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WITH FRESH SOLUTIONS

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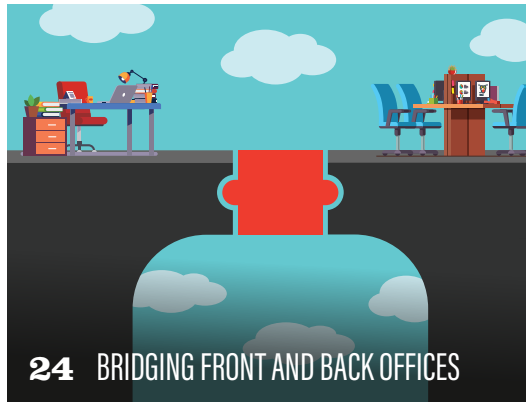
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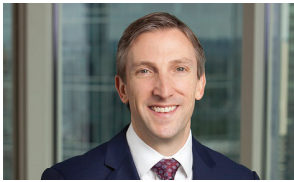
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ON THE COVER:

So what exactly is design thinking? It's a set of five principles that when used collectively, enables creative problem-solving and innovative outcomes.



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The knowledge and creative strengths of our teams and membership shine when given an opportunity to focus on root causes and solutions!

Fresh Ideas for Innovation

Sometimes, looking at things from a different perspective can breathe new energy into projects — and even people. Last year, I decided it was time throw some extra chaos into my life and move from Austin, Texas, to Washington, D.C.

It's been a bit of a lifestyle shift (yes, I had to buy winter boots). But it's also proving to be a time of professional growth by allowing me to “refresh” my legal management career by getting out of my usual routine. I've also found that by living in a city with a diverse population, my colleagues and fellow Capital Chapter members bring different life and work experiences to our conversations, resulting in some surprising and significant perspectives that I would have otherwise never considered.

That's the idea behind design thinking — finding new perspectives and using them as a platform to innovatively solve old problems from fresh angles. This issue's cover feature (see page 19) examines this not-so-new tool and how it can provide you and your team with an easy-to-use framework to create solutions to obstacles or challenges your organization is experiencing. It can also help you improve upon an existing process so you can enhance efficiency and be nimble as needs of your firm or clients change.

ALA Immediate Past President April Campbell introduced design thinking to many of us for the first time at the 2018 Association Leadership Institute. Since then, I have used this approach often, and have had the opportunity to facilitate several design-thinking sessions with members of ALA as well as other associations. I am always impressed with the outcomes of these groups. The knowledge and creative strengths of our teams and membership shine when given an opportunity to focus on root causes and solutions! Design thinking is also the cornerstone of one of ALA's new conferences, C4: The Legal Industry™ Conference. You'll find more information about this on page 23.

As always, you'll find an assortment of articles that can help you in your roles as legal management professionals, including one about how to add succession planning (page 27) into your firm's strategic plan. We talk about this a lot at ALA conferences and within *Legal Management* for good reason — it's critical your firm has continuity plans. Yet, we hear time and time again that many firms still aren't engaging in this vital practice.

I hope you all enjoy our once-a-year print edition of *Legal Management*, and if you have Big Ideas that you would like to share or hear more about in this column, drop me a note and let me know what you are thinking. ■



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NICHOLAS SAMODUROV
*Principal Security Architect,
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The Biggest Security Risk in Your Firm Is You

Did you know that the best way to secure an environment is to not allow any people in at all? It's an amusing thought, but if we're talking about any facilities or technology, it's true. If only it were that simple! A firm obviously needs people to support the practice and create revenue, so ultimately, people must be let in despite the risks.

But this also positions you to protect that data. As a person who uses your firm's technology and facilities, you can help maintain firm security by keeping your information safe. Let's review some ways you can do that.



A firm can strategically invest in securing an environment to meet its business needs, but much of the risk that remains afterward comes from the folks handling the firm's business.

MIND YOUR EMAIL

Email remains one of the biggest risks to a firm. Technology can help protect us from many of the risks that come with it, but it will never be perfect. In the world of technology, this is an arms race, and you're the last line of defense.

Three things should always concern you when you receive an email:

1. Does it want me to follow a link?
2. Does it contain a request involving money?
3. Does it have an attachment to be downloaded?

Links within an email can often be misleading, with the link appearing as though it will direct you to one place while really sending you to another. Hovering your mouse over a link will often tell you its true destination. Take the time to double-check every destination and consider whether it is safe before clicking.

If an email includes a request for gift cards, wire transfers or anything else involving a transfer of funds, you should get verbal confirmation that the request is valid. There are people that practice mimicking senior executives to make these requests look as real as possible. It can be hard to know whether it is legitimate from emails alone. It's worth noting that there is almost always urgency in these requests — don't be rushed into giving away money!

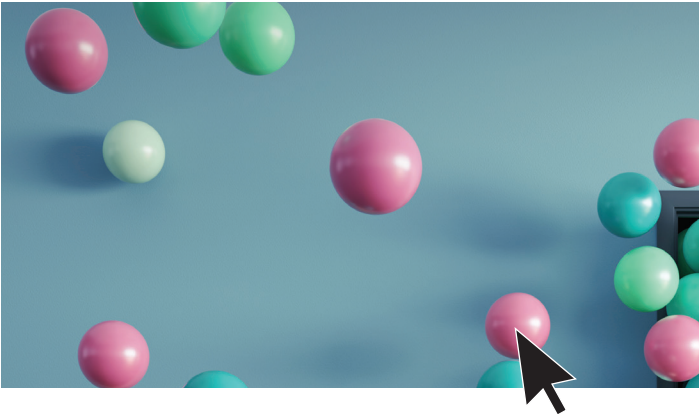
Many firms will have technology in place to scan and filter out risky email attachments for you. These tools are only effective with certain types of content, so you should still be careful whenever opening attachments. Always ask yourself a couple of questions:

1. Does the email look like it comes from a legitimate sender who is known to you, and does the body of the message make sense?
2. Are you expecting an attachment from this person?

Managing email throughout the day can become very repetitive. Make sure you take a second look at messages with attachments. Opening unknown or unexpected attachments is risky business.

WATCH YOUR WEB BROWSING

Did you know that a webpage can be used to take over your computer? Sometimes it isn't even the website that directly



Hovering your mouse over a link will often tell you its true destination. Take the time to double-check every destination and consider whether it is safe before clicking.

does it, but rather an ad that is delivered on the website. It could also be a file downloaded from a less reputable website that could expose the firm's data to outside parties.

Many IT departments use content filtering to block risky sites, but sometimes this can get in the way of actual business needs. It may also be that users just prefer to be able to browse wherever they like during the day. In either case, it's important to remember that the safest choice for protecting your firm is to keep your browsing habits to only sites that are needed for business.

