

Briefing

April 2018

SMARTER LEGAL BUSINESS MANAGEMENT

ENGAGING SUCCESS

Royds Withy King on the benefit of seeking frank employee feedback

LEADER TIMES

Innovation in the spotlight at Operational Leaders in Legal 2018

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Fieldfisher recounts its voyage to a brave new world of practice management



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Simply the best



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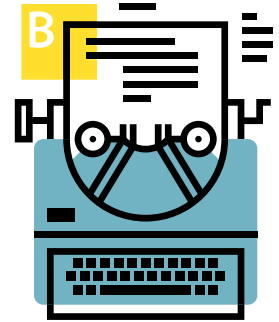
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Editor's letter



A

longside some rather long-awaited gender pay gap reports, the first quarter of 2018 saw a flurry of announcements about another topic intent on transparent change – blockchain.

In March, Allen & Overy's innovation hub Fuse proudly announced the first structured product to be transacted and authorised using a blockchain – a “GBP principal protected note linked to the FTSE 100,” says the press release. A&O partner Philip Smith claimed: “The launch underlines the idea that the developments in distributed ledger technology are going to have a significant impact on the capital markets.”

As well as greater transparency, and (typically) fewer

opportunities for data manipulation, other advantages cited include less chance of human error, reduced costs and faster settlement – from two days to a matter of mere minutes.

In March, Allen & Overy's innovation hub Fuse announced the first structured product to be transacted and authorised using a blockchain

In January 2018, Linklaters also got on board – joining the ‘Accord Project’ to build a new smart contract consortium. Formed by the International Association for Commercial and Contract Management (IACCM) and the platform Hyperledger – plus US legaltech

Clause – Linklaters says it will help legal specifically “move from manual, paper-based processes to a natively digitised and data-driven environment.” Head of fintech Richard Hay said: “If we can come together to finesse how smart legal contracts operate, including the standardisation of format and protocols, then we really could be on the cusp of seeing the adoption of smart contracts for complex commercial cross-border transactions.”

I'm pleased to say that back in the heady days of early 2017, smart contracts was one of the first topics we took on in our new **Briefing** Frontiers series of half-day events – each dedicated to one force fixed on reshaping the firm of the future. In this issue, we've now painstakingly tracked down one awesome individual playing a particularly active role in each of our 2017 Frontiers focuses for an update. So dig in now for the very latest on the worlds of blockchain, process automation, optimising meaningful collaboration for a far more mobile workforce, and of course a generous dash of artificial intelligence.

Briefing Frontiers returns to a firm near you really, really soon – so keep your eyes peeled for us in your future too.

RICHARD BRENT EDITOR



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Inside this month



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Talking ops

80% of CBI members say AI will lead to “unparalleled efficiency gains.”

Felicity Burch, head of innovation and digital



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

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 ROUNDUP

Stream teams

As well as the welcome lighter days, April ushers in the excitement of another freshly merged legal business, with partnership votes at both firms bringing up the curtain on **Bryan Cave Leighton Paisner**.

In addition to being the fourth largest global firm for partners working on pure real estate matters, the press release highlights a synergy in terms of innovation investment. **Bryan Cave** has its practice economics group, which brings pricing professionals together with software engineers, data scientists and more, while back in 2014 **BLP** launched the Streamline legal process improvement service to optimise work delivery.

\$900M

Combined revenues at latest confirmed big firm merger
Bryan Cave Leighton Paisner

BLP managing partner Lisa Mayhew added: “Different from most other international firms, ours will be fully financially integrated from day one. This will enable us to work in teams whose only focus will be to provide a first-class service.”

Therese Pritchard, Bryan Cave chair, added: “This merger will result in an expanded presence and set of service offerings in key markets around the world and accelerate our utilisation of technology and innovation to redefine efficiency and value in the practice of law.”

Elsewhere, **Dentons** is at it again, this time with a string of combinations in the Caribbean, Africa and south-east Asia. The mergers with Kenya’s **Hamilton, Harrison & Matthews**, and **Mardemootoo Solicitors** and **Balgobin Chambers** in Mauritius, follow its merger into Uganda in 2017 – while **Hanafiah Ponggawa & Partners** in Indonesia and **Zain & Co**, Malaysia, follow footholds in Singapore and Myanmar. Global chairman Joe Andrew said: “Clients within East Africa, the Caribbean and South East Asia,

and clients wanting to do business in those growing regions, will benefit from high-quality legal service on a truly global scale.”

New territory for **Lewis Silkin** last month, too, as it opens for business in Dublin, spearheaded by Irish employment partner Siobhra Rush and managing associate Linda Hynes.

Chief executive Ian Jeffery said: “The opening of our new office in Dublin is a significant step in our evolution as a firm as we continue to grow and invest to meet increasing client demand for our market-leading international employment law offering.

“Going forward, we will continue to review avenues for expansion in Ireland in line with evolving client requirements.”

James Davies, managing partner of the firm’s employment, immigration and reward division, added: “Ireland has become an important jurisdiction for our clients across many different sectors in the wake of Brexit – in particular with regard to employment and data privacy.”

And finally, expansion of a different flavour at **Fieldfisher**’s Condor alternative division, which partners with other providers to identify more price-efficient client options. The latest, in March, was with **Integreon**, well known for helping several law firms to introduce efficiencies.

Chris Georgiou, the CEO of Condor, said the partnership would “enhance even further our ability to provide cost-effective solutions to our clients, who continue to face the daunting challenges of controlling or reducing their spend at the same time as having to deal with increased compliance demands.

“With GDPR and Brexit deadlines approaching, the additional strength and expertise which Integreon brings to Condor will be invaluable to our clients.”

“Ireland has become an important jurisdiction for our clients across many different sectors in the wake of Brexit – in particular with regard to employment and data privacy.”



DAVID AIRD
IT director – DAC Beachcroft

We think chatbots could be of use in a number of areas of our business to help with simple requests for information. For example, in HR, questions such as ‘when is the next payday?’ or ‘how do I apply for childcare vouchers?’ could be handled easily. IT service desks in law firms could be another area that might benefit, but they could also be used to good effect in other parts of our business, such as knowledge management and financial reporting.



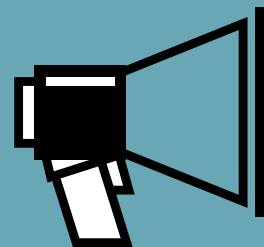
ROB WILLIAMS
Partner, client lead for innovation group – Weightmans

We’re very interested in chatbots to help people access information quickly, at the point of need. Similar to Terry Pratchett’s ‘magic gnome’, the bot would deliver immediate responses to queries, freeing up staff time to focus on delivering legal expertise and commercial solutions for clients. This ‘virtual assistant’ might also gather data insights and identify trends. By adding the function to client extranets it would also help clients access information and take action based on insights on their particular portfolios.

LEX POP

Time for a chatbot?

We’ve noticed a lot of chat about chatbots at Briefing events recently. So, we ask: Where would a friendly chatbot fit best into your business?



BRUCE BRAUDE
Head of strategic client technology – BLP

Expert systems, whether in the form of auditory or textual chatbots or online questionnaires, are increasingly used to make expertise more accessible. In legal services, this is very relevant for corporates dealing with increased business complexity and regulations, and individuals needing access to affordable advice. These systems have been used in rules-based areas such as compliance and regulatory, tax and employment law, but are continually improving and we’re starting to see such technology providing more nuanced advice too.



ANDREW TELLING
UK head of knowledge management – Taylor Wessing

Chatbots work best in narrow domains without too much nuance. So, I don’t see chatbots replacing high-expertise conversations with clients anytime soon. I can see them helping potential clients find out about our firm and services, and maybe being a ‘natural language’ type extension of our decision-engine products. Law firms will also use chatbots internally, for IT helpdesk type queries or for initial questions on using finance, compliance, HR packages, and so on.



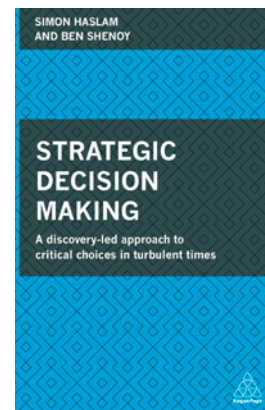
Do you have a view? Or an issue that we ought to debate?

Have your say in Lex Pop – tweet us @Briefingmag or email editorial@briefing.co.uk any time

READING LIST

Track to the future

Tim Nash, CEO of Edwin Coe, says *Strategic Decision Making*, by Simon Haslam and Ben Shenoy, should be a good reminder that the law likely has plenty of turbulent change left in store



It is a complicated world and, given that an average human adult makes around 35,000 decisions a day, the impact of big decisions and the cumulative impact of smaller ones can be huge.

For those tasked with the privilege and challenge of decision making, there have been four key shifts in terms of reference:

- The world has sped up
- Everything is underpinned and disrupted by digital technology
- Businesses are increasingly able to scale up quickly
- Shifting socioeconomic boundaries are broadening success criteria for businesses.

It is refreshing to read a book that presents a contemporary perspective and attempts to provide a holistic framework for the challenges of 21st-century businesses. The book sets out an approach the authors feel is more suited to these challenges – discovery-led decision making. This is achieved via three techniques:

- Frame – what’s the right problem?
- Experiment – how to learn what information we need to make the decision
- Scale: how to do more of what works?

This slightly academic but well laid out book summarises what the authors are advocating at the start, before working through how the world is changing, and then the classical strategy models (a useful reminder!), explaining how these are relevant in a more linear world. They then run through organisational inertia, and why businesses tend to continue down the same path. Further chapters discuss the

ways decisions can be “top-down”, “middle-out” and “discovery-led”. All have strengths and weaknesses, with heuristics, group think, and so on, well documented. One interesting point that stood out was that harmonious teams are not as effective as teams that confront – and learn – through conflict.

