. Clients might experience a certain sense of *schadenfreude*.

“Further margin erosion is inevitable,” warned Wiener. And 2016 is hardly doing its bit to help. Even pre-Brexit M&A was “on ice,” he said – and now the world (apparently) waits for March 2017

when formal negotiations will, allegedly, begin.

On top of that, while a flurry of firms are signing up with artificial intelligence suppliers in 2016 in a bid to boost their internal efficiency, don’t imagine that clients haven’t cottoned on to that fact as well.

“The in-house department will take advantage of artificial intelligence to drive costs down even further,” said Wiener – in a world where about half of the typical lawyer’s workload, he suggested, was the sort of information extraction exercises in which AI happily specialises.

## Give Ps a chance

The very worst thing to do in this environment is to automatically discount rates to keep clients happy – although this is partners’ apparent preferred reaction to the shift in their power base, said Wiener.

“Lawyers take on discounted work because they want the hours,” he explained – perhaps understandable when their number-one fear is having too little work. “But partners also need to understand the true impact of a write-off on their



profitability” – that a 10% fee discount can take a 30% bite out of profits.

The upshot? “Pitching before pricing is a form of madness,” said Wiener.

That’s two of **Briefing’s** five Ps down. But then, after effective negotiation – and standing your ground at a fair price – you’d better manage to deliver to it. That requires the three remaining Ps – a deep understanding of work as ‘projects’ and ‘process’ and the impact of ‘people’ on the price you pitch at. Managing a consistent and predictable experience using these variables are key requirements in the increasingly challenging days ahead.

“Surprises are bad for any relationship – positive as well as negative,” said Wiener.

“If you deliver at a lower price, there could well be a perception by the client you’d resourced the work poorly – risking quality – or perhaps that you priced too high at the outset.”

### Clients speak

So assuming the price is right, what would impress clients in a pitch scenario or as work progresses? We next heard from several representatives of client organisations about the management practices that may – or may not – bear more fruitful relationships.

“Don’t give the standard response to questions about what makes you ‘different’,” said Bjarne Tellmann, senior vice president and general counsel of Pearson. “Today we have lots more tools internally, such as contract management and e-billing, and we’re looking for people willing to be business partners.

“The thing that would most impress me is probably a firm pointing out a clear inefficiency in the way we’re currently working. Also, pick apart your underlying assumptions – the idea things always have to be done in a certain way. And disaggregate the price you’re charging from inputs into that service.”

David Bateson, Canon senior vice president, legal, IP and sustainability, proceeded to confirm firms’ worst fears.

“Law firms cost more – so sending them work has to be the last resort. That’s just a fact, and it means that I expect something quite special,” he said – and that might be something more than an ‘innovative’ price. “Alternative fee arrangements actually take a lot of time to manage,” said Bateson. “Time is the really big challenge for us, and that means a law firm relationship needs to deliver at the time it’s needed.”

And Howard Landes, chief counsel, corporate, at BG Group said that risk-sharing could present a competitive edge in a client pitch. Could firms, for example, share some of his business’s pain in a low-oil price environment? “It helps to show that you’re thinking about what we’re thinking about,”

**“If you deliver at a lower price, there could well be a perception by the client you’d resourced the work poorly – risking quality – or perhaps that you priced too high at the outset.”**

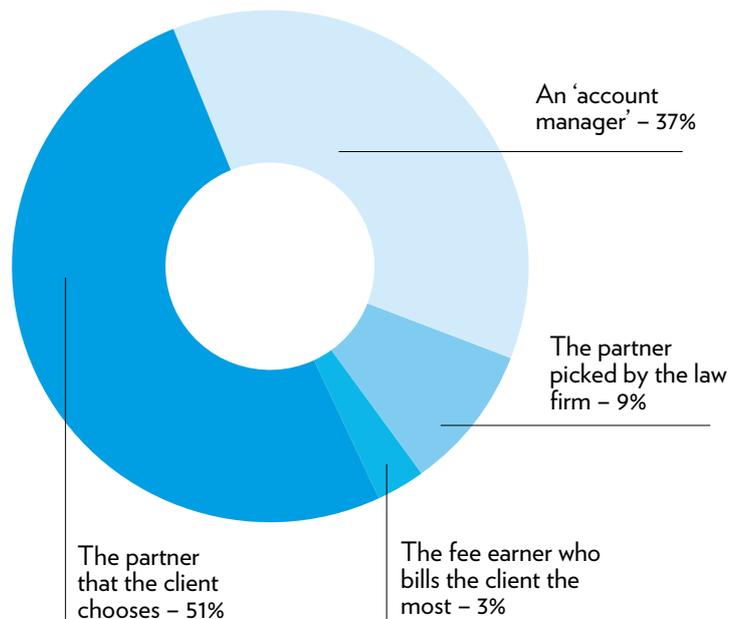
*Ori Wiener, Møller PSF Group*

Above (left to right): Ori Wiener, Møller PSF Group; Zelinda Bennett, international marketing and BD director, DLA Piper with Howard Lande, chief counsel, corporate, BG Group; Stuart Hopper, head of legal knowhow and training, EMEA, Dentons; Saran Kaur, document automation consultant, Linklaters; Mark Bainbridge, marketing director, Black Swan



Above (left to right): Priya Lele, legal project management lead, Herbert Smith Freehills; Matt Holt, consulting partner, OgilvyOne; Quentyn Taylor, director of information security, Canon Europe, and Jeremy Nicholds, strategic advisor and envoy in digital/mobile payments

### Briefing 5P 2016 poll: Who should manage a law firm relationship with a client?



he said.