STAYING AWARE

Risks to your firm's data are no longer just a technology concern. When a firm is interested in testing where its information risks are, they can perform what is called a penetration test. This is a simulation of a targeted attempt to break into a firm and collect data. How these simulations can be successful is often unexpected, but they involve deceiving someone like you to get your password or to gain physical access to your office.

There is a common refrain in the security world. If you dress in a suit and carry a notebook, nobody will ask any questions. Would you hold the door for that person to enter a secured space? To protect against unauthorized access, many firms have implemented visitor passes, which are meant to show whether an unfamiliar person is allowed in a location. Visitor passes can be effective but only if you are willing to speak up if someone you don't know is without one. The firm can take steps to help protect its facilities from unauthorized access, but you are the front line. The biggest risk to the firm is you not saying something!

Those at your firm responsible for security, operations and technology are almost certainly taking steps to protect their people. They have many options at their disposal to control security risks, but each of those controls has a cost associated with it. If a firm were to implement every security control available, two things would happen: The firm would spend all its revenue on security, and using systems would be so difficult that nobody would be able to get anything done. At that rate we might just as well go back to not letting anyone in!

Cutting off access to systems and trying to absolutely secure a firm are extreme examples, but they highlight an important point. A firm can strategically invest in securing an environment to meet its business needs, but much of the risk that remains afterward comes from the folks handling the firm's business. That makes *you* the biggest risk to your firm! ■

ABOUT THE AUTHOR

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Don't Hit the Panic Button:

Meeting Your Client's Diversity and Inclusion Initiatives



JESSICA L. MAZZEO
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Diversity in our profession has long been “talked” about. Take for instance the “Diversity in the Workplace: A Statement of Principle” that was signed by more than 500 general counsels at major companies 20 years ago. The Statement of Principle, led by Charles Morgan, then-BellSouth Corp. General Counsel, stated: “In making our respective decisions concerning selection of outside counsel, we will give significant weight to a firm’s commitment and progress in this area.”

This was followed up with the 2004 call to action that Roderick “Rick” Palmore developed during his tenure as General Counsel of Sara Lee Corporation. It stated, in part, that general counsel “will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms.”

As evidenced from these findings, clients' tolerance level for firms failing to comply with diversity and inclusion requirements is almost zero.

While both of these were mighty efforts for an industry that has difficulty adapting to change, the fact remains that 15 years after that call to action, we are still lagging behind and struggling to make diversity and inclusion top priorities.

This is not to say that there has been *no* progress or that law firms have not embraced diversity and inclusion at all. However, we still hear cringe-worthy incidents all the time that remind us just how far we still have to go.

Take for example when mega-firm Paul, Weiss shared a photo of its class of newly promoted partners earlier this year. It's said a picture is worth a thousand words, and when their photo was released — showing 11 white male faces out of a class of 12 partners — the announcement drew vast and fierce criticism. Shortly after, more than 170 general counsels and corporate legal officers signed an open letter to Big Law firms stating that their companies will prioritize legal spend with firms that commit to diversity and inclusion.

The letter reads, in part, "We, as a group, will direct our substantial outside counsel spend to those law firms that manifest results with respect to diversity and inclusion, in addition to providing the highest degree of quality representation. We sincerely hope that you and your firm will be among those that demonstrate this commitment." While the message from clients is not new, law firms need to realize that clients are no longer just talking about diversity — they are putting their money where their mouth is.

Since 2010, corporations participating in the National Association of Minority and Women Owned Law Firms' (NAMWOLF) Inclusion Initiative have spent \$1 billion-plus on minority- and women-owned law firms and their total annual expenditures averaged over \$200 million per year for the last six years. Additionally, according to a July 2017 study by DiversityLab, as of 2017, Facebook requires its outside counsel to be comprised of at least 33% women and ethnic minorities as well as provide evidence that the law firm is

creating "clear and measurable leadership opportunities for women and minorities."

The study also stated that HP now withholds up to 10% of bills from law firms that do not meet or exceed its diverse staffing requirements. As evidenced from these findings, clients' tolerance level for firms failing to comply with diversity and inclusion requirements is almost zero.

Before your firm hits the panic button, consider these action items if your firm finds itself in the predicament of potentially losing longstanding clients due to a lack of diversity and inclusion. (Remember you need *both* — diversity without inclusion is simply a useless numbers game.) These three tips will not solve all diversity and inclusion needs, but they are a place to start.

1 CONDUCT DIVERSITY AND INCLUSION TRAINING. Consider conducting diversity and inclusion training for your entire firm — not just the lawyers. While some firms have a dedicated diversity and inclusion professional in-house, strongly consider bringing in an outside consultant to conduct training. Diversity and inclusion conversations can be uncomfortable, so it is beneficial to have someone who is not intimately familiar with your firm and its culture.

If cost is a factor, ALA's Committee on Diversity and Inclusion provides training to both chapters *and* law firms. This benefit is offered at little to no cost to your firm aside from speaker travel expenses. (See sidebar on how the committee can help, page 12.)

2 CREATE A DIVERSITY AND INCLUSION STATEMENT. Similar to a mission statement, write down goals and aspirations for diversity in your firm with input from your management or executive committee. The statement should be what you are striving for and hoping to maintain in years to come. However, like all effective written policies, a diversity and inclusion statement cannot



ALA's Committee on Diversity and Inclusion Is Here to Help

ALA's Committee on Diversity and Inclusion continues its commitment as serving as your go-to resource for all things diversity- and inclusion-related. Our team is available to present programming to your chapters and law firms either in person or via videoconference.

The committee is currently revitalizing the ALA Diversity and Inclusion Chapter Scorecard, which we plan to reveal by the end of 2019. Chapter presidents should be on the lookout for an email from the committee detailing how we can best serve your chapters.

QUESTIONS?

Just contact us at diversity@alanet.org.
And don't forget to follow us on Twitter:
[@ALADiversity](https://twitter.com/ALADiversity).

just be words on paper — it must be backed up with action. Without commitment and dedication to change — especially from firm leadership, including the managing partner — the statement simply becomes another policy that is written but not enforced.

3 REVAMP YOUR HIRING AND PROMOTION POLICIES.


It's always a good idea to take a second — and third — look at your hiring practices and internal policies when it comes to diversity and inclusion in your firm. Where are you recruiting for staff and attorneys, and does it include places that have a diverse population? Does your firm have an anti-nepotism policy in place to prevent deserving individuals from being passed over for hiring or promotion? Your firm should review all policies to ensure that they do not undermine the efforts and accomplishments of every individual regardless of their race, gender or disability, to name a few classes. Also, make sure that every deserving individual is given a chance to succeed and have a seat at the table. As I mentioned before, diversity without inclusion doesn't do anybody and any good, and it's not worth your time or effort.