The challenge is that organisations are bound by their past and present when trying to make decisions about the future. Helpfully, the authors simplify the levers that guide strategy, suggesting there are just four: resources, organisational rules, goals and measurements, and organisational culture and values. Their suggestion is that a ‘tridextrous’ organisation – one that frames, experiments and scales – can influence the levers of strategy more effectively.

The book is strongly backed up by academic research, but also provides copious quotable quotes. “Not making a decision means forgoing an opportunity,” for example, and “An executive is someone who can make a quick decision and is sometimes right.” And the warning: “If you do what you always do, you’ll get what you’ve always got.”

Is this approach suited to law firms? It is not obvious, mainly because the impact of digital has been lower in this industry so far. But in a way, that is the central message of the book: there are people out there looking for ways to disrupt many incumbent, comfortable industries. It’s a valuable read, if only as a reminder not to be complacent. ▴

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OFFER: 20% off – visit website www.koganpage.com and enter code BRIEFING20

The challenge is that organisations are bound by their past and present when trying to make decisions about the future. Helpfully, the authors simplify the levers that guide strategy



WHAT'S ON YOUR WHITEBOARD?



Malcolm Gregory ACMA, CGMA, commercial finance business partner at Norton Rose Fulbright and co-chair of the London Bisexual Network on coming from the insurance sector and coming out

Q What surprises you moving to legal from insurance?

A It's the data. In previous industries I have worked in (notably insurance), obtaining real time and/or granular information was very difficult. This hasn't been my experience so far in the legal industry, which I suspect is due to the hourly based culture. It's so integral to the way we operate with clients that systems have become granular and real time to support that. There are of course improvements that will happen in the industry particularly around variety of data and the use of it – information captured is still fairly limited when compared to industries such as insurance. Auto insurance, for example, has a huge number of data points such as car colour, location, make, driver age, and so on, which are all used to help price and drive the business in the right direction.

Q What's your involvement with the London Bisexual Network (LBN)?

A I'm one of the co-chairs. LBN was set up in 2016 because there wasn't enough bi-representation nor were their sufficient bi role models in the London market, and there was a

lack of understanding around the bi community. We ran a number of successful events last year at different organisations to educate people. One of them, the 'Bi the Way' event, was held at Norton Rose Fulbright during our diversity month. Although not LBN related, I also volunteer as a Stonewall school role model where I go and speak about the LGBT community and coming out.

Q Why is diversity and inclusion important to you?

A Outside of the fact that it's the right thing to do, there are three key things for me. First, it's about trying to build diversity of thought – this is so important to the business world and without it I feel companies stagnate. Second, without diversity you can't create the best working environment, where people can bring their whole selves, nor can you attract and retain the best employees. Third, how else do you represent your clients who are themselves made up of diverse individuals?

Q How do you confront biphobia in the workplace?

A You need education and visibility. You need people who are prepared to answer

questions and represent the community. We had an incident at a company I worked at previously where there was an issue around homophobia which got escalated but dealt with very quickly. Management made it very clear they were unhappy with the situation. For any issue, discriminatory or otherwise, you must have support from senior people. And on an individual level, people need to learn to challenge things when they hear them. Lead by example and be open and clear in your support. It doesn't have to be complicated – when London Pride came around we decorated the atrium with rainbow flags.

Q How do you balance work and LBN committee work?

A I'm very lucky that my boss is very supportive of my involvement in diversity and inclusion events outside of work. When I was interviewing here I mentioned that it was really important for me. I keep an eye on what I'm able to take on and what work needs to be done. If LBN, or any other commitment, ever became too time consuming I'd have to take a step back. I still want to support everything I can, but I'm mindful of not taking on too much. ▀


 **SPEAK UP**

BD more positive



Clare Quinn-Waters
Senior client development manager
Baker McKenzie

 @ClareQW

Ambitious millennials are pushing to become managers earlier than their Generation X predecessors, which can lead to higher attrition levels if departments don't have frameworks to support accelerated promotion

Last year I facilitated a roundtable for law firm BD directors, exploring how firms have been forced to change their service delivery models as clients demand innovation, commerciality and quality – all at a reasonable price. How do BD departments adapt to this changing landscape? Here's what emerged.

First, BD teams must understand the factors influencing profitability. Commercially savvy teams with deep product knowledge develop sophisticated go-to-market strategies aligned to both the client and firm needs.

And those teams should anticipate the implications of new technologies, both in terms of service delivery and process efficiencies. Using knowhow as a route to market is nothing new, but greater collaboration between KM and BD means programmes are now more efficient.

In future, we may see more blurred lines between business functions as they work even closer together. And hiring from outside the sector has obvious benefits, bringing in fresh ideas and methodologies, and leveraging networks and technical knowledge.

Two decades ago BD was undertaken by partners, with marketing providing sales support. But with clients expecting their lawyers to work more intelligently, BD departments are now populated by specialists undertaking high-value client-development activities.

Technical specialists focus on delivering highly targeted output, but of course operations still need to be expertly executed. Creating hubs that refine and deliver high-quality operations is one way to ensure clarity of purpose both within the function and beyond.

Meanwhile, providing advice with a response can help more junior team members to build more consultative relationships with partners. BDs

sometimes still undertake administrative tasks that would be better completed by operations staff, either for ease, or because of reluctance to open up their relationship with a partner. However, retaining ownership of a project, supported by others, can lead to more effective positioning.

If you do find perception of BD is still out of line with the market, consider what 'teeth' BD has in the business. It's now common to see BD leaders on a firm's executive committee. BD leadership in one global real estate company even controls a discretionary bonus pool used to reward progressive BD behaviours among the partnership.

It seems typical BD departments have evolved into an hourglass profile. Junior team members develop a broad skills base. Management roles are then more specialist, and at the top leadership positions then broaden out again with responsibility for the full BD and marketing mix.

However, ambitious millennials are pushing to become managers earlier than their Generation X predecessors, which can lead to higher attrition levels if departments don't have frameworks to support accelerated promotion. This can potentially be circumvented by introducing grade-agnostic titles, such as 'specialist'. People can progress their careers in a way that does not have an obvious title hierarchy.

And creating a BD trainee programme both positions BD as a profession and aligns legal and BD trainees. One magic circle firm pioneered its academy back in the early 2000s to great success, with many of those participants currently in leadership positions across the City.

The market wants progressive, client-focused professionals, who enable lawyers to get on with providing innovative, commercial advice. 

SPEAK UP

People empower

What's the biggest cyber risk for a law firm today? We may be tempted to think it is an advanced persistent threat (APT) from shadowy criminal organisations in far-flung nations, but the answer is likely to be less exotic, and closer to home – maybe sitting at a desk nearby. Ethical hackers will tell you the easiest way to compromise an organisation is probably to get a member of staff to do it, unwittingly, using social engineering.

As firms focus more on software and hardware technology defences, the attackers are increasingly targeting their efforts at the 'warmware' – the people. Why spend weeks covertly hacking into a system when someone will let you in?

Email phishing is arguably the main method of attack on any business today. By tricking an email recipient into clicking a link, the attacker can direct them to a website to download malware or harvest their login credentials. Gone are the days when phishing emails were easily spotted due to poor grammar and dodgy images. Now they are sophisticated, copying the branding and language of your bank, PayPal, Netflix, or whoever they are pretending to be.

It's no wonder they're hard to spot. But it's not just how they look that deceives us – phishing emails also bypass our logical thinking by appealing to emotions and traits like fear, greed, curiosity, and even

helpfulness. By adding a note of urgency, they trigger an emotional response so we click before we think. Phishing also takes advantage of people being busy, which is why most bank transfer fraud is committed on a Friday afternoon, when the pressure is on (and the error won't be discovered until Monday morning).

This year there have already been reports of major IT system vulnerabilities, and the need for security patching has become front-page news. However, to exploit most of these vulnerabilities the attacker first needs to get into your organisation and gain access to systems, and the easiest way to do that is phishing.

But rather than see people as the 'weakest link', as is often said, we must enable them to be our first line of defence. This is no easy task, as it requires training, raising awareness and changing behaviour, all of which takes time and repetition. We therefore not only need to train our people about security, but also to train our security teams about people, their vulnerabilities, and how to get the best from them.

There is no security patch for people, and telling colleagues what to do (or not do) is of limited effectiveness. But by showing them what could happen, and how to avoid it – through repeated phishing simulations, campaigns and training – we can equip them to become the firm's strongest possible defence. ▀



Damien Behan
IT director
Brodies

Twitter @damienbehan

We not only need to train our people about security, but also to train our security teams about people, their vulnerabilities and how to get the best from them

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INDUSTRY VIEW

Happy employees lead to happy customers



Patrick Hurley
Vice president, customer advocacy
Thomson Reuters Elite

Our customers know that we have been hyper-focused on improving their experience for a while now, and it is really paying dividends. Our satisfaction scores are on a steady, upward trend, which in turn is leading to significantly increased sales momentum. But although we're very pleased with our progress, our work in improving the customer experience will never be done.

What does customer experience really mean? For our business, it means every single touchpoint our customers have with us – from products, to our website, to the bills we send them. The number and variety of these touchpoints is vast. Thus, figuring out how to analyse, prioritise and address every possible area is an equally vast and varied landscape of initiatives, projects, reporting and metrics.

However, through all of our research and efforts, one common theme emerges time and time again: our employees. There is an inexorable link between employee engagement and the customer experience – and that makes perfect sense, right? A happy employee is going to deliver a much better experience to the customer than a disgruntled, disengaged employee. Employees who feel empowered to have a direct impact on improving the customer experience are the absolute best.

So, how are we working with our employees to improve the experience our customers have when doing business with us? A small sample of some of the more impactful ways include:

- All employees take an annual class in various aspects of the customer experience, customer advocacy and

customer satisfaction, whether they have direct front-line interaction with customers or not.

- Front-line employees take additional training each year, relevant to their specific roles.
- We conduct an annual survey of all employees on customer advocacy, where we not only gauge how well our employees understand their impact on the customer experience, but also solicit ideas on how we can further improve. We then follow that up by selecting between eight and 12 improvement ideas to implement each year, and ensure employees are kept up to date about the status of those improvement initiatives.
- We provide a quick and easy tool for front-line employees, 'Daily Insights', where they can share what they are hearing in the field with the entire business. Other employees chime in with "I've heard that too" or "This is how I deal with that," and it helps the overall business to prioritise the initiatives that are getting the most traction.
- We run four or six customer journey-mapping exercises with customers and employees each year, each taking about six to eight weeks to complete, on discrete aspects of the customer experience. We examine pain points and bottlenecks and look for ways to improve. Our employees get very involved in these exercises and the resulting improvement initiatives.

These are just a few of our employee-focused efforts designed to improve the customer experience. Educating and empowering your employees is a win-win-win – for employees, customers, and also your company.

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14

The big idea
AI, blockchain, automation and collaboration – here are the faces of four new business frontiers

19

The main event
Talent and technology took centre stage at **Briefing** Operational Leaders in Legal 2018 conference



THE BIG IDEAS

Frontiers runners

Is your firm preparing ground today for technologies that will transform it tomorrow? Inspired by our recent **Briefing** Frontiers events, Richard Brent speaks to a handful of people leading the charge toward IT-enabled business change

Artificial intelligence and blockchain – four fairly small words that may well be enough to strike fear into the hearts of at least a few regular **Briefing** readers. Not necessarily because they really don't want to face another article about the prospect of lawyers being replaced by a generation of more efficient and robust 'robots'. Nor, perhaps, because 26 experts lent their concerned voices to a report for the University of Cambridge's Centre for the Study of Existential Risk in February 2018. Co-author of the study, and the centre's executive director, Dr Seán Ó hÉigartaigh, said: "We live in a world that could become fraught with day-to-day hazards from the misuse of AI and we need to take ownership of the problems – because the risks are real. There are

“Blockchain allows you to hold accurate and verifiable data that’s agreed on by multiple sources, but it’s still just data within a repository. Artificial intelligence – even just the search function – will help to find that information.”



Shawna Hoffman, global cognitive legal co-leader, IBM

choices that we need to make now, and our report is a call-to-action for governments, institutions and individuals across the globe.”

Less dramatically, however, if people aren’t involved deeply in a firm’s innovation, technology or horizon-scanning work, it could be that they ‘simply’ don’t fully grasp where these much-discussed technologies could be taking their law firms in future.

Thus, it was that in January 2017 we launched **Briefing Frontiers** – a new series of events to focus in much more detail than we had done on the technologies widely tipped to transform legal services (we continue, naturally, to explore the territory throughout 2018). In this article, I speak to a single expert from each of the four categories covered in the 2017 series to bring us right up to date on exactly what’s at stake in these rapidly evolving spheres of business.

Shawna Hoffman is the global cognitive legal co-leader at IBM – and she was one of those who addressed the very first MIT Media Lab on AI and Blockchain conference in October 2017. This group emerged from a growing awareness that the really big deal for the future of business would be the convergence of AI and blockchain benefits into one united techno-future.

However complicated the coding this might involve, the rationale for it is as clear as a distributed ledger. Essentially, a blockchain is a great place to put lots of your data because it is both highly transparent and secure – but it may not be terribly efficient. Artificial intelligence, for its part, is a great way to effectively tidy up the vast quantities of data that could soon be piling into a blockchain near you.

“One of the biggest general issues we’ve faced in the legal industry for some time is the data explosion, and the challenge that poses for

accuracy and authenticity. And we understand that 10 years’ from now our data will double every 10 hours,” says Hoffman.

“Blockchain allows you to hold accurate and verifiable data that’s agreed on by multiple sources, but it’s still just data within a repository. We run the risk of blockchains all over the world that are just as much of a mess as the data repositories we all keep on our laptops. Artificial intelligence – even just the search function – will help to find that information.”

IBM is frequently having AI and blockchain conversations with businesses simultaneously, she says – and she believes that most of them will eventually be wanting a blend.

How would this look for law firms specifically? “Today, you could see multiple parties reviewing a piece of work, and producing the same document 30 times, with different rounds of comments for each one,” she explains. Clearly, that doesn’t sound all that efficient. “In future, however, we could have just one and know about everyone who has touched it.”

“In the end, we will produce some things that will not be questioned and not be lost.”

Then, she says, imagine this dynamic at work on a large class action in the US, involving multiple contractors and sub-contractors based elsewhere. “All those sources might be both authenticated and effectively tracked by blockchain. It isn’t just that the data itself is transparent – the very fact that it exists at all is transparent.”

In terms of AI, meanwhile, there’s some potentially good news for our business services readers. Hoffman and co-leader Brian Kuhn have carried out some 140 IBM Watson workshops with law firms and legal departments, as well as judges, and find “the biggest ROI impact on the business rather than the practice of law,” she says.

“They want to embrace it, but to do that first where they can fully ingest and understand it – and frankly, no lawyer wants to review invoices for up to 10 hours a day. But once you change the way your business is run, of course you make a big difference to practice, because there’s a lot more time to practise!”

Still, at the time of writing this Watson is testing work using data from Premonition.ai, “the world’s largest litigation database”, alongside lawyers, to train the IBM Watson Knowledge Studio on managing negligence. “For example, Watson might review a brief and make recommendations in a similar manner to Watson for Oncology reading patient medical records and providing insight into a range of possible diagnoses,” says Hoffman.

Taking the chain

She agrees, however, that the risk of “bad as well as good people” being good at these technologies requires attention. She has just formed an organisation with six female lawyers – Diversity in Blockchain – which was incubated by the MIT Media Lab and will be hosting its first annual conference at the United Nations in 2018, and IBM Watson Legal was also a founding member of the Global Legal Blockchain Consortium in 2017.

“I love to see corporations that may be highly competitive in the real world coming together to share and solve problems for the greater good,” she says. “AI must be ethical, and society will have expectations, and we do need the right regulatory framework around it, including to ensure a level playing field.”

Meanwhile, whether or not the spheres of AI and blockchain are indeed themselves converging, it’s clear that some firms are beginning to lean in with great interest.

K&L Gates, for example, became one of the first to embark on a private blockchain project in 2017. Judith Rinearson, partner at the firm in both New York and London, says: “We’re fascinated by the technology, and do really think it will be a game changer – but we struggled with how to get our hands around it. We thought about joining consortiums, and we still can, but it hit us that you don’t have to be transparent to the world. We could also have a private permission blockchain, which could both make us better lawyers in the space and give us an opportunity to work directly with clients.”

The firm is using the platform of vendor Chainvine to test for some use cases in a ‘sandbox’. An email went out globally, explains Rinearson, and to date around 100 lawyers have expressed interest in getting involved in time. But it’s “small steps,” she says. “First, a core group of lawyers and technology people are collaborating on the use cases – the first being deceptively simple. We’re sharing a contract between two parties, with each validating it as the authorised version, and then hashing it on the blockchain.

“The second use case – what makes smart contracts really fascinating – will then involve adding some automated triggers to the contract. We’ll start with some time-based triggers that will send emails to everyone within our closed system about a change, for example time to renew – and then look at third parties, such as telling a bank to release payment on delivery. That adds a much more complicated layer.”

But to have a play in the blockchain sandbox, the firm’s people (who needn’t be tech-savvy) simply need to be authenticated and sign in through Chainvine’s app.

“There’s then a list of things they can do and move around between one another, and one benefit is that we will end up with a development kit to help our own coders build new use cases,” says Rinearson. This will happen on the private permission blockchain, where the use cases developed with the vendor are built in.

Moreover, with the state of Delaware in 2017 announcing that shares can be offered as blockchain tokens – and even litigators seeing potential for important case reminders – the buzz isn’t confined to any one practice group. Most important, she says, is that the directions are decided in close collaboration with clients, who are already well on top of how the space can

“We thought about joining consortiums, and we still can, but it hit us that you don’t have to be transparent to the world. We could also have a private permission blockchain.”

Judith Rinearson, partner, K&L Gates





A moveable feast?

We hear a lot these days about law firms hiring the skills of data scientists – but could they also stand to gain from investing in a behavioural scientist or two?

Recent **Briefing** Frontiers speaker Dr Nicola Millard, head of customer insight and futures in the global innovation team at BT, says: “Everyone around me at work is a technologist. I’m a psychologist. And there’s a huge rationale for that. Digital disruption won’t be achieved with technology alone – in fact, it’s fairly useless unless we adopt it.”

The rapid rise of agile working – our evolution into “shoulder-bag workers” – doesn’t only call for more work of all sorts to be achievable on mobile devices, she says. Firms also need to manage – and plan ahead for – how this more mobile workforce changes, or channels, certain attitudes, mindsets and behaviours.

Take effective knowledge sharing and collaboration – formal and informal – which most would probably view as key to improving an organisation’s productivity. “Although untethered and more dispersed, people in the digital era are probably actually collaborating more than before,” says Millard. But that doesn’t necessarily mean it’s effective collaboration. “Email is a good information tool, but not very good at all for collaboration. For example, even if I manage to read the most important message, I need to know the name of the next person to collaborate with,” she explains. So, what about enterprise social media? “On the face of it that looks like the solution – people automatically come to an idea to help to solve a problem.” This

presents its own problem though. “We collaborate by purpose, not magic – unless a platform’s purpose is clear, it probably won’t work,” says Millard.

That’s also where mapping behaviours may come in. For example, will people collaborate online unless it’s clear what’s in it for them, or they’re psychologically rewarded in some way? And does that depend on their personality?

“Our ‘isolationists’ look productive – they’re probably there at their desk, concentrating – but in terms of idea flow, they aren’t. Others may be talking to lots of people, but it’s always the same people.” Then you can create ‘echo chamber’ effects, she says, which is as bad for business as anything else – “no new ideas, no innovation and lower productivity.”

Echo-chamber thinking might also be exacerbated by the preferences of a growing number of generational groups – millennials increasingly moving onto harder-to-manage chat platforms, for example, while today’s bosses stick stubbornly to their email. “It’s one way that

diversity can fragment us, and we need to find ways to plug the two together,” says Millard.

Academics, meanwhile, are busily analysing where best collaboration already happens naturally in an organisation – on and offline – and using that to understand things like office design and developing the right leaders in the right areas.

“Although offices are social places for social creatures, introverts and extroverts will behave differently in open-plan environments,” says Millard. Never mind the emerging ‘coffice’ – those caffeine-fuelled co-working spaces, which may or may not be onsite, but certainly another factor for an agile-working strategy to account for in future.

In light of many such complexities, Millard says BT is now taking a “personalised” approach to equipping employees for optimum productivity. “Recognising people have diverse preferences, we can potentially create personas for them, and explore the specific tools each needs to persuade them to collaborate better.”

“Everyone around me at work is a technologist. I’m a psychologist. And there’s a huge rationale for that. Digital disruption won’t be achieved with technology alone – in fact, it’s fairly useless unless we adopt it.”



Dr Nicola Millard, head of customer insight and futures, global innovation team, BT

impact their own businesses.

“It’s all going to take a lot of careful planning for the more layered multiparty contracts with many triggers – and raises questions, such as how you know the trigger does what it’s expected to – so we want to hear a lot from our clients about this.”

Best automate?

Finally, one of the most striking findings from our

2018 **Briefing** Legal IT Landscapes research was the large “automation gap” in law firms today – that is, the difference between how automated they are currently, and how automated they could be with IT that’s already out there on the market. Alongside blockchain – and of course AI – another common phrase in our circles over the past year has been ‘robotic process automation’ (RPA).

David Wright, a consulting director, as well as

the leader of the robotics team for Deloitte's own global business services, explains: "With RPA you're effectively scripting a series of 'if/then' statements – you can be clear that rules are followed 100% of the time. It's different to AI, which is based on probabilities. You don't get the 100% certainty but set tolerance thresholds instead. One good way I've heard it described is that RPA takes the robot out of the human, whereas AI takes the intelligence and hands it to humans to assist us."

As an example, when Deloitte was working on bringing the benefit of RPA to its own shared services workload it began with a monthly reporting process. "The team would get requests from the business for particular reports, which peaked at month end, and they would run and reformat them each time – so very manual, very repetitive," he says. "At times of higher volume the team would also struggle to meet the SLA window, and in any case people want responses even faster than that." By implementing RPA, they managed both to clear a backlog of requests and "deliver faster turnaround with 100% accuracy" in future.

From there, RPA branched out into some other areas of ultra-repetitive support work. "However, it's worth noting it needn't cover a process in its entirety – it could be a question of automating steps two to five in a 10-step process, before returning it to the human workforce," Wright says. "But I'd say always start with the simplest, lowest-risk process possible."

Where does that leave the law itself then? Peter Saunders, who leads Deloitte's professional practices group, takes over. "RPA – and to some extent also AI – is probably best suited to tasks that involve very large quantities of similar data." An example would be analysing thousands of leases for the few that are non-standard, rather than reading them all, he says. "So, you'd expect to see it first and most in firms doing the higher-volume, lower-value work."

And the much-feared impact on the futures of trained legal humans? "In the medium term, I believe it will only make advice better informed and more objective," says Saunders. He too draws comparison with the world of medical opinion. A patient could still receive the same professional view from an individual doctor in person. It would just be one supported by the data of hundreds of thousands of previous cases as well.

"RPA takes the robot out of the human, whereas AI takes the intelligence and hands it to humans to assist us."

David Wright, robotics team leader, global business services, Deloitte



On the other hand, while some workload is cut, the likes of business change managers may well need to step up to ensure new robotic colleagues are used as intended. "You implement technology as management because you'll save, or make more, money – but that won't be the reason someone uses it," explains Saunders. "To get people on the ground to follow a new process, you need to make it tangibly easier for them than the previous one." The reality is those managers may well need to choose their battles, perhaps even considering workplace generational differences to new ways of working when integrating automation, he adds.

And that doesn't factor in any new "robot operators" you need to recruit – a very real prospect, says Wright. The automation script will need changing as any process does, of course, but there'll also be scheduling work – "almost like a robot's mini HR function."

While we often hear that machines grow neither tired, nor sick – nor, one assumes, have snow days when the trains are playing up during an unseasonal blizzard – it remains to be seen which new workplace management issues may arise in the office of the future. ▴

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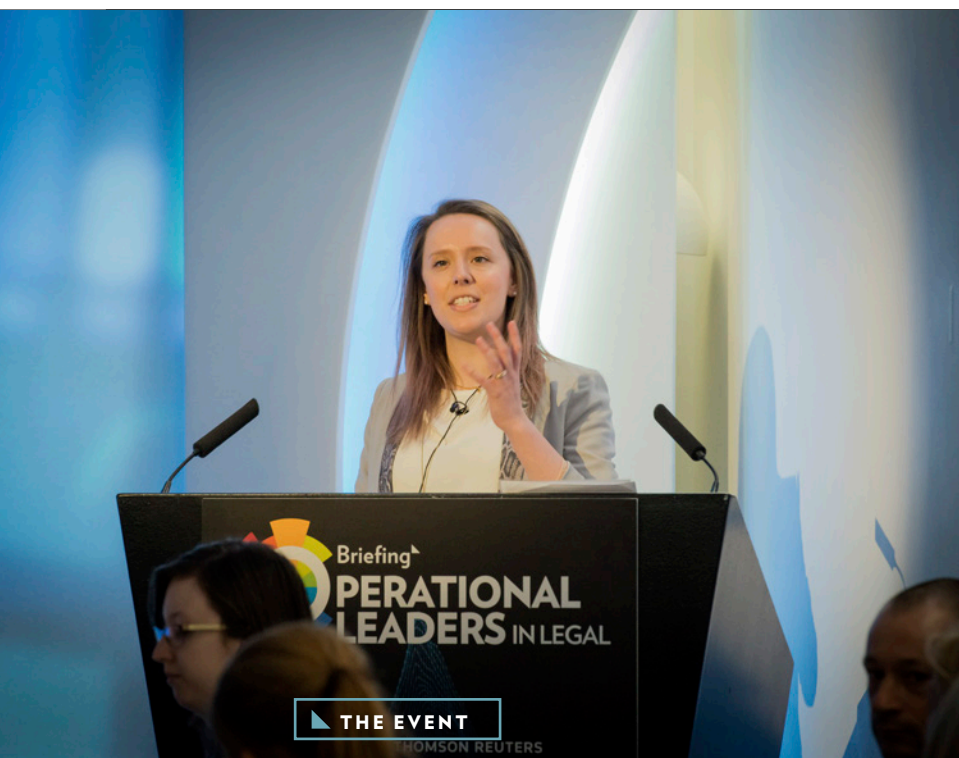
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Top of the ops

With more paths he could have taken than ever before, Briefing editor Richard Brent walks us through just one possible Operational Leaders in Legal 2018 journey

Briefing Operational Leaders in Legal returned in 2018 for an eighth year. However, we started not with a celebration, but a timely warning to urgently assess – and probably improve.

Our scene-setter, from the National Cyber Security Centre (NCSC), outlined the increasing threat to UK businesses from a diverse range of cyber attackers, and cautioned that a worrying number of law firms are yet to put basic measures in place to mitigate the threat. Furthermore, the legal sector's access to sensitive data and reliance on bespoke software, alongside the more general transition from paper-based to digital systems, leaves it particularly vulnerable – although we heard that the NCSC website has a wealth of advice and guidance to assist any firms that want to improve their cyber-resilience.

Of course, technology that finds its way into the right hands can change many things for firms for the better – not only in terms of monitoring the many evolving threats (although that mightn't be a bad place to start), but also to make them that much more efficient and competitive. For example, Felicity Burch, head of innovation and digital at the Confederation of British Industry, informed us that around half of productivity gains over time

were driven by investment in technology and/or innovation. The words artificial intelligence made a very early appearance today – but before you object, 80% of the CBI's members had told the organisation that AI would provide their industry with “unparalleled efficiency gains” – and a quarter think blockchain activity will prove disruptive in their fields within the next five years. And across your clients' industries, we heard, there are algorithms being finetuned for everything from analysing effectiveness of Twitter hashtags in marketing efforts, to filtering preferences into the design of more appealing beer ...

The data today

Our first in-house panel of the day – hosted by recent **Briefing** interviewee Dan Wright, partner for service innovation at Osborne Clarke – then certainly underlined the notion that firms who invest in understanding the richness of the data at their disposal have a huge opportunity to win and retain more client work.

Dominic Regan senior director, EMEA logistics, at Oracle, for example, recommended learning from other industries and segmenting customers before effectively mapping all the touchpoints –

CLOCKWISE FROM LEFT
Felicity Burch, head of innovation and digital, the Confederation of British Industry; Andrew Powell, director of IT, Macfarlanes; Bob Jones, head of UK operations, Linklaters (via video)



CLOCKWISE FROM LEFT Delegates reflect on the morning's top insights; Matthew Newman, assistant general counsel, Royal Mail; Richard Brent, Briefing's editor, reports

not just a job for technology, he stressed, but it can certainly help the effort.

Matthew Newman, assistant general counsel at Royal Mail, pointed out that firms could also offer their clients much deeper, data-mined risk analysis as a service. Ideally, of course, that would prevent identified risks from erupting in businesses rather than remedy them after the fact.

