

October 2017

Briefing

SMARTER LEGAL BUSINESS MANAGEMENT

ROLE WITH IT

Katherine Hallam at Capsticks on the business case for a new career path

IN THE PILOT SEAT

Derek Cummings at Burness Paull on managing to make agile work

E-SIGN UP

Why Bird & Bird is leading the way in e-signatures



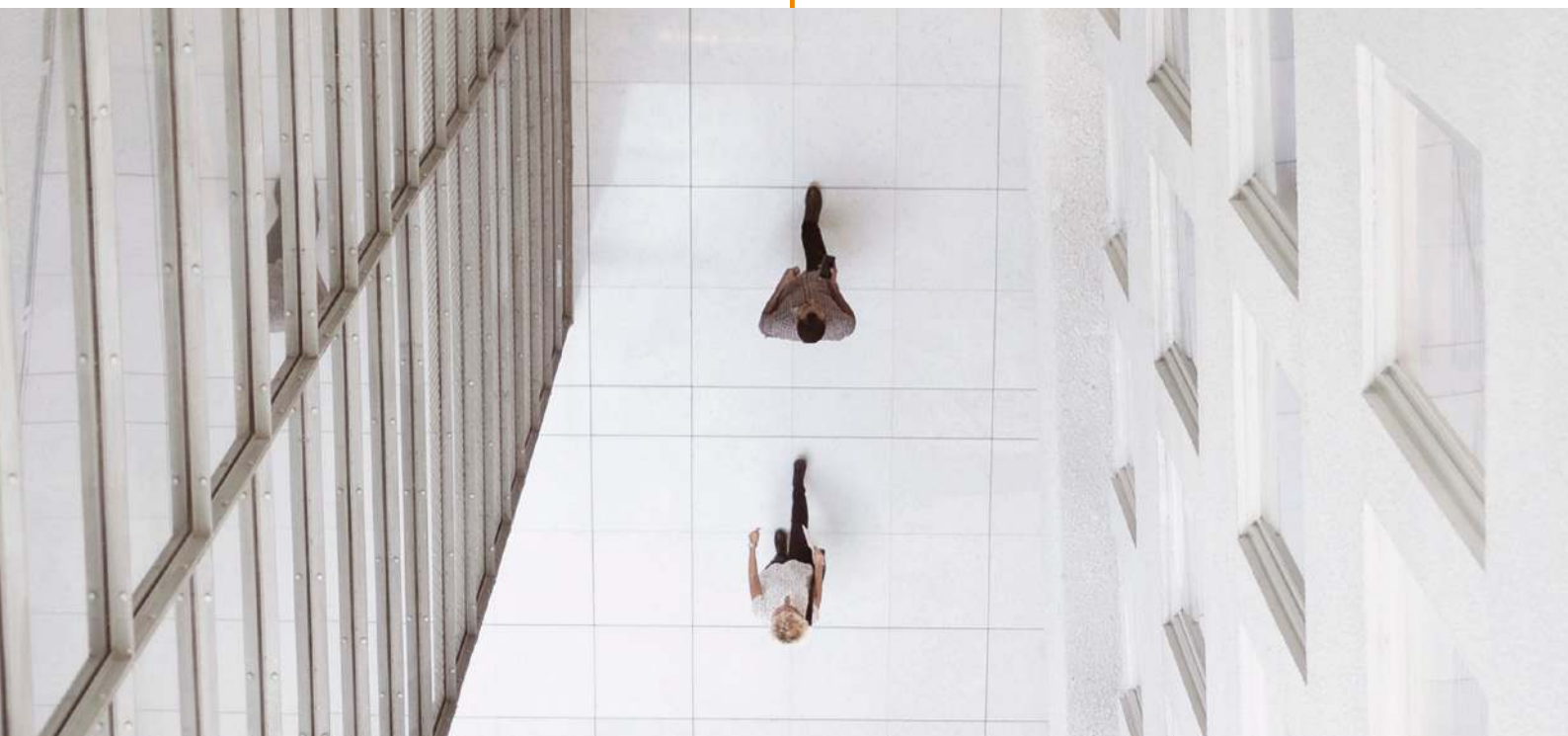
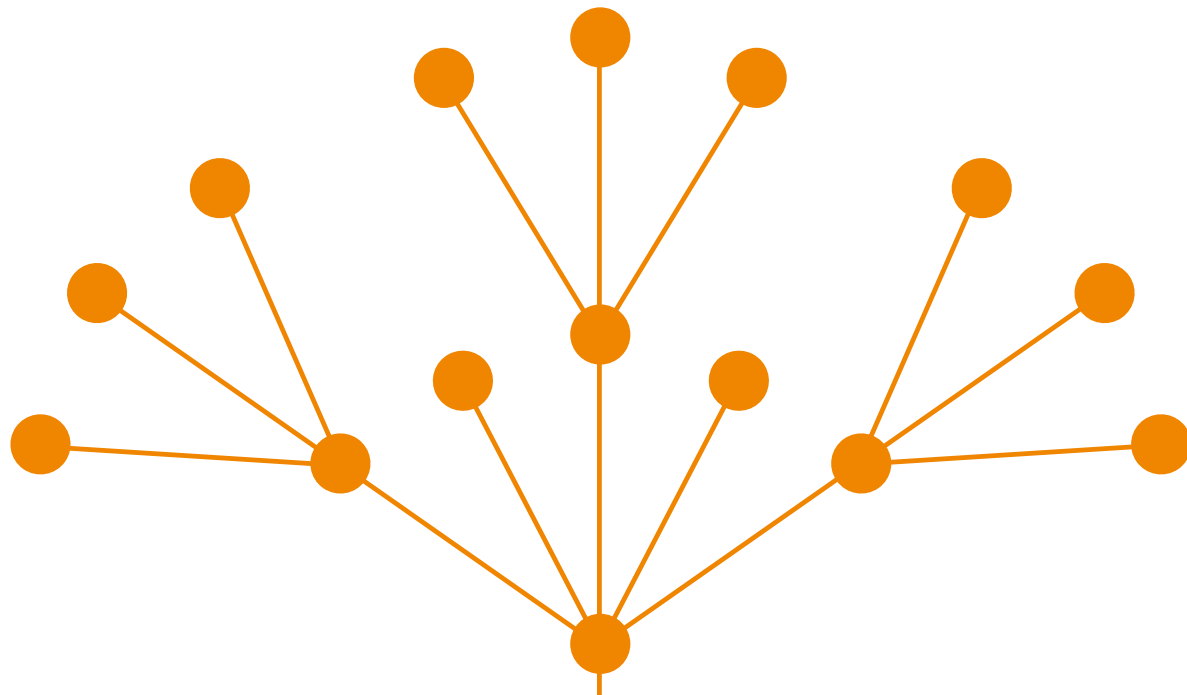
Socially capitalise

From greener buildings to improving education, law firms talk about how feeling good about giving back also benefits the business

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Editor's letter



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This week I was at the IBA's Arab International Women's Forum (very well hosted by Boodle Hatfield), hearing about the persisting challenges of driving more diversity into legal business.

Among many a great takeaway, one observation particularly struck and stuck with me. During the panel 'Creating women-and-family-friendly working cultures in law and the professions' there was a discussion about delivering a new agile working policy. One challenge for a firm, someone said, might well be overcoming an obstacle that doesn't even exist – that is, people's perceptions of what is and isn't doable with more flexible hours and working arrangements.

To create that awareness, it's probably not enough to list a menu of flexible working options in a policy document. Rather, you need case studies demonstrating how individuals at all levels of the firm are using agile to change their lives and careers for the better (without changing client satisfaction scores for the worse).

The point was neatly made that lawyers just love to have a precedent to work off. So, if you want your people to pick up new behaviours like different ways of working, you'll have to create some new precedents for them.

I came back to this idea on reading that PwC has just publicly reported its black, Asian and minority ethnic (BAME) pay and bonus gaps – 12.8% and 35.4% – along with the analysis that although employees are paid equally for equivalent jobs, there's a higher proportion of BAME staff in more junior, administrative roles. Chair Kevin Ellis said: "The more we understand what these barriers are and why they exist, the quicker we'll be able to work towards creating truly inclusive organisations."

PwC wasn't obliged to do this – it decided it was a good idea in line with some goals, and has rightly received attention for that. Now, I'm not necessarily suggesting a law firm couldn't come up with something just as good in any number of management areas, but in this case it's PwC that has set the precedent. Well, it's "one of the first," says the press release.