Taking these steps will help lay the groundwork for creating a more diverse and inclusive environment that will enrich and engage not only your clients but your employees as well. Crisis averted! ■

ABOUT THE AUTHOR

Jessica L. Mazzeo is Chief Operating Officer of Griesing Law, LLC, where she focuses on overseeing and implementing all of the firm's business operations, while establishing policies that promote and retain the firm's culture and strategic vision. In addition to her role at the firm, she provides training for law firms and companies on diversity and inclusion best practices. Mazzeo is Vice Chair of ALA's Committee on Diversity and Inclusion. She is also a volunteer for the National Association of Minority and Women Owned Law Firms and the Women's Business Enterprise Council of PA-DE-sNJ.

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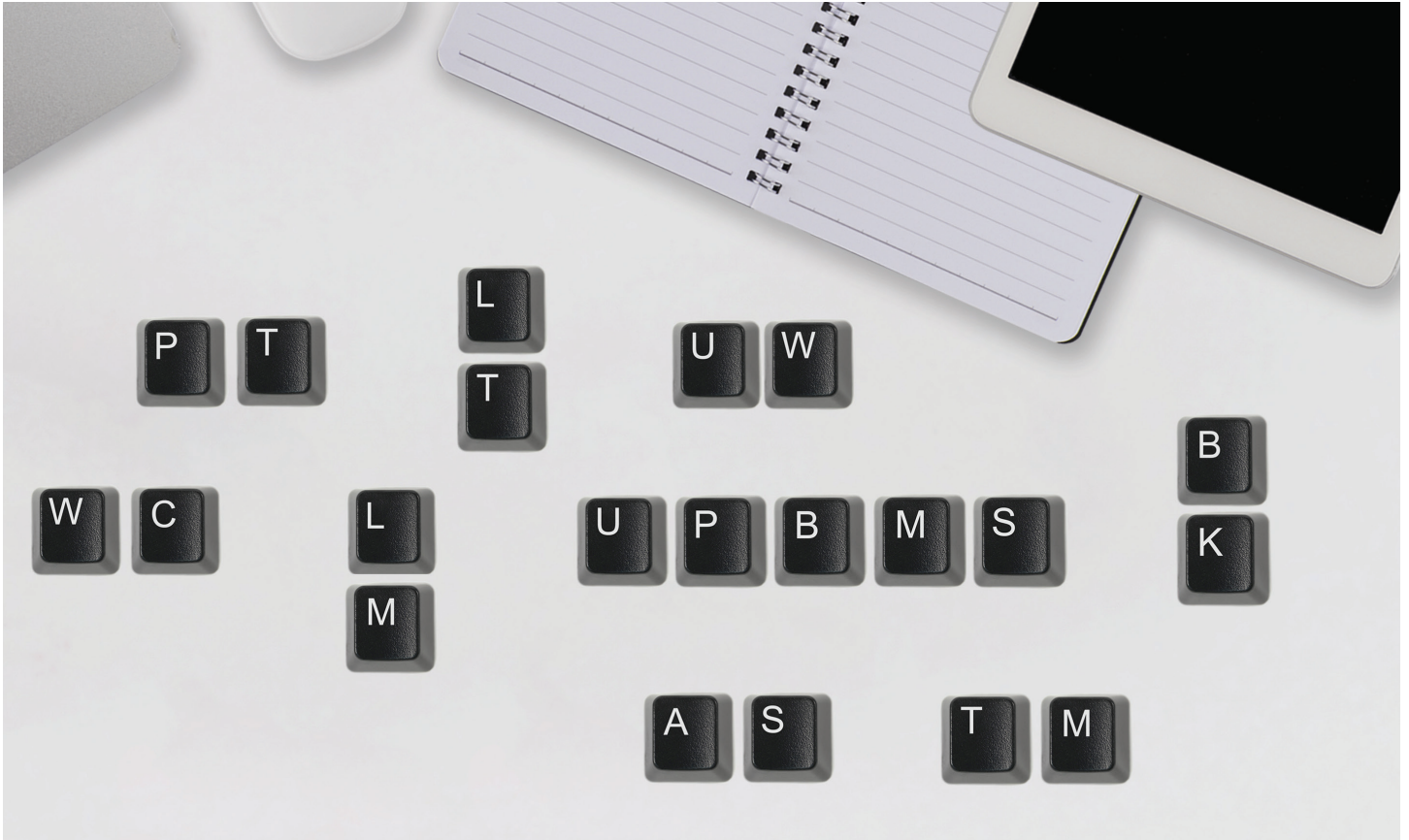
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Time Management in the New Millennium

Roger Meertins, *Wilson Elser*





VALERIE A. DANNER
Senior Managing Editor,
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Unified Approach

ALA's UPBMS is filling a void and providing a standard for classifying legal operations.

It's no secret: Client demands drive legal. Clients control the purse strings, and they will continue to push for more efficiency and transparency from their legal departments. Simply tracking attorneys' time isn't a good gauge of the amount of back-end work — or the cost associated with it — that goes into delivering legal services.

ALA's Uniform Process Based Management System (UPBMS) is leading the charge to change this. This set of codes was developed to provide a standard framework for defining and classifying legal operations.

Until now, the legal industry has had no universally recognized standard that improved the understanding of how administrative and operational processes are identified, organized and

performed within their organizations. So for the past several years, ALA has been working on developing a taxonomy to create this standard. Coding standards make a big difference, as is evident with the American Medical Association's Current Procedural Terminology (CPT) — a universal coding system developed nearly 50 years ago. Just as these codes went a long way to streamline reporting within the health care industry, the UPBMS aims to do the same for back-end legal operations.

Nearly three years after the first version launched, Version 2.0 debuted. But the UPBMS has already been in use. In 2018, ALA put the UPBMS to work in practical applications — as a key part in developing its Job Description Toolkit, for instance. (See sidebar, page 17.) This marked a bit of milestone in the process.

"The UPBMS being put into action is exciting to see," says Oliver Yandle, JD, CAE, Executive Director of ALA. "It's been such a dedicated effort by ALA volunteers and staff to get this taxonomy into a place so that the legal industry can work from a common language for legal support operations."

Laura R. Wickliff, PHR, SHRM-CP, Chief Human Resources Officer with Snell & Wilmer LLP in Phoenix, Arizona, was on the Job Description Toolkit project team. Her role was to help create the toolkit and provide examples of job descriptions in several categories that could be accessed by fellow ALA members.