On the same theme of putting yourself in the client's shoes, he recommends taking the time to research the people who'll be in the room at a pitch. "Find out who present has which decision-making powers. Don't assume it's all about the relationship partner – there could also be someone who manages procurement to impress.

"And especially staggering is when it's clear that people on the pitch team don't even know one another – never mind the people they're pitching to win over."

### The outsider world

The 'learning from legal' panel echoed the clients' concerns. Matt Holt, partner for digital strategy at OgilvyOne, said: "Mine social media profiles to understand business backgrounds when casting the right team for a pitch. But remember that we also pour data into social networks – so it's equally important not to get lost in that."

Also, consider the makeup of your delivery team. "Transformation isn't a future one-off event – it's the norm, right now. We find that the right people to have on-board are those willing to 'have a go' at things – who are flexible about all aspects of

work. It's also important to have shared responsibility across teams, so we invest in commercial skills training for all staff."

OgilvyOne also scopes its projects in the 'sprints' that will be familiar to those with ties to the world of software development. "Don't spend two weeks taking a brief," said Holt. "Be creative and collaborative from the outset."

Jeremy Nicholds, strategic adviser, Yoyo Wallet (previously VISA and Mastercard) said: "Success begins and ends with the customer, and understanding priorities and pain points. Invest

## Testing pitching powers

The afternoon of **Briefing 5P** saw delegates form teams of fictional law firms, each with different brand and resource power to throw into pitching – ‘Dragon’s Den’ style – for a place on a fictional client panel. Drawing on detailed firm profiles (of magic circle, top 50 and ABS, Big Four-style businesses), workshop leaders guided them in project management techniques to brainstorm which capabilities and promises should be included to flesh out a value proposition. They then pitched to judges David Ferris, head of bids at DWF, and Stefan Borson, the group general counsel of Watchstone Group.

The competitors took sharply distinct pitching tactics – but our judges identified clear winners. They won for the following reasons:

- The client doesn’t care, said the judges, about where firms have “flags in the ground.” To a client, this could smack of an attempt by the firm to pave the way for their own cross-selling more than emphasising commitment to client service consistency.
- The winners were open about what work they could and couldn’t take on – a level of transparency that encouraged trust.
- They sold their ‘benefits’ to the client rather than the ‘features’ of the firm. “People don’t want to be told about technology,” said Borson. “It’s great you’ve



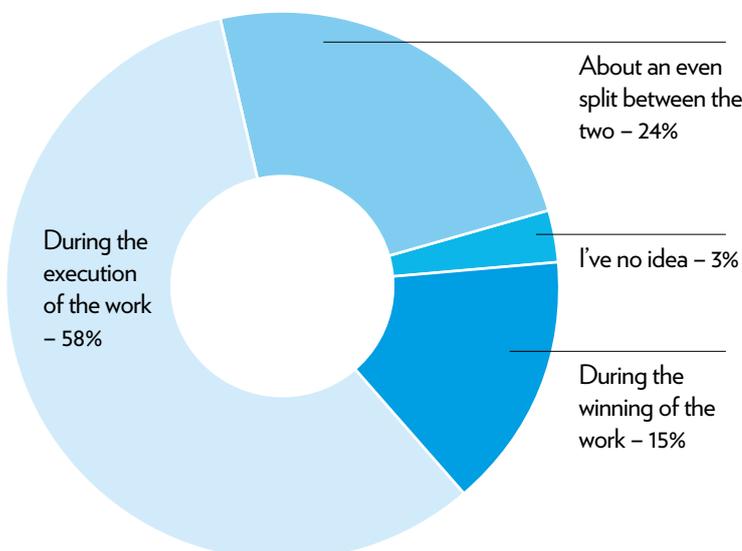
invested in stuff – but explain the real relevance to me.”

- They highlighted past experiences that demonstrated capability in action (with the proviso that they should really consider client confidentiality!).
- It’s notable that the winning team also pitched as a team, rather than nominating an individual, each introducing themselves and their specific role in the value delivery chain.

“All the firms were formally qualified for my work,” said Borson. “So our winner was the team that was most creative, that stripped out the jargon and translated their abilities into direct action.

“It also helped that they stressed the project management they could offer to assist my business was added-value – or, in other words, at their own cost.”

## Briefing 5P 2016 poll: Where is most margin lost at your firm?



ahead of time in understanding client price pressures, and price in a way that shows you have skin in the game.”

Quentyn Taylor, director of information security at Canon, added: “Remember that clients won’t always know exactly what it is that they want – but if you can’t manage to standardise processes internally, you really can’t innovate around that to deliver something new.

Taylor also recommends rigorously questioning the processes that really do need to be done internally – appropriate at a time when the trend to outsource services represents not only an opportunity for legal businesses to identify new grades of process efficiency, but also a possible risk that firms themselves are found surplus to requirement. ▴

## FEATURE

# Learning to compete

Abigail Hunt, associate in Møller PSF Group Cambridge and Treehouse Innovation, says that an empowered, consultative, outward-facing L&D function could be an overlooked source of competitive advantage

Words Abigail Hunt

**L**earning and development is sometimes seen as an internal-facing, compliance-based and relatively passive function. However, this overlooks L&D's vantage point to spot internal and external patterns, opportunities and market trends – and it can be a significant contributor to firm culture, profitability and competitive advantage.

Hilary Stevenson, L&D manager at Ashfords, says: “L&D is all about networks, communications and relationships. It's about tuning in to what the business needs to achieve and working out how people can help to make that happen, from ‘attraction to sunset’.

“Even those who leave the firm can become valuable key clients, ambassadors, consultants and mentors – and so continue to share their experience and insight with the firm.”

## Learn as you grow

The future-fit L&D team therefore has a key role in helping the firm's lawyers and business support professionals to perform well, develop and feel valued – but increasingly also to manage uncertainty and change with confidence.

However, aspects of the training, qualification and progression of lawyers, in particular, combine to make managing uncertainty and change a difficult fit. It isn't easy to deter some highly talented lawyers and their colleagues from rejecting or avoiding things that they don't know, or may feel uncomfortable about. Risk-aversion

can be entrenched.

But consciously adopting a ‘growth mindset’ – believing that you can continue to develop through your efforts – creates a love of learning and resilience (see the book *Mindset*, based on the extensive research by renowned psychologist Carol Dweck). If leaders actively model this approach, and encourage it firm-wide, it is the firm, its people and its clients that benefit from increased motivation and productivity. There's more collaboration, and better solutions are found. By contrast, in a more fixed mindset, people believe that their skills are already carved in stone. There is little focus on continuing development – which increasingly becomes a disadvantage.

At the same time, staying abreast of how the wider world is changing can inform us about how our skills may need to change. We can become more curious and informed about our changing commercial environment by:

- Seeking insight and perspectives from people in other teams, sectors, disciplines and geographies
- Widening our professional networks and information sources
- Actively increasing the diversity of backgrounds and influences in our team recruitment
- Asking more questions about things that are





outside our specialism

- Taking off the ‘expert’ hat and admitting that we don’t know the answer to a client’s question - eg “I don’t know, let’s tackle it together.”
- Following multi-sector futurists such as Gerd Leonhard, and contributing to their debates.

### Design for learning

Firms might benefit from exploring the principles of ‘design thinking’ in their L&D strategy – a human-centred approach to producing innovation much used by businesses such as Google, Procter & Gamble and Apple. Putting empathy for the user at the centre of the innovation process, it encourages cross-disciplinary collaboration, experimentation and iteration, and balances creativity with analytical rigour – all things that can help to increase competitiveness through change and uncertainty.\*

In like fashion, the future-fit L&D team shares insights and recommendations with leaders and management teams based on close interaction with a wide range of the firm’s people, as well as key clients and L&D peers in client and other organisations. For their part, the leadership and management teams are:

- Open to considering the information shared (possible challenges to ways of doing things, the

**It isn’t easy to deter some highly talented lawyers and their colleagues from rejecting or avoiding things that they don’t know, or feel uncomfortable about.**

need to redesign roles or processes, or provision of more meaningful work for groups of people)

- Committed to continuous improvement, and to sanction timely changes that create value for the firm’s people, profitability and clients.

Firms could ask themselves the following questions:

- Do leadership and management consistently champion L&D?
- How prominent is L&D in the firm’s vision, strategy and culture?
- Is the function designed to support a highly flexible way of thinking and operating, and aligned to the changing needs of people and clients?

- How strong are the connections between L&D and key clients?

### Dynamic development

Annual courses and programmes, such as an associate development programme, are one cost-effective way to ensure that lawyers in particular are trained to a similar level in key technical areas and skills, often according to number of years post-qualification.

However, Phillip Westermeyer, L&D manager at Clyde & Co, says: “The future progression of lawyers will be based on talent, performance and a focus on market and clients, not simply PQE.”

The recent Solicitors Regulation Authority (SRA) competency requirement to reflect on L&D needs and record action taken to ensure ongoing competence creates a new dynamic. Every solicitor now takes responsibility for their own progress and compliance – a step change from the long-established regime of simply clocking up 16 continuing professional development hours a year (often via courses). Solicitors will be expected to actively blend learning options to meet their individual needs – a valuable opportunity for those with a growth mindset, as well as those who want to attract and support them.

For example, Anna Gregory, knowledge and L&D director at Farrer & Co, says: “I want to encourage everyone at Farrer to see L&D as business-critical and to be more and more deliberate about it. This includes challenging the often subconscious tendency to simply book onto a course rather than investigate other, more fitting solutions to L&D needs.”

### What are the other options?

- Knowing whom to contact for one-to-one guidance, which requires a culture where people regularly make the time to help each other
- Agreeing milestones for more structured on-the-job learning for particular groups
- Guided research and reading, applying that learning in work and collaborating to create a ‘how to’ checklist, map or guide
- Arranging a peer support session to swap insights, capture and share conclusions
- Working with a mentor and being a mentor to others

“Solicitors will be expected to actively blend learning options to meet their individual needs – a valuable opportunity for those with a growth mindset, as well as those who want to attract and support them.”

Participating in an internal or client secondment, project or temporary job swap

- Buddying up with a colleague on business development activity
- Getting just-in-time access to some specific knowledge, skills or learning – supporting faster and more mobile working patterns, less time, or shorter attention spans
- Doing some in-depth technical learning by taking a course or studying for a qualification
- Sharing experiences with others through ‘lunch and learn’ sessions, videos, or client workshops
- Attending relevant activities inside or outside the firm (see The School of Life, 5 x 15, The Creativity Workshop or a free Street Wisdom event) and sharing insights gained
- Role playing, business games or interactive simulations such as ExperiencePoint’s ExperienceChange.

With so many options, L&D’s role becomes about consulting, coaching, curating, perhaps working with external consultants, and co-creating resources – and ultimately helping people to help themselves. As Kerry James, head of L&D at Burges Salmon, says: “We are developing much more of a consultancy relationship between L&D professionals and our lawyers. The questions asked of lawyers in this context require more reflection, testing and ownership of the development pathway. For example: ‘What is the best use of your time? And: ‘What steps can you take to help you and the business to be more effective?’”



## Classrooms of the future

The availability of digital options in this range means that L&D assets can also be shared at speed and scale, both cost-effectively and consistently, including across multiple offices. Resources might include a library of short videos, videoconferencing, webinars, simulations, shared whiteboards and virtual classrooms. Convenient for people working from home or on secondment, these resources are increasingly mobile-enabled.

E-learning is often associated with multiple-choice regulatory and compliance-related learning. With some imagination, however, it can be interspersed with small group activity for face-to-face discussion, which will help to make certain types of learning more valuable. The challenge is keeping such content relevant and in use, rather than getting distracted by the availability of the technology. It won't always be the best learning option, and indeed an element of human interaction might be essential to the business or personal goal.

Firms could also consider providing L&D for – or with – clients. This is an opportunity to share perspectives, deepen relationships and add more value to clients who are tackling similar commercial challenges.

Ian Rodwell, head of client knowledge and learning at Linklaters, says: “The opportunity for lawyers to learn alongside their clients is an exciting one. It is mutually enriching, introduces complimentary perspectives and creates a shared sense of ‘we’ – rather than a binary mindset of ‘us’ and ‘them’. Over and above the substantive content, the discussions, conversations and stories exchanged all facilitate a fertile learning environment.”

Firms may also find opportunities to help budget- and resource-poor in-house legal teams to meet their competency compliance requirements. Firms might even offer to sell L&D services to clients – and why not?

The future-fit L&D function is at the heart of what law firms offer clients – and should be central to their vision, strategy and culture. With the right leadership and support, it can provide valuable differentiation where it is difficult to achieve by other means.

## L&D organisational change inspiration:

- Developing coaching, consulting and organisational development skills to support the shift in L&D dynamic required by the SRA
- Recruiting L&D people with technology and media expertise to support co-creation and curation of digital resources
- Ensuring L&D has a louder voice on the board
- Taking L&D out from under the HR umbrella. Consistent leadership could also combine with changes in systems, rituals and behaviours, such as:
  - What is celebrated and discouraged
  - What is openly discussed and challenged
  - What remains unspoken or taboo
  - Appraisals, objective setting, reward and bonuses
  - Promotion criteria and roles and responsibilities.

## Design thinking

\*For further information about the application of ‘design thinking’, visit: <http://bit.ly/cultureinnovation>

Nigel Spencer, global director of L&D, Reed Smith, sums it up: “I try to use L&D programmes to create ‘glue’ around the firm and create peer groups. It is about enhancing relationships and collaboration. But an L&D function also needs to continue to flex to stay on the firm’s agenda, which, at Reed Smith, is very much about the client’s agenda – hence all the client learning initiatives my team supports.

“Being on the firm’s agenda means understanding the client world and working closely on our strategy. This sometimes means working in a more organisational development capacity – being asked by the managing partner, for example, to design, facilitate and capture the outcome of strategy meetings to keep me truly close to business priorities.”

What changes is your firm ready to make to reposition or reimagine your L&D function, and capitalise on its potential to provide future competitive advantage? 



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▶ BEST PRACTICE

# Everyday inclusion

Tackling inclusivity in the workplace needs more than an unconscious bias training course. It calls for people committed to calling out examples of bias every day, says Professor Elisabeth Kelan, director of the global centre for gender and leadership at Cranfield School of Management

**W**omen outnumber men when it comes to entry-level positions in law firms, but the percentage of senior women leaders at firms is still diminishingly small.

This poses two problems for legal business: first, that talent is not sufficiently used and second, that clients increasingly want to see gender parity in their advisers. Law firms are responding through developing leadership courses for women, which help women advance their careers. However, assisting women is not enough to change the persistent underrepresentation of women in senior roles in law firms. For sustainable change, the organisational cultures of those firms also need to change. Many senior leaders in firms understand this, but taking those in the mid-level of organisations with them can be more of a

challenge. This is where unconscious bias awareness training really kicks in.

### Back to reality

The aim of unconscious bias awareness training is to make explicit the implicit biases that people hold. A common tool is the implicit association test, which is designed to show how people automatically associate different concepts, objects or people. It measures, for instance, whether it takes individuals longer to associate women and careers than it takes them to associate women and family, or men and careers. Unconscious bias awareness training would then aim to illustrate to the participants how they might be influenced by their own biases in their decision making. By making those processes visible, it's anticipated that people will change their daily practices. Training is often delivered in person or online.

But one of the key challenges of unconscious bias awareness training is that it's very difficult to undo years of conditioning in a fairly short training session. Biases have ingrained themselves into our minds over a lifetime and it can be expected that it will take a while to change them. We might leave an unconscious bias training session with the best intentions of being more aware of bias in our daily life, but actually changing the ways we work and think requires sustained effort. We need to be reminded of our biases at the time we actually

**While unconscious bias awareness training might help individuals to identify their own biases, they can also use this insight to bring potential biases to the attention of others.**

make a decision. While unconscious bias awareness training might make the participant realise that she or he thinks that men are more committed to their career than women, translating that knowledge into practice in a real-life hiring decision is a different matter. Unless individuals are reminded of their biases in the situation, it's very unlikely that people will make different decisions.

