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This month's interviews were all transcribed by:

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IntelligentOffice

Editor's letter



t's a hard life, being a lawyer. Honestly. If it isn't the robots breathing down your neck about the complexities of your work, it's HM Revenue & Customs.

In August the government started a consultation about a crackdown on so-called tax avoidance 'enablers' – the professionals who identify those topical tax loopholes, but who currently face little risk themselves if their clients' schemes are defeated in court. Part of the proposal is for advisers, such as accountants and lawyers, to pay a fine of up to 100% of the money lost to the taxpayer. Jane Ellison, financial secretary to the Treasury, said: "The vast majority of their schemes don't work and can land their users in court facing large tax bills and other costs."

It's little surprise that business behaving badly should be a big

The threat of naming and shaming will once again thrust the broad challenge of reputation management right to the fore.

focus for our new prime minister in her first 90 days – but this comes during a particularly difficult year for the law firm image. Just months after the Mossack Fonseca data leak set off security shockwaves in April, the threat of naming and shaming will once again thrust the broad challenge of reputation management right to the fore.

A law firm's reputation risk really underlines the importance of the 'joined up' business that **Briefing** so likes to preach. Bridge the gaps so you don't slip between them. Caring and sharing effectively doesn't just make a firm more efficient – it creates more transparency internally to pick up on key areas of compliance weakness, or indeed transgressions, that simply must be tackled.

And nowhere does **Briefing** focus more intensely on the various advantages of de-siloing, plus the data needed to drive this improved transaprency, than at our **Briefing 5P conference**. Now in its second year, on 13 September we'll be hearing from experts in pricing, pitching, projects, process and people – including many from outside the world of legal with insight to share – about how they're really only as good as the sum of all of those parts. I really hope to see many of you there to discuss what more firms can do to make themselves more fit for the uncertain here and now, never mind the future.

RICHARD BRENT EDITOR



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Inside this month





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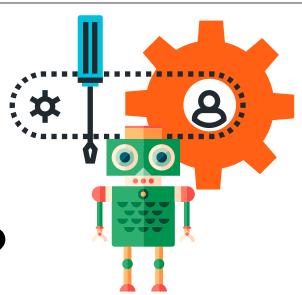
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ROUNDUP

Sitting comfortably?



tanding or sitting – or very possibly, grumpily, a bit of both – I do hope you're having a relatively comfortable commute back to the office, dear readers.

Although **Briefing** has certainly enjoyed its traditional summer break, there really hasn't been a 'silly season' story in sight. Rather, it's hold-onto-your-hats innovation every which way you turn.

First, just after we broke up, there was none other than **Clifford Chance** getting onboard with good old AI. Striking a deal with software provider **Kira Systems**, the firm said a handy "out of the box" lawyer alternative could nonetheless be "trained" by its lawyers to offer clients speedier

Aspiring paralegals to join the Freshfields Legal Services Centre in October 2016

due diligence. It could also, therefore, potentially review more contracts for each of the firm's complex matters. Either way, the client 'wins'.

Paul Greenwood, CC's chief information officer, said: "The legal industry must adapt if it is to deliver what clients value most – whether that is about speed, accuracy or risk management. We are showing our commitment to emerging technology by integrating Kira into our processes and building its knowledge through teaching and training."

Dentons, meanwhile, spies potential for AI to help navigate the murky waters of Brexit. The firm's venture development company NextLaw Labs, launched in 2015, is using the applied cognitive engine (ACE) 'robot' from **Ravn Systems** to review contracts specifically for Brexit-relevant clauses. Once a bespoke algorithm has sifted

through the haul for such pre-determined 'touch points', it produces a report of suggested key areas for clients to investigate.

NextLaw Labs is also developing separate software that whittles risk priorities down into a Brext action plan. Jeremy Cohen, CEO for the UK, Middle East and Africa, said: "Experience since the referendum is that both domestic and overseas companies are looking for legal advice that 'cuts through the noise'."

And Brexit or no Brexit, other new ways of working are also making a bit of a racket. In late July, the **Law Society** and **City of London Law Society** released a practice note confiming the validity of electronic signatures for commercial contracts under English law. The EU's eIDAS Regulation came into force on 1 July 2016, establishing an EU-wide framework, and the practice note says the ideal of seamless crossborder e-commerce should encourage firms – especially as business gets that much more mobile.

Linklaters partner Mark Nuttall, who cochaired the note's working group, said: "We saw

the need for this for high-value transactions, as it is clearly applicable to the work we do and is already becoming commonplace for high-volume transactions in procurement, employment and compliance."

In such an electronic age, it's nice to hear there's still something for lawyers to do this autumn.

In such an electronic age, it's nice to hear there's still something for lawyers to do this autumn – for example, that **Freshfields** is partnering with the **University of Law** to launch a paralegal apprenticeship scheme for its Manchester Legal Services Centre. But even here, the lucky few (two) in this year's intake will partly learn the ropes though uLaw's online 'i-LLB'.

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Briefing SEPTEMBER 2016

Does it pay to share?

Will employee shared ownership schemes be a common feature of the future law firm?





GARY DAVIE Partner and employee ownership specialist – Shakespeare Martinueau

There is such a wide and diverse ownership structure across the legal sector. For some firms an employee ownership model, or something similar, might be adopted in the future. However, with so much consolidation taking place in the industry, it's likely to be a while before this is a consideration for the majority.



RICHARD JONES Head of transformation – Hill Dickinson

They should be. Having a shared view on what success is, and having everyone in the organisation aiming for the same outcomes measured in the same ways, means that organisation should perform better. But will they? Aligning traditional partnerships to this idea will take some doing. In my view it will probably also take some further change in regulation and partnership thinking.



Do you have a view? Or indeed news for us to review? Have your say on Lex Pop – tweet us @Briefingmag or email briefing@lsn.co.uk



So what's the big deal with shared ownership?

The 'John Lewis-style' shared ownership model operates where the company is held collectively, usually via a trust, with all staff as participating beneficiaries.

In March 2016, top 200 west country firm Stephens Scown became the first firm of its size to switch to the model with Solicitors Regulation Authority and tax authority agreement.

Under the scheme, they created a limited company which is owned by staff through an Employee Benefits Trust (EBT)- also a memeber of the LLP. The model sees all profits above a minimum threshold paid into a pool, half is retained by the firm and the rest shared equally among all participating members of

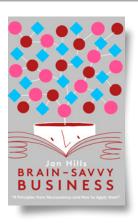
staff, from lawyers to receptionists. In June 2016, Stephens Scown celebrated a bonus of £3,000 per person, which was more than double last year's amount.

"I believe it's the right thing to do and also that it will motivate and inspire everyone in the firm to keep performing at the highest level," said managing partner Robert Camp in a press release.

Mishcon de Reya managing partner Kevin Gold told the Lawyer he was considering implementing such a scheme. In February 2015, Mishcons was granted an alternative business structure licence by the SRA, which would aid the move. READING LIST

A tale of two brains

A pragmatic guide to some core principles of neuroscience proves a timely reminder that rational argument doesn't always win the day for driving organisational change, says Stephen Allen





conomists think about what people ought to do. Psychologists watch what they actually do," wrote Daniel Kahneman

The single greatest (non-fiction) book I have ever read was Kahneman's Thinking Fast and Slow. The above quote encapsulates the very essence of his life's work.

We all have two brains. One is fast – animalist – which kept us alive when we lived wild and vulnerable in nature (most readers will be familiar with the fight vs flight concept).

The second is our slow, evolved, 'human' brain. This gives us the ability to undertake complex challenges and devise effective and logical solutions to problems.

Using empirical studies, Kahneman proved that humans often act against their own best interests due to the 'fast brain' taking control. Thus, Kahneman debunked some 300 years of economic theory, and demonstrated that the conventional wisdom – that humans will take the facts communicated, logically consider them and devise the most rational response – was deeply flawed. The fast brain often takes over and we react with a fight or flight response – sometimes acting against our own best interests.

When we're scared or angry, we're even more likely to rely on the animal brain. (Some of us may see a clear example of this in recent political events).

However, Kahneman equally presents management theory, and therefore managers, with a challenge to the perceived wisdom of their practice. How do you effect change if there is a high risk that people won't necessarily react or respond as expected, or even rationally?

In Brain-Savvy Business by Jan Hills we are presented with a clear, considered and pragmatic solution to that problem. Written more as a users' manual than an academic treatise, readers are walked through the science, and how to apply it, with a case study and a series of tools – as well as a helpful catchall summary and references for further reading.

Hill tries to help managers address real-world challenges, through eight core principles of neuroscience (also chapter headings, including: minimise threat and maximise reward; social connection; and mind-set matters. Being a "brain-savvy leader" is another.

I often find books written for management fall into two categories: those that fail to pass the stating the obvious test; and those that do have a good principal concept – but only the one – and therefore feel the need to bore the reader through additional unnecessary examples trying to ram the point home.

This book doesn't fit either of those. It tells us why, with what and how we help the who, when we need to make a change.

Change being the new constant, I recommend.



Publisher: Head Heart + Brain Publication date: March 2016 Price: £14.99

Hill tries to help managers address real-world challenges, through eight core principles of neuroscience.



NEWS FROM THE THOMSON REUTERS ELITE COMMUNITY

Hi everyone. It's great to be back in touch with you in this, the third Thomson Reuters Elite update in Briefing Magazine. It's been a busy summer, with eyes now fixed on our upcoming VANTAGE EMEA event in London on September 26 and 27. Last year's event saw more than 400 attendees descend on the Park Plaza hotel in London and this year's event is set to be even bigger. More on that below.

The Thomson Reuters Elite Community has continued to grow as more existing and new clients join the conversation online. If you're an Elite client, be sure to visit <u>customerportal.elite.com</u> to network with your peers and partners online.

Recent Thomson Reuters Elite Community Updates

- If you haven't booked your tickets for September's VANTAGE EMEA regional conference in London, be sure to do so! The two-day conference will be a completely interactive learning environment with more than 80 sessions, user group meetings, product roadmaps and demos, client best practice tutorials, thought leadership discussions and more. With countless opportunities for networking and knowledge sharing around industry trends and the full range of Elite products, the conference promises to be a great couple of days. Looking forward to seeing you there.
- We were excited to hold a very successful Progression Roadshow in Scotland in June. Titled 'Looking to the Future—Progressing your Firm to the Next Level', the event brought together clients, partner organisations and industry experts to discuss the technological and software developments revolutionising the legal marketplace. With the event held at the historic Gleneagles hotel, there was even time for round of golf.