"I used the UPBMS codes as part of the job descriptions to help clarify and categorize the essential duties for each job description," says Wickliff. As she worked on the project, she was impressed with how the codes streamlined the process. "Once I familiarized myself with the UPBMS, it helped simplify the process of developing new job descriptions. It allows the user to apply clear and consistent criteria when creating a new job description," she says.

WHAT'S NEW

It's progress that has been a labor of love for volunteers like William Mech, CLM, Chief Operating Officer at Goldberg Kohn, in Chicago, Illinois, and the Team Leader on the UPBMS project. Mech says Version 2.0 is an enhancement that includes revisions from the first version. "Each version of the UPBMS reflects literally thousands of small editorial revisions from the previous version; Version 2.0 is no exception," says Mech.

The latest update reflects several significant improvements, including:

- **More Detailed Organization:** Version 2.0 has the code sets grouped into two branches of activities: Legal and Support. "In the previous version, legal activities (activities most commonly performed by paralegals and other paraprofessionals) were contained in a classification labeled Practice Support. Legal activities are now in a dedicated branch, improving the organizational logic of the entire code set," says Mech.
- **Improved Logical and Consistent Structure:** The Classification of Common Activities was removed and incorporated into other existing classifications. Mech notes this proved a significant challenge that required considerable effort by ALA's Standards Review Committee, the group of industry professionals tasked with overseeing the UPBMS, but the result makes for a more intuitive structure.
- **Enhanced Classification for Senior Leadership:** The Leadership and Management Classification was significantly revised. "Our previous version had only lightly reflected many of the activities performed by senior leadership," says Mech. "While there remains work to be done, this section has been significantly improved."

It's not just legal management professionals seeing the benefits of the UPBMS. Eric Wangler, President of BigHand North America, has more than 20 years' experience on the business partner side of the legal industry and also sits on the Standards Review Committee. "I have consistently heard from law firm clients that they are looking for the ability to benchmark their results to their peers in the industry. The challenge has always been getting to a position where you can have universally accepted standards governing the data to make this type of benchmarking accurate and meaningful," says Wangler. "The industry has evolved to a much better place with regard to legal billing standards, but there remains a tremendous gap regarding back-office services. If business partners can embrace these standards, integrating them into their solutions and reporting around them, we can help drive the initiative forward."

That's what the UPBMS aims to do — provide that standard framework for legal operations to offer, implement and maintain successful management and operational strategies, while encouraging the use of a common language and



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approach to legal support operations across the industry. It will more accurately capture the costs associated with matters, so firms can better understand the true costs associated with delivering their services.

WHAT THIS MEANS

Mech is pleased with the initial rollout. As the first effort to develop a standard for support activities, the UPBMS has received a positive response from the industry, he says.

“Because it is still a very new effort, law firms and legal administrators are learning how to use the code set to support administrative initiatives,” says Mech. He says after the release of Version 2.0, the committee will focus on educational and promotional efforts to increase adoption.

He also looks forward to it being adopted for more uses. Job descriptions are a natural fit for the UPBMS, because it standardizes headings and definitions that legal management professionals can adapt to their firm’s format. Mech says that there are even more impactful uses to be had, including using the UPBMS to perform job analysis and similar activities such as monitoring key performance indicators (KPIs) and other performance metrics.

From the business partner side, Wangler says he sees implementation picking up quickly. “We are seeing more and more interest from clients as they seek better data to manage their back-office businesses, to get to a standardized view. Now that the codes have been locked down in Version 2.0, I think this will move forward quickly.”

Plus, it just makes good business sense. “I think the implications and opportunities are significant,” Wangler says. “Naturally, from a commercial standpoint, it stands to reason business partners can gain competitive advantage by being part of the solution.” ■

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Valerie A. Danner is the Senior Managing Editor of *Legal Management*. She has a bachelor’s in journalism and has been writing and editing for various publications for nearly 20 years.

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► HOW YOU CAN USE THE UPBMS?

Ready to give the the UPBMS a try? Visit alanet.org/upbms to download a copy of it in Excel, Word or PDF format. You’ll also find answers to FAQs as well as links to other resources to learn more about the UPBMS project.



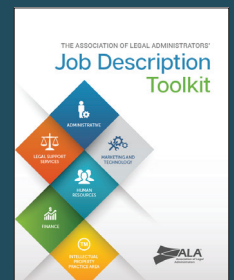
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VALERIE A. DANNER
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Innovation by Design

Firms looking to innovate are turning to design thinking to produce fresh results from old challenges.

You're likely hearing the term "design thinking" these days. While it may sound like the latest HGTV-themed show designed to make you rethink the color palette in your home, it's actually a technique that is being used to pave the way to finding solutions in legal.

Client demands for efficiency, technology — and a workforce who grew up always tethered to it — are requiring legal to be nimbler and more innovative. It's why some firms — and even ALA — are turning to design thinking.

“The general idea behind design thinking is to approach problem-solving and innovation from a creative, collaborative, and human-centered place.”



“The general idea behind design thinking is to approach problem-solving and innovation from a creative, collaborative, and human-centered place,” says Brianna Leung, Principal Consultant at GrowthPlay. “It puts the people we are solving for at the center of the design, rather than the problem or thing.”

It’s a theory that might be welcome within legal, where the pursuit of perfection often impedes the ability to learn, says James Cornell III, ALA President and Office Administrator at Shook, Hardy & Bacon, LLP’s Washington, D.C., office. “For many of us in legal, innovation and process improvement feel like an extremely high bar to achieve. Design thinking helps lower the bar to innovation so legal organizations can be able to quickly respond to demands or questions and create new or improved, human-centered solutions for their clients or even their own internal customers in the organization,” he says.

And legal professionals who understand design-thinking methodology might just have the advantage for both innovating and thriving. “More and more, these problems will demand creative, unconventional solutions. Design methodologies present a compelling way forward,” says Dan Lear, Chief Instigator at Right Brain Law. He’ll be facilitating the ALA’s new conference that centers around design thinking, C4: The Legal Industry™ Conference. (See sidebar, page 23.)

He says design thinking is also a way to use an approach many might not consider when they think of classic

design. “For those who are new to design thinking, the basic idea is that principles of design can be applied well beyond the traditional areas of design like visual or product design,” says Lear.

THE 5-STEP PROCESS

The legal industry, just like many other businesses, is going through some fundamental shifts. Lear says disruptive forces, including technology, outsourced labor, mobile and cloud computing, and the rise of big data have caused radical shifts in the way firms operate. He says the current legal atmosphere is perfect for giving rise to “wicked problems” — problems Lear says are difficult to solve because of contradictory or changing information and where more than one solution may be possible.

