

FLOATING IDEAS Would an IPO spurt be good for the law firm management market? P WHIZZ
Briefing 5P people learned of navigating
the land of brand in and outside legal

TEST BEHAVIOUR Vario at Pinsent Masons on picking out the perfect contractors



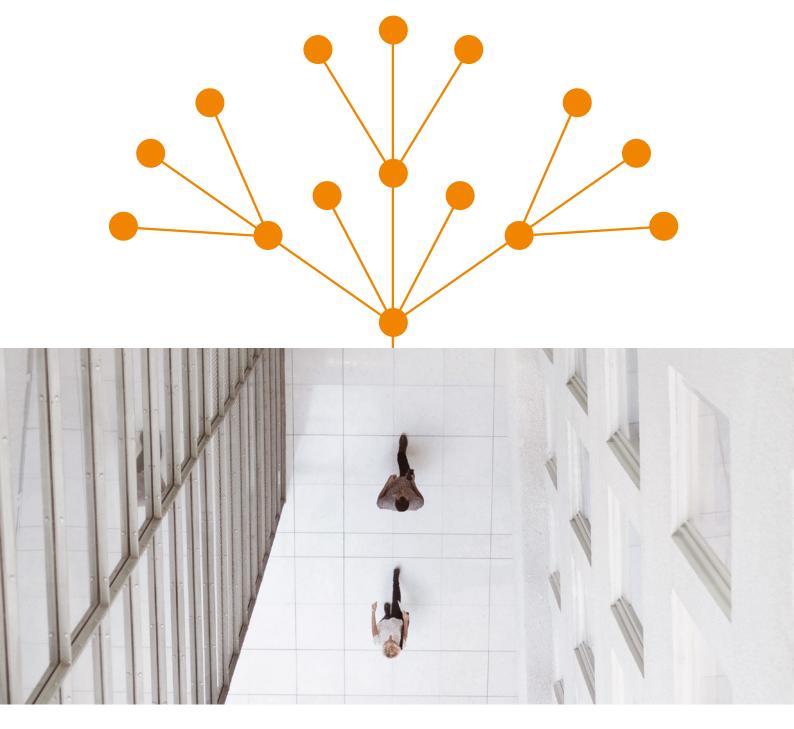
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## Editor's letter



t's always a little strange putting finishing touches to our September issue. It feels it should be like starting the new school term. I can just about remember those days. You've learned so much the previous year - had

some time to relax and reflect, grown a little as a person, and got your tie all ready to go again - now you're full of fresh energy to apply it. But have the legal business challenges changed, or is it just more of the same?

One thing we certainly didn't have to put up with in legal these hols is the news cycle's summer silly season, which seems to inflict itself on so much of society at large. Indeed, it was tricky to get a solid week sizzling on the sun lounger without news pinging through of some big appointment, regulatory update, or game-changing

> strategic shift. Never mind all those Brexit contingency papers to wade through. Another Aperol Spritz? Don't mind if I do.

Of course, everyone got most excited of all by EY's acquistion of Riverview Law. Among all the noise – and rather predictable accusations of hype – it's hard not to be a little taken with the symbolism. For years now **Briefing** has been banging on about the different

categories of competition circling for legal's ever-leanerlooking luncheon. The Big Four had one set of qualities significantly going for them. The likes of Riverview have that 'something else' to set them apart. Who was the biggest threat? And boom - two become one. Perhaps it's all that dodgy summer reading I've been doing, but I deem that to have a touch of the poetry in motion about it. It's a bit like two of the most independently terrifying tribes from The Walking Dead suddenly striking a staggering season-climax alliance. No?

Speaking of the arguably epic, you may well be reading my musings (late in the day) at this year's Briefing Transformation conference. Among much else, we'll be asking what strategic changes firms could make to take on the changing faces of competition more effectively. Pencil cases and protractors at the ready I say ...

RICHARD BRENT EDITOR

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ROUNDUP

# Deal or no deal?



lthough many of us here have been off on our holidays, the legal news cycle Α certainly hasn't taken a break. It has been a busy two months, so we've condensed just a few top stories down to keep you up to speed as the hard work inevitably resumes.

Unless you spent your summer holiday underground, you should be aware that Riverview Law announced it was being acquired by the Big Four's **EY** at the start of August. With **DLA Piper** selling off its stake in Riverview, the acquisition will allow EY Law to strengthen its managed services offering and further position itself as a "leading disruptor of legal services," says global law leader (and former **Briefing** profile) Cornelius Grossmann. At the time of writing, the deal is set to be sealed on 31 August 2018 – after which Chris Price, current global head of alliances for tax at EY, will become chief executive of the new **EY Riverview Law**. As highlighted by Forbes's Mark Cohen, however, many see this as but a "footnote" in wider industry change "forged by corporate legal consumers."

From one decent-looking deal to the prospect of none - economic forecasts from the Law Society and Thomson Reuters are predicting UK legal sector growth by 2025 would halve (a loss of almost £3bn) in a no-deal Brexit scenario. Using data and forecasts from the IMF's World Economic Outlook, the National Institute of Economic and Social Research and the Office of National Statistics, the forecasts predict that a 'soft' Brexit would result in 2.2% average annual growth for the sector, whereas a hard Brexit would see

Jobs could be lost from the legal sector if we get a no-deal Brexit, according to the Law Society

1.5%. However, no deal would see growth further reduced to 1.1%. Additionally, this could cost the sector up to 10,000 more jobs than a soft Brexit (also more than another forecast estimated in 2017). Law Society president Christina Blacklaws said in a press release: "Brexit is likely to have a significant negative impact on the legal sector in the medium to long term."

If any fresh economic turbulence indeed looms, perhaps we might see more firms cut a few costs by nearshoring. **Fieldfisher** has just opened up a new base in Belfast - joining big players there like Allen & Overy, Baker McKenzie and Herbert Smith Freehills. The new centre will deal with document negotiation and provide legal support for the firm's 20 international offices, with an expected 125 people based there in three years.

Brexit isn't the only big change you law firms should be aware of. The **Solicitors Regulation Authority** has launched a public consultation on proposed changes to its rules regarding the reporting of potential misconduct, which would hope to give firms greater clarity about their obligations. Following the eight-week consultation, the SRA will update its code of conduct to reflect any new wording needed. These changes will then be submitted to the Legal Services Board as part of the SRA's wider regulatory reform programme.

But other areas of the programme have come under fire over the summer, as the Law Society's Blacklaws has criticised the SRA for pursuing a "deregulatory agenda based on flawed premises and at the expense of consumers." Specifically, she has argued against proposals that would allow freelance solicitors to act without the protections of being a recognised sole practitioner, and solicitors to deliver non-reserved legal services from unregulated entities. She says the changes would reduce and remove some protections for clients, while also creating a "dangerously complex marketplace for legal services."

If you're somehow still on the beach ... we wish you were here!

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JESSICA BURSTON
Director of operations, Royds Withy King

IPOs offer firms an opportunity to fund ambitious growth plans and improve their financial and operational management practices. Developing a shared services model over a portfolio of complementary ABS businesses helps drive further efficiencies while protecting any vulnerable areas as Brexit looms. The opportunity to be a shareholder also incentivises employees, attracts talent from other sectors and improving retention. While many will be deterred by greater public scrutiny and financial accountability, 'squeezed middle' firms should at least consider it.



GARRY MACKAY CEO, Ashfords

Whether this is a good thing or not remains to be seen. Law firms are notoriously conservative and anything that shakes up the market and provides investment and 'fresh blood' is a positive. Equally, law is a people industry where clients purchase not only expertise but the personalities that suit the matter. Any IPO will see key individuals locked in, but the threat will come if those individuals no longer have the requisite vested interest to remain. Law firms do not need an IPO to meet the challenges ahead, but they do need to be more creative and attuned to the changing landscape.

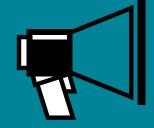


DAVID BEECH CEO, Knights

Law firms adopting a corporatised model is a positive change for the industry, but a difficult one to achieve. Firms can become more efficient operations, more akin to other business sectors. We did this six years ago and have become a fast-growing firm, listing on AIM in June 2018. Alongside benefits for employees and clients, being public also ensures law firms are more transparent, improving trust in the sector. However, the transition to a corporate structure is especially challenging for a partnership, so I don't believe we will see a huge number list.

## Public prospects

As momentum seems to build behind law firms open to an IPO, we ask: Will more law firms going public be good for the world of legal business management?





STUART WHITTLE Business services and innovation director, Weightmans

About 10 years ago I would have agreed that going public would have required law firms to think differently about how they should be managed and consider the expertise needed to manage large organisations over and above partners' skillsets. However, over the last decade, I have already seen a sea change in how law firms have come to value and rely on the skills of what were traditionally regarded as support functions to help run the business. For example, at Weightmans we have had a business services director at board level for eight years, and we are recruiting a new HR director at board level.



MICHAEL WARD CEO, Gateley Group

Yes, and three years since we became the first to go public there are already four more firms that have joined us. Our business needs to incentivise and attract the best talent. Our business management teams now own a stake in the business and share in the success they contribute towards. We have a Sharesave scheme open to all employees and a company share option plan for managers within our support teams. Being part of a publicly quoted law firm provides many opportunities for those looking to develop their career within legal business management.



Do you have a view? Or an issue that we ought to debate?

Have your say in Lex Pop – tweet us @Briefinglegal or email andrewm@briefing.co.uk any time

READING LIST

## Wealth of health

Sue Brooks, head of reward at Trowers & Hamlins, says 50 Top Tools for Employee Wellbeing makes a strong case for a wellbeing strategy improving the working lives of your managers as much as those being managed



ebbie Mitchell's toolkit for developing happy, healthy, productive and engaged employees provides a perfect insight into what employers and their managers can do to support employee wellbeing.

This is Debbie's second book, and I can understand why it's written in the same accessible style as her first – 50 Top Tools for Employee Engagement: A Complete Toolkit for Improving Motivation and Productivity. It is designed to be applied in practice.

As an HR professional who has promoted wellbeing at Trowers & Hamlins for many years, I was also pleased to find that the book recommends and sets out the same holistic approach that I aim to encourage within the firm. Debbie's background in all areas of HR equips her with the knowledge and experience to provide readers with an excellent toolkit for today's employees, where wellbeing is not just the buzzword of the moment, but an important part of managing the way life at work filters into home and personal life as well.

She realises and strongly conveys that wellbeing is physical, mental, financial and has a social/community aspect, and that, without good wellbeing in all areas, a weakness in one may lead to a breakdown in another area. For example, financial problems can lead to poor mental health wellbeing, and vice versa.

