

Briefing

SMARTER LEGAL BUSINESS MANAGEMENT

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KNOWLEDGE LEARNINGS

KNOW WAY
Lessons learned from Briefing
Knowledge Leaders 2019

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How DLA Piper set out to avoid
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Look who's talking

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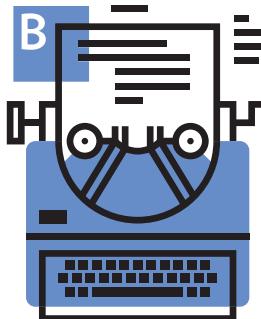
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Editor's letter



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ur cover story this issue concerns the management of firm 'culture'. Can this concept really cross the barriers of all those notorious functional silos that may or may not be dissolving in a law firm like yours? And can it result in a recognisable common identity based on an appreciation of certain core values and the behaviours that show them at work?

I don't imagine many **Briefing** readers would today argue against the value of inclusion as an ingredient of any work on such an area. And yet, a new survey from the First 100 Years Project in February found "considerable barriers" not only to career progression for women working in the legal profession, but also to basic equality.

More than half (58%) of women surveyed – solicitors, barristers and others – said they had received inappropriate comments related to gender from male colleagues at work, and 46% admitted they had ignored an incident of discrimination in case it had a negative impact on their careers.

Perhaps most striking, only 2% thought there was true equality in the profession. Perhaps most striking, only 2% thought there was 'true equality' in the profession, and a third expressed the view that such equality likely won't arrive in their lifetimes, or indeed for 100 years. One associate damningly stated: "Diversity and 'women's initiatives' are PR-orientated – my firm is a supposed leader in these areas on paper, but it's a different story in practice."

And one partner, promoted in an otherwise all-male partnership, said: "I felt I had to constantly justify my position, as some within the partnership hinted that I was only offered the role because they needed a female partner."

Another commented: "Gender discrimination is rife. The 'boys' network' remains in full force, excluding women from networking opportunities and bullying them so that they feel inadequate and incapable."

There were some positive comments – particularly concerning opportunities to work flexibly and have a better work-life balance without it impacting career progression.

But if these results and views are in any way representative, I'd say easy talk of a strong, cohesive workplace culture, uniting people in common purpose and goals, should be subject to hard scrutiny.

RICHARD BRENT EDITOR-IN-CHIEF

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Knowledge round

At Briefing Knowledge Leaders 2019, we discovered innovative moves in KM and heard points of view on what the function can do for firms' bottom lines



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

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BRIEFING SPOTLIGHT: KNOWLEDGE LEARNINGS
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65 SECONDS WITH ... DAVID PIERCE



David Pierce, global head of sales at Axiom, offers his thoughts on innovation in the legal market and explains the strategy behind developing new technologies to better connect clients and lawyers

Q How do you approach innovation?

A I spend a lot of time working with my colleagues in product and marketing to help general counsel and our department leaders navigate the modernisation of the law. We give ourselves the freedom to think like futurists – it's not a hard science, we're just envisioning what the future might be and playing out scenarios. But I think 'evolution' is a more accurate term to describe what's happening in the legal industry today.

Q Where do you see that evolution happening in the legal market?

A Legal still functions more or less the same way it did 150 years ago: primarily small operators, the equivalent of 'mom and pop shops'. In the future, there will be a larger number of dominant players in the market doing just a few things really well. In many ways, the UK market is ahead of the US. The US doesn't have anything close to the 2004 Clementi Report, in which the UK Government commissioned a full-scale review of regulation in the legal profession. There's a huge amount of energy in London and, when the regulatory quagmire in the UK

is addressed, many opportunities will open up. There's also a lot of entrepreneurial energy on the US coasts, and Silicon Valley is still a hotbed.

Q Is Axiom a threat to traditional law firms?

A It depends on the business. Firms that are really focused on good client outcomes are always going to thrive and have an impact on the industry's evolution. Axiom is one of those players: our strongest global relationships are more like true talent partnerships than traditional law firm-client relationships. We look at the challenges clients are trying to surmount and the opportunities they want to seize. Clients want to access pockets of talent at the right moment in time – our focus on empowering talent, rather than traditional outsourcing or machine learning, enables that.

Q What were the benefits of partnering with Permira?

A We gained access to capital, but also a partner that has international networks, a lot of experience in our industry and track record of helping companies to scale using technology. A lot of the investment will go into marketing and developing products, but we're also investing into the

technology that our lawyers use to enhance their experience on the platform. Getting that right for both clients and lawyers is a big priority at the moment.

Q What drove development of Axiom's new Talent Platform?

A Both our talent and clients have been demanding more frictionless connections. We see a future where tens of thousands of lawyers are discovering and completing work for clients around the world. That requires us to become much more scaled and data-driven. The Talent Platform will help us offer more flexibility to lawyers and enable clients to create better dynamic business teams and on a much larger scale.

Q Which challenges facing legal businesses currently are top of your mind?

A Privacy is a big one. The regulations are coming fast and furious, but there's little precedent for general counsel and chief information security officers to lean on because the work required to understand and ensure compliance is enormous. Second is diversity. I haven't seen clients more unanimously invested in an issue than diversity and inclusiveness in a long time. ▲

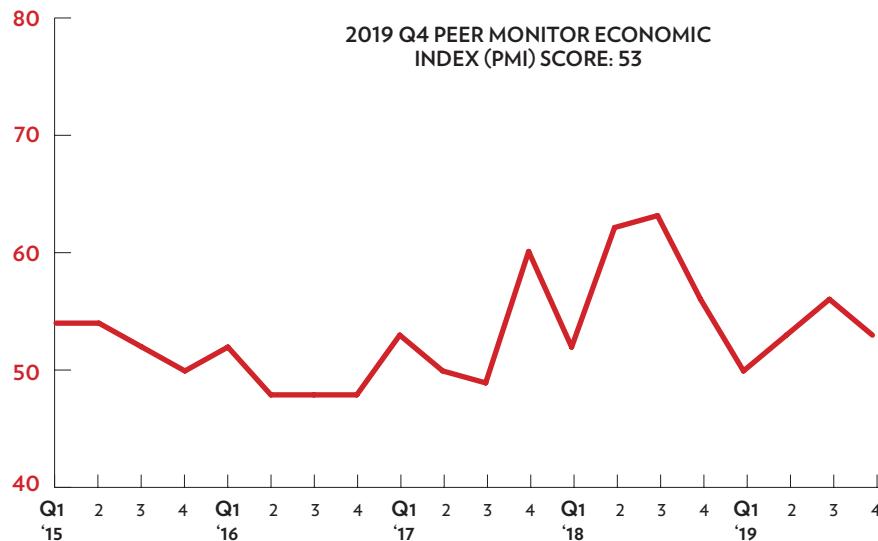
Database

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Wrapping up 2019, we see a picture of growth in overall demand for the services of large law firms, but with some signs of a slip

THE PEER MONITOR ECONOMIC INDEX (PMI) IS A COMPOSITE MEASURE OF LAW FIRM PERFORMANCE, INCLUDING DEMAND, PRODUCTIVITY, EXPENSES AND PROFITABILITY



PEER MONITOR PERSPECTIVE

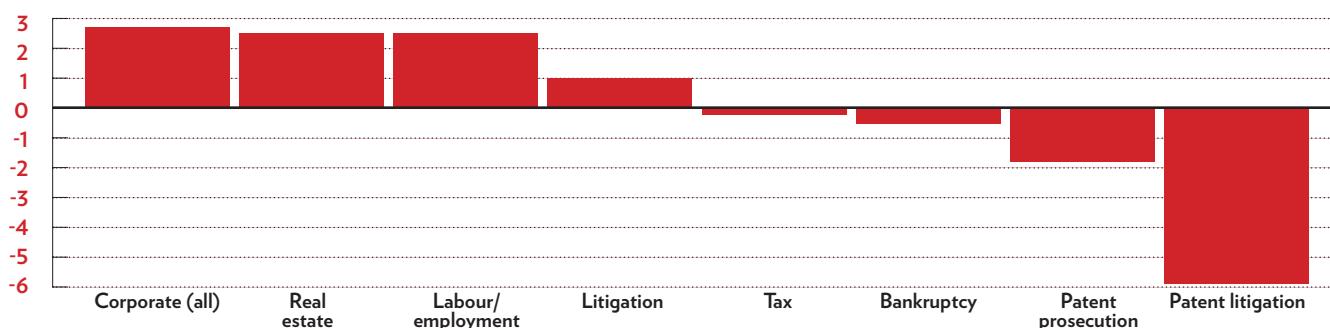
2019 finished with a flourish, with the US large law firm market experiencing higher demand and rate growth in Q4, marking the second straight year of good performance.

The fourth quarter had demand growth of 1.1%. Rate growth spiked to 4% – the highest mark in eight years. But productivity fell 1.1% as headcount also spiked.

Overall, although 2019 saw much higher rate growth, helping to boost revenues, it also brought a downturn in productivity, fuelled by greater headcount growth. This yielded dampened profitability for firms.

Q4 PRACTICE AREA DEMAND FIGURES SHOW PATENTS CONTINUING TO LAG

YEAR-ON-YEAR CHANGE
(Q4 2018 TO Q4 2019)



OVERALL MOVEMENTS IN Q4

1.1%

Demand growth

-1.1%

Productivity

4%

Rates growth

3.8%

Direct expenses growth

The Peer Monitor Index is comprised of the global data of 160 US-based law firms, including 52 firms from the AmLaw 100. For the full Q4 report, please visit: <https://legalpro.thomsonreuters.com/LEI-Peer-Monitor-Index-Q4-2019-Report>

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SPEAK UP

In the culture club

Over the years, I have found there is a certain trajectory to KM conversations. They start with the ‘hard’ stuff: serious conversations about systems, technology and processes. Brows are furrowed, notes taken, and earnest debate is conducted around the relative merits of search tools, DMS, taxonomies, metadata and workflows. Recently a new kid on the block – AI – has started to muscle in on the conversation – although often no one speaking is overly confident about who they are, where they’ve come from, or, indeed, where they’re going. All this to solve what is a deceptively simple question: how do we share what is locked up in our individual heads with the rest of our organisation and beyond?

And it is only when the conversation stutters to a close that someone warily adds: “And then, of course, how do we create a knowledge-sharing culture?” Now, this question is problematic for several reasons. First, what exactly is an organisational – and, more particularly, a knowledge-sharing – culture? We talk about it frequently but rarely reflect on what exactly it involves. And how does this culture vary across our offices, practice areas and functions? As Max Boisot, one of the most perceptive writers on KM, notes, “Culture operates at many levels of aggregation”.

Secondly, we can no more ‘create’ a culture than we can unerringly foretell what might happen in a particular city over a given weekend. Both are complex

systems made up of multiple players, prone to act in unpredictable ways. We may cultivate the conditions from which a particular culture might evolve, but we cannot determine the outcome. Our organisations are organic, not mechanical systems. And in the world of culture, two plus two does not always add up to four.

So, the question of culture is one we should raise at the beginning of the conversation. There is nothing ‘soft’ about culture. Indeed, it asks the hardest questions of all. But for those seeking enlightenment, there is help at hand. The 2018 ISO standard on KM grapples adroitly with the concept of a knowledge management culture. It describes how such a culture reflects the extent to which people invest time in reflecting and learning; freely offer their knowledge to others; feel comfortable asking for advice; and place value on acquiring new knowledge through experience. Pragmatically, the standard also details the factors that influence KM culture: trust, leadership behaviours, customs and diversity. This is sensible guidance that, in my experience, distils the stuff that works in practice. Yes, culture may be nebulous. Yes, it may be a catch-all for every organisational woe. And, yes, it may appear daunting. But culture does matter, and as ISO 30401 notes, there are actions we can take that may “steward it towards the desired state”. So, in this particular culture club, it’s not always a miracle you require. Sage advice from an international standard may sprinkle its own magic. ▶



Ian Rodwell
Head of client knowledge,
Linklaters

@irodwell

There is nothing soft about culture. Indeed, it asks the hardest questions of all. But for those seeking enlightenment, there is help at hand

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SPEAK UP

Day to remember



Alex Hatchman
Chief strategy and operating officer
Fletchers Solicitors

@FletchersLegal

If we look at leadership through a population lens, and analyse the top 50 countries around the world, we see something quite staggering

International Women's Day is celebrated annually on 8 March. Why is this day so important? And why is it that, in spite of unprecedented progress as a human race, we'll need to celebrate this day for years (decades) to come?