“The current legal landscape is ripe with wicked problems and they’ll be increasingly common going forward,” says Lear. “Legal professionals who understand the design-thinking methodology will be better equipped to survive and thrive in this new landscape.”

So what exactly is design thinking? For this article, we’ll focus on five principles that make up design thinking: Empathize, Define, Ideate, Prototype and Test. This collective framework can help firms (or any organization) tackle nebulous problems by accounting for human needs and working to solve the problems in a human-centered way. When each of the following are used together as a process, they enable creative problem-solving and innovative outcomes.

1 EMPATHIZE: This first step is when you step outside your own view of the world and try to see it from another’s perspective. In this step, the group aims to engage with and understand other people’s experience and motivations. It’s a time for info-gathering, for the group to obtain the best possible understanding of the users, their needs and the underlying problems associated with the issue. It’s essentially the driver of the rest of the conversation.

“The hyper-specific focus on empathy is the piece that is missing from many other traditional brainstorming and problem-solving processes,” says Leung. “Design-thinking framework requires that practitioners first empathize with the end user or eventual consumer of the solution they are about to create. No brainstorming or ideating can take place until we spend time really understanding what that person experiences today, what she hopes to be better or different about her reality and what surrounding factors are at play in her world. It is only then that we can truly define the problem for which we want to solve,” she says.

2 DEFINE: Empathizing leads in to the next phase — defining the problem. The data collected during the empathy stage is used to create a human-centric problem statement. Cornell says it may seem counterintuitive that it isn’t the first step, but it’s also what’s intriguing about the process.

“Think about it — we typically are made aware of a problem and then we dive right into trying to solve it based on the working definition and knowledge of the problem we have, because as legal management professionals our jobs are often about solving problems and keeping people happy while operating the business,” says Cornell. “This helps me understand and uncover the root cause of the problem, so I can reframe it and ensure we are solving for the real problem and not merely a symptom or side effect of one.”

3 IDEATE: Now you enter the brainstorming phase. You’ve got a more empathetic understanding of the problem and a clear problem statement. Your team is ready to think freely and get creative to zero in on nontraditional ways of viewing the problem. According to the Interaction Design Foundation, you should exit this stage with other ideation techniques (brainstorming, brainwriting, etc.) so you can find the best possible way to either solve the problem or have the elements necessary to circumvent it.

4 PROTOTYPE: It’s time to experiment with solutions that the team identified in each of the previous three stages. According to Design Thinking Legal, a consulting firm that offers workshops on the subject, this is when a physical representation of the top ideas are mocked up. The group can decide to accept, tweak or reject an idea. When this stage wraps, the team should have a well-defined single concept to move onto the final testing stage.

5 TEST: Put your solutions into action. The complete product is tested using the best solutions that were identified during the prototyping phase. The idea can still be tinkered with at this phase to improve it before it’s officially rolled out. Hopefully, you’ve got a user-centered solution that wasn’t apparent at the start.

Cornell notes a helpful concept used in the prototype and testing stages is to prototype as if you know you are right and then test it as if you know you are wrong. “The iterative nature of design thinking is such that testing proves what you don’t know or didn’t get right, not the other way around. This is often counterintuitive for many,” he says.

COMING TOGETHER

Yes, lawyers tend to be change-adverse. But design thinking might help alleviate some pain points that tend to stall progress. What makes this process unique is much of the time upfront is spent focusing on the human emotions and collaboration — two elements Leung says are traditionally absent from legal problem-solving. That can break through barriers that typically halt progress as it gives a voice to everyone involved in the exercise, making it a useful tool for firms getting serious about innovating.

Plus, it brings together various points of views. At its core, the process aims to involve an array of diverse perspectives to reach a fresh outcome. Cornell says it’s what makes the method so valuable. “The best solutions are created when the inputs are diverse and take into account different types of experiences, perspectives and thought processes. This is why having diverse, cross-functional teams is so important,” he says.

The process is not effective when done in a silo — limited perspectives lead to limited, single-minded solutions. “When we create conditions for ourselves to think out loud

DESIGN THINKING IN ACTION

Cornell says his firm, Shook, Hardy & Bacon, LLP, successfully employed design thinking to find solutions to workflow issues in the marketing department.

Kim Rennick, the firm's Chief Client Development and Marketing Officer, was looking to align the marketing department to work with and support the firm's strategic plan and initiatives. The focus was on finding solutions to the challenges the marketing department was facing by efficiently and effectively getting the numerous marketing and business development presentations and sponsorship advertisements across the firm's offices completed and turned around in a timely manner.

"Being mindful of the difficulty associated with getting tactical responsibilities completed, while also having members of the department think and act strategically, Kim decided to employ design-thinking principles to create solutions to the dilemmas the team was facing," says Cornell.

Thus, the first step of empathizing proved vital. He says the team really dug into the needs of the legal administrative assistants (LAAs) and attorneys when it came to these projects. The team spent a significant amount of time focusing on the root problem they

were solving for — a lack of training on software applications, prioritization of work, and best use of the team's talents and capabilities.

With a clear understanding of the problems, the team ideated solutions on how to accomplish the presentation work requests followed by putting together a pilot program to begin testing whether the solutions were solving the problem. And it's yielding positive results, including development opportunities for employees.

"The solutions the team created involve training the firm's professional staff in the word-processing department and LAAs in more advanced use of PowerPoint and other basic design applications, so when requests for presentations come to them they are generally able to fully handle those without forwarding them to the marketing department," says Cornell. "This has resulted in greater efficiency and more timely responses to the requests that come in, has provided skill development opportunities for the LAAs and word-processing members involved, and has engaged more employees in the client development process increasing the value they feel they contribute to the firm's initiatives. It has also enabled members of the marketing department to focus on the firm's strategic mission."



with other smart people and can leverage the individual strengths on the team, we elevate ourselves as well as our ideas," says Leung.

And, if you're trying to be more in tune with what clients want, design thinking is incredibly helpful for examining their needs. In a competitive market, firms that can connect to their clients will fare better. Leung says in interviews with law firm clients, she hears a plea for their outside counsel to know and understand their clients' businesses and to act like business partners working in collaboration with them to solve their business problems.

"When we see lawyers and other legal professionals use a design-thinking process to solve for client needs, it becomes a game changer for the client relationship and overall value delivered," says Leung.

Cornell says it very well may prove to be a deciding factor when bringing in new business. "The ability to do this may lead to new legal products and services, more inclusive thinking and collaboration within the organization as well as with the client, and the latter may become a differentiator, competitive advantage and perhaps even essential to the long-term survival of the client relationship and perhaps even the legal organization."

WILL IT STICK?

