

Briefing

July/August 2019

SMARTER LEGAL BUSINESS MANAGEMENT

IMPROVE IT

Ashurst outlines its core principles for legal process improvement

ROCKING ROLES

Laura Farnsworth at Lewis Silkin on the rationale for a home-working only offer

GET GOOD USE

Thomson Reuters takes us with it on the road to greater tech adoption



Don't leave us this way

Many tactics are used in the battle for new top business talent – but what keeps the people you want to retain most actively engaged?

Briefing[▲] TEI 2019

TRANSFORMATION
EFFICIENCY
INNOVATION

WHEN

10 October 2019

WHERE

99 City Road
Old Street
London

REGISTER

briefing.co.uk/tei19

Creating explosive growth

introhive

pinnacle ▲

WU BUSINESS SOLUTIONS

BlackBerry blueprism®

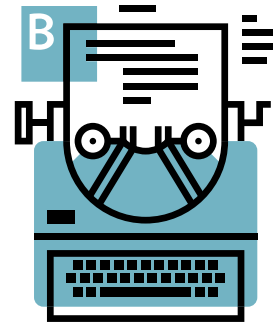
IntelligentOffice^{UK}

rd

Issue sponsor:



Editor's letter



Who we are...



Richard Brent is the editor-in-chief of **Briefing**. He likes to chat to as many of you as he can, so contact him at richardb@briefing.co.uk



Kayli Olson is **Briefing's** assistant editor. She tells great stories, and Richard what to do. Contact her at: kaylio@briefing.co.uk



Josh Adcock is **Briefing's** editorial assistant. He sometimes brainstorms, but mostly hums a lot. Contact: josh@briefing.co.uk



Jem Sandhu is **Briefing's** features writer. She chats to you to create cool copy. Contact her at: jems@briefing.co.uk



Sam Barber is **Briefing's** client services executive, responsible for managing all our supplier insight. Contact: samb@briefing.co.uk



Rupert Collins-White is Burlington Media Group's creative director. Contact him at: rupertw@briefing.co.uk

Talk to us

- Briefing** on Twitter
@Briefinglegal
- Email us your thoughts
editorial@briefing.co.uk
- Find all our back issues online
www.briefing.co.uk
- Write us a letter (remember those?)
Briefing magazine
Burlington Media Group
20 Mortlake High St
London SW14 8JN
DX 36356 East Sheen

This month's interviews were all transcribed by:

TRANSCRIPTIONSERVICES
from **IntelligentOffice™**

I assume most of you will have heard of work done on managing 'sticky relationships'. Ah no, that's nothing to do with trying to keep a big row from blowing up in the papers in already turbulent times. It's the way that organisations – perhaps, say, those papers themselves – try to keep people consistently coming back for more of the same, and the promise of better.

It's the reason that, even bombarded with feline and Brexit memes every day, people still find a summer hols social media cleanse so challenging. Or, for example, it has been used to describe the way law firms seek to weave their way deeper into the fabric of most cherished clients. We all like to feel indispensable, right? But if customers seem to keep seeing you around (and that appears to be in a good way – say, addressing some of their strategic business

We're talking about the same basic challenge. What keeps people wanting to come back to you each day, rather than being tempted by the competition or a change?

challenges), they're probably less likely to take time to shop around for somebody new. One big element of this could be a healthy culture of committed client relationship management. CRM isn't just an IT system for catching and recording vital client details, it's the way the system is used to construct 'stickier' client relationships than you'd have otherwise.

It's less common to hear businesses talking about achieving stickier

relationships with their own employees. They're more likely to use a word like engagement. Fundamentally, however – for all the great organisational purpose, and the vision, and the values – we're talking about the same basic challenge. What keeps people wanting to come back to you each day, rather than being tempted by the competition or a change?

Attrition is expensive, and with a light rightly being shone more brightly on mental health in the last few years, firms are investing in ever more people-based initiatives – addressing work-life balance, more equitable resourcing of the work bit, and perhaps even some innovative support when it comes to the challenging business of life. More often than not, there will be an element of technology involved in delivering all of these – and the experience of that had better be a touch sticky, too.

RICHARD BRENT EDITOR-IN-CHIEF



Do you need a next day delivery that's guaranteed?

**Your documents are sensitive,
urgent and business critical.**

Our tracked services provide
delivery reports, online tracking
in real-time, and with next-day
delivery by 9am as standard.

For more information
email exchange@thedx.co.uk
or visit dxdelivery.com/exchange



Inside this month

14

Good hop

“They needed to work in a way that wasn’t compatible with a traditional law firm.”

Laura Farnsworth, founder, rockhopper, Lewis Silkin



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

OPINION

06 Damien Behan, IT director at **Brodies**, says challenge yourself first when doing things differently

07 Casey Ryan, global head of legal personnel at **Reed Smith**, on employing the arts for employee wellbeing

08 Patrick Hurley at **Thomson Reuters Elite** on what keeps companies ahead of the innovation curve

FEATURES

10 **The big idea**
Jem Sandhu asks how firms are tackling the tricky matter of retention

14 **Briefing people**
Laura Farnsworth at **Lewis Silkin** on the rationale for fixed-fee service **rockhopper**

BRAIN TRAINING

18 **Hands on** Abilash Unny and Kate Bassett at **Ashurst** on transforming legal process

INDUSTRY VIEWS

22 Colleen Scimeca at **Thomson Reuters** on helping new tools to improve lawyers’ working lives

26 Helen Starling at **RRD** runs through key findings of the company’s employee expectations report 2019

28 Martin Herlihy at **Retain International** on how more efficient utilisation helps to keep talent happy

30 Dorigen Sykes at **iTrain Legal** on shaking up traditional technology training

32 Steve Flavell at **LoopUp** takes on the chaos of the conference call

OUT OF OFFICE

34 **Last word**
Martyn Wells at **Wright Hassall** and Duncan Eadie at **Charles Russell Speechlys** on getting ready to go wild

INTELLIGENTSERVICESCENTRE

from **IntelligentOffice**^{UK}

Briefing publications and events transcription partner

Visit intelligentofficeuk.com



SPEAK UP

Know your problem



Damien Behan
 Director of IT
 Brodies

@damienbehan

While software can help to enable some change, that is only part of the answer. As any of us who've been in IT for some time will know, technology without people and process is destined to languish on the dusty shelf

Innovation..... no wait, come back! If you'd already switched off, you were perhaps thinking '... not another article about the need for law firms to think outside the box, disrupt the law and all that jazz'. I don't blame you. As a fan of the Gartner hype cycle, it seems that with 'innovation' we have passed the "peak of inflated expectations" on that graph, and perhaps rolled over into the trough of disillusionment. Why? Because genuine innovation, in the sense of doing things differently, is – you know – difficult. That's on account of all that doing things differently it requires. It involves change, and not of the go-out-and-buy-some-software kind. Rather, it requires the get-colleagues-to-work-differently kind, which is much more challenging.

Focusing on the problem to be solved is the obvious first step that can get overlooked in the excitement about what's possible. But there is also a learning curve for those with an idea for a new way of delivering a service to clients – around just how much work goes into developing a solution, and finding a lot of that work is on the legal, not just the technology, side.

Since embarking on a programme to improve how we work at Brodies we have been careful to stick to the mantra that it's not all about technology. While software can help to enable some change, that is only part of the answer. As any of us who've been in IT for

some time will know, technology without people and process is destined to languish on the dusty shelf, hence the industry term 'shelfware'.

As an example, we have recently won a couple of innovation awards for our Workbox product, an online service that provides clients with up-to-date, practical HR advice, templates and tools. Undoubtedly that was a good idea, but the gestation period was longer than anticipated, and the amount of time required to maintain the high quality of content in the system is significant. It's genuinely a new way for clients to access material without needing to start the clock running, and gives them a flat fee for access to high-quality content, whenever they need it. But developing a new way of selling legal services to clients also means developing a new way of delivering those services, which requires resource. Usually that means people as well as technology, and of course new processes to manage the service.

The boring truth about innovation is that it's hard work, takes time, and starts with really understanding what problem you're trying to solve. Rather than being blinded by shiny technology, real innovation lies in changing how people work. That is the biggest challenge we face, whether designing a new service for clients or improving how we work internally. ▴

Do you need a next day delivery that's guaranteed?

Your documents are sensitive, urgent and business critical. Our tracked services provide delivery reports, online tracking in real-time, and with next-day delivery by 9am as standard.

SPEAK UP

Art of wellbeing

Employers are increasingly focused on employee wellbeing: law firms are no exception. ‘Pressure cooker environments’ often contribute to high stress, emotional exhaustion, family challenges, and adverse physical health consequences for lawyers, paralegals and support staff, which can impact employee productivity, workplace satisfaction and career longevity.

With an already solid history of attention to employee health and wellness, Reed Smith redoubled its efforts in 2018 with the launch of Wellness Works for its 3,500-member workforce. As Sandy Thomas, global managing partner, explained, the “firm’s most valuable resource is its people, but there can be a tendency for them to minimise or ignore their own wellbeing to focus on the demands of their work. I have high hopes that Wellness Works will help all of us achieve the level of work-life balance we each desire and so richly deserve.”

The programme’s rollout included coordinated emphases on stress management, physical fitness, work-life balance, healthy habits and mindfulness events and activities in the firm’s 29 offices worldwide, engaging more than 2,000 employees in its inaugural year. Offerings ranged from speakers and classes to a firm-wide step competition and a ‘month of good deeds’. Looking to further expand the reach of Wellness Works, the firm took these efforts to the next level in early 2019 by integrating a new initiative – Arts for Wellness.

This is the brainchild of a Reed Smith associate, who has a master of fine arts degree and an extensive background in painting. The programme is supported by evidence in medical and mental health literature that associates numerous positive outcomes with personal

engagement in music, visual arts, creative writing, dance and other movement experiences. We introduced opportunities for the firm’s employees to create, exhibit and enjoy one another’s artistic works – including paintings, drawings, sculptures and other personally crafted pieces – along with opportunities to learn about the physical, social and emotional value of the arts.

February 2019 was designated Arts for Wellness month, a highlight of which was a firm-wide broadcast on the well-documented benefits of artistic participation by Donna Betts, who is an assistant professor of art therapy at George Washington University (DC) and president of the American Art Therapy Association. Each US office hosted an exhibit throughout the month featuring employees’ drawings, paintings and craft pieces, offered a variety of painting and craft classes, and provided arts and crafts materials for employees in ARTiZEN pop-up art studios to encourage their engagement in painting, drawing, sculpting and craft projects at work.

Feedback and observations from these activities affirm the findings of researchers in the wellness field. Personal engagement in the arts – as both producer and observer of others’ creative efforts – can reduce stress, encourage cooperative and collegial behaviour, foster positive relationships, spark creativity and enhance employees’ sense of overall wellbeing and self-esteem.