Delighted to report that 3E continues to go from strength to strength. In the last two months alone, five further UK law firms have gone live on 3E, an integral component of the Elite Financial Management offering, with several of them also implementing MatterSphere, the matter management component within the Elite Client & Matter Management offering. We're very satisfied that more than 170 global firms have now opted to use 3E, with more than 100 now live on the system.

 What is xcelerate and how can it
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It integrates fully into 3E and Enterprise and quickly plugs into human resources and payroll systems to push global assumptions from a firm-wide level down to the individual fee earners. Be sure to visit www.elite.com/xcelerate to find out more.





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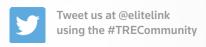
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Chris White, global chief information officer at Clyde & Co, is gearing the firm up for some serious global growth – quite possibly from his boat

What's most exciting in legal IT right now?

The ability to work remotely, from anywhere, using any device, is making the most significant change to the way our lawyers operate. Our whole IT strategy is based on the fact that you're able to access your corporate systems in a secure way from wherever you happen to be at the time, whatever time of the day or night, and whatever device you have in front of you. I think it's that whole approach which is the game changer.

Where does the firm now need to invest most in productivity?

We increasingly see technology helping to drive efficiency in our business. We're making a significant investment in case management, and at the volume end of the business in particular we're using technology to rethink and optimise process as far as we possibly can.

What's the most innovative thing you've seen at work in any law firm?

A I see a lot of change in areas like process automation. It's getting more innovative

everywhere I look. However, one area of improvement in danger of getting over-hyped is artificial intelligence. How that's going to manifest is not robots working in place of lawyers, but initially as data analytics, data mining, being able to get a far greater handle on the data we've got, and really working on how we can analyse and manipulate that and hand it back to our clients in a way that adds real value to them.

Why is your firm's IT capability a cut above the competition?

I think it's our ability to transform, which we have demonstrated over the last few years. We're no longer a reactive IT department. We're a true business partner. We have a very close relationship with the lawyer population. Our mission has been to put the technology in place to support future growth – and I do believe that ability to transform is different to a lot of other firms. We have a very entrepreneurial culture and a can-do attitude.

What projects are you most proud of?

A We've recently been running a very large transformation

programme in IT, which includes putting in place technology to support our growing global business. For example, we've done a lot of work to strengthen the global network infrastructure and also around refreshing our applications. Recently we went live with Thomson Reuters 3E, upgrading from our previous Elite Enterprise system. We're also replacing our eight individual case management systems with the single system MatterSphere by Thomson Reuters.

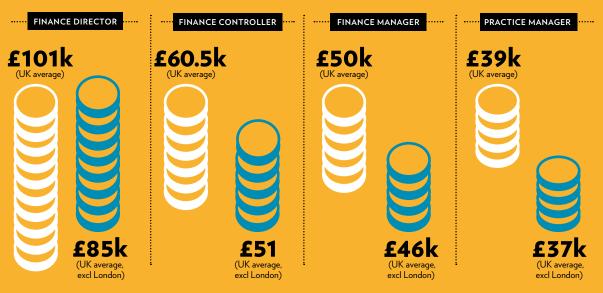
How do you manage to switch off at the end of a working week?

I do a lot of sailing. I jump on my boat at the weekends and I can easily switch off, because when you're sailing you really need to focus exclusively on what you're doing at that moment. You can't spend too much time thinking about any problems back in the office.

Sum up working at Clyde & Co in three words

Exciting, challenging and rewarding.

WHO'S PAID WHAT IN LAW FIRM FINANCE?



Source: The Institute of Legal Finance and Management 2016 salary survey, in conjunction with Balance Recruitment

CLIENT VERDICT ON 'VALUE FOR MONEY' TOP PERFORMERS



Source: Nisus Consulting, Performance & Value Index (PVI) online survey (2028 employees, GCs and others, in 600 organisations)

SPEAK UP

Make a digital difference

Simon Harper, co-founder of LOD, says there's no need to be afraid of technology – it could be your big chance



ach time we open the FT, we read about the 'Uberisation' of a new industry – but it's rarely meant entirely positively. The legal industry, while later to the digital party, is of course no exception.

In fact, if you believed everything you read about the 'threat' of technology for the sector, you might well decide to give up the day job and hand it over to the lawbots.

It's quite frustrating that so much less airtime is given to examining the potential of technology – how it can make us lawyers (yes, that's human ones) more effective and essential to our clients. I believe that we shouldn't be afraid of the 'big bad tech' – there's a digital opportunity for all of us. Whether we choose to fully disrupt our industry, or just make it more efficient or more costeffective, there's much we can learn from other industries who've gone there before us and are doing exciting stuff already.

As a lawyer in my pre-LOD days I watched publishing, retail and media clients decide to take or pass up their own digital opportunities. It's interesting to see how it all turned out. Those who were early to seize the day did well with first-mover advantage, but they had to work hard to stay ahead of the pack. Some more traditional businesses were slower to act but managed to transform themselves in ways I never thought possible. And of course, there were other businesses that ignored the possibilities of digital and found themselves with major

new competitors and a changing marketplace.

Similar scenarios are already playing out in legal, but we're too early to see the full impact. Our take on this window of opportunity has been our new online offering, Spoke (www.spoke.law). It's an online marketplace that connects lawyers (LOD and non-LOD) who work flexibly directly with legal teams needing support. It's about tech enabling increasing numbers of lawyers to work with more freedom, and also about making it easier for legal teams to find, and work with, those flexible lawyers without unnecessary barriers or overheads.

But it's great to see good digital momentum behind initiatives from Big Law as well as NewLaw. I was recently at the Legal Lab conference in Texas, where technological opportunity was top of the agenda. We're seeing examples here in the UK, too. Dentons has its own collaboration with IBM through its NextLaw Labs initiative, and numerous firms are working with artificial intelligence.

This is only the start. The next few years will see a raft of new digital legal services emerge that will challenge the way we work, think and do business.

There will inevitably be winners and losers as legal tech plays out, but don't assume that those sides have been drawn yet. There's a tech opportunity for every lawyer, legal team and for anyone contributing to any practice – we just have to find it.

This is only the start. The next few years will see a raft of new digital legal services emerge that will challenge the way we work, think and do business.

Quantity control

Client feedback is more than a numbers game. The quality of a conversation can yield unexpected results, says Clare Quinn-Waters, senior client development manager at Baker & McKenzie



s clients grow increasingly demanding, it stands to reason that law firms are gathering increasing volumes of their feedback. But while any analyst knows that the greater the sample size, the more meaningful the data, there is a danger that measuring the success of a programme principally by the number of reviews conducted misses a vital part of the story.

Over the years sophisticated programmes have developed, making the voice of the client a cornerstone of relationship and quality discussions. Post-transaction reviews are triggered by deal size, hours on the clock, client type or complexity, with relationship reviews an understandably mandatory part of relationship management. Some firms then apply further metrics. For example, every partner may have to nominate at least one deal for review.

Automated reporting of deals makes it easier for partners to select potential feedback subjects in this way – but it takes a bold lawyer indeed to submit a more challenging deal when dialogue with 'soft' clients is easier to arrange and likely to generate less time-consuming follow up.

While any feedback to the firm is very useful, it's rather more important to get information from those you could call your 'problem children'. But setting quantitative targets means we rely heavily on key clients and 'friends of the firm' to meet these objectives. For feedback to have the most impact and add greatest value, we should really look beyond these headline targets, and so stop viewing the numbers as the output.

We could, for example, try tying feedback targets to partner or office key performance indicators – breaking them down along lines such as realisation rates, key industries or the amount of cross-border activity. We could single out new clients, or even what we consider the most innovative working arrangements.

If you're still not convinced or scratching your head, here's one story that might inspire. A few years ago I conducted a pitch review for a major project we'd missed out on despite

feeling that it really was right in our sweet spot. I asked the contact about our understanding of the project, our approach, documents, presentation and pricing. He was incredibly open, talking at length about how each competing firm was positioned at each stage and giving the thinking behind each elimination. My firm only lost at the penultimate stage, leaving just two in the ring. Our contact explained what he'd liked about the partners he had met, as well as his thoughts on what was on offer in areas such as innovation, project management and alternative fee arrangements. Getting intelligence like this - not only on how our proposal had landed, but the sheer level of detailed insight about four of our major competitors - was instrumental in gaining buy-in for the more structured review programme I'm now recommending to you.

What's more, it also stood me in excellent stead personally. When I later moved into a new role, I already had a great insight into how my new firm approached its pitching. Yes, reader – I joined the winning firm.

Report: Gender pay gap for highly educated unchanged in decades

The gap in average hourly wages between men and women has fallen steadily over the past two decades – but only among the lowest-educated (those with less than A levels), according to research from the Institute for Fiscal Studies (IFS).

An increase in education levels of women relative to men has also contributed to a narrowing of the gap.

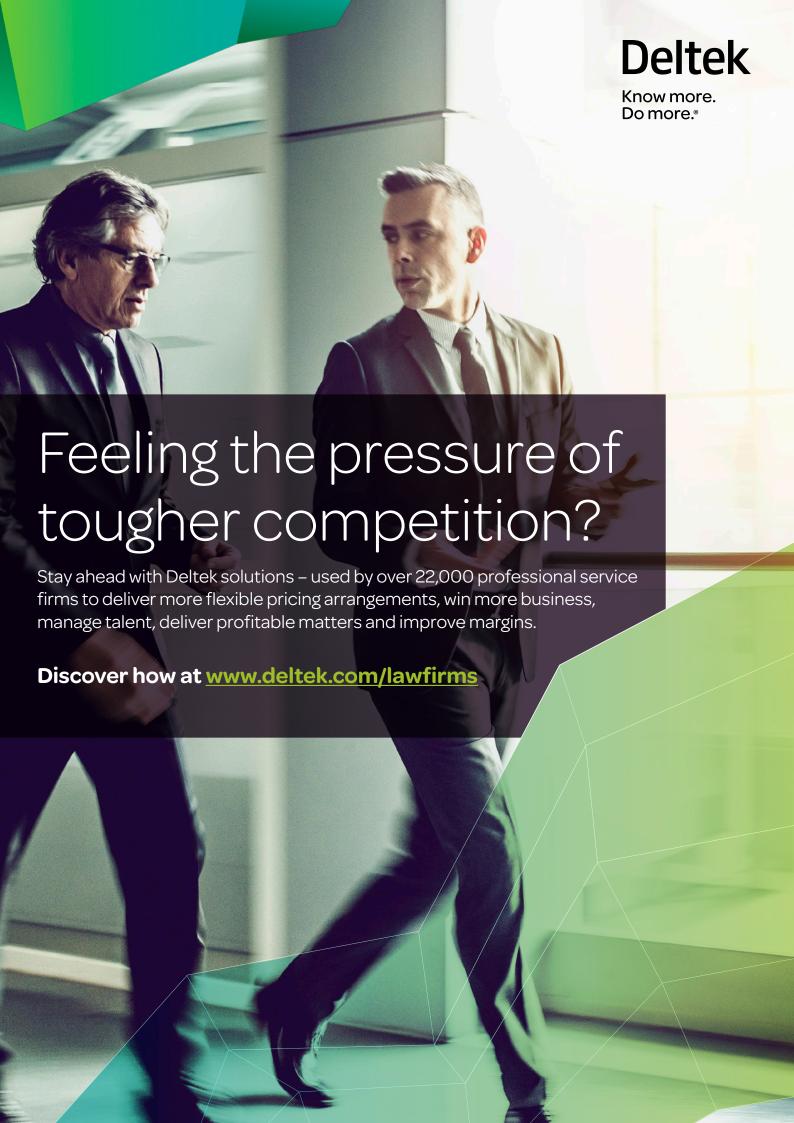
The gap widens consistently for 12 years after a first child is born, until the point at which a woman is receiving 33% less pay per hour then men, says the IFS. But that's because women are missing out on wage growth – and possibly promotions – over the period. There is no "immediate" drop when hours are reduced.

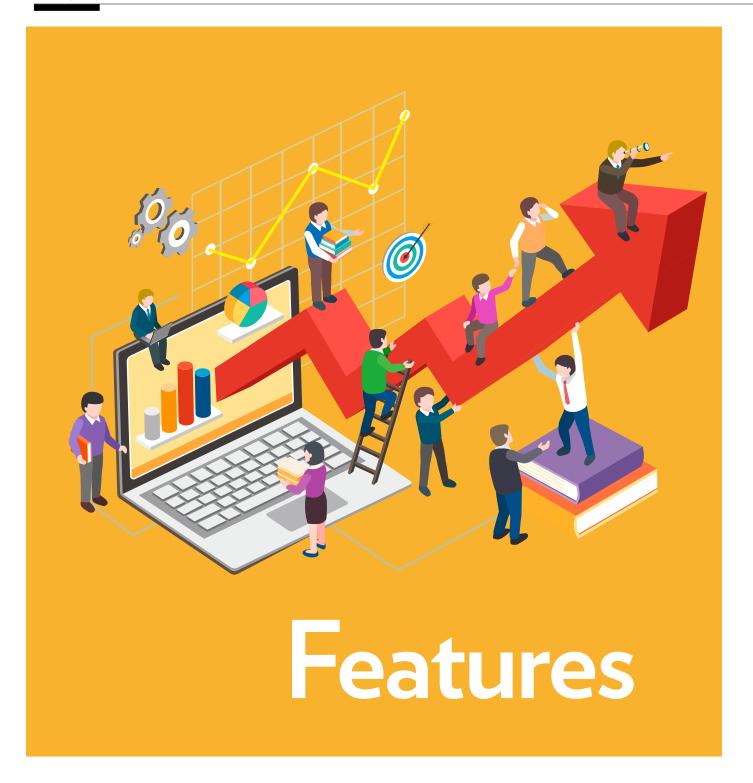
The apparent wage penalty for time out of paid work is 4% for each year for "more highly educated women" – a penalty the lowest-educated "do not seem to pay ... probably because they have less wage progression to miss out on", argues the report.

Report author Robert Joyce said: "The gap between the hourly pay of higher-educated men and women has not closed at all in the last 20 years."

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Purchasing powers

Marty Harlow at GSK on principled procurement

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THE BIG IDEA

Purchasing powers

GSK's Marty Harlow revisits the complex process of bringing the disciplined principles of procurement to the world of legal services

Words Richard Brent Photography Neil Boyd

o be successful in legal business today, one needs to learn how the business of others is changing.

Amassing client knowledge over time can, of course, create stronger bonds in existing client relationships – and investment in greater insight is critical when it comes to increasing the win ratio in the first place. As clients double down, continually chipping away at the cost of their legal advice, a simultaneous increase in competition from law firm alternatives means business development must have no doubt about exactly what it takes to get a foot in the door.

But **Briefing** has heard that current efforts in this regard aren't always working. Our 2015 report, Bridging the value gap, found that less than half of GCs polled were "confident" or "very confident" that firms understood their challenges "really well" – and well over a third couldn't commit to a response either way.

Scope creep, meanwhile, means initially in-demand alternative fee arrangements all too quickly lose their lustre. More than a quarter of in-house leaders said they had "often" reverted back to the traditional hourly rate as matters took an unexpected turn. And a vast menu of fee options – intended as an offer of accommodating flexibility – can easily get too complicated to contemplate, said one participant. Another even suggested fees fixed too low could create a problem – they're just as hard an outlier for a GC

to justify if everyone else is aiming much higher and low price seems to be costing quality.

As clients' buying power grows, however, they're increasingly in a position to seize the initiative in redesigning process to fix such problems – and few have done so as decisively as FTSE 100 pharma company GlaxoSmithKline. More than a decade ago, GSK set the wheels in motion for a revolution in procurement that would usher in a new era of cutting-edge sourcing practices and greater fee transparency.

This began, like all the best stories, with a conflict, says procurement director Marty Harlow. "The then general counsel was disappointed with the support his legal team had been receiving from procurement. The department's value proposition was unclear, and generic one-size-fits-all strategies hadn't worked. As a result, delivery was virtually non-existent. It was really a case of 'one last chance' to offer something new, but that required real substantive knowledge for a service as complex as legal."

It's a little ironic, given the need for that knowledge, that the long line of Harlow's predecessors had all been trained lawyers. "The prevailing wisdom was that you needed to have been through law school just to understand what lawyers are talking about," he says. But he – then overseeing sourcing for GSK's sales and marketing – had not received that training. Nevertheless, the vice president of procurement decided he was the

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Harlow's key recommendations (February 2006):

- 1. Develop non-hourly rate compensation models
- 2. Conduct data-driven sourcing events for individual matters
- 3. Run reverse auctions to vet fee proposals
- 4. Conduct routine firm performance reviews
- 5. Incorporate incentive/penalty compensation features based on performance
- 6. Establish 'managed service provider' networks to simplify the firm base (firms managing firms)
- 7. Explore using LPO/offshore providers for select work
- 8. Establish GSK preferred providers of ancillary services and unbundle these services from law firms
- 9. Routinely refresh preferred firm rosters.

person for the job.

Even as a so-called 'nonlawyer', he knew that he'd need to speak to several lawyers in detail - so he started on something of a global tour of GSK legal. "At the end of 2005, I interviewed around 25 GSK lawvers about their current law firm selection and relationship management practices to arrive at a set of new recommendations," he says (see box, above). "I came back from my travels to present the findings to the general counsel and leadership team, some of whom were sceptical.

"The recommendations weren't all that earth-shattering for the procurement world I worked in. They'd been deployed in other sourcing categories for some time.

"Perhaps the most profound concept at the time was that we should avoid paying for this service by the hour. If you accept hourly billing, all you're doing is buying time. It was once the bedrock principle of the profession, but it's truly inefficient. Instead of time, I

explained that we should be buying deliverables – a work product, with desired outcomes, at an upfront and predictable cost.

"If we moved away from hourly billing, we could then introduce competitive bidding, which would allow us to compare matter-specific proposals. It's very difficult to compare proposals using a time-based unit of measurement and come to a clear conclusion."

Fixing the process

It's worth noting, he says, that this all happened several years before AFAs became the common language in legal that they are today – and also before recession really forced the issue. "Now firms were suddenly really hungry for our business, and that gave us more leverage to do things differently."

But initially things weren't that simple. "When I started in the role, I returned to my desk – and nothing happened. There were no phone calls. I attended no meetings. I was trying to build some momentum, but it was quite a lonely existence for several weeks, or even months. I got some projects moving through a few friendships, but it's no exaggeration to say that I didn't speak to a law firm without an escort for at least a couple of years."

Instead, he says, he focused on providers of ancillary legal services – services like legal staffing, court reporting, e-discovery and (as a pharmaceutical business) patient records collection and review. "We'd always relied on firms to source these services on our behalf, but I convinced legal management that not only could

we set our own quality standards; we could select a roster of our preferred providers for these services, require our firms to use them, and save money in the process.

"Firms didn't care as it wasn't their bread and butter – but it allowed us to trial some AFAs quite aggressively." It also established some base credibility for his new principles.

But it wasn't enough – he was still only addressing a small fraction of the total spend. "Procurement professionals are fundamentally graded by savings generation – and I just wasn't getting enough up on the board," he says.

A small meeting was called, including some external financial and legal consultants. One member of the legal team turned up "out of the kindness of his heart," laughs Harlow. The ideas began to bubble – as did the complexities.

For example, quite aside from getting the all-important business buy-in, several obstacles emerged to imposing a more fixed process on the awarding of work and the ensuing law firm relationship.

"Whatever we did, there would always be some very tight specs to satisfy," he says. In some cases, courts will demand a really quick turnaround for a matter – needing notification of who'll be representing within days, if not hours.

"In addition, we had to accommodate the inevitable unpredictability of how many of our legal matters play out, to neutralise that complexity somehow, and to develop fee arrangements that can flex when material changes dictate."

It's just as well, therefore, that

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the third big consideration was to ensure GSK's lawyers didn't feel they were neutralised – unceremoniously pushed out of the driving seat in important relationships.

"Fundamentally, we're taking the firm selection process out of a managing attorney's hands – so it was important to stress that the final selection decision still rests with them. We didn't propose to replace the lawyer's judgement."