But then, another way that the right IT expertise could help law firms is on their way toward meeting the Big Four in the middle, as the latter invest more of their collective energy in legal services. Smart law firms may be investing (as some certainly are) in technology consulting capability. Justin Nuccio, chief operating officer at Advent International, offered up the imminent EU General Data Protection Regulation (GDPR) as a business problem crying out for a more integrated advice offering to clients.

And firms should remember that clients may also have some sophisticated number-crunching at their fingertips when making strategic decisions about pricing and what constitutes value. Newman at Royal Mail, and Catherine Johnson, group general counsel at London Stock Exchange Group, had both led recent cost-saving strategies – the former by growing his in-house legal team by 50%, the latter by digitising and outsourcing to flex up and down in line with demand. Interestingly, Johnson then expected another round of cost savings by bringing this more efficient working back in-house again, alongside a combination of nearshoring/offshoring and directing work of certain types to firms' lower-cost centres.

The theme of outsourcing continued, as we

heard how Linklaters had expanded its 18-year relationship with Mitie document management – from areas such as digitising print room and security, into document production, service desk assistance such as a 24/7 concierge facility and even legal proofreading. It was striking from the presentation, however, that having the right people was just as pivotal to the process improvement effort. Linklaters employees transferred over to Mitie (95% of those in the teams involved), which works as an effective extension, we heard – a strategic account director also supporting the law firm onsite.

Steven Rowan, chief financial officer at RPC, then rounded off the morning with the observation that the top skill to work on if you want to add value in the dynamics of the law firm of 2018 has to be consistent communication, even for a finance leader. From remuneration, to building clarity and consensus around budgets, the CFO simply has to 'walk the floor', he said. And remember: "Communication isn't just saying something once." We'll repeat that for those at the back – communication is not just saying something once.

Deal with diversity

OLIL 2018 had more stream sessions than you could shake a stick at. Delegates had the opportunity to pick up insights from everyone from a forensic psychiatrist to a lawyer-turned-tech startup COO – plus delve into some great detail around design thinking, follow a blueprint for strategic change management, or learn about the latest in performance analytics.



CLOCKWISE FROM LEFT Becca Johansson, head of operations, real estate, DLA Piper; Nick Lakhani, finance director at asb law, has a question; Steven Rowan, chief financial officer, RPC; James Gilding, MD, Mitie document management

Becca Johansson, head of operations, real estate, at DLA Piper, said there were “two simple questions” for COOs: how to attract the best people – and how those people, once got, are kept. Unfortunately, the answers aren’t quite as simple, but it’s pretty clear that a commitment to agile working, and focus on work outcomes over deskbound hours, ought to be up there.

As firms continued the process of publishing their gender pay gaps for all to see, it was also particularly good to see a presentation covering “fairer distribution of work” as a management priority and flagging up the flow of bias into decision-making – not least the so-called “benevolent bias” that can see assumptions made about the demands of people’s lives outside work. Here, certainly, is an admirable role for analytics – not only measuring the distribution of work across different categories as it (hopefully) evens out, but also the changes in utilisation and overall productivity.

Firms shouldn’t risk being left behind on their investment in diversity any more than on technology, it seems. In our afternoon panel, for example, we heard from James Ormrod, chief legal officer and company secretary at International Personal Finance, that “diversity is now a negative differentiator” for the client side – that is, it’s more notable when you haven’t got enough of it than when it looks ‘good’. And chair and general counsel for the Civil Aviation Authority, Kate Staples, added that meant “diversity of approach” as much as gender or race, for example. Studies in a range of contexts have found that a breadth of backgrounds and

What do GCs want from the law firm of OLIL 2018? Here are our chart toppers:

- Clarity about cost, including any range of options, and who exactly is being consulted within the firm (sounds like a job for project management to us!).
- Offer fewer caveats, and more specific recommendations alongside analysis.
- Invest in attempts to predict how the client business, and its regulatory landscape, may change in the long term. Help the business to get a few steps ahead.
- Be more opinionated – don’t be so afraid of getting something wrong. In fact, that’s essential if you’re going to share risk, which clients also want.
- Take a look under the bonnet of some boutique firms – why can’t a global law firm emulate their best points?
- The best conversations about money take into account the client’s strategic and financial plans, rather than proceed transaction by transaction.
- It’s the firm that doesn’t show the necessary commitment to diversity that now stands out.

perspectives in the room – whether that’s teams or management – ultimately make for stronger performance and resilience overall.

I can’t see many law firms arguing they wouldn’t want that. Fortunately, it also sounds rather like the **Briefing** conference ethos in a nutshell. ▀

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Brain training

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On best behaviour

Amanda Dow, director of HR at **Royds Withy King**, outlines one possible route to effective assessment of your employee engagement



▶ HANDS ON

On best behaviour

Amanda Dow, director of HR at Royds Withy King, explains the process of assessing firm-wide employee engagement through an independent workplace survey

Recruitment and retention are key challenges for many businesses. In this current war for talent, and in the business of selling knowledge, it's vital to be able to stand out as an employer of choice and to build internal advocates.

Our employees need to know where they stand, where they're going next and when they're likely to get there. And it's important to understand directly from employees how they feel about life at our firm, so we can ensure it continues to be a place where they want to grow and others want to join.

External impressions

For several years, we used our own internal surveys to assess engagement levels, and this proved vital for

being able to prioritise investments into our infrastructure. Five years ago we were ready to take this to the next stage. We decided to validate our findings independently and benchmark our engagement levels against other employers, within and outside of the legal sector, through an external workplace survey.

Best Companies is an independent research organisation that compiles the Best Companies to Work For lists published by the Sunday Times. They specialise in working with organisations like ours to recognise, measure and improve what fully engages people with their work. They also have strong rules regarding individuals' anonymity, so employees can be assured that their answers will be completely confidential. There are many engagement surveys out there, but the rich data Best Companies provides, and its approach to anonymity and reputation in the marketplace, made it the right choice for us. For five years now, our high engagement scores have meant we've been ranked as one of the Sunday Times 100 Best Companies to Work For.

Participation pointers

The process is designed not only to evidence why you merit being a best company, but also to give employees a voice on what you're doing well and where you can improve. If you decide you're ready to take part you'll need to complete an organisation questionnaire, providing key business statistics, as well as information on your processes and policies, examples of best practice and supporting

The process is designed not only to evidence why you merit being a best company, but also to give your employees a voice on what you are doing well and where you can improve

also be invited to take part in a survey on areas such as leadership, progression, wellbeing, reward and community impact.

It's important that your whole workforce, from board to partnership and other staff, understands why you are taking part, how it fits with your overall strategy, and the impact of sharing their views. We have members of our HR and communications teams who are dedicated to managing and promoting our involvement so we can get the full benefit. We pride ourselves on our high participation rates – 84% for the most recent 2018 survey. This year we were also able to donate to our chosen 2017–2019 charities for every completed survey and raised over £3,800. Best Companies has done this in the past, but this was our first year of doing so. We set the amount per completed survey ourselves, and Best Companies advised it was an unusually high donation, which also reinforced our corporate social responsibility commitment.

It takes around six weeks from completing the questionnaire and survey to getting your results. If your engagement scores are high enough to be in the top 100, you will find out where you have placed later at an awards ceremony.

Combination factors

Our 2016 merger between Withy King and city of London-based Royds, to form Royds Withy King, brought in an additional challenge as Royds was not familiar with engagement surveys. From the outside, it can be easy to get distracted by the 'Sunday Times Best Companies' shiny badge, rather than understanding the process of building sustainable engagement and the valuable information you get from your staff.

Post-merger, we invested a considerable amount of time in working with key stakeholders in our London office to help increase their understanding. We also carried out an internal survey as a 'temperature check', which was shared with management for local action. Rather than a 'tell and sell' approach, we found it more powerful to look at the data together, including the tangible outcomes of specific action taken based on the previous Best Companies survey – for example, a new leadership development programme, revised career framework and the introduction of a set of core and leadership 'behaviours'. This, together with an internal communications plan and HR support on the ground, resulted in 71% of our London staff completing the survey in their first year of participation.

Star performance?

Best Companies provides an overall engagement score which, depending on its level, is aligned to a one-, two- or three-star accreditation and ranking in the top 100 lists. But the value comes from the data provided, which is divided into a range of categories

to help highlight strengths and put a spotlight on where people tell you that you need to develop. These include leadership and management, personal development, teamwork, wellbeing, pay and reward, CSR, and the company. This can all be broken down to give more granular results across different groups in the business, and data is also available for managers, giving them a score in four areas related to how they manage and develop their teams.

We incorporate all this data into our balanced performance scorecard (covering measures for people and culture, business growth, client service, and financial and operational elements) and overall firm, department and talent management strategies, to act on the feedback we have been given. It's important to make sure any changes are long-term rather than gimmicky.

We share top-level results across the whole firm, and spend a significant amount of time breaking the data down and discussing it with managers so they can own the communications and action plans at a local level with their teams.

In 2017, we were one of just six UK law firms to be awarded the three-star 'extraordinary' rating. There is no one-size-fits-all approach to achieving this, however – it will depend on the culture and capabilities within your business.

My advice would be to pick two or three areas to create sustainable improvement. For us, it has been about building leadership capability, creating more opportunities for personal growth and further strengthening our CSR offering.

We have seen particular success in several areas, including developing and embedding leadership behaviours. These feed into our career-development framework, career conversations, learning and development plans, performance reviews, promotions and recruitment. Strong leadership requires certainty over direction of the firm, so everyone can feel confident in their contribution. We have therefore invested in a dynamic digital platform (Objective Manager), which provides greater transparency surrounding the firm's strategy and plans and individuals' objectives. This empowers managers, as well as enabling individuals to get involved in work towards a common goal.

We've also had positive results with our self-development toolkits, coaching programmes, in-house bitesize learning classes, and an online portal that provides a structured approach to reviews and feedback. This has supported increasing levels of internal promotions, aligned to our ethos of growing our own talent. Attention to supporting our people has also led to a point where 62% of employees now have flexible-working arrangements to give them more control over their work-life balance.