The world's current population stands at 7.8 billion, with a near equal number of men and women. If we look at leadership through a population lens, and analyse the top 50 countries around the world, we see something quite staggering (see box below).

In these countries, which together account for 6.6 billion (or 85% of the world's population), there are just two women leaders: Angela Merkel of Germany and Bidhya Devi Bhandari of Nepal. Between them they lead just 0.1 billion (2%) of that 6.6 billion.

If we then look through an economic lens and analyse the top 10 global economies, the results are no less staggering. In these countries, which together account for 66% of the world's wealth, there is just one woman leader: again, Angela Merkel of Germany, whose economy accounts for 5% of global GDP.

Closer to home, 6% of CEOs in the FTSE 100 are women. There are in fact more men called Steve in this elite group than women! Even closer to home,

among the largest UK law firms, latest data shows that 11% are led by a woman, while 19% of partners are women.

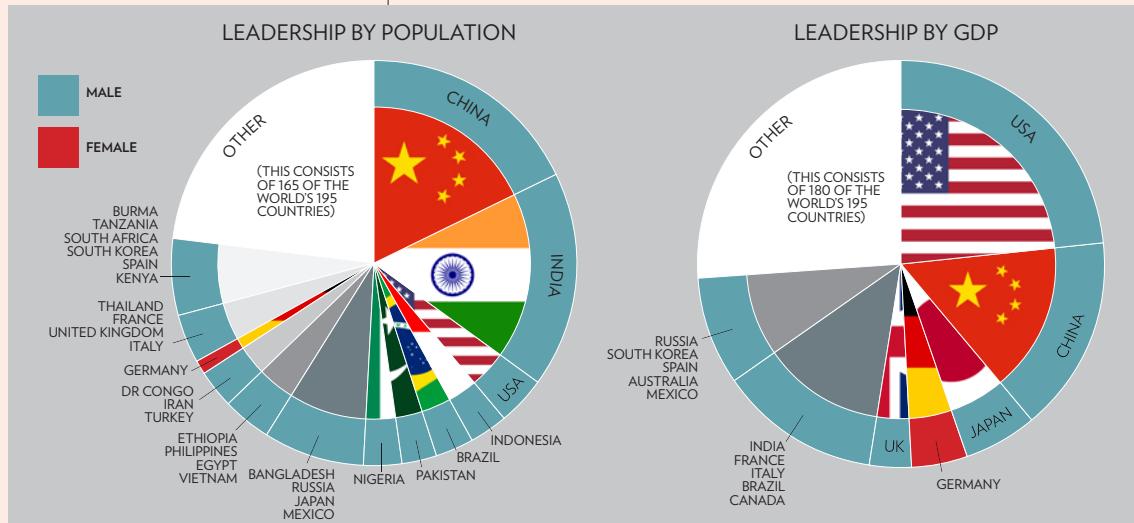
The proportion of women partners stood at 15% in 2012, which demonstrates that progress is being made. But before comforting ourselves that we're on the right trajectory – or that, in the worst-case scenario, we can bring in quotas to force more equal representation – consider this: the future world of work will present women with additional, not diminished, headwinds.

There are three key reasons for this:

- Proportionately, more women work in low-skilled jobs, and these roles are most vulnerable to large-scale automation.
- Women spend considerably more time, on average, on unpaid care work, leaving them less opportunity to upskill or retrain in order to stay 'relevant'.
- And finally, in STEM subjects (science, technology, engineering and maths), whose importance in tomorrow's technologically driven world is paramount, just 25% of UK graduates are women.

In spite of the global population of women being 49.6%, on all measures examined female representation was somewhere between 2% and 11%. This is why International Women's Day is important, and why it will need to be celebrated and embraced for decades to come.

The law is blessed with many brilliant minds, most of whom are driven by upholding justice and solving injustice. Is this not an injustice that together we need to solve? ▲



COMMENT

Cultural motive



Having recently taken on a new business area for Mitie Group, I've become very interested in how changing the culture of a business can help us deliver in a challenging market. The impact a business's culture has is talked about by our peers, customers, competitors and supply chain. It's often referred to as 'the way we do things around here' and can be seen as something that naturally develops over time. However, culture should be deliberately and meticulously planned and worked on. A good business culture will impact all your stakeholders and the ripple effect throughout the business will have a demonstrable positive impact on the bottom line.

Businesses with a strong sense of culture can expect to see many benefits, including:

- **Improvement in productivity** – Having a consistent business culture is proven to drive double-digit improvement.
- **Increased sales** – A consistent culture leads to better new business performance, and increased growth and retention of existing clients.
- **Creative problem solving** – People are up to three times more creative in work situations when working in a business with a strong sense of purpose.
- **Better employee retention** – It seems obvious, but people really do stay in businesses where they're happy and feel valued.
- **Better psychological working environment** – People with common goals and values work together and support each other, recognising they'll get there quicker as a team.
- **Business confidence** – When we have everyone on the same page, with a clear direction and sense of purpose and belonging, the overwhelming clarity this brings to the individual and the

organisation manifests as confidence. We know where we're going and we know how to get there!

• **Better customer relationships** – Of course, the combination of all the above will be very enticing to prospective and existing customers. As the saying goes, 'people buy from people' and customers want to work with businesses, teams and leaders who are happy, confident and offer clarity around their challenges.

My views on how long it takes to instil a strong culture have changed. I used to believe that it takes not only planning and hard work but also a lot of time. Over the last six months, however, I've worked with a strong leadership team which instilled a more collaborative work ethos and set out a new vision and direction for the business, all the while applying the 'keep it simple, stupid!' principle, and then both communicated this widely and, more importantly, demonstrated it through our actions.

The results have been a real change in the feel of the business (culture!), and better engagement with our colleagues, customers and suppliers. Most pleasingly, we've seen the results on our bottom line, with improvement in monthly performance starting to track upwards on a consistent basis. What we've learned from this is that, while large scale cultural change will take several years to really embed, you can see benefits and substantial performance improvements much sooner and this will act as a catalyst for further positive change. ▲

As the saying goes, 'people buy from people' and customers want to work with businesses, teams and leaders who are happy, confident and offer clarity around their challenges



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While assessing historic data is easiest, it's also the least valuable as it only tells you where you've come from – it doesn't tell you where you're going

TO THE POINT

Key change

Recently, I've been reflecting on some takeaways from the Thomson Reuters marketing partner forum in Miami, which several members of Pinnacle's global business development practice attended in January 2020.

With years of experience working in the legal business development sector, I find it strange that many firms still appear to be struggling to build a strong and vibrant key client programme. Many programmes are largely ad hoc and driven by the marketing and business development function – if they're driven by anyone at all.

Growing long-term profitable revenues (the ultimate purpose of these key client programmes) requires two things to be brought together and interlinked: leadership and a clear direction.

Clear direction is easily achieved through mining the data that you have. While assessing historic data is easiest, it's also the least valuable as it only tells you where you've come from – it doesn't tell you where you're going. Your business's most profitable future is with organisations that have the greatest and easiest-to-grasp opportunities.

Answering the following questions can help identify these opportunities:

- **Which clients have a similar footprint to our firm's?** You won't get work from client businesses that you can't support.
- **Which practice areas have been used a bit but not a lot?** It's easier to get more work from someone who is already using you a bit.
- **Which clients have the largest spend in the areas where we have strong capability?** Businesses that are

growing in the areas we're interested in are easier to work with.

Firms without this insight into the opportunities will find it challenging to create a successful key account programme. Also, it means that any investments in the form of discounts, entertainment and so on are made sub-optimally. Any key account programme must drive to change this.

Our experience suggests that driving change in an organisation requires effective leadership. But, if we want to move from investing sub-optimally to a higher investment performance, the executive committee must use all the levers of change: compensation, the meaning of roles, the responsibilities and accountabilities of these roles, and any new skills and resources needed. Feeding this into the assessment, measurement and ultimately remuneration might be one set of levers to drive better investment decisions within the firm.

We know it works: one global law firm grew its revenues from new key accounts by 20% within two years by focusing not on the largest clients of the last three years but on the easiest clients to grow. Change came from the top: the executive selected the key clients and asked client partners to deliver the identified opportunities; discounting policies were changed and metrics for personal performance were adjusted.

The point is, firms should change their data focus from historic data, captured as a function of day-to-day business, to looking at data about the future. It isn't about the technology: successful business development programmes are delivered by changing the data that we look at and leading robust change programmes. ▲



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Share in the community

A strong collaborative culture is essential to a client focus. Jem Sandhu reports on how firms are enabling people to connect

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Knowledge round

Josh Adcock reports on the discussions and findings from **Briefing** Knowledge Leaders 2019 last November



Share in the community

A strong collaborative culture is essential to a client-centric approach. What are firms doing to enable their people to connect and share? Jem Sandhu reports

We often ask new clients – “why us?”, says Casey Ryan, global head of legal personnel, and partner, at Reed Smith. And one of the most common answers the firm gets shows just how much an internally collaborative culture can impact the client experience.

“They say they could tell that the team liked each other, would work well together, and would also work well with their internal teams,” says Ryan, noting how clients appreciate a ‘we’re all going to roll up our sleeves for you’ dynamic.

Offshore law firm Bedell Cristin’s client-focused culture depends, in turn, on its strong collaboration, according to Catherine Cadman, its head of knowledge. Similarly, Laura Kind, head of culture and change at Hogan Lovells, sees how her firm’s collaborative culture strengthens key client relationships: “In a sophisticated market, what

differentiates firms in terms of technical expertise can be narrow. But the client experience is a much wider spectrum between firms.”

Ryan at Reed Smith says: “If anyone doubts that a strong business case exists for collaboration, they aren’t reading the available information.”

Yet collaboration is one of the trickier culture values. It means going beyond the day job, often with (let’s face it) no immediate benefit – whether that be sharing clients, or information with knowledge banks. It can be a big ask.

The persuasion game

Successfully embedding a truly collaborative culture is a multi-faceted endeavour – including persuasion, and setting up spaces and groups to enable collaboration and sharing. Technology is key. Having dedicated knowledge and culture people is a must.



“Gardner compared two partners with the same time at the firm, year of promotion and practice area. The partner who collaborated a lot had much more business ...”

Laura Kind, head of culture and change, Hogan Lovells

Lynn Beaumont is head of knowledge and service delivery at Shepherd and Wedderburn. The firm's partner-led collaboration and best practice group comprises representatives from around the firm. Every few months, secretaries, partners, associates and paralegals sit down to discuss and share best practice in their respective areas.

The group takes a practical approach to enabling cross-practice collaboration. “An M&A transaction led by a corporate team might need specialist input, but there can be tensions in terms of what's required of the other team and the timescales involved,” explains Beaumont.

“Our group brings people together to discuss these issues and from this they might create, for example, an instruction form that the corporate team can use to provide the essential information and to clarify timescales.”

And not all collaboration initiatives need to result in such concrete outcomes. Even informal activities spark ideas that can form new initiatives, says Cadman at Bedell Cristin. At the very least, they connect people to others in the firm.

This was also the thinking behind Hogan Lovell's 2019 global ‘collaboration jam’ – where colleagues connected across a crowdsourcing platform with those who wouldn't ordinarily be on their radar. “Personal assistants in Europe exchanged thoughts with lawyers in the US,” says Kind.

She was particularly struck by the number of



“If anyone doubts that a strong business case exists for collaboration, they aren't reading the available information.”

Casey Ryan, global head of legal personnel and partner, Reed Smith

participants who said they learned things about other people in the firm, and about other ways of working. “Those insights are fundamental for collaboration.”

Such methods can be extremely powerful when coupled with data. Researching the benefits of collaboration – and how it results in client work – is a big theme of Hogan Lovells' partner leadership programme – a partnership with Oxford's Saïd Business School.

The programme particularly references Harvard Law professor Heidi Gardner's research into the benefits of collaboration – which Kind describes as “compelling.”

She says: “Gardner compared two partners with the same time at the firm, year of promotion and practice area. The partner who collaborated a lot had much more business, and a lot more revenue.”

Real-life success stories are perhaps as effective as research into convincing people that a collaborative culture enables client-centricity. “It can be powerful to listen to credible people across the firm share examples of how they've worked in this way, and the positive impact on our client relationships,” says Kind.

And over at Farrer & Co, which offers similar forums for communication and storytelling, Katherine Wilde, the firm's director of knowledge, learning and development, runs the popular ‘Farrer academy’ for the entire firm – a series of



"We make it easy to share by providing forums where people can talk face to face, and by having a culture where sharing is second nature."

Katherine Wilde, director of knowledge, learning and development, Farrer & Co

talks featuring speakers such as retiring partners with career stories.

Having an underlying common culture also aids collaboration – which is why embedding Reed Smith's cultural values (such as innovation and teamwork) across its global offices is foremost in Ryan's mind. "It feels like one firm, and that's important; barriers need to be eliminated in order to collaborate," she says.

This was also the thinking behind 'walk the talk' – one of Farrer & Co's many culture initiatives. "It builds a common culture by ensuring that everyone is reflecting our values in their daily behaviour," says Wilde.

Public recognition – such as awards, and mentions in firm-wide emails – can spur behavioural change. But there's also not-so-public recognition: collaboration and knowledge work is increasingly featuring in appraisals and time-recording.

Bedell Cristin's knowledge-sharing strategy is linked to performance. "Each person has objectives set annually. Our knowledge strategy is a rolling programme that aligns to our business goals each year. This ensures that knowledge objectives meet our needs and those of our clients," says Cadman.

The firm went further. In September 2019, it launched 'Bedell time'. The name is a nod to activities traditionally recorded as non-chargeable

"Our knowledge strategy is a rolling programme that aligns to our business goals each year. This ensures that knowledge objectives meet our needs and those of our clients."

Catherine Cadman, head of knowledge, Bedell Cristin

but which are a valuable time investment in the firm's future. "We wanted to move away from that negative non-chargeable concept and properly measure key business activities – including strategic project involvements," says Cadman. The intention is for this to evolve into a more sophisticated reward and remuneration programme.

Focusing on clients

Clients themselves can be the direct focus of collaborative activities. Beaumont at Shepherd and Wedderburn says: "Our managing partner's monthly roundup highlights instances of lawyers gaining work as a result of collaboration, such as another team putting them in touch with a client due to their specialist expertise."

But lack of opportunity can be a barrier. "Partners know other partners well – even outside their practice area – and so trust them enough to pass a client to them. But below partner level there might not always be the same opportunity to collaborate across practice areas," says Beaumont.

To remedy this, the firm's BD team set up internal networking programmes. "It builds connections with people in other areas of the business, so they feel more comfortable passing work on."

The benefits of collaborating with colleagues around a client that both of you have in common

are perhaps a bit more immediate. Shepherd and Wedderburn's cross-practice 'key client teams' bring together lawyers who work for the same client, using online group spaces. "If, for example, one of them goes out to a meeting with a shared client, they can share key information in the online group space rather than it being stuck in emails and forgotten," says Beaumont.

And when bringing together cross-firm capabilities, a knowledgeable third party can help lawyers identify the right people. Ryan at Reed Smith says: "When we're putting pitch teams or client teams together, the BD teams work closely with lawyers to ensure collaboration across groups."

Sharing knowledge

A lot of the valuable information floating around a firm is uncovered by keeping an ear to the ground and extracting information. At Shepherd and Wedderburn, knowledge champions pick up what's discussed at team meetings and transaction debriefs, says Beaumont. "They ask, 'do you have a research note on that' or, 'was there a clause in that?'"

But there's only so much information that knowledge people can pick up. Collecting and sharing large volumes requires people to be self-motivated. Wilde at Farrer & Co points out: "People collaborate and share knowledge when it's easy."

And the key to making it easy lies in technology. Searchlight is Bedell Cristin's go-to place for sharing or collaborating, says Cadman. The database launched last year – it makes collaboration very low-effort for the lawyers – sidestepping the biggest barriers to putting content into any database: submission forms. "If a useful discussion thread is circulating by email, the knowledge team will drag and drop it in. The solution supports lawyers' ways of working: not the other way around."

As a result, more valuable content is coming in: "Alongside knowhow, the bank has informal discussions, videos, external resources and business intelligence." And it has resulted in efficiency gains. Cadman recalls one partner heaping praise on Searchlight, having found something really obscure in 10 seconds, which would have taken days before.

And Reed Smith, like many firms, has invested not only in the tech – including client management and resource sites – but in skilled knowledge management professionals. "They work with the lawyers to get key information uploaded so that it doesn't just stay on the lawyers' desk. This way, our lawyers and clients can benefit from it," says Ryan.



"Our managing partner's monthly roundup highlights instances of lawyers gaining work as a result of collaboration."

Lynn Beaumont, head of knowledge and service delivery, Shepherd and Wedderburn

Quality over quantity

When Beaumont joined Shepherd and Wedderburn five years ago, some of the firm's knowledge banks were huge. "We stripped them down to what was valuable to a particular practice team," she says. This relatively recent focus on the business value of knowledge, rather than just volume, means firms have to go beyond simply getting people to submit information to knowledge banks.

"It's not just about submitting a document or clause. Often, you need to discuss what part of the submission is actually valuable, and the context of the original transaction," says Beaumont.

To take it a few steps further, Beaumont is an advocate of "weaponising knowledge" for the benefit of clients – a concept that Shepherd and Wedderburn deemed important enough to invest in building its own toolkits. "These take lawyers through a matter, and link to internal and third-party resources such as precedents, examples of good clauses, and advice on negotiating a particular point." The information is still in the knowledge banks – but now it's connected.

But it all still starts with a solid collaborative culture – emphasis on 'culture'. As Wilde at Farrer & Co points out, mindset wins over tech. "We make it easy to share by providing forums where people can talk face to face, and by having a culture where sharing is second nature. Our knowledge system supports and sits behind that network." ▲



BRIEFING EVENTS

Knowledge round

At **Briefing's** Knowledge Leaders conference in November 2019, legal professionals discussed the evolution of the function. Josh Adcock reports on what we learned

Whether you attribute it to Sir Francis Bacon, Thomas Hobbes or any number of other historical candidates, the saying 'knowledge is power' seems an apt aphorism for law firms to keep in mind when it comes to their knowledge management (KM) departments. And it seems that, at the final **Briefing** conference of the last decade, held in November 2019 at Fletchers & Farmers in the City, legal is perhaps beginning to pay closer attention to what the KM function can do for the bottom line.

Asking for the skills

In 'The (r)evolution is coming' session, Christopher Tart-Roberts, chief knowledge and innovation officer at Macfarlanes, outlined his team's journey towards its current function as a client-facing, change-making engine. On a personal level, Tart-Roberts explained how, as a fee earner several years ago, he had "doorstepped" Macfarlanes' managing partner to leverage the benefits of artificial intelligence already being used in financial applications for wider firm efforts. That, in turn, led to the merger of knowledge and innovation functions "Nothing was 'broken', but

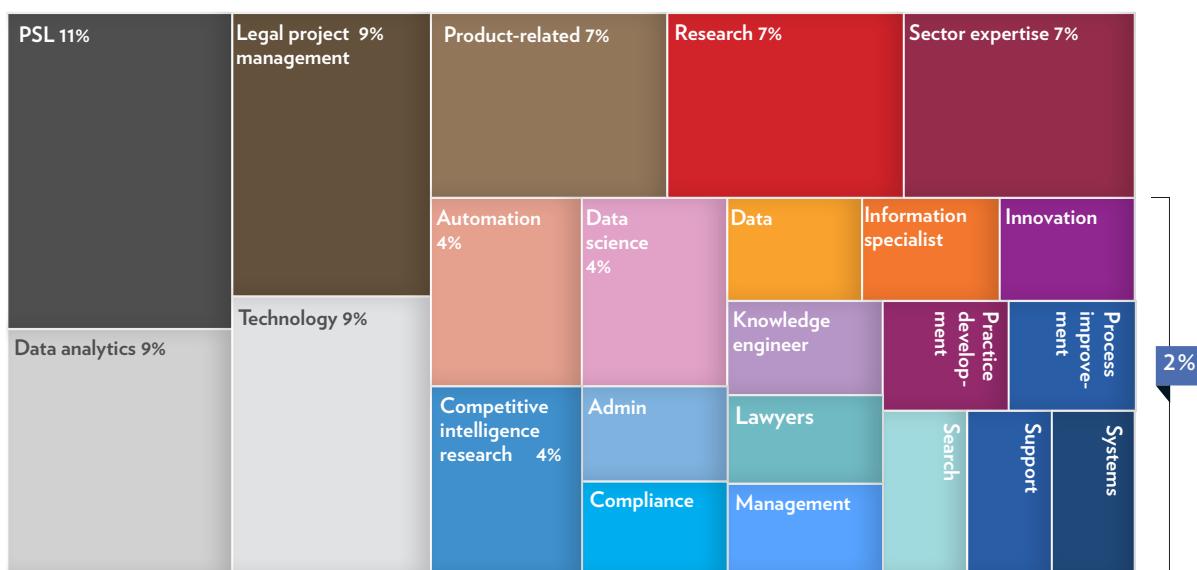
there was an opportunity to do more and be distinctive," he said. And that distinctive value is becoming increasingly client-facing, he explained. "My KM team runs matters and bills time. Some members of it even spend up to 50% of their time doing chargeable work."

Tart-Roberts also explained the potential for new routes into the legal profession through 'tech traineeships' and expressed a need at Macfarlanes for more productisation expertise. Appropriately, the topic of talent and skillsets was one of the key questions in our 'polling station', conducted by **Briefing's** own 'pollster-in-chief', Rupert Collins-White (actually **Briefing's** creative director).

When we asked attendees to pick the top skillsets they'd hope to be hiring in 2020, top spot went to PSLs, at 11%, followed by data and analytics, legal project management and technology, all at 9% each (see graph opposite). Coming in a little lower were research, sector expertise and those crucial product-related skills, all at 7% – results that suggest that KM functions still feel the need to buttress their market knowledge, process and efficiency, and tech knowhow, but also are aware of the need to start selling and productising knowledge, too.



CONFERENCE POLLING – WHAT ARE THE TOP SKILLSETS LEADERS WILL BE HIRING INTO KNOWLEDGE IN 2020?



We then got into the interactive, problem-solving sessions with teams assembling on each table, again facilitated by Collins-White. Attendees chewed the fat and discussed a number of topic areas, including which areas of expertise their KM teams needed to bolster, before listing actions to get those people into the business.

The need for ‘soft-skills’ and commercial acumen emerged as themes, as did a craving for legal tech and project management skills – tallying with our conference polling.

Outside counsel

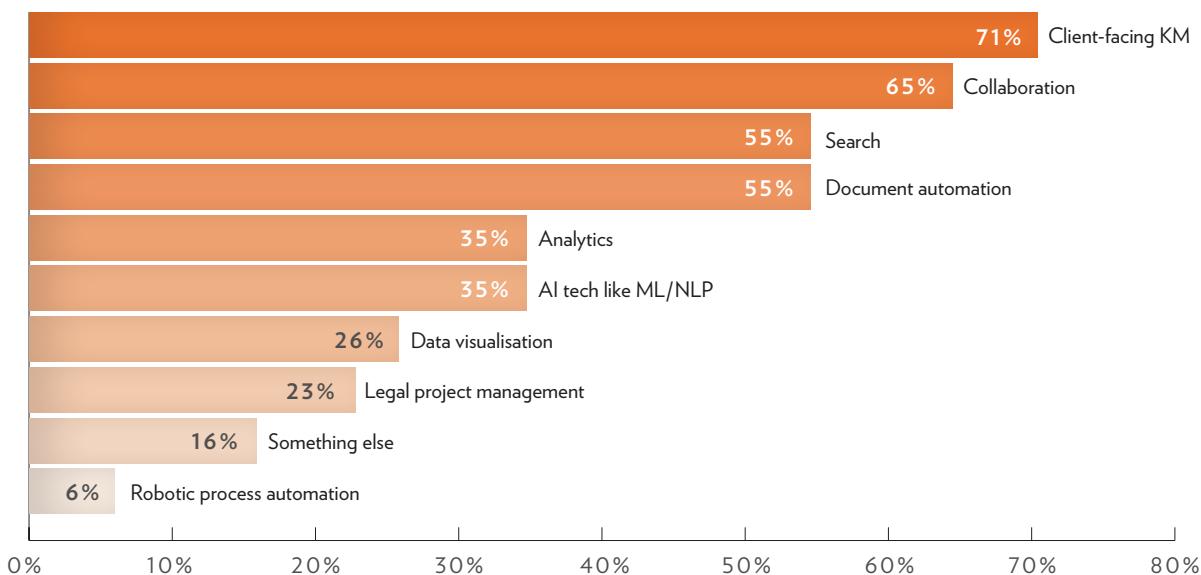
Turning to other industries for examples, we heard

lessons on how to better leverage technology for knowledge-based benefit from Nirali Singh, head of knowledge management and innovation lead at Balfour Beatty. She explained that the business wanted to make sense of its data stores to become a “true learning-business,” with the goal of capturing knowledge before people move on from a project.

However, one of the challenges facing the backbone of the endeavour, Singh explained, was wrangling the sheer volume of data in order to make it comprehensible and of real value to the business. “It all has to be relevant and properly labelled. We didn’t want an ‘attic’ full of data,” she said – so part of the solution was to create a clear

PHOTO CREDIT: SIMON BRANDON

CONFERENCE POLLING – WHAT ARE KM LEADERS' TOP PRIORITIES GOING INTO 2020?



data taxonomy, or “common coding.”

In another out-of-legal industry lesson, Grace Cordell, director of knowledge at Clifford Chance, and formerly at KPMG, offered her top 10 Big Four knowledge learnings. Setting out her stall, Cordell stressed the importance of being a ‘content person’, rather than a ‘tech person’, and cautioned against technological FOMO (fear of missing out) – which can sometimes cause technological solutions to trump all other priorities, often at the expense of process, culture and content.

Question time

Minds turned at the end of the day to the key question: are the Big Four an imminent threat to law firms? The debate facilitators, consultants Jane Bradbury and Giles Pemberton from 3Kites, offered their initial thoughts: as former GC for easyJet, Pemberton was able to explain how the Big Four could gain advantage over law firms by leveraging existing relationships to win more work. EY, he said, had been “in the right place at the right time” to win work with easyJet – the accountancy firm already had an established

relationship with the business as a result of prior employee-related tax and financial advice. “EY was able to advise on the legal challenges facing the company by leveraging its existing relationship with easyJet’s CFO and using its pre-existing knowledge of the facts to offer relevant legal and wider strategic advice,” he said.

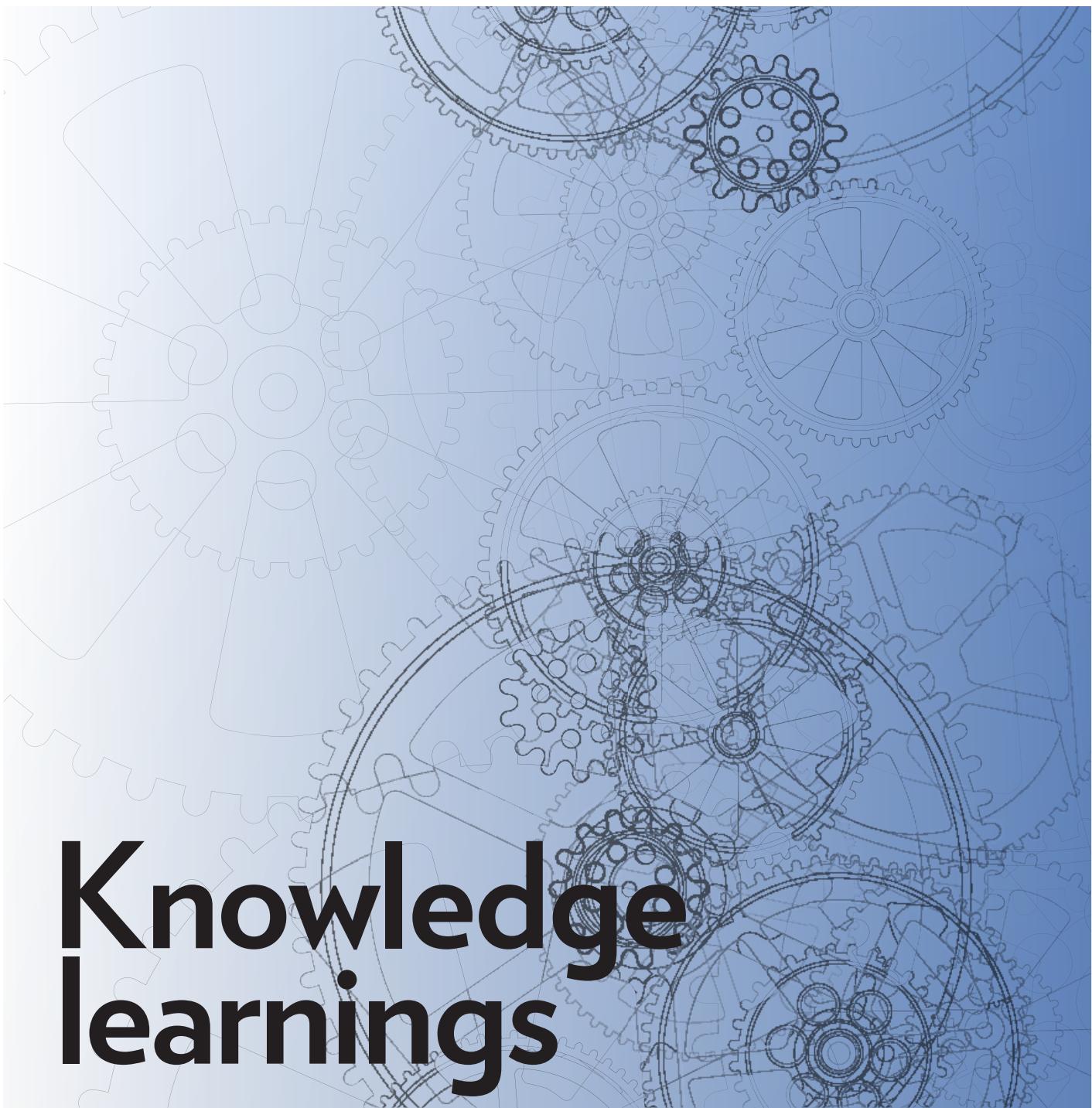
However, although several audience members thought it might be ‘complacent’ to think that law firms could differentiate themselves through the quality of their legal advice, others felt that firms’ knowledge-sharing capabilities and distinct client base from the Big Four could still prevail.

After a shuffle around on the tables, attendees closed out the conference by tackling the “to-do list of tomorrow” – looking at the challenges of the next three years. Several tables noted the importance of collaboration and getting people out of their silos, correlating with the 65% of those who listed collaboration as one of their top priorities (see bar chart above). Others pondered the risk of agile working and offshoring resulting in alienation and, again, the value of KM as a saleable commodity was raised, tying in with the 71% who felt client-facing KM was their number one priority.

In spite of the challenges, the future of knowledge management seems to be full of possibility and value for both firms and clients – whether or not everyone has the same priorities. Knowledge is evolving – Tart-Roberts perhaps said it best in his talk when he acknowledged the sheer variety of the KM function today: “If there ever was a single blueprint for a knowledge function, there isn’t any more.” ▲

“My KM team runs matters and bills time. Some members of it even spend up to 50% of their time doing chargeable work.”

Christopher Tart-Roberts, chief knowledge and innovation officer, Macfarlanes



Knowledge learnings

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Search for the future

Legal businesses discuss where and why they're investing in new powers to provide lawyers with better answers

Knowledge revamp

Alex Smith, global product management lead, **iManage RAVN**, says all innovation needs a firm KM foundation

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 INDUSTRY CASE STUDY

Search for the future

How are legal businesses taking different paths to make their growing banks of knowledge more efficient, accessible and profitable?

Foundations first

Law firms are always looking to offer busy fee earners faster access to more relevant knowledge as they work. That said, there are always competing priorities in business, and how firms achieve this will depend on a range of factors.

For example, Jenni Tellyn, the first head of knowledge management for Stephenson Harwood, has a set of KM goals that will surely resonate with plenty of **Briefing** readers. “At Stephenson Harwood, our knowledge team’s mission is pretty straightforward: to encourage collaboration, enhance access to trusted, useable information and insights, and help to drive client value for money through efficiencies such as refining processes and automating documents. The last 10 years have also seen an explosion in demand for client-facing knowledge work, such as training and providing information through shared portals, as we partner with clients to help integrate the knowledge services we provide with their

internal knowledge setups, and chase that elusive ‘value-added service’.”

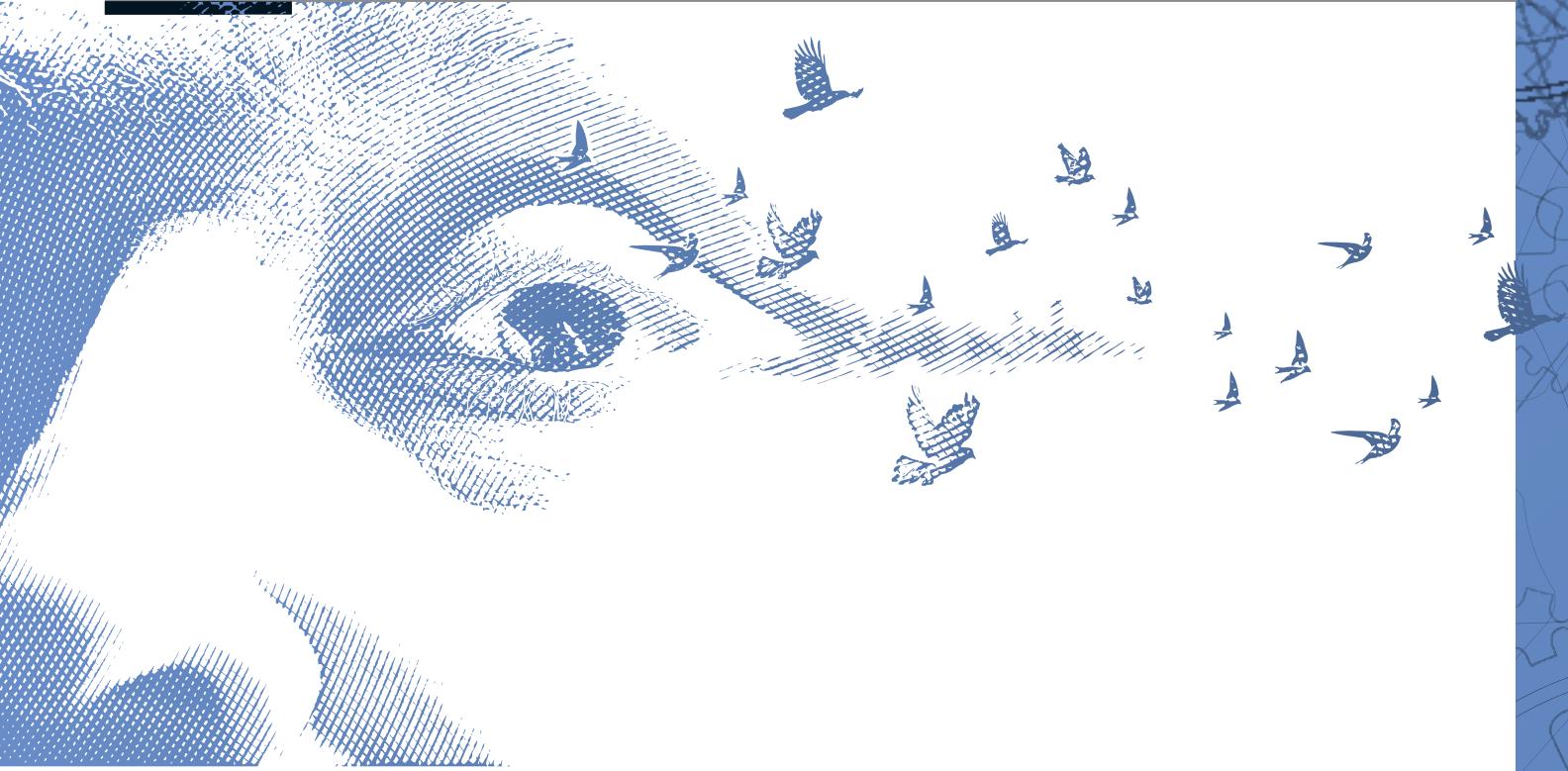
Tellyn arrived at the firm at around the same time as a new head of innovation and, with a new CEO also now in charge, the firm is continuing its journey to embrace the sort of business change being seen across the industry, she says. But the ‘buy-in’ challenge cannot be underestimated, and the KM team needs to work with both the innovation team and the lawyers in the business, to drive it. “If you look behind the headlines, when implementing new ways of working many firms have found that you can have the best new technology in the world, but if the lawyers and the culture aren’t behind it, it won’t work in practice. Your innovative new process may work on the walls of a workshop; the tricky part is getting it adopted as business as usual.

