

Innovation Rx

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University of Miami School of Law professor Michele DeStefano thinks “lawyers should adopt the mindset, skill set and behaviors of innovators even if their business model is not broken.”

She details how to do that in a recent ABA book, [Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law](#)

DeStefano is also guest faculty at Harvard Law School’s Executive Education and the founder of LawWithoutWalls, a multidisciplinary, international think tank of more than 1,000 lawyers, business professionals, entrepreneurs and law and business students who collaborate to solve problems and create innovation at the intersection of law, business and technology. In addition, she is the founder of MOVELDW, which offers workshops and bespoke experiential learning programs designed to retrain lawyers, develop new collaboration norms and change culture inside legal departments and law firms.

Based on extensive interviews with more than 100 general counsels, chief executives, heads of innovation at firms and law firm partners around the world, DeStefano explores the changing legal marketplace, the new expectations of lawyers and the gaps that exist in skills, mindset and behaviors.

YourABA checked in with her how to ask how law firm leaders can help lawyers meet these new expectations and fill in the gaps.

How are the needs of clients changing today?

Although we commonly hear the opposite, the reality is that the legal services market has changed and is continuing to change. This is because our clients’ world is changing. In today’s market of socioeconomic pressures, technological advances and globalization, clients are under immense pressure to keep up. Moreover, the problems clients face are complex, multi-disciplinary, multi-geographical and unpredictable. Today’s problems, such as those related to cybersecurity and data privacy, for example, are not capable of being solved by lawyers alone. Often, the rules are

ambiguous and no solutions solve all the problems without creating new ones. Therefore, first and foremost, clients are demanding that lawyers learn how to collaborate (in the true sense of the word). In order to prevent and solve problems, clients need their lawyers to collaborate with other lawyers and business professionals from different backgrounds, industries and locations.

Second, in addition to collaboration, clients are also demanding that lawyers – in-house and law firm attorneys alike – learn how to innovate. This is because our clients are being pressured to innovate the products and services that they provide and the processes by which they provide them. So they are looking to their lawyers to innovate, too, and to do so together. And it is not only Big Law that is hearing the call. Lawyers working in government, in small to midsize firms and even solo lawyers are being pushed to innovate the way they provide services and what services they provide. Arguably, as a result we are now witnessing the beginnings of what I call an Innovation Tournament in Law, and almost everyone is playing in it. There has been a big rise in the number of new alternative legal service providers and law companies in the marketplace. Individuals, lawyers, law firms, the big 4 and legal departments are utilizing some of these new resources and even creating some of their own.

Third, clients want more than what might be considered *traditional* legal advice and services from their lawyers. Clients need lawyers to be the “innovation consiglieri” who look around the corner to help clients map their future industries (and resulting risks). They need lawyