

EVERYONE'S A WINNER Stuart Dodds at Baker McKenzie says it's better to negotiate collaboratively PLATFORM CHOOSE The marketing team at Weightmans on making social media decisions PRICE OF POWER The disputes team at Herbert Smith Freehills on managing to take more risk



Sectoral feeling

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Who we are...

Lost boys



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Editor's letter



rganisations might want to think about reviewing the contents of their risk registers after the summer break. I couldn't tell you whether 'wars of words' feature in these documents as a rule, but a couple of our world leaders having a barney certainly managed to remind me why contingency planning is right up there among

the most fundamental of best-practice principles. Some business continuity risks are easier to prepare for than the state of geopolitical play, sure - but can we honestly keep

excusing not being confident of compliance with the European Union's General Data Protection Regulation? Briefing has certainly done its bit by issuing regular reminders on this management front over the years (and we do so once again here

Let's hope law firms are a bit more prepared for a new era of personal data than the businesses they're advising.

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- p34, go read, as it may be your last).

Uncertainty might seem like the new normal, but GDPR isn't even something that's bound up in Brexit negotiations. However hard you've holidayed, readers have hopefully noticed that the government introduced the Data Protection Bill - ensuring equivalence in the UK - in August. This actually goes a little

further than GDPR, most notably (although hardly a law firm burden) by extending that new 'right to be forgotten' to potential deletion of awkward social media posts created before people turned 18. Yes, a lot of good that does a Generation Y attentionseeker like me ...

Meanwhile, headline penalties of as much as 4% of global turnover for failing to protect personal data must surely have some extra bite following this year's succession of high-profile cyberattacks. That's before you even begin to count the cost of the publicity such incidents may attract, bumper fine or no.

The government's latest 'cyber health check' finds that 97% of FTSE 350 companies are at least now aware of the GDPR - but in that case it's all the more remarkable that a mere 6% can say they're completely prepared. And although the poll finds progress in terms of a "clear understanding" of a cyberattack's impact on the business (from 49% up to 57%), only 13% of companies regularly have the GDPR risk mix before the board. That's in spite of the fact the number of boards apparently "setting out" their cyber risk approaches has shot up from 33% to 53%.

Let's hope law firms are a bit more prepared for a new era of personal data than the businesses they're advising.

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"There are collaborative tools, but you also need a collaborative mindset."

John O'Donoghue, global head of pricing – disputes, Herbert Smith Freehills





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



Travelling might

e've all been on a summer holiday, but there's no rest for the wicked – or the legal business community – over the summer months.

Take **Kennedys**. In August the firm added a seventh office to its international network in almost as many as months. OK, five of those came about through its merger with US firm **Carroll McNulty & Kull** in June, but Mexico City in January and now Melbourne in July looks like a pretty packed travel schedule. The firm has been in Sydney since 2006, and Australia managing partner Matt Andrews said in a press release: "The

65

New faces from Rawlinson Butler take DMH Stallard to a 350-strong, £30m 'Gatwick Diamond' business

addition of a local team will give clients access to a broader range of skills and additional resources, particularly in high-growth areas like casualty, liability, cyber and insurtech."

Technology's clearly a very hot topic for the firm on its global travels too. In July it said it had sealed an "exclusive partnership" with Indian IT business **Cognitive Computing Services Private Limited**. Working most closely with the firm's own fairly new R&D team, the pair will primarily be focused on rapid prototyping, application development, text analytics, machine learning and blockchain. Phew.

Dentons has also had a pretty packed schedule internationally. For example, it has established Africa "from a governance and structural perspective, as a region." South Africa managing partner Noor Kapdi is new regional CEO.

Global chairman Joe Andrews said: "We have a

clear strategy to become a truly pan-African law firm by growing, as we have in other regions, through whole firm combinations."

Kapdi added: "The firm's 'in and of the community' approach has particular resonance in Africa, which is home to a diverse array of legal systems and cultures."

A little closer to **Briefing** basecamp, meanwhile, in July the firm cited the same 'in and of' ethos as the driving force behind its proposed game-changing combination with Scotland's **Maclay Murray & Spens**.

Global CEO Elliott Portnoy said: "Following soon after our recent combinations with equally high-quality firms in Latin America and the Netherlands, this development accelerates Dentons' momentum as we continue our journey 'from largest to leading'." A grand tour indeed.

Readers might recall that MMS CEO Kenneth Shand also got quite excited at the prospect of scaling up. "With offices across the Americas, Europe, Africa and Asia-Pacific, Dentons will unquestionably be the only significant player in Scotland which is a genuinely global firm," he claimed. The combo is expected to complete this autumn after

both partnerships' approval. The journey's all relative, of course. **DMH Stallard** has just pulled off its biggest merger since DMH and Stallard hitched their wagons in 2005. Adding **Rawlinson Butler**'s two offices in Crawley and Horsham brings in 65 new people, is expected to take turnover to £30m-plus, and it's all about having a core in "the Gatwick Diamond," said managing partner Richard Pollins. Bon voyage!

Dentons has also had a pretty packed schedule internationally. For example, it has established Africa "from a governance and structural perspective, as a region." South Africa managing partner Noor Kapdi is new regional CEO.



MATTHEW KAY Director – Vario, Pinsent Masons

As a contract lawyering firm, the ageing population is, in many ways, supporting our business model. We're seeing experienced lawyers turning to contracting as they wind down their careers and want to focus on pure legal work or have more flexibility in their working lives. We have also continued to see more younger lawyers sign up as the preferred working culture changes with different generations. Obviously our country's ageing workforce is something that businesses have to bear in mind and plan for, but for a model like Vario's the impact is felt less as we work hard to match individuals to their perfect assignment and each individual can be catered for.



Room for grandma?

Average life expectancy in the UK is expected to increase to the late 80s by 2030. This means an older workforce. Is your firm addressing the impact of the ageing population on business?



Older times

People are living longer. With numerous studies showing an ageing popultion along with the government's proposal to increase the pension age to 66, firms need to prepare for what this may mean for business. A study by Capita Resourcing found that over 50s now make up one-third of the UK's workforce. But 74% of older workers (over 55) feel that employers aren't doing enough to recruit them.

Over two-thirds (69%) believe there's a significant mismatch between the government's view that people should work longer and bias among employers favouring younger people. Firms need to prepare their policies but also their culture for a more diverse workforce.

Do you have a view? Or an issue that we ought to debate? Have your say on Lex Pop – tweet us @Briefingmag or email editorial@briefing.co.uk



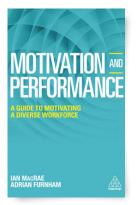
LOUISE HADLAND HR director – Shoosmiths

We have 61 people in Shoosmiths who are aged 60 or over, but only five hold senior positions and all those aged 65 and over are in administrative roles. More senior post holders have more discretion over their retirement age regardless of life expectancy, so we're not expecting a big bang effect here. Much depends on the profile of the current staff and partners and then getting used to the idea of talking openly about retirement and career expectations with individuals in order to plan succession. So it's just one more workplace taboo to break through really, along with menopause and mental health, to name but two.

READING LIST

Power of misdirection

Joanna Lorimer, director of administration at Hunton & Williams in London, says a new book highlighting the perils of misdirected motivation should perhaps shake up the way we manage



Publisher: Kogan Page Publication date: February 2017 Price: £19.99 OFFER: 20% off – visit website www.koganpage.com and enter the code BRIEFING20

book reviewer I initially felt a little deflated when it was 'another book on motivation' - but this book happily dragged me, and my study of this subject from my CIPD and business coaching qualifications long ago, bang up to date. So, first lesson – you can teach an old dog new tricks.

hen I excitedly agreed to be a

This book looks at the subject of motivation from some very topical and relevant angles for the modern world, including millennials, the ageing workforce, the desire for fame, narcissism, texting and emojis, working from home, and zero-hour contracts.

So, it can touch us as we try to manage our businesses today, even our more traditional profession. The research is thorough and generally convincing (certainly always thought-provoking) and the case studies are fascinating and fresh. The book is very readable, broken down into bite-size chunks, dotted with case studies and graphs to give you that 'seventh inning stretch' in the recap and research sections.

It dips into psychology only to a 'need to know' extent, in a short, articulate and business-like fashion, which greatly facilitated my understanding of both the hows and the whys of motivation and demotivation.

Particularly interesting was the chapter exploring the myth that a disgruntled employee is automatically demotivated (aptly, it's number 13 – The dark side and derailed motivation). Sadly, today we see some very extreme examples of one quote from the book: "Motivate people in the right direction and they build bridges; motivate them in the wrong direction and they would rather blow them up."

By exploring gangs, cults, and indeed terrorist organisations, and the techniques of so-called "toxic organisations" – relevant and insightful to understanding the world around us, as well – the book subtly applies ideas to the ordinary workplace to show how easily destructive behaviours can bring down an organisation. I found that insight into the extreme both woke my understanding of misdirected motivation and facilitated a checklist of how to do my best to ensure that even a simple work initiative doesn't get derailed.

The book also has a Forbes list of the happiest and unhappiest jobs ('legal assistant' is sadly seventh unhappiest). It's our jobs as managers of law firms to try to move our colleagues up and into the positive league table, and I did feel sufficiently motivated to try some of the ideas, including holding walking meetings and getting quick feedback.

But see what presses your hot buttons! I found some of the suggestions concerning email a little impractical for

the real world of commerce, but still found some great ideas to try in this part too. A worthwhile read! In the words of A ristotle: "Pleasure in the ich puts

Aristotle: "Pleasure in the job puts perfection in the work."

The book subtly applies ideas to the ordinary workplace to show how easily destructive behaviours can bring down an organisation.



WHAT'S ON YOUR WHITEBOARD?



Graham Street, managing partner at Royds Withy King, tells **Briefing** intern Karan Ahluwalia how a new, more efficient London office is also helping the firm to change in other ways

What's so different about your new London premises? There are a handful of buildings in London which are part of the Carbon Trust portfolio and this one was the latest on the market. It has an upgraded EPC (energy performance certificate) rating and is fitted with the latest energy-saving measures to help us reduce our carbon footprint. For example, we've got infrared sensors which detect occupancy levels - they count the number of people in and out of the building and can adjust the heating, cooling and lighting to reflect actual occupancy. Other features include bike racks and lockers for low-carbon commuting. The building really regulates itself and helps us to understand how we can be more efficient.

Q Your firm was rated 'extraordinary' by the Sunday Times Best Companies survey. Why?

A The survey is all about engagement – it measures, monitors and reports on the levels of partner and staff engagement across multiple factors, including dimensions of leadership and management. An important factor was alignment – for us, that's having shared goals and empowering and supporting our people so that they progress their careers as well as engage in the firm's objectives. Getting recognised in this way is a reflection of our investment to motivate and connect our business.

How did the firm manage to acquire the Lexcel accreditation in only three months? We've been BSI (British Standards Institution) quality accredited for almost 20 years - so we had good quality accreditation and risk management systems in place already. We decided that we would consolidate to the Lexcel standard. We worked out how it differed and where the gaps were, focused on those gaps and closed them. Our risk and compliance team worked very hard and did a fantastic job in getting us over the line in a short time.

Q What significant business technology has the firm invested in recently, and why? A We've just invested in a state-of-the-art videoconferencing facility which will improve the ability to connect people across all of our offices. Collaboration and human interactions are vast and, as a multi-site firm, this sort of technology and platform is incredibly important to us. As we grow, the number of human interactions increases. Our clients. and our own people, expect us to work in a collaborative way. Importantly, it also fits with our CSR commitments. We were looking for ways to work smarter and more efficiently, and having a mega-efficient conferencing system is a really key asset for delivering on that.

 What one area of risk is most on your radar?
 Cyber risk and information security probably represent the biggest and fastest-moving risk for us at the moment.

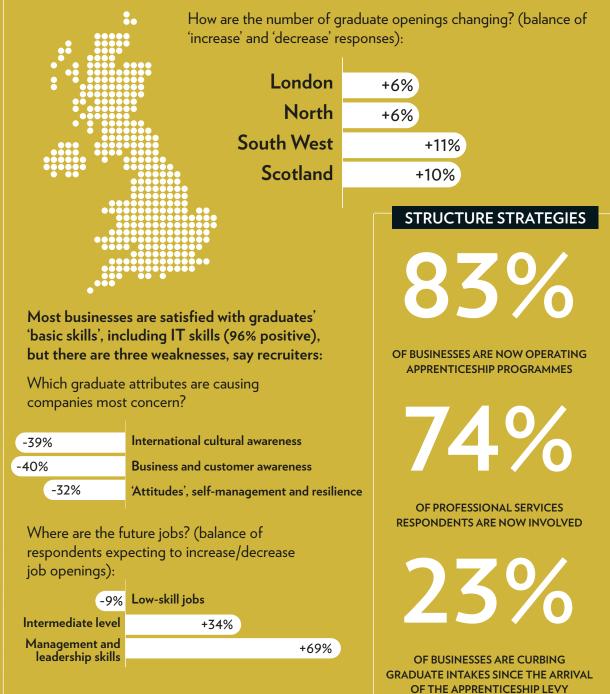
Cybersecurity is something that is controllable, and that involves dealing with malware, ransomware and phishing attacks and also the systems that hold our clients' data secure. We have to ensure that we're not at risk of being hacked and that our data can't be breached. An important part of this is making sure our partners and staff are aware of any risks, that they stay vigilant and know how to respond appropriately.

Graduation worries

Firms appear to be paying attention to the differing career expectations of the millennial in the workforce – but who's up next? A new survey of business leaders across sectors finds there are great career prospects for university graduates in the UK today, but many graduates aren't geared up for them



Every year for the past five years more businesses have expanded their graduate intakes than have scaled back.



📐 SPEAK UP

Who shares wins

Stuart Dodds, director of global pricing and legal project management at Baker McKenzie, says there don't always have to be winners and losers in legal business life



Y ou've been negotiating ever since you were old enough to disagree with your parents about eating your green vegetables. We all negotiate every day – with colleagues, partners, children, friends and acquaintances. Negotiation really is an everyday event. It's also a skill that can easily be learned. Fortunately, a number of law firms are focusing on more training in this increasingly critical area.

For those with a pessimistic view of negotiation (and there are a few, admit it), the process is often imagined to be one or more of the following:

• A personal attack on the value one party brings to the other

- A way for one party to exert more control
- · A form of rejection

• A block to developing stronger relationships. However, in today's cost-conscious legal environment negotiation is merely a natural part of the legal buying process. It can also be a chance to make firm-client relationships more commercial and rewarding through better trust.

For those in the legal world it boils down to two different stances. The first is referred to as 'positional negotiation', where one party wins and the other loses (assuming there are only two parties in the negotiation). The second is 'collaborative negotiation', where both parties feel they've won – or at least gained something

– from the agreement.

Collaborative negotiation is the more trusting,

tolerant and cooperative. It's typically more informal, and is often referred to as a 'win-win' negotiation. These discussions are all about creating value and claiming it. This is exactly the type of negotiation law firms should look to adopt where they can.

Here are three other quick observations I've picked up to help you along the negotiation path:

1 Don't confuse negotiation with selling. These are distinct processes and skillsets. When selling, you focus on the 'value' of your offering, and how this helps your client achieve their business objectives. Negotiation, on the other hand, is around the process of planning, questioning, listening to the other party and then making a proposal.

2 Studies have shown that skilled negotiators ask twice as many questions as poor negotiators. Why? It helps them to understand what's important and of value to the other party so they can adjust their proposals accordingly.

3 Recognise the difference between someone's 'interest' and their 'position'. Interests often aren't explicitly shared, but they drive people's stated positions as part of any negotiation. The most effective way to address issues is to determine each party's interests by asking some very simple questions.

So, remember that collaborative negotiation is always better. It focuses on creating more value for all. And never refuse to eat your greens! They're good for you, too. ►



D

COMMENT

Battle bias

Chengwei Liu, associate professor of strategy and behavioural science at Warwick Business School, says avoid one potentially damaging bias by engaging another one



isruptive innovations have destroyed numerous market leaders such as Kodak, Nokia and Blockbuster. The word disruptive also means ground-breaking,

and it gives an impression that the innovations took the incumbents by surprise. But this is usually not the case. For example, Kodak was in fact the inventor of the first digital camera in 1989 – but it didn't embrace digital photography until 2007, five years before its bankruptcy. The real question is: why do incumbents tend to resist new technologies until it's too late?

Studies suggest that one suspect for incumbents' systematic underestimation of novel technologies is 'competency trap'. Successful firms tend to develop 'core competencies', but these specialised skills can become a liability when the competitive landscape changes. Instead of exploring alternative competencies to adapt to environmental changes, firms tend to continue with short-term favourable performance by reinforcing the existing competency. Steven Sasson, the inventor of the first digital camera at Kodak, was told by his boss to give up the project because it would cannibalise film sales.

How do you overcome a bias such as competency trap? Conventional approaches to eliminating biases focus on training and 'debiasing'. But our recent paper introduces managers to an alternative framework for managing decision biases, which is changing contexts. It's called the 'Mindspace' framework, and is the mnemonic of nine contextual forces that can significantly shape our behaviours. Better decisions can be achieved by engineering choice contexts: engaging a bias to overcome a more damaging bias.

Here are just two examples.

First, firms should set a default by comparing a novel technology to a more salient reference point. Myopic evaluation of novel technologies results from a comparison against the firm's own currently specialised technology. De-biasing can't be effective if the comparison is unfair. To overcome this, firms could ask managers to come up with at least three scenarios where competitors have utilised new technology to disrupt their firms. This exercise not only helps managers to avoid competency trap by having a more salient reference point – it also addresses the other notorious bias of competitor neglect.

Second, firms should change incentives by rewarding excellent failures and punishing mediocre successes. A moderate success at a leading firm is less impressive. In fact, this suggests the successful manager just followed old routines and hid in the comfort zone. To overcome competency trap, firms need their managers to experiment and take risk, and these activities inevitably generate failures. Managers respond to incentives, and if a firm always rewards successes and punishes failures – like the rest – the firm shouldn't expect a different fate to Kodak, Nokia or Blockbuster.

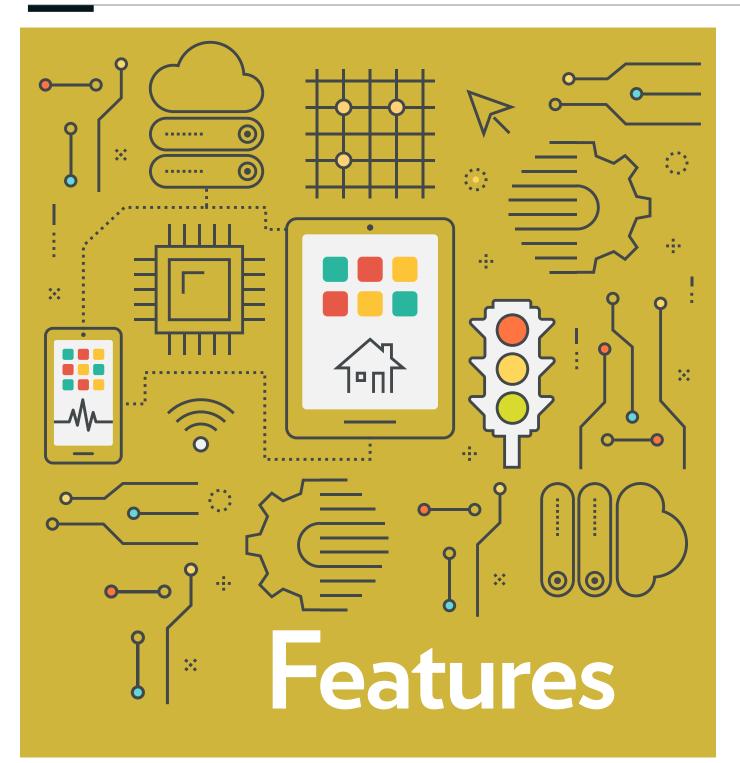
Disruptive technologies are rarely disruptive due to technological features. They are disruptive because incumbents' biases create blind spots for younger firms to exploit. The Mindspace framework offers additional tools for managers to overcome competency trap by working with, rather than against, human nature.

Mindspace: framework for behavioural changes

MINDSPACE Behaviour

We are heavily influenced by who communicates information to us
Our responses to incentives are shaped by predictable mental
shortcuts such as strongly avoiding losses and mental accounts
We are strongly influenced by what others do
We 'go with the flow' of pre-set options
Our attention is drawn to what's novel and seems relevant to us
Our acts are often influenced by subconscious cues
Our emotional associations can powerfully shape our actions
We seek to be consistent with public promises, and reciprocate acts
We act in ways that make us feel better about ourselves

Source: Liu, C., Vlaev, I., Fang, C., Denrell, J., and Chater, N. (2017), Strategising with biases: Engineering choice contexts for better decisions using the Mindspace approach, California Management Review, 59(3), 135-161





Into the matrix Law firms say grouping work into core sectors is good for both business and clients 20

Insure hit The buy-in power of the disputes pricing team at **Herbert Smith Freehills**

📐 THE BIG IDEA

Into the matrix

Thinking in terms of sectors helps law firms to think more like their clients, but that's a change mission that should not be underestimated, hears Richard Brent



n June 2017 Osborne Clarke released its latest results – a 7% increase in (UK) revenue to £121m, and net profit and profit per equity partner up by 5% and 3%

respectively. The firm singled out its "sector-focused approach" as crucial to the success in what is clearly a challenging political and business climate, not to mention a year of heavy IT investment for the digitally focused firm. Today the firm's "sector teams" account for over 95% of UK revenues. In 2016 that figure was 90%.

That 5% increase is strategically significant, according to head of business development Richard Cliff. "Claiming a sector approach on your website is one thing, but then trying to be all things in reality just isn't credible," he says. "Clients are intelligent – they won't fall for it – so firms that are serious about sectors need to be brave."

Arguably quite courageous, it was the middle of the last recession when Osborne Clarke first launched 'sector first' as a strategy. However, this was the time when getting closer to clients and client value were the big new priorities. The then managing partner identified four core sectors and two extras with "rising star" potential (today it has the same core and four more listed on the website).

But although firms may tweak their number of sector groups as the world changes, the main difference in back in 2010 was the



uncompromising alignment of business development resource to these new sectors instead of traditional practice groups.

Chief marketing officer Fiona Sigee explains: "The biggest difference new people, including partners, might find here is that any new pitch opportunity goes straight to the relevant sector BD manager rather than down the service line."

Cliff adds: "Even if we're asked to bid for a practice-specific opportunity, such as a piece of litigation, it still goes down the sector route first."

Sigee points out that even the recruitment of those new partners and teams is managed through the lens of sector goals. "Practice group heads sit down with sector heads quarterly to examine any hiring gaps, for example, as well as other possible issues and actions."

Measures of it

An overlapping matrix of sector and practice leaders is not uncommon today. But however sectors are introduced – and how many of them – the firms that have done it recommend plenty of transparent structure to avoid misunderstandings.

Steffan Groch, head of sectors and a partner at DWF, says: "If you're going to adopt sectors, one thing you certainly need to put in place is some discipline around BD budgeting and planning."

Take value-add experiences for clients, such as hosting firm events. "A partner may ideally wish to spend a certain amount of money entertaining "their' client for the sake of it, but we hold events where clients want to chat to others from the same sector at the same time as learning something from us," he says. "Clients don't want to feel they're just one of any number, from any sector, in the room."

Then there's the question of internal grievances, when what you need to encourage is collaborative cross-selling of opportunities for all practices within your chosen sectors. Groch explains that DWF has taken pains to ensure its partners recognise judgement of their performance is a much more rounded affair than in the past.

"The investment of their time in sector opportunities feeds into the reward they can expect," he says. "The idea of dotted-line responsibilities is something that might make partners in some firms shudder, but here it's now widely accepted we have a broader view of contribution than who has which clients, or what people manage to bill for their immediate boss."

Tony Williams, principal at Jomati Consultants,

Raising the sector

When Allen & Overy created a new executive committee under its board to provide greater governance on strategy and performance management, it also formed a new client group directly accountable for driving growth in the firm's key industry sectors.



Richard Grove, global director of marketing

and BD, explains: "We'd had a key client programme for many, many years – but after investing so heavily in being full service through 44 offices worldwide, we saw a need to ensure the very best return on that investment. You can affect that at a marketing level, but when so many clients are large multinationals it also critically depends on individual partners taking the whole firm to market."

Before consulting with partners on the idea, the firm had examined other businesses with similar matrix structures, such as investment banks and the Big Four. "One area we found we could strengthen was our approach to sectors. There was a clear opportunity to formalise client relationships on the firm's management and governance agenda to a greater extent," says Grove.

That's why the clients and markets group enjoys exactly the same status as the new executive committee. "Theoretically it could have been part of the committee, but the reality is you need the sectors heads talking about the same concerns as one group," says Grove. They 'sit down' with the senior and managing partner, marketing and BD leaders, as well as some representatives of geographies without a specific "sector hat".

In addition to joining up sector thinking globally, the group is tasked with helping to develop firm-wide relationship partner skills. However, it also has authority to use dedicated investment to grow specific groups of clients. "We expect to see proposals coming forward on a systematic basis," says Grove.

The group has full accountability for that growth – including the performance management of collaborative BD behaviour.

"Top performance here means knowing that when you visit a certain pharmaceutical client you should really also involve someone to talk about technology, IP or the impact of Brexit. It's about taking the whole firm to market," he says.



"Success depends on very open communication between sector leaders and the client teams to ensure you make the most of all the opportunities that come along and don't fall into even more silos."

Fiona Sigee, chief marketing officer, Osborne Clarke

says: "You need clarity surrounding your sector metrics and how those will influence earnings, or people may revert to acting in line with what they perceive as more dominant metrics.

"For example, firms should consider specific targets for client growth and feedback across practice groups, and measures might include how practices perform in individual sectors over time, or how many sector clients are successfully embedded in three or four practice areas."

And reviewing a firm's choice of sectors is a similarly scientific affair, says Richard Grove, global director of marketing and BD at Allen & Overy. The firm has recently gone through that process as part of a much larger sector-focused revision of its governance (see box, left).

"Clients expect us not just to fulfil their technical legal needs, but also to advise with a genuine understanding of their business and market. However, it's not enough for us to say 'a sector's forecast for very high growth, so we must be in it'. Does it also feature a large number of multinationals? What's the regulatory landscape? Many data sources feed into the assessment."

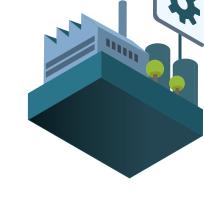
The making of marketing

It's often said you 'can't communicate enough' on strategic transformation projects – and it's clear that introducing or adapting a matrix, metrics and responsibilities fits in that category.

Grove at A&O says: "A behavioural change programme is always difficult without a collaborative and fairly entrepreneurial culture already in place."

Sigee at Osborne Clarke adds: "Success depends on very open communication between sector leaders and the client teams to ensure you make the most of all the opportunities that come along and don't fall down into even more silos."

DWF also has a lot of formal support in place for sector heads. Groch says each has his or her



own "first team squad" of go-to partners and associates. "Some are likely to be key client partners in the sector, and underneath them is a group notionally aligned to provide regular support on initiatives as necessary."

And Jomati's Williams adds that strong internal comms about sector initiatives and progress doesn't only assist with cross-selling into them. It can also play to lawyers' instinctive competitiveness to encourage them to "get with the programme."

"Letting success be known right across the firm may well encourage others to get their sector act together," he says. "There's a well-established pattern of peer pressure and insecurity in law firms that could actually be quite helpful to you there."

On the other hand, he says, management may need to find a way to stamp on the odd "silly turf war" erupting – that is, where a sector wants a specific partner on the ground in a specific place, but their practice can't (or won't) see the benefit.

But Clare Quinn-Waters, senior client development manager, EMEA, at Baker McKenzie, says selling a move along sectors lines internally is therefore one project where the BD team may really get a chance to shine.

"Lawyers love a service line, but BD people tend to prefer sectors because the work is that much more client-led. It involves listening to and understanding clients to ensure they're getting as much of the value chain as possible."

It's a difference in preference that can present a challenge, she says. "However, BD people also tend to move firms more frequently than partners, so the chances are quite high they'll have some prior experience of a sector approach.

"We probably have a slightly better idea of how to communicate how it will operate and succeed. For that reason there's also a good opportunity to keep positioning BD as broader business experts."

Baker McKenzie has just formed six industry groups itself, so the opportunity is clearly still out

there for the taking. Quinn-Waters says: "The firm found the existing client base lent itself to an industry focus quite naturally. I think that fact has also helped it to gain greater traction than had it been driven by an organisational restructure or team of consultants. It's something that people genuinely want to do."

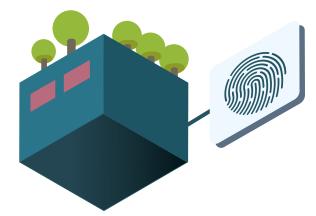
Meetings in the middle

The most commonly given rationale for a sectorfirst strategy is, of course, that it drives a better understanding of clients as rounded businesses – not just legal departments – subject to the forces of specific industries.

But as well as requiring law firms to have strong communicators, some argue a sector structure can help you to create them. Lukas Claerhout, head of practice and sector group marketing at CMS (which of course completed its three-way merger with Nabarro and Olswang in May 2017), says one effect of grouping work and workers into sectors is that the firm has "genuinely solved the silo."

It's a bold claim following an enormous merger. But the open-plan and agile working layout at CMS HQ in Cannon Place also encourages sitting in, and moving between, sector teams.

"Technology has its own floor, there's so many thousands of square feet of real estate experts, a media corner, and so on," explains Claerhout. "Partners and associates sit alongside the sector's BD, HR and knowledge people, to ensure



"Partners and associates sit alongside the firm's BD, HR and knowledge people, to ensure everyone's well embedded in their groups."

Lukas Claerhout, head of practice and sector group marketing, CMS

everyone's well embedded in their groups."

And as the space allows for hotdesking, even the managing partner – an energy lawyer – will typically spend a day every week or so sitting with another sector to soak up what's happening.

"Prior to the merger, legacy CMS already had sector BD and marketing teams moving to sit with another group for the collaborative advantages," says Claerhout. The hotdesking opportunities in an open-plan environment are ideal for furthering such an initiative.

"It actually happens quite often that I'll see someone in the corridor and immediately know the sector they work in, whereas if I want to know their practice I might have to look it up," he says.

All a blur?

BD teams at CMS are still in the process of bedding in post-merger for now. But it's notable that a key driver for the three-way combination was complementary strengths in six core sectors.

Claerhout says: "All three firms had acted across a broad range of sectors, but it was clear each also had stand-out specialisms in two of the six. By bringing those deeper sector strengths together under one roof we've unlocked additional opportunities in each one, but even more significantly across them. There are opportunities it was harder for each of the individual pre-merger firms to exploit."

2017's BD opportunities cross sector lines more frequently than in the past because of the way developments in business – most obviously, around changing technology – are also changing the business that can be done. Firms that can incentivise and capture cross-selling behaviours effectively – meeting in the middle – are therefore in a position to benefit twice. Firms are sharing their knowledge more productively – conducive to a more balanced business and culture – but the boundary is also precisely where the exciting work is.

Claerhout cites the blend of energy and real estate expertise needed to service the rise of smart metering, for example, or the merging of health and technology challenges in digital care and wellness programmes.

Sigee at Osborne Clarke says: "The digital revolution, in particular, means less distinction between sectors than was the case – so although we keep them under review, there's more focus on where they're heading in future than adding brand



"BD people tend to prefer sectors because the work is that much more client-led. It involves listening to and understanding clients to ensure they're getting as much value as possible."

Clare Quinn-Waters, senior client development manager, Baker McKenzie

new ones. The opportunities in life sciences and healthcare, for example, are often now in digital health – for automotive companies, it's connected and autonomous vehicles."

Cliff adds: "Even though digital business is a sector for us in its own right, the overlaps grow by the month and you can probably see it blurring with most of the others in some ways."

International play

A sector structure also makes sense for firms focused on strategic international growth. There's probably even more of those overlaps to exploit between different economies, while clients' overall business drivers in different countries are likely to vary less than the specific laws with which they must comply.

Osborne Clarke's sector-driven revenues were even better judged internationally – a 12% increase on 2015/16. Indeed, non-UK revenue in 2016/17 accounted for 42% of the whole. And over at Allen & Overy – where PEP was up 26% – 30% of revenue derived from matters involving five or more countries.

DWF's Groch says that cross-sector expertise is the new differentiating factor for global business. "Where 30 years ago the high-street lawyer might have had a couple of disciplines, today's lawyer might need to be multi-sector to really differentiate themselves. You need to be in the game of at least understanding the overlaps, or you may not be asked to advise."

To some extent DWF has been led by its clients. The more mature at choosing teams of external lawyers probably wouldn't think to ask about the firm's expertise in their sector. "It's an absolute given," says Groch.

"In a sector such as insurance, clients also already break their own clients down into sector books of business, such as engineering, retail or public sector. We can service them with management information on the risk factors surrounding each class."

Like Osborne Clarke, DWF is unlikely to launch entirely new sectors now. The trend is more for new "sub-sectors", such as marine and oil and gas renewables, he says. "Some areas are much stronger internationally than domestically, and as our global footprint has grown we've naturally become more invested in them. Even a group such as public sector can grow as we expand, as private healthcare and education increasingly have international dimensions."

Firmer foundations?

If fitting more comfortably into clients' shoes weren't business case enough, the big question is: does a certain number of sector lines really make a measurable difference to the bottom one?

Williams at Jomati says: "First, the fact that the list of 30 sectors you sometimes used to see has come down to six or eight suggests firms are being much more realistic – and the more consistent your effort at deepening relationships and knowledge, the more efficient you can be, which is automatically more credible to clients.

"Second, the more you pull teams together from across different practices into a sector job, the more they will work together and learn, which also makes them more efficient and profitable, especially where that work is for a fixed price.

"And clearly, if you can manage to do more work for one client across a range of areas, that dramatically reduces your cost of sale."

Then there's the business case for keeping the talent happy – DWF's lawyers, for example, enjoy a level of sector training through its academy programme. They can also learn from industry-focused guest speakers alongside clients, which may make the difference in keeping them optimally engaged for longer.

Cliff at Osborne Clarke adds: "Organising activities by sector means that it wouldn't necessarily be obvious that some of our marketing events were hosted by a law firm at all."

Finally, whether it's the implications of artificial intelligence or the impact of a likely hard Brexit, our current period of uncertainty and potential change is only likely to create more of those appetising sector overlaps. One thing's for certain – to win more work from a brand new sector strategy, firms will also have some work to do. ►



A new law firm insurance arrangement offers an opportunity for the decentralised disputes team at Herbert Smith Freehills to share greater risk with clients and litigate more cost-effectively

Words Richard Brent Photography Simon Brandon

А

new damages-based agreement (DBA) insurance product, launched by litigation finance company TheJudge in 2017, sought to overcome a big obstacle

when persuading firms in the UK to risk-share with clients via full DBAs. Unable to offer the US option of a hybrid – where win or lose, the firm is guaranteed some payment – the product involves reimbursement of a portion of the fees and no premium to pay if the case is lost.

One group that agrees with the insurer's own estimation of this as a "game changer" in the field is the disputes practice team at Herbert Smith Freehills. John O'Donoghue, global head of pricing – disputes, says that around 93% of the firm's fee proposals in disputes over the last year have included a form of alternative fee arrangement (AFA) as an option, and this will only serve to broaden the choice. "Firms have ever stiffer competition from the likes of the Big Four, boutiques, and with the various AI offerings in the market, and of course clients are much more sophisticated at understanding the commercial value of their work. That all means firms need to be able to share risk with their clients more intelligently."

Verity Jackson-Grant, head of business development UK/US – disputes, who has a background as an underwriter and broker for litigation insurance and funding herself, tested the new product's proposition and was quickly convinced. A case in the New York office became a pilot for the maths, she says.

"A lawyer was tempted to offer a client a 50% contingency fee arrangement, with the remaining 50% funded by third-party funding, but it became clear it wouldn't be economically viable for all three to recover an adequate return from the damages."

FIRM FACTS

HERBERT SMITH FREEHILLS Offices: 27 Jurisdictions: 19 Revenue: £870m Headcount: 4,246 Ratio, fee earners to business services: Undisclosed

Far better, in this case, to remove the need for third-party funding. "The idea isn't to try to destroy the market for third-party funding," she adds. "There remains a very real need for thirdparty funding in a number of cases. It's to offer clients more choice and control over legal spend."

Decentralised service

That also depends on the firm's progressive approach to pricing more generally, she says – enhanced with the arrival of O'Donoghue shortly after the final policy wording was agreed. "It's important the work flows through several people. Pricing doesn't rest solely with an individual partner, who won't be in a position to model the full effect of a discount or alternative action."

On top of that, says O'Donoghue, is the notable decentralisation of business functions at Herbert Smith Freehills. Lawyers and pricing experts in a practice area are expected to learn from one another about their respective areas through close, continuous contact (with the likes of Jackson-Grant also deeply embedded).

"Getting to know nuances of client preferences for pricing structures is important," he says. "And pricing professionals need to understand the characteristics involved in a certain type of litigation or arbitration as well as the numbers."

Lessons for the future

That runs deeper than how the likely disclosure of a certain volume of documents affects a resourcing decision or plan. There's also how categories of complex dispute are likely to play out – which is where support consultants Hannah Ambrose and Vanessa Naish come in. They're fee earners, but now also in practice management roles, and their job (a job share, in fact) is to ensure global matter data is fully up-to-date to better predict how things will look in future.

"The more filterable and accurate the data, the easier it is to offer clients new solutions, which may involve the firm taking on some more risk."

Hannah Ambrose, global arbitration practice manager, Herbert Smith Freehills

Naish says: "We've introduced more consistent systems over the last five years, with an end to profiling matters from historical data to help determine the cost of similar matters today."

"The more filterable and accurate the data, the easier it is to offer our clients new solutions, which may involve the firm taking on some more risk," explains Ambrose.

"Once effectively broken down, you realise how much more profitable something could have been if leveraged differently," adds Jackson-Grant.

Collaborative post-matter reviews ensure pricing mistakes aren't made repeatedly, and that lessons are learned as to where improvements can be made. But there's also a general expectation of continuous improvement in efficiency through the consultants' data tracking and analysis.

Sharing best examples of 'success' is also key, says Naish. "If you can highlight why one specific matter went so well, why the client was happy, you get better buy-in from people to repeat that experience. People can learn strategic lessons."

And global senior management in disputes at HSF have played a fundamental part by being clearly present and 'on-message' about pricing themselves – whether that's making time to speak to clients, collegaues and candidates looking to join the team about the pricing ethos, or proactively offering new ideas, says O'Donoghue.

The collaboration game

Collaboration at HSF is also along global lines. All offices use the same systems to record their data, and cross-office teams are assembled when regulatory differences between jurisdictions affect the fee arranegements available.

"There are collaborative tools, but you also need a collaborative mindset to keep pace with regulatory change, and the opportunities it offers to do something differently again," says Ambrose.

"The moment you get a little more leeway on a fee arrangement in a country, you can bet that your competitors will be on to it. You need to see what's coming down the line, and calculate the effect."

And the very worst-case scenario, she says, is offering a client an exciting pricing option only to find it isn't enforceable in the jurisdiction.

There's no insuring against missing those kinds of connections – so effective collaboration it is. \blacktriangleright

Above (back to front, clockwise): Verity Jackson-Grant, head of business development UK/ US – disputes; John O'Donoghue, global head of pricing – disputes; Vanessa Naish. arbitration practice manager; Hannah Ambrose, global arbitration practice manager, Herbert Smith Freehills

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First class posts

Sarah-Jane Howitt, marketing and business development director, and Chris Stewart, digital manager, **Weightmans**, on social media strategy and getting people to just go for it



BEST PRACTICE

First class posts

Weightmans' Sarah-Jane Howitt, marketing and business development director, and Chris Stewart, digital manager, say it's very important to get social media right, but also to get people to go for it ike many law firms we took our first steps into the world of social media with some trepidation a few years ago. We had an idea of what we wanted to do and of how we

thought it might help us, but it was a voyage of discovery. Some things didn't work the way we envisaged, some worked much better. We've learned a lot along the way and have some top tips to share.

Win hearts and minds

Law firms are generally not early adopters of new technologies and that extends to adoption of new ways of marketing their services. You may find that some partners and other senior people are reluctant for the firm to start using social media platforms. Before you begin to use social media as part of your



marketing strategy you may need to spend considerable time internally with people to explain the advantages for engaging with clients and prospects. You will need to allay fears about the risks and what may 'go wrong', as well as finding ways of illustrating the benefits. You will also need to agree the sign-off process for social media posts (more on this below).

Know your audience

In order to develop a coherent social media strategy you must first identify your audience. There is no value in communicating with people who aren't, and never will be, your clients and prospects. On certain platforms you may find you're talking to an audience that consists largely of competitors. It's vital to identify the platforms your clients and prospects are really using.

It's impossible to have a strong presence on all social media platforms and it's unlikely that your audience will be regular users of all the major platforms. We have found it's best to choose three or four that best fit with wider business development goals. If you operate primarily in the B2B space, one of these platforms should be LinkedIn. If you operate primarily in the B2C space, Facebook should be one. Your other social media platforms should be chosen based on where your audience spends most of their time. If you have 'client personas', they will be invaluable in helping you

For your content to be successful, it should be aimed at providing value to your audience, giving them information they didn't know, or ideas they can use themselves.

determine this. A client persona is a profile of an ideal client, which is typically formed through interviews with clients, looking at client demographics, pain points, where and in what format they consume news, and so on. For this reason they're useful for shaping content strategy (although they should always be challenged and refined with real data).

Once you've identified your primary social media platforms, you need to devise a content plan for each network, which provides content in the optimum format and also fits with the culture of each platform. As a rule, sales content does not perform well on social media and you're likely to be one of several sources individuals follow. For your content to be successful, it should be aimed at providing value to your audience, giving them information they didn't know, or ideas they can use themselves.

The power of your people

Social media is all about people connecting with each other, which means the profiles of your firm's people are an invaluable tool in your strategy. It can be easy to neglect the personal profiles of your staff, but these can be critically important, particularly on a platform such as LinkedIn. People do business with other people rather than with a corporate entity, and so are likely to be more receptive to your marketing messages when they see them being distributed by an individual they know and trust. Personal social media profiles also allow those individuals to speak to your audience in a much more human voice than is often possible with a corporate account. This can help to facilitate the interaction and engagement with others that is the bedrock of social media.

However, one key challenge can be ensuring that everyone's profile is up to date and delivering the key messages your strategy is built around. You will need to invest time in working with your own people to make sure this part of your social media strategy works effectively.

Media account management

You will need to track your social media activity and its effectiveness – and this can be onerous if you rely solely on the interfaces of the networks themselves. Instead, it is worth investing in a social media



monitoring tool. This doesn't have to be a big investment, with several free or competitively priced tools available. When selecting a social media management tool, you should ensure that it allows scheduling of posts across each of your platforms, as well as monitoring comments about your brand on those platforms, both active and passive, and analysis of your performance across them.

Scheduling posts is useful to ensure content is posted to your networks at times when those responsible for the accounts aren't in the office or to ensure your account is active when your audience are, particularly if they are spread across time zones. However, be cautious when scheduling posts. If done poorly, it can seem cold and impersonal, or even cause embarrassment if a post goes out at an inopportune time.

Wherever possible, your posts should also include a graphic that supports and adds value to your post. This helps posts stand out in your audience's social media feeds. Even with the proliferation of images now in social media streams, engagement is still significantly higher in posts which have images compared to those without. You should ensure that these graphics are correctly sized for each social media network, consistent and on-brand.

Top training

If those managing your social media accounts are not specialists, ensure they have training.

This shouldn't just be limited to those managing organisation accounts – also involve those who wish to develop their personal brand through social media. Social media can be a powerful tool, which can provide an opportunity to have one-toone conversations with clients in a way that wouldn't have been possible previously, but there is also potential to cause damage to your brand if not managed with due care.

Your social media training should include:

• What you expect from your firm's people

- How frequently to post
- How you want to engage with
- other social media users
- How to capture your

organisation's tone of voice • The practicalities of using

social media platforms. On the other hand, to be

successful those monitoring your accounts must be empowered to

Social media can be a powerful tool, which can provide an opportunity to have one-toone conversations with clients in a way that wouldn't have been possible previously, but there is also potential to cause damage to your brand if not managed with due care. make decisions. Many legal and professional services organisations rely on hierarchical approval processes, which may be vital for day-today work, but can be counterproductive for social media marketing. Many social media platforms operate in real time and don't lend themselves to lengthy approval processes. And if you aren't able to respond quickly and authoritatively to a market event, others will!

Analyse everything

However, there is no one-sizefits-all strategy for social media, and therefore you need to experiment with your content, analyse what works, and use this data to help refine your strategy. Your social media monitoring tool and website analytics platform will be vital in helping to analyse your performance.

Analysis may show that you should produce more of certain types of content and less of others, that a particular social media platform isn't adding value to your customers and prospects, or when your audience is most active.

Go for it

Social media is a tool that brings a different dimension to your marketing strategy. Even better, it can be used at very little cost. We have found it invaluable and achieved some great results in engaging with clients and prospects in a more personal way. Rather than worrying about what might go wrong, embrace the opportunities it presents and give it a go. ►



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▶ INDUSTRY CASE STUDY

Brand of hope

Foot Anstey wanted minimal change behind the scenes with the launch of a new business brand, so continuing the relationship with Thomson Reuters Elite was obvious, says IT director Duncan Eadie



n May 2017 law firm Foot Anstey rebranded its medical negligence practice as Enable Law – a separate business

entity within the Foot Anstey Group – to provide greater clarity for clients and support the growth of this part of Foot Anstey's business.

With five partners and six legal directors leading a well-recognised team of more than 80 healthcare specialists, the firm reasons that this investment in a core area of business will result in future growth. Just days after the launch it had already announced the recruitment of an additional 11 people from Michelmores. But what does such a business move involve from an operational and technology perspective?

"There was a significant amount of work carried out behind the scenes," says the firm's IT director Duncan Eadie. "As well as the new name and visual identity, Enable Law's launch was supported through a contemporary digital presence, including a new website.

"The Enable Law team made it happen

quite quickly, but it needed wide-ranging involvement from across the firm's business support functions – technology, compliance, finance and marketing. The brand's launch was a great success, with both the market and our clients welcoming the change."

Attitudes to change

One thing that definitely didn't need to change was the practice management system (PMS) itself. Foot Anstey made the decision to implement 3E and MatterSphere from Thomson Reuters Elite in 2015. And although Enable Law considered a competitive selection process of its own, consistency across the brands was a major selling point.

"While Enable is a different company in the group and within the PMS, we specifically didn't want it to be a different experience with separate applications," says Eadie. "We didn't want to burden people with another big change – anything that would slow them down – on top of the task of communicating the new brand to clients and the market.



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"An Enable Law lawyer has access to exactly the same information and individual metrics as their counterpart at Foot Anstey to make the transition as smooth as possible."

But there was plenty of change to manage when Foot Anstey first settled on 3E and MatterSphere for its management information needs. "The scale of the investment should not be underestimated," says Eadie. "And the extensibility of solutions as the firm found new ways to grow and change was therefore key in that earlier decision.

"It's really as much about the technology company as about the product. It's hard to say what the legal market will be doing in 15 years, so what you need most is the confidence that the business will have the capacity and ability to manage that change whatever it is," Eadie says.

Elite, for example, always has one eye on younger, innovative tech companies coming through, he says. "Even though it's a larger company, it's prepared to take some risks and disrupt, and I like that spirit."

Time for teams

Elite 3E and MatterSphere have already led to incremental efficiency gains.

"We used the project as an opportunity for business analysts to visit every team in the firm to talk about how they work and uncover whether greater consistency could create more efficiency," says Eadie. "Rather than dictating that, we facilitated people to reflect on whether there might be better ways for them to work, and if there were we'd encode those in MatterSphere."

The best example of success is probably the firm's conveyancing team, he says – where finding certain small shortcuts and better practices have reduced the amount of manual work in a process markedly. "A document that might have taken

"We used the 3E project as an opportunity for business analysts to visit every team in the firm to talk about how they work and uncover whether greater consistency could create more efficiency." For more information, visit: www.elite.com

three minutes to create now literally takes 10 seconds," says Eadie.

Scale that up to document volumes in the hundreds of thousands, and the win for costeffectiveness is clear. The project won the firm recognition in the Financial Times Innovative Lawyers report, ranking alongside large international firms such as Baker McKenzie.

Eadie sees plenty more potential for document automation in the firm's future, as well as envisaging more workflow integration with time and billing activities, potentially leading to service level agreements and metric reports from within the same ecosystem.

However, the next big step now is taking time-saving efficiencies out to clients in the form of new ways to engage. "As in any law firm, it's quality of advice and strength of relationships that really drive success, but technology can help by bringing some things together and making processes easier," he says. Another good example would be sharing reporting on KPIs and billing progress out of MatterSphere against targets set by clients' own expectations.

Officially agile

It's clear that Elite is also thinking hard about how law firms might work differently in future with its cloud-first strategy.

"I don't think many clients would choose a law firm on the basis of its cloud policy," says Eadie. "It may not even be cheaper in the cloud at the moment. But what it does mean is one more layer of efficiency for the firm. If you can release the proportion of your IT team managing infrastructure to have more impact on lawyer performance or client relationships, that's a very good thing.

"It's all about having the power of integration and different options, and it's certainly easier for law firms to move to the cloud as key suppliers like Elite and document management providers are now offering options."

Perhaps one of the biggest cases for cloud storage in the long term is the fact it can facilitate more productive remote working. After all, who's to say how the trend for ever more agile working policies might lead a top law firm to configure its workforce in five years? "If you can release the proportion of your IT team managing infrastructure to have more impact on lawyer performance or client relationships, that's a very good thing."

"We already live in a world where we want access to the exact same services wherever we are in the world, and that tends to be a bit more attractive with a cloud environment," says Eadie.

Sharp implementation

Like Elite, this is a firm that's clearly open to doing things differently when it makes the firm more future-proof.

A further example is the way Foot Anstey applied a phased implementation approach to go live with 3E and MatterSphere. "First we built each team's new workflows into MatterSphere, which meant we were able to give the users the benefits far in advance of the new PMS coming on stream – many of them operating for more than 12 months. Only then did we pull the plug on our previous PMS and plug in 3E. The immediate impact on the lawyers was much smaller, and the firm had much of the risk of transition removed."