### Daily routines

The challenge with unconscious bias awareness training is therefore to make the effects of learning sustainable. This can be achieved by ensuring that the training people have is as specific to daily activities as possible. In my own research, I have tried to understand how men as middle managers can be more gender inclusive. I therefore observed men who've been identified as gender-inclusive leaders to better understand what they do on a daily basis to support gender equality. The research highlighted four practices that aspiring inclusive leaders can use (see box, p34) – and one of

them is 'calling out' bias. While unconscious bias awareness training might help individuals to identify their own biases, they can also use this insight to bring potential biases to the attention of others.

Let's consider the example of a recruitment decision. Unconscious bias training will illustrate how we tend to feel more comfortable with people who look like the incumbent of the role being recruited. Moreover, we often feel more comfortable with people who we feel are 'like' us. In a recruitment situation, we tend to hire people with whom we feel most comfortable. They may have gone to the same university or pursue the same hobbies. This similarity creates an immediate feeling of trust, which often means that the person is hired. However, shared hobbies and university education might have little to do with how the individual will perform on the job. Calling out bias here would mean drawing attention to the key elements of relevance in making a decision.

Similarly, there might be gendered assumptions in how the candidates are described following a recruitment interview. A typical example would be that men are described as 'assertive' and women as 'aggressive'. In such a case, calling out bias means to articulate that we often read the same behaviour in men and women differently. This is very important, as it ensures that people become aware of their



own biases in the situation and are given the opportunity to modify their behaviour.

### Meeting minds

Another example of where biases can be called out is office 'meeting' situations. For instance, it is well documented that women are often not given the same opportunity as men to speak, while even if they do speak their contributions are often not listened to.

Calling out unconscious bias in this situation means, for instance, to notice when meeting leaders don't invite women in the room to speak and to ensure that they are able to articulate their point of view.

This could be done by simply saying, for example: "I think Sarah has a point to make." Similarly, if one noticed that the contribution of a woman is later attributed to a man, it's easy to correct that by saying 'Sarah did make this excellent point before.'

It is through such small everyday interventions as these that unconscious bias is made explicit – and often changes the perception of those involved.

It's crucial for law firms to tackle unconscious bias if they want to increase the proportion of women in their more senior roles. This is not something that can simply be achieved through women's leadership development courses. It needs much wider engagement within the organisation.

Unconscious bias training can be a first step in developing a more gender-inclusive culture. However, simply offering a training course won't lead to the desired culture change. For this to happen it is necessary that unconscious bias is addressed on a daily basis. Calling out bias is one strategy by which the learning from unconscious bias awareness training can start to change everyday practices in organisations. ▽

It is well documented that women are often not given the same opportunity as men to speak, while even if they do speak their contributions are often not listened to.

## The big four for inclusive leaders

### 1

**Celebrating and encouraging women** means ensuring their skills do not go unnoticed and that women take on the roles in a business that will advance their careers.

### 2

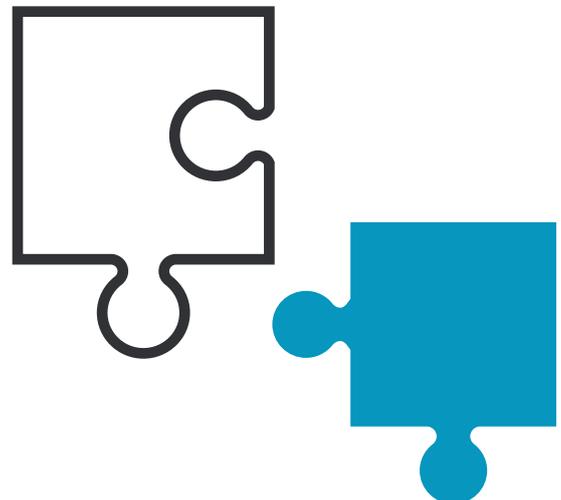
**Calling out bias** refers to recognising potential gender bias and actively drawing it to the attention of others.

### 3

**Championing and defending gender initiatives** means that male middle managers not only support gender parity initiatives but ensure that they are understood by others.

### 4

**Challenging working practices** means male middle managers being able to challenge working practices to make them more gender-sensitive, such as by making their own responsibilities outside work visible.