Lear says it's still unclear of how it's affecting legal, but early results are promising. He notes the logic behind applying design to legal is compelling. Moreover, the changing legal landscape and the way the world does business means it's time to try new methods to push the needle forward in firms.

Leung agrees and says she's seeing a growing interest among the business professionals within law firms to implement design thinking in their innovation and problem-solving opportunities. "Perhaps as these groups have more and more successful outcomes, the legal side of the organizations will start to have more curiosity and appetite for it. Most lawyers resist change, and yet we are in a time where change is happening all around us like a tidal wave. It will eventually pick us up and carry us along, whether we are ready or not." ■

ABOUT THE AUTHOR

Valerie A. Danner is the Senior Managing Editor of *Legal Management*. She has a bachelor's in journalism and has been writing and editing for various publications for nearly 20 years.

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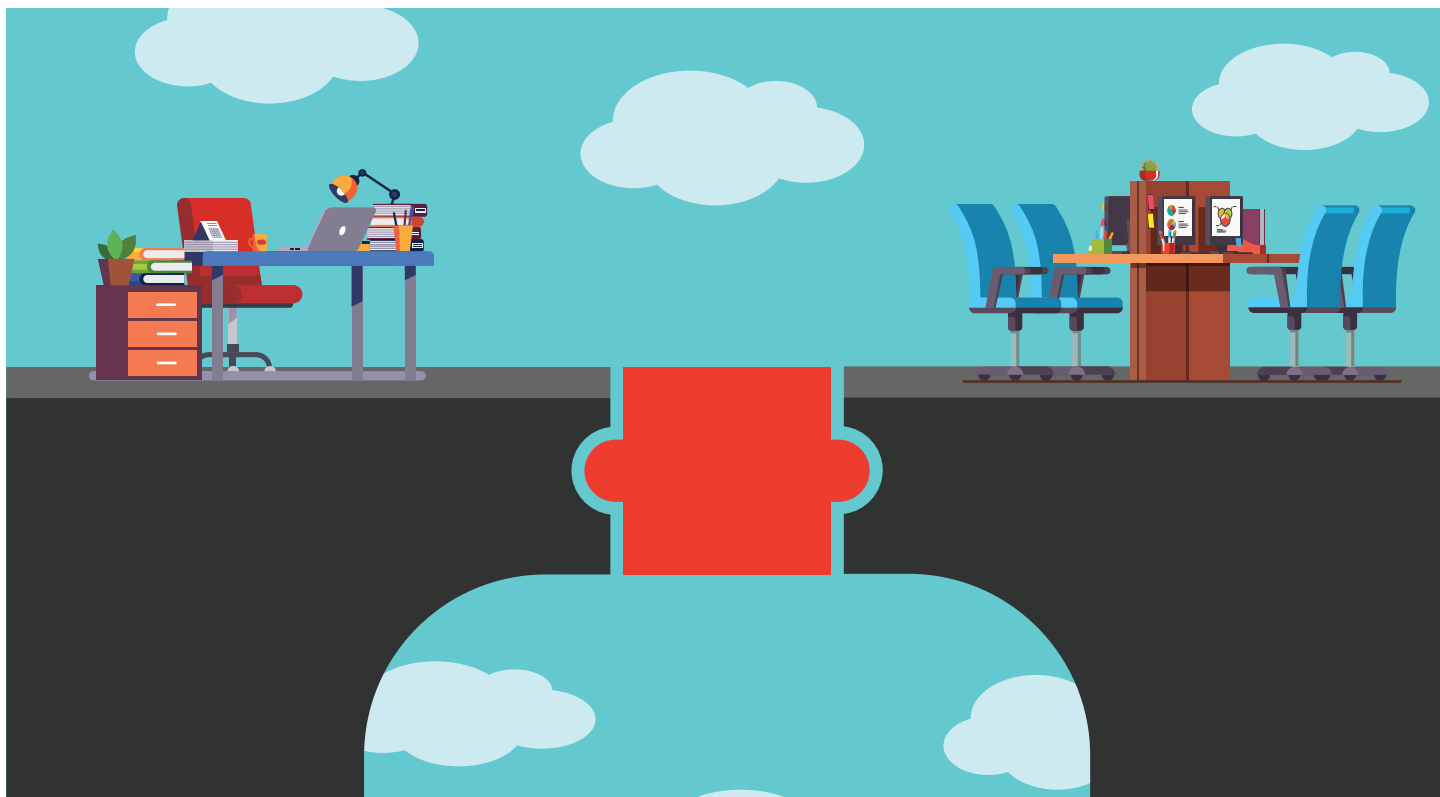


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Come connect, collaborate, create and change in Boston at the C4: The Legal Industry™ Conference, September 18-20. This one-of-a-kind experience uses design thinking to create solutions in the legal industry. Dan Lear says he will introduce the idea of design-based innovation to the C4 audience.

"While I hope we develop some industry-changing prototypes on-site at C4, my main goal is to familiarize C4 attendees with a new and different way to approach problem-solving so that they can implement these ideas in their own work going forward," says Lear.

Get all the details and register at alanet.org/c4-conference.



PAUL YELTON & KEVIN HARRIS

Yelton *President and Founder,*
Orion Law Management, Inc.

Harris *Senior Project Manager,*
Orion Law Management, Inc.

How Legal Managers Can Succeed at Bridging the Front/Back Office Gap

As legal management professionals, you are crucially important to the success of any law firm. Law firms are, invisibly and perhaps physically, divided into two factions — the front office, including attorneys and staff who service clients, and the back office, including administration, marketing, accounting, human resources, IT and more.

In a perfect world, these two groups would work together seamlessly to deliver services to clients, bring money into the firm and keep operations running smoothly. However, the reality at law firms is that there is a great divide between them. As the legal manager, you must bridge this gap, uniting both the front and back office to move the business forward. This requires leadership, adaptability and the capability to persuade others to change —

As the legal manager, you must bridge this gap to move the business forward. This requires leadership, adaptability and the capability to persuade others to change — certainly a tall order for any one person to fulfill.

certainly a tall order for any one person to fulfill. To succeed long-term, developing appropriate leadership skills and tactics is essential.

FIRST UP: GET BUY-IN

The best legal management professionals know how to leverage the firm's resources to their greatest advantage. First, it's crucial for you to have buy-in support from the managing partner and other key leaders at the firm. Having this means the partners have confidence in you, listen to your ideas, and empower you to make decisions and spend money based on goals and priorities you recommend. Without the open, overt support of the firm's management team, your ideas will not get implemented. Lack of management support will chip away at your credibility, and will hinder your ability to get things done at the firm. Be sure the firm's partners and decision-makers will back you up, even when you are advocating a controversial agenda.