“You also need all the right knowledge foundations firmly in place – you can’t automate a precedent if it doesn’t exist yet. That’s why it’s so important that knowledge and innovation here work together so closely – professional support lawyers are part of the team, alongside the innovation project managers, to ensure new guidance and processes become second nature, and really work for the lawyers and their clients.”

While she can appreciate efficiencies that may result from an automation or artificial intelligence project, Tellyn will always go “back to basics” when considering whether new technology is the best solution to the problem being solved. “If we decide we need to better capture comments that come in on clauses from opposing counsel, do we in fact just need a better collaboration mechanism to collect and share them? As lots of firms have

“If the lawyers and the culture aren’t behind it, it won’t work in practice. Your innovative new process may work on the walls of a workshop; the tricky part is getting it adopted as business as usual.”

Jenni Tellyn, head of knowledge management, Stephenson Harwood



found, some new legaltech products aren't as mature as the sales pitch would have you believe, so we will always consider whether what new technology is offering makes sense in the context of the wider strategy." It all depends on the need, or "pain point", in the specific part of the business.

However, one thing that did become obvious to Tellyn quite soon into her new role was the need to make the firm's data more usable, by joining up some typically siloed systems more effectively. This coincided with a new project, in its early stages, using iManage RAVN Insight to enhance search performance, which she describes as a "good catalyst" for that wider data mission.

"One of the big tasks we undertook at the beginning was to map all our data sources and how the systems connect, and – from the front-end perspective – to ask how we want to triangulate different information points to enable lawyers to reach the right information more easily and make it usable when they find it. Lawyers want answers, not just information."

The firm had somewhat lost confidence in search capability, she says. Content in some of the underlying systems the firm wants to search has historically not had the sort of structured metadata it needed for search to work effectively. And the firm was already using iManage for document management, which was a factor in the selection of iManage RAVN Insight as the new search tool. "We were also very interested in the iManage RAVN Insight product roadmap," says Tellyn. "The iManage RAVN team seems to be actively listening to the user base to make

improvements, and is seeking to understand the path a KM professional tends to be on to ensure that new products, added to the KM arsenal, leverage the good knowledge work that has come before. Seeking to introduce a search tool like iManage RAVN Insight can't stand on its own as an endeavour. It has to work within the existing ecosystem the KM team has had in place for years. Improving the quest for answers is a given – and if it can also help us to enhance the knowledge submission process and our clause banks, and help people to collaborate using a recommendation engine in future, so much the better. Whether these features will be introduced remains to be confirmed, but the future looks interesting in the search field." ▲

Time to explore further

A

nother with tech ecosystem on the mind is Tom Humberstone, IT applications and development manager at Womble Bond Dickinson (UK), who stresses having the sweep of the full iManage platform to make more efficient business process improvements.

"We've had 10 years of platform iterations, which has enabled us to tailor and tune our way to where we are today," he says. As a result of such, the firm is now "solely an iManage RAVN shop".

First, the necessity of compatibility with a Windows 10 and Office 2016 upgrade had triggered a re-evaluation of the overall knowledge



management solution situation – one that was already based on iManage Work. “We have a knowledge bank repository, primarily comprising standard forms and precedents, which amounts to around 10,000 documents – all created and owned by our practice development lawyers in iManage Work,” says Humberstone. And in Spring 2019, based on the above, the firm decided to leverage the power of iManage RAVN. A third-party enabled the workflow with iManage Work, and the search experience is served up through AI-powered iManage RAVN Insight.

“We have a blend of traditional knowledge management taxonomies and metadata, which provides our users with options to refine their results by drill-down, allowing them to get closer to the data desired,” says Humberstone. The knowledge team put in a lot of time refreshing the content and defining the metadata before the move. And Humberstone also echoes Stephenson Harwood’s Tellyn on the importance of an intuitive interface and user experience: “Our users

are well versed in using a universal search platform through a website – there had been some challenges for them in finding what they needed with our system before.

“The more data we have, of course, the harder it can be to find – and our experience of iManage RAVN Insight is it’s now bringing results back in a way that doesn’t need much further tuning by the user. A lot of positive feedback has centred on the ability to find something immediately based on search term.”

Then, in November 2019, the firm switched from IDOL to the RAVN indexer, a replacement of the full text index across some 70 million documents of transactional matter content in iManage Work – which is where Humberstone anticipates the most significant transformation. Users will be given a choice of search experience, whether using the traditional iManage Work tooling, or the iManage RAVN Insight interface for a more “exploratory” search style where they “don’t know whether something is there or not”, he says.

A further change will be the ability to enrich KM and traditional DM content with information about the firm’s people – career experience and expertise information, outlined in profiles. Further insights can be identified by exploring relationships between people and content, blended alongside financial or other key performance indicators. He says this is particularly valuable in the context of making the most of the firm’s transatlantic connections post its combination. “We plan to use iManage RAVN Insight to faster identify the best lawyer for

“The more data we have, of course, the harder it can be to find – and our experience of iManage RAVN Insight is it’s now bringing results back in a way that doesn’t need much further tuning by the user.”

*Tom Humberstone, IT applications and development manager,
Womble Bond Dickinson (UK)*

For more information, visit:
www.imanage.com

another person to approach." Of course, the same would apply across the UK offices.

With the AI capabilities of iManage RAVN now seriously under review at Womble Bond Dickinson, the future is clearly one of continuous data-based improvement. ▲

relevant returned results is one aspect, of course – but Patel says the investment also hinges on enabling the customer to tailor the content experience to their specific life/career situation. "Whether for a student or a judge on the bench, the system has the flexibility to direct search and research, based on different proficiency and experience levels."

On top of that is their ability to shape content – to annotate, highlight and flag certain elements – and indeed, to shape data about the size and scope of that content, says Patel. "We're able to surface, say, the 20 most relevant past cases to a new matter – then visualise them by a range of variables and drill into sets of connections." For example, the user may wish to see which judge presided over a case, other similar cases, or the regulations that informed the judgment. "That's data you would need to go through case by case in a standard text format."

"Previously, customer value lay purely in the quality of the content – now it's how that content is searched and presented, and the insights delivered," concludes Patel. And of course, the knowledge journey – keeping up with an ever-changing landscape and expectations – is unlikely to end there. ▲

Research revolution

Centuries-old, South Africa-based Juta is one of the first legal content providers to apply iManage RAVN machine-learning capability to its business model. The company sells both academic materials for a broad range of disciplines, and specific case law and other regulatory updates relevant to firms doing business in sub-Saharan Africa, as well as governments in the region.

That content has become increasingly digitised over the years – requiring both new talent in the team and articulation of a new value proposition. The legal research brand of 20 years, Jutastat is now available through the content platform Jutastat Evolve, and CEO Kamal Patel identified iManage RAVN as the engine for taking products to the next level in terms of customer experience. "The ultimate objective is to enable legal practitioners with new powers of research using the technology's cognitive capabilities – greater accuracy and speed, as well as analytics and legal insights," he says.

A more intuitive search journey toward more

"The ultimate objective is to enable legal practitioners with new powers of research using the technology's cognitive capabilities – greater accuracy and speed, as well as analytics and legal insights."

Kamal Patel, CEO, Juta

INDUSTRY ANALYSIS

Knowledge revamp

Alex Smith, global product management lead for iManage RAVN, outlines the path of data-driven knowledge management

Law firms' embrace of innovation has been a welcome development, but it has unintentionally led to a creative tension between 'innovation' and 'knowledge management' (KM) within law firms.

In the pursuit of innovation, firms brought in experts in innovation management, gave lawyers 'change' roles and created specialist teams in process improvement methodologies to focus on a spectrum of change – from business model 'moon shots' to more fundamental efficiency and modernisation of legal processes. KM took a back seat, aside from a few firms where the chief knowledge officers got ahead of the curve to wrap their arms around the innovation buzz.

What the innovation teams and wider firm management are realising, however, is that if they want to successfully scale innovation – or make the process and efficiency pieces work – they need KM. Knowledge assets – for example, templated contracts, process maps, checklists, best practice documents, negotiation playbooks and previous legal advice – are the resources that help facilitate repeatable use of work and enable the firm to leverage existing innovations.

To illustrate, say a law firm innovation team has created shared working spaces/digital processes for a client, and the content powering those processes is bespoke to that client. However, to

offer the same approach to other clients, standard templates and processes must be created, curated and managed. This constitutes KM at scale.

Analytical KM

Knowledge is (re-)emerging from the 'innovation era' as a fundamental engine of the 'new normal', as innovation becomes repeatable product and efficiency is scaled across the organisation.

Here's where things really get interesting. By following the processes 'codified' by knowledge assets, organisations can start to generate data from the process and then use it to uncover insights that drive change and opportunity – both in analytics of how practice groups work and the data that firms work on for clients.

Data-driven decision-making will become the norm over the next three to five years, meaning that attention must be paid to 'cleaning up' and organising data in a way that facilitates the application of AI technologies. Longer term, this will lead to the emergence of new, more efficient processes driven by digital legal assets such as smart contracts, contract lifecycle management, and data on the efficacy of litigation strategy.