But it was just as important to have Elite as a reliable "close partner" for the long term. Indeed, Eadie says the Foot Anstey Group plays a very proactive role in Elite's large user group that focuses on law firm feedback about its products, service and future development.

"We've always had a really healthy relationship, and I do see that as fundamental," he says. "This project may have taken two years, but we're thinking about the next 15 or 20. Like any relationship, you sometimes need to work on it, showing honesty and compromise. Key is that they listen to us as a customer, as well as us taking into account their advice."

Enable Law's journey has only just begun, but the foundation is in place for the new brand to go far, as well as stay flexible for whatever the future of legal holds.

"We built each team's new workflows into MatterSphere, which meant we were able to give the users the benefits far in advance of the new PMS coming on stream."



INDUSTRY CASE STUDY

Portal of call

Chris Eatherton at Freshfields Bruckhaus Deringer explains how HighQ is key to the strategy of elevating the client experience

ow do law firms stand out from the crowd in the competitive world of creative thought leadership and other business-focused content?

They'd hope to do so on the grounds of that content's quality and freshness of course, but another edge could be just how it's served up to clients. And for Freshfields Bruckhaus Deringer, it's this idea of access that's at the heart of building a new 'client experience hub', says Chris Eatherton, senior manager, digital, at the firm.

A key ongoing business improvement project is to simplify the content management structure – in short, to provide one route for accessing any insight the firm has that a client could possibly want to find.

Eatherton explains: "We wanted a solution that would wrap up all content categories and types in one framework. This not only simplifies maintenance work for the firm, it also provides a great experience for the user."

Gaining entry

Freshfields was already using the HighQ Collaborate platform for matter and project management – the firm is, in fact, one of HighQ's longest-standing clients – and it was a surprisingly straightforward step to bring the firm's client-experience strategy into the same fold using HighQ Publisher.

"We had been using Collaborate for transactional work for quite some time, and are now increasingly involving other elements of the HighQ suite in what we do," says Eatherton.

"The core services will probably still be aspects such as document collaboration and version control when working with clients in multiple jurisdictions, but in future we can also use the same entry point for access to knowledge or client tools in Publisher."

Eatherton adds: "It's especially useful for the firm to have a product that's available on almost any device – in or outside the office. And a client will be able to log into the Publisher portal, but jump across

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to Collaborate if they see an update on an active matter that needs work."

Tools of thought

In addition, there will be some opportunity for clients to interact with marketing and thought leadership materials in new ways. The HighQ platform allows clients to choose their topic preferences and then tailor the content experience to give them more control over what they receive and when. Instead of pushing out content to clients, firms can evolve the client interaction model by pulling in clients with the information they most want.

Eatherton points out that there is potential with HighQ's platform to change how knowledge and thought leadership is distributed. "Having an account enables clients to express preferences for types of content and how it gets communicated, which is then surfaced along those lines in future.

"We'll continue to distribute in other ways as well, but we can use HighQ to highlight topics in which clients have specifically registered an interest."

One area that might benefit from more client input into which materials they see is the fast-changing, ever uncertain arena of Brexit, which may touch

"Having an account enables clients to express preferences for types of content and how it gets communicated, which is then surfaced along those lines in future."



businesses in many ways. And the first distinct product managed out of Publisher is indeed a Brexit tool.

"A lot of the content is also publicly available through the platform, because we recognise our journey doesn't just start exclusively with 'clients'," admits Eatherton. "We still want prospective clients and non-clients to have sight of our expertise and perspective on Brexit as an evolving business challenge. But beyond that, additional content is locked down, allowing filtering by parameters such as sector or geography.

"We continually update the system as the situation changes, so it's a constantly evolving reference tool."

But while content may be behind a wall, it isn't one that's demanding payment for passage. Eatherton says this is central to the firm's value proposition. "Our perspective is that clients expect exceptional service. These forms of information are part and parcel of that experience."

Room for improvement

The firm wasn't drawn to HighQ for its clientfacing possibilities alone. The platform's flexibility allows Freshfields to create content experiences for any audience type.

And another attractive feature is HighQ's investment in integration within the wider legal technology landscape, including other businesses that sell 'artificial intelligence' for more efficient (that is, less human) processing in core work areas such as contract review.

"We're working with some of those other platforms independently anyway, but it's good to know that their integration with Collaborate and Publisher is a possibility for the firm's future," Eatherton explains. "HighQ's efforts to provide a scalable solution suite that is as flexible as possible in this regard is extra reassurance that we've invested in the right platform."



As GDPR looms ever closer, CEO Neil Araujo, and Rob Florendine, solutions manager, iManage, say artificial intelligence could be helpful for overcoming the biggest obstacle to improved information security – your own people



t is now mere months until the European Union's General Data Protection Regulation (GDPR) takes effect – so the big question is whether

any businesses that haven't taken steps to limit exposure to a new world of hefty fines for noncompliance have really left it a little too late.

Rob Florendine, solutions manager at iManage, says the funding for any suitable technology projects should certainly have been allocated by now. But it's also a little more complicated than that, as so much of the work to do involves tackling human processes.

Not least among these is weighing up the threat itself. "The truth is a business's response will depend on its perception of GDPR risk. Does it prepare in advance, or does it adopt a more wait-and-see attitude?" he says.

The latter is a strong possibility. But Neil Araujo,

CEO at iManage, adds: "The consequences of non-compliance are very tangible this time, and so the issues are getting the attention of broader business leadership – finance and strategy, as well as the IT crowd.

"The overall objective is improved data hygiene – having a clear picture of which information is where, and whether and when that needs to change in future."

Personal touches

Florendine highlights at least one very human part of the process that could still be set in motion in time for May next year – carefully interviewing business leaders to understand how data flows through their department from their perspective.

"Personally identifiable information can start with the collection of a business card. That makes its way into a marketing list and then an Above (left to right): Rob Florendine, solutions manager, iManage and Neil Araujo, CEO, iManage

For more information, visit: www.imanage.com

engagement with someone's personal data. If you realise at any point that a lot of data is flowing into one of your systems – and it has been doing that for decades, but the types of information aren't clear – it's definitely time to consider remedial actions."

And although some parts of that data's

processing will still involve people, technology can harness automation for others, providing more management peace of mind and surfacing specific problems, such as data breaches, sooner.

In the case of the latter, one of the GDPR's potential requirements is to

notify authorities (and potentially your client) of a breach within 72 hours of becoming aware.

Araujo explains: "So, a lot of the focus is rightly about bringing more efficient automation to compliance processes – for example

automatically identifying documents that contain [personal data] and having the analytics to know immediately wherever such documents are not secured."

And this is where iManage solutions can fit in – whether it's the Govern suite for security policy management, Threat Manager for tracking patterns of behaviour and flagging – or even pre-empting – a breach, or Records Manager for formulating retention policies in line with GDPR.

Private lives

Using RAVN, moreover (which iManage acquired in May 2017), firms can also harness artificial intelligence algorithms to uncover information about their information even faster. A case in point, says Florendine, is contract analytics.

"If a firm's dealing with thousands of supplier agreements, under GDPR it may need to quickly find the data protection provisions within all those agreements and make a judgement about whether they're compliant. A tool to expedite that process could be rather important."

Another example is a "data auditing tool" to scan multiple business systems – HR, CRM, and so on – for the locations of different categories of personal information. "Article 25 of the GDPR says that businesses need to adopt 'privacy by design' – which means putting privacy at the heart of the operation," says Florendine.

"A tool for constantly managing the flow of personal data into particular systems and repositories, automatically flagging old and redundant content and quickly remediating unsecured sensitive data suddenly becomes very important.

"In particular, it primes that content for the GDPR's data subject access requests, where people can ask for personal data related to them to be

"Article 25 of the GDPR says that businesses need to adopt 'privacy by design' – which means putting privacy at the heart of the operation." immediately corrected, removed completely or imported to a different provider. A tool to run a search on a person's name for a report or redaction from certain documents could be a huge win in terms of both efficiency and compliance. With the exponential growth in

enterprise data, the logistical challenges in running such an exercise manually verge on impossible."

And artificial intelligence brings something else to the table – the ability to 'learn' about the forms of data found in different forms of document.

Florendine explains: "Feed in 50 passport scans and a machine can use that sample to find thousands and thousands of other examples in a firm's management systems."

But perhaps best of all, he says, AI can prevent us humans from going off the compliance rails.

"The Panama papers and cyberattack scenarios make the headlines, but about 85% of data breaches stem from an incident as mundane as an email being sent to the wrong person.

"A more content-aware system can learn more about what people are doing, and prompt a final check that the contact is the correct one."

Indeed, adds Araujo, the next version of iManage Work, due by the end of 2017, will do something very similar.

"With RAVN as the engine, the DMS will be able to check for [personal data] in documents and trigger an alert before the lawyer presses 'send'."

Now that's an example of machine and human working in reassuring harmony. The time left until GDPR day may be ticking ominously, but for the firm that's invested it could prove AI's finest hour.

Reset the

pace

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INDUSTRY ANALYSIS

Law firms need to be in a position to uncover what their clients most need before the clients know that for themselves, says Andy Lilley, product director at LexisNexis Enterprise Solutions

merican industrialist Henry Ford famously said all those years ago: "If I had asked people what they wanted, they would have said faster horses."

This attitude to innovation – of prophesying what customers need and then delivering against those requirements – rings true today more than ever. Uber, Amazon, Facebook and Google are some examples. Before Google, did we ever think we needed a single place online to type in any question and receive an almost instant response?

This approach must be adopted by the legal sector too. Law firms need to look toward the horizon to determine the services their customers will need in the future but don't yet realise they need. It will help them to earn the trust and confidence of clients, and in turn their loyalty.

To deliver this level of innovation, factors such as continuous efficiency, a collaborative work environment (internally and externally), adoption of cloud and mobility, infrastructural resilience and security will all need to be standard, as they are in many other industries. For example, a cloud-based enterprise resource planning(ERP)-led approach to business operation is well established in other sectors, and most organisations are well on the way with digital transformation initiatives.

Payment parallels

The legal sector is now where the payments industry was just over a decade ago. Initially, the notion of sending a payment over the internet met with great resistance from financial institutions, which vehemently opposed the idea – and indeed the need for it. Today the same industry is offering numerous payment methods to customers, adopting technologies like wearable devices, mobility is a given, cloud is a means of delivering innovative services 24/7 and open ledger accounting is fast becoming the norm. This was driven by innovative challenger banks, payment institutions and the quest for open competition.

Demanding change

Change in legal is inevitable. At a fundamental level, laws change. Many were written for the pre-digital

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era and are not geared up for the modern and constantly evolving digital age we live in. Artificial intelligence and robotics, as examples, make a good case for changes to laws. If a robot performing a particular task causes an injury or a fatality, who should be liable? Is it the hardware manufacturer, the software provider, the user (due to negligent use) or someone else? The current state of ransomware attacks is another illustration. How can malware developers be taken to task from a legal standpoint? Given the speed of technological change, the swiftness with which laws are reviewed must keep pace.

Interestingly, clients will change as well, compelling lawyers to change the way they deliver legal advice. In their consumer lives, clients are already accustomed to technology-enabled conveniences. They are demanding the same from their law firms. As an example, for many the concept of marking up and sending a document for review now seems a distant memory compared with online collaboration, where lawyers and clients work together in real time across the globe.

In an always-on, 24/7, instant gratification, and consumption-led culture, clients' expectations of their lawyers will continue to evolve. This will demand more innovative ways of providing services in real time, through multiple mediums, and in the forms that suit them at different times.

Innovation is inevitable

Client expectations and rapid changes in technology drive innovation. Increasingly, firms will need to put their clients' requirements and speed of change at the front of their thinking if they are to continue to win and retain customers.

So, unlike today, technology adoption will no longer centre on meeting the needs of the lawyer, but on delivering against the demands of the law firm's clients. Ensuring the best user experience will be paramount.

Digital transformation will play a major role in achieving this – everything from making documents electronic to cross-enterprise insight, mobility and cloud adoption. Firms will need to automate all routine, administrative tasks of course, but more crucially apply artificial At a fundamental level, laws change. Many were written for the pre-digital era and are not geared up for the modern and constantly evolving digital age we live in.

intelligence and machine learning to business processes in the background to deliver an efficient, slick and intuitive service.

For example, when a new matter is onboarded, why shouldn't the law firm enterprise system of tomorrow automatically analyse all the data in the system (experience, expertise, talent, pricing structure, and so on, related to every lawyer), based on historical records of cases, to determine the best lawyer for the job and ensure the highest success rate? Unlike today, no manual intervention will be required to conduct this kind of analysis. The system will take away the pain and help the firm make informed decisions, safely.

Getting the pace

The underlying technology systems will play a crucial role in facilitating such a forward-looking service. In order for firms to deliver against the unforeseen needs of clients in a timely manner, these systems will need the capability to evolve with technology developments. Also, the technology firms deploy will need to be capable of providing small, incremental updates to the business to give them the agility and flexibility to fine-tune processes, or even correct course, to keep up with the pace of change.

Deploying key business systems like ERP in the cloud will facilitate this. Firms can reduce implementation costs and eliminate the burden of periodic system upgrades – and downtime of course. But more importantly, they'll be in a better position to integrate with, and maximise the use of, other technologies such as mobile, while ensuring security and always having the most current innovative technology in place to conduct business operations. It's not just an approach to innovation – it's a business imperative.

Six of the best

Business podcasts

Briefing recently surveyed readers on their 'digital appetite' – and found that 34% of respondents listen to podcasts. Respondents favoured BBC radio programmes – In Our Time and Desert Island Discs – and TED radio. Here's something to diversify your listening:



HBR Ideacast

• The Harvard Business Review • Hosted by: Sarah Green • Listen if: You like good coverage of topics including interviews with different founders on business problems, growth and success stories, tips for HR, finance, marketing, decisionmaking, and other niche topics and disruptors in business

LeftFoot
Hosted by: Nicole Giantonio • A legal business development podcast based in the US
Listen if: You want to learn more about developments in law firms like yours across the pond, and hear about overcoming challenges with partners, structuring, profitability and more





StartUp

• Gimlet Media • Hosted by: Alex Blumberg and Lisa Chow • Listen if: You like stories of beginnings, failures, hardships, and triumph from a mix of people and businesses, ranging from American Apparel to startups you never knew you could learn from

The Tim Ferriss Show

• Hosted by: Tim Ferriss, author of Tools for Titans • What makes world-class performers tick? Past guests include Arnold Schwarzenegger, Amanda Palmer, Edward Norton, Tony Robbins • Listen if: You want to improve yourself, learn from the best, and get motivated to do more – from morning routines to habits to quit – to become your best self





The Broad Experience

- Hosted by: Ashley Milne-Tyte
- Stories on women, the workplace and success

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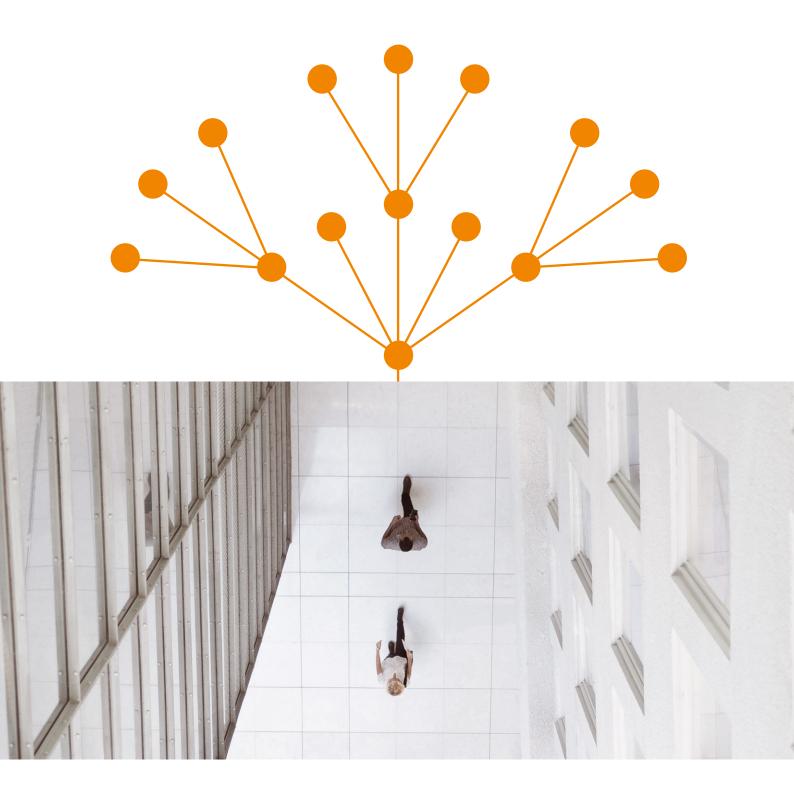
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