Through the feedback we've also been able to restructure our CSR activities for charities, staff and the environment. We now have a senior CSR leadership group, and local CSR sub-groups, managing their own budgets, implementing activity aligned to the business strategy, and focusing on building staff engagement levels.

MERGE AND SURGE?

A positive merger integration experience was, of course, also important for maintaining the employee engagement reflected in this year's results.

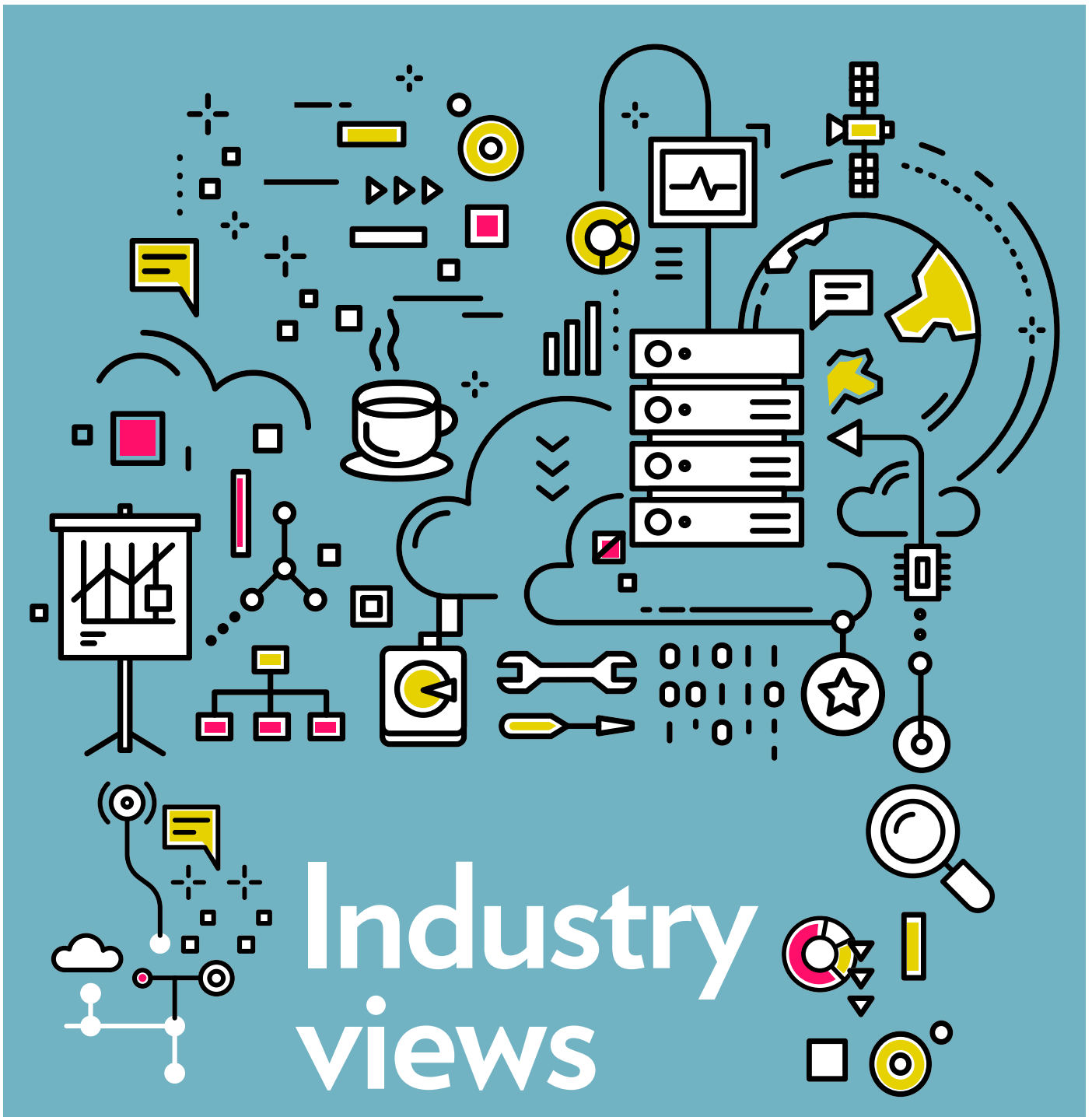
Amanda Dow says:

- We held some social activities to get both pre-merged firms together on team-building days. Trips were also arranged to offices to support the integration
- The Royds London partners were invited to attend the annual partner conference before merger day, which was really beneficial, and also involved a team-building element
- We also had a dedicated merger group, champions from both firms working on firm-wide initiatives and dedicated weekly merger communications to keep our staff up-to-date.

What next?

Anyone who has been through a merger will know full integration takes time. We're really pleased with progress, and will continue to support internal collaboration – new teams coming together and people working in new ways, enhanced by improved technology.

With the 2018 rankings recently announced, we are proud to appear for the fifth year running. Retaining a position in the top 100 becomes more challenging; as we grow, so do the complexities of our business. Regardless of the ranking, building a strong, sustainable practice depends on us having high-quality talent who can fulfil their potential. We therefore remain convinced that measuring, and focusing on, ways to sustain high levels of employee engagement are key to our growth plans and we will continue to invest in giving our people a voice. ▲



Industry views

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INDUSTRY CASE STUDY

One for all

Moving to Microsoft-powered, cloud-native enterprise resource planning system LexisOne was a big change for Fieldfisher. It brought new ways of working for the finance and development teams, as well as the lawyers, says finance director Mike Giles

When the time came for Fieldfisher to reappraise the value of its practice management system, it faced a true choice – go with the status quo, or become one of the very first to try something really innovative. Incumbent provider Thomson Reuters Elite is phasing out Elite Enterprise for its 3E solution, and as that change would have been a complete new installation rather than an upgrade, says finance director Mike Giles, it was an ideal opportunity to review the market. Alongside the usual suspects, there was an alternative road they could try – new LexisNexis enterprise resource planning system LexisOne.

“As we were exploring our options, the system was still very much in development. One message we heard was that it was more conceptual than complete,” says Giles. But rather than being daunted, Giles was attracted by the opportunity this presented to differentiate the firm’s approach to data. “One thing that has always frustrated me is when the first change-related question asked is ‘what would another law firm do?’ I prefer to focus on trying to find the best thing to do.

“The idea that ‘law is different’ has allowed some vendors to dominate the market for a long time. Challenging that idea also allows you to challenge customs and practices that have evolved over the years, sometimes as a result of the limitations of the systems firms are using.”

Indeed, a big LexisOne selling point was that the change presented an opportunity for the firm to look afresh at where and how it could improve its own preferred processes and practices, such as in pricing and invoicing. “There was now a strong opportunity to improve aspects of billing management as we move further away from

time-based working. That had previously been a struggle,” says Giles.

Heads together

As it is an ERP system, of course one of the most obvious potential gains was the opportunity to enter a more closely integrated world view, taking in much more of the business data stored across the firm’s various functions.

“As law firms are so often described as ‘people businesses’, it’s quite surprising HR data has traditionally been separate,” says Giles. “You can even find that HR and finance will come up with completely different figures for a firm’s total headcount.” Taking on LexisOne was a chance to tackle that situation as well. Add into the mix that this is a firm that had been on a course of steady and continuous international expansion – including through several mergers – and the appeal of a harmonisation effort ought to be even clearer.

And then there’s the fact that it would involve moving business to the cloud – powered by Microsoft Dynamics in Azure, and offering the collaborative working and business insight possibilities of Office 365. It was this, says Giles, which finally sealed the deal. “At the outset, the plan was only to be an early adopter of the on-premise version of LexisOne. But once we understood the Dynamics 365 proposition, it became evident that the potential benefits outweighed the risk.”

Overall, however, the argument centred on what the firm could achieve with its better-managed big data, rather than on some significant cost savings (an estimated £1.76m over five years).

“Reduced cost of ownership was a factor, but it wasn’t the main consideration – we needed

“Reduced cost of ownership was a factor, but wasn’t the main consideration – we needed something that would do things better rather than just cheaper.”



something that would do things better, rather than just cheaper,” Giles explains. “The opportunity to ask both fee earners and business services employees what they wanted in a system brought out insights about how people currently worked, and how they might be able to work more efficiently and effectively in future.”

New designs

In the event, the firm audited the effectiveness of around 100 processes across 21 functional areas, from opening and rescoping matters to assessing business risks and partner performance – plus, of course, looking at ledgers and digging into debtors.

“But what we deliberately didn’t do was begin with a full list of existing specifications – that way we would just have created the same old thing again,” Giles laughs. For example, the firm’s lawyers helped to refine the time-recording system through several iterations, complete with pop-up mobile app. “The technology was new, we wanted

new processes – so we also needed to adopt some new ways of working,” he says.

“For example, guided by LexisNexis, we avoided the traditional waterfall implementation process to embrace more agile principles in an iterative deployment model. LexisNexis opened the door to its processes and approach, and we embedded ourselves fully as partners – rather than the usual vendor-supplier transactional relationship.” Daily calls, weekly trips and open dialogue were par for the course, he says.

This was also critical to hitting the project’s ambitious 12-month deadline, he adds. “Active involvement in the development process helps you to appreciate how challenging one particular request might be to meet. It led us to be more pragmatic about what we wanted and to prioritise what was most important.” A by-product, moreover, was a more open and honest chain of conversation in getting to that point. “There’s less documentation, and more trust.”

“The technology was new, we wanted new processes – so we also needed to adopt some new ways of working.”



There were also some 25 system integrations to manage, such as with CRM InterAction, iManage, and, of course, the migration from data centres to the cloud – but these proved surprisingly straightforward. Perhaps one spot of breathing space was gained by splitting the switch into two phases. In a first wave, only the UK, US and the Netherlands employees were transitioned – the other European offices in the network will follow throughout 2018.