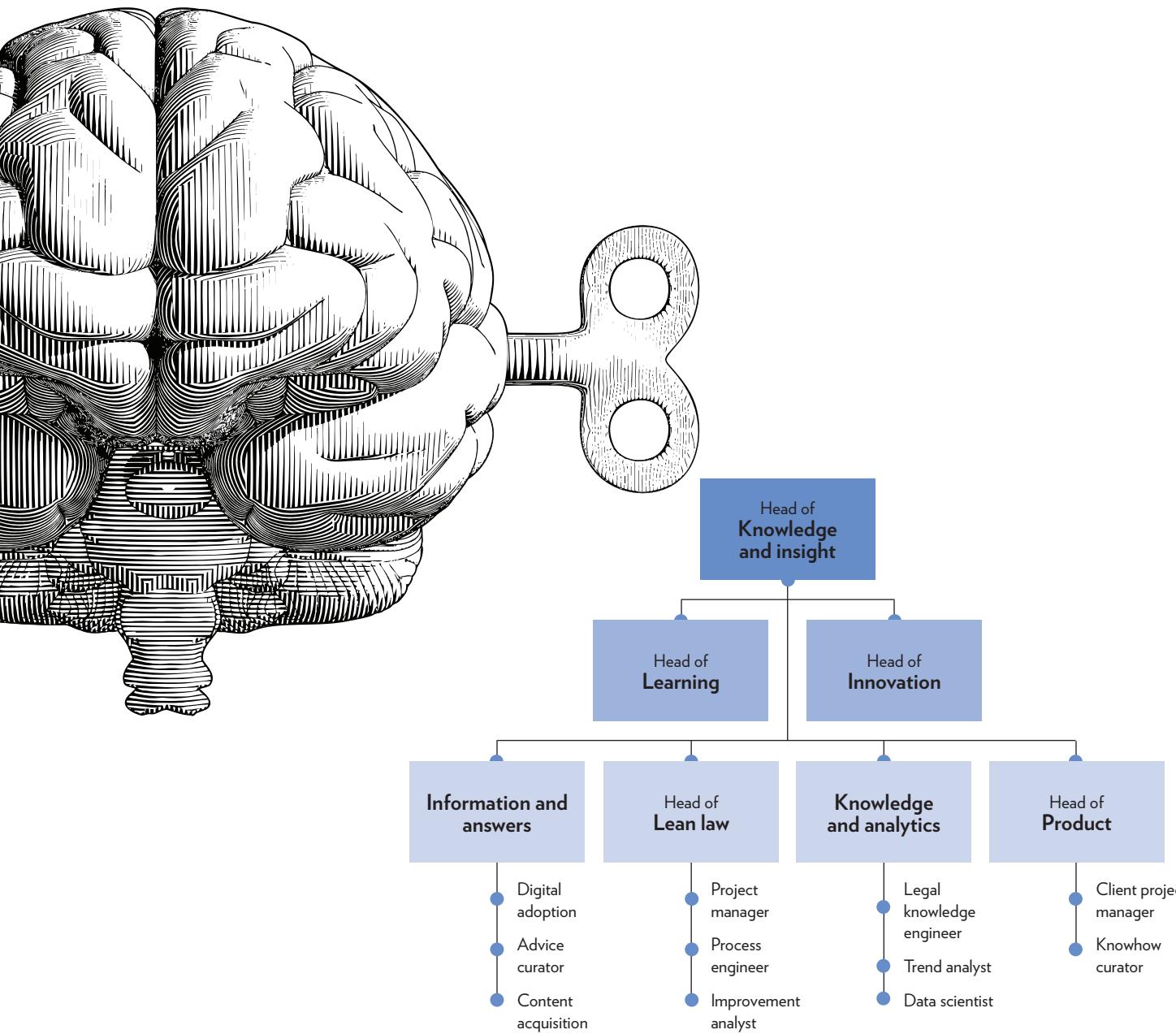
You might call this emerging form of KM 'analytical KM'. While traditional KM concerns itself with process management and planning – the 'knowhow' that helps firms run a matter or another aspect of the business in an efficient, consistent way – analytical KM goes one step further to look for opportunities in the output data that is created during the process.

Data-driven decision-making will become the norm, over the next three to five years, meaning that attention must be paid to 'cleaning up' and organising data in a way that facilitates the application of AI technologies.

Where's the opportunity?

To better illustrate, picture a firm that has a practice in real estate leases and property portfolio work – one that is experiencing cost pressure.

The knowledge team (typically a KM lawyer)



Regional differences in KM

Insight from interactive sessions in KM, part of iManage RAVN's Client Advisory Boards that are regularly run in North America, Europe and Australia; reveal regional differences based on the history of lawyer requirements. The US has a tradition of technology, search and data, whereas in the UK,

KM is dominated by creating content and knowhow. Recognising these differences while understanding new trends, iManage RAVN develops its products to provide a balanced offering. Already, the lines are beginning to blur as heads of KM move around locations in a connected world.

seeks to undertake leases more productively. They map the process and consider innovative ways of executing that process, potentially using existing knowledge to remove perhaps some of the negotiations involved, or to strike the right resource allocation – the right mix of lawyers at the right cost. They ensure that users utilise document automation to create the first draft of the lease, basing it on a knowledge best practice document that articulates how to create a lease. So far, we're still in the world of traditional KM.

An opportunity to be more analytical arises, however, from the fact that data would start to be generated, simply by virtue of having all the leases in one place and being more digital and efficient about that process. The firm can start to use technology and AI to look at the data to identify opportunities for the client, such as better

reporting on the leases, or sounder data about the property portfolio. For example, if all the client's leases are in a high-rise building and 75 of the leases are coming up for renewal in the next six months, the firm can take a proactive role in either continuing or discontinuing those leases based on what the data is showing.

This kind of analytical KM will demand a team of experts across the spectrum – from lawyers, content curators and digital specialists to process engineers, trend analysts and data scientists.

Fix the basics first

Traditional KM is about making yourself more efficient and providing the tools to ensure that efficiency is driven through consistently.

Analytical KM takes the data that has been derived from the processes in place and the outputs of that work to identify new opportunities for the client, whether that's proactive property portfolio management, business development, risk management, or some other value-added service.

Making the transition from traditional KM to analytical KM doesn't have to be hard – but it does

require starting with the basics and ensuring those are squared away so that AI can be brought in, before getting analytical.

It all begins with the processes themselves. Putting the right knowledge assets in place to improve the processes will build the data that you can then use to find opportunities and do the more 'interesting' analytical piece on the other side.

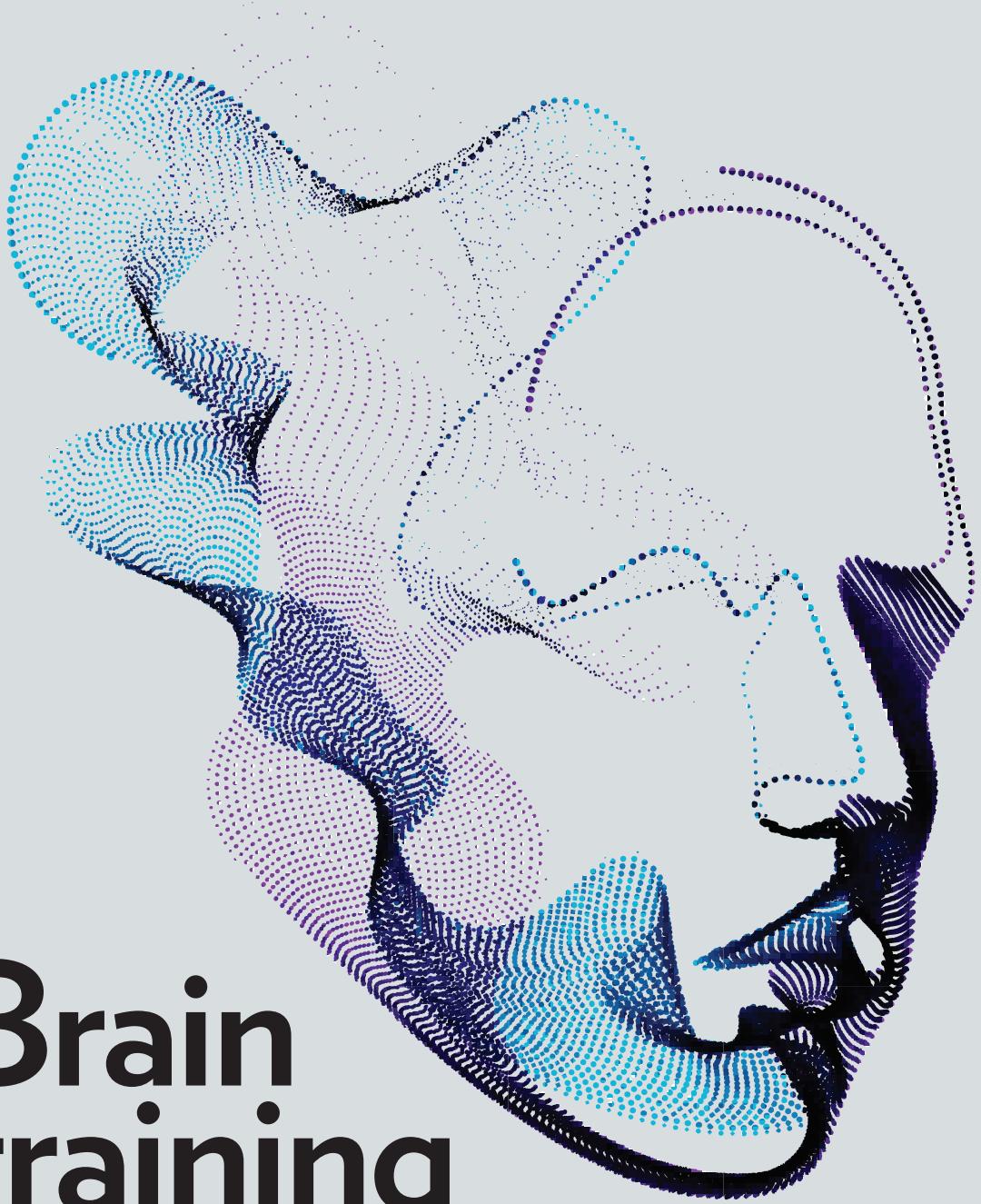
Get the right team

As part of fixing the basics, knowledge teams need to review their current setup and ask whether they have the right people, tactics and structures in place. They are likely to need to draw on legal engineers and data scientists, as well as talents in Lean Six Sigma and process management..

For those firms that make the investment in this foundation, however, the rewards of analytical KM will yield significant benefits and competitive advantage in an increasingly data-driven world. With client demands, productisation of advice and documents, the KM team of the future may just look like our schema on the previous page ... the future is bright. ▲



Visit <https://go.imanage.com/iManage-RAVN-knowledge-unlocked>

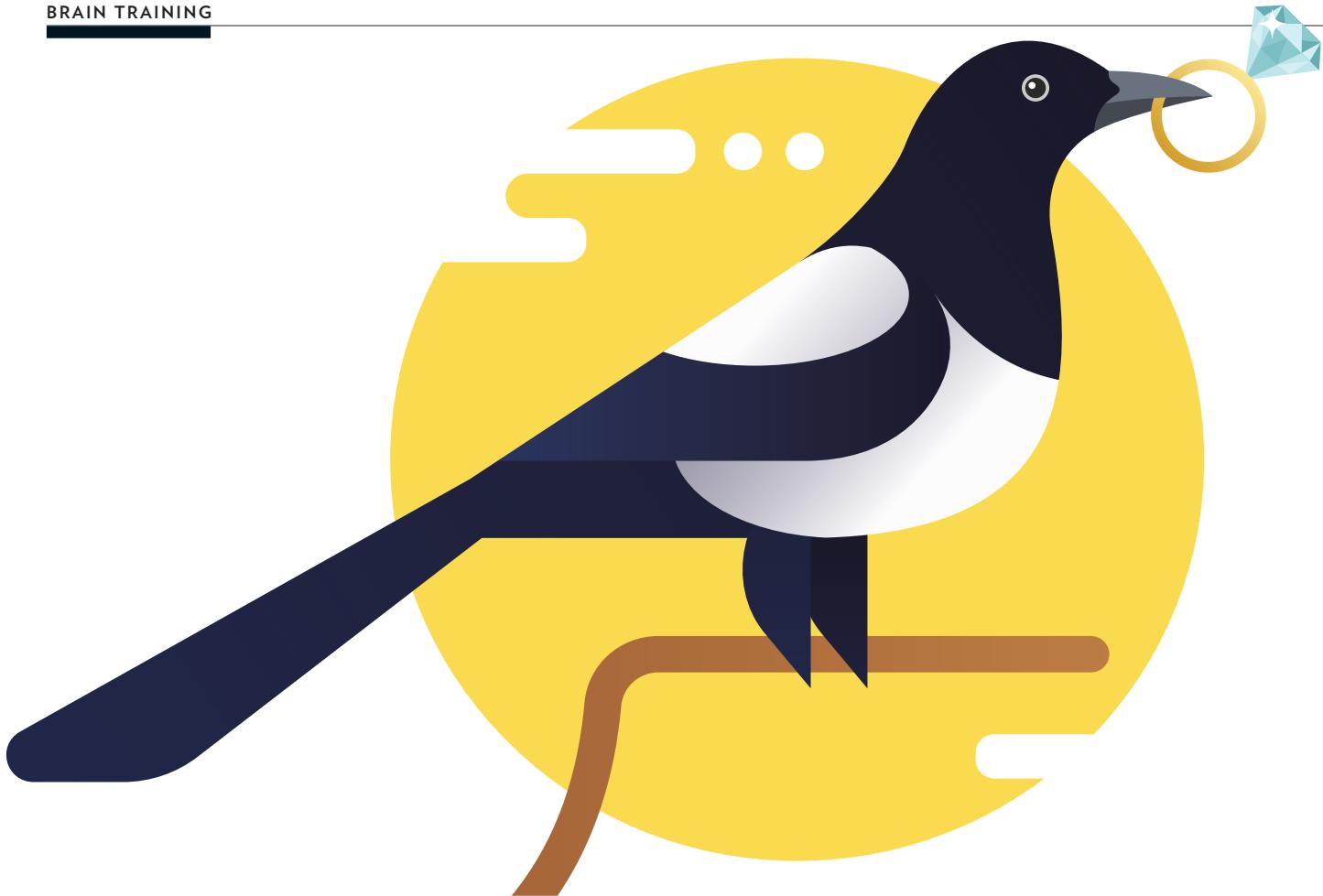


Brain training

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*SOS – shiny
object syndrome*