Rather, the procurement department would seek to design an objective and data-driven sourcing process, so that lawyers could make the most informed final decision possible. "They would still have the power to decide, but that decision would always be based on data that could back it up," he says.

Making assumptions

Harlow's early design work paved the way for GSK's ac-

claimed outside counsel selection initiative (OCSI), which is the process of GSK legal and procurement working together to select outside counsel for individual legal matters. After getting early endorsement from the GC, he and colleague Justin Ergler (now director of alternative fee intelligence and analytics) worked with GSK's global external legal relations team (GELRT) in legal - a close collaborator with procurement - to develop a matter-specific, mini-RFP (request for proposal) tool that enables in-house counsel to assess firms' specific qualifications for a particular representation.

The other main component of the OCSI is the electronic reverse auction 'sourcing room', which encourages fee competition among qualified law firms. Instead of hourly rates, says Harlow, this process focuses on fees that reflect the total cost of an engagement, phases of matter, or key activities (for example, depositions, motions, weeks of trial).

But using GSK's preferred firm roster, in-house lawyers first work with procurement to draw up a shortlist of firms to invite to an OCSI event. GSK lawyers use a form-driven process to state as much detail about the matter as possible – and these are passed to Harlow's team for submission to firms.

"Forms, templates and standardised communications, internally and externally, enable the OCSI to run with machine-like rigour," he says. "It's important to note that procurement controls all communications between in-house and outside counsel during the process to ensure firms receive exactly the same information."

The whole process takes an average of five days to complete

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THE DEBRIEF

GSK's outside counsel selection initiative (OCSI) is used to assign individual legal matters to outside counsel more cost-effectively.

The OCSI leverages technology to aid GSK's global external legal relations team (GELRT) and procurement function to create an efficient qualification process. A final shortlist of competing firms, which has been reached through interested parties "exchanging assumptions" about the scope of work, then enters the OCSI's electronic reverse auction 'sourcing room'."

Here firms new to the experience will be 'walked through' the process of lowering their bids, and each firm can see how they compare to others on price.

However, due to the earlier selection phase, all firms can be confident that no firm enters the auction purely to drive down the price. Every firm has a fair chance of winning the work.

- and after GSK's lawyers have defined the matter, it's over to the shortlisted firms.

"As any other sourcing category would, we begin by trying to convey to the supply base what we'll need accurately – so we research as many facts surrounding our requirements as possible." But as unpredictability can easily impact fees, these are transformed into something called "an exchange of assumptions," he says.

"We'll say to firms 'Assume that there will be 25,000 pages of discovery materials,' or 'Assume that you'll need to depose seven expert witnesses.'

"Of course, there is simply no way to know some facts for certain – it's your best judgement at that point in time. But we encourage our firms to anticipate what they expect to happen over time as best they can."

Procurement gives that list of assumptions to the participating firms – who respond with their



own assumptions, including any areas or issues they feel might have been missed. Procurement and in-house legal then team up to compare the various submissions and arrive at a final set, which then forms the basis of every firm's fee proposal – flat, fixed or capped.

"This 'bottoming out' of assumptions is one of the bedrock principles of OCSI," he says. "All firms are bidding on the same body of work using the same assumptions, which also set the baseline for addressing material changes to the matter over time – and therefore set the stage for agreeing to any corresponding fee adjustments."

Under the hammer

If you think this level of transparency sounds a touch intimi-

dating, hold onto your hat.

"Next we all take a trip to the sourcing room," says Harlow. Known in other business and procurement categories as a 'reverse auction', firms bid against one another in real time to arrive at the most competitive price possible.

"The beauty of the first stage of the OCSI process is that each firm in the auction knows they're now in the same qualitative position," he says. "That's to say, every shortlisted firm has passed GSK qualitative assessment. This guards against the perception that any firm is only present to drive the price down – and each has a fair shot at winning GSK business."

The auction itself then gives firms a mere 20 minutes (approximately) to submit their



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best and final fee. "But it really isn't the panicky situation you may imagine or hear about," says Harlow. "It's actually very civil. There's training, and the system is really very intuitive. I think law firms appreciate the transparency and opportunity to make improvements to their fee proposals.

"We've also found that many firms are investing heavily in people with cost modelling expertise and strong data acumen to understand cost drivers and arrive at very precise estimates of total cost.

"When they log into the system they see their opening bid on the screen. They can also see the best bid we've received from any firm – as well as where they currently rank compared to the others. They know it's now purely about numbers – there are 20 minutes to lower the proposals."

However, 24 hours prior to an event, firms can preview the

relative competitiveness of their fee to develop a bidding strategy – and as at other points in the proposal process, Harlow says there are several "human touch points." As during the RFP, a disciplined process doesn't necessarily have to mean a faceless one.

"A firm invited for the first time will always be guided through the process. If there's an anomaly, or somebody has a particular concern, we can also send a short message, pause the auction to take questions and prepare responses. We've even had emergency phone calls part way through the auction where somebody has typed in the wrong number."

Far from feeling isolated, he says, firms typically turn the auction experience into quite an event. "In the early days it was all quite controversial, but that seemed to morph into a sense of fun. You find partners will bundle into a conference room

and huddle behind the person they've trained to operate the system," he laughs. "They might even serve popcorn!

"The truth is we do the same here on our side – we'll put up a large screen and invite our own people down to watch the bidding unfold."

How low do you go?

No doubt that sense of theatre as the numbers tumble also helped in selling the cost-saving benefits to GSK's own lawyers.

However, Harlow says the firm that's willing to go the lowest won't necessarily be the one that goes on to win. The lawyer still has decisions to make, and personal relationships are still relevant.

It's company policy that any matter over \$250,000 must go through the OCSI process. But conversely, GSK legal's management routinely reviews how firms score in RFPs – and that's used to determine the

seniority required to sign off specific types of agreement. Moreover, the opportunity to feed performance back to firms – potentially helping them to win new clients – can strengthen existing relationships between GSK lawyers and their counterparts.

Achieving buy-in at the very top of the legal team was pivotal in getting the ball rolling at all. Harlow says he first took OCSI to GELRT – the team in GSK Legal that collaborates with managing attorneys, procurement, finance and IT to develop tools and techniques that reduce outside legal spend. However, it was only when he went up the ladder to the senior vice president of litigation, and thereby got GSK's GC in the

room, that he got the green light.

"I knew it had never been attempted, and there would probably be a few mistakes, so I suggested we start with a smaller pilot to avoid any flare up. The GC gave it some hard thought – and said no, we'd do the opposite.

"'If we're going to do it, let's do it,' he said. 'And I want to start with litigation.'

"You could have heard a pin drop. He wanted to make a big splash, not several smaller ones – and so I took a very large gulp of water."

But Harlow was grateful.

"Procurement can serve up innovative ideas all day long – but unless you get sponsorship at the very top in legal business, you don't really have a hope."

"Procurement can serve up innovative ideas all day long – but unless you get sponsorship at the very top in legal business you don't really have a hope."

The rest, as they say, is history
– and today the work of Harlow
and others is both a Harvard
Business School case study and a
Procurement Leaders award
winner for sourcing complex
professional services.

"One thing's for sure," he says.

"The days of awarding work based on subjective criteria, no questions asked, are definitely numbered."



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BRIEFING CONFERENCES

Trust in transformation

Legal leaders shared their best secrets and lessons for successful strategic change at Briefing Transformation 2016

Words Richard Brent

ossessions are generally diminished by possession." That's Friedrich Ni-P etzsche. Now, it isn't that often we turn to a nihilist philosopher for inspiration in Briefing commentary, I grant you - but if Transformation 2016 conference taught us anything, it was that it might well pay off to try thinking differently.

It was keynote speaker Jonathan Brenner, co-founder of LOD (formerly Lawyers on Demand), who saw value in the words – as illustration of the attractiveness of the 'sharing economy' that businesses like his are building new models on. From the success of Airbnb to the company Wework's concept of sharing office space, he highlighted how consumers of many service lines are increasingly willing to try a different arrangement if it's more cost-effective and convenient. The value of the sharing economy

is expected to grow to £225bn by 2026 (it's around £10bn today) - and in the legal business world, this is as much about how firms staff themselves as the service they offer clients.

LOD, of course, offers both firms and clients access to freelance lawyers - a service that can be configured to meet clients' specific requirements for working arrangements, while also giving lawyers flexibility surrounding the work they take on. Mostly between five and 15-years qualified, "they are brave enough not to want to be partners," said Brenner on the podium. But in autumn 2015, LOD went on to strike a venture with DLA Piper to build and manage that firm's own freelance pool (including a core of DLA Piper alumni) internationally.

"It's better to collaborate with people who are experts in their field than to try to do everything yourself," said Brenner. But as when 'selling' the



sharing economy to consumers, the challenge to collaborating and launching new models is reassuring your buyers on quality and control, establishing trust and building buy-in.

Expert problems

Albert Bollard, associate partner at McKinsey, then picked up the baton to probe some of the typical problems preventing strategic transformation at the traditional firm. "Experts view their work as an 'art'. Every piece of work is special," he said. They often function in a "silo of expertise", which is both frustrating for them (having to deal with every problem personally) and inefficient for a firm (what happens if they leave?). But if harnessed correctly, the expert's status and expertise can be used to challenge and establish new systems that create both organisational consistency and a robust platform for progressive change.

Articulating how far law firms could change the way people are developed, Bollard explained that a McKinsey partner is expected to change their role within the organisation and "let go" of a book of business to help the spreading of expertise for continuous improvement. Creating opportunities for others to learn and develop is also a criterion in performance reviews. And the business builds client service teams around the process of a "client journey", broken down and articulated such that stages are understood by all.

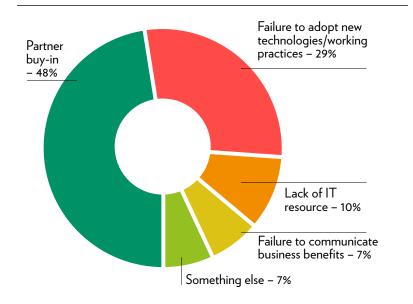
"It's still very rare that organisations design systems in a self-consciously explicit way," he explained. Investments that are made in change projects, meanwhile, can easily be focused on the wrong problems, as those business experts are busy elsewhere (in their silos). All of this feeds into the statistic that only 30% of change projects are classed "a success" - a statistic, incidentally, that has not changed for 30 years.