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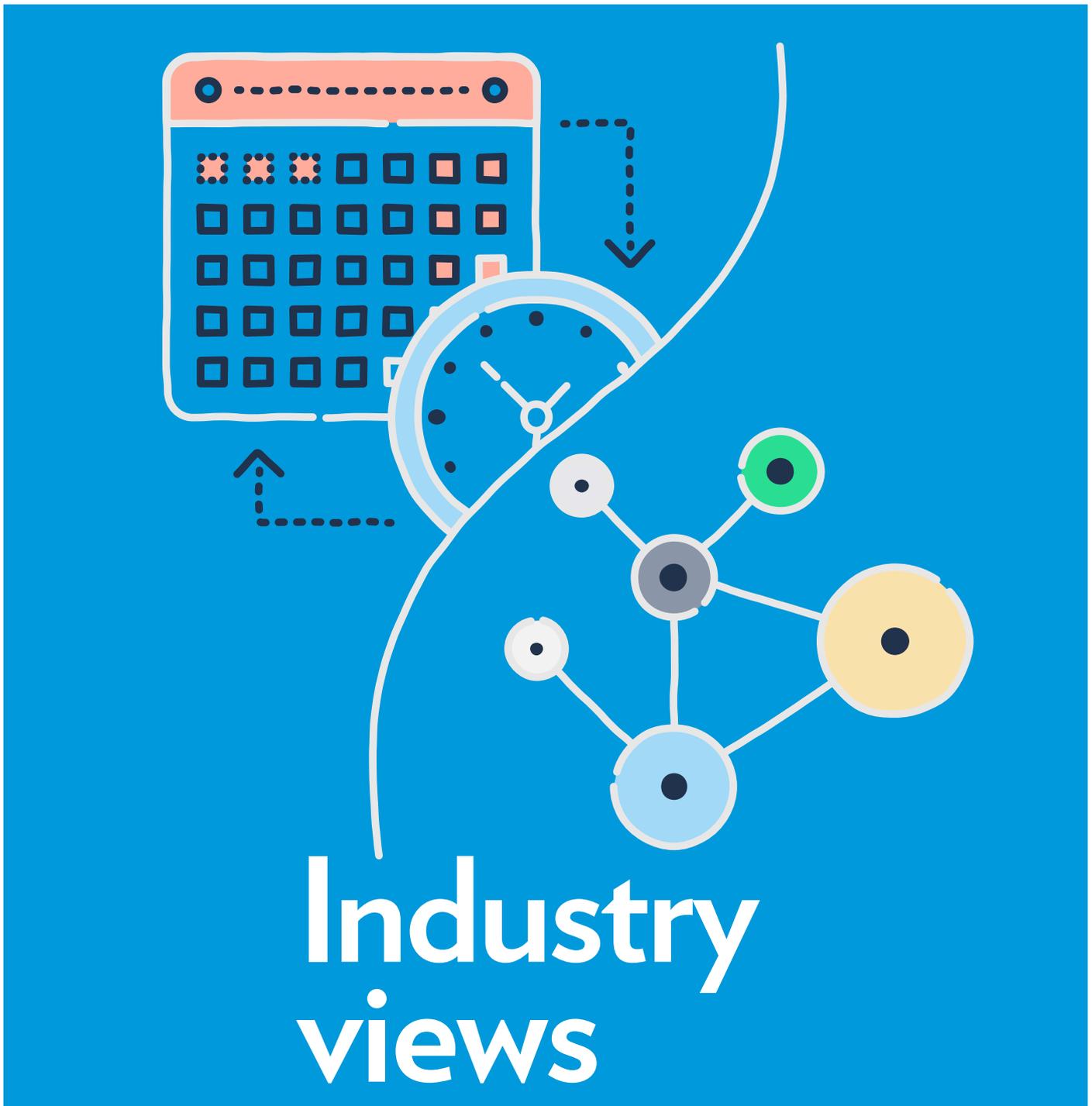


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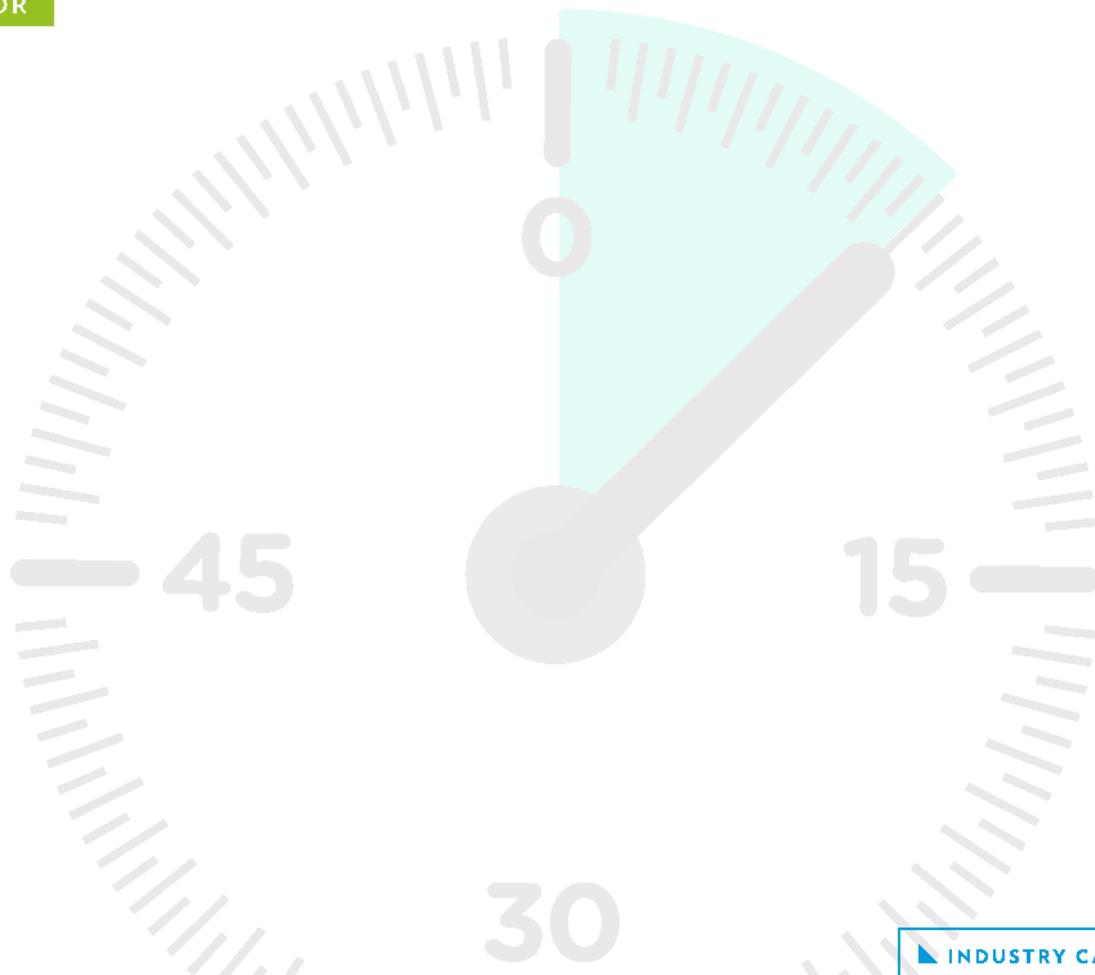