Hannah Firth,
resourcing manager,
DLA Piper, says to
sort solutions from
distractions



HANDS ON

Shiny object syndrome

Hannah Firth, resourcing manager at DLA Piper, outlines a project to help real people solve real problems more efficiently in a world of shiny new tech

The human is an idea-generating machine – one we see turning its cogs and pumping out creativity every day in the workplace.

Yet the disease of distraction is everywhere. With the rise of artificial intelligence, machine learning and blockchain, it's hard to avoid the lure of all the shiny objects appearing to be new solutions to old problems.

Like a kid running towards a shiny object, humans have inbuilt tendencies to sidetrack, grasping ready-made solutions to reach and enable goals before

realising too late that they aren't aligned to strategies – churning out results that don't look too desirable.

Avoiding SOS

"A company shouldn't get addicted to being shiny, because shiny doesn't last" – Jeff Bezos. Assuming 'shiny' and 'solution' are the same thing is a common side effect of shiny object syndrome, and this thinking could make your problem worse. Instead of assuming what it is you think you need, you have to invest time in working out what you actually need. Just because something is new, it doesn't

mean it's right for your business.

That's not to say that shiny objects can't be your solution. I'm typing this article on a laptop, not a typewriter. And hopefully, one day, my avatar will be reading this to you!

But just as a doctor administers the right drug to treat patients' problems, you should do the same for your clients, external or internal. Understand the symptoms, diagnose the problem, identify the most effective remedy, administer it, then review its impact.

As 'doctors of innovation' in a market full of problems, at DLA

Piper we applied this medical approach to find the fix for our fault ... only this one was tested within a law firm.

Legal resourcing

"Great things in business are never done by one person, they're done by a team" – Steve Jobs. The legal market is starting to shine a spotlight on efficiency and improving the management of resources – and the way work is allocated to them – is a fairly new, but rapidly growing, area of focus that's seeing traditional staffing practices refined to generate more beneficial outcomes for lawyers, partners and their clients alike.

If we're better equipped to understand our lawyers' capacity, capabilities, interests and requirements when resourcing to meet demand, partners can make quicker and more informed staffing decisions, lawyers can support more appropriate work in line with their abilities and intended career directions, and clients should also receive a better service as a result.

Our firm recognised that introducing improvements in this area wasn't just a 'nice to have', but a 'have to have'. And I was the one entrusted with the task of grabbing this initiative 'by the wig-tails' and leading the way with it.

A resourcing specialist by trade, I had stepped out of the Big Four bubble, where innovation and efficiency were so ingrained in every decision, even the lifts ran off chip fat! I landed in a house of cards,

Instead of assuming what it is you think you need, you have to invest time in working out what you actually need. Just because something is new, it doesn't mean it's right for your business

where decisions were led by statutes, and paper boxes blocked the lift doors.

As such, my resource management rulebook was ripped up on day one and added to my own newly formed paper pile. If I was going to improve the way lawyers were resourced, it wasn't going to be by applying any method or technology I had seen before. Working with the firm's process improvement lead Grzegorz Harasimiuk, we realised we would need to start from scratch and find our own chip fat solutions.

Understand the symptoms: what is the problem you are trying to solve?

"If I were given one hour to save the planet, I would spend 59 minutes defining the problem and one minute resolving it" – Albert Einstein. Our resourcing challenge presented itself first as a request for a flexible lawyer, which landed in my inbox. The existing process dictated that prior to engaging a flexible lawyer, you had to confirm no one fit the bill internally. That made sense. However, satisfying this criteria proved to be pretty much impossible, with no

efficient mechanism in place to allow me to do this sufficiently – or efficiently – and certainly not with any degree of confidence or speed. Scale this out to all the resourcing requests flying across the firm, and suddenly the challenge becomes very significant. Our symptoms were endemic.

If we weren't adequately equipped to identify the right resource efficiently when it was needed, one must assume that people were also falling through the gaps.

Diagnose the problem: what's the root cause?

"When solving problems, dig at the roots instead of just hacking at the leaves" – Anthony J D'Angelo. We needed a mechanism that ensured everyone was being considered and accounted for when a resourcing decision was made. Our processes weren't broken, but we'd detected an instability within them that needed support.

Explore all remedies: what are the potential solutions?

"Focus on the solution, not on the problem" – Jim Rohn. We knew we needed a forecasting tool that captured each lawyer's upcoming capacity, skills and interests. 'That's not a new idea! That's not innovative!' you cry – but ours was.

Our tool had to be flexible enough to adapt to changes, simple enough to encourage engagement, robust enough to support existing processes, and smart enough to improve our

resourcing operations.

Although we dabbled in the fantastically sophisticated market solutions that appeared to offer the world, we soon realised we didn't need the resultant headaches. None of these tools could sufficiently satisfy all of our non-negotiables without a significant change to our resourcing processes. They'd been designed for a resourcing process that didn't mirror ours – meaning we would have to change to suit them rather than vice versa. Our version needed a lighter touch.

As our solution didn't exist, we instead spent time exploring ways we could build our own – devising multiple solutions and assessing each on their merits and risks.

Identify the most effective remedy: select a solution

“The solution often turns out more beautiful than the puzzle” – Richard Dawkins. We opted for a low-cost, high-impact solution that was a proof of concept for the firm – an experiment that would help determine whether improved visibility would generate the benefits we were hoping to see – without breaking the bank.

We built a tool of two halves. Each lawyer would have their own ‘user interface’ within which they could forecast their capacity, market their skills and raise their interests. The ‘master interface’ then belongs to the resource manager, through which they can clearly view all of these individual inputs, apply selection criteria to them and produce visual reports. This meant that, upon receipt of a resourcing request, informed suggestions could accompany

the decision-making process, and with the confidence that everyone was being considered.

Administer the remedy: implementing the solution

“Ask your customers to be part of the solution and, don’t view them as part of the problem” – Alan Weiss. Uncertainty creates challenges, so, as this was a new concept to the firm, we had to carefully examine potential blockers prior to implementing our idea, factoring them into our plans to minimise risk of failure. The tool’s success relied on the inputs of the individual users, so if they didn’t take their medication, the problem would remain. It was critical that they would feel empowered to engage with the system.

In order to overcome this, we included the lawyers on our journey from the outset, selecting a diverse group to help prove our concept. Everything from the categorisation of work types to the user interface colour scheme was chosen with the lawyers’ input. Their feedback meant end users could have control over a solution that would work best for them, helping us to bury any assumptions we might otherwise have had to make.

Adjustments after implementation were minor, although these changes were only possible because the tool was created internally. Having a tool with solid foundations but a flexible exterior enabled us to scale out to additional groups harbouring their own resourcing requirements. Therefore, each group had the benefit of undertaking a similar journey of change to develop its own proof

Having a tool with solid foundations but a flexible exterior enabled us to scale out to additional groups harbouring their own resourcing requirements

of concept that worked to its own specific needs.

Review the impact: evaluate

“It’s not a faith in technology. It’s faith in people.” – Steve Jobs. Investing in this initiative would have been unnecessary if we were unable to realise tangible benefits. It was therefore critical to assess the tool in terms of understanding the quick wins against the longer-term returns on investment.

The tool’s reporting facility allowed us to capture key metrics that evidenced a shift towards more efficiency in resourcing: meaningful and measurable improvements that were shared with the team in the shorter term to encourage engagement. The future return on investment will continue to evidence itself as our resourcing processes adapt and refine, underpinned by the tool.

Reflecting on our initiative, we were right to spend time upfront understanding the problem, as only then could we identify the solution that worked for us. Making educated choices, rather than immediately gravitating towards the newest or shiniest product on the market, helped us to avoid adding unnecessary complexity to something that only really required a little creativity: real humans solving real problems in a world full of shiny new tech. ▲



Industry views

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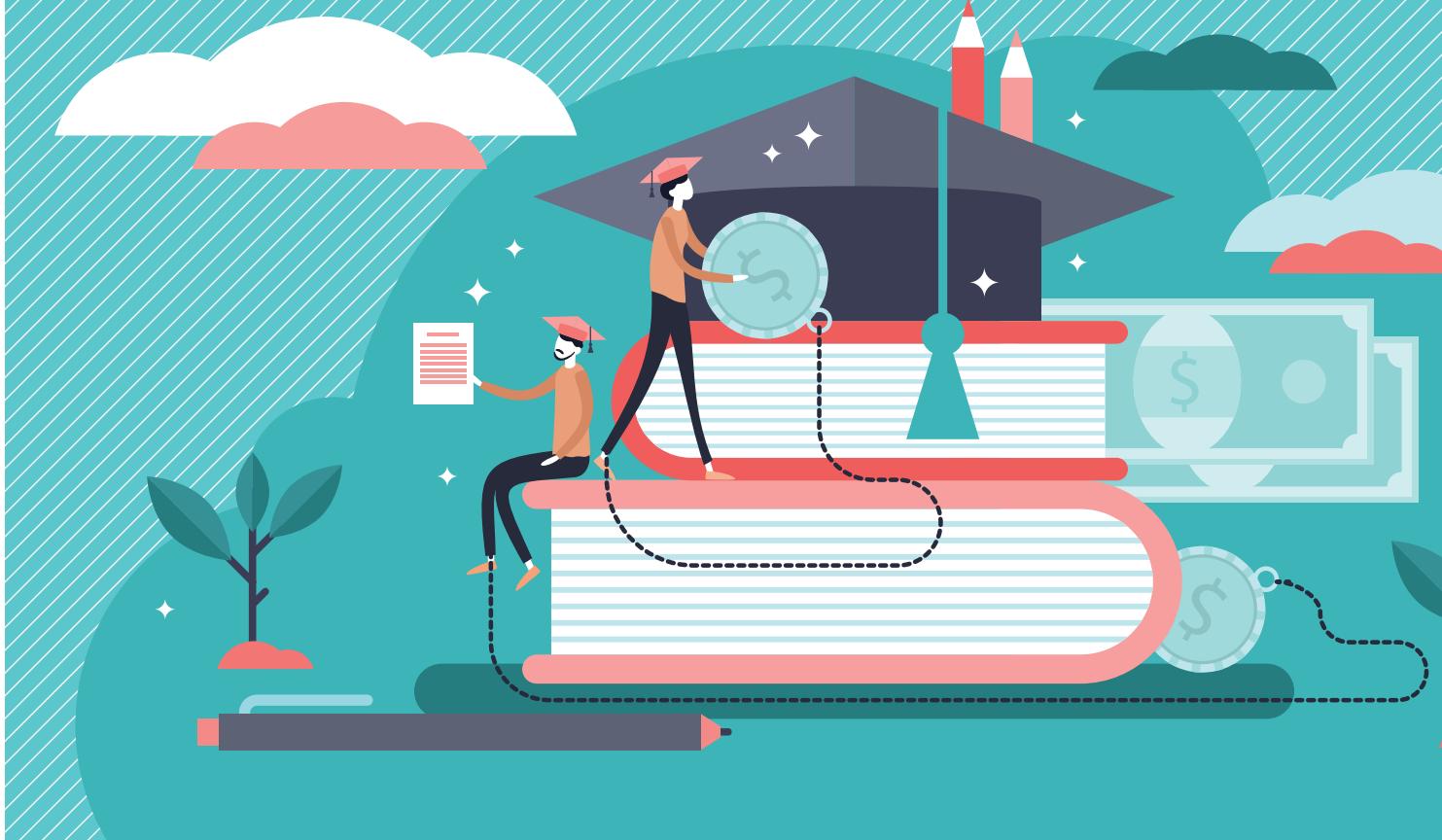
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INDUSTRY ANALYSIS

Catch the training

Dorigen Sykes, managing director, iTrain Legal, says firms should act fast to take full advantage of the highly cost-effective training available through the government's apprenticeship levy

You would probably agree that it's a bad idea not to make use of something you've already paid for – however, that is something that is happening at numerous UK businesses today.