Tackling the 'expert' ego to grow a culture was a key challenge for the next firm on

Transformation's agenda - in a scenario with

Above (left to right): The audience engages; Albert Bollard, associate partner, McKinsey & Co; Libby Jackson, global head of alternative legal services, Herbert Smith Freehills; Jonathan Brenner, co-founder, LOD

Audience poll: What is the single biggest barrier to transformational change in your firm?



Dave Hale at DAC Beachcroft's top tips for data delivery transformation

- 1. Treating business intelligence as an IT project only makes failure likely the business must change too
- 2. Top-down buy-in is critical to success
- 3. Resources must be dedicated separate from business as usual
- 4. The right operating model is needed for a sustainable approach
- 5. Pick the right tool in light of the company's strategy, maturity and infrastructure
- 6. Don't rush the implementation. Accelerate from a solid
- 7. First soft launch to a small group of 'super users' and then iterate at pace
- 8. Your implementation partner needs experience of the sector.



which many **Briefing** readers will be familiar. When King & Wood Mallesons negotiated its landmark East-West merger, it needed to think about the "autonomy myth," said commercial property partner Bryan Pickup. Some held a notion the firm could simply "be ourselves, but better." Partners had to understand that processes would change for the better through the combinations of new teams and expertise – and managers needed to consider all possible groups of stakeholders.

"We approached the deal as if it was happening for a client," said Pickup. "And the involvement of real clients – asking what they thought – was an

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Right: Jonny Voon, lead technologist, Innovate UK

important element of gaining partner buy-in. "Communication of the options and the opportunities for growth was also key." (KWM gave partners five different futures it could pursue, building the case for why this one was preferable).

But in addition to managing autonomy expectations, there were other lessons. A merger is a business journey that must be planned with project discipline before embarking, including post-deal integration planning. "There are quick wins – and then there's sustainable winning," explained Pickup.

Data with destiny

Dave Hale, management information manager at DAC Beachcroft, proceeded to point out that firms must transform because clients are transforming.

"Among large clients there's a theme of extensive business transformation and simplification in business operations and IT systems." Those clients need access to strategic insight gained from their legal operations – which is why DACB aunched its client collaboration and R&D hub The Innovation Lab and invested in a new business intelligence system. Data insights in demand include performance against service level agreements, litigation prevention patterns, forecasting success and wider market trends, as well as trial outcome and total spend monitoring.

But as in previous presentations, there was again an emphasis on delivering differently to internal clients, de-siloing roles and directness. Significantly, Qlik (DACB's BI tool) places the

Merger most torrid

The event's afternoon workshop offered delegates the opportunity to try transformational thinking on for size. How would they tackle notoriously old-school imaginary managing partner Hector Muchly – a man with yet another merger on the mind? This gentleman led an earlier merger to form today's fictional top 50 player BFF Cameron Johnson – but Mr Muchly wants much more (not that he's likely to be around too much longer to see how it all pans out). Elsewhere, BFF – albeit affectionately known as the Big Friendly Firm – isn't too happy. Synergies from the former merger four years ago are yet to materialise, IT is creaking somewhat, client are calling for more predictable pricing, and even the millennials are making an unpleasant noise.

Other business services characters have either survived the merger – or been brought in from outside – and have their own takes on the future.

Delegates were split into groups to decide how the firm ought to arrive at:

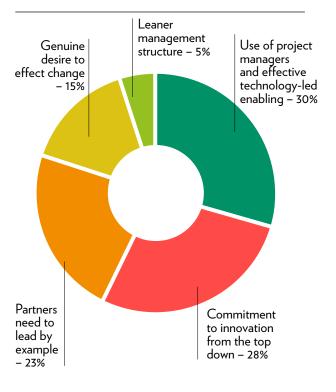
- 1. A compelling but realistic strategic vision for the future
- 2. Strategies for engagement of all employee groups
- 3. A strategy for investing in new IT fit for digital working.

 The ensuing debate came fast and fierce. Here are some choice

examples of thoughts (anonymised):

- "Further change is premature. You must put stabilisation ahead of lofty visions of further growth."
- "It's a change myth that a mission will transform an organisation."
- "The organisational and people challenges of change don't necessarily align. People typically see risk and personal loss."
- "Even stakeholders who seem uninterested won't be un-impacted. Definitely choose when and how to communicate, but definitely not whether to at all."
- "Focus lots of attention on the sectors you most need to support. Consider the impact of any further strategic change on the existing key client strategy."
- "Depending on the sector, the firm might not have the luxury of taking things slowly."
- "It isn't possible to have all stakeholders arranged away into neat groups. Informal influencers are hard to control. People's feelings and actions won't just be influenced by others in their own groups."
- "Merger or not, organic growth may be too slow for today's associates to buy into. Can they really see a future at the firm?"
- "There's an opportunity to do something new with tech. Create new tools for reporting matter progress to improve transparency
- but pressure vendors for extended trial periods to help adoption."

Audience poll: How could your firm best speed up processes to stay ahead of the game?

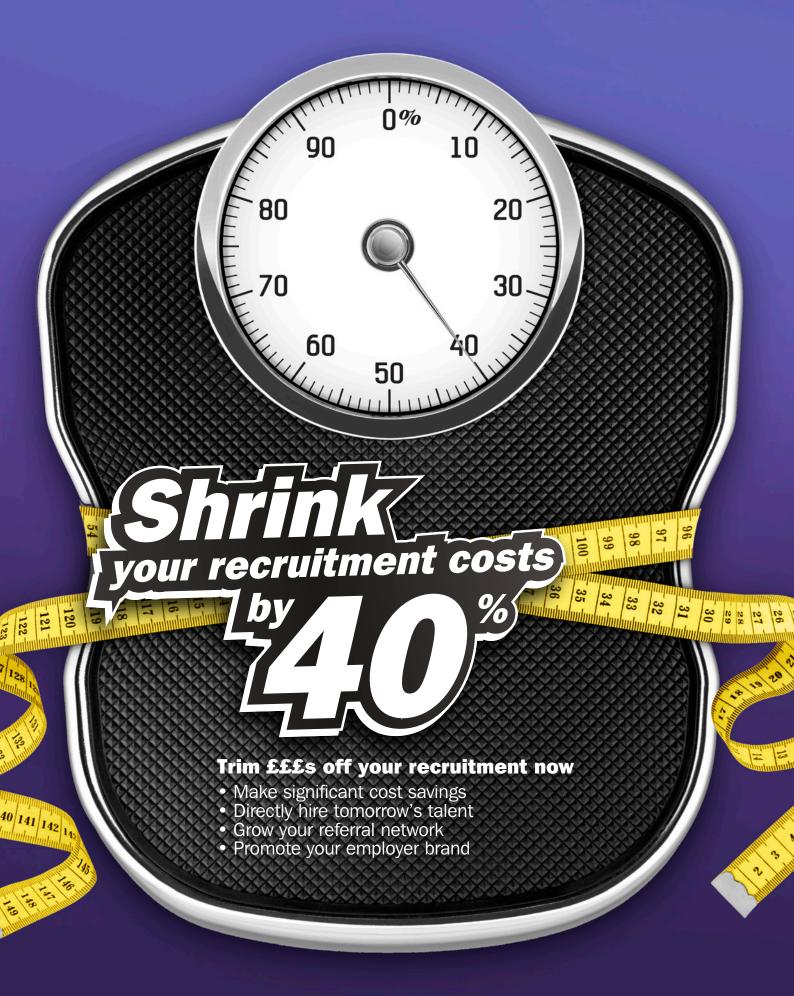


capability to track, analyse and report on such datasets in the hands of the end user. Lawyers can access and analyse dashboard visualisations for themselves. And through faster integration of data from disparate systems such as finance and client relationship management, the firm misses fewer strategic opportunities, from pricing more profitably to cross-selling and improving cashflow.

Jonny Voon, a lead technologist at innovation agency Innovate UK, brought the morning sessions to a close, reminding us that the age of data analysis is experiencing its own transformation with the Internet of Things. Wearable tech pinned to the tail of a cow is now used to optimise the milking regime to optimise the supply chain. At the opposite end, a consumer with a connected home and mobile life can receive alerts when the fridge needs restocking.

From healthcare to traffic infrastructure, society is capitalising on more reliable knowledge about people as "creatures of habits," says Voon – and the implication is that law firms ought to be cashing in on data's capability to transform too.

"Behaviour is the new authentication," he said. "But behaviour is also the new goldmine."





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Open for business

David Pollard, director of operations at Ince & Co, describes managing the move to a new office space and implementing agile working



NO SUNAN

Open for business

David Pollard, director of operations at Ince & Co, explains how the firm project managed a timely move to an openplan office environment and more agile working ur move to London's Aldgate
Tower in March 2016 formed
part of a major investment
programme in our firm and its
people. It's a move to a brand
new office that takes advantage of some of the
latest developments in office design, while technology has enabled us to create a more collaborative and 'agile' working environment. The various
aspects encourage greater teamwork and communication, and, we feel, ultimately enhance the
service we deliver to our clients.

Open communication

All fee earners in our old space, in International House, sat in either single or dual occupancy offices. Due to the confidential nature of legal work, we've maintained certain private office areas – but we decided to adopt an open-plan layout and agile arrangement for the vast majority of our new office space.

However, knowing that lawyers are cautious by nature, and can sometimes be resistant to change, it was essential that we very clearly demonstrated the benefits of the new layout, technology and ways of working. A key element of the project was therefore to show them that other successful professional services firms had been working in a similar way for a number of years. Members of the senior management team visited other businesses that had already adopted similar working arrangements to this end.

In the layout design process, we also worked very closely with Aukett Swanke, the architecture and design company, to ensure the space had a modern feel and took full advantage of natural light. When dealing with architects, or other creative professionals, it's essential to be open-minded to change and really listen to advice. We invested considerable time early on in the process to establish a successful working relationship and to build buy-in to their vision.

