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How the 'Innovation Tournament in Law' Is Changing the Industry

"Driven by a combination of technology, socioeconomics and globalization, we are witnessing innovation on almost every legal dimension, including how legal services are priced, packaged, sourced and delivered," Michele DeStefano says.

By ALM Staff | January 31, 2020 at 01:25 PM



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Michele DeStefano is founder and executive director of Law Without Walls, a multidisciplinary, international executive education community of more than 2,000 lawyers, business professionals, entrepreneurs, and law and business students. In advance of speaking on this topic at our [Legal Business Strategy](#)

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The American Lawyer: As a law professor who also focuses on innovation in the legal industry, what are you hearing from your students about what they want out of a legal education and future law career? How has that evolved over the last 10 or so years?

Michele DeStefano: Since the inception of Law Without Walls in 2011, I have taught more than 1,000 millennials (generally defined as people born between 1980 and 2000). Although it is impossible to generalize about any one generation, I would say that millennials' strength lies in the fact that they will not sacrifice their individuality and differences to get ahead. Further, research shows that the millennial generation really gets the importance of cognitive diversity and inclusion. Moreover, contrary to popular belief, I have witnessed that millennials don't care about work-life balance. Instead, what they want is something altogether different: They want work-life integration. I know from experience that millennials are willing to work—work hard and long—when they care about the work they are doing. They are willing to put in extra hours (at really odd hours) if it is a project that not only utilizes but also rewards their passions and creative talents. It doesn't matter what the job is. What matters is that they can bring all of themselves to work, and the whole package is lauded.

TAL: In your work with Law Without Walls, where are you seeing the biggest strides made in innovation?

MD: One of my main conclusions is that we are experiencing an innovation tournament in law and almost everyone is playing in it. What do I mean by that? As I explain in more detail in my book, "Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law," driven by a combination of technology, socioeconomics and globalization, we are witnessing innovation on almost every legal dimension, including how legal services are priced, packaged, sourced and delivered. Importantly, this innovation is not only coming from legal tech startups and alternative legal service providers (now called law companies). Law firms, the Big Four and corporate legal departments are creating some innovations of their own, including new services, products, tools and, importantly, new processes. For example, big firms have purchased LPOs, created new tools to provide self-service to clients, and developed innovation incubators. Even those that aren't creating the innovations are playing in the innovation tournament by utilizing the innovations (or exapting them) to become more efficient and effective and deliver better service. These are huge strides compared to when I first started studying innovation in the legal marketplace in 2009.

TAL: You have written extensively about innovation, including "Legal Upheaval" and "New Suits: Appetite for Disruption in the Legal World." In that research, what emerged as the biggest obstacle for change in the legal profession?

MD: No doubt, the oncoming transformation in the legal marketplace will create invaluable services for clients ... eventually. However, lawyers face a challenge: The focus is no longer on what lawyers do but how they do it. Lawyers of all types, from Big Law to small and midsize firms, from government to in-house, and even solo

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lawyers are being challenged to change the way they work. Clients are calling on lawyers to leverage tech differently, to innovate, cross-collaborate and partner together to solve problems. Over the course of conducting hundreds of interviews and working with teams of lawyers and their clients on innovation journeys, I can't help but conclude that what clients are really asking for with the call to innovate is a new type and level of collaboration and client service. It is a call for service transformation in disguise. What they are asking for is the mindset, skill set and behavior of innovators. The problem with this is that many lawyers are ill-equipped to meet these new demands. Like any category of professionals, lawyers share a series of characteristic traits. These traits, although they help lawyers be super successful at lawyering, can impede their ability to collaborate on teams the way the business world requires today. Lawyers are like other types of leaders in that they are strategic and adept at problem-solving. The problematic difference is, however, that lawyers are often viewed as combative, critical and rules-oriented as opposed to collaborative, empathetic and willing to take risks. As such, they must acquire a new mindset and skill set—more akin to that of innovators who approach collaborative problem-solving from a different angle, focused on asking questions and problem finding, as opposed to providing answers and solutions.

TAL: Are there differences in how clients and providers are approaching innovation? And if so, is there a misalignment there?

MD: The biggest difference I'm seeing is the type of collaboration clients are attempting internally and demanding from their lawyers. Clients want more than the collaboration of the past. They are asking for lawyers to be counselors again. They want lawyers to collaborate toward decision-making and work through risk assessment in business language from a business mindset and make recommendations on a course of action. They want help making decisions and working through issues beyond law. And they want tailored advice. Think about the consigliere from "The Godfather" (but an ethical one, of course). Moreover, in the words of my interviewees, they want collaboration "together." Clients want lawyers to be in the boat with them—together, in real-time—hacking on the law/business problems (because, of course, there are likely no problems that are singularly legal). The difference is also in the willingness to admit that we might not have all the answers and that talking to lawyers from different industry groups and business professionals outside of law might create a better solution and, importantly, help us uncover problems we might not have found.

TAL: In thinking of your session at Legal Business Strategy on change management, what one tip would you want readers and attendees to come away with on how to manage change in their organization or profession at large?

MD: Research demonstrates that we need both extrinsic and intrinsic (inner commitment) motivation to change behavior. Extrinsic motivation are external rewards—compensation, opportunity to grow/shine, promotions. They are easy to identify but for some reason, law firms (especially) haven't incorporated extrinsic motivation for collaboration and innovation. According to research by others that is supported by my experience in working with hundreds of multidisciplinary teams to create transformative change, the three key ingredients to intrinsic motivation among professionals, including lawyers, are: (1) autonomy—sense of control and having a choice; (2) competence, i.e., mastery; and (3) relatedness, i.e., connection or

sense of purpose. In sum, in order to effectuate any change, people need to know why; they need to be personally connected to the problem; and they need to have a practical method to get them there, that they have the competence to utilize, and that includes a set of choices for when and how. Other than that, my other tip would be to think in inches instead of miles. Robert Musil, the author of one of my favorite books, "A Man Without Qualities," has this great quote that I think all change managers should keep in mind: It is easy "to think in miles when you've no idea what riches can be hidden in an inch." In other words, go for inches at a time and the inches will deliver riches that compound.

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The session on this topic takes place Feb. 5 from 1-2 p.m. Other speakers include Bill Garcia, chief practice innovation officer at Thompson Hine, and Ari Kaplan, founder of Ari Kaplan Advisors.

This session will discuss the hurdles to the evolution of the business model; tactics to overcome those hurdles; how to utilize both internal and external resources in pushing through change; and how to create a clear ROI for change.

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