Flexible muscle

The switch was strictly speaking a ‘big bang’ – covering absolutely everything needed by HR, as well as time recording, disbursements, invoicing and cash collection. However, the firm didn’t need to include every piece of possible functionality from the off – the cloud deployment means some enhancements could easily be added later.

“It’s infrastructure-light, and the reality is you can’t know for sure how some things will play out until you try them in practice,” says Giles. “Some things work as expected, and some don’t, but new ideas come up as well – and with the regular release cycle it’s convenient to add new features and functions over time.” In fact, Fieldfisher has

already made 15 upgrades since LexisOne went live. “We’ve managed to move to a model of more rapid development and release, where another benefit is that business users can experience the improvement immediately.”

In at least one respect, the project also brought the firm together physically. “A core full-time deployment team of six came from a real mix of disciplines. There were accountants, of course, but also specialists from HR, data migration and reporting.

“We just ramped up with extra IT, or external, people when needed – such as for testing and training. Even partners spent quite a lot of their time testing too!” It may have helped partnership buy-in to the cause that managing partner Michael Chissick previously headed the firm’s technology group, he adds.

The first phase of the move came in on time and under budget, the data-migration effort took under 72 hours, and 800 people internationally were trained simultaneously.

Learning as you go

Of course, a change-management effort doesn’t end there. The board and partners may have been

fully behind the idea, but the ultimate measure of success is the right level of understanding and adoption on the ground.

One advantage of an entirely new system was the chance to stop people doing certain things outright – the opportunity to say, “we just can’t do it that way anymore,” Giles explains. “There aren’t as many ways to tailor a bill now, for example, and that’s by design – we don’t want people changing things as much as they would in the past for the sake of consistency and productivity.

“However, we also spent a lot of time and effort initially winning over the PA community, as greater happiness there tends to make lawyers’ lives easier.”

Another buy-in journey was waking people up to how some new ‘self-serve’ options, such as running key reports at any time, could make working days more productive. “We’ve essentially given people a much bigger toolbox to play with – and that can take them out of their comfort zones. Initial training is quickly forgotten, so you need to keep returning and reinforcing the message and benefits.

“I liken the learning journey to shopping at Ikea. On your first trip, you have to go all the way around the whole store to get out. There’s no other way. But once you’ve been a few times you can learn the shortcuts and skip entire departments.

“As you grow more comfortable with the ways of LexisOne, there’s a lot you can achieve a lot quicker. The finance team especially has become smart at doing that already.”

Meanwhile, the system can also be configured to give process alerts and pointers onscreen as people work their way through tasks, with different levels of detail guiding you to completion.

Room for improvement

Results in terms of productivity and efficiency really depend on successfully driving the way users behave with the system, Giles explains.

“LexisOne is a more disciplined system than some – we now require people to get the data right in the first place to make the most of it. However, one immediate effect has been users proactively asking for more metrics, more frequently. They’re starting to show more appreciation for the benefits of data, and I think we can already see some impact of that on the quality of decision making.”

Complicating cost-benefit calculations at this stage is Fieldfisher’s recent growth spurt. “The

“We’ve essentially given people a much bigger toolbox to play with – and that can take them out of their comfort zone. Initial training is quickly forgotten, so you need to keep returning and reinforcing the message.”

truth is that if we were a more static business it would probably be easier to measure results, but as the business keeps growing, keeping track of the level of improvements is more of a challenge. The fact that we haven’t lost anything in the change process, and growth has been maintained while investing further in business support, is quite encouraging in itself.

“I certainly believe we’ll see significant incremental improvement in lockup over the next six months – and should also see improvement in utilisation. In recent years there hasn’t been much change in utilisation. We ought to be capturing more time, and calculating it faster against the available data.”

And in the longer term, benefits should include using the firm’s more connected datasets to better predict, and prepare for, the future. “We already see lots of data showing what has happened, but not as much about why things happen.” For example, Giles would like to know more about bill-payment patterns.

“Some clients regularly pay within 60 or 30 days on the day, while some are completely irregular. The client conversation should probably be somewhat different in each case. But the first step is understanding what’s behind the randomness or particular behaviour. This is where we expect the AI in the Dynamics platform will bring future value.

“I’m also especially looking forward to digging into HR data analysis that has effectively been hidden, such as how it connects to longer-term strategy and success. Are we better at recruiting and developing people from specific law schools, and why? Are we optimising work allocation in line with skillsets and tackling diversity at different levels in the firm?”

Now one big investment decision has been made, it’s decisions about matters like these that will determine how well the firm uses its new data powers in future. ▲

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Plan to change



Game-changing technology needs careful and disciplined planning for law firms to extract its maximum future power, says Charlotte Mitchell, relationship director for the professional services team at Barclays

Technology is finally approaching a tipping point for enhancing law firm efficiency and productivity – and, of course, some argue it’s the development of highly scalable artificial intelligence that will prove a decisive moment.

Charlotte Mitchell, relationship director, professional services, at Barclays, says: “Much of the focus around technology has been on AI and automation, which should equate to firms being more efficient, albeit with a time lag. This is one of the biggest change opportunities in the industry.

“Even if the process has previously been offshored, it could now be more cost-effective and cheaper to bring it back in-house as an automated process – perhaps simultaneously reducing any jurisdictional data risk. More specifically, capturing data from diverse sources could be an area of focus as it can be less time-consuming for lawyers and business services teams with the help of a ‘robot’.”

Adding the smart-contract implications of

transacting on a verifiable blockchain – and using historic litigation outcome data to advise clients armed with greater insight – means the near future looks to be very interesting indeed.

Investment strategy

However, as with any big investment, technology is a journey that must be managed strategically.

“For example, it’s no good creating a more efficient workforce if there isn’t the additional work,” says Mitchell. Firms need to consider how people will use the time savings, and the practicalities of that change. The shape of the workforce itself could also need to change. “Firms may already be seeing improvements in efficiency and accuracy, but it’ll be interesting to see technology’s impact on utilisation over time, and then future impact on the numbers of employees needed at different levels,” says Mitchell.

Firms also need to know their cost savings may take some time to materialise. “In the short term,

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there may be a cost increase, as managers – concerned about accuracy, and perhaps potential liability – need to check work produced by automation.” This “embedding journey” needs to be factored in from the start, she says.

Meanwhile, some will be understandably “nervous” of investing at all. Are they making their move at the right point on the technology curve?

But there are options, says Mitchell. “Younger companies, such as startups, can often offer more agile solutions to really give the customer a competitive edge, which may also be more cost effective – whereas those with larger budgets could invest in the tech business itself and help to grow bespoke technology.” Like some leading law firms, Barclays has its own innovation and accelerator programme, Rise – and indeed, firms could perhaps benefit from its longer experience in the game (10 years in London and counting).

“Barclays has invested time and resources in an innovation group, which is responsible for identifying internal problems that need solving, then exploring potential solutions in the market, either for procurement or investment. We’ve then been able to help our clients by demonstrating the routes chosen and highlighting lessons learned.”

A separate innovation initiative – Barclays Eagle Labs – is a UK-wide network of co-working, incubator, office and ‘maker’ spaces for early-stage, high-growth companies. With a focus on empowering ambitious businesses with tools to grow through innovation, residents and local businesses can access support such as training and industry-specific mentoring, as well as introductions to partners through the bank’s network. Each lab also supports the businesses transforming the prevailing industry in the area by bringing together academics, industry experts, investors and business groups to accelerate the transformation. Clean technology, AI, internet of things, creative industries and legaltech are just some of the industries currently being supported.

Future plans

But another way Barclays can potentially ease the investment decision for law firms is, of course, by helping to finance it. What should firms know here? Mitchell says: “A good business plan should focus on the cost-benefit analysis – identify the problem, highlight the income or efficiency it will

drive, analyse the cost and consider the payback period. It also helps to see consideration of several options, alongside the risks and contingency plans.

“One mistake is failing to fully commit to the project, whether through under-budgeting or lack of planning.” But she says that another common challenge is to ensure something that sounds good at board level is also “workable in practice.”

“Some technology deployed at Barclays in the past wasn’t necessarily right for the salesforce speaking to the end customer. There was a disconnect, where now there’s an ethos of technology partnering the business to ensure solutions are really fit for purpose.”

Briefing Legal IT Landscapes 2018 also found that only half of legal operational leaders report their firm has a separate budget for R&D – something Mitchell describes as “always important”, but especially so in this sector.

“Setting a specified sum aside makes clear the commitment, and you need clarity for effective planning. Technology can also need considerable budget over a long period, and so it’s important to ensure those budgets aren’t clipped or eroded, to reduce risk of a project not being fully realised.”

Automation inspiration

Finally, remember that efficiency isn’t automation’s only goal – law firms are in the business of customer service. They could do a lot worse than look at some of their clients’ sectors that have invested to transform their offering.

Mitchell says: “Technology enables faster service, access to better data, and more frequent updates, and people are increasingly happy to interact online. Delivering information in the form customers want it will increase engagement and satisfaction scores as well as cost savings.

“Advertising, for example, embraces the use of digital channels to engage with different demographics in different ways – applying AI to the collected data to create more targeted offerings. Retailers have also had to adapt to changing preferences, investing heavily in technology to improve market insight.”

One last lesson from these businesses then, as well as from Barclays: “It’s all well and good investing in technology to make more money, but it’s also a defensive strategy – protect market share and prevent the business from being left behind.”



INDUSTRY ANALYSIS

KYC the benefits

Wayne Johnson, co-founder and CEO of Encompass, says new levels of automation mean firms have much less to worry about when onboarding the most profitable business

There is an interesting debate surfacing in light of the EU's 4th anti-money laundering (AML) directive around how involved senior partners of law firms should be in carrying out Know Your Customer (KYC) checks.