That said, considering the challenging timeframe we were working to, it was also imperative that once a decision was made we didn't change our minds. We therefore established a working group from across the firm, including partners, other fee earners and business services. This group's main responsibility was to gauge opinion and agree practical elements of the new office with

While the firm had an element of agile working in place prior to the new office, we used the move as a catalyst to broaden and extend practices.

the external advisers – elements such as interior design and space planning. The group also communicated regular updates to the firm at key process milestones, as well as organising a site visit for all staff to get a first-hand feel as soon as we'd signed the lease. They also fed back into the business positively about the new office, which helped generate excitement.

On top of this, our London associate and business forum – representatives of both the associate and business services communities – acted as 'ambassadors' of the project through some less formal channels.

As with any change process, the quality of communication was key. However, we recognised that different people prefer different forms of communication, and so we used a number of mediums to get messages across. There were 'town hall' meetings, a dedicated intranet site, email communications and separate group and team meetings.

Investment in motion

This change also wouldn't have been possible without a major investment in technology. While the firm had an element of agile working in place prior to the new office, we used the move as a catalyst to broaden and extend practices, both to enhance client service and improve the working environment.

For example, we invested in Microsoft Surface Pro 4 tablets for every fee earner and the majority of business services employees. These devices allow people to have the same access to our systems wherever they're located, be that in the office, at home or in client meetings. Coupled with new hardware and considerably faster connections, an overhaul of the networks and backend IT provides a much more responsive user experience. There are nearinstantaneous connections when working remotely, removing frustrations associated with the older technology - and users can easily connect to large video screens in all meeting rooms as part of a focus on supporting a more paper-lite working environment.

We have also enhanced our flexible-working capability through installing latest generation Wi-Fi, with increased capacity to work more seamlessly - moving easily, for example, from a desk to collaboration space elsewhere in the building. Segregating guest and internal wireless is designed to provide a better experience for clients and other visitors, as well as ensuring internal system security through strong authentication of each connection.

And we're facilitating more

collaborative ways of working, both within the firm and with clients, using Skype for Business. This unified communications platform encompasses voice and video calling, email and instant messaging – all accessible via the Surface Pro.

Printing has also been streamlined through installing multiple large multi-function devices to consolidate printing, scanning and copying needs. Together with follow-me printing, this has saved a considerable amount of office space, as well as greatly reducing use of paper (which clearly makes sense from both a commercial and environmental perspective).

We devised a training programme to make everyone familiar with all of this technology in advance, ensuring as smooth a transition as possible. And for the relocation itself, we developed a plan that involved a phased move over four days. All partners and employees were made aware of how the plan affected them individually, and were given names of people to turn to if they needed help on moving day. Once in situ, 'floor walkers' were deployed to assist people as necessary, especially with the new technology.

Our new agile working policy is just as important, as this gives clarity around the specific ways people can now work differently. The policy is based on common sense and trust in our people, but it still gives clear guidelines to both managers and staff. 'Agile' arrangements are numerous, from different parts of the office (such as a café) to working at a client's office, or of course from home.

The key question the policy asks is: 'Is the working arrangement I'm considering going to help or hinder me in getting my work done?' This is where common sense is necessary. If the answer is 'hinder', the guidelines state it won't be permitted. We also ask people to consider the likelihood of anything urgent arising that would necessitate being in the office physically at short notice. Clearly, communication between team members is key. We ask everyone to keep their location updated on Skype for Business, and regularly discuss working plans with both their manager and key colleagues.

Future perfect?

Naturally we believe we've created an office of which everyone can be proud.

We've found the open-plan arrangement encourages greater communication and cooperation across our various sector groups and functions. More agile working improves work-life balance, and therefore teams' sense of morale. And the investment in new technology and systems enables fee earners to concentrate more on

All partners and employees were made aware of how the plan affected them individually, and were given names of people to turn to if they needed help on moving day.

generating work.

It's also a way of working that particularly appeals to the youngest generation in the office, improving not just work-life balance but also the sense of being part of a team. This is important to management, as it helps with attraction and retention of the best talent.

At the same time, we clearly need to look at all of this more closely, so the change will be a major feature in our future employee satisfaction survey. In the meantime, we held a client launch party at end of June and used it as an opportunity to seek their opinion on the new facilities. The feedback that we received from the 200 clients in attendance was extremely positive.

Since the last global recession there has been a significant and lasting change in the legal profession. Increased competition and a hardening in clients' attitudes towards fees will continue to encourage firms to find ways of driving efficiencies. Changing the way we use space is one way of achieving this.





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ROUNDTABLE

On the paper-light trail

A day in the life of lawyers is simpler if they embrace more digital process. **Briefing** and Canon get together to hear from top 100 firm infrastructure leaders about how they're getting there G

azing out from the top of the Shard in London we're surrounded by dazzling buildings, home to huge digital capability. But those who were here for

our **Briefing** roundtable on driving the digital office, in association with Canon, had something else on their minds. How can the legal business world tackle the traditional lawyer's preference for paper?

Infrastructure experts at forward-thinking firms say they know that printing less reduces business risk – and saves tress, time and money in the process. From finance to compliance, switching from paper to digital alternatives has the potential to make everyone's lives easier – including the lawyers'. That, in turn, makes legal practice more productive.

DWF recently moved office to consolidate after its most recent merger. It used that business transformation to generate efficiencies through simplifying working practices. New technology is allowing the firm to make more cost-effective use of space, while employees are offered the agility to work from different locations, as well as on the move, and switch from one to the other with ease.

But maximising the return on that investment required some other big changes. Chief technology officer Richard Hodkinson explains: "A key part of the rationalisation was to reduce the amount of storage for physical material." Working 'smarter' with paper was a key challenge, and through partnership with Canon, the firm has successfully implemented a solution that means all inbound post is now scanned (around 10,000 items a day), with optical character recognition automatically assigning material to specific matters.

Outdated methods of communicating by paper such as fax will also soon be obsolete, predicts Hodkinson. People can log in and release their print job from any printer on the network – which should be the one that's most convenient for them at the time.

Canon also helped DWF implement a stationery strategy whereby headers are inserted in software rather than preprinting stationery – with significant savings as a result. "But for all that, I don't think we'll ever achieve the paperless office," he says. Neither the nature of the work, nor the people, will allow it.

Making legal life simpler

Even when it's physically possible to remove large quantities of paper, it's important to demonstrate clearly how this makes lawyers' lives easier, not harder. Like the agile-working policies that allow them to work from home more easily, the office itself needs to make itself "as slippery as possible, almost friction-free," says Hodkinson. "Getting through the day should be an easy experience, where the lawyer can just get on with the law rather than fighting the systems."

In line with this, an ongoing job for DWF facilities director Karl Warmbold, he says, is to deconstruct the lawyer's typical day and improve that experience incrementally. "Where are the biggest bottlenecks and time-burners? How long does a system take to access? How does that feel, and what can we make more efficient next?"

Mayur Patel, facilities director at RPC, agrees. "Every firm probably needs a similar project 'simplicity'. We also have 'follow me' [secure release] printing at any machine and encourage our people to print double-sided by default. However, we're driven to create an environment that uses less paper rather than a fully paperless one."

Part of the challenge of optimising print arrangements lies in the balance of a machine's settings and trusting the input of the human where necessary. "Some court forms can still only be printed on one side," observes Hodkinson. "Either systems need to be smart enough to distinguish between documents, or you leave it to the human



- which can often be where it all goes wrong."

People with a print problem

For example, once DWF post is scanned, the documents pop up on the individual's screen to read at their convenience. Many employees like to use two screens as a result, and these are in high demand. "But they'll still sometimes print it out and put it in a filing cabinet as well," laughs Hodkinson. "We should now be at a point where some processes are fully online end to end."

Warmbold adds: "The key to that is to replicate not just the document online, but the user's manual experience with that document – annotating, highlighting, perhaps sharing collaboratively and efficiently sending on for further processing by a PA or production unit."

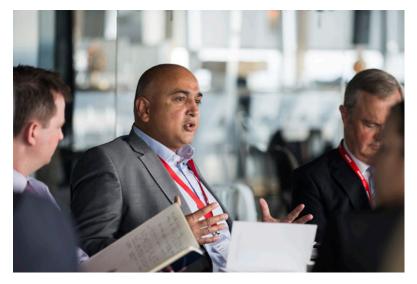
Gordon Howes, facilities director at BLP, describes one financial business that, like DWF, trialled open-plan and paper-lighter working, but fell very wide of the mark. "People still printed

Above: Pamela Kendix, London director of administration, Covington & Burling

Below: Richard Hodkinson, chief technology officer, DWF



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"We're driven to create an environment that uses less paper rather than a fully paperless one."

Mayur Patel, facilities director, RPC

Above: Mayur Patel, facilities director, RPC

things out every day. They weren't allowed to store it, so they scanned and shredded it, and then just reprinted it again the next day. It was complete madness."

He also experienced a challenge himself when BLP built in an open-plan arrangement for lawyers on several floors. "We were quite strict about not cluttering floors with boxes," he says. But although people didn't have as much storage available in the new office, many would simply send it to our offsite storage facility.

"Their time is money. They didn't want to spend that time sifting through for the documents to digitise," he says. "It was simpler to send everything offsite – and then there's a huge boomerang effect when lots of boxes need to come back again for some reason."

One tactic for getting some buy-in was to trial new working practices with just one legal practice and then use peer-to-peer conversations to quiz people and help quell cynicism. There are special trial preparation rooms for the toughest-to-convince litigators, and the risk department insists on card-release printing for security purposes.

Open-plan usually means taking up less space – and that helps people to print less too. Queues occasionally still form around the fewer printers at BLP, Howes says. However, many partners agreed to part with a personal printer on their desk if it means they can use that space for something else such as a second monitor.

Hodkinson says the trend toward hotdesking in his vision of a frictionless future office can also help. "By removing the person-to-desk connection, people no longer have any fixed home," he says. "They have to make use of shared space and resources – so do they really want to keep moving their things around, or is it easier to accept mobility and get to work on-screen?"

Is paper a generational problem?

It all sounds nicely in tune with the notoriously restless millennial mindset – but will their bosses ever be as willing to part with their cherished possessions, bundles and boxes?

David Bateson, Canon senior vice president, legal, IP, and sustainability, asks: "If millennials need managing differently, does that mean they're more tolerant of the IT that enables it? Are they easier to engage to start the journey?"