Debbie also goes some way to suggesting how to measure the impact of your wellbeing strategy, although you can't always gauge a return on investment. However, our experience is that you'll be able to see happier, healthier and more engaged staff, which will have a very positive effect on both business productivity and relationships with employees and those managing them.

This is an easy-to-read book (I actually read it on holiday) for those who would like to incorporate a wellbeing strategy within their workplace, but it would also work as a reminder for those who already have a strategy in place. It provides a set of practical, engaging and inexpensive tools for improving employee wellbeing to the point of effective results. I'd describe it as a must read for those managing staff (which is probably most of us).

One specific takeaway for me was the way the book demonstrates that if leaders and managers take the right approach to wellbeing, it's not only likely to get a positive response from their staff, but should also provide better wellbeing for those leaders and managers themselves.

It has been encouraging to read Debbie's engaging book – but don't just read it. Use the guidance and resources to ensure you act on these 50 Top Tools for Employee Wellbeing to acquire the understanding and confidence to make your workplace the best it can be.

Publisher: Kogan Page Publication date: March 2018 Price: £29.99 (paperback) OFFER: 20% off – visit website www.koganpage.com and enter

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If leaders and managers take the right approach to wellbeing, it's not only likely to get a positive response from their staff, but should also provide better wellbeing for those leaders and managers themselves

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Ahead of **Briefing** Transformation 2018, Lauren Aste, executive vice president and general counsel of Carlson Wagonlit Travel, has a few minutes to update us on her company's legal management journey

## What do you find most impressive when evaluating external law firms?

The ability to work with us holistically and think about our business challenges more broadly than just the project in hand. It's important that law firms look to ensure the entire firm is invested in our business, and consequently treats our relationship on a global basis, not just as a local partner that may provide services on a discrete subject or in one particular office. Of course, the ability to deliver on budget (or ideally below!) is always important too.

# Are there any ways you'd prefer firms to collaborate or communicate with you differently in general?

We're very interested in some of the collaborative portal technology that some firms are piloting to manage document review/tracking in a common place – one that is secure, reduces email traffic, and ensures we always have the most up-to-date drafts at hand.

You introduced a programme of business improvement to the legal department. Did you find any particular area of work contributed most 'process waste'?

We examined our contract review process a few years ago and saw opportunities for improvement. We mapped it out using a lean Six Sigma process along with our business teams. Each provided input on how we could do it better, given the cross-functional nature of contract negotiation. The result was a more streamlined client contracting process with simplified schedules. This led to our newest innovation, which is digital contracting - the launch of an online terms and conditions platform to reduce email back-and-forth and expedite contract negotiation through digital signature with automatic repository.

## Q Do you think there's a 'best' way for companies in any sector to channel innovation?

Encouraging all parts of the organisation to contribute ideas is a good way of channelling potential innovation, as we all see different problems through different lenses. We had a platform called Spark which encouraged any part of our business – from front-line travel counsellors to our meetings and events team members and Solutions group consultants – to propose ideas that could be developed into something that helps our business adapt and

provide even better service to our clients. Of course, spontaneous innovation by folks willing to take the lead and initiate is always welcome outside of formal channels.

Do you think law firms do enough to maximise their chances of improving diversity in senior leadership roles? If not, what should they be doing differently?

Firms could be doing more. Mentorship of senior lawyers, potentially by partnering them with in-house lawyers, is a great initiative, and can give law firm associates a unique commercial insight into what clients really want when it comes to planning a path to partnership, for example. I've even mentored a lawyer who was on a partnership track at another firm, and I think it's a good model.

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SPEAK UP

## Brand new alternative



Clare Quinn-Waters Associate director of business development Proskauer Rose

**②** @ClareQW

An over-reliance on technological solutions might result in the human element of professional services taking a back seat, limiting opportunity to truly partner with the client

nder pressure from clients to reduce legal spend, many firms are looking at how they deliver legal services in new ways to maintain profitability and competitive advantage – but what impact does this have on a firm's brand? Is it possible to be well positioned for big ticket work, and also offer commoditised products?

At either end of this spectrum, we know that multi-functional teams can really drive client service forwards. Product developers, pitch teams, sector specialists, client managers, knowhow, finance, and relationship partners – all collaborating to create client-centric operating platforms – shape the client experience and build better, more cohesive relationships.

It could also be argued the Big Four use consulting work as a discovery phase to identify sales opportunities for their product team colleagues to pursue. However, an over-reliance on technological solutions might result in the human element of professional services taking a back seat, limiting opportunity to truly partner with the client to achieve their business objectives.

Therefore, understanding the client need is key when refining delivery models. But it also yields fruit. Deep sector knowledge has enabled firms to 'build kit' for industries rather than individual clients – meaning these products can become a new revenue source. Earlier in 2018, Pinsent Masons sold its digital compliance subsidiary to Dow Jones, demonstrating just one possible pathway of investment in alternative delivery models.

On the other hand, evaluating success using short-term metrics and aggressive sales targets is dangerous and potentially shifts focus from business improvement. And are delivery models following the path of value-added services? Over time, what was once a genuine differentiator can become business as usual, so the pressure is on for firms to be viewed as real leaders in this field.

There is certainly opportunity for firms that manage this feat. Clients' legal departments face growing demands from their boards to innovate to reduce legal spend, but they may have little resource to invest in developing in-house systems. Innovation can be as simple as implementing a basic system or automation software, but it's the firm that creates the 'master platform' that holds real competitive advantage.

Finally, we should remember that much of what law firms consider 'low value' work (time intensive, low revenue) is actually business-critical to the client. Discussing what value means to clients provides an opportunity for firms to think about 'behavioural' rather than 'transactional' branding, and to position the firm's commerciality as its differentiator. Game-changing acquisitions such as Clifford Chance and Carillion, or the recent EY Riverview Law deal, certainly demonstrate a general appetite for disruption, and the market can use such developments to contextualise the benefits of alternative delivery models. However, robust and consistent messaging has to be developed to prevent new brand investments from cannibalising the core.

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SPEAK UP

## CV-blind faith?

mproving diversity is a common published strategy. It is puzzling that some diversity practices fail to diffuse more broadly.

For example, CV-blind policies are shown to be effective in breaking hiring biases in favour of certain stereotypes. Take an Oxbridge recruitment bias among law firms: elite law firms in the UK are over-represented by graduates from Oxbridge. One possible reason is that Oxbridge degrees are so salient that CVs with this cue are more likely to receive further consideration. Others could prove to be better than (at least some) Oxbridge graduates, but firms cannot uncover these 'hidden gems' unless recruiters are made to ignore this salient cue. In 2014, Clifford Chance adopted a 'CV-blind' policy. But it is puzzling that few firms in the UK have apparently followed this best practice.

There are many possible explanations of non-adoption of best practices. One is an identification barrier. Take the case of the book Moneyball, which illustrates how Billy Beane, manager of Major League Baseball (MLB) team Oakland Athlete (the A's), utilised data analytics to identify undervalued players – team members who were underpaid relative to their contribution toward the team winning because they did not have 'the look'. Many people interpreted Moneyball as a triumph of data analytics. But data about MLB players had been publicly available for decades, as were the sabermetrics methods used to analyse

them. It turns out the data and findings were publicly known, but ignored by most MLB managers, because, unlike Beane, many managers were successful MLB players and benefited partly from the right look. Managers hesitated to adopt an approach that could hurt their own identification, even when the approach was obviously beneficial to the business.

This suggests best practices may not diffuse because of non-economic but behavioural barriers. Managers may ignore best practices they don't 'like', or which endanger their world view. As a result, firms can be blind to obvious opportunities and end up suboptimal.

Breaking an identification barrier is challenging. To paraphrase German physicist Max Planck: "Meritocracy never triumphs - its opponents just die out". That said, something that has (unfortunately) happened in South Korea should arguably give some hope. Many foreign firms benefit from hiring female executives in the country as they have been seriously undervalued because of strong gender bias. Importantly, even when local firms recognised this as suboptimal practice and undervalued human resources, only foreign firms were insensitive enough to act on it by actively hiring female executives. Similarly, UK law firms might exploit non-adoption of CV-blind policies outside the UK. Firms expanding to other countries can search for their hidden gems in 'non-elite', local universities there.



Chengwei Liu
Associate professor of strategy and
behavioural science
Warwick Business School

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Managers may ignore best practices they don't 'like', or which endanger their world view. As a result, firms can be blind to obvious opportunities and end up suboptimal



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## Sign of the times past



Patrick Hurley
Vice president, customer advocacy
Thomson Reuters Elite

- f you have been working in the legal industry for more than two minutes, you get that law firms are not really known for trailblazing new paths ahead of other industries.
- Put our data/documents in the cloud? Oh, that'll never happen, our clients won't allow it.
- Law Firm X is proud to announce its appointment of Y as head of innovation. Y has been a partner in the firm's corporate practice for 27 years and is excited to put his years of experience to use in new and innovative ways to bring more value to the firm's extensive list of blue chip clients.
- The Big Four will never be able to compete in our market. (OMG EY bought Riverview!)

One of my favourite stories of law firms trying to hang with the cool kids is from the heady days of the dotcom turn-of-thecentury era, when a venerable US firm decided to implement a smart casual dress code in an effort to appeal to and attract business from the growing tech industry. But, guess what: that policy was only applicable to the lawyers. Support staff were still required to be suited and booted!

There are a few very well-known, well-trodden, ubiquitously written about and conference keynote-classic

How can you help your firm inch forward into the 21st century? What can you do in your own role to move that proverbial needle?

- challenges facing law firms today. For example:
- Corporate law departments reducing the number of their panel firms and bringing more work in-house
- Alternative service providers eating into traditional law firm work
- New entrants into the law firm market
- Increased pressure on pricing and profitability leading to increased focus on alternative fee structures.

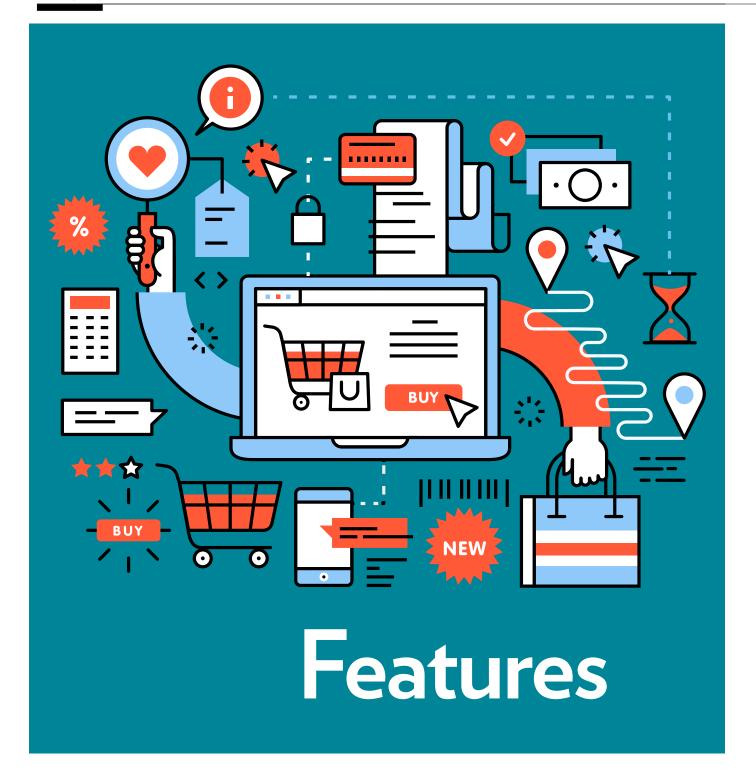
But the above has been true since the economic downturn almost a decade ago now. This is not news, and yet – have law firms really, really changed sufficiently to address these challenges?

Aside from these macro issues – which we all just have to deal with and can't impact no matter how we try, a bit like gravity – how can you help your firm inch forward into the 21st century? What can you do in your own role to move that proverbial needle?

I don't have the answers to your specific situation, role or firm ... but I do have some food for thought for you. Here is my own countdown that your firm is struggling to move into the 21st century: **5** The printer/employee ratio is greater than the secretary/fee earner ratio **4** The firm touts its agile working environment publicly, but the list of partners who get exceptions to the policy and can keep their office because of their very important clients keeps growing **3** One word: Blackberry 2 You still have a receptionist – separate from the building security staff 1 And the number one sign your firm is stuck in the past? It runs a practice management system with a database structure and business logic that was designed in the 1980s and 90s. Well, I do work for Thomson Reuters Elite, right?

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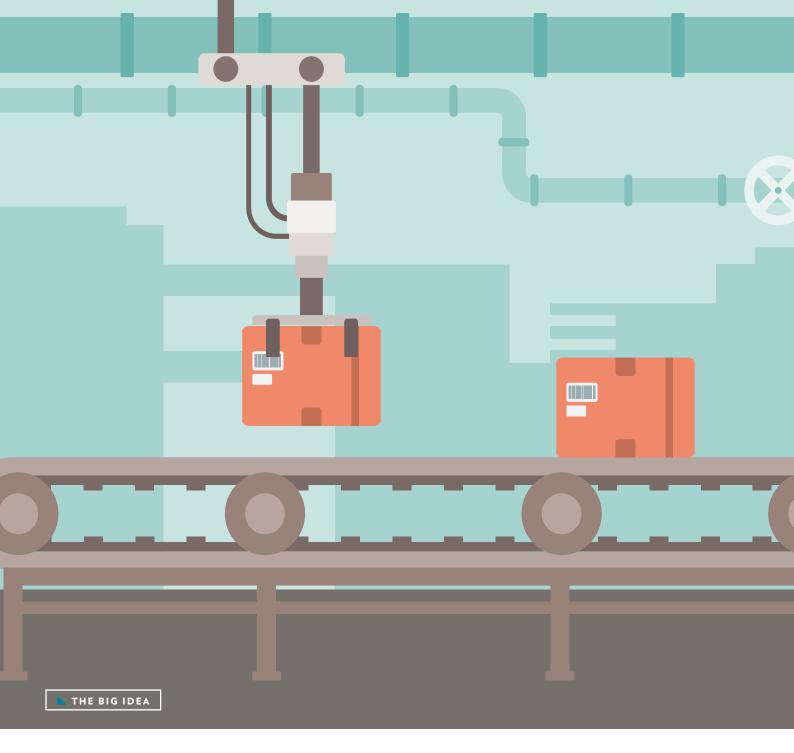
#### **Product eyes**

As law firms dive into 'doing things differently', what does this mean for the land of brand? Richard Brent reports

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#### The event

Kayli Olson has a pick of what you might have missed at **Briefing** 5P 2018 – with people at its heart and soul



# Product eyes

Legal business models are changing fast. Can the world of business development keep up? Richard Brent reports

it has often been said that law firms can struggle to communicate to clients what makes them so very special – to differentiate a distinctive brand promise from those of their many, many market peers. No doubt this will only pose more of a challenge as excitingly newsworthy upstarts such as EY Riverview Law stick ever more stakes in the ground – and it's clear that pressure from clients in terms of their own expectations of a top-notch service isn't going anywhere.

However, an area where some firms certainly seem to be managing change is how they do business development itself. From new team structures to 'productising' elements of services – whether for greater brand clarity or approaching

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consumer-savvier selling – it has been a busy year for legal BD.

In January 2018, for example, law firm Weightmans welcomed the latest additions to its new business development and insights team, itself part of a root-and-branch marketing restructure to align with the growth ambitions of a new five-year strategy.

Sarah-Jane Howitt, director of business development (and the firm's first of several 'non-lawyer' business services partners), explains: "When we analysed the business in our strategic review, we found too many people were wearing too many hats. They were unable to focus as much as we'd have liked on their core objectives. For example, heads of practice were responsible for both aspects of service delivery and business

development."

Today, Weightmans has distinct 'business service delivery' and 'client relationships' arms – and the latter might also be called sales, stresses Howitt, highly focused on client acquisition. "Most of our partners are mapped to the client relationships side – and BD is there entirely," she says. "However, one of the things we all agreed was that it wouldn't be one of the 'business services' teams any longer, and that has really helped us all to become more aligned with the partners in thinking, actions and objectives. Everyone's now on the same path."

And there's also more structure within BD. "It was an opportunity to reassess whether specific roles were still fit for purpose," continues Howitt. "As a result, we no longer have generalist business development managers, which had become a resource anyone might turn to if they didn't know what to do. Now there are separate new business and client development managers, each aligned to specific client segments, as well as a more defined campaigns team."

#### All clear?

Another firm where BD has apparently been a beneficiary of some large-scale structural change is AIM-listed Gateley plc – although this, of course, dates back to a certain seminal moment in 2015. Clients and markets director Vikki Whittemore says: "I think the overall profession has improved in recent years, with BD teams having collaborative conversations about growth with fee earners. However, it does help at Gateley – psychologically as much as anything – that we're



"We found too many people were wearing too many hats. They were unable to focus as much as we'd have liked on their core objectives."

Sarah-Jane Howitt, director of business development, Weightmans

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"In a listed environment there has to be more clarity and discipline around strategy, because this is shared with investors and shareholders."

Vikki Whittemore, clients and markets director, Gateley

all shareholders and employees. There's simply no reason for anyone to pursue something that isn't delivering a strong return on investment or is inconsistent with strategy."

Whittemore has held senior marketing roles at several other legal businesses, and says BD at the UK's first law firm to float is certainly a different beast. "Having an investor strategy gives you more explicit focus by necessity. In a traditional partnership, it's sometimes easier for things to slip into becoming quite partner-centric rather than client-centric, but at Gateley there isn't much room for partner frolics. In a listed environment there has to be more clarity and discipline around strategy, because this is shared with investors and shareholders."

An appetite for expansion, however – and Gateley is well known for getting busy acquiring complementary sector as well as legal businesses – doesn't just help with brand differentiation. It challenges it too. "When you're in the position of acquiring two businesses in six weeks, you have to be really clear about exactly what you're offering to clients," says Whittemore. The messaging needs both reinforcing and updating as the proposition develops.

She continues: "We're doing quite a lot of work on what I'd call the BD basics – ensuring that we explain ourselves better externally, and understanding the true extent of the difference being a listed company makes to our clients. After that, it's about deciding the best way to target the specific audience with the right message at the right time."

Fortunately, the introduction of non-law businesses such as Kiddy & Partners (the human capital consultancy it added in July 2018) also helps it to market. "Multi-disciplinary conversations with clients can be that much more rounded, as well as simply being more cost- and time-efficient for them," she explains. "Closely knitted together, our teams can focus on the legal and non-legal aspects of a project as one piece of work rather than operating in silos, which both supports clients' commercial objectives and facilitates cross-selling."

Of course, you might say any firm should be able to make at least a little movement on cleverer cross-selling with a healthy dose of client relationship management (CRM). Weightmans also recently started piloting a new system to integrate completely with its practice management system (and indeed, improve business data quality everywhere). Howitt says: "CRM systems have moved on a lot in recent years – for example, automatically picking up on email traffic and signatures to give better insight into the relative strengths of relationships.

"It's not unusual in a law firm to find that the person who considers themselves the key contact in fact isn't – it's someone in a completely different part of the business. Knowledge like that is hugely powerful for us in business development to get further with the right clients faster."

#### Completing the package

But it's not only firms acquiring or radically changing structures that need to give careful thought to what change might mean for their branders. Another trend of recent years is firms componentising what they're able to do for clients into (often lower-cost and/or technology-enabled) individual solutions. Clients are invited to pick and choose, and the firms potentially package them up into what makes most sense on a specific matter.

In 2016, Shoosmiths launched its Resource Solutions product, which offers to blend four such services into bespoke resourcing plans. Spotlight

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#### Price work (if you can get it)

Partly, perhaps, an effect of the proliferating alternative fee arrangements (AFAs) and delivery models now in play, a fairly new skill firms have seen fit to develop is pricing.

At Eversheds Sutherland, for example, the pricing function is independent of both finance and business development (although it works closely with both). Head of pricing here, Annabelle Smith, says this structure probably helps to drive home its significance as a pillar of strategy.

Smith has plenty of involvement in responding to RFPs, but a relatively new part of her role has been piloting some value proposition and negotiation training for the firm's partners.

She explains: "Lawyers are usually great at negotiating on behalf of their clients, but they can be less confident doing it for themselves. However, they really need to be able to articulate the value of their products.

"In small groups, we discuss application of value thinking from other areas of life, and also practice some negotiation scenarios." But it's not about the biggest deals, where there's typically a team to support and plenty of time to plan.

At this other end of the spectrum, she now chairs a new pricing committee to ensure the right level of consultation on those larger RFPs. She continues: "With a committee, partners don't have the same pressure that the final decision sits solely with them – if we are successful, we're successful together – and clients can take comfort that we're considering these things very carefully."

More generally, she says, a big driver of pricing

change is the management information clients now want to see.

"If we can set out leverage details alongside variables such as work type and location, that's extremely powerful. Sharing data allows us to work in closer partnership with clients, helping to bring down business-as-usual spend where possible.

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"Finally, pricing must also go hand in hand with legal project management. Pricing isn't confined to the start of the matter. It needs to run right through to the point of invoicing to ensure work is profitable."

Meanwhile, law firm Brabners has recruited new talent to take charge of aspects of operational efficiency alongside pricing. With the firm's CFO moving up to CEO, head of commercial finance and project management Ruj Dev has come aboard as part of a new three-year strategy.

She explains: "It's important I have oversight of every aspect of our business, from overseeing working capital management to implementing new practice management systems and working closely with fee-earning teams to implement processes that improve operational efficiencies and still allow lawyers to deliver the best service.

"One responsibility is evaluating our pricing model. We need to take a bespoke and flexible approach to pricing and find a solution that can meet a range of client needs. Those requiring legal support are increasingly educated on the options available to them, and over time we've seen practitioners move away from solely using the hourly rate model and requesting various AFAs. We need to continue to reflect that."

(contract review and negotiation), Blueprint (template contract creation and maintenance) and Resource pool (on-call lawyers if they're needed) are all fixed-price components. The fourth is Secondment+, which offers full or part-time, short or long-term onsite lawyer support at various tiers of experience. A brochure (and video) contains case studies of how various clients have picked up two, three or all four for their needs, and says

clients can typically save substantially on the traditional hourly rate.

Shoosmiths business development director Gaius Powell says: "The challenge for firms is not so much coming up with good ideas like this, but ensuring they really do fit in terms of overall vision and branding. Otherwise you risk simply confusing the market.

"You also need to focus on the particulars of

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"You need to focus on the particulars of why products are relevant to the client, or unfortunately it's just a different name and a new logo."

Gaius Powell, business development director, Shoosmiths



why products are relevant to the client, or unfortunately it's just a different name and a new logo. If you get that all right, it's not so much making it easier for the firm to sell as it is making it easier for the clients to buy to help meet their needs. Compartmentalising simplifies their lives as much as ours."

It's a similar principle with the many menus of pricing models you can find, he says. "There are so many you can potentially list off. However, the conversation about innovative alternative fee arrangements should really only come – if it comes at all – after understanding the significance of the particular project or transaction and consideration as to who is best placed to do the work."

Womble Bond Dickinson has also been doing some service line productising of late. In June 2018, it introduced the market to its 'WBD Advance' offering, which includes flexible seconded lawyers for peaks in demand (GCSolutions) and high-volume support in areas such as e-disclosure or contract review. And there are also several 'non legal' menu items such as project management, process design and business waste reduction, reporting and data visualisation.

Like Powell, however, WBD legal solutions centre director Andy Layton says for BD the move is mostly a matter of how all this capability is effectively communicated to clients. "Essentially, we've explicitly identified those extra services which some clients have needed most frequently alongside their traditional advice in the past – so others can be more aware of them in future.

"For example, we'd seen a growing number of conversations about how analytics at our end can help our clients not only to track current matter progress, but also to optimise their own operations. Data-driven insight could help to increase inhouse capability, for example, or perhaps even

reduce the need for legal advice in areas such as disputes in the first place.

"We also had tenders and requests for proposal increasingly ask for information around process improvement and reporting in particular. Of course, many client organisations live and breathe project management themselves, so they want to know their firms can dovetail effectively with their own project programmes."

In addition, he says, the firm has developed a diagnostic tool that can guide clients to the mix of services that will be appropriate in their own case. "It can set out how far they are from the desired end state, where the biggest priorities are, and therefore what should perhaps be tackled first."

The pitching of such new models may not need brand new processes or personnel – but they have brought some changes in delivery. For example, the firm's practice development lawyers have an expanded role in helping clients update their own contract precedent suites using online tools (which the firm could then help automate). And new 'key client coordinators' now have responsibility for both business-as-usual reporting and WBD Advance's predictive data analytics. Layton explains: "Key client coordinators are now very well-known faces in the client organisation. They are by no means usurping the more traditional client partner role, but are helping us deliver."

#### Platform whose?

Meanwhile, over at Osborne Clarke's sub-brand set – Osborne Clarke Solutions – there's a strong emphasis on the role of tech in offering clients not only better and broader business insight (although yes, that too), but also a more consistently convenient service.

Its leader, Dan Wright (a corporate lawyer for 15 years), says he put it to the firm's board that he

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"If you give the client more control of the information you already capture for them, that immediately changes the relationship dynamic."

Dan Wright, partner and director of Osborne Clarke Solutions



should remain client-facing, but begin to "build a product development team to harness emerging technologies that would improve service delivery.

"Many more of our platforms and applications are now in the cloud, and that means they suddenly become more collaborative spaces," says Wright. "If you give the client more control of the information you already capture for them, that immediately changes the relationship dynamic a lot – and it's for the longer-term good.

"Our core goal is to develop great relationships with clients, but we can achieve that by helping with their secondary goals. Inappropriate – or a simple lack of – systems really hampers the value individuals can bring to an organisation, and by extension their enjoyment of work. That's fundamental to the model."

Wright stresses, however, that beyond its transparency and self-service enablement, the technology in a specific Osborne Clarke Solutions engagement can be almost incidental.

"One recent piece of work involved no legal advice or services at all," he says. "Instead, it was all about enabling the in-house legal team to enable two of its own commercial units to improve their performance. Technology is only the final part of that journey. We can talk to clients about families of products and services, but at the same time I'm quite determined we shouldn't have a productised approach."

But you can, of course, both watch a short video and easily get in touch via the Osborne Clarke Solutions brand web page. And Manchester-based JMW is another firm that has made a significant investment in profitably connecting with clients using technology. Announcing a 26% increase in provisional profit in July 2018, JMW found revenue contributions through its website were up 16% on the year (from £1.9 to 2.2m).

Director of marketing, Daniel Clark, says that's as many as 160 leads a week. "And not just work like conveyancing, wills and divorce – we're seeing corporate, commercial, employment and real estate leads coming through on a daily basis. Today you need to look at every aspect of your offering in a digital light." Facebook, for example, has helped the firm to engage with over 5,500 employees in 18 months for a major class action, he says.

Senior marketing manager, Samantha Meakin, adds: "Even companies that are unlikely to send a web enquiry are still likely to go online now to take a look."

Other JMW productising efforts include partnering with a software provider to develop online document support for employment advice (HR365) and the JMW Exchange portal to help mortgage brokers capture clients with an automatic quote for their legal fees (and a potential referral fee). Clark says: "You'll see a lot more services effectively boxed up in the coming years, and of course people will expect to open them online."

However, the fact that one of Weightmans' recent BD investments is its 'Improving the client experience' (ICE) feedback programme suggests any productisation momentum will probably need to meet personalisation somewhere in the middle – at least for now.

Howitt says: "We've found that there are even subtle differences between how the individuals within a client organisation prefer to manage things, communicate, or receive information."

Law firms might need to make friends with social media platforms, and they may want to start building those data bridges – but the old-fashioned art of holding a good conversation shouldn't be disappearing just yet.

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# Value people

Briefing 5P 2018 was all about the people – plenty of whom were present. Kayli Olson reports

ime Out was once destined for the bin, with a recorded 20% loss of customers a year during its turbulent years – people just weren't paying for print magazines anymore. So, it made print free and pushed people online. But it was more than just digitisation that saw the company's newfound success – Time Out re-engineered the magazine and its content via understanding of the audience.

Tim Arthur, creative director at Virgin Money, was editor-in-chief and then global CEO at Time Out during its period of turbulence and transformation. He opened **Briefing** 5P 2018 with his story of refocusing energy at Time Out to its customer base, and how Virgin Money also has a customer-first ethos and why this approach matters. Virgin Money embeds its 'Virgin Value' throughout its products and services to differentiate itself in the market and create a cohesive customer experience.

How does this apply to the legal sector? Arthur said clients know when services are designed with their needs in mind, or rather, and perhaps more importantly, they will notice when services are not – and take their business elsewhere.

The same is true for legal services – and **Briefing** has been pounding this drum for quite some time – services are for the client and should solve their problems or match their needs. Client-centricity

can be seen as a competitive advantage in the market when compared to the number of services that don't cater to the clients' needs.

But, Arthur warned, if you're committed to asking your clients for feedback on your services then you have to be prepared to change. "Have the responsibility to act on their response."

And getting to the heart of the client was, overwhelmingly, the takeaway this year. 5P has always focused its attention on key areas of running a successful law firm – and ensuring the clients' voices are heard – this year's 'Ps' were profit, pricing, pitching, projects and people.

Our chair this year, Zelinda Bennett, international marketing director at DLA Piper, pointed out though that 'people' is the most important P and should continue to be at the forefront of minds and repositioned to the top of our 5Ps.

#### Lessons novella

Pitching isn't easy. Clients know firms can deliver the work technically – what they want to know is the wider proposition around technology and project management. Firms are learning to use non-technical legal capability to win work. Meirion Jones, director at Client Critical, talked us through all of this and more.

He asked firms to take a look at how they pitch and what services or value adds are offered – and to



FROM LEFT TO RIGHT: Two delegates; David Aird, IT director and chair of Spectrum, DAC Beachcroft; Kate Burns, general counsel and company secretary, notonthehighstreet; Stuart Hopper, head of practice development and knowledge, EMEA, Dentons; Steve Roberts, chief counsel, procurement, BT; Elaine Hutton, EU general counsel, Shiseido Group; Zelinda Bennett. international marketing director, **DLA Piper** 

get rid of the things that aren't actually a differentiator. How are newsletters added value if everyone does them? Differentiation is a state of mind not an objective fact, Jones said.

Differentiation can also come from how a firm handles a black swan – Jones referenced The Black Swan: The Impact of the Highly Improbable by Nassim Taleb.

Black swans are the random events in life that are highly impactful and impossible to predict – and people tend to try to rationalise them afterward, which is a mistake.

Jones said firms can learn to build robustness to negative events and exploit the positive, but looking for a black swan is counterintuitive – it'll happen when it happens. It's up to firms to know how to respond to events rather than seek out opportunities before the door opens – this is how firms can gain a competitive edge.

By the same mantra, he said, when meeting with clients, listen with the will to reflect, not respond. He said all too often firms, and people in general for that matter, go into a meeting with a

response for everything – it's almost defensive.

It's better for the client to see that you're taking in what they're saying rather than that you have your answer ready from the moment they open their mouth – who knows what bomb or juicy information might be unleashed. But also know that the client might not tell you everything.

And knowing what's happening to the individual is just as important as the business, Jones added. Client relationship should go beyond the parameters of the job – we're all human after all

Be brave, he said, and be prepared to shake things up in ways that perhaps make your partners uncomfortable.

Greg Bott, director of AG Consulting at Addleshaw Goddard, agreed, bringing to the stage findings from his PhD.

What better way to start than more lessons from a troubled company: Toys R Us. He outlined three areas where Toys R Us failed, and ultimately why it met its demise.

First, a continuously successful and prosperous company should question and refine the business model. Next, it should question taken-for-granted assumptions, including the role of the client relationship partner. And finally, it should move with pace.

Over three years, Bott interviewed 31 client relationship partners (CRPs) and 12 firms to research what factors affect the ability of CRPs to secure the commitment of peers when developing key client relationships.

CRPs have been making their debut in law firms in recent years, as firms try to differentiate themselves and improve their services to clients. Leaving the law to the lawyers, after all, might be the strongest 'play' a law firm can make.



PHOTOGRAPHY LOUKIA AVVAKOUMIDES

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#### Pitch it to win it

We brought back the ever-popular dragon's den-style proposals game from 2016 to the stage once more.

Using lessons from the day, teams pitched for a place on our fantasy law firm panel.

They faced the panel of judges, made up of our in-house counsel panel and 2016's winners: John O'Donoghue, head of pricing and funding - disputes, Herbert Smith Freehills, and Stuart Hopper, head of practice development and knowledge – EMEA, Dentons (all pictured).



Winners of the proposals game: Nicole Beck, director, client value and strategy, Buchanan Ingersoll & Rooney; Kristel van den Elzen, marketing and business development manager, DLA Piper UK; Chris Hanley, pricing and project accountant, Pinsent Masons; Paul Hollingworth, business intelligence analyst, Charles Russell Speechlys; Elpiniki Keremidou, senior controller, Bird & Bird; Jake Martin, European legal project management and pricing senior manager, Mayer Brown; Jumi Shonubi, legal project manager, Linklaters; Georgina Thorpe, pricing manager, Herbert Smith Freehills; Bridget Uebel, marketing and business development consultant (judges also pictured).

#### On a tender

Don't let your clients feel as though your pricing is being drawn from a hat. As our pricing panel discussed before the lunchbreak – firms should have a framework in place from which people can price work. 'Any framework is better than no framework,' they chimed.

It is hard to sell value, but Adrian Avanzato, head of pricing at Pinsent Masons, said staff really need to understand the value proposition of their firm.

Dinesh Shah, director at Deloitte, said your partners are like mini pricing offices.

And they are often the ones who are the worst at negotiating their own value, James Brown, partner at Simon-Kucher & Partners, added.

A rounded picture from which to benchmark pricing is the only way to price effectively. Shah said it's important that teams are given commercial awareness training – when partners know their own value and how it sits with the value of the firm, it's all the more power to them and ultimately a better outcome for the client.

But Brown said firms shouldn't look to their competitors to compare price – ask yourselves if the price is right. Firms can benchmark by sending out their top sellers and understanding what price they sell at and how.

Another good value indicator is to ask clients what their alternative is, said John Burdass, director of commercial pricing at Experian. Remember that one of those is 'nothing' and nothing is free.

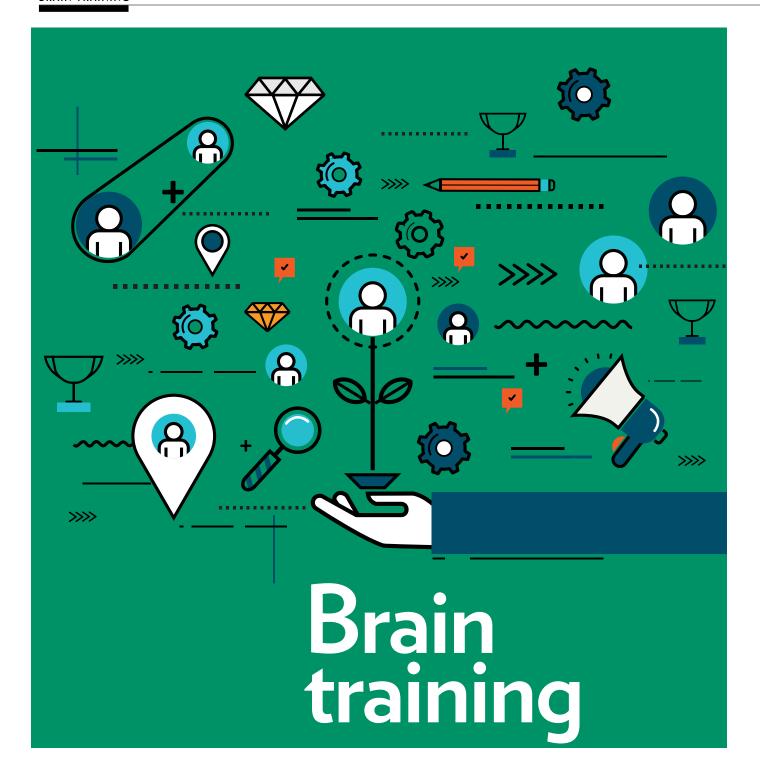
But scope is crucial, they all agreed. Shah said firms need to focus on capacity management – look at the pipeline and scheduling of resources, then firms can understand where the constraints are and can use an alternative delivery model.

Most of the work your firm does can also be done by your competitors, they said – it comes back to what differentiates your firm and its services.

There are certainly a lot of moving parts when it comes to pricing. As long as firms understand their value and what makes them stand out in the market, and can deliver the work to scope, the client will be all the happier for it.

**Briefing** 5P was packed with personality. Some went home with awards but everyone was awarded with the knowledge that people are at the centre of business. It's people that do the legal work and manage projects and it's people to whom you pitch for for work. People have the power to make a difference Too cheesy for you? Maybe, but I'm only human after all.

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**Test of character**Matthew Kay, director of **Vario** at **Pinsent Masons**, explains why
personality testing is so important in
hiring the best contractors

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**NANDS ON** 

# Test of character

Matthew Kay, director of Vario at Pinsent Masons, says 'cultural fit' is more than just a couple of business buzzwords he right 'cultural fit' – a business buzzword perhaps, but one which is at the heart of so many big companies. Apple CEO Tim Cook has previously talked about how he has fired top executives because of their lack of cultural fit. Google even has a name for it: they talk about 'Googliness' – people who embody the global technology company's core values, which include being proactive at work and 'going the extra mile'. Personality also plays a part, with people who display 'Googley' characteristics apparently also being friendly, kind, and willing to do a good deed without expectation of it being reciprocated.

There's no denying that recruiting with a focus such as this works – not only for how an individual performs in their role, but also how their own

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personality and values fit with those present in, and embodied by, the wider company.

For us at Vario, cultural fit is hugely important. Arguably, it's even more vital when you're working with contract lawyers. However, rather than having to fit into one specific company's culture, contract lawyers must do the opposite – they need to have a personality type which works well across several different sectors. Our 'Varios' can find they're working on one assignment for an oil company, and then six months later they're drafted in to help the in-house team at a football club, for example. We know that this variety of work is a huge draw for many lawyers who want to work more flexibly and crave more diversity day to day.

However, not everyone can do that seamlessly, so a lot of work goes in to ensuring we recruit the right people. Solid legal expertise is of course important, but those so-called 'softer skills' are also vital.

Through our research we've discovered that the perfect contract lawyer has a number of personality traits – they will be flexible, good under pressure, and have fantastic people skills.

#### Child's play

But how do you assess who has the full set of skills – both technical and personality-wise – to fulfil the criteria of a Vario contract lawyer? It can be difficult to get the full force of someone's personality and values from an interview. It's here that personality testing can come into its own. It has proved popular with retail and Personality testing as part of the recruitment process can be a helpful way to identify candidates who will not only bring the right technical ability to the role, but the right personal skills as well



technology companies - for instance, John Timpson, from the shoe repair and key-cutting family business, has revealed he uses the Mr Men characters while interviewing, assigning prospective members of staff with Hargreaves-inspired monikers. A Mr or Mrs Cheerful is likely to get a half-day trial in a Timpson store, whereas a Mr or Mrs Lazy is likely to be shown the door - no matter how impressive their CV is technically. The thinking behind this interview tactic is that skills can be taught, but personality is ingrained and harder to change.

Personality testing as part of the recruitment process can be a helpful way to identify candidates who will not only bring the right technical ability to the role, but the right personal skills as well. The tests can be completely custom designed for a firm's needs, and can be used to help identify a specific personality type that has already been recognised as a good fit.

At Vario, we don't just pay lip service to the use of personality tests in our recruitment process. We have worked closely with business psychologists to create personality tests for new Varios. These tests have been carefully honed over time and are now a very reliable way to match a lawyer with their perfect assignment. They focus on two broad areas – people and relationships, and drivers and emotions. And not only can they tell us whether an individual will make a good contract lawyer, we can also use the information gleaned from the tests to find out how a given individual will react in a variety of situations.

There are many examples of why this is important. One would be to understand how easily our Varios can make connections and build a network while on assignment. This might be of particular interest when the client is expecting the Vario to work remotely for substantial periods of time. In a case such as this, an ability to build a working network quickly and remotely is key to success.

We then use this detailed information not just to find our ideal recruits, but also to match the recruited lawyers to the perfect assignment for their particular skillset.

One of the areas we screen for



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is resilience. We work with a wide array of clients, which means there are many different cultures for our Varios to fit into. Some of our clients' environments are very demanding and they place their freelancers under significant pressure, which might not be what every Vario is seeking. We would look for a Vario to have a high level of resilience when considering them for such an assignment.

#### State of the nation

More broadly, of course, cultural fit doesn't just vary depending on a company, but also on the country it operates in.

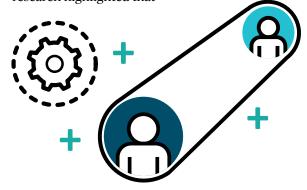
As 'Brits' we have our quirks
– an interesting recent article
published by Expatica, a USbased website for expats, warns
of subtle, indirect suggestions
that litter conversations in
British workplaces and which
could cause confusion. Our 'have
a go' nature and willingness to
make mistakes is also flagged as
something that could shock
those from mainland Europe,
where the cultural norm is much
more geared toward 'saving face'.

These are just a couple of examples among hundreds, throughout the world. So, when Vario launched in Australia in 2017, and then Singapore earlier in 2018, we worked hard with our business psychologists to ensure that our personality tests were appropriately tweaked to match the national business cultural norms.

There's a perception that the

Australians, for example, are easygoing compared to the Brits, but according to the OECD Better Life index, Australia sits behind the UK in terms of work-life balance. In Australia. 13.4% of employees say they work "very long" hours and 14.4 hours are devoted to personal care and leisure - less than the OECD average of 15 hours. The legal profession in Australia is considered one of the most stressed (as it is in many other countries around the world). All of these cultural factors were considered in the design of our testing processes, and subsequent recruitment.

Certainly, Varios in both the UK and Australia need to be reasonably relaxed, resilient and flexible. However, there are also some small but important differences. For example, our research highlighted that



We worked hard with our business psychologists to ensure our personality tests were appropriately tweaked to match the national business cultural norms

#### THE DEBRIEF



You always need to make sure you hire the right people for the jobs, and ensure they fit well into the fabric of any workplace. But with their contract lawyers experiencing a really wide variety of work types, Vario at Pinsent Masons needed to make sure that its new recruits would be right for this style of working. Personality testing was (part of) the answer. Deploying this type of assessment helped management to identify if someone has the right personal skills, as well as technical ability. Vario worked with business psychologists to create personality tests, which they could use not only to source their talent, but also to match recruited lawyers to the assignments that best suit their skillset. The testing regime is flexible, including open to being adapted to business cultural norms in different parts of the world.

> Australian lawyers tend to be more straightforward in their communication style, and a more relaxed, collegial-style culture pervades corporate Australia, which means that hierarchy is less accepted.

At Vario, we have found putting so much time and effort into ensuring our recruitment process is thorough and bespoke to us has certainly paid dividends in ensuring we recruit the right types of lawyers – those that suit both our clients and the demands and challenges of working flexibly more generally.

It is also my prediction that more law firms will start to use personality testing as a standard element of their recruitment process, particularly those that focus more on emotional intelligence and the wider range of skills a lawyer can bring to being productive in a role.

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28 The team from Wilson Legal talk making the most of data for your firm-wide information strategy

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Capsticks on how
Iridium Technology is powering
reporting productivity

# Data masters

The newly merged Wilson Legal and Stanton Allen team talk mastering law firm data and connecting silos to form a firm-wide information strategy



ata is the new king. Leaders in the legal sector know all too well the change in pace of legal technology and innovations. The sector is always written about as 'slow to change' but perhaps now the tides have turned as law firms are starting to find their feet in the new, fast-paced landscape – and mastering data will be their 'jar of dirt'.

Wilson Legal, too, in a bid to further innovate and better its services to its clients, announced its merger with UK-based Stanton Allen – a client relationship management (CRM) and business development (BD) consultancy – in May 2018. And though Wilson Legal was already a global firm with resources in multiple countries, Suki Sahansara, director, EMEA, says it was time to deepen relations with firms in the UK.

What's changed, and continues to change, in the legal sector is its use of data across a firm says

Michael Warren, founder and director at Stanton Allen.

"Historically, CRM was very much about adding people to marketing lists and running marketing activities. But in an increasingly competitive global market, law firms' BD and marketing teams have come to realise that they need access to information that originates in other departments and may sit in other systems."

And the same is true in other departments – Warren says firms are wanting to know how to master their data management by joining the dots between different systems in order to understand how to work better with clients.

#### Bridging the gap

According to Warren, there are two types of firm: those that have strategically recognised that firm-wide information is critical to the success of

PHOTO CREDIT: SIMON BRANDON



Left to right: Lindsay Barthram, director, consulting services – EMEA, Suki Sahansara, director – EMEA, Michael Warren, founder, Stanton Allen, Stu Gooderham, commercial director, Wilson Legal the business and how they make decisions, and those that have not.

"One of the challenges in implementing a firm-wide strategy is that it requires all of the different support functions – finance, knowledge, IT, marketing and BD, HR – actually working together. No single support director can make this change on their own," he says.

Joining the dots between data silos is quite a challenge because law firms have never really taken this approach before. Sure, the firm as a whole works because of the combined efforts of each support function, but they've never before worked in such close data proximity.

Sahansara adds that having identified the need to join data silos and actively doing it proves to be a big burden on most firms – unfortunately the project stalls because they don't know where to start.

"Firms can't be competitive by focusing on a practice management or BD system. All of the dots have to be joined but realising that vision is the real challenge," she says.

Lindsay Barthram, director, consulting services EMEA at Wilson Legal, says the CFOs he works with have been taking the lead. "Finance have the thirst for data at the moment and are driving this through to HR, up to BD and across the support functions because they're keen to know how they can use their data and gain greater insights into people, clients and operations."

Finance teams want to know how revenue and profit can be maximised as efficiently as possible. Linking HR and finance data, for example, allows insight around people and their skills to service clients on specific types of work, he says.

Breaking down the silos across systems and teams provides so much more context to the

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"We've all seen law firms deliver projects badly. Investing in technology is a given, but now we need to invest in communication and change management in equal measure."

Stu Gooderham, commercial director, Wilson Legal

different questions or insights being asked or provided. For example, 'do I have the right people delivering the right kind of work. What resources do I have to deliver an opportunity that we have identified in the market?' Firms are now trying to answer these sorts of questions and not just respond to the traditional requests for data about the number of hours recorded, fees generated, recovery and utilisation, Barthram says.

It's a small step in bridging the gap between functions, but there's a lot more to be leveraged if firms can learn to gather and use their data correctly.

#### Data data data

Stu Gooderham, commercial director at Wilson Legal, says a key part of mastering data management is understanding what data the firm holds, why it holds that data and how it will play a bigger part in the goals of the business.

The merger with Stanton Allen provides a new lens on the business intelligence and reporting that firms have traditionally done, he says.

"All the C-suite functions in firms are realising that it's crucial to get data from multiple departments and into one area to really start informing business decisions."

But Gooderham says he sees similar problems when managing a data project like this outside the legal sector.

In an accountancy firm he recently visited, there was a project that was quite technical and the teams weren't informed on how to make key decisions, nor were they told why doing things in a particular way could actually lead to a better

outcome – so even though the technologists were delivering a solid technical project, they weren't delivering a business project.

And the way law firms behave and the challenges they face are no different.

Barthram recalls his time as head of transformation at a leading law firm. He says the firm wasn't going to follow what law firms traditionally did – it wanted to draw on the experience of other industries to see if it could capitalise on any benefits or advantages.

"The CFO at that firm had a unique way of describing it. He said 'It doesn't matter whether you're a law firm or a bank, a debit or credit is still a debit or credit so don't try to reinvent it'."

It's a view that has been trickling its way through the legal sector in recent years. Law firms have traditionally done what other firms have done but they're now starting to change that philosophy.

Warren says this has also been driven, to an extent, by technology – there's a move towards questioning the need to buy systems that have been built specifically for law firms.

"It would be amusing if someone were to come along and say 'don't buy Outlook, I've made this email system that's built specifically for law firms'. Most CIOs would laugh you out of the room."

Warren recognises that there has been a valid place for some 'made for legal' technologies. Document management, for example, has to be industry specific but CRM is definitely changing, he says.

But, he adds, this shift in opinion is creating a change in the type of data firms collect.

"Those who were perhaps early adopters in master data management and firm-wide information strategy might have ended up with a lot of data that didn't really get them anywhere."

Warren says firms have to ask themselves 'what's the actual question the firm is trying to answer' as opposed to 'what data does it want'.

Unfortunately, he says, most firms have pulled their data together, put it in a warehouse and built a report around it – and when they step back they realise they didn't really do anything other than put all of their bad data in a single place.

The complexity in managing a law firm is in the

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structure of the relationships that they need to build with their clients and in the legal work that they deliver. In themselves they're not complex businesses, and so firms must have clear goals in mind and ask simple questions – and that's where Wilson Legal can help, Warren says.

#### Time's a changin'

So, how can law firms make sure they're not just curating data for the sake of it? Sahansara says it's about two words: change management.

She says law firms have finally come to understand the importance of change management.

"In the past, when a PMS implementation needed change management activities to be sponsored by partners it was almost waved away as an additional unnecessary cost. And then at the end of the implementation, when there was no buy-in, everyone scratched their heads and couldn't understand why it didn't work out the way they had planned."

The firms that recognise the need for a change management stream in their projects are always far more successful than those that don't, she says.

Whether it's a CRM project, upgrade or PMS implementation, Sahansara adds, it impacts people in the firm. And those people need to know why they're doing it, how it will change their lives, what's in it for them, how it will make their lives easier and when this is all going to happen.

Gooderham agrees: "We've all seen law firms deliver projects badly. Investing in technology is a given, but now we need to invest in communication and change management in equal measure."

He says communication, setting realistic objectives and creating strategic relationships with vendors are all really simple things that everyone, including the vendors, need to do better.

"All too often, the delivered project does not compare favourably to what the firm thought it had signed up to and that makes everyone question the integrity of what was delivered and the return on investment."

It's simple: the project team, including the vendor, has to manage the expectations of its internal clients and clearly set out what it is that

#### **EVERY STEP YOU TAKE**

Top data and change management tips from the new Wilson Legal team:

Keep it simple – Warren says firms should think of data in terms of building blocks that are needed to answer specific questions. There's no need to overcomplicate things.

Understand the firm's needs – Sahansara says collecting the same data over and over again in different systems and then trying to marry them up doesn't work. In order to collect the right data, staff need to understand the firm's goals and how data will help play a role in its overall strategy.

Set realistic objectives – Gooderham says once the foundation is set with simple data points and tying that to the firm's goals, the firm should be able to have open, challenging and robust conversations about what objectives a particular project will achieve. Shooting for the stars is nice and ambitious but a pragmatic teamorientated approach will stand a much better chance of delivering the right outcome.

Don't reinvent the wheel – Barthram says a lot of firms end up trying to reinvent what they already have. Firms should be more pragmatic and think about where they want to be in the next five to 10 years.

the project is going to deliver, he says.

Barthram adds that bringing people along for the journey is a big factor in the success of a project. "It's all about communication. It doesn't have to be formal – an impromptu tea room discussion about the change and benefits can be very effective at getting the messages out there and raising awareness."

And another important step, Gooderham says, is getting the right people involved, both internally and externally. Wilson Legal and Stanton Allen are experts in their field, and he encourages firms to take advantage of this expertise.

"Very few law firms carry these experts in their organisation ready to do a project. There's no bench full of people waiting to do a HR, CRM or PMS project – no matter how big the firm's IT team might be."

Ultimately, it's data's day – law firms are reorganising and rethinking their legal services and business models but it all comes back to the client. If the data isn't working for the client, then it doesn't matter how impressive the systems are – it's just the emperor's new clothes.



## Breathing lifecycle

Dave Harris, client solutions director at OnePlace, says selling has long been a sensitive matter for lawyers - but client lifecycle management can give them direction and greater confidence

awyers have traditionally had to cope with a different model of selling their services. Historically, clients were 'loyal', so incoming work was fairly predictable. Now, however, in an age where true customer-centric strategies are flourishing in other sectors - and this one is dealing with a relatively flat market - it's businesses that differentiate the client experience that will win the day. But why does selling a legal service, in particular, prove so difficult in practice? Dave Harris, client solutions director at OnePlace, says: "When you think about it, it should be easier than some other 'sells'. Every business or individual will need the services of a lawyer at some point, so what's the problem?"

One obstacle to managing more client-centric thinking might be the way legal work has tended to be incentivised for a long time – not least, perhaps, our old friend the billable hour. Changes are being made in this area, Harris says, but there's still work to be done. "The choice between spending time generating new opportunities and working on your existing billable activities is a real challenge for many firms.

"It's an industry built on timekeeping, so it becomes difficult to make the decision to invest in non-billable activities now for a potential future gain. It's easier to focus on what will bear fruit immediately," he explains. "Of course, there's then a risk that the business isn't thinking sufficiently



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long-term about work they'd like or need in the pipeline in future."

#### Learning to listen

There's also a tendency to cling to the belief that it's an edge on legal ability that ultimately wins a 21st-century law firm work. That's not necessarily so, says Harris. "Accepting the idea that personal chemistry between lawyer and client can be more important than legal knowledge is crucial if firms want to win the business development battle." So, they will need to embed the staple sales skill of rapport-building one way or another.

"There's a reason that firms have traditionally worshipped the idea of the 'rainmaker' – the special employee with that innate ability to nurture and grow client relationships and develop a healthy pipeline," says Harris. "It's because selling is a different beast to legal work. It doesn't follow that good lawyers will necessarily be good at selling themselves or services, and unfortunately some don't even want to be."

And never mind closing the deal – for all the 'client listening' initiatives out there in the market, in many cases it appears they don't really even get around to asking clients questions about what they think and most want. Of course, this ties to the idea that top legal expertise trumps all.

Harris gives a personal experience of a recent relocation. He was never asked the reason for his home move, and says his law firm assumed all he cared about was maximising profit. "We weren't being listened to, and we had very specific reasons unconnected to price. Those weren't factored in during negotiation – so frustration all round."

That's a consumer concern, but it's not hard to spot examples from the corporate world too – for example, a legal team that doesn't make the effort to understand the wider context a client operates in, such as the behaviour of its customer base or its business culture and values.

#### Awake conversation

The good news is that while technology solutions such as OnePlace might not be able to make your lawyers better listeners, they can certainly arm them with information to have better, more rapport-building conversations when they do.

Harris explains: "Well-designed client relationship management gives people 'clues'

about the nature of a client relationship – other people who also know your client, whether in the firm or outside, what else the firm's working on, what it'll be working on in future, who is involved, and so on. All of this can effectively demonstrate that you know – and more importantly, you care – about what's going on with that client in detail."

By extension, it can also help to cross-sell and upsell into adjacent practices – and perhaps predict future opportunities sooner, presenting a better chance to win. "A really good CRM will leverage client knowledge to offer opportunities for 'softer' introductions – not just surfacing information about client history, but effectively transforming that into good reasons to trust the firm or initiate conversations," says Harris.

But he also emphasises that, like OnePlace, firms must focus on the full client lifecycle – the experience at each and every touchpoint, no matter how seemingly small. "Client engagement should strive to be consistent across the firm but also during the gaps between matters, even if there's no billable work in progress," he says.

On the other hand, a CRM attuned to the entire client lifecycle might well highlight a billing problem. "If the billing system flags a concern, that's also a CRM concern – it affects the relationship," says Harris. In this way, 'listening' carefully connects to risk management as much as business development – perhaps informing the firm when and why a long-term relationship is suddenly at higher risk.

#### Game changer?

And if technology can't quite force your lawyers to become natural-born salespeople, it can perhaps nudge them that way. OnePlace offers flexible and easy-to-build dashboards and reports to harness employees' natural competitiveness – a classic tactic of the sales floor, of course. 'Leaderboard' displays can be regularly updated in the system, with top-performing partners, teams, or even practices. People are emotionally incentivised to try to make it to the top. As with other aspects of the solution, these are also available on mobile devices to maximise the potential productivity in building and tending client networks.

But it's one step at a time – and, Harris says, confident client conversations that create opportunities should always come first.

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## The Al evolution

Alistair Wye, lead product strategist for iManage RAVN, explains how the lawyer of tomorrow can augment themselves free from grunt work

he lawyer of yesterday knew and applied the law. The lawyer of today is now also equipped with expertise in legal process management. However, the lawyer of tomorrow will be augmented with modern software capabilities to do away with the grunt work of modern legal practice, benefitting lawyer, firm and client.

This might sound like science fiction but let me explain further.

Much of modern legal practice is rife with inefficient, repetitive processes, such as transactional teams in M&A and banking.

Due diligence tasks in these teams involve inordinate amounts of lawyer attention to identify basic data points about each document. These data points can range from parties, dates, governing law and document type to clauses of interest such as change of control, indemnities and transfer. All of this necessarily enables onward legal analysis of the results and, in turn, the meatier legal tasks of advice, negotiation, drafting and legal strategy.

#### The brain drain

Let's take a look at why that initial due diligence is woefully inefficient. For example, I open a PDF document, discover it's not word searchable, try to make it word searchable within my PDF viewer, end up calling IT to see if they have a tool to help and (if they do) eventually keyword search my way to the right clause or sentence, copying and pasting it into a Word or Excel table, tagging it in some way (such as with a red flag or not), commenting on it, and so on. Then, rinse and repeat this process for each data point for the hundreds or thousands of documents per transaction.

Are legal minds being wasted on such tasks? Are clients getting poor value? Absolutely.

Today's legal technology is mostly plumbing – DMS, email, word processing, billing, and so on.

This is absolutely fine, it's the bedrock on which to deploy a new wave of legal technology. And this will be part of what the augmented lawyer of tomorrow does.

The augmented lawyer combines new technologies such as artificial intelligence (AI) and robotic process automation (RPA) applications to automate and/or augment routine tasks like those described above.

For instance, AI document review software does away with the incessant clicking, clunky searching, opening and closing of documents, and copying and pasting. Instead, these applications allow easy search and identification of key data points through a fluid review interface.

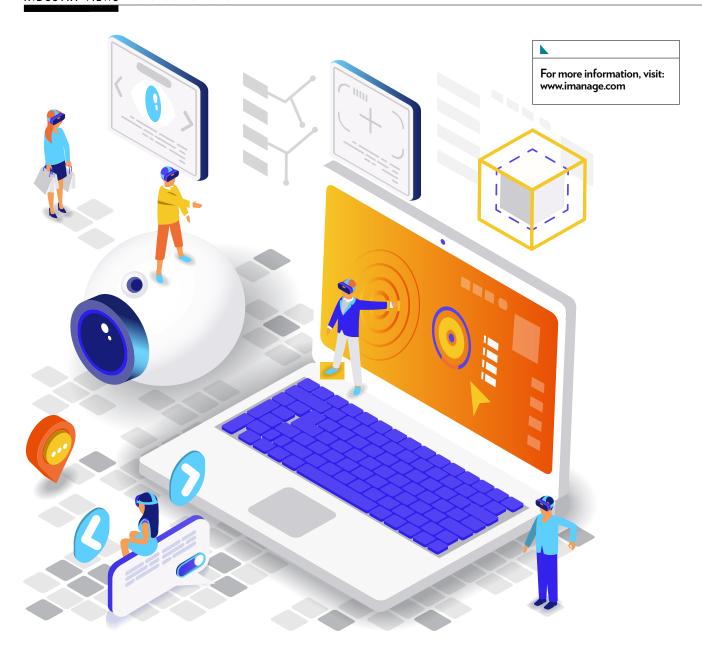
Better still, document review via such systems teaches the system how to automatically identify, extract and classify such data in identical ways to the lawyer behavior. Some systems, including one developed by iManage, can do even more – for example, identifying a transfer clause but additionally classifying it into a meaningful category such as 'transfer permitted without consent and without notice', 'transfer permitted without consent but on notice', 'transfer prohibited' or 'transferability unclear/silent'.

#### Benefit build up

Teaching these systems how to automate such tasks has three immediate benefits.

First, unlike manual review, AI document review is dynamic. Teaching the system how to review one document improves its chances of being able to answer equivalent questions for another document, and so on. Over time, lawyer involvement is reduced to simply spot-checking machine-generated results, rather than end-to-end manual identification and validation of data points.

Second, the system's learning ability means continuous improvements in speed and accuracy,



thereby lowering costs and increasing competitiveness. This aspect means previously unprofitable workstreams become increasingly profitable. Better still, new work may be enabled – allowing a previously outbid firm to pitch for work more competitively.

Third, quicker and cheaper delivery through automation enhances the ability to meet client demands for fixed pricing on the most expensive (often loss-leading) tasks in a transaction, such as due diligence. Related, AI document review systems are apt to identify document types, languages and jurisdictions on new matters, allowing firms to assess scope better and earlier than before, further improving speed and accuracy of cost prediction.

Combining this with some clever use of RPA, such as next-generation document assembly and negotiation tools, the augmented lawyer of tomorrow is freed up to do what lawyers usually

love to do - lawyering.

Most lawyers I know and meet (myself included) find no intellectual fulfilment in the mind-numbing, repetitive legal processes inherent in modern practice. The best parts of their job are problem solving, creative drafting, and joining strategy with legal and commercial advice to get the best deal for their clients.

In summary, the targeted use of AI, RPA and similar technologies atop a solid bedrock of today's practice management software enables the augmented lawyer of tomorrow to delegate grunt work to machines. As a result, costs are reduced, competitiveness is increased, and value and delivery against client expectations is enhanced or even enabled. Lawyers won't be replaced by AI – instead, they should invest time today to understand, experiment and apply AI to their practice areas. With AI, tomorrow's lawyers should lead and do, not wait and see!

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Rod Fripp, IT director, Capsticks, says the case for choosing business intelligence reporting from Iridium Technology couldn't be clearer

t wasn't long after joining Capsticks in November 2017 that IT director Rod Fripp had another portion of significant change on his plate. After a review of the firm's management reporting needs, he soon went live with a brand new fee earner dashboard from Iridium Technology.