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**38** *Toughening up on time*  
Adam Vosper, head of revenue and credit control at **Charles Russell Speechlys**, explains how **Enable** is helping to force the issue of timekeeping

**42** *Sharing in safety*  
Geoff Hornsby, general manager of **iManage** EMEA, says the security dangers of 2017 demand a new identity for document management



# Toughening up on time

Charles Russell Speechlys used new technology to reset the time-recording culture among fee earners – while also providing timely information flows to management

Y

ou will no doubt remember what you did yesterday. But can you really remember what you did last Wednesday afternoon – and also how long you spent doing it?

Law firms sell time, and that means ensuring fee earners capture the time they spend on client matters. Time recorded promptly will be more complete and more accurate. Clients expect no less.

But how do you ensure that fee earners keep their recording up-to-date without the need for finance or management to intervene?

**“We immediately gained better knowledge of the split between between chargeable and non-chargeable activity, and a far more accurate picture of business performance at any point in time.”**



**“After a certain stated number of strikes, they’re informed the failure will have a financial impact on their bonus. It’s transparently in people’s interests to ensure they’re always recording time promptly.”**



### Screen time

Charles Russell Speechlys’ solution to this challenge was to take control of their screens.

“We built an application whereby, if a certain number of time-recording days were found missing, a stopwatch would flash up on their screen,” says head of revenue and credit control Adam Vosper.

“The fee earner can dismiss the stop watch for an hour – so he or she can deal with urgent matters – but after that if he or she tries to ignore the prompt again, the time-recording software can override the other applications and force the fee earner to bring his or her time recording up-to-date.”

It sounds like a fantastic psychological experiment. But even though effective time recording is ultimately critical to cashflow, perhaps

it also sounds a bit much for a minority of people? However, four years and a wider business rollout later, the idea has transformed time-recording behaviour, says Vosper. It’s also a fully-fledged product in its own right – Enable Revenue Manager.

“It has simply meant that everyone has to be more disciplined about time recording,” says Vosper.

And the firm has clearly benefited from forcing fee earners to conduct their time recording in a timely fashion. “We immediately gained better knowledge of the split between chargeable and non-chargeable activity, and a far more accurate picture of business performance at any point in time. Management had up-to-date information on activity levels across all business groups,” he explains.

For more information, visit:  
[www.enableplc.com](http://www.enableplc.com)

## Strikes action

The system has since evolved into the Enable product it is today – including in the context of the 2014 merger between Charles Russell and Speechly Bircham. The two firms had the synergy of the same time-keeping system, but each had different specific policies. As with all aspects of a merger, it was an opportunity to put in place the best system across the merged firm.

On the one hand, the system of alerting is now more lenient. “We give fee earners a certain number of ‘strikes’, where they can effectively ‘snooze’ the application,” says Vosper. But there’s still a stick to wield alongside this apparent carrot. “After a certain stated number of strikes, they’re informed the failure will have a financial impact on their bonus,” he says.

“It’s transparently in people’s interests to ensure they’re always recording time promptly.”

Now available out of the box as Enable Revenue Manager, the tool’s parameters can be configured at an office-wide as well as an individual level, it can accommodate the patterns of part-time workers – and it’ll also help with the process of finding time after the event.

“The latest version will investigate the daily document list and a fee earner’s diary activity to assist the effort to recreate time,” explains Vosper. The prompt that appears can also distinguish between missing time and time that has been recorded but not closed and/or is a temporary allocation.

“Finally, there’s even a management tool that automatically emails both the HR team and the revenue manager to alert them to potential problem areas,” says Vosper.

“On initial implementation, there were some inevitable grumbles,” he laughs. “But the fact is that our fee earners are honest with themselves – they just know they wouldn’t be as disciplined without it.

“And as you’re capturing billable time more promptly it pays for itself quickly – and many times over.”



## All in the timing

Enable Revenue Manager launches automatically, notifying users on their Windows desktop when units of time are found to be unaccounted for in the time-recording system.

But it also proactively helps the fee earner to locate their individual missing time by investigating their diary and document management system for activity that could potentially count toward their targets. The system integrates out of the box with the Tikit Carpe Diem time-recording database and its ‘best match’ technology to embed activity data directly, populating fields automatically so fee earners don’t have to begin with a blank page. But other time-tracking systems can also be configured.

As working patterns at law firms grow increasingly flexible to keep the talent happy, culture healthy and fixed costs down, the system also contains its own configurable features, enabling firms to tailor alerts to both how and where they do business. For example:

- Requirements can be set for the individual, grouped by role or office, or indeed rolled out firm-wide.
- Weekends can be incorporated for the Middle Eastern working week.
- The system can create a working week for those working part-time schedules.
- Messages that appear to users when time is missing can be decided by the firm.