Warmbold says, actually, probably not. "The reality is everyone's feeling the same pressure over margins and hours. If the older generation is impatient with adopting new ways of working, millennials just expect everything to be 'on' and available all the time." Both traits contribute to the change management challenge.

Hodkinson says: "It's more likely that engaging people to work digitally depends on how they themselves are wired."

Pamela Kendix, director of administration at Covington & Burling in London, adds: "Contrary to the stereotype, I really don't think this is generational. Millennial desks are also divided into those piled high with paper and without."

And several at the table point to the delicacy of policing or coercing any grade of lawyers into obedience with an office paper policy.

Clive Knott, IT director at Howard Kennedy, says: "People still want to take paper to meetings because it still seems most convenient. Spreading lots of

For more information, visit: www.canon.co.uk/legal

documents across a desk to discuss and compare may be old-fashioned, but the fact is that it feels easier.

"At our firm we're scanning and building a proper e-file. There are education programmes for email best practice, and even penalties, but it's not easy to force lawyers to change, especially if they're profitable."

Hodkinson empathises with the difficulty of telling successful people they're not succeeding efficiently enough. "The board wants more operational consistency, but high-performing partners want their personal preferences.

Facilities can find it's stuck in the middle – and if you allow lots of variation on core processes, you won't get the best return on the IT investment."

Perhaps a better lever for changing the behaviour of lawyers feeling the heat is the people paying them. "Our clients are now ever-more digital in the way they work, and they definitely want us to engage with them differently and make more effort to work electronically," says Warmbold.

Canon's Bateson agrees – and points to the trend of giving clients access to tools for partial self-service, such as through document automation, to help lower the final bill. "It could easily be developed into a strategic campaign for winning business from a client like us in the first place," he says.

Superior security

But a further challenge is the balance between digital efficiency and information security to manage the risk of data loss – and where each client will have its own ideas about what's



necessary in line with an individual risk profile.

Hodkinson says: "Law firms aren't the same as other businesses. Clients pass their policies down the food chain – and we have to try and be a fit for whatever they want internally."

He adds, however, that while mobile working inevitably carries risk, enabling more home working actually has a security advantage.

Although DWF offers the same two screens to the employees set up with home offices, this group isn't permitted to print a page.

"It's for security, and our belief is people learn to manage without," he says. If people want a more flexible life, living with a little less paper is the price.

Back in the office, the challenge remains – convince people that an electronic audit trail is less risky than a big box of papers (onsite or off).

Kendix at Covington says: "On the one hand we're all overwhelmed by emails, but on the other we still need to be able to find any one email again very quickly."

A lack of regulatory clarity on retention and admissibility also doesn't help matters, report others – although more technology perhaps could.

Hodkinson says: "You can find you're stockpiling all the wrong papers anyway – just in case – when what's really needed is the digital metadata to show when each document needs archiving or destroying based on the specifics of the case. At present, that's still an expensive manual task."

The challenges to cutting out paper are as clear as our excellent view – but the digital journey's ultimate destination once again disappears just over the horizon.

Above: David Bateson, senior vice president, legal, IP and sustainability, Canon

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iManage observes lawyers at work with technology to learn how to make their lives even easier, says DAC Beachcroft IT director David Aird ow do your persuade busy lawyers to use your piece of technology as intended to improve personal productivity and firm performance? It's the million-dollar question for legal software suppliers – but could the answer actually be: 'Get them to be part of the design team'?

That was certainly in the thinking mix leading the effort to improve lawyer user experience with the release of iManage Work 10 (later in 2016). Project 'White Rabbit', as it's intriguingly known, has involved the input of hundreds of lawyers globally.

That's no little commitment from the participating firms, such as DAC Beachcroft – but IT director David Aird says it's a price that's clearly worth paying.

"As we've increased our support for agile working, we in turn need applications that support that.

Mobile working – on the train, the tube or at a client – now means so much more than sending off some emails. Documents must also be available on the move, including multiple versions of the same one for review."

New releases of document management software typically add features over the course of a year, he says. "But this product was built from the ground up, with iManage gathering the requirements. It begins

For more information, visit: www.imanage.com

"It begins from the position of how lawyers really want to work, rather than how a software company, or a firm's IT department, thinks they might work."

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App happy

Before building anything there are interviews with some 300 lawyers at offices as afar afield as the USA and Australia. But the really innovative part – and where DAC Beachcroft has made its mark – is what happens next. Several lawyers are put in a room with the first beta of the software. They have no instructions whatsoever – and are filmed completing a set of tasks.

Observing from the wings, and videoing lawyers as they navigate normal daily tasks, iManage now uses their physical responses to rewrite parts of the product (in the case of DAC Beachcroft, for example, search) – the principle being that if something needs explaining in the digital age, the most likely truth is it isn't working as well as it should

"They are trying to get a solution that just works, without the training," says Aird. "This is exactly what we need for professionals today, who often don't have time for training."

More than one firm is involved in each location to reflect a wide range of legal business needs – and each 'pod' of these testers and developers works on different IT angles, responding to the firms' feedback to create a complete solution.

Aird says the obvious benefit of improving work/life balance – as well as the background of a recent switch to a mostly Android fleet – saw the firm's lawyers keen to be involved in supporting the cause of intuitive agility.

"We chose some people that were especially enthusiastic, but also a set who said they were challenged around agility and really needed new ways of working," he says.

iManage Work is a full desktop application. But people don't want to be continually switching between their different devices, says Aird. "If



you're on the train or at home, sometimes your tablet or phone is just where you are at the time. That makes it the best tool for the job.

"However, many products just don't work that well in this 'swipe' environment, especially if you're flicking through hundreds of pages in folders. They jar."

Lawyers can swipe through a document, for example, and "finger-expand" to zoom in on one reference and then call up the generation history, all by touch.

"You can still point and click if you wish, but it's not necessary – and that makes the mobile life much easier," explains Aird.

"And rather than a screen covered in icons, capabilities only really appear when you need them. Everything's distilled down, and the rest hidden, but you can also quickly drill down to find a few more options."

School's out

One would hope another business benefit of achieving the ultimate in 'intuitive' UX is to cut the cost of the firm's training budget.

"Our IT surveys of lawyers and feedback groups show that while they might like more training, they feel they just don't have the time for it," says Aird. "Even with webinars, they may forget or struggle to make the time. Deciding delivery methods, and then rolling it out, is probably a huge challenge for any firm – but it's no exaggeration to say that this is so simple that training becomes an irrelevance."

Updates to iManage Work are instead introduced through a sequence of icons that appear the moment you focus on a new task to direct you to supporting material – so-called 'just-in-time training'.

"It's just as I'm about to do something that I really want to know how to do it," says Aird.

But of course, the vision for iManage is that they shouldn't really need to ask in the first place.

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INDUSTRY CASE STUDY

Profits in process

A Wright Hassall lawyer's new life of business process management is easier with Visualfiles from LexisNexis - and it helps if you really stress that, says IT director Martyn Wells







HQ has plenty of room to accommodate new talent to take it there. New managing partner Sarah Perry also recently pointed to several high-priority sectors for the rest of the year, including advanced manufacturing and gaming entertainment (a local cluster of businesses is known as 'Silicon Spa'). And in July the firm hired its first sales director - from Shakespeare Martineau - citing excitement at "an aggressive growth strategy for the next 10 years" and hinting at the potential of global brands investing in the UK from China and India.

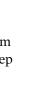
IT director Martyn Wells came onboard from a financial services background around three years ago. "I was told by the managing committee at the time that we wanted to be a top 100 firm and principal supplier to the region, but also with a true national reputation," he says. The number of staff has grown alongside revenues, from 208 to near 300, in that time - and the grand plan remains on track. "There has been no merger," Wells adds. "Everything has happened through strategic lateral hiring and intense focus on sector opportunities."

Mounting production

But management knows that any vision for an ambitious 2016 firm must be underpinned by equally strategic use of technology. Moving into new sectors, for example, will place more pressure







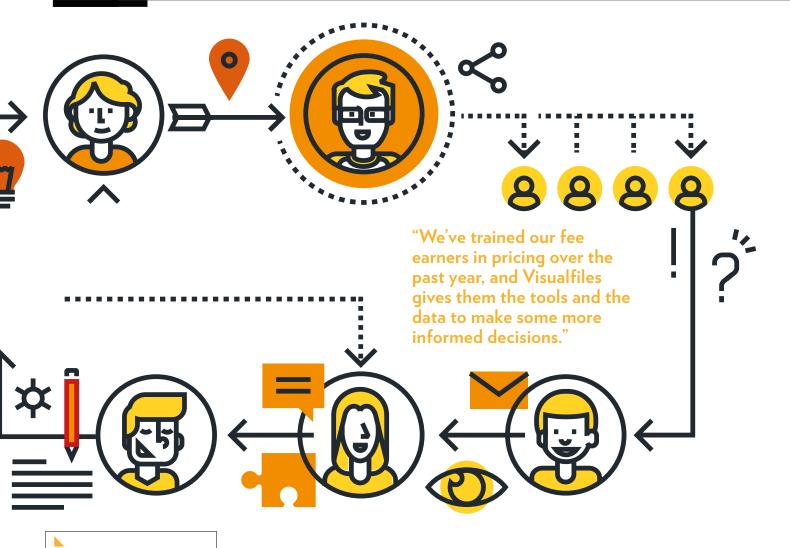
on the firm's pipeline management. As the firm grows more successful, it will be harder to keep the right rhythm of workflows, achieve consistent cashflow and avoid bottlenecks. A frenzy of billing at the back end can't be at the expense of business development activity upfront, says Wells.

So when Wright Hassall needed a new case management solution, Wells decided to ramp up the firm's relationship with LexisNexis in the area. The case and matter management system Visualfiles was already in use by some pockets of staff - and that could be the basis for driving a firm-wide move to improved productivity by embracing business process management, he says.

The fundamental principle is to break any process down into key fee earner actions, which then become measurable milestones. "A good example is a basic will," says Wells. "There's the client introduction, the requirements, a first draft, a second draft and issuing the bill. Clearly, it helps to know when the current status within a process changes."

But that's most useful, he says, when you scale it up across all the lawyers following a process to get a clear picture of the practice's overall pipeline. "We're now in the process of teaching team leaders to use this

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For more information, visit: www.lexisnexis-es.co.uk/ our-solutions/visualfiles

implementation to view and track their team's workload, including its carrying WIP value and

disbursements." The next phase is to train them to use that data – alongside resources and overheads – to analyse work profitability, he explains.