Increased focus on AML/counter-terrorist financing (CTF) regulation has escalated the importance of such checks within law firms, but at what cost? The role of a fee earner is to generate revenue through winning clients and servicing their needs. Is it an effective use of their time to be onboarding clients in what can be a time-consuming and cumbersome task?

The flip side is that leaving it to juniors or secretaries can result in them requesting more information from the client, delaying the process, or in the worst case losing the client altogether. This also gives an opportunity for errors, opening

the firm up to potential fines from regulators.

Who's responsible?

Speaking to law firm managers, we know there is concern around evaluating a new client's risk and deciding who's best qualified to make the ultimate decision.

The argument for partners to be onboarding customers is relatively simple. Having brought them on through their business development activities, they should know the client well and will have established an existing relationship. It is therefore straightforward for them to request the relevant documents, and ensure everything is in order before moving on to the next stage.

However, there are also solid reasons for partners not participating in the KYC process. As mentioned at the outset, the primary reason they do not is that their time is valuable. Time spent

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looking at customer information in databases or spreadsheets is time that could be better spent bringing in new business.

Then there is an argument about who is best placed to undertake the KYC checks to ensure compliance with demanding and strict legislation. As the process of onboarding customers through KYC checks has traditionally been about checking, and re-checking, information traditionally held either in databases or spreadsheets, and because it is not the principal role of a partner, there is the opportunity for manual error if partners are unfamiliar with the necessary checks. On the other hand, more junior staff members may not yet have accrued the expertise to evaluate risk correctly, which could expose a firm to a potential breach of compliance. Their time though, is arguably not as valuable as a partner's. So, there is a strong economic case for having less senior colleagues undertake onboarding.

In the balance

Today, many firms have found a compromise that recognises the value of the time of senior members of staff. Checks will often be carried out by a combination of junior staff members and centralised compliance teams, with high-risk clients escalated to the Money Laundering Reporting Officer (MLRO) all firms must appoint.

But whichever method your firm decides to use – a partner in isolation, junior colleagues in isolation, or this hybrid approach – it's imperative it is done correctly. The Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017 (MLR 2017), which came into force in June 2017, are the strictest yet seen, with regulators having the ability to fine or sanction law firms in a similar vein to those that can hold the big banks to account.

To stay compliant with MLR 2017, it's essential all firms have in place a flexible, formulated and verifiable KYC policy check, that takes into consideration those that will require enhanced due diligence, such as politically exposed persons (PEPs). Critically, firms also mustn't discriminate against those that cannot be onboarded by 'simplified due diligence' alone (where a situation

Applying automation to the KYC process provides assurance that your internal policy is fully adhered to, irrespective of who conducts the search

is determined to be a lower risk), thus bringing to the fore the efficacy of the policy.

Software does it

For firms looking to simplify and save time and effort in their customer onboarding, there are solutions. Using technology, either senior partners or junior colleagues can onboard clients with ease. By utilising Software as a Service (SaaS) tools, which can run policies without human interaction, it matters less who is running them.

The bottom line is technology provides firms with opportunity and choices. For example, there is the opportunity to involve senior lawyers in the KYC process, thus leveraging their unique expertise with minimal impact on productivity.

Alternatively, compliance can be completely centralised without impacting vital communication of client details between compliance professionals and fee earners. Finally, it allows complete oversight of due diligence tasks being carried out by junior staff members. Applying automation to the KYC process provides assurance that your internal policy is fully adhered to, irrespective of who conducts the search.

Firms vary by size and specialism across the country. Some prefer partners to conduct the KYC checks, and others delegate to junior colleagues or central teams to undertake it. What can clearly be seen, however, is that those who utilise the power of automation technology save time and money, and lower the risk of not complying with money laundering regulations to virtually zero.

The consequences of non-compliance with the new regulations are too great to leave in the hands of any one individual, or even team. It is far more efficient to have technology undertake the process on your behalf, as it cannot fail to get every facet of the process correct. ▀



INDUSTRY INTERVIEW

Integrate ideas

Colin Fowle, managing director of Blue Car Technologies, says there is more than one way to manage business transformation

The challenges to implement new technology at a law firm are many, but the ultimate risk is surely that of failing to see a return on your carefully considered investment. Not only have you lost money, but stakeholders may also be deterred from prioritising similarly important innovation in future. Productivity or efficiency gains, of course, depend on driving maximum – and efficient – adoption by the users your new tool is designed to support. However, the strategising needs to start much earlier in the story than that. Colin Fowle, managing director of Blue Car Technologies, says one of the first tests for a project decision maker is whether to buy something that appears to work, or invest in the skills and time it takes to build it for themselves.

“There will be a line in the ground somewhere, where it’s no longer efficient for an organisation to use a pre-packaged product because of the sheer number of potential customisations required to

modify it for their many business processes. Firms can pay an awful lot of money for a licence, and then find they need to pay an awful lot more money because it doesn’t work for them as it stands.”

“So, do you accept a solution may not do absolutely everything you need, or do you invest in an approach that offers more flexibility?” On the other hand, he says, building a solution from scratch can introduce unforeseen problems. “All firms need to do the various sums and make that call for themselves.

“An organisation may tender, and hear back from solutions saying they can match 80%, 60%, or even just 50% of requirements. Some will say they can do it all, and some will offer to build something bespoke. There are certainly plenty of options, but each obviously has a different cost.”

Prime to change

You might think that at a time when law firms seem to be realising they need significant

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transformation – both to recruit top talent and retain satisfied clients – the more flexible option would be more likely to come out on top. But the decision will depend, at least in part, on the complexity of the business processes.

For example, the Blue Car Technologies team has worked for organisations such as The Council of Europe, where everything is extremely bespoke: built and tuned internally to integrate with all their other systems.

“A law firm will typically be using a traditional line-of-business application such as a practice or document management system, as they’re just so large,” explains Fowle. “But in our experience, there is always something that still needs to be changed to make systems A and B work together more effectively and streamline business processes into something more productive.” That will usually involve using the APIs of those established vendors’ products, he says.

Big common projects for Blue Car right now include integrating both e-signature and digital-dictation processes with the firm’s document management system. In August 2016, for example, bringing its integration with DocuSign, the business became an iManage technology partner. In February 2018, this connector also became available for OpenText eDocs, with other DMS vendors to follow.

Developing problems?

But another factor that may feed into choices about technology deployment is the firm’s business-services talent strategy. It’s especially complicated in IT, says Fowle, by the way software developers tend to prefer to work.

“Developers are determined to be in the right team and environment for them – they always want to be working on the very latest technology, and when it gets too old they can quickly lose interest,” he says.

It’s a recruitment challenge for firms – because, of course, their primary business simply isn’t

software development, he says.

“These people want to be able to benefit from peer reviews, and work with other people who really understand the programming paradigms of the day – all the good things about a software house – and that’s difficult in a small IT function, where you’re primarily doing point solutions because a partner has requested them.”

Left to get on with it, you could perhaps even envisage a really bad case of developer disillusionment becoming a security risk.

Blue Car was recently working alongside developers for one firm, and when that team decided to move on they weren’t replaced. As Fowle’s business had also been involved, he took on the work instead.

“We can do that, and integrate ourselves well with systems and desktop teams. Or we can develop offsite, and then deploy and collaborate with the internal business analysts on identifying changes and adding functionality.” Shared ticketing and code management systems provide open access to all involved in both capturing requirements and implementing updates, he says.

Perhaps, as some firms adopt new innovation setups – both physical hubs and more collaborative resourcing models – to develop technology alongside their clients, the pressure of tech talent on firms might ease?

“It is encouraging, and we’ll watch it with interest,” says Fowle. “It could make for a group of similarly technology-minded people, who truly put together a new solution.

“However, on the other hand, the reality might be a few key individuals who are good at horizon scanning, before entering an outsourcing arrangement to do the development and bring something back to the market.”

From cash to working culture, what’s certainly clear is firms need to decide exactly what and who they’re prepared to part with in order to make the decision to invest in technology a truly transformational success story. ▀

LAST WORD

Diversity is delivering

Naomi Moss, director of operations at Trowers & Hamlins, says International Women's Day 2018 was poignant, but she sees real diversity progress at work



There is a global movement that's challenging views on what is deemed to be acceptable behaviour by employers and employees in the workplace. This has resulted in an increased focus on diversity in the workplace. This year alone, we marked the 100th year since women were given the right to vote – and for the first time in history, all UK employers with at least 250 employees are reporting their gender pay gaps under new government legislation.

These events made International Women's Day 2018 particularly poignant – the day when we celebrate the social, economic, cultural and political achievements of women, not just in a professional sense. At Trowers, we marked the occasion with an event hosted by our diversity and inclusion network 'Trowers Includes', where I gave a talk – alongside our senior partner, Jennie Gubbins – about what it takes to be a successful woman in business.

Traditionally known as a predominately male environment, the legal sector has become much more accessible during my career, and more diverse in recent years. There are more women in business leadership positions compared to 20 or 30 years ago, and I can confidently say, as director of operations and a board member, that I have never been deterred from climbing the career ladder in terms of the opportunities presented to me.

Diversity at Trowers is about more than figures and targets. We are against unconscious bias, and as a firm we don't have targets for recruitment that consider gender, ethnicity, personal experiences,

Ultimately, success in business is about self-confidence – working for an employer that invests in you and finding out what motivates you, regardless of gender



societal stereotypes or cultural context. Our approach is about providing equal opportunities for all and to nurture real talent based on skill and ability.

Employers have a responsibility to allow flexible working practices for example, so that employees find a balance between family and work, or so that those who choose a less traditional route to employment still receive the same opportunities as those that may have gone to university.

Ultimately, success in business is about self-confidence – working for an employer that invests in you and finding out what motivates you, regardless of gender. The industry is changing for the better, but there is still work to be done, and the current spotlight on diversity can only help to speed up the process. ▴

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