INDUSTRY INTERVIEW

# Sharing in safety

Geoff Hornsby, general manager of iManage EMEA, offers his independent view of legal's likely IT security needs in 2017

**T**his year has been a rollercoaster of a year for business risk managers – and 2017 needs to be a year of action on the IT front to match. It's time to stop merely talking about the challenges of matching a need for greater mobility with appropriate security, and start deciding specifically what to do about it.

That's the world according to Geoff Hornsby, general manager, EMEA, at iManage.

“Ransomware is increasingly impacting people's day-to-day lives, and it can also do serious damage to their businesses,” he says. “So smart firms across sectors are starting to move from storing data on their own systems to placing trust in a document management system to provide them with the right level of protection.”

## Suspicious signs

Moreover, business hacks have made headlines several times in 2016 – and with the Panama



Papers breach, legal has had a big incident of its very own. Businesses can now easily picture their dealings or customer data dragged through the pages of the press. But ironically, says Hornsby, firms should really assume they are being targeted – and that there is an increasing risk that they could be breached in 2017. With attacks on law firms increasing, it's probably a case of when, not if. The smart money is on systems that can monitor suspicious activity to secure files once a breach has actually taken place.

“If a hacker is successful in phishing a lawyer, compromising their password, that hacker can then see every bit of data. It doesn't matter if they are using bring your own key (BYOK), or have the highest possible levels of security. All they need is the user log-on. So what firms actually need is a system to help them limit the danger with knowledge of precisely which pieces of data have been looked at, when, and by whom.”

Adding pressure, the EU General Data Protection Regulation (GDPR) – which firms are likely to comply with regardless of Brexit's path – will now demand businesses notify their clients of a breach within 72 hours. “It's crucial that even the slightest unusual activity is recognised in real time, and can quickly be flagged to the managing party,” says Hornsby.

It's a bit like being alerted to suspicious activity on your credit card. “A system should, for example, identify that you've never actually worked during a weekend before, never dialled in from Estonia before, or never looked in that practice area for a document before. Within a short time, we can say ‘that's weird, close it down’.

“It's not just a rules-based system. It's about taking a ‘fingerprint’ of each user, with individual alerts based on that person.”

So yes, legal technology now needs to be GDPR-ready – and it may also need to go quite a bit further. Hornsby says more collaborative working processes – both internally and with clients – means 2017's firms must invest in more

**“If you've bought a cloud document management system that people find too difficult to use, they're probably still storing files in other places.”**

than secure storage.

“Firms need work product management,” he says. “There's the document management, the secure sharing with clients, compliance with GDPR, and finally the safe destruction of data.”

### Putting people first

Another hard fact to swallow is that when that hack does succeed, it'll probably be because of one of your own employees.

“You can put high walls around your data centres. You can put barbed wire and armed guards around your cloud implementations. You can have BYOK and all the cloud security certificates in the world – and we've got them – but if someone steals your password and the hacker has entry to the data, the weak link is the human being,” Hornsby says.

One of the biggest wins, therefore, is persuading people to use systems in line with your risk management requirements – to follow policies and question suspicious activity for themselves. The next step is to implement a system that watches the activity of users, and spots the examples of unusual behaviour.

“Having a DMS obviously helps in reducing the threat – but if you've bought a cloud document management system that people find too difficult to use, they're probably still storing files in other places,” says Hornsby. “Then it's easy for hackers to find and corrupt data, or hold it to ransom.

“Our recent project, White Rabbit, was to listen to our community and make the iManage product work the way that lawyers themselves work, including on the move. Many of its features are about making it easy to use, and so reducing the need for training.

“What's important isn't that your file is saved in the cloud – everyone is in the cloud. What's important is whether the user interface encourages people to use that system – and whether the organisation has the focus to drive it forward to the next generation.”

FIVE OF THE BEST

# Law firm brands

We hear at **Briefing** that law firms can struggle with the art of differentiation – so it seems only fair we should hand out the plaudits when some manage it by some sort of objective measure. Here are the top five global law firm brands, according to the latest Acritas Global Elite Brand Index (published October 2016).

**BAKER & MCKENZIE**

**1** Baker & McKenzie tops the table yet again. The same firms feature in the top 10 as in 2015 – just reshuffled – but Baker & McKenzie has increased its lead over every one of them, with the exception of Allen & Overy.

**2** Clifford Chance reclaims its number two rank. But it's the only magic circle firm in the top five – and, says Acritas, the only one to stay in the top five for each of the seven years the index has been compiled.

**C L I F F O R D  
C H A N C E**



**3** Little surprise to see DLA Piper here. Covering most corners of the globe seems to be the standout feature the top five have in common, says Acritas. "Firms that are investing in building the most expansive footprints with deep local knowledge, not just a flag in the ground, are winning brand equity."

**4** Norton Rose Fulbright is still the only verein in the top five – but Dentons has emerged as the strongest challenger brand to the top 10 in 2016.

**NORTON ROSE FULBRIGHT**



**5** Hogan Lovells just pips A&O to the number five spot by one point. Perhaps it's those strategically-placed global business services centres in South Africa and the US ... or perhaps that smashing press party in London.

## Brand ahoy!

The Acritas Global Elite law firm brand index asks four open-ended questions of senior legal buyers. They must name:

- The first law firms to come to mind (awareness)

- The firms they feel most favourable towards (favorability)
- The firms most likely to be considered for multi-jurisdictional deals across three or more countries (consideration)
- The firms most likely to be considered for multi-jurisdictional litigation across three or more countries (consideration).



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