"There's a lot of pressure to move to fixed fee and other alternative pricing models. We've trained our fee earners in pricing over the past year, and Visualfiles gives them the tools and the data to make some more informed decisions.

Easy street

Wells started the firm down this path with the will-writing process, he says, because it was the simplest for anyone to understand. But the aim is to achieve such management discipline regardless of the number of precedents involved, and even with complex pieces of litigation.

"As it will be mandatory, we need to manage the fact some people could see it as a bit of an imposition," he admits. "We need them engaged, but possibly also to distract them from what's changing on the day-to-day level.

"The best way to manage that is a bit of fun."

When a new phone system complete with instant messaging was installed, the IT department changed everybody's desktops to the same bright orange brand colour. People weren't necessarily impressed, says Wells, but they were quite intrigued – and along with some informal demonstration, the word spread. The 'orange' theme continued. "It's really about internal marketing," he says.

There was a similar exercise when lawyers needed to learn to love speech recognition with their digital dictation – their device came with a friendly cupcake.

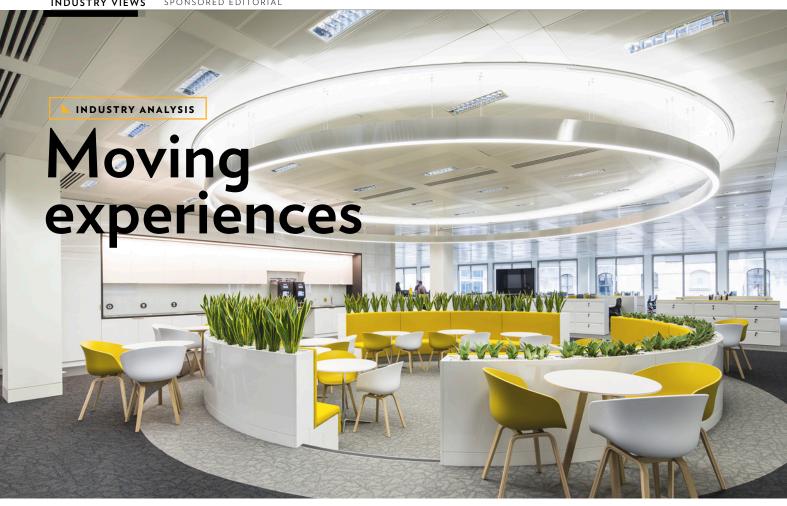
So what about engagement with business process management? "We decided to emphasise how 'easy' it was," says Wells. Posters picked up the theme (in toilet cubicles, no less), screens were altered to cartoons of song titles that use the word – and a postcard competition offered a prize.

It's a big red button for your desk. And when you push it, a voice sonorously – if humorously – declares how very "easy" it was to do so.

"Engagement was through the roof. Everyone wanted one," laughs Wells.

If only every firm process was that simple.

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A successful office move relies on effective, measurable project management at each stage of the journey, says Andrew Ewbank, business development manager at GVA Acuity

n recent years, a number of law firms have made the decision to move to a more open-plan style of working embracing the philosophy that fewer walls might lead to more collaboration and knowledge-sharing. Often this includes an aspect of 'agile' working, with the employee perhaps even relinquishing their personal desk for a hot-desk policy encouraging more efficient use of space and flexible working arrangements.

It may still be early days to be measuring the strategic success of these developments – but one can also look a little closer to home. In 2015, GVA Acuity project managed the move of its own parent company, Bilfinger GVA, including 520 staff, from two offices in the West End and the City, into one newly-refurbished 50,000 sq ft plot of 'grade A' office space at 65 Gresham Street. The fit-out was planned to provide a platform for the organisation to develop and thrive, with a contemporary, welcoming and flexible office environment.

And the phased move in February 2015 was completed with very little impact on business continuity. Since then, the company has taken

advantage of many new opportunities in terms of collaboration across 24 business units, which include planning and development, property management, valuation consultancy, building surveying, business rates, office, retail, industrial and leisure agency, and project management.

Sustainability was also very high on the agenda throughout both the fit-out and office move, from the choice of building to selection of materials and management of waste in the process (keeping 150 tonnes out of landfill) and the use of carbon dioxide sensors to monitor air quality. The project achieved a SKA 'gold' rating. Operated by the Royal Institution of Chartered Surveyors, a SKA rating is an assessment tool for sustainable fit-outs. There was also a commitment from the start to create a 'sustainable fit-out best practice' case study to share across the industry.

We have also introduced and developed smarter working practices, including less space per employee, agile working (encouraging staff to move around the office and sit with different teams), a clear-desk policy, increased cycle storage, and significant management efficiencies including

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reduction in energy, water, greenhouse gases and general operating costs. Staff morale and wellbeing have noticeably improved since the move.

Moves can range from small, internal office reshuffles to complex company relocations that require significant investment of time, money and human resource. These are even more complex and costly if not managed well.

So what makes for a successful office move? First, it will ensure disruption to the business in the short term is minimal. It's the result of thorough planning, risk management, integrity, open communication and enthusiasm – and this can only be achieved through strong project management at every stage. Our many years of experience demonstrate that a proven methodology is the route to success.

Following the method

diligence.

Broadly, our methodology falls under the following key stages:

Define strategic brief and core objectives. This period will involve drafting the brief, identifying the desired benefits and outcomes, and conducting both existing and future workplace audits.

Scoping and property search. Know what's desired, find the building and conduct the due

Design. Appointment of the external professional team to carry out detailed design processes, fully coordinating with the in-house facilities and IT teams, including defining any new ways in working.

Implementation. Procurement of the right contractor is critical to overall success in terms of

meeting objectives and delivering on time, to specification and within budget. This stage also involves the moving of staff and closing of old buildings.

Project close. Once the move has completed, conduct a post-occupancy survey to measure staff morale and to encourage open comment in order to manage continual improvement.

Communication to all staff is paramount to keep them engaged – and to allow them to feel part of the whole process, at every stage.

The aim of GVA's move was to create a fully flexible workspace, with an emphasis on collaboration. Given the wide range of visitors we welcome, we sought to deliver a professional but also comfortable and welcoming environment.

The project delivered on its major construction milestones to complete the design, procure and start construction. Meanwhile, an IT workstream delivered a working network infrastructure, and all the desktop IT equipment, phones, audio-visual, videoconferencing facilities and printers, in time for staff to move in.

The communication stream of the work involved regular newsletters delivered to staff throughout the preceding autumn. We also delivered a microsite and there were welcome packs for all staff on arrival.

The relocation over three weekends took place as planned and with no major problem. Post-move support was also on hand throughout the first days of the move, with the option to have tours of the building and talks about how to use the new technology and get the absolute best from a more agile office environment.

Phase of office move	Milestone achievements
Design and build a new office environment in the City of London to support agile working and increase productivity, with connecting staircase, formal meeting suite and collaborative areas.	Agile work settings and areas built. Agile working policy communicated. Staircase and formal client meeting suite delivered.
2 Implement an alternative work strategy that supports a minimum of a 1:1.2 desk/people ratio by March 2015.	Despite the fact that not all business units adopted an alternative work strategy, the desk/people ratio delivered was 1:1.2 (rounded), with 454 workstations installed for a 521 known headcount (including vacancies at the time).
Relocate all London-based colleagues (except West End agency and management) to the new City office by March 2015.	Relocation was completed by 23 February 2015.
Achieve agreed sustainability aspirations as part of design and fit-out by March 2015.	Achieved SKA 'Gold' accreditation.

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LEADERS AT WORK

Exercise in projects

Christine Siler, legal project manager at Hogan Lovells, enjoys some early morning training to be fully poised for delivering her own



hree days a week I do
Reformer Pilates at 6 am,
which keeps me sane and
gets me awake and ready for the day, as
I'm not much of a morning person. But
today my morning started at 9am with
a coffee and a croissant meeting and
catch up with my boss, the deputy
COO. We discussed the latest projects
around a New York client, resourcing
and technology – and the quality of
coffee in the local area!

I have a lot of international business. I had a call with one of our partners in Spain, where I'll soon be delivering some training. I also scheduled a trip and spoke to a partner in our Paris office about some specific work for a client, and I have some things happening in Germany this month too.

I did some work on our online training for legal project management for the whole firm, and then I attended a Hogan Lovells Pride committee meeting. Hogan Lovells has a fantastic Pride network, and we had a lunch with an external speaker Matthew Todd, the former editor of gay lifestyle magazine Attitude. In light of the horror in Orlando, our Pride activities were particularly important.

I chatted to a senior associate helping me further develop one of our LPM tools. I answer the odd email as partner queries come up. This is all in a normal day for me – I bounce between client-facing work, training and helping our partners and associates manage their own matters more effectively and efficiently. I put out lots of little fires.

I probably spend about 30-40% of my time on Lync calls with people in our different offices. I prefer to see people, particularly when we're talking about things that can be conceptually fuzzy. It's a lot more effective for me if I can see the person's face and share screens to work hands-on through the problems. It helps learning to stick.

The remainder of my time is talking to people. This could be training, follow ups, or other meetings. Lots of people are interested in legal project management and they just need support. Change is very new and exciting, but it can also be very scary, so people need help. That's what I'm here for.

"It's exciting being in a field where things are changing. I like change. I enjoy teaching people something new and seeing it catch on." In a law firm like this, there's always a certain amount of firefighting and the trick is to balance that against doing the important work that has to get done but which isn't necessarily urgent.

The best thing about my job is the people. I have a great team around me and I like the work. It's exciting being in a field where things are changing. I like change. I enjoy teaching people something new and seeing it catch on. I also enjoy interacting with our clients and working with technology teams, and seeing what the 'cool' new toys are and how they might help us.

At the end of my day, I always do my to-do list for the next day. It helps me to write it down at night and let it sink in, so that in the morning all I have to do is glance at it. You really ought to be able to switch your brain off but I love this job – I'm passionate and enthusiastic about it, so I don't mind thinking about it.

It's important not to forget the little things. When you lack a routine you need to force yourself to keep all those balls in the air.

If I could improve my working environment in any single way, it would only be: more cakes, please!

As told to Kayli Olson