Moreover, for a global firm with offices across the US, EU, Middle East and Asia, an additional benefit is another avenue to identify, express and share diverse philosophical perspectives and cultural traditions through visual arts, music and other performance media – contributing to an ever more cohesive and more satisfying workplace. ▀



Casey Ryan
Global head of legal personnel
Reed Smith

Personal engagement in the arts – as both producer and observer of others’ creative efforts – can reduce stress, encourage cooperative and collegial behaviour, foster positive relationships, spark creativity and enhance employees’ sense of overall wellbeing and self-esteem

INDUSTRY VIEW

The longevity game



Patrick Hurley
Vice president, customer advocacy
Thomson Reuters Elite

🐦 @TPatrickHurley

Not only staying relevant, but driving technological change, is no easy feat. It takes bravery, agility and fortitude, and – as importantly – it takes the self awareness and humility to admit when you're wrong

I've been thinking a lot about longevity recently. Maybe it's because I'm getting a bit long in the tooth? But more specifically, I've been thinking about the longevity of both technologies themselves and technology companies in general.

How do some companies manage to stay ahead of the technology curve and others not?

At our recent Global VANTAGE conference in San Diego (our 25th – and bigger and better each year! Not many technology events have that kind of longevity) I had occasion to reminisce on this subject with some of our long-time clients, and reflected on my own history at Elite.

When I started at Elite, more than 26 years ago, we didn't even partner with – or really leverage any technology from – Microsoft. Our original Enterprise platform, which is still running today at hundreds of law firms around the globe – keeping them profitable and managing their finances – used an Informix database inside an SCO Unix operating system.

Almost all of our clients at the time used WordPerfect on Novell networks, and Lotus 123 for spreadsheet stuff.

This was, of course, pre-email and mobile phones – back when the fax machine represented the height of efficient document delivery.

So, what happened to all those companies?

MS Windows, and eventually MS Office, changed everything for the law firm computer environment. Thankfully, Elite stayed ahead of those changes, otherwise I probably wouldn't be writing this column today. Sure, our first version of Elite-for-Windows in 1995 was ... challenging. But together with our pioneering clients, who were ready to try

out this newfangled technology, we got through those challenges quickly and successfully. The frontend (the 'client' in client-server architecture parlance), which those hundreds of Enterprise clients are using today, is just an upgraded version of that 1995 release; and the backend database and business logic are both just upgraded/migrated versions of what the Elite legal billing system was back in the early 90s.

Most of our current competitor products today are based on similar, 30-year-old technology and technological constructs, albeit with some shiny new user interfaces for some of the functionality. But I wonder how long those systems will last?

Elite has sometimes been a little too far ahead of its time and ahead of what technology could handle (anyone remember Encompass, our document management system, based on Sharepoint version one?). However, for the most part, the business has stayed just ahead of the major technology shifts. Our 3E platform is designed to be future-proof. As evidenced by our new user interface, just launched this month, we're able to replace an entire tier of the architecture as and when technology demands it. Of course, that's also evidenced by 3E Cloud, which we predict will be what the majority of our clients are running within the next decade.

Not only staying relevant, but driving technological change, is no easy feat. It takes bravery, agility and fortitude, and – as importantly – it takes the self awareness and humility to admit when we're wrong (Encompass!). I feel very fortunate to have worked for more than a quarter of a century in a company that continues to value and display those characteristics every day.

Visit: www.elite.com ▶



Features

10

People prizes
How are law firms encouraging and measuring gains in engagement? Jem Sandhu reports

14

Hop performers
Laura Farnsworth at **Lewis Silkin** explains the client case for part-time model **rockhopper**

THE BIG IDEA

People prizes

Is there a top secret to retaining top talent in law firms? There are certainly plenty of approaches to encouraging and measuring gains in engagement. Jem Sandhu reports

Legal Evolution – an online publication that tracks changes in the legal industry – recently found that Glassdoor ratings correlate closely with a law firm’s profitability. It’s perhaps no surprise: the common wisdom is that companies with happy employees not only see less staff turnover, but more engagement and productivity.

That’s why law firms are doing everything they can not only to track and measure engagement, but to improve the very things that impact engagement in the first place. This can range from work allocation through to wellbeing. And, of course, technology plays an increasingly important role.

A retention problem?

Kevin Hogarth, global director of people and culture at Norton Rose Fulbright, says that certain business services skills have been in high demand for a few years. “Diversifying the skillset to deliver successful projects is increasingly valuable and we’re seeing this across pricing, legal project management, resource management, and legal tech, to name but a few. These experts are pioneers in their fields,” he says. “As these roles mature, there is a risk that internal opportunities might decline. However, at the moment we are able to offer exciting career development and this aids retention. We find that the factors affecting attrition are career progression and opportunities. It’s when organisations don’t deliver on these that attrition really picks up,” he says.

In other business services areas, one factor impacting retention across industries comes into

play: “Young professionals are willing to move after shorter periods of time,” says Hogarth. “The relationships that used to build up between partners and members of business services are not as strong. Law firms are run as businesses and there are reward structures in place and salary scales.”

Retention isn’t a big problem at Osborne Clarke, according to Liz Lovell, the firm’s head of human resources. However, over the past few years, turnover has increased among business services staff – most of whom are based in Bristol. “There’s a lot of competition locally,” she says. “That’s not just among law firms, but because of other organisations moving into Bristol.” But she thinks that the main cause is that business services roles themselves offer little career progression. “People have done a role for 18 months and want to move on to something else. We can’t always offer the same kind of vertical career paths as we can for our lawyers because those opportunities don’t exist in sufficient numbers, but we do enrich people’s jobs,” she says.

Nicola Mason is HR director for Napthens. The north-west regional law firm halved its attrition rate by focusing on career paths rather than traditional benefits, and giving people the opportunity to make an impact, she says. “We offered things like agile working,” she adds. The firm also strengthened its learning and development approach, changed its appraisal system and focused on strengthening professional relationships at work. “Now, our departments say that they work with an amazing team they can rely on,” she says. Although other factors (“the quality



of the work; our great colleagues and clients”) also affect whether people stay, she sees the initiatives it undertook as an “extra move” towards lowering the attrition rate.

Work allocation

Work allocation is a big factor in employee engagement. Hogarth points out how, at Norton Rose Fulbright, the legal business is increasingly data-driven. “Our collaborative approach allows for us to have more structured work allocation processes rather than the traditional Monday morning partner meetings,” he says. Most recently, the firm has implemented a resource management model, with professional resource managers. “Proposals are made in consultation with fee earning teams, concerning matters that fee earners are allocated to,” he says. This is done by looking at key data: “We are looking at utilisation rates and types of matters worked on, including which partners they have worked with.”

Similarly, at Travers Smith, work allocation is hugely important strategically, according to Moira

Slape, the firm’s human resources director. “For the last two years, we’ve focused on getting better at it. We now have more partners dedicated to work allocation, and we are looking to bring in tech to manage allocation, particularly in our litigation department,” she says. The firm doesn’t have chargeable hours targets, and keeps a close eye on work-life balance. “We don’t want to break the psychological contract that we have with lawyers,” says Slape. This is why Travers Smith is careful to track, using a system, the hours that lawyers are working and whether they fall above the firm norm.

Mason emphasises the importance of having real conversations with people about work and capacity. She sees work allocation technology as an enabler, rather than as a decision-making tool. “Not all jobs take the same amount of time and things crop up during a matter that couldn’t necessarily have been predicted, so I don’t think it can be solely relied on,” she says.

Earlier this year, IBM caused quite a buzz by announcing that its AI-based employee retention

software could predict – with 95% accuracy – whether an employee was about to quit. However, none of the firms we spoke with was keen on such software to solve the problem of retention. Lovell says that although the HR function at Osborne Clarke is looking at people data, and insight they can get from it, she is sceptical about such solutions. Furthermore, “AI can identify patterns that the human eye cannot, but in terms of the information that software needs, people can feel they are being spied upon,” she says. Mason points to the detailed information it already gleans from Napthens’ one-to-one catch-ups: “What we’re constantly discussing with heads of department and team leaders is performance, potential and ambitions. We really understand what’s going on with our people through those discussions.”

Surveying engagement

Firms might not be sold on the possibilities of AI, but the use of engagement software is definitely on the increase. Osborne Clarke will be implementing engagement technology within the next few months, using WorkBuzz – an employee engagement consultancy. “It will run a survey to give us a benchmark of engagement level. This will be followed by quarterly pulse surveys, in addition to deeper dives into particular topics,” says Lovell. The software provides immediate insight: “It gives rich dashboards, instantly,” she says. These insights are crucial for driving good conversations: “It’s what the manager does with the data, and how they engage with the team.” And narrative comments – where people really open up – won’t go to waste: “The software will be able to analyse trends and themes from those, while protecting anonymity,” she says.

Travers Smith, which will be running its first software-enabled engagement survey in the next 12 months, will do something similar. “Every six to eight weeks, we will probably check in with people via a pulse survey – around five questions targeted at an issue raised in the engagement survey,” says Slape. But in her experience, repeating a full engagement survey every year will not deliver much value: “You have to leave enough time in order to demonstrate change – ideally 18 months.”

Hogarth believes that engagement (which he sees as leading to better performance) is more than metrics related to retention: “We don’t want

corporate prisoners who don’t have affection for the organisation.” Norton Rose Fulbright has initiatives in place to drive engagement, and also uses an external survey provider to offer further insight into engagement factors. “Some questions are critical in terms of engagement, so that is very much a data piece.” The provider also analyses narrative comments, presenting frequently used words in a word map. The data is followed up by qualitative discussions. “We might run focus groups on certain issues if scores are low.” The firm is working with a provider to analyse whether critical comments are made by people who are engaged and want the organisation to improve – or by the disengaged people: “I call it sophisticated analytics – further insight,” says Hogarth.

And the firm acts on this insight – by fine-tuning existing priorities. “Our typical response is to run through the responses with the management team and organise a series of communications to the business,” he says. Actions could be as simple as publicising existing initiatives, or an increased focus on learning and development. Whatever the response, it must be sustained until the next survey. “It’s easy to have a huge spike in activity following a survey. People forget. Before the next survey, summarise what you’ve done in direct response to the first one,” he says.

When Mason started in her current role at Napthens in 2016, the firm decided to opt for internal feedback roundtable sessions instead of anonymised surveys. “That worked well for us because there were some good discussions that needed to be had,” she says. However, the firm is now fine-tuning its engagement strategy and plans to use an external survey provider in the future. “Software will come into its own where we need to gather more detailed feedback helping us to ‘kick the tyres’ objectively on our ongoing engagement strategy,” she says. Depending on survey results, Napthens will revisit its HR plan. “We might decide to reprioritise areas and fast-track to get them done sooner. If a different tack is required, an executive discussion would be held first, as our HR plan is already so closely aligned to our business strategy,” she says.

The firm has already done a sample survey of staff using Anthem’s best of the north-west survey accessed via the North West Employee Engagement Group. “It was particularly useful to be measured

against cross-sector standards, and avoid becoming too internally focused,” says Mason.

No more drudge work

What about the use of technology in general in the firm? There is much talk of direct access to HR services – chatbots and the like – but Hogarth sees their impact on engagement and retention as marginal: “Employee experience is influenced by the quality of work, the tools to work effectively, career development – which we prioritise – and the social and cultural context.”

It can also depend on the kind of technology we’re talking about. Lovell points out that digital transformation in general can impact retention, with technology reducing mundane tasks. Slape has noticed that younger people expect employers to remove process from their jobs. “In their exit interviews, lawyers talk about the firm needing to be smarter about technology in order to remove drudgery. They want better ways of, for example, handling due diligence or automating document comparison,” she says.

The wellbeing factor

The impact of wellbeing on engagement and retention is undeniable: the legal profession has notoriously high absence levels due to mental health related issues.

This is why the Mindful Business Charter made such a big splash when it was launched in late 2018. The charter, developed by Barclays alongside Pinsent Masons and Addleshaw Goddard, aims to remove unnecessary sources of stress and promote better mental health in the legal community.

Although Norton Rose Fulbright is a signatory to the charter, Hogarth points out that the firm has prioritised many critical initiatives relating to wellbeing. “One example is our mental health first aiders programme – employees trained to identify individuals who might have mental health related concerns, and how to help them in the first instance. We also have an employee network focused on mental health wellbeing,” he says. Hogarth links this emphasis on wellbeing back to inclusion in the workplace: “Making positive changes to improve mental and physical health is something we are passionate about. That sort of inclusive culture drives engagement.”

Lovell says that wellbeing is also a central strand

“Employee experience is influenced by the quality of work, the tools to work effectively, career development – which we prioritise – and the social and cultural context.”

Kevin Hogarth, global director of people and culture, Norton Rose Fulbright

in Osborne Clarke’s business strategy. The firm offers meditation, mindfulness, and pilates classes. Though wary of gimmicks, she sees tech as useful for people who can’t come to these sessions.

The firm recently signed up to the Mindful Business Charter – of which Lovell is a big fan: “The charter enables us to have conversations with clients, and also drives better behaviour throughout the sector.” She’s also not alone in having explored the potential of apps for wellbeing. Over the next 12–18 months, Travers Smith (which is about to sign up to the Mindful Business Charter) will be doing the same. “We have focused on trying to break down the stigma of mental health through briefings, panels and speakers. The next stage is to look at those apps,” says Slape. And over at Naphthens, Mason has been having “good discussions” with local mental health charities. “One of them has an app that can plot out where help is in the local area. We will add these links to our intranet, creating a resource centre for people,” she says.

Start from the top

When it comes to tackling engagement and retention, whether taking a tech-enabled approach or not, leadership commitment is essential. “You cannot just have HR driving it,” says Hogarth. Slape agrees. “Those firms where I previously worked who did engagement surveys well had visibility and buy-in from the managing partner, or a senior partner,” she says.

The right tech will also be factored in. Asked about AI insight driving engagement efforts, several firms said “not yet”. Perhaps in a few years, if the technology is sophisticated enough, the desire to accurately predict whether or not an employee is engaged, or whether they are likely to leave, may override even privacy as a concern. ▀

BRIEFING PEOPLE

Hop performers

Lewis Silkin partner Laura Farnsworth tells Richard Brent why her launch of the firm's flexibly resourced fixed-fee offering, rockhopper, was a step forward in the fields of both client relationships and people management



Friday, 17 May 2019 was National Work from Home Day, which came at the end of this year's 'Work Wise Week'. The idea behind both is to highlight what many see as increasingly unnecessary rigid working patterns: for example, spending an hour or two commuting in to a busy office for 8.30am, five days a week, before making the same arduous return journey in the evening (if you're lucky).

To be fair, the legal profession is now a couple of years into an 'agile working' movement. Plenty of firms have set out their flexible-working arrangements that are supposedly that extra bit more flexible than they were already obliged to consider for people. That might involve a moveable day a week working from home, perhaps later starts or early finishes, or even the odd job share, among other options. Some hotdesks have materialised, perhaps even allowing you to stand behind them – but a workplace revolution, one

suspects, this probably isn't yet.

Five years ago, Lewis Silkin partner Laura Farnsworth realised her firm could go further – but interestingly the lightbulb moment concerned retention of clients, not just employees.

"It began when I'd returned from a period of maternity leave as a new junior partner. On the first day back, I discovered we'd lost a big client that had been a significant bulk of my work. It had been offered a low-cost, fixed-price deal for all day-to-day employment work by another provider, and even though the client found the quality of the advice to be far less commercial than ours, it couldn't persuade the finance director that it was worth paying our higher fees."

In the immediate disappointment, however, lay a seed of longer-term opportunity. "Did this mean we were at risk of losing other work?" says Farnsworth. "It helped us to appreciate that clients were distinguishing between the business-critical, commercially sensitive or specialist issues that

“We realised we were at risk of losing two of our senior, talented lawyers ... They didn’t want to leave and we didn’t want to lose them, but they needed to work in a way that wasn’t compatible with a traditional law firm.”

justified paying traditional law firm rates and the day-to-day employee-relations issues that didn’t.” As a leading firm for employment law, Lewis Silkin naturally wanted to be able to support clients with both while not compromising on the high quality that clients associated with the firm.

“By meeting clients’ cost requirements in the higher-volume areas, of course there was also the sense that we would be able to maintain the relationship for the higher-level work.”

Retain reaction

Meanwhile, another risk factor was starting to surface. Farnsworth explains: “We realised we were at risk of losing two of our senior, talented lawyers. One was relocating to somewhere that wasn’t commutable to any of our offices; another had just had her third child and wanted to work part-time from home. They didn’t want to leave and we didn’t want to lose them, but they needed to work in a way that wasn’t compatible with a traditional law firm.”

The result was rockhopper, which Farnsworth launched and continues to manage. It’s a fixed-fee HR support service for clients providing a helpline for day-to-day queries, handbook/contract reviews and defence of low-value employment tribunal claims. The Lewis Silkin-exclusive lawyers providing it work from home on different terms and hours that suit their personal circumstances. “Working from home means lower overheads in any case, and we could pass that cost saving straight onto the clients,” says Farnsworth.

The model launched in 2014, with two lawyers simply working a morning or afternoon shift each. Today they are 16-strong, and in 2018 the team picked up best innovation at the Working Families

Best Practice awards.

“It was a very soft launch originally,” she recalls. “We were careful about where and how we were marketing, and largely looking for business where there wasn’t yet a relationship because some concern was expressed about whether a low-cost service could cannibalise the core business.” It took a year or so for people to fully appreciate that the opposite was happening – it was enabling the firm to access a part of the market that was previously closed to it owing to cost.

“By design, rockhopper was primarily for businesses in the retail and hospitality sector, which tend to have a lot of staff on relatively low wages and see frequent conduct and performance issues,” she continues. “These still make up the bulk of our client base, but we provide the service to a wide range of organisations in many sectors. Some of these were startups, and the relationship has grown as they have – new requirements for more specialist advice have arisen, from GDPR compliance to immigration.” Today the majority of rockhopper clients do touch another part of the firm’s offering in some way, she says.

Questions of trust

Clients aren’t just applying pressure to reduce the cost of legal services. There’s also the matter of exactly who is providing their service; in particular, does the makeup of teams suggest firms are doing their bit to improve diversity in business?

“The rockhopper team is currently all women. Many, but not all, are mothers,” says Farnsworth. “Clients seem to appreciate this as a way of helping people to maintain their legal careers with a decent work-life balance, rather than resigning and leaving the profession – or having a long career break and finding it hard to return.”

Most of these lawyers worked for many years in Lewis Silkin’s main employment team before transferring to rockhopper, and two were partners, she adds. “We recruited some external hires this year, and we had to have a rigorous recruitment process in order to maintain the high quality and consistency of advice. So far it’s been very successful and all of our new joiners have been word-of-mouth referrals from others in the team.”

“We have a secure online portal where the detail of queries and advice is recorded, so one person can quickly pick up where another left off. Clients also have access to that log, which they can customise.”

While other outfits are also likely to make the point that “trust” in a consistent standard of service is fundamental to the brand, in this case it’s even more important, given their working arrangements, she says.

The lawyers of rockhopper provide three fixed-fee services, she explains. “The first is a telephone and email helpline. Clients are given one telephone number and email address, and whoever is available when the query comes in picks it up. There will typically be seven or eight lawyers working at any one time, so response times are very quick, and we have a secure online portal where the detail of queries and advice is recorded, so one person can quickly pick up where another left off. Clients also have access to that log, which they can customise – making it easy to spot training needs and themes – alongside accessing standard template policies, letters and contracts.

The other services are fixed-fee defence of employment tribunal claims and employment handbook and contract reviews, and this work is allocated to one lawyer for its duration.

A typical work volume is around 40% of the hours of a full-time equivalent employee, but of course with significant flexibility in terms of when the work is carried out. Unlike some ‘flex’ offerings, Farnsworth says, the rockhopper lawyers are Lewis Silkin employees, not consultants or freelancers. “We provide them with all the IT equipment they need to set up their home office and they have access to all the wider firm’s IT systems and training resources.” In addition, there are annual rockhopper meetups, which combine training on an area of law or two with a social

event to keep everyone connected in person. And when the time comes for Lewis Silkin’s employment division ‘strategy weekend’ and Christmas party, rockhoppers are there too.

Adaptation of the typical office desk setup into a “home office kit” is also minimal, she confirms – most significantly, the introduction of a wireless headset. “So you can be elsewhere around the house when the phone rings. There’s no need to run back to the desk to answer it.” However, as the team has grown, one recent IT project has been some investment in the functionality of the work-management collaboration platform.

Name checked

Farnsworth was herself recognised in 2018’s Timewise Power 50 awards – a celebration of flexible working generally, and which includes recognising part-time senior role models who highlight to others what’s achievable with a more flexible schedule. However, while she’s officially on 4.5 days a week, ironically the reality of managing this initiative (on top of her own fee earning) is a full-time job, she says.

“At times I wish I was working in the same way as the rockhopper lawyers – but what makes my role so rewarding is to see how happy people are to be working in a way that better suits their life circumstances. It’s great that Lewis Silkin ultimately took a chance on something innovative and different, and the firm is already seeing the benefits of having been able to retain talented, senior lawyers and provide clients with a top-quality, excellent-value service.”

Finally, it has to be asked – why the name? “Our head of department at the time was enjoying a sabbatical in Antarctica, and grew quite fond of the rockhopper penguins – so he said, “What about that?” Initially it seemed a bit too quirky, but rolling it around we found it reflective of both the ethos and our pragmatic approach – that sense of helping clients to navigate some potentially rocky terrain, in a cheerful and unstuffy way.”

So, if it were at all still in doubt, some time well spent away from the office – not to mention that healthy work-life balance – can clearly be productive indeed. ▀



Brain training

18

Boom for improvement

Abilash Unny and Kate Bassett at **Ashurst** share some top tips for navigating your way to legal process improvement



▶ HANDS ON

Boom for improvement

Abilash Unny, legal process improvement manager, and Kate Bassett, global head of legal project management and process improvement, at Ashurst, ask what – if anything – makes this discipline so different to what has come before for legal business

The legal industry has a habit of adding the word legal in front of many business disciplines that have existed for some time – legal technology, legal services delivery, legal project management, and so on. Is this justified for legal process improvement (LPI) or not? And if so, where do we start on it?

You may be familiar with the well-established business improvement methodologies such as Six Sigma (the Motorola-originating methodology of focusing on quality improvement) and Lean

(Toyota's methodology for eliminating 'waste' from process), which have roots dating back to the 1980s. However, it's worth remembering that we were incrementally improving the way we do things in life a long time before these came along. Think about those small adjustments you make in your daily life to make it better: for example, even learning to start your journey 10 minutes earlier to help you mitigate the heavy traffic or the crowded train.

So, what is legal process improvement? Is it a magic bullet that can solve all of our

legal process problems? Is it so powerful that we can motivate lawyers to change their ways of working?

In many cases, so-called efficiency initiatives end up being a blend of legal, business and finance operations – where, in the name of efficiency, people tend to jump aboard the automation bandwagon only to discover on reaching the end of the project that automating bad processes merely achieves the same bad results ... faster. These projects often fail owing to a lack of time invested in analysing the legal process flow to identify pain points prior to automation. Pressure to realise a return on your investment leads to project teams taking short cuts that come with a long-term cost.

STEP ONE: Beat the culture beast

But the honest answer to the question we started with is yes, LPI is a discipline in and of itself because it needs to be approached in a way that delivers meaningful and lasting change within one of the most traditional environments. However, whether it will give you the desired results entirely

People tend to jump aboard the automation bandwagon only to discover on reaching the end of the project that automating bad processes achieves the same bad results

depends on the way you approach your initiative. In our experience, the first step should be to train your own mind to embrace the fact that you are not just trying to change or improve a legal process, but that you are asking your legal team to change the way they have worked for many years. In effect, you need to take on the organisational culture – the ‘culture beast’.

We recommend the process model outlined below to start tackling the culture beast, but remember that patience and consistency are always key to success with such initiatives.

STEP TWO: Survey the crowd

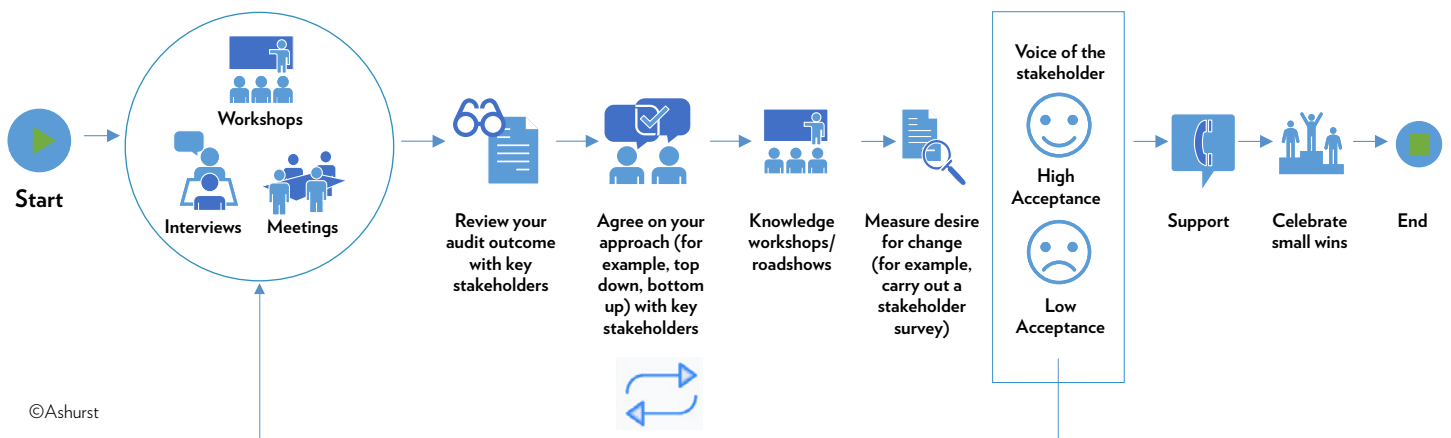
As a next step, we would recommend carrying out a broad scan of the entire organisation to

seek out all existing and potential new LPI initiatives – no matter how small – as that will help you to identify any siloed projects that may have a dependency, or overlap, with your new planned initiatives.

For example, simple tweaks to your work allocation model, such as targeting to place the right work in the right hands (taking into account the experience and skill level required for a particular legal task) can be a quick win if scoped and implemented correctly. However, running this initiative alongside a restructuring programme could cause multiple dependencies, resulting in impact on staff morale, unwanted delays and duplication of effort.

This is also an opportunity for you to unearth and assess those failed initiatives that didn’t get across the line in the past (incorrect scoping, unrealistic timelines and lack of user acceptance are common reasons for failure). This step also provides an opportunity to build your internal network and allies, as you will need all the support you can get to tackle the culture beast. The more pain points you

ASHURST PROGRESSIVE CULTURE CHANGE MODEL (HIGH LEVEL)



©Ashurst

can identify and address over time, the more popular you'll be!

STEP THREE

Choose a change champion

It's essential to understand that humans are creatures of habit and routine, so the next step will be to identify a willing 'change champion' – a respected associate or senior associate from the practice area to be improved. This person can help you to flush out the initial pain points within the process. A plethora of information is available online on the characteristics of a good change champion, so for the purpose of this article we recommend the following as a basic guideline.

As a change champion you are expected to:

- Inspire and ensure stakeholder enrolment and participation
- Support and guide colleagues through change.

Facilitating a workshop with subject matter experts (partners, associates, the finance team, and so on), carrying out user interviews and completing a 'time and motion' study are a few possible and productive ways to complete this task.

Asking open-ended questions during user interviews or workshops has always worked well for us, as it encourages the user to think and converse more freely. Create an information-gathering environment so that people will be enthusiastic to contribute, and where you use their valuable time as effectively as possible. For example, start by

asking about their current pain points and work with them to identify their top three. This gives you a baseline of the issues your stakeholders are facing, which is always a good platform from which to build out your improvement plan.

STEP FOUR

Take it step by step

The most important lesson we have for starting a new LPI initiative is to get the basic processes right first. Then build on that to increase efficiency at each step.

Technology such as automation may be one of the solutions on the menu, but you don't necessarily need to invest heavily in technology. You can also find good process-mapping software online, free of charge, which should fit the bill at the start. As initiatives progress, create a roadmap of your requirements that includes technology options that will help toward desired outcomes. Also, consider whether current technology may be used further, in other

TOP FIVE CHARACTERISTICS OF AN ASHURST CHANGE CHAMPION:

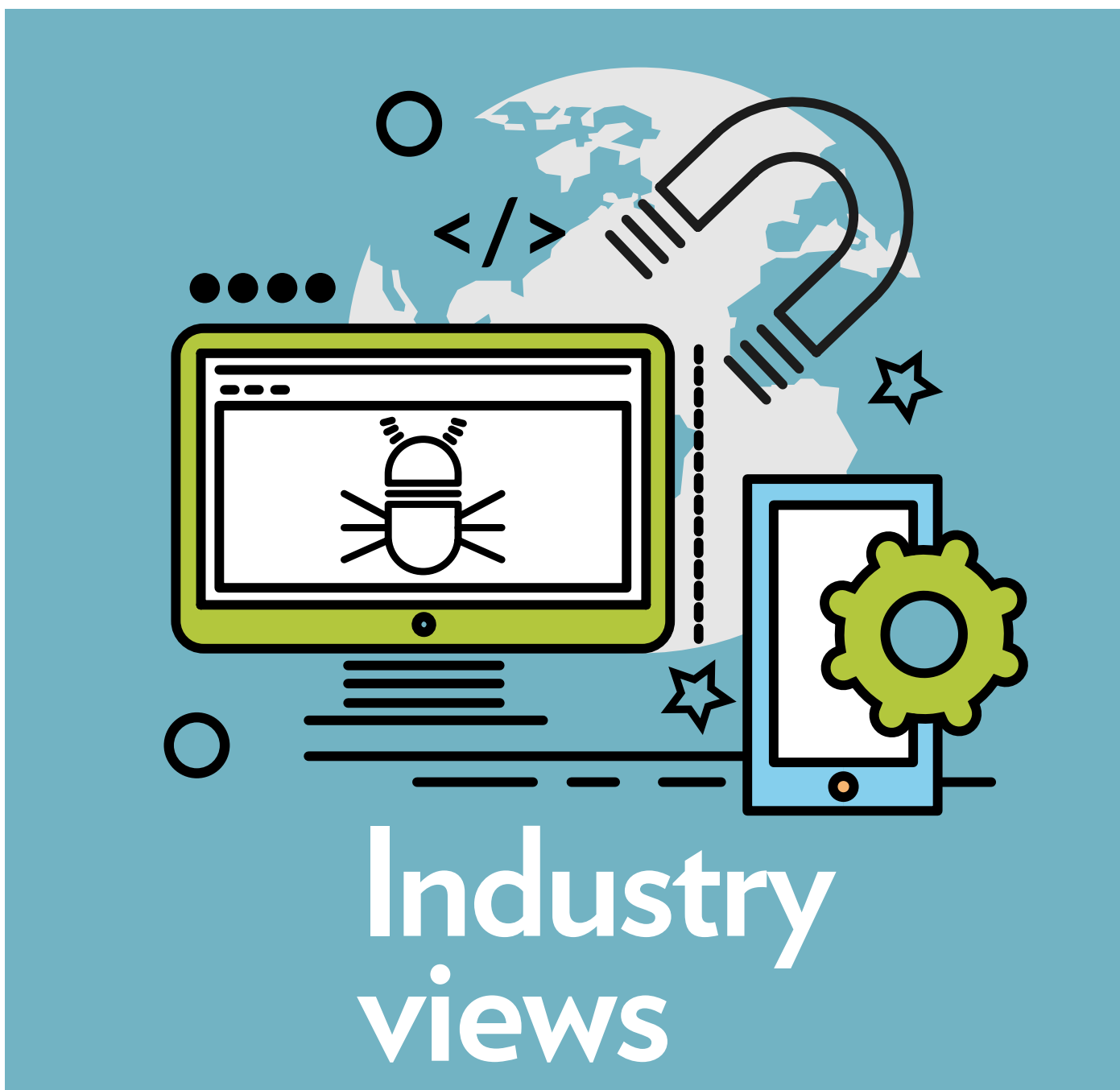
- Passionate innovator
- Influential communicator
- Effective listener
- Realistic and open
- Well-networked

ways – so, getting greater return on that investment – before looking at what else is available on the market.

We are confident that advances in legal technology will in time give us the ability to create an environment where lawyers and 'robots' will work together in a 'cobot' format to achieve efficiency. As it stands, however, we're not convinced that taking all human involvement or touchpoints out of a legal process is the way forward. After all, what makes us so useful as humans is the ability to think outside the box, so how wise would it be to solely rely on a box?

A final piece of advice – don't rush an initiative just to meet a deadline, or try to tackle too many pain points at once. We know that focusing on continuous iterative changes tends to give better overall results, and it can also mitigate against the risk of organisational change fatigue. ▀

Create an information-gathering environment so that people will be enthusiastic to contribute, and where you use their valuable time as effectively as possible. For example, start by asking about current pain points



Industry views

Issue sponsor:



- 22

Lawtech people power
Colleen Scimeca at **Thomson Reuters** on embedding new tools to improve how lawyers work

30

Time for training as a service
Dorigen Sykes at **iTrain Legal** on approaches to training people to make better use of their tech
- 26

Look who's walking ...
Helen Starling at **RRD** on key findings from its employee expectations report 2019

32

Move on the dial
Steve Flavell at **LoopUp** has an alternative to the traditional, often chaotic, dial-in conference call
- 28

The right allocation
Martin Herlihy at **Retain International** on how smarter resourcing helps with retaining talent

INDUSTRY ANALYSIS

Lawtech people power

If lawyers are to be innovation champions, they need to see how new tech tools will improve their working lives, not just the firm's fortunes, says Colleen Scimeca, senior product strategist (legal) at Thomson Reuters

Is technology an opportunity or a threat? A boon or a burden? For many lawyers today, the answer is all of these. The opportunity value for law firms is well documented: efficiency gains and greater productivity amid pressure on fees and client demand for innovation. And many are taking up the mantle to create a competitive edge. At the same time, trepidation remains, and some recent research by Smith & Williamson underscores that adoption is a particular challenge. Firms want the value of their investment to be maximised, but ultimately new systems will need to be embraced and utilised by lawyers (not just the 'back-office' teams in IT or finance) if they are to work.

Done correctly, however, deploying innovative technologies can actually be a source of personal job satisfaction, as well as firm success, leading to more streamlined working processes, better outcomes and happier clients. But the reverse is also true. It's imperative lawyers can see that new systems will improve their working lives, rather than viewing them as simply adding to their workloads and stress levels. At a time when law

firms are having to become more flexible and forward-thinking in their approach to working hours and office culture to attract and retain talent – and to reduce the risk of burn out and other mental health issues – systems that enable lawyers to work smarter will be welcomed. But anything that may be perceived as making their job harder will not.

The change agenda

Under consideration here is not the sophistication and suitability of the technology itself, nor its integration with existing systems – although of course those are important factors that need to be addressed at the outset. This is about firm-wide buy-in once the decision to green-light a new solution has been made.

According to the recent Lawtech adoption report by the Law Society, change management and process issues rank among the biggest barriers to greater lawtech adoption. However, with careful planning these should be relatively easy hurdles to overcome. Many years' experience of working closely with firms of all sizes, all around the world, has highlighted these five core best-practice principles:



1. Create vision: make a meaningful case in favour

When the case is being made for implementing a new system, the primary focus is typically on pointing out the benefits to the firm as a whole. All well and good, especially when appealing to partners in terms of profitability, but such a broadbrush narrative is unlikely to satisfy specific concerns lawyers may be harbouring, either consciously or unconsciously, about adoption. They need to understand what advantage it will bring to them.

Lawyers may not understand why a new way of doing things is required. They may not appreciate how it will help them, or they may have had a bad experience with technology in the past. They may

feel too busy or disengaged to attend training, or simply to do anything they don't see as being absolutely necessary.

A powerful way to generate engagement is to speak directly to lawyers' personal concerns and demonstrate how solutions can address them. That means identifying the 'pain points' in the current system, and then evangelising with positive messages about how a new tool will help to overcome them.

For example, concerns over the profitability of fixed-fee work can be addressed by explaining how budgeting tools can facilitate more accurate modelling by mapping against historical data on similar matters. Resistance to the introduction of solutions designed to support matter management

Before training can begin, it's important to determine – by conducting a gap analysis – where there are poor processes or lack of knowledge that could hamper adoption

– such as Thomson Reuters Panoramic – can be overcome by demonstrating how much of a lawyer's time could be freed from administrative tasks and that less chaotic workflows will enable them to deliver better work faster.

2. Motivate: set success criteria

Buy-in to the vision achieved, the next challenge is creating motivation. This requires clear milestones to be set and communicated in advance, giving lawyers a plan of what's expected of them. This way, adoption becomes a journey, not an event. Lawyers will appreciate knowing they will be supported and encouraged along the way, not just left to get on with it alone.

At the early stages of rollout, these milestones might include checking whether budgets have been established for all fixed-fee arrangements within the first three months, or whether matter plans have been created for all matters relating to difficult clients. Subsequent stages could see an emphasis on monitoring the accuracy of these initial budgets against actuals, or ensuring that matter plans are being consistently tracked.

Bear in mind, however, that there will be peaks and valleys in lawyer adoption, so being too rigid with deadlines can often kill motivation.

3. Build the support base: identify champions

Successful adoption will require a broad base of champions beyond the technical project implementation team. These will be individuals who lead the way in providing an example to follow, to be a test bed for implementation, and to be the bedrock for ongoing development. Creating three teams is helpful:

- A 'pilot' group made up of a small number of individuals selected for their willingness to

For more information, visit:
legal.thomsonreuters.com/en/products/panoramic

embrace change, as well as a forward-thinking mindset and interest in technology. They will be a sandbox for honing the firm's adoption strategy, trying out new ideas, identifying issues, seeking solutions and building on what's working well.

- 'Executive sponsors', or cherry-picked influencers from across the firm. Some will be in leadership positions, but the key is that they are seen as informal leaders who'll be listened to. This group will support the pilot group, while simultaneously encouraging managing partners and C-suite executives to back the initiative, creating firm-wide buy-in.

- Often within the pilot group are the 'linkers', responsible for getting feedback from the pilot group and sharing their successes with teams throughout the firm, thereby creating transparency and excitement about the initiative. They may form part of any future test group, determining how to improve adoption for subsequent users.

4. Before you start: map the gaps

Before training can begin, it's important to determine – by conducting a gap analysis – where there are poor processes or lack of knowledge that could hamper adoption. This involves mapping out each process step and then listing any problems that could arise with each. Once that's done, it's then possible to discuss which issues will be solved by the new tool. It can also help to identify where processes need to be changed to remove inefficiencies or where extra training is required (separate to the tool-specific training).

For example, when it comes to new pricing and budgeting systems, insufficient understanding of legal business terminology could undermine the potential benefits. If lawyers don't know what terms like WIP or leverage mean, or understand the difference between write-downs and write-offs, then they won't be able to properly engage with technology that relies on users to be business-fluent.

5. Change management: set the right pace

Finally, a well thought through change-management plan is essential to prioritise and schedule the timing of all major changes in the short term, as well as to look ahead at what might



be needed in the years to come. It should cover three key elements:

- **Configuration.** Changing too much, too quickly, risks being counter-productive. Rollout must come at a pace lawyers can manage, while still keeping in mind the firm's important strategic outcomes. Users can't be expected to use every feature at once, so stage the implementation process, tailoring the tool so that lawyers start off using just one element, and then layer in more functionality over time.

- **Training.** This should start early, happen often, and be conducted in different ways (for example, webinars, classroom demonstrations, at-desk tutorials). Remember that groups and individuals learn differently, and some need more training than others. Training will work differently at different firms, depending on the culture, so put together a picture of what will work for your firm by speaking to people with the best insight. It helps to incentivise too – offering prizes, celebrating success, or even providing snacks. And consider whether compulsion is needed, such as via a public list of 'late adopters', or with impacts on bonuses.

- **Communications.** Keep people informed about what's happened already, what's next, why it's important and of upcoming key dates. Communication often starts off well and then dies out, so keep it regular, track who you're communicating with, and monitor effectiveness. Also, tailor each communication to the audience (for example, general or specific to a team) and stress the vision, critical success factors and

Communication often starts off well and then dies out, so keep it regular, track who you're communicating with, and monitor effectiveness. Tailor each communication to the audience

achievements. Anticipate pushback from those who are resistant to change and create stock responses to the most likely objections to head off disengagement.

As a new generation of tech-savvy lawyers enters the ranks, and with more law degrees now offering lawtech modules, innovative technologies are increasingly becoming part of the fabric of the legal profession. Firms that embrace progress, and are agile in their approach, are likely to be on the front foot when it comes to attracting talent and clients, as well as strengthening the fundamentals of their businesses.

Ensuring that tech tools appeal to the lawyers who will actually use them is critical to their success – no matter how clever the design or innovative the application. Breaking down barriers to adoption and managing change requires forethought and pragmatism but the benefits should be well worth the effort.

The answer to the question posed at the outset appears clear: if the perceived downsides can be proactively addressed, the opportunities of technology will shine through. ▀

INDUSTRY ANALYSIS

Look who's walking ...

Helen Starling, managing director of RRD, outlines some of the key findings of its employee expectations report 2019, and assesses their implications for the management of up to five generations in the future workforce

We're all living – and working – longer than ever before. By 2020, and for the first time in our history, four generations will potentially be working side by side – traditionalists, baby boomers, generation X, millennials and the latest joiners, generation Z.

The millennial, specifically, has been widely credited with changing attitudes towards work-life balance. However, it's clear from RRD research in this space that all working generations want greater flexibility, and for their employers to invest in a culture and benefits that support them.

A generational thing?

It's perhaps no surprise, therefore, that some of the benefits most in demand are the ones that involve more control over the working day – home working and various forms of 'flexi-time'. It's also notable that these changes have advantages for the employers offering them: happier workers – which makes for more engagement and productivity – and a reduction in real estate overheads from changes such as less demand for desk and storage space.

Overall, almost two-thirds (64%) of those we surveyed said they would consider leaving a job if they were not happy with their work-life balance – and over a third (34%) indicated they might well fall into that category.

So, what of the generational attitudes?

The millennial is sometimes denigrated as

'generation self' or the 'ficklest' generation in history. Many consider millennials to be less loyal employees, more inclined to move roles frequently.

However, this isn't backed up by our research at all – millennials are in fact the least likely to leave a job because of work-life balance.

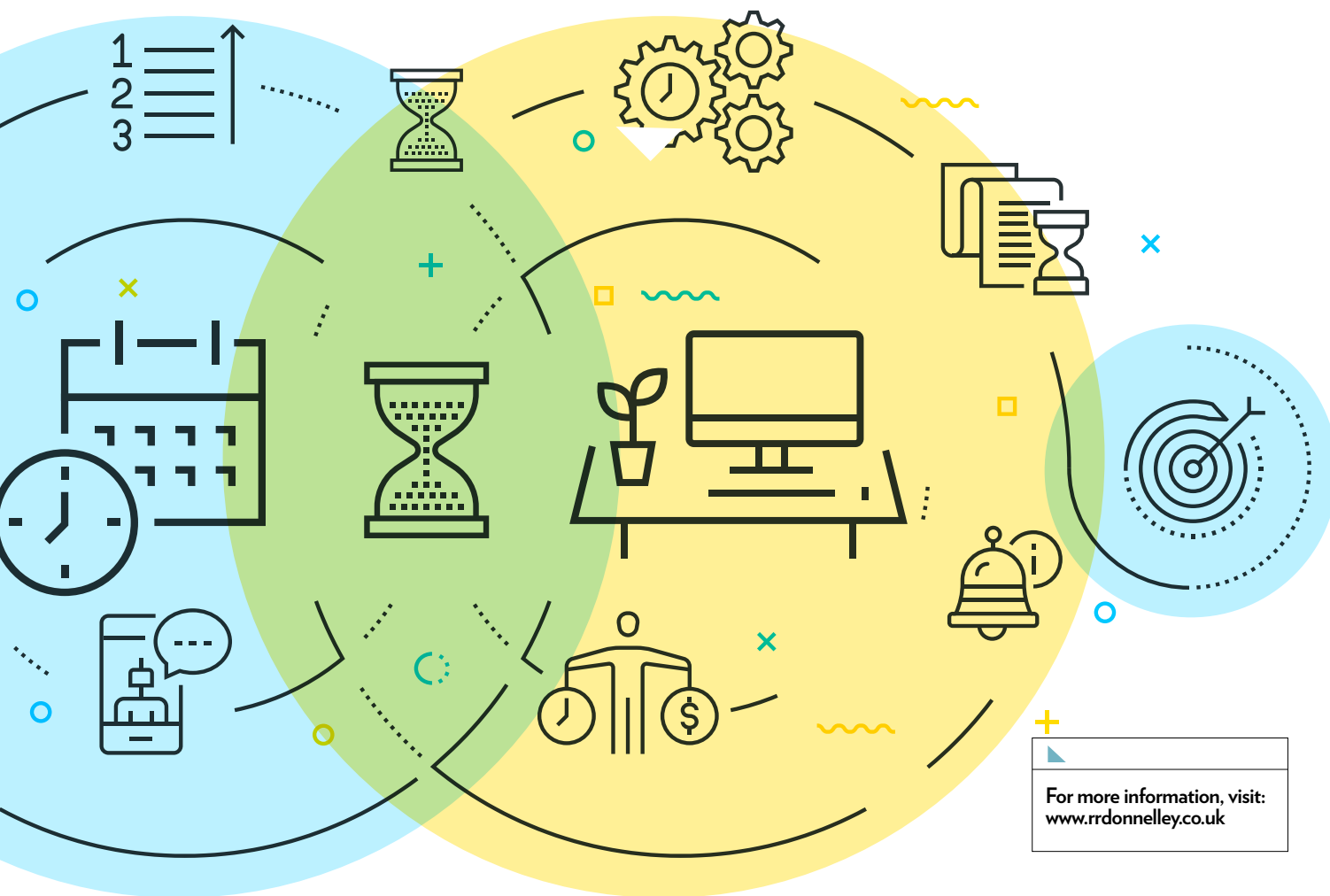
In fact, it's the baby boomers (54-75) – and of course, those approaching retirement most rapidly – that are most likely to hand in their notice for this reason. Generation X (39 to 53) are the second most likely to leave, with traditionalists (75 and over) in third place. Generation Z, those just entering the employment market, came fourth place.

On the other hand, more than half (56%) of millennials said they would consider leaving if an acceptable balance between work and home life could not be achieved.

What have you got to lose?

Clearly, this also means that some firms are risking losing some of their most senior talent. A staggering 82% of those in the 'top tier' of leadership – CEOs and chairs, for example – are prepared to face walking away without work-life balance. Three-quarters (76%) of middle management would consider it, followed by 68% of support functions, 65% of 'first level' managers such as team leaders, and 52% of upper middle management.

And as well as the skills lost, there's the cost of their replacement – both recruitment and ongoing



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

operationally. Employees earning £40–50k are the most likely to leave a job that doesn't provide an acceptable work-life balance (82%), followed by those on £90k+ (66%) and £80–90k (65%).

Broken down by industry, law firms are in the half of employers seemingly most at risk of losing talent (31% unhappy with work-life balance) – they are faring slightly worse than both business consultancy (30%) and accountancy (23%).

Benefits for purpose

And what's to be gained? Responses to a question about the organisational benefits suggest a very clearly understood business case already. The drivers out in front are happier people (55%), more productivity (52%), loyalty (47%) and a positive impact on mental health (47%). Talent retention is also, rightly, on plenty of people's minds (42%).

As for specific interventions, in addition to various forms of more flexible working (for example home, flexi-time, agile), an informal environment to work in and casual dress code scored highly. Half of respondents in the legal sector agreed that working from home was the most appealing work-life balance benefit on offer.

Some smaller modifications could also be

considered, however. Most employees now think 25+ days of holiday is the norm (and consider it attractive); 39% want their birthday off as an extra day; 38% want the option of a personal (for example, so-called 'duvet') day at short notice; and 18% want extra time for some charity or CSR work.

Almost a third (31%) would even sacrifice some of their salary for increased annual leave. As with many of the instances of what employees want, it boils down to more flexibility and power to control what they're doing.

According to a recent worldwide study from Gallup, two-thirds (67%) of employees are fundamentally disengaged from their organisations – and that's a real problem when it comes to productivity and retention of the best talent.

The bottom line is employees are no longer satisfied solely with a healthy remuneration package; they want to be part of an organisation rich in culture, doing work that has purpose, and which offers a genuine work-life balance.

Regardless of sector, competition to recruit and retain the most talented teams is only increasing. But an opportunity for organisations to create a critical and game-changing point of differentiation is employee experience. ▀

INDUSTRY INTERVIEW

The right allocation

Martin Herlihy, head of sales at Retain International, says improving the efficiency of law firm utilisation also helps with talent retention, and both are big contributors to the bottom line

A big lever of law firms' retention of their talent is that talent's level of engagement with their work – and if one factor is sure to lead to disengagement it's work that people aren't interested in doing.

As a result, there has been a significant investment in the concept of 'work allocation' in recent years – systems and management initiatives that set out to ensure work is more fairly, and evenly, distributed. As well as greater utilisation being a more efficient and productive use of resources, individuals are less likely to become overburdened and subsequently burnt out – and therefore, are at reduced risk of leaving – producing a virtuous circle.

As so often, however, the traditional law firm partnership presents a challenge. Not only have many partners long owned their own fiefdoms of talent, but the workload involved in different practices also varies substantially. There may be a question as to whether fee earners are consistently receiving work from all partners that is really appropriate to their skill level. Practices may also be more or less busy at different times – of the year, month, or even week – and in different ways.

This means that any technology to support the business of work allocation needs to be highly flexible, explains Martin Herlihy, head of sales at Retain International, part of Capita's software group. "Practices will have their own cultures, as well as drivers and sets of demands. While one may be able to centralise resource management into a function that makes all decisions, others may need something with a far more personal touch."

For example, where a partner needs to resource a piece of work with very particular sets of expertise and capabilities, they want that to be a straightforward process. Understandably, however, people often don't want to feel their to-do lists are purely decided by a machine – so Retain has been designed to accommodate different degrees of automation as is felt appropriate.

One possibly empowering approach is where fee earners can even enter their own 'availability to work' against projected timescales – although this is rather more likely with more transactional, predictable work types, he explains. "Our system, Retain, has the flexibility to offer fee earners view-only access or different levels of editorial control, from requests to amendments."

Retain the gains

Retain enables a certain level of automated scheduling, but also allows for very human interventions – such as addressing specific instances of stress, perhaps. "The system can prompt and suggest rather than fully decide, and the system is often not so much allocating each piece of work to each individual, but ensuring an appropriate spread across different parts of the business," says Herlihy.

Nevertheless, there's clear momentum building behind using automation to boost workforce allocation efficiency. Once in place, several business advantages should build over time, he says – not just increasing employee retention. "As time goes by, firms can forecast demand for their different teams more accurately. Comparing budgets with actuals, you can flag where resourcing has been overly conservative or



For more information, visit:
www.retaininternational.com

cautious, or even identify where groups of users aren't anticipating future workloads at all." The silos that can easily build up as large businesses grow internationally are also more effectively dismantled, producing greater visibility of the full workforce's availability, skills and development opportunities – and improving both retention and billable utilisation.

Herlihy explains: "There's a detailed gathering of requirements as part of our discovery phase with any new customer, and during implementation not only can we point back to those key drivers and value gains, but also suggest process changes that will have further impact."

From product development to delivery project management and support, Retain itself has benefited from investment in the Capita group. And by partnering closely with firms on their pilots and implementations, and gathering feedback, Herlihy says it has been able to build new layers of efficiency into the technology over time. "Some practices will typically work on one matter only for a full six months – but others can be working on 10 or more simultaneously." Now the latter no longer need to enter certain information 10 times. The system 'knows' they're part of that resource pool.

"Another big driver of these efforts is to free people from admin to be as available as possible for higher-value and billable activity," he explains.

Careers changing

Finally, where employees have input into the work allocation process, this may also be combined with offering career progression to engage and retain them. "People can proactively highlight skills or experience they especially want to develop to advance toward career goals, and resource managers are alerted to that fact as a talent-development opportunity." Fairness of distribution can be as much about people being offered the work they want as it is about not giving groups of people more than is reasonable, healthy or productive. Perhaps it could also help those with the propensity to develop a more hybrid career shape, whether assigned to become more acquainted with artificial intelligence or another force reshaping the world of work.

The potential next step is harnessing people who may want to work in a more dramatically different way – the growing 'contingent' workforce. "Firms don't want to be in a position where they lose work, or even clients, because they're too slow to respond to a sudden peak in demand," says Herlihy. "Is the ideal person, somewhere – with plenty of relevant expertise – available in just two weeks' time?" Tapping into this growing talent pool with fewer ties, Retain's roadmap includes servicing that area of allocation demand as well.

The bottom line is that a global workforce that isn't well utilised and flexible won't scale well. Firms need accurate data on how both are doing to drive new behaviours and longer-term decision-making that keeps people engaged and the business growing profitably.

Perhaps law firms could look a little closer at territory where many new resourcing initiatives were tried out some time before they got around to it – a rather large quartet of businesses that are also looking hard at the opportunities in legal business management right now. ▀

INDUSTRY ANALYSIS

Time for training as a service

Dorigen Sykes at iTrain Legal says a law firm's approach to training people to make smarter use of technology has multiple business benefits, from efficient day-to-day delivery to driving talent retention

The role of technology in law firms is arguably more important than ever. The legal industry is experiencing an unprecedented number of change management programmes, ranging from practice management system (PMS) migration to full desktop refresh. Artificial intelligence and other new technologies will potentially change the way legal services are delivered. Law firms are launching separate divisions to embrace the new business opportunities technology will bring.

Alongside all of this, the shape of internal law firm IT teams is fundamentally changing, with the separation of tomorrow's strategy initiatives from today's 'keeping the lights on'. Chief strategy officers and innovation directors are increasingly joining the existing CIO/IT director roles.

Underpinning all software/technology change is an implied business case that any new initiative will improve either revenue, productivity, compliance or customer satisfaction. In spite of this, one key requirement is frequently overlooked – ensuring the users of the new software know how to use it, and therefore the firm realises its full potential as hoped for in the initial business case.

Fortunately, training is no longer an afterthought. Law firms are now starting to become more aware of its significance, not just at the point of a key system change, but also as a regular and important part of an individual's role to ensure ongoing, incremental improvements in user competency.

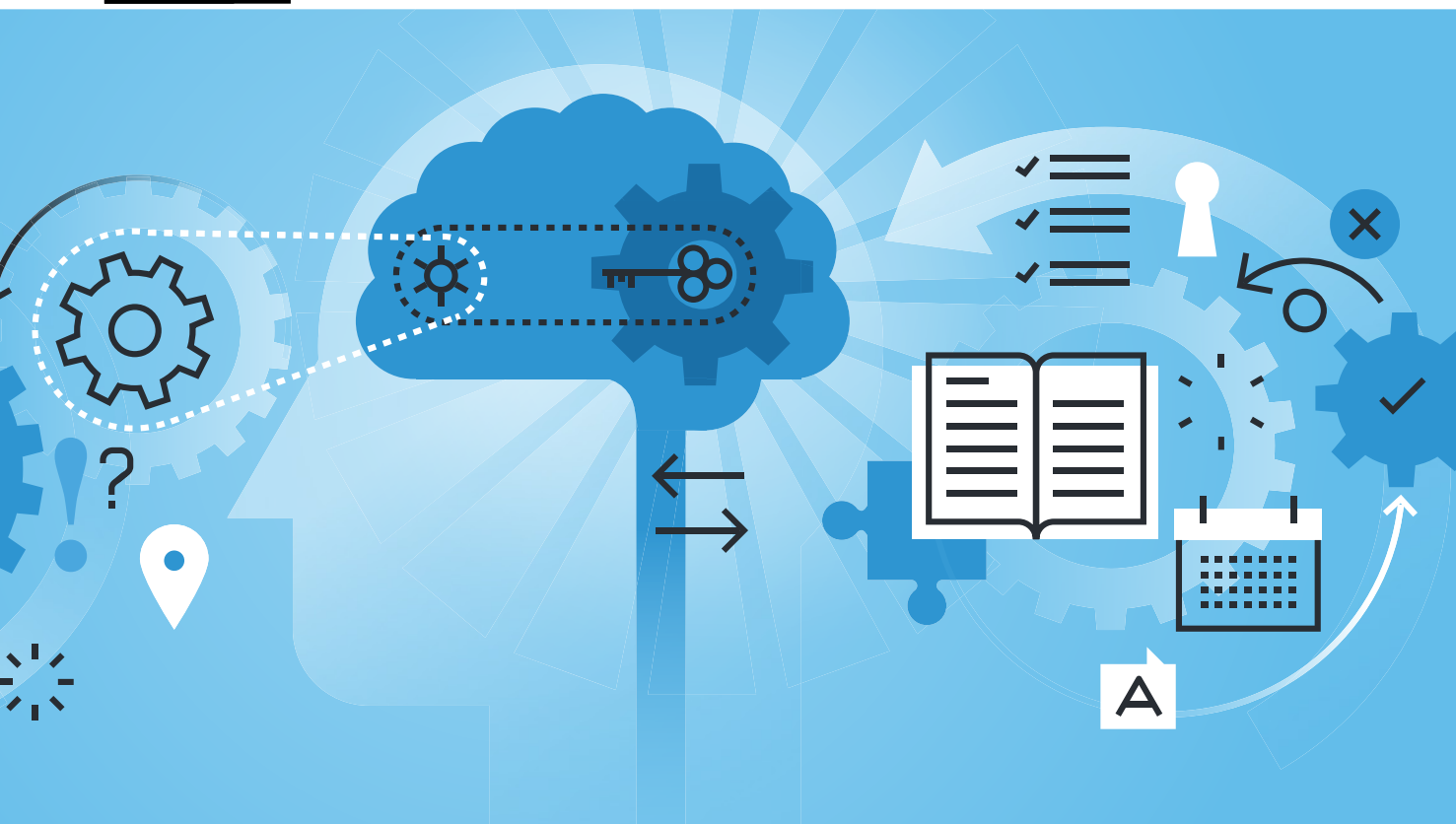
Training programmes transformed

The benefits of training are numerous. Having end users that know how to use all of the applications on their desktop significantly improves productivity and reduces the need for support and administrative staff. Training also reduces the number of errors that occur, which in turn impacts customer satisfaction, firm risk and overall compliance with firm policies and procedures. Furthermore, from a personnel perspective, training is proven to improve staff morale and work-life balance, reduce staff turnover and help law firms attract and retain the best talent.

The last – and potentially most important – benefit of training is that of ensuring that your users can use the software currently in situ. Improving user competency within the existing environment frequently results in a realisation that buying new software isn't actually necessary. Strategically, it's better to stay as is.

In the last few years, types of training

Fortunately, training is no longer an afterthought. Law firms are now starting to become more aware of its significance, not just at the point of a key system change, but also as a regular and important part of an individual's role



For further information, contact:
info@itrainlegal.co.uk

approaches have changed radically. Traditional classroom training and reference guides are still important and hugely valuable, but these are now being augmented with increasing use of online content and, more recently, the development of AI-based, interactive and proactive training services to ensure that users have access to many different types of training content at all times. In addition to business-as-usual, skills development and change management support, for example, iTrain Legal has launched a new interactive iTrain Chatbot service. The chatbot responds to employees' training-related queries in real time: a virtual trainer on call at their point of need.

In parallel to these new training approaches we are seeing the increasing use of third-party, dedicated training organisations – such as iTrain Legal – which specialise in providing end-user training and all aspects of the law firm desktop. These businesses provide flexible and tailored training solutions that either assist firms' in-house training teams or provide a complete end-to-end service to law firms without in-house capabilities.

Managing major change

One good example of where firms such as iTrain Legal are used are the numerous PMS migrations, plus document management system upgrades, currently occurring. For these critical projects there is rarely sufficient internal training resource,

and firms do not want contractors 'on the bench' for long periods not being fully utilised. Firms are now looking to use specialist training businesses to provide timely assistance in the planning and communication to end users, the delivery of training content, and also to provide floor support and post-go-live training support services.

The benefits of working with these specialist organisations is that they are conversant in the majority of law firm applications, have a vast amount of domain expertise and understanding of the role and requirements of a fee earner, and can provide best-practice approaches to ensuring that the right training is provided in the right way.

The concept of 'training as a service' has become more commonplace, as firms are turning to an outsourced model to access the skilled training resource they require in a more flexible manner. Using this approach, firms can redesign how they provide training services to their users, either by supplementing the in-house team with best-practice expertise, or reducing internal training headcount needs. It can offer a fully managed outsourced service, encompassing all of their day-to-day, user skills development and project change training requirements.

Every year a law firm's desktop environment will change, so a law firm's training requirements will be continuous. To remain competitive and realise the business benefits frequently cited with any technology change, firms need to embrace new ways to provide training to their teams. ▴

INDUSTRY INTERVIEW

Move on the dial

Steve Flavell, co-CEO of LoopUp, says it's high time for professional services to hang up on the conventionally chaotic conference call

It's one of the most instantly recognisable scenes of modern business life – an important conference call that descends into rather embarrassing farce. Repeated enquiries about who's on the call, while hanging around awkwardly for late joiners. Perhaps something is said that somebody else isn't supposed to hear. Then everyone seemingly can't help but talk over one another. Before you know it the individual most critical to progress of the opportunity has already reached that 'hard stop'.

Steve Flavell, co-founder and co-CEO of LoopUp – formerly in engineering and strategy consulting – is on a mission to make a difference – and cut the average 15 minutes that's wasted every time one of these things is scheduled (costing the business world approximately £26bn in 2017, finds LoopUp, up from £14bn in 2015).

The big change seems surprisingly simple. And of course, that's very much the idea: a less confusing experience for all involved. Instead of dialling in, invitees to a call receive a single link to a page, where they enter their number – and then it's their phone that rings. A screen pops up with a list of who else is also present and who's speaking.

"Dialling into conference calls using numbers and access codes is still very much the norm in the enterprise business world, but it just isn't a good experience," says Flavell.

"There are so many classic frustrations: first and foremost, just getting all the various numbers right. You're going back and forth to your calendar to look them up, only then to find it isn't recognised. Then it's on to working out who else is 'on', who's speaking, and who's still missing."

Remote prospects

Emotions may be running high for a business day in any case. In law firms, of course, the content of many of these conversations won't be straightforward at all, while taking place with highly valued existing or prospective new clients.

Ironically, that's likely to be a reason people fall back on the calling status quo. "The one thing you generally can be sure of with dialling in is that the audio quality will be reasonably reliable," says Flavell. "Also, it's universally recognisable and doable – you usually don't need to download extra software, and so on."

However, over the last 13 years Flavell and his co-founder Michael Hughes MBE – who he met at business school – have persuaded a decent chunk of larger law firms to dispense with dial-in. "It's ultimately built to appeal to callers with business-critical, but nevertheless day-to-day, remote meetings," he says.

"Law firms do have a certain reputation for being slow to change, but I think that can be unfair – in my experience they're among the most proactive at exploring technology changes that might improve process or productivity. There are just some situational factors that can make it more difficult, such as security and reputation. The cost of getting things wrong is just too high."

"We believe video enhances some meetings, but is neither needed nor wanted for others. The person best placed to decide is the meeting host."



For more information, visit:
www.loopup.com

In fact, risk management is another real concern with basic dial-in calls – if you don't know who's on, you can't possibly know who could be listening to potentially sensitive information, says Flavell.

Face up to it?

One way to increase some transparency at least would be some faces – and of course, many firms have some technology in place to allow people to videoconference. Although LoopUp has just introduced functionality for video streaming itself, however – on the same pay-as-you-use basis – Flavell says the business is “audio first” to ensure the user always has reliable audio quality and also has the best experience by remaining in control and with minimal interruptions.

“First, most other video products in the market encourage you to download some software – and some absolutely require it,” he explains. That's automatically one more thing to think about as a potential barrier. “Second, there are some ways around it, but you will also be encouraged to speak

into your computer.” Whereas LoopUp makes a point of separating audio and video streams. The audio is not carried over the public internet, so isn't at the mercy of connectivity for sound quality.

Finally, there's how people themselves prefer to behave (and yes, perhaps find it hard to change). “Many products encourage – or even force – you to turn your camera on when you join. There's an argument this helps engagement, but we believe video enhances some meetings but is neither needed nor wanted for others. The person best placed to decide is the meeting host.” However, parties can share and collaborate on documents at a click – part of a focus on all of this calling for zero training. “You have to make a change like this really easy. In the heat of an important call there just isn't time for picking up feature-rich software.

“Moving the mainstream is a big job, and nothing's as likely to make people default back as something new that appears intimidating when they can't afford it.” We say that's probably not a bad call. ▀

OUT OF OFFICE

Trek community

Having received the Douglas Macmillan award for his fundraising, Martyn Wells, IT director at Wright Hassall, is ready for his next big project. The challenges are plenty and timing tight, but the goal is in sight



After his Severn Way walk to raise money for Macmillan in 2018, Martyn Wells, IT director at Wright Hassall, could have taken time off. But that's really not his style. Instead, the cancer survivor searched online for the "most difficult walk in the UK". He's training to set out on Scotland's Cape Wrath Trail in September 2019, to raise a further £100,000 for the charity.

"There's no predefined path or way markers, no signs saying 10-miles or anything. At the wildest point on the trail, you're going to be over 75 miles from the nearest road," says Wells of the 10-day trek through one of Scotland's wildest parts. He admits that attempting to do it in that time is on the crazy side. "Most people take two-and-a-half to three weeks."

Duncan Eadie, director of information technology at Charles Russell Speechlys, adds: "The team needs to be self-sufficient when in the mountains – it's part of the attraction of being in that part of the world, but also carries some risks." A polar expedition veteran – and part of the first British team to cross an icecap in Baffin Island – Eadie is training with the team but probably won't do the trail (duty calls: he also has a big practice management implementation in September).

The team also includes Craig Tomes (of the managed IT division at Commercial Group), Chris Bull (executive director of Kingsmead Square), and Rob Simcock (director at Kutana). In keeping with the team's

collective love of technology, they will all wear GPS trackers so that people can see where they are on the trail. "We'll provide some big data for people to play with – we have to do that as geeks, right?" says Wells.

Will they be talking much shop? "We'll be talking more blister management techniques towards the end," he laughs. "There's a bit of shop talk, but this isn't a walk from hotel to hotel with cosy pub lunch. This is entirely wild. We'll be carrying tents and cooking equipment. We'll have to wade across rivers."

But he doesn't sound fazed: "Our biggest enemies will be ticks, midges and blisters." Still, the prep is intense. "We've been getting ourselves into the Brecon Beacons and the Black Mountains," says Wells. "I've done two trips of about a dozen miles, training with a 12-15kg pack, and working on distance and slopes."

It hasn't been easy for him. Since the 2018 walk he has been hospitalised with sepsis caused by immunotherapy. "I had to learn to walk again – start right at the bottom with just six months to get fit." He's also using a personal trainer. "Last year, with so many people involved, the motivation was strong. This year it's been a bit harder for me mentally. Having someone in my team to get me fit is going to be useful."

Community spirit

A strong community has sprung up around these walks. "All the rallying around Martyn on his last escapade was fantastic," says Eadie. "Many of us

have been in this community for years and it's great to see people bond together and support him." Colleagues at Wright Hassall have also been on board. In addition to enabling him to phase back into work on a part-time basis, they're enthusiastic about his fundraising. "Last year the firm's charitable trust sponsored the last day, and it's making a donation again. About 30 colleagues turned up to walk the final stage. This year it's so wild I can't divide the walk up into days, but we're expecting some people to be there at the beginning and at the end."

Future trails

Wells recently received the Douglas Macmillan award for all his work in promoting the charity. "I'm quite proud of that. They recognised the efforts of everything that we did last year. If I raise £100,000 for Macmillan this year, I'll be able to retire from fundraising gracefully. I feel I would have given something back to Macmillan for all the support they've given to me and my family. It will go a long way towards funding a couple of nurses for a year."

But there are many trails still out there. "They get bigger and better, but they might need to wait until retirement." That said, he isn't ruling anything out: "Next year, who knows? Maybe I'll see how far I can walk in 48 hours ..."

More details of the team's Cape Wrath Trail 2019 can be found at <https://www.capewrathtrail2019.com> and www.facebook.com/capewrathtrail2019. ▀

TRANSFORM YOUR CAREER TODAY



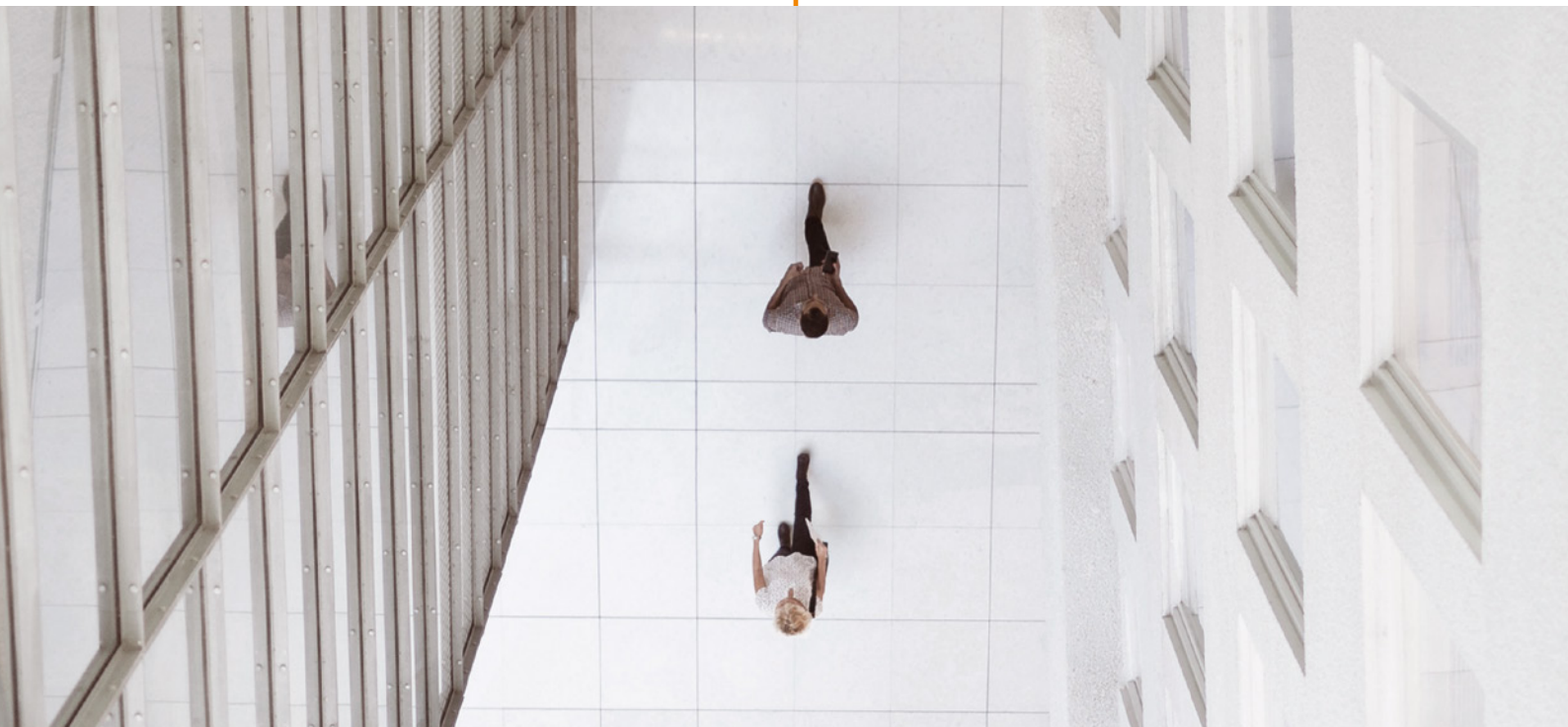
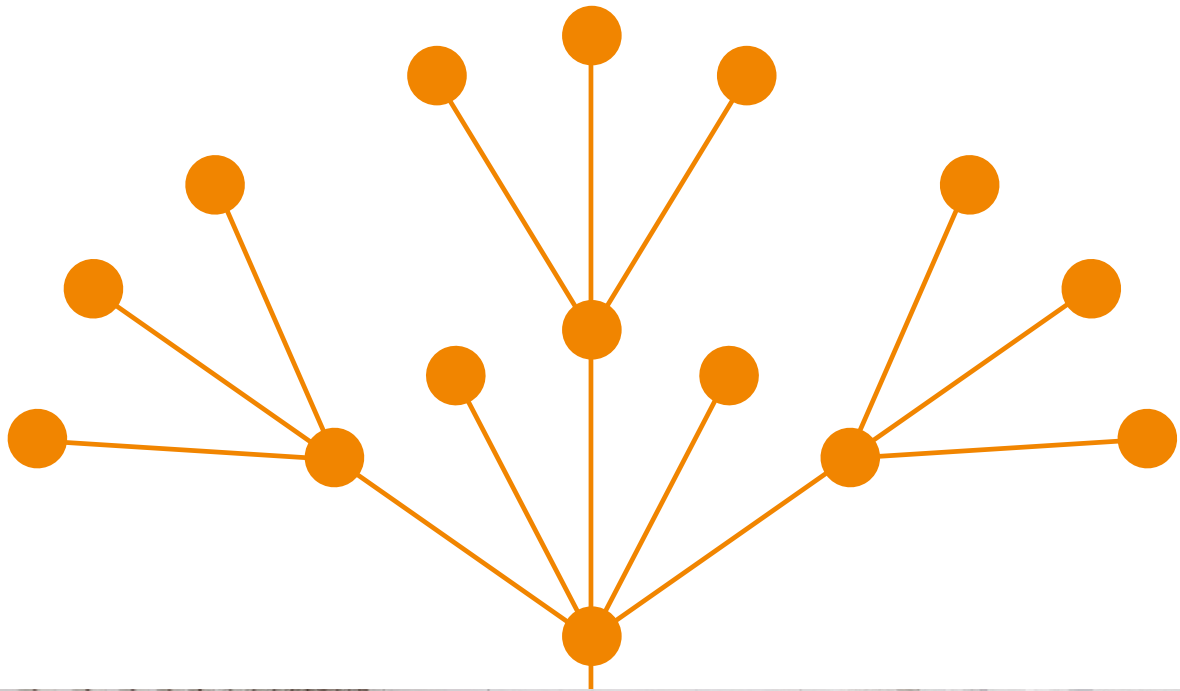
- Find your role in legal business services
- Register for new job alerts
- Upload your CV

VISIT
www.lsn.co.uk/jobs

3E guides your firm to a future without limitations.

THOMSON REUTERS
ELITE™

Gain the strategic visibility to embrace change fearlessly.
Arrange a demo today at elite.com/3E



The intelligence, technology and human expertise
you need to find trusted answers.



the answer company™
THOMSON REUTERS®