Readers will no doubt also have seen the news that PwC is to establish law firm ILC Legal in the US (it's a separate legal entity from both PwC Legal and the rest). It remains to be seen what that does to the competitive threat the Big Four pose to legal as a group. But it may be time to get a few new precedents regardless.

RICHARD BRENT EDITOR



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Inside this month



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Who's on your dream team?

“There can be an expectation that your BD person is a jack-of-all-trades.”

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



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

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ROUNDUP

Movers and shake-up

Briefing is forever being told that the law is, first and foremost, a people industry, so this month we've news of some eager new faces lighting up your businesses.

Well, one of them isn't so very new. **DWF** has revealed that its next chair is none other than Sir Nigel Knowles. He should need no introduction, but is credited with the growth and immense globalisation of **DLA Piper** – from which he retired in June 2016. He worked at the firm for almost 40 years, receiving a knighthood for services to the legal industry in 2009.

40

The number of years **DWF's** new chair, Sir Nigel Knowles, worked for **DLA Piper**

Andrew Leatherland, managing partner and CEO of **DWF**, said in a press release: "We're redefining legal services by connecting legal expertise with a broad range of products and services to solve our clients' business problems from start to finish. To have Sir Nigel join us is a huge vote of confidence in our strategy."

Another notable mover last month was David Staiano – joining **Ashurst** as global director of business development and marketing, based in London. Previously at **Simmons & Simmons**, **Mayer Brown** and **Deloitte**, Staiano sits on the executive team alongside chief finance and operations director Jan Gooze-Zijl, chief people officer Caroline Rawes and several partners, including managing partner Paul Jenkins.

Staiano said: "Increased competition and the continued drive for innovation and efficiency in legal service delivery have fundamentally changed the landscape within which we operate. The role a high-performance business development team can

play in terms of winning and retaining business is, therefore, even more critical."

We're sure many would agree – but where exactly will the teams of the future come from? Talent pipeline maintenance is also business-critical, and following the introduction of the apprenticeship levy in April 2017, firms appear to be stepping up their investments in this area.

Pinsent Masons, for example, is expanding its relationship with **The University of Law** (which trains up its future trainees) to do the same for 20 new paralegal apprentices as of November 2017, plus six finance apprentices. The new finance faces will follow an association of accounting technicians (AAT) programme, leading to a professional qualification from the association.

Deborah McCormack, head of recruitment and graduate development at Pinsents, said: "Providing innovative new pathways into our business and profession through a blend of graduate and apprenticeship opportunities widens the talent pool we have access to and the ways in which candidates can engage and connect."

And finally, the mighty public face of one firm – much in the news – is changing very significantly indeed. At the end of August, **Slater and Gordon Group** announced to the Australian Stock Exchange its UK operations would be wholly separated and transferred to holding company UK HoldCo, wholly owned by the senior lenders.

The business also confirmed that the group chief financial officer Bryce Houghton would depart once recapitalisation documentation was lodged with the regulators and responsibilities handed over – which would be no later than 15 November 2017.

Another wise move? The announcement declared: "The company believes the separation of the UK operations provides the best option to enable both the Australian and UK operations to succeed in their own right." ▀



Market for it

The highest-performing US law firms in terms of profitability are also increasing their year-on-year spend on marketing and BD and technology, rather than relying on rate growth, according to a new report

MARKETING AND BD SPENDS UP BY:

4.6%

Top quartile of growing firms

1.8%

Bottom quartile

TECHNOLOGY SPENDS UP BY:

3.2%

Top quartile of growing firms

1.2%

Bottom quartile

BD BASICS

80%

of firms rank BD as 4/5 as a management priority for the year

70%

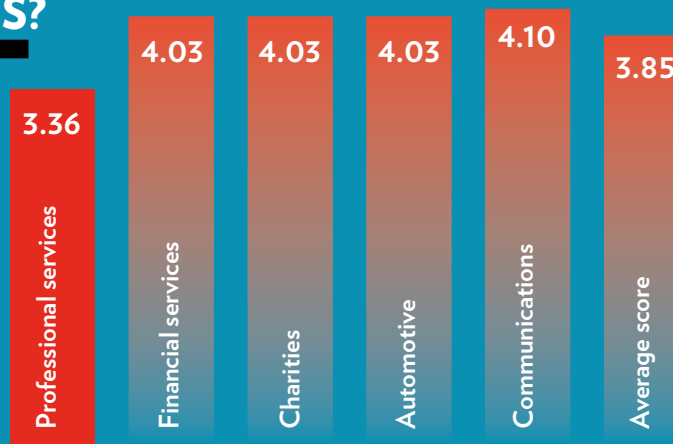
believe BD will be a greater priority for investment than the previous year

67%

anticipate changes to the current BD strategy

INVEST TO IMPRESS?

However, a separate report finds professional services needs to up its BD game compared with some industry sectors. Colleagues in other departments were asked to score the organisation's BD department out of five for "ability to get things done; how technically good they are at their jobs; and how responsive they are to other teams."



READING LIST

Future perfect tension

Mark Aston, business development and marketing director at Moore Blatch, says a book about our digital future deserves your present close attention



Richard Watson is best known for his 2007 bestseller *Future Files*. Now, 10 years on, in *Digital vs Human* he examines how we'll live, love and think in the future.

In the past, humans and technology have lived side by side. But Watson paints a future where the two will be increasingly intertwined, a future where technology could impact the very heart of what it means to be us. That's what makes this book stand out – a very human approach.

Of course, advancement and progress is an inherent part of what it means to be human. But this time, Watson argues, for the first time, technology could impact those aspects of being human previously thought unassailable. Are AI and automation just the start of a journey that could see machines outclass humans in every way? And what could that mean?

Watson warns of a future where many become irrelevant in a digital economy, while the few at the top accrue vast wealth. For this, and a host of other reasons, he urges us to pause for breath. Technological advance is undoubtedly 'progress', but toward what? The book is filled with facts and stats that literally stop you in your tracks. For each million dollars Amazon makes, it employs roughly one person. Just stop and think on that.

But this is far from just a dystopian vision – every dire warning is balanced by the benefits digital advancement can bring. And this is the main theme: we shouldn't accept all advancements

without serious discussion of the ways they can, or should, be implemented to ensure our world changes for the better. The wave we're experiencing now is unprecedented in modern history. As such the past can't necessarily guide us. So, this isn't a future we should blithely accept. It's one we should proactively shape.

And Watson's predictions about where tech could lead are firmly rooted in what we're seeing now. That's why this book so often strikes a chord. Some of our current technology, he argues, was devised with the future in mind. Was Uber, from the outset, conceived as a service for driverless cars? Was Google Maps designed for people or machines? The launch of Google cars suggests machine.

But, as he points out, the biggest hurdle facing driver automation isn't new inventions. It's how the law and legislation are revised to cope with unforeseen events (eg hacking a vehicle) and accidents. Elsewhere, the book drives home the need for greater enforcement of copyright and IP laws. The future is closer than we think. The law mustn't lag too far behind.

On the other hand, perhaps the most striking tale here is of a school in Silicon Valley where employees of companies such as Google and Apple send their children. Far from being full of computers and iPads, the school uses blackboards and books on the premise that computers and learning don't mix well. Those at the cusp of what lies next are choosing to educate their children in a tech-free zone! ▶

Publisher: Scribe
Publication date: April 2016
Price: £14.99

The book is filled with facts and stats that literally stop you in your tracks. For each million dollars Amazon makes, it employs roughly one person. Just stop and think on that



WHAT'S ON YOUR WHITEBOARD?



It's a year since Peter Jackson was appointed as the first CEO of Hill Dickinson. He explains how the absence of a managing partner – and more – changes business for the better

Q Why did the firm need you as a CEO rather than managing partner?

A We'd toyed with the idea of the transition for three years or so, but by the end of 2016 it had become inarguable that the traditional MP role was becoming unsustainable. We needed more management bandwidth and to differentiate between internal and external focus. We brought in a new chief operating officer with specific skills, and that left me freer to focus on developing clients, growing relationships, and identifying changes to strategy.

Q How did you find the change personally?

A It was tempting to jump into operational issues whenever they flashed up. It took a few weeks to get used to the fact that, while ultimate responsibility rests at my door, I'm no longer responsible for rolling my sleeves up in the same way as I was. There was a seminal moment where my COO sent a lovely, polite email telling me I'd made a terrible decision, he'd fix it, but to leave well alone in future. He was right – and I realised we were starting to understand each other.

Q How did you go about finding a COO?

A It's an unusual one. I had brought him [Iain Johnston] in as an NED about 18 months earlier. The board had wanted someone with more knowledge of the IT environment – not technical resource, but someone with a background in managing more heavily IT-dependent businesses – who could show us where we were strong or weak, or needed to invest. But as Iain had been a purchaser of legal services for years, as well as working in professional services, he emerged as an obvious choice for COO. We went out to a headhunter as well, but threw him into the process at an early stage, and were able to appoint significantly ahead of the timescale you might expect.

Q How has having a COO changed management?

A Aside from less partnership pushback against his 'outsider' status, he has brought more project management discipline to work. I'm not saying we always got that wrong in the past – but let's just say that meetings start on time, sometimes even early! When Iain runs a meeting, there's always an agenda, the necessary inputs are gathered,

and there are action points. Nobody leaves without next steps and timescales, and a time to get back together to review the output.

Q Why have you been an early adopter of business services apprentices?

A Alongside other firms we got involved in a scheme run by Manchester University, which was really responding to a socioeconomic need – a much larger group of 18-year-olds wanting to go straight into a career. From our perspective, I think there's also opportunity in getting and moulding people at a much earlier stage. Both sides can get a head start in what may be a long-term professional career.

Q Which management initiative at the firm is most innovative?

A Around 18 months ago we introduced a mandatory development programme for all senior people for the first time – to achieve a base level of leadership skills, as well as building business development capability. It takes three days, so another advantage is having groups of partners together for chunky periods to get under the skin of an issue. It's not rocket science, but there hasn't been one dissenting voice as to the value. ▀

COMMENT

Director approach

A new senior career opportunity for people at Capsticks calls for a robust business case from the individual, but is also a work in progress, says head of HR Katherine Hallam



As we all know, at the heart of good people management is the need to continually motivate and engage our talent, but how we actually do this challenges law firms every day. We have certainly grappled with this challenge at Capsticks, particularly when providing legal services within an increasingly competitive sector alongside ambitious growth plans for the firm.

Some 18 months ago, we took stock of where we were with our people agenda by undertaking a listening exercise with staff. The feedback we received led to the formation of a project team tasked with reviewing our legal career paths. After much discussion and analysis, one of the key recommendations put to the firm's management committee was the creation of an alternative senior role to partner.

We were mindful from the start that whatever we created needed to meet individual aspirations, but also crucially had to satisfy business needs. Essentially it had to be credible, relevant and positively impact client service. Retaining senior technical expertise made business sense in itself of course, but anyone performing the role also had to possess an outstanding reputation, both externally and internally, alongside their expertise.

The legal director role we launched in

May this year was therefore deliberately defined widely. For us, a legal director may be a senior subject matter expert within a specialist legal area, could assume senior client relationship responsibilities serving a particular client, and/or may be managing a significant revenue stream that's particularly complex in nature. Essentially, when seeking promotion to the role, an individual's business plan must clearly evidence the benefits that their promotion will bring to the firm. A robust promotion process, closely following that for partner candidates, allowed us to rigorously test this.

From the outset we've been clear that becoming a legal director is a career destination in its own right. Equally, it's absolutely not an additional stepping stone to becoming a partner, but nor will it exclude a legal director from becoming a partner at some time if that becomes relevant.

We acknowledge that it's early days yet. Creating a better level of understanding across the firm about what the role is, and what it isn't, and working with those newly promoted into the role to help us shape it for the future, are now very much on the agenda. Fundamentally the role is an exciting departure for us. It has allowed us to motivate and retain some key talented individuals while also positively impacting services to our clients. ▀

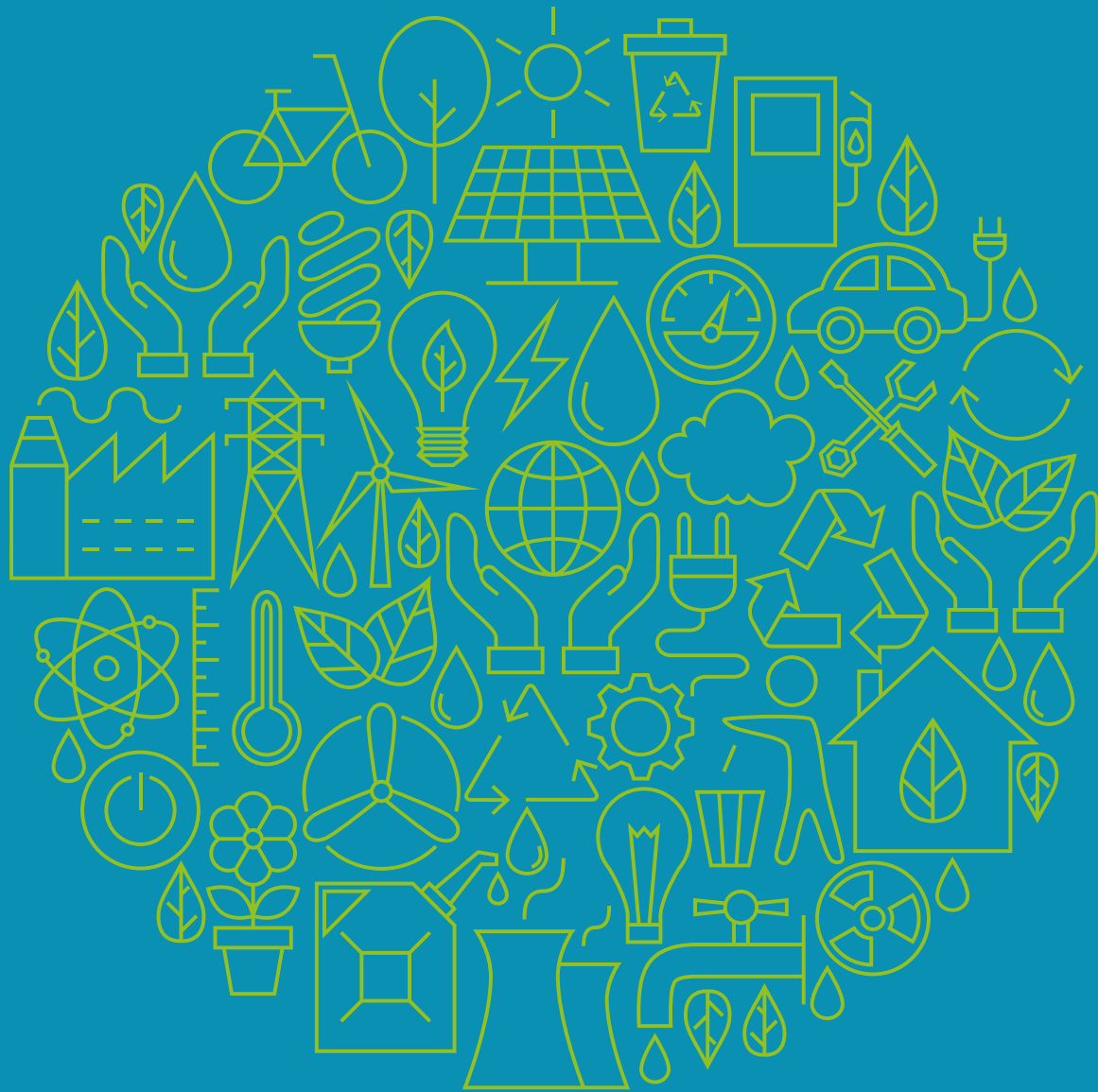
From the outset, we've been clear that becoming a legal director is a career destination in its own right. Equally, it's absolutely not an additional stepping stone to becoming a partner

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Briefing people

Derek Cummings, director of HR and operations at **Burness Paull**, on getting a more agile move on

THE BIG IDEA

Sustain yourself

Most law firms would describe corporate social responsibility as core to their strategies – but can it make for stronger businesses as well as a better world? Kayli Olson digs deeper

Being a big business comes with a lot of responsibility, both on an individual level and as a corporate entity. But perhaps the most pressing obligation for large organisations is social responsibility. The public cares about corporate social responsibility (CSR) – according to research by RepTrak, a business reputation institute, Apple and Samsung have fallen from grace in terms of the public’s perception of their CSR efforts. On the other hand, Lego has achieved recognition for “positive societal influence and environmental responsibility ...”

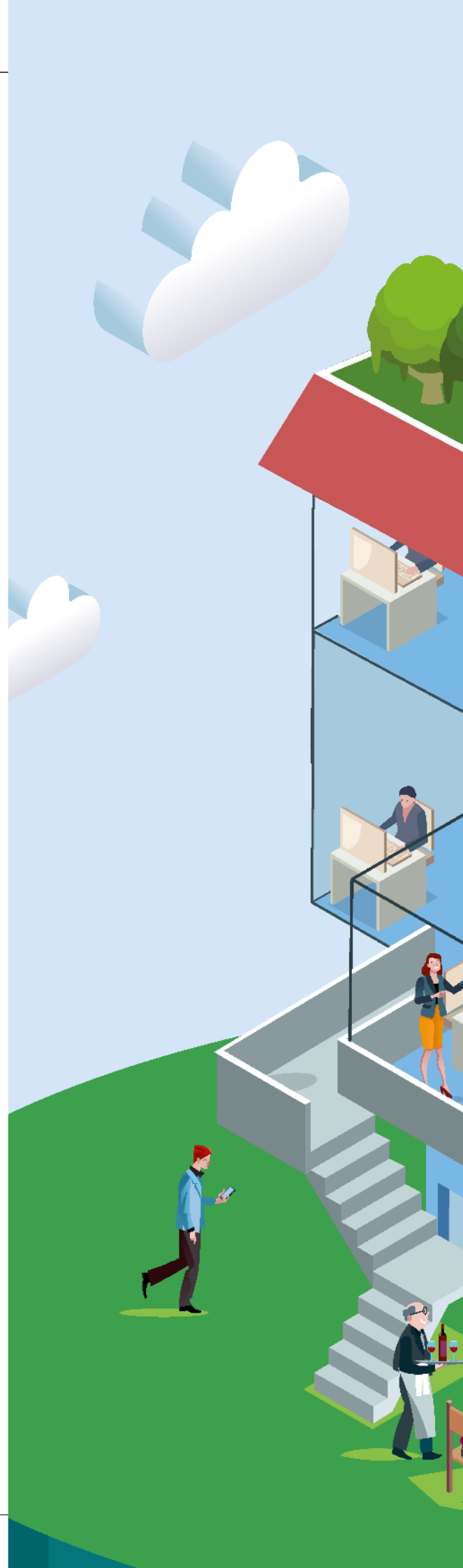
Law firms also need to have an active and thoughtful strategy to give back to society as well as keep an eye on sustainability and environmental impact.

But law firms are investing in programmes beyond the traditional offering of pro bono work and giving money to charities. Initiatives such as working alongside educators has become one popular CSR route, as improving talent in the local community is ultimately good for the people and for businesses.

And as we’re faced with advances in technology, a growing population and consequently greater pollution, businesses can no longer ignore their carbon footprint – and many CSR strategies are now focused on just that and looking for firms to meet those targets.

DWF, for example, supports the United Nations Global Compact and its business principles, covering human rights, employment standards, environment and anti-corruption.

Tyrone Jones, director of corporate social responsibility and engagement at the firm, says: “Our values and cultures are being







“A big change for CSR in law firms is that clients are asking about the strategy and how the firm is measuring outcomes and impact.”

Tony Ramos, diversity and corporate responsibility manager, Eversheds Sutherland

influenced by a much broader range of factors than ever before, especially as the firm builds its international presence.

“It is also our ambition to better use our expertise and motivation to align the way we do business to the UN Sustainable Development Goals (SDGs).”

The SDGs is part of the 2030 Agenda for Sustainable Development, not legally binding, are goals that universally apply to all countries to mobilise effort to end poverty, fight inequality and tackle climate change.

Other firms have also invested in this sort of involvement – Hogan Lovells produces an annual citizenship report which is specifically tied to the UN’s SDGs, and Baker McKenzie has even joined the World Business Council on the subject.

But this isn’t the only route law firms can take – in November 2016, Michelmores was approached by Oxygen House, a company that invests in projects to foster social, environmental and economic prosperity.

It asked the firm to pitch for its property and construction work – but Michelmores’ values and approach to sustainability was also an important factor in the client’s decision-making process, says head of business development Grace Williams.

Oxygen House was looking for more than a legal

adviser, says Williams. They wanted a partnership with a firm bought into the same values and committed to improving the quality of living and working in the Exeter region, where both businesses are based.

Green to go

“A big change for CSR in law firms is that clients are asking about the strategy and how the firm is measuring outcomes and impact,” says Tony Ramos, diversity and corporate responsibility manager at Eversheds Sutherland.

Williams at Michelmores says: “We already had some projects like e-filing in motion, but the relationship with Oxygen House pushes us to share and implement new sustainable initiatives in our offices. We’re also incorporating sustainable measures into our legal work, for example, promoting green leases and its benefits to property clients.”

With fewer printers and reliable IT systems, people don’t have to rely on paper so much, Johnny Nichols, HR director at Bird & Bird adds. And the firm’s employees have the opportunity to get themselves a really nice cup of coffee on its new catering floor all using recyclable or china mugs. “Paper cups are very difficult to recycle and we knew we had to change that and cup use is constantly under review.”

The Reading office of Osborne Clarke has already seen the reality of adopting a ‘paper-light’ culture. Julian Hemming, partner and CSR head at the firm says it’s looking to the London and Bristol offices to fully follow suit in the next couple of years. Osborne Clarke has introduced technology training to support this paperless transition.

Eversheds Sutherland takes pride in monitoring the sustainability of each of its offices. Each office gets its own environmental report which the firm can then use to get employees to think about the necessity of paper and travel. Ramos says people are learning to use digital tools much more effectively to reduce paper.

Small feet, big steps

Monitoring employee behaviours is an important part of improving sustainability as well. The UK population is expected to rise by over 10 million in the next 25 years, and the UK government has set a target to reduce carbon emissions by 80% by 2050

– with a target of 57% reduction of 1990 levels by 2030.

For these reasons, says Jones, DWF actively manages its carbon emissions – maintaining a target of three tonnes of CO₂ per person per year.

“We invest in technology to help drive our sustainability agenda – we launched our agile London project, using a combination of space redesign, technology, and an internal change campaign to support our growth.

“With that, DWF became the first UK law firm with an entirely agile London office. Fundamentally changing where and how people work will have a far more significant impact on the environment than more traditional ‘paper-saving’ initiatives,” he says.

Williams at Michelmores says her firm is looking at how it can reduce people using cars to get to work by encouraging car-sharing and cycling.

She says: “We have a bike-to-work scheme, bike storage, and a gym with changing room facilities. We often host travel road shows at the Exeter office to educate people on the options available. And on our cycle-to-work day, we offer everyone a free coffee and bacon roll to encourage participation.

“But it’s not just about us as a standalone business – we have a part to play to help make the Exeter region energy-independent and congestion-free by 2025 which is the aim of Exeter City Futures, a community interest company funded by Oxygen House.”

Eversheds Sutherland also monitors its employees travel patterns. Ramos says: “We look to leverage technology to the full by using Skype and other agile and flexible enablers to reduce the need for people to travel.”

Hemming at Osborne Clarke adds: “We acknowledge that we have an impact on the environment and that we have a responsibility to minimise that impact. It’s also important to us that we try to involve our people and our communities in our environmental activities because, ultimately, these issues have an impact on our wellbeing.”

CSR strategy

For these firms, this time of the year is the end of many now two-to-three-year partnerships in the CSR area. But also, therefore, the beginning of new

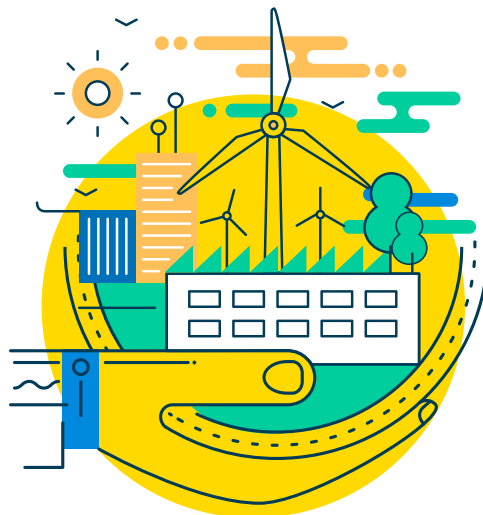
relationships and years of charitable giving and volunteering – and how do firms decide who to embark on that journey with?

Eversheds Sutherland has a constant theme for its CSR strategy, called ‘unlocking talent’, aimed at developing talent and potential of people in society and working at the firm. Ramos says: “We have a few areas of focus under that theme – education, environment, and homelessness. And we find that it really takes firms three years to develop an effective partnership.”

Williams at Michelmores agrees: “It’s not just one-off initiatives that will make a difference – long-term partnerships with like-minded organisations working towards a common goal will make the biggest impact.”

Nichols at Bird & Bird says: “The volunteering programme has moved on considerably in the past few years, away from the days of just painting and decorating.”

Bird & Bird has just launched its ‘new year’ programme for CSR activities with a number of projects including continuing previous engagements but also starting new ones. The firm



“It’s important to us that we try to involve our people and our communities in our environmental activities because, ultimately, these issues have an impact on our wellbeing.”

*Julian Hemming, partner and CSR head,
Osborne Clarke*

“Without thriving communities and talent, our business won’t be sustainable – so we have a responsibility to contribute to the prosperity of the community by continually innovating, learning and improving.”

Tyrone Jones, director of corporate social responsibility and engagement, DWF



works with the Literacy Trust and a number of different associations geared toward helping adults with literacy, social skills, and wellbeing.

“We are trying to hit a number of different age groups and areas of the country that are less socially mobile.”

An interesting activity in this space by DWF in March 2017 saw the firm become the north-west ambassador for the #jargonfreejobs campaign by Future Proof, a new business in the community campaign which aims to break down barriers in recruitment for young people struggling to get employed.

“The use of jargon disadvantages young people who don’t have the experience in an industry or access to people who do. That’s why we are calling on other employers to remove all jargon from their entry level job descriptions,” Jones explains.

It’s important that firms get the right charities and partnerships to match the ethos of the firm, while enticing employees to volunteer.

Williams at Michelmores says: “We’re pleased that our partnerships really encapsulate our whole commitment to CSR – whether that’s the opportunity to engage with the local community or builds on the framework for our environmental responsibilities.”

Get your hands dirty

And, how, indeed, do firms go about enlisting the forces to band together in the name of corporate social responsibility? Sticking to tradition helps in this case, we hear – posting opportunities on firm intranets and sending around newsletters to keep employees updated can do the trick. But Nichols at Bird & Bird points out that people may need a bit more encouragement than a static page.

He says: “One of the things which has had the greatest impact is moving to a charity chosen by the staff.

“This encourages employees to really engage both with each other and the volunteering work. We have our primary charity but also smaller projects that are made over the course of the year – so there’s as much opportunity as possible for staff to be involved.”

Michelmores has a similar initiative to get its people involved. “A good way to bring staff together for CSR is by having a charity of the year chosen by each office. We invite applications from local charities and make a shortlist for staff to vote,” says Williams.

Quite often, she says, teams will get together to participate in CSR activities and take the opportunity to ‘give back’ as a great team-building exercise.

CSR then becomes not only a strategy for good-doing but it also helps to grow employee engagement.

“Individually, colleagues are very responsive when it comes to recycling and will come up with their own suggestions for what we can do to be more efficient,” says Ramos at Eversheds Sutherland.

“Osborne Clarke has a very active ‘sustainable business group’, which looks at everything from energy efficiency of our offices and reducing the impact of our commutes to the care of our Bristol office beehives,” says Hemming.

Eversheds Sutherland, too, houses beehives on its award-winning garden rooftop – it is also looking to expand that project with the addition of a water feature, Ramos adds. But the firm’s involvement to improve the environment doesn’t stop there.

Its partnership with the Wetlands Wildlife Trust involves a number of ‘lunch and learn’ sessions for staff to get educated about environmental impact as well as volunteering opportunities around restoration, species

monitoring such as aquatic habitats and insect surveying. It has a project called Urban Spaces, which looks at how businesses occupy areas and how everyone could be more environmentally friendly.

More than just the office environment

So, yes, the legal world is changing. To quote a well-known Marvel superhero: “With great power comes great responsibility.” And it’s not just up to individuals to play their part, firms must too. Luckily, for us, CSR strategies today are more giving, more aware, and more willing to explore new areas to invest.

Nichols at Bird & Bird says people have seen CSR as an opportunity for management to break through silos – especially with the new generation coming through. “You need to have a sense of purpose. Are you doing something just because it looks good in front of clients or because it’s worthwhile? At the heart of these initiatives, it has to be worthwhile.”

Jones at DWF adds: “Without thriving

communities and talent, our business won’t be sustainable – so we have a responsibility to contribute to the prosperity of the community by continually innovating, learning and improving.”

Williams says: “Law firms can play a role in positively influencing supply chains. This is an area I’d like to explore next – how can we work with our suppliers and advisers to make a difference in a similar fashion to how we are working with Oxygen House?”

There are clear economic advantages of an agile workforce, Jones at DWF says. Not only is there a lower cost of occupying less space, there are significant environmental benefits. And ultimately encouraging people to reduce their commuting costs and carbon footprint can boost morale, in turn positively affecting efficiency in the business.

He says: “Redefining our workstyle culture from the ground up is creating a mindset shift that turns work from a place to an activity.”

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Travel in agile

Derek Cummings, director of HR and operations at Burness Paull, says there's a lot involved in getting agile to work

Words Richard Brent



At a time of economic and political uncertainty in Scotland, there's a new three-year strategy at Burness Paull, a significant part of which is attracting more business from overseas.

But the management team knows its international goals are also likely to call for a new level of operational agility at home. "Execution of our strategy is dependent on hiring, bringing through and having the right people in play in all the right places," says HR and operations director Derek Cummings. So, the firm might not be the first to trial the cost-saving and employee-engagement attractions of a new range of 'agile' working investments, but it's a major project, with multiple management considerations, he says.

"There's a lot of work involved in explaining what agile working could mean for people

practically each day. Some can be quite attached to personal desk space, but it can also be hard to persuade people to put themselves forward for a pilot group for anything new."

As many firms have done, Cummings believes it may well help to trial agile at the same time as moving into new premises – which can be two sides of the same coin when it comes to stripping out unnecessary cost. But that wasn't an option for Burness Paull on this occasion.

"In Edinburgh, we have everyone on one floor of the office on the pilot. We've just made some layout changes, such as introducing some new breakout spaces. The pilot also encompasses the work of a range of practice areas – dispute resolution, construction, projects and employment – and involves all fee earners, not just partners."

But with Cummings directly responsible for the

Above: Derek Cummings, HR and operations director, Burness Paull

▲ FIRM FACTS

BURNESS PAULL

Offices: 3
 Countries: 1
 Revenue: £53.8m
 Headcount: 488
 Ratio, fee earners to business services staff: 1.92:1

performance of some, it was business services roles in the Edinburgh office that got the first go. “It’s a relatively small pool of people, but was quickly established to be working well,” he says. “The main finding was that it’s best suited to those who are also mobile between offices – or regularly at meetings – by virtue of their role.

“In the Glasgow office we asked for volunteers instead, and fortunately partners came forward from several practices.”

Lesson is more?

Cummings oversaw the writing of some initial guidelines for people, but of course the whole point of piloting is to test out options and learn.

“For the present, we’ve said it’s ultimately for the individual and immediate team to determine what’s appropriate based on client needs, but we’ve recommended no more than two days a week at home,” he says. That isn’t only to ensure sufficient presence for face-to-face client meetings – critical as that remains. “We also think it’s important not to lose team dynamics.” In fact, one agile-working concern people registered was the risk they could become too isolated.

Another factor in the management team’s sights is the extra power of buy-in at the very top of the business. “We met with everyone to explain and encourage the changes, but you also need people who are prepared to role model it,” he says.

Also helpful was that the Edinburgh office pilot was a phased one. People had a chance to adapt to one round of change, before removing some of the furniture forced people into having a go at hotdesking as well. “I think allowing that extra time has worked better than a ‘bigger bang,’” says Cummings. “One concern can be that one day there just won’t be enough places, so we’ve also invested in a system to anonymously measure desk

“You have to work harder to persuade people that yours is the firm for their career.”

Derek Cummings, HR and operations director, Burness Paull

usage to help us plan for the future.”

People power

A second area for investment in the new strategy is new technology. The agile trialers have been equipped with the laptops, docking stations and headsets that are an increasingly common sight in law firms – and Burness Paull announced a new cloud strategy alongside its 2017 financial results.

“Cloud has benefits for smarter working, but it wasn’t the main reason for that transition,” says Cummings. “The space, cost and risk implications of having our own servers persuaded us that cloud was the most future-proof solution.”

But with a background in learning and development and leadership training, before his remit broadened out, it’s the people side of operations that he’s most passionate about. He’s particularly proud of helping to craft the firm’s two-year leadership development programme, for example – primarily focused on spotting lawyers’ potential for partnership by assessing strengths in leadership, winning business and – encouragingly – running a practice profitably.

“The programme is incredibly important for nurturing and retaining our own talent, but also for attracting the right new people,” he explains. “More firms are now chasing the top talent in Scotland than just three or four years ago, and you also see a situation where people are more willing to move on from their employer. You have to work harder to persuade people that yours is the firm for their career.”

It can’t be coincidence, in that context, that Burness Paull has just introduced a new diversity committee to probe the inclusion agenda – again, by calling for employee volunteers to join some partners in the conversation. They met for the first time in September.

And it shouldn’t surprise that Cummings has wellbeing-at-work incentives in his in-tray as well.

“I probably see four aspects to improving wellbeing – physical, mental, social and financial,” he says. So, that means everything from a healthy-option vending machine, health screenings and cycle-to-work scheme, to a new programme of financial education and free massages each month.

Cummings’s colleagues will just need to remember to plan the latter, at least, efficiently into their new agile-working schedules. “People can become very time poor during pressurised work periods, so we provide some important services in the office that they mightn’t otherwise get around to in their equally busy lives.” ▲



Briefing[▲]

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From client matter inception to chatbots: The future of automation in legal business

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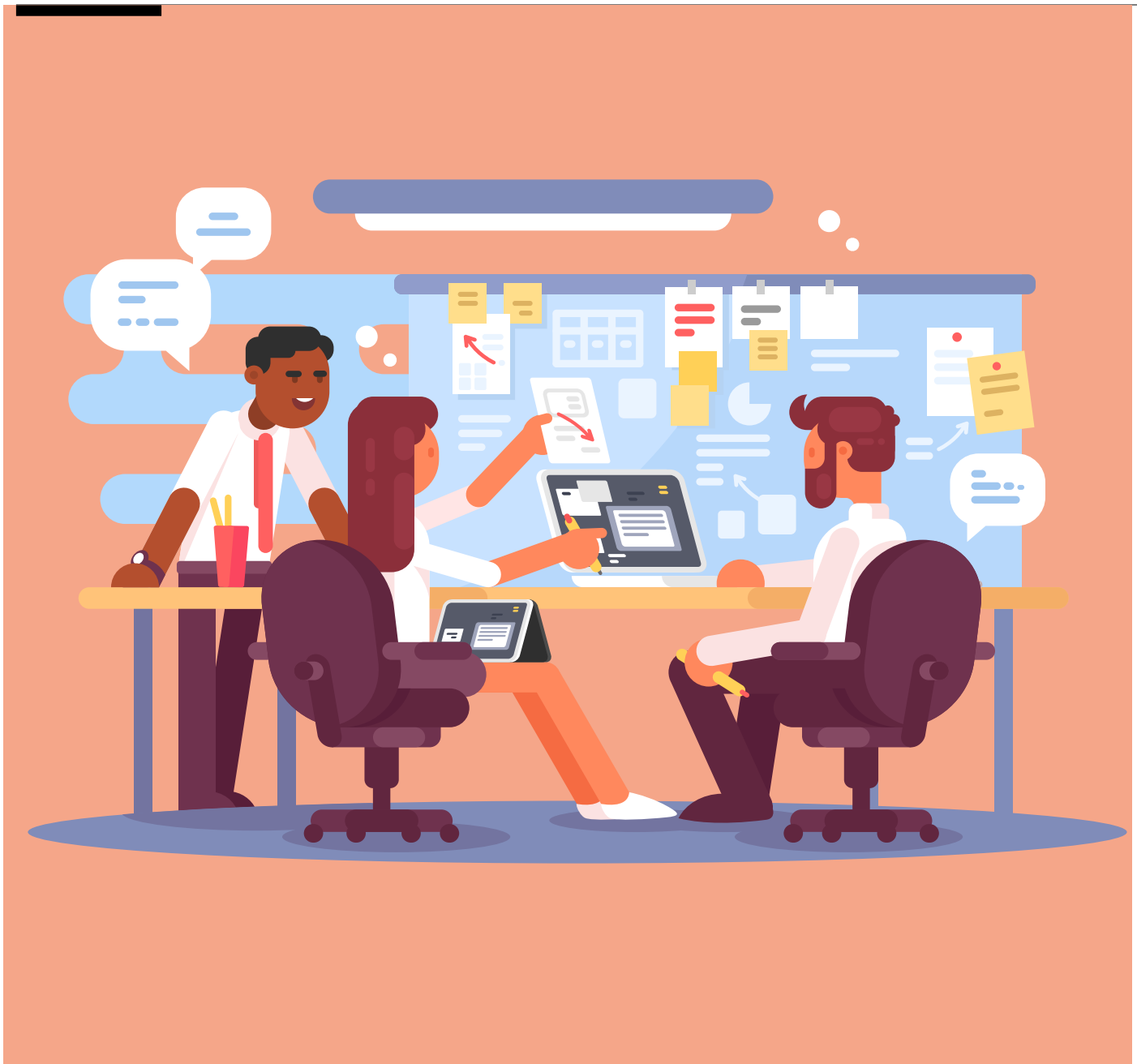


Brain training

22

Ways to function

Clare Quinn-Waters, senior client development manager at **Baker McKenzie**, says distinguish infrastructure from BD excellence



▶ BRAIN TRAINING

Ways to function

Clare Quinn-Waters, senior client development manager at Baker McKenzie, says there are several ways to structure a law firm BD department in 2017, but teams need some development of their own and to demonstrate the difference it makes

Team sizes inevitably fluctuate according to a business's needs and changing strategic priorities. For a law firm, that means it can sometimes be hard for departments to continue to provide a strategic, value-adding service in leaner times. But, on the other hand, the way such resourcing decisions are made and handled really exposes how partners view BD and what they consider to be the priorities for the function.

Some partners want their BD teams to undertake high-volume, low-value work, which enables them to push more content out to clients, such as standardised RFPs, marketing collateral and relatively untargeted seminars. However, the more sophisticated look to BD to work proactively with them to develop client-targeting strategies, innovative campaigns and high-quality pitches.

The question of profitability is often raised. No law firm wants bloated business services functions. But there is a balance to strike between keeping overheads low and having the right people in place to get the job done effectively.

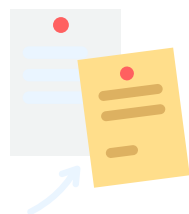
It can also be hard to motivate teams if they're always focusing on reactive, process-led marketing and BD, and we often see a high staff turnover in departments with this approach. This can, in turn, perpetuate the sense among partners that BD work is inherently low value, and can indeed be commoditised.

Lateral hires from firms with significantly larger functions can also meet challenges if expectation of specialist dedicated resource at their new home goes unfulfilled. And if experience is instead of very small departments, even they may question why this much money is being spent on non-fee-earning staff.

It doesn't help that many law firms are guilty of role duplication and overlap, which contributes to a perception of unwieldy and unaccountable departments. Ultimately, firms must be clear about what is thought of as infrastructure and what is considered to be excellence, so that partners recognise the value of both.

Generalist or specialist?

If team sizes are reduced there can be an expectation that your BD person is a 'jack-of-all-trades', who can just as easily produce a thought leadership campaign as take the lead on a new pitch. With that sort of assumption at work, it can be difficult to justify recruiting a team of specialists.



Down to business – ideas to make BD go further:

- There's a lot to be gained by steadily increasing the seniority of the BD team, although this does come at a cost.
- Strike a deal with partners to agree a balance of 'infrastructure' and 'excellence'.
- Where firms can offshore or outsource operational aspects, it can help position the local BD team to operate more as advisers to the partnership.
- A practice/sector 'matrix' model works in some firms, although BD still isn't usually rewarded for sales generation – their role is to deliver the opportunity to the partner.
- Partners get value from sector-based people because they have broader knowledge of the client and market issues.
- BD, sales and bids in other professional services have targets and bonuses as standard. Replicating this model in a law firm is not without challenges, but can provide tangible success as firms adopt a more product-led approach to new business and relationship management.
- Firms that move associates into mid-level business services roles as an alternative career path should recognise that BD (and other business services) are professions in their own right. Provide adequate support and training.
- Future trainees make great BD interns. There's a desire to impress and willingness to learn more about the business, but as they qualify and progress through the firm there's also an ever-developing network of lawyers with excellent BD skills who understand the dynamics of the department.
- Law graduates or newly qualified lawyers who move into BD early in their careers also often make a great impact.
- Integrating pricing, project management and business analysis into generalist BD roles may pave the way for more 'intelligent,' value-adding BD.

Separating out marketing operations from BD could help here, enabling partnerships to see the distinct value of each side. On the other hand, when departments are structured in this way it's imperative that the various marketing and BD verticals operate in concert, ensuring nothing slips through the cracks and the efficiencies are maximised.

Firms today are also increasingly offshoring some operational elements of marketing and BD – and in addition to cost saving, a possible result of this is helping to position in-situ staff as more substantial experts in their fields.

Furthermore, as firms recruit more technical specialists (for example, in fields such as pricing, project management and business analysis) all BD professionals – practice/sector

BD, bid and relationship managers – may be expected to acquire a confident working knowledge of such principles and apply them to their roles. But this is good news – it can only enhance the perception of BD as an effectively cohesive, value-adding function.

On sector's side

Traditionally, firms have gone to market through practice groups, but as firms have introduced sector approaches BD teams are often structured along both practice and sector lines, which can lead to duplication.

Anecdotally, it seems most BD people prefer to be sector-focused. However, it can be hard for partners to see how this structure adds value, and many would prefer BD to be 'service line' or 'product' specialists. Recruiting BD professionals

from a sector itself may seem an obvious move, but there are challenges in terms of the individual's expectations of working in a partnership environment, as well as partner expectations of the role of BD.

For example, a senior BD manager who had worked in the oil and gas industry would expect to be very externally focused, identifying new business opportunities and building partnerships with other organisations. A typical partner may be more likely to want a senior BD manager to support their new business and relationship efforts, even in a client-facing role.

So, we sometimes see a reluctance to shift the focus from practice group to industry sector in partnerships. This may also stem from concerns about how such a structure will affect individual performance and billings. This needs to be addressed with measures to reward cross-practice referrals.

One firm at a recent BD-themed roundtable said it has adopted a 'matrix' approach for its disputes practice, whereby sector-specific BD people 'buddy up' with a partner on business planning, targeting and campaigns, as well as representing the firm at events.

Of course, as such BD departments expand, there can also be growth in the number of job titles and grades. This means heads can seek to retain and motivate staff through new promotion and development opportunities. On the other hand, it can lead to a structure that may seem opaque to some

Questions can arise as to the value that everyone brings. Directors must make it clear to teams and the partnership the distinct role that each team member performs.

partners (who see lots of team members doing what may appear to be the same role). Again, questions can arise as to the value that everyone brings.

This is also the case in larger firms, which may have sector, practice and regional staff. In such instances, directors must make it clear to teams and the partnership the distinct role that each team member performs.

On a role

At the same time as specific technology and project management products become more widespread, we're also increasingly seeing firms hiring commission-based salespeople. Most often ex-lawyers from a separate part of the business, they're able to 'talk a client's language' when demonstrating how to use such products.

And employing them this way – also responsible for managing the lifecycle of their products – means these independent service lines can become significant revenue generators.

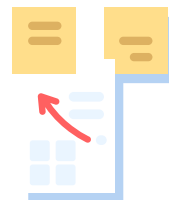
But then, as demand for pricing and project management skills in firms intensifies, there can be a question about where all these roles 'belong'. For some they clearly form part of the BD function, while for others they're in the finance department, or

indeed practice group-based. It's also important to note that a project manager performs a very distinct role from that of a client manager, although collaboration between the two is vital.

Where pricing is embedded in the finance function, the role is usually quite heavily focused on financial modelling and how to manage the work most effectively. But where it's based in business development the focus shifts to opportunity-spotting and growth.

Regardless of where pricing sits, firms are rightly growing very conscious of the importance of effectively costing their projects and relationships. Margin pressure remains an issue for the profession, and so all BD professionals need to be financially literate to have conversations with client partners about issues such as table discounts v profitability, monetising value-adds, and how to anticipate, and plan, the more difficult pricing conversations with clients.

Finally, we see a much greater appetite for analysis and business intelligence specialists to work proactively with business development to target new clients and markets. And as firms embark on attempts to mine some entirely new revenue streams, such as consultancy, there may well be hires with more experience gained in – for example – Big Four or banking environments and cultures. This only provides yet more possible BD flavours for the thoughtful and creative firm to combine in their recipe for future growth and success. ▀





Industry views

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Mark Mountford, head of business solutions at **Bird & Bird**, makes the case for e-signatures – with the help of **Blue Car Technologies**

INDUSTRY INTERVIEW

State of the innovation

Justin North, the founder of Janders Dean, says law firms are on borrowed time for building a healthy culture of innovation. Perhaps, like his own business, they should divert their gaze away from the growth plan a little and more toward today's people

It's 10 years since the passage of the Legal Services Act – which might beg the question, have law firms become the more innovative forward-looking businesses that might have been expected?

And that's a subject on which Janders Dean – also celebrating its 10th birthday in 2017 – regularly offers firms an opinion.

"It'll often be a case of 'we want to be innovative – so we want to know what firm XYZ is doing,'" laughs its director founder Justin North. "For an industry that so prides itself on understanding the definitions of complicated words, it's a little surprising that they can struggle so much with that one. But copying someone else is not innovative.

"There's nothing wrong with being a fast follower – or, better still, a thoughtful follower – but being first is the innovation. If you're willing to be first, then we can talk about you calling yourself an innovative business."

Whether it's AI or agile working, the current

period of "race to press release" is "understandably – but oddly – distracting," he says. "The most common thing we're asked when we attend a partner retreat or board meeting is to help those in the room separate what really matters – what they should be focusing on – from what is hype.

"Firms frequently fail to appreciate the cultural component of innovation. Whether it's their own job or not, you need people to think in terms of process for each activity, every day. The firm needs to foster and encourage a culture of constant curiosity about possible areas of efficiency or stress – including for clients – and that needs incentivising." Unfortunately, many firms just don't empower professional support staff to think with a consultative mindset, he says. "That's where the likes of the Big Four will crush areas of the legal industry with little effort."

Under pressures

It's what makes a PwC, Deloitte or EY such a

“There’s as much to learn from the student community as there is from those at the end of careers.”

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threat, says North. “It isn’t the armies of lawyers they’re building. It’s the consultative mindset and skills they can call on from around their business.”

Meanwhile, at the other end of the spectrum, firms are also yet to crack the knowledge productisation model. “There’s the Warren Buffett quote that if you don’t find a way to make money in your sleep, you’ll work until you die. We use that one a lot with clients – and it hits home given the time-based nature of law. But few firms have come close to what a firm like Allen & Overy has achieved with [subscription model] aosphere. Creating a client base for productisation can be achieved with the right people and culture, but if law as an industry doesn’t do it fast enough, the Big Four really will eat their competitors’ breakfast, lunch and dinner, plus every snack in between.”

Diverse perspectives

As well as being sought out for strategic and operational advice, Janders Dean is well known for its “coveted, closed-to-client” events in the sector – the ‘Legal Service Design Jam’, for example, which brought lawyers and business services teams from a mix of firms together to tackle topics using Lego’s ‘serious play’ methodology. North says this was a “first in the industry.”

More broadly, he warmly welcomes new faces and blood across the profession’s functions. “Another trap we advise clients to avoid in the battle for innovation supremacy is the apathetic appointment of a steering committee. Firms love to combat an issue by grabbing six white, middle-aged men at partner level, and expecting them to transform the world,” he says. “It might work, but it rarely does. If you’re hell bent on a committee, just make sure it has representation from right across the firm.”

Janders Dean also sees itself as a disruptive force in some areas of social progress, such as gender equality and other dimensions of diversity. It wasted no time in signing up to the new cross-industry ‘GenderAvenger’ pledge, for example – which means it will support no event or leverage any speaking opportunity with a lack of equality on the faculty. Another first, says North.

“We’re also working with law schools around the world, as well as firms and in-house legal teams, on supporting and evolving the law student

– rather than lawyer – of the future. There’s as much to learn from the student community as there is from those at the end of careers,” he says.

As evidence of this, a Janders Dean-sponsored and mentored team of international students from the LawWithoutWalls programme was among the first organisations to set up camp in A&O’s new innovation incubator Fuse. It’s also the only one to focus on a charitable cause – applying the worlds of tech and law to the global refugee crisis.

Man with a plan?

But although such activities have meant increased exposure, Janders Dean is a business that “usually tries to keep its head down,” insists North.

“A founding principle was that we would be a referral-based business – based not on pretty brochures and blogs, but on advice, and ultimately on what the client subsequently achieves.

“Around 90% of work is repeat clients or referrals from one leader to another, and a large number have been with us for the full 10 years. They’ll often seek input at various major trigger points – a merger, or change of leadership – and because we’ve developed a level of trust, partners are comfortable referring their peers to us.”