In April 2017, with the goal of improving business skills in the UK workforce as a whole, the government launched a new apprenticeship levy for all UK firms with an HMRC PAYE bill of more than £3m, to be paid into the government education fund for use in developing employee skills through apprenticeships.

At a current rate of 0.5%, the cost of this levy for a firm with a bill of £5m is £250,000 annually. Furthermore, from August 2020 the levy threshold is likely to be lowered to include firms with a bill of over £1m.

The good news is that firms can use the monies they have paid to provide a range of training programmes for their employees. In other words, this is extremely cost-effective training – as it is a cost the firms have already borne.

The bad news is that this levy has to be used within two years to avoid losing it.

Why is this important to law firms?

While the introduction of this apprenticeship levy is still relatively new, recent analysis has shown some sectors are starting to implement comprehensive training programmes to use it effectively. Other sectors are not, and UK legal is one of them. Very few law firms are even aware of how to use the funds, let alone already done so, but in April 2020 these same law firms will start to lose the monies paid. In effect, this turns the levy into another form of tax or business cost, lowering their overall profitability.

How can it be used?

Moreover, the range of levy training programmes available to law firms is extensive, and they can be used across multiple business units and groups, from partners and fee earners through to other departmental business units such as business

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development, marketing HR and IT. They can also be tailored to a firm's specific needs, ensuring the training benefits are maximised.

There are six levels of training at the initiative's core, from Level 2 to Postgraduate Level 7. These range from 12 to 48 months in duration. For example, a Level 5 training programme normally takes 18 months to complete. And, while the lower levels are aligned to all user types, the higher-level accreditations are normally tailored to industry-specific accreditations, comparable to CPD and law practitioner qualifications.

Who provides the training?

Apprenticeship levy programmes can only be provided by government-approved training firms such as Leaders in Business (LIB). LIB is a specialist leadership and management training organisation, which manages not only the end-to-end process of developing and managing tiered levy training programmes, but also the administration and compliance with government requirements to make the whole process seamless.

With over 20 years of government-backed training expertise, all LIB practitioners are certified, registered industry specialists, and their focus is on training programmes targeting three core leadership levels: executive/partner, operational/departmental management and departmental specialisms (such as marketing, HR, IT).

Sara Goldie, director of partnerships at LIB, says: "In our experience, firms get most benefit from our training programmes when they enrol several individuals, as this both optimises costs and instils a sense of team spirit and camaraderie with the participants. Furthermore, to maximise adoption we ensure all our courses are tailored to the participant's specific role and align to the firm's specific branding and terminology."

What are the benefits and costs?

A common objection to any ongoing skills development programme is the lost employee time. This is a valid concern, but numerous studies have shown that a short-term loss in productivity is normally outweighed by many longer-term benefits, such as employee efficiency, better compliance, career development, greater talent

retention and improved work-life balance. Better use of the apprenticeship levy scheme means these training benefits can be gained by the law firm at a fraction of the cost.

The ongoing use of organisations such as LIB within a law firm's training and skills development ecosystem provides additional benefits, making it easier to recruit and retain better talent and aligning with a firm's cultural and corporate social responsibility goals and objectives.

Find out more

Partnering with LIB, iTrain Legal, a leading law firm training solutions provider, is committed to raising awareness of the opportunities the apprenticeship levy brings law firms and is working closely with the LIB team to help them achieve those benefits. A legal-specific training firm, iTrain provides end-user software training services to law firms and other professional organisations. In operation since 2016, the team of law firm trainers has worked with over 50 law firms and others to mobilise business change programmes, benchmarking and other training services.

Goldie concludes: "LIB's portfolio of services closely aligns to the strategic goals and objectives of iTrain, and for that reason we see this partnership as extremely beneficial to the legal sector as a whole. In 2020, we will be running a series of webinars, workshops and roadshows to highlight the opportunities and benefits of the levy, and how other firms have utilised this scheme, and also provide insights into how to maximise a law firm's return on investment." ▲

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INDUSTRY ANALYSIS

Change your minds

Jane Bradbury, consultant at 3Kites, reflects on lessons learned at **Briefing's** November 2019 Knowledge Leaders conference and picks out some innovation trends

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t last November's **Briefing** Knowledge Leaders 2019 event, Christopher Tart-Roberts, head of knowledge and innovation and legal technology at Macfarlanes, explained how the knowledge function at his firm had evolved into knowledge, innovation and legal technology. The title of the talk, 'The (r)evolution is coming', suggested a significant change to the traditional structure of law firm knowledge functions, with associated functions such as information services, or learning and development, being frequently included within the knowledge ambit.

Client expectations are changing. As we embrace automation and intelligent systems in our personal lives, clients will rightly expect that lawyers will be using technology to create efficiencies and insights.

Skill seekers

3Kites has observed a growing awareness among knowledge professionals that if they don't embrace the innovation challenge, separate innovation roles and functions are likely to spring up. In our experience, these people will soon come knocking on the knowledge function's door for assistance with assessing new practice-related technology or providing content for document automation, case management or document analysis applications. Or, indeed, they will bypass the knowledge function altogether and create a separate workstream, which may become disjointed or conflict with the efforts of the core knowledge team.

Knowledge has always been concerned with legal service delivery; the key objectives of the function are to keep lawyers up to date and so maintain the quality and consistency of legal

advice. The function is often involved in designing resources that enable lawyers to deliver their services in an efficient manner – from precedents and checklists to automated documents and collaboration platforms. Knowledge has also been concerned with the ever-important change management aspects of introducing new software or processes and with ongoing training. As such, knowledge is in a prime position to innovate legal services delivery. However, this may require the function's shape, and its perspective, to change.

Unsurprisingly, there was much debate at November's conference around the key skills required for this new type of knowledge function, and how to attract, train and retain those skills. The consensus was that the most in-demand skills would include:

- Data analysts and data scientists
- Automation specialists
- Process improvement specialists
- Product designers.

But what about existing knowledge skills? What about those specialist lawyers who can ensure that the share purchase agreement, with all its permutations, is up to date and fit for automation? Who is going to do the initial process mapping of a complex legal transaction for critique by the fee-earning teams? Where will the firm find the necessary quality control for checking the automated machine learning within due diligence software? This is where a central knowledge function will often turn quite rightly to PSLs (professional support lawyers) or KDLs (knowledge development lawyers) for support – and this is often where there will be a stumbling block.

We have met many PSLs engaged in exciting and transformative projects. However, we have



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also met PSLs who say that they're so busy with their current work that they really don't have the time to consider helping with new initiatives. What needs to change? We know that PSLs are often stretched but, equally, resources such as Practical Law, LexisNexis and other services have evolved to provide many of the day-to-day updates and basic content which was previously only created by PSLs.

Prepare to fail

If we want PSLs to get more involved in innovation, then firms need to acknowledge that working time is finite; some services PSLs provide will need to stop. This may require changing both PSL team structures and reporting lines.

A common model is for individual PSLs to report to their respective practices, but with a dotted line report to a director of knowledge. The strength of that dotted line report can vary. In some cases, the practice partners view their PSLs

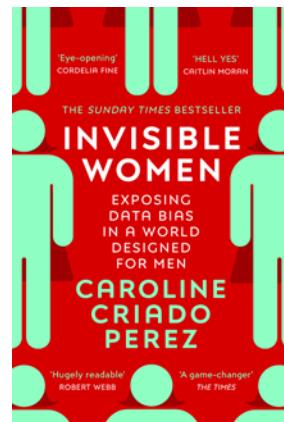
as a 'free' (without client demands) legal resource to help with marketing (including writing articles and preparing presentations) and with administrative tasks. If a managing partner is looking to expand the ambit of a knowledge function to include legal technology and innovation, then the PSLs are key resources and the practice partners to whom those roles report need to be on board.

Furthermore, PSLs, the knowledge or innovation function and the whole firm, must embrace an approach which enables ideas to be developed quickly, but to fail fast – and be okay with that. This is often anathema to lawyers, for whom the concept of failure is uncomfortable. A change of culture is needed, and this is often hard to deliver until there are some success stories alongside the failures. We often find that a good illustration to use is the ubiquitous WD40 lubricant – so named because, we understand, the first 39 versions didn't work. ▲

READING LIST

A man's world

Is the data driving the legal industry fundamentally gender-biased? Christie Guimond, co-founder and director of She Breaks the Law, finds that *Invisible Women: Exposing Data Bias in a World Designed for Men*, is an eye-opener



There have been several important milestones for women recently. The #MeToo movement began in 2017 and continues to have a global impact. In the UK, companies have been compelled since 2018 to report gender pay gaps. In the first round of reporting, the average variance reported by the 25 largest law firms was 20%. However, the reporting did not include equity partner figures in many cases, so the true disparity is estimated to be much higher.

Several years ago, we would not have had this crucial data about gender in our industry and would not have been able to act on what it tells us about the value of gender diversity – and some of the challenges that gender-based data can uncover. Caroline Criado-Perez exposes the existing data bias in *Invisible Women: Exposing Data Bias in a World Designed for Men*.

This incredibly well-researched and engaging book highlights how the lack of gender-focused data results in the needs of more than half of the population being ignored. The numerous examples cited by Criado-Perez – ranging from infrastructure to healthcare – are shocking and sobering.

Some of these stories will not surprise women – we know we're paid less, for example. But Criado-Perez also highlights that women are 47% more likely to die in a car accident because car manufacturers are not obliged to use crash test dummies based on female body proportions. And many drug trials

exclude women on the basis that they are 'atypical' when compared to the average male – even in studies of female-prevalent diseases. This data gap means that women are more likely than men to die from illnesses such as heart attacks.

The book offers endless examples of women's invisibility in data sets all over the world, though Criado-Perez argues that this is not necessarily deliberate – in many cases unconscious bias is at work. The people who decide how society is designed often do not recognise women's social, cultural and physiological differences and have no data around these differences to leverage in their design – because it simply isn't collated.

According to the author, the prevailing assumption among those collating and analysing data and using that to design the systems and processes that make the world tick, is 'Yentl syndrome'. The idea is that women should change to be more like men or need to be fixed to conform to the world rather than thinking about designing the world around women – with and for them.

Although the legal industry is taking positive steps to understand our challenges through data, *Invisible Women* offers valuable insight into the transformative power of diversity and equality to drive better economic outcomes. The legal industry was not designed with reference to gender-based data. We need to use such data to design an industry where everyone's unique attributes can thrive. Only then can we truly be #EachforEqual! ▲

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