



ALL UPLOAD, NO LIMITS

TECHNOLOGY

Innovation In Legal Services: A Pipe Dream Or A Necessity?

Reviewing the new book "Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in the Law."

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These days there's a lot of talk about innovation in the legal profession. Debates abound on whether the legal industry is immune from the disruptive influences of technology. Legal futurists and their ilk assert that the answer is a resounding "no;" the practice of law is already undergoing a dramatic transformation. Meanwhile, many lawyers steadfastly disagree, all the while digging in their heels and practicing law as they've always done, insisting that analytical thought and legal guidance simply can't be replaced by machines.

“[Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in the Law](#),” a complimentary copy of which I received for review purposes.

In this book, she explains why the legal industry is in the middle of an unavoidable transformation, and why lawyers are so resistant to accepting this indisputable fact. Then she suggests that lawyers must learn to innovate in order to succeed in the new world order, and provides a framework for legal institutions to use in order to create a culture of creativity, collaboration, and innovation.

I found the first section of the book to be particularly interesting. In it, she discusses the reasons that lawyers need to adopt an innovative mindset by delving into the societal and market forces that are resulting in what she calls “legal upheaval.” She makes a compelling case that:

- Three key forces — technology, shifts in socioeconomics and demographics, and globality/glocality — are resulting in upheaval in the legal market;
- An innovation explosion is already occurring that affects the way that the law is delivered, packaged, sourced, and defined;
- Legal clients’ needs, worries, and demands have changed;
- Lawyers are getting in their own way due to their temperament and training;
- Legal clients are demanding greater value, and innovating is one of the only ways to deliver it.

Her analysis of the personality traits of lawyers that stand in the way of an innovative mindset was particularly illuminating. She explained that the following characteristics often displayed by lawyers presented roadblocks to innovative thinking:

- Skepticism — lawyers are nearly twice as skeptical as the general public;
- Less trusting — lawyers are less trusting overall;
- Resilience — 90 percent of lawyers scored in the bottom 50 percent when it comes to character resilience;
- Introversiveness — more than 60 percent of lawyers are introverts;



She concludes that “The lawyer’s temperament, therefore, is the opposite of what is required to... innovate — to creatively, collaboratively problem find and solve.”

After reaching that determination, she then moves on to provide a framework within which lawyers can “unlearn” their restrictive mindset and create a “culture of creativity, collaboration, and innovation.” Prior to diving in, she states that “the mindset, skill set, and behaviors that are needed to innovate must be continuously honed. So this is the hardest part.”

I agree wholeheartedly with that assertion. Because, as I read through this section, which makes up the bulk of the book, I have to admit, I had difficulty buying into it. But then again, I’m a lawyer, so perhaps that’s to be expected.

In it, she covered “The Rules of Engagement,” which are designed to help lawyers unlearn their mindsets and involve having an “open mind,” an “open heart,” and an “open door.” In this section, she suggests ways to use specific strategies to revise one’s mindset to focus on the positive. Many of these techniques are generally applicable to both the personal and professional spheres of life.

At one point, she notes that she often encounters “skeptical lawyers questioning why in the world they should be reading these silly rules of engagement let alone follow them.” And I have to admit, that very thought ran through my head a few times as I read this section, but overall I found much of it to be useful.

But truth be told, she lost me a bit in the next section of the book, which focuses on the “Seven Essential Experiences for Creativity, Collaboration, and Innovation.” As I read through this section, I had a really hard time envisioning my own participation in many of the activities, and am quite confident that other lawyers would likewise have reservations.

For example, she describes one event that she refers to as “the KickOff,” which is an event focused on nurturing individuals and their team members. It’s an event that is put on by an employer and involves the following:



exercise (e.g., LEGOs, crayons, and spaghetti). And we play. We play with markers and crayons because it inspires us. We play music because it moves us. We play improvisation games because they change us. And we laugh hard.”

In all honesty, this entire scenario sounds horribly uncomfortable to me. I can't imagine interacting in this way with my professional colleagues, and I'm not sure I'd even enjoy this type of activity on my own time with family or friends. And I can't imagine that most of my lawyer colleagues would feel any different.

That being said, I suppose my reaction is entirely predictable given my training and temperament. I'm a lawyer at heart, after all.

Of course, if my employer were to require my attendance at an event like this, I would go, albeit reluctantly. And who knows what the outcome would be? Perhaps I'd ultimately leave the experience a changed woman with a more open-minded, collaborative outlook.

At the end of the day, who am I — an admittedly cynical and distrusting person — to judge? I am what I am because of my training and background, and my reactions to “seven essential experiences” outlined in this section of the book are entirely predictable and to be expected. This is especially so since I haven't undergone any of these experiences; I've simply read about them from afar.

According to the research conducted by DeStefano (and others referred to in the book), these techniques can be quite effective. And despite my personal reservations, her arguments are convincing. So if you're a legal employer seeking to inject an innovative mindset into your firm or company's culture, then don't overlook this book. It might be just what the doctor ordered.



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