To secure buy-in from the firm's partners for a major new initiative, you need to educate them thoroughly on the project details and justification for adopting your plan. Based on the composition and mindset of your board, you must make a solid, airtight argument for any substantial purchase. You'll be on for assessing what the "payoffs" are for any new project, and also foreseeing what likely objections may arise.

For example, if you are recommending that the firm buy software, you'll need to build a strong case for the purchase. Think about the goals of the technology and be prepared to answer questions that will inevitably come up: Why does the firm need this? What benefits will it have and how quickly will it pay for itself? Will it make the firm more profitable or efficient? Will it improve company morale? Will it have any downside?

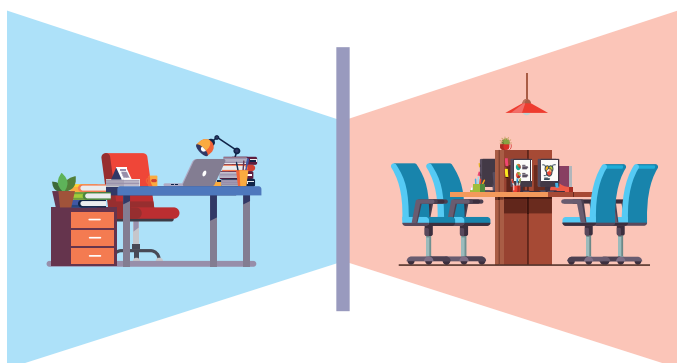
Before meeting with the firm's leadership, do your proverbial homework by speaking with various people both in leadership and rank-and-file positions at the firm. Bring people together to learn about the proposed project and what benefits it can have for them and the firm. Listen to their concerns, their complaints and their preferences. Determine which of them will be your point people to help you convince the firm leadership to move forward. Conversations like these can take place one-on-one, at a firm retreat, or at a more casual lunch-and-learn session.

These activities will help you determine both where the need is for your idea and where the resistance will probably lie. It will also show you who your "champions" are — more specifically, those at the firm who agree with your idea and who will be enthusiastic, vocal supporters of it. Make sure to have some powerful supporters at the firm before presenting your ideas to management.

THE SUPPORT YOU NEED TO SUCCEED

Education is another important ally for your case. Many legal management professionals are promoted from within the law firm, having been legal assistants, paralegals or lawyers beforehand. None of these prior jobs readily prepares you to run a business or to bridge the daunting front/back office gap. On-the-job training is helpful, but external education resources from associations like the ALA and e-learning providers are also intrinsic parts of succeeding in a challenging work environment.

The partners must understand that you need tools and techniques to succeed in your position. Requesting additional education does not mean you are not performing — on the contrary, it means that you are motivated to serve the



Though it's a difficult road at times, legal management professionals have the potential to completely transform the organization. Your vision, intelligence and practical knowledge can lead the firm to be more cohesive and efficient.

partners better and that the firm's investment in you will ultimately benefit the entire organization.




Legal managers can often be torn apart by the front/back office divide, so it's important to protect yourself from wear and tear. You were hired with the expectation of filling specific roles, but you may get stretched beyond your job description or pulled into other areas as "fires" erupt at the firm. Setting clear boundaries from the beginning is a good strategy.

If no job description exists for your position, create one and have the managing partner sign off on it. Having this document to reference will help you stave off a multitude of distracting requests for your time and effort that are outside the bounds of your position. In the spirit of adaptability and flexibility, the job description may need to be a working document that evolves over time. However, having your job description immortalized in writing is your best defense to maintain your leadership, time management and sanity!

Though it's a difficult road at times, legal management professionals have the potential to completely transform the organization. Your vision, intelligence and practical knowledge can lead the firm to be more cohesive and efficient. With the support from the firm's leadership, a thorough grasp of what needs to be done, proper education, and the ability to focus on your primary purposes, you can overcome obstacles and successfully steer the firm in a positive and profitable direction for years to come. ■

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DEBBIE FOSTER
Partner, NextPath Legal

Building Succession into Your Strategic Plan

“I don’t think we are ready to start talking about succession planning.” That is a direct quote from a firm of 14 equity partners, 12 of them in their mid-60s. My question back to him was “OK, if not now, when?”

John F. Kennedy once said, “The time to repair the roof is when the sun is shining.” It is music to my ears when a firm reaches out to me because they are ready to put a strategic plan together for their firm. However, comments similar to the one above happen way too frequently. I’ve spent the last 20-plus years working with firms all over the country of all different shapes and sizes of succession planning. We’ve dealt with the planned exit from



Succession planning doesn't just sort itself out. It requires intentional work and the commitment to work succession planning, preparing for retirement and the question of "what if" into the culture of your firm.

the practice of law, as well as contingency planning — handling the unplanned exit (temporary or permanent) from the practice of law. This one continues to be a topic that does not get the attention it deserves, even though most firms know it should be a priority.

In the last few years, I have attempted to understand why something that is so important — and when ignored puts a firm (and its clients) at risk — is not at the top of the list of challenges that need attention.

FIVE STICKING POINTS

After hundreds of one-on-one conversations with lawyers on this subject, I have found that generally, it boils down to five primary things:

1. Compensation. There is no shortage of articles written on how law firm compensation systems are broken. Lawyers are financially rewarded for billing and client origination/retention. Industry estimates tell us that those two components account for somewhere between 65–90% of a lawyer's compensation. If a lawyer does not "own" a client relationship, it can have a direct financial impact on them. It shouldn't come as a surprise that a lawyer does not want to talk about sharing business development opportunities, client sharing or client transitions when it directly impacts them financially.

2. Denial. Hard conversations are hard. If a firm has never openly and honestly talked about succession and contingency, those are tough, uncomfortable conversations to start. And at the end of the day, lawyers steer clear of

those tough internal discussions — even when they are critical to the future success of their firms. Putting off discussing a difficult issue is the path of least resistance.

3. Planning. Many lawyers have not adequately prepared for retirement, and firms are not doing enough to figure out how to proactively address this issue. Too often, aging partners become a financial drain on the firm when their production goes down and their compensation requirements don't decrease. This can be especially challenging in smaller firms and often affects retention of younger lawyers with the potential for stepping into leadership roles within the firm. In addition — and equally important — lawyers do not plan for what they will do with their time once they retire. Which leads us to the next point.

4. Identity. Lawyers' identities are often tied directly to their professional success, and this thing we call work-life balance didn't really exist 40 years ago when many of the lawyers who are contemplating (or facing) retirement started practicing. For many of these lawyers, work left little time for them to pursue other interests or hobbies. It's hard to imagine not being a lawyer actively practicing law.

5. Confidence. It is not uncommon to hear that a lawyer feels like no one can make the client as happy as they can — no one can manage the firm the way the current lawyer is managing the firm or be as impactful in the community as the lawyers that currently make the impact. Too often, the feeling that the firm cannot go on without the lawyers approaching retirement drives the need to continue to control all aspects of how the firm is run.

The ABA report, “The Path To Lawyer Well-Being,” estimates that 65% of equity partners will retire over the next decade. The ABA’s 2016 Lawyer Demographic Research showed that the average age of the 1.3 million lawyers in the United States in that year was 49. It is hard to argue that firms can continue to ignore the pressing need to start the succession planning process.

GETTING STARTED

Here are some tips:

1. Raise the issue. Do some research on how to approach this tough subject. Take any opportunity to share blog posts and articles with your partners as you come across them.

2. Understand the why. Succession planning is not just about lawyer retirement. Exploring the impact on client management, community involvement, business development relationships and firm leadership will give you even more opportunities to identify areas of risk in your firm.

3. Ask around. Other ALA members have already tackled this, and many of them have the scars to prove it. If this is something you feel passionately about, and you are ready to help your firm get serious, ask your colleagues for their advice — and specifically ask if you can use their firm name when you talk to your partners. It can bring an extra layer of credibility when you can say “Smith, Smith & Jones had great success by approaching the topic this way.”

4. Don’t give up. Having facilitated many conversations on succession and contingency planning, I understand how easy it would be to just move on to something else. But stay the course. You never know when the time is right for a conversation that can change the trajectory of the firm — for good.

Succession planning doesn’t just sort itself out. It requires intentional work and the commitment to work succession planning, preparing for retirement and the question of “what if” into the culture of your firm. All strategic planning should involve succession and contingency planning. After all, the sun is shining, so this is a great time to start repairing the roof. ■

ABOUT THE AUTHOR

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Get Your Succession Planning on Track

ALA members have access to NextPath Legal, which provides succession and contingency planning solutions, including an e-book that addresses seven areas that should be part of every succession plan.

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FACTS & STATS

TECH TAKES OVER

According to a management survey from Randstad US (randstadusa.com), which examines the impact of technology in the workplace:



56% of managers said they use digital methods to deal with work conflicts “instead of discussing the situation in person or over the phone.”

79% of managers feel technology “encourages immediate action.”

47% of Gen Z survey respondents admit to texting in meetings, and 60% of Gen Z respondents say they “use technology for personal reasons during the workday” (compared to 22% of Baby Boomers).



DIVERSITY PROGRESS IN LAW FIRMS: IT'S A MIXED BAG

According to 2018 Equal Employment Opportunity Commission (EEOC) data:

- An increase of about seven-tenths of a percentage point in the representation of minorities among partners is noted as the largest increase over the entire span of National Association for Law Placement’s (NALP) compilation of these figures.
- Minority women continue to be the most dramatically underrepresented group at the partnership level.
- The number and percentage of LGBT lawyers reached new heights and the percentage of LGBT summer associates at firms of more than 700 lawyers reached a new high of 6.42%.
- The reporting of lawyers with disabilities (of any race or gender) remains scant.
- Despite small increases in the past three years, the representation of black associates remains shy of its prerecession level, and representation of black partners has barely changed since 2009.

Findings from the NALP 2018 Report on Diversity in U.S. Law Firms are available here: nalp.org/uploads/PressReleases/01-09-19_PressRelease_DiversityReport.pdf.



5 TIPS TO BUILD A SUCCESSFUL LAW FIRM LINKEDIN PAGE

1. Determine your goals. So first, decide what you'd like to achieve by interacting on LinkedIn. Then, take steps designed to help you achieve those goals in a way that is both efficient and effective.

2. Create a robust profile. Upload a recent photo and provide detailed information about your educational and legal background.

3. Connect with colleagues and potential clients. Use LinkedIn's built-in tools to locate colleagues and others you already know and send them an invitation to connect. Consider personalizing the invitation rather than sending out the generic LinkedIn invite to increase the likelihood that they'll accept.

4. Showcase your expertise. Include a descriptive summary of your law firm and your areas of practice either in your bio right below your photo or in the "Summary" section a bit further down the page. LinkedIn also allows you to add other sections to your profile that showcase your expertise, including languages you speak, certifications, honors and awards, and more.

5. Curate and share knowledge. For curation of information, you can rely on your connections' posts and also can "follow" leaders in your field. Keep track of recent posts by receiving a daily email update from LinkedIn or by logging into LinkedIn. Also, consider sharing news and blog posts that might be of interest to your connections.

Read full article here: mycase.com/blog/2016/11/linkedin-101-lawyers.

3 INSIGHTS FROM THE EEOC 2018 DATA

Charges are way down. In 2018, the EEOC processed 76,418 charges, a 9.3% decrease from 2017, a 16.5% decrease from 2016 and a 23.5% decrease from the commission's high-water mark in 2010.

#MeToo matters — a lot. The EEOC received 7,609 sexual harassment charges, which represents a 13.6% increase from 2017. Thus, while charges are down overall, they are way up for sexual harassment claims.

Retaliation remains king. As has been the case for the past 10 years, retaliation is the most popular claim, and it's not even close. For 2018, 51.4% of all charges contained a retaliation claim (nearly 20% higher than the next closest — a three-way tie among sex, race and disability).

Read the full article here: workforce.com/2019/04/11/the-three-things-you-need-to-know-from-the-eeocs-2018-discrimination-charge-data.





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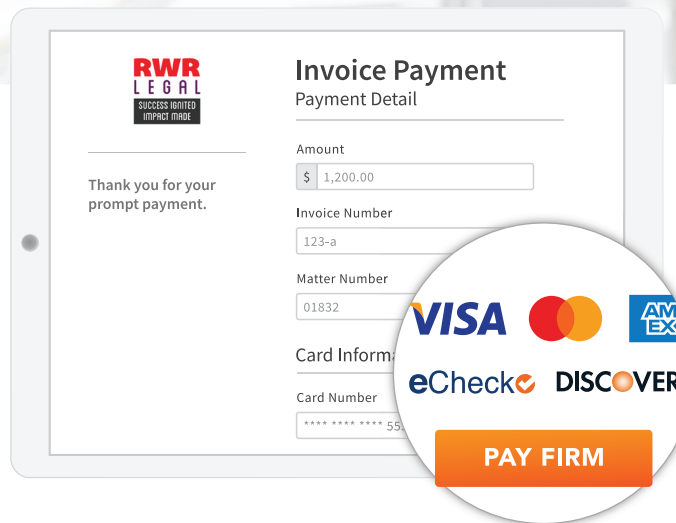
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