"An employee who'd been responsible for a lot of custom reporting had left the firm not long before I arrived," he says. "So that had already started a wider conversation about the best structure for the system support and reporting function in future."

The firm's finance director, John Campbell, and Fripp both decided it would be most effective to move the financial support function from finance to sit in the IT department. But what about the

business intelligence itself?

"Rather than replacing that lost human knowledge, we said why not look into the option of something more standardised and supportable? If we can answer more questions directly through technology, less business intelligence is lost if somebody walks out of the door.

#### Dashboard delivery

Finance and IT therefore worked together on a business and IT investment case, went out to the market to explore some different BI options, and eventually settled on a system from Iridium.

Implementation of everything this might do is a work in progress – which is in line with a strategic goal of continuous improvement in leveraging data. The firm has started working with three modules.

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"The general ledger module is for those of us who manage a distinct cost centre to improve our control of them," says Fripp.

"The revenue module then combines key metrics for fee earner performance with continuous client management – and the matter-budgeting module will help us with client spend management, including ensuring cost information is both accessible and timely for clients.

"Our clients want visibility that we're working within their budgets – and in time we'll use the pricing module to manage leverage on matters more effectively. Where client budgets get tighter, we can adapt the resourcing of matters to meet them and maintain profitability." Two core sector areas for Capsticks are healthcare and emergency services, and its clients include the NHS, which of course has huge pressure to demonstrate value for money itself.

But the difference Iridium makes will be most immediately felt by the firm's fee earners, says Fripp. "The revenue module is giving our people more core information to manage their own workloads more effectively. It will then use performance metrics for people and teams over time to highlight how the business as a whole might improve.

"For example, we've created new fee earner-facing dashboards. They still update the same basic time information, such as chargeable hours and targets, but we're adding sight of fees billed – and, even more importantly, cash collected – along with drill-down into all client matters and past financial performance. Fee earners can now see the up-to-date financial position on all their matters in just a few clicks.

"More generally, the work is to ensure firm data that was previously slightly disjointed is efficiently centralised – run simultaneously, and where everyone with permission sees the same thing in the same manner."

#### All included

This IT project is in a comparatively early phase, but Fripp says the firm already has evidence of return on its decision to invest in Iridium.

"We're immediately saving on headcount -

"If we can answer more questions directly through technology, less business intelligence is lost if somebody walks out of the door."

not just on the reporting skillset, but also any system support we might need. And one of the most attractive things is that all work is included in a flat monthly subscription per module," he says.

"Iridium can add new areas of functionality very quickly. We've access to a team there via our subscription who we can call on at any time by way of a simple email address, and they also perform proactive checking of data feeds for us overnight.

"The firm wants real partnerships with clients to be able to add measurable value, and I like to see the same from our own suppliers in turn."

One aspect of added value in the subscription model, he says, is that changing how the firm uses data can be a very agile process over time. "We can focus on a new metric or set of dashboards, and collaborate with Iridium to prioritise or reprioritise the production cycle. It can be an ongoing process of improvement."

Another is the efficiency of Iridium including the work of integration with time recording, case and practice management systems, he says. "As this was agreed at the outset, we won't need to write new procedures down the line. We can also pull in HR system data, so we'll be able to slice and dice all our management information from the same place." With the firm's PMS shortly in need of an upgrade – which may mean a change of supplier – the scope even includes integrating that project when it comes along.

"I've seen situations in the past where you'd then effectively need to start from scratch. Fortunately, we'll be able to maintain the dashboard reporting during an upgrade, and it's one less thing to factor into my project budget."

Fripp and his colleagues will no doubt be focused on extracting maximum value from Iridium, no less than from the raw data to drive continuous improvement of lawyer productivity, profitable delivery and client satisfaction.

MAGIC MOMENTS

# Crypto-coffee

David Brennan, partner and co-chair of global technology, and Jody Jansen, head of architecture and innovation, Gowling WLG, talk us through the building of a blockchain education initiative



n 2018, after seeing a substantial increase in client involvement in blockchain and cryptocurrencies, Gowling WLG has introduced its own internal cryptocurrency to help educate its employees on blockchain.

David Brennan, partner and cochair of global technology, says: "Most of the big-ticket stuff that we've been working on has been very sophisticated companies, with very sophisticated investment bases, carrying out global initial coin offerings – essentially an IPO with cryptocurrencies – in eight to ten different jurisdictions around the world, but following a regulated route."

Thanks to this, Brennan explains, the management team was being inundated with a different sort of instruction from staff – "tell us what this blockchain is all about". What is blockchain? What are you doing? Is this safe?

Jody Jansen, head of architecture and innovation, also noticed a new need to educate his technical team. "Nowadays, IT no longer only serves as an IT function. Our IT team often needs to advise on blockchain, and you can't do so if you've never used it. My challenge was to figure out how to educate my team, and when David said to me that he too needed to educate his tech group, we thought we'd combine it into one initiative."

Jansen and Tony McKenna, who heads up the IT group, put their heads together to find the best way to do so.

Brennan says: "Importantly, we wanted to make it fun because, in all honesty, any sort of training can be dull as dishwater, and when people are asked to use technology in a certain way they don't really pay much attention to words on a page. So, Jody and his team developed the Gowling WLG reward token – or GRTs."

What does this mean? The firm printed its own, openly available cryptocurrency on a blockchain platform that lives on its specifically designed GRT mobile app.

First, says Jansen, someone goes onto the initiative's webpage and registers an account – this is where the education begins.

"They start by watching a really basic, cartoon-style video that explains blockchain in two minutes. By watching it, they are instantly rewarded with two GRTs and allowed to progress to further sections. They build a digital wallet and create and exchange blockchain tokens with no money changing hands. Via a QR code, they can exchange these tokens for a free coffee at the firm's London or Birmingham office cafes as a reward."

The scheme also has social uses within the business, Brennan adds. "We've been firing tokens around with wild abandon, for example using them to say thank you to colleagues."

Blockchain may boggle your mind – but Jansen also highlights how straightforward introducing the initiative was.

He says: "The launch only took four

months. This was partly because everyone was so enchanted by blockchain – my technical people put their own hours in to get it up and running, and management was really excited because they were able to actually use the technology."

But Brennan notes they needed to have a strategic approach to ensure it was successfully adopted.

"The objective was to make sure everyone gets involved. I chose the corporate team for the pilot and went in to help them download the app and walk them through it to make sure they understood.

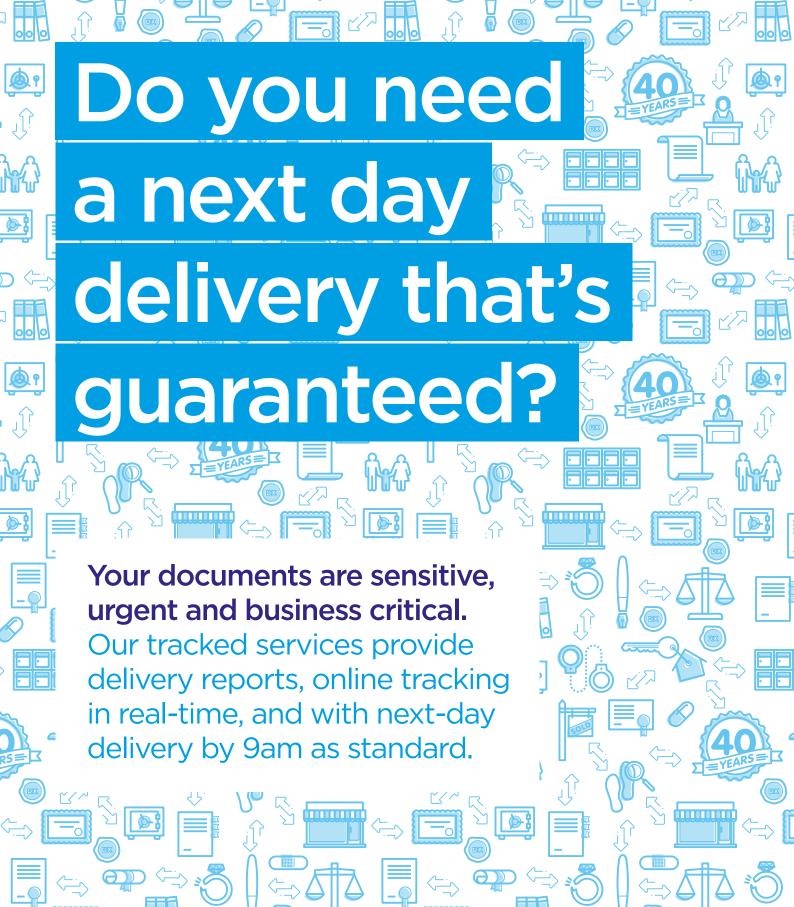
"This was important because if you get the buy-in from them, first they're chuffed that they can use an app and, second, they're also the people that others learn from. If they use it, others will follow. And we wanted to do it in a way that captures everyone, not just those who are technically minded."

The team behind the initiative is in discussion to ship it out to the firm's overseas offices, and Jansen already has some other big plans for the future.

"Right now, we've only done the cryptocurrency side of things. Keeping the education light and entertaining, we'll next be placing a specific transaction in the blockchain, and whoever finds the details of it, using technical tools, can win a ticket to any of our offices as a holiday. After this, we want to focus on programming and processing smart contracts using the same gamification-idea and GRTs."

As told to Andrew Muir

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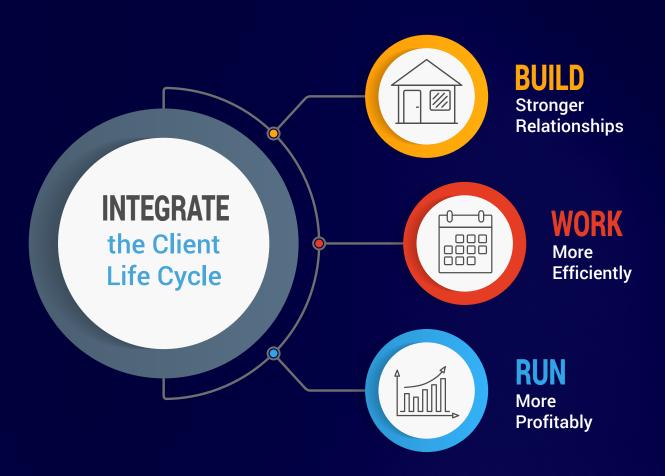


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