It sounds like the kind of client relationships that would turn a law firm innovation committee green with envy – so all the more striking just how different Janders Dean might be from the businesses it’s advising.

“There’s no major growth or exit plan,” says North simply – in spite of the fact he has engagements on the go on every continent.

“A large India-based client is a referral from one in London – one in South America is a referral from North America. That’s how it has played out for us, and we’re thankful that we don’t do beauty parades or generally respond to RFPs.

“We won’t try to win work in areas we believe we aren’t expert in to grow the bank balance, and always remind ourselves that reaching for more through greed will kill the brand, our relationships, and ultimately the business.”

After 10 years, Janders Dean “remains a lifestyle business,” says North – with strict values reflected by founding principles. “We’ll only do the work we enjoy, for the clients we enjoy – that is, those that understand and value us as we do them.”



INDUSTRY CASE STUDY

E-sign of the times

Mark Mountford, head of business solutions at Bird & Bird, says the firm is gradually building up buy-in for the e-signature experience, with significant input from Blue Car Technologies

In July 2016, the Law Society released a practice note to provide some more legal certainty for firms looking to embrace the arrival of the e-signature. Not long after that, Mark Mountford, head of business solutions at Bird & Bird, signed a contract with DocuSign and Blue Car Technologies to pilot the technology.

“It’s interesting that it’s clients who are really driving us in this direction,” he says. “They feel we should be able to use fewer envelopes and couriers and manage transactions more electronically.”

The time-saving element is obvious – but it also runs up against the age-old problem of some

resistance to change, no matter the efficiencies. “Whether it’s technical or behavioural, getting traction on change can be a hurdle,” admits Mountford. “Some people prefer to do things the traditional way. That may be because of a lack of confidence with new ways of working in general, but it can also be the case that they’re so embedded with, say, client work, they need time to understand the technology in more detail. There may also be some legal gaps or requirements that need lawyer interpretation before some transactional usage.”

Signing up business services

To help lawyers grow more accustomed to the

technology, Bird & Bird came up with a couple of solutions. First, one of the firm's leading London-based IP lawyers put together an internal operational manual on the topic, clearly outlining the viable options available to the different practice groups in different jurisdictions. "In addition, we've handpicked some individual lawyers to promote the benefits around the business," says Mountford. This has already led to good penetration, in the Nordic region in particular, as well as an extended pilot for aspects of M&A work in the London corporate team.

However, e-signing has proved most helpful in business services. An international working group within the businesses services team was drawn together – and the IT department is now using it to exchange non-disclosure agreements, contracts, and other agreements with external IT suppliers. "Importantly," says Mountford, "a new internal process for supplier invoice approval has also been implemented, which saves time and effort in what was previously a manual process.

"Instead of a back-and-forwards cycle for invoice approval, a PA can now scan in an invoice for the budget holder to e-sign off straight away," says Mountford. "It saves time not only for the accounts team, but also for the PA and the budget-holder. It also means you have a digital audit trail, which can help if you have a query with a supplier."

The firm's also trialling e-signatures for the thousands of documents a year generated through HR processes – including contracts for new joiners, terms and conditions, maternity arrangements, and paperwork around lateral hires and leavers. "If a recipient needs to sign a document they can e-sign, which allows them to keep a copy if they wish, and several documents can also be bundled together," says Mountford. "It would be difficult to say it all makes us a certain percentage more efficient, but it's clearly a lot more convenient for all concerned."

Integrate service

As e-signatures become more widespread, the next challenge was to integrate the technology with the document management system – which is why Mountford turned to Blue Car Technologies.

"A key point that came out of our review with the lawyers was concern about having a 'receipt' for a transaction – time stamps and unique identifiers that prove what has taken place," he says. "Thanks to the Blue Car product, signed versions of documents are automatically stored in

For more information, visit:
www.bluecarttechnologies.co.uk

the document management system, together with an electronic receipt that lists IP addresses and other key details. If anything needs to be checked by any party further down the line, you can always return to the electronic receipt.

"The other thing I really liked about the product is that all actions required by lawyers take place within the DMS, where documents and correspondence for a matter have their own workspace. Using the DocuSign interface you can upload everything for all parties to the DocuSign cloud portal, tagging whoever needs to sign what, all in one transaction. At the time, Blue Car was the only supplier available that covered the complete document e-signing lifecycle.

"I was also impressed with Blue Car's willingness to collaborate on determining future integration improvements for our firm. For example, our lawyers have expressed interest in gathering additional audit information. The firm is also currently trialling a version with some architectural changes to help teams work more effectively by avoiding potential compatibility problems with Microsoft Outlook.

Next on his own agenda is collecting feedback from the firm's international offices, especially across the Asia Pacific region. "E-signatures have coincided with the rise of business services and IT experts to the status of professional consultants – internally as well as with clients," he says. Mountford will be on a trip to the Hong Kong and China offices in autumn 2017 – and then in Australia and Singapore in early 2018 – to discuss the advantages of e-signing, alongside other ways the firm is innovating.

"I'll run roadshow demonstrations and Q&A sessions across all our international offices to showcase and discuss how efficient and convenient e-signatures can be, and how it can help our lawyers to win prospective clients and collaborate better with existing ones. I'm hoping this will help to create more awareness of the benefits of e-signatures and drive engagement with the Blue Car product across the firm."

Elsewhere, pilot versions of the technology are being used in certain practices so employees and clients can trial it. The main aim in both cases is to help people to recognise how e-signatures can efficiently meet the demands of a clearly digital-first future. ▀

Hack to work

Solicitor Catriona Macdonald and software engineer Kit Davies are two in the team from Pinsent Masons to attend this summer's online courts hackathon and win runner up with its solution MobiMapper



A group of three lawyers and three developers led by head of R&D Orlando Conetta from Pinsent Masons, formed 'team PM' to join over 200 law firm participants for the Online Courts Hackathon in summer 2017 in the race to create digital-friendly solutions to court services.

The hackathon was run by the Society for Computers and Law, Legal Geek, the Judiciary of England and Wales and HM Courts and Tribunals services to challenge teams to design tools to support online courts under key issues such as form-filling, order drafting, negotiation, dispute classification, and others – all of this with the aim of making courts more digitally friendly.

Kit Davies, software engineer at Pinsent Masons, and solicitor Catriona Macdonald say the team hadn't even worked together in the firm before, so not only were they faced with the challenges of the day but they also needed to learn about one another's strengths and skillsets in a short amount of time.

🕒 **Hour 1** Macdonald says the team did a little bit of preparation beforehand around issues facing the online courts, but the challenges weren't announced until the event started. The event took off at the University of Law in London, lasting from noon on 1 July to noon on 2 July.

🕒 **Hour 3** Davies says: "Our process was to refine ideas in a discussion

around the table – everyone expressing different areas of the challenge that we wanted to address. We chose the ones everyone liked and developed from there."

🕒 **Hour 8** There were eight challenges to choose from, says Macdonald. Team PM chose to tackle the concept of 'argument-building'. "We set out to deal with how people access online courts and especially how people without legal representation could develop their case.

"We mapped it clearly so that the user would understand what needed to be covered in their submissions. Then we made it easy to upload relevant information and also extract key points and walk people through the process of linking evidence to their case at those various points," she says

🕒 **Hour 17** Davies says: "In order to do engineering it's essential that the lawyers give us ideas about how the public would use the system. We can then take these ideas and build features around them.

"At that point we actually started coding, which was quite late into the day compared to other teams, I think – but we had a really clear vision of

"There's a real appetite for innovation in the legal sector at the moment in terms of technology."

what we were going to do."

That took team PM to about six in the morning, he says. It all came together from there – the team was continuously refining the idea alongside the lawyers.

🕒 **Hour 20** Macdonald says: "From a lawyer's perspective it was really great to be able to sit around a table and dream up ideas for fixing these problems – especially as we were starting it from the bottom, from a legal perspective, and then handing it over to Kit and the other engineers to actually create. Seeing it coming to life was a really interesting and rewarding experience."

🕒 **Hour 24** It was quite a journey, she adds. "There were definite peaks and troughs but I think seeing it all come together when you're absolutely exhausted and haven't slept all night and actually getting an end product was really exciting."

Davies says: "It's refreshing for me as a software engineer to see that there's a real appetite for innovation in the legal sector at the moment in terms of technology."

Macdonald agrees: "It was insightful as a lawyer to see how the development process happens. Just seeing the sheer amount of enthusiasm and the community that is building up around innovation in the sector is really good – and everyone is really committed to implementing the necessary changes practically in HM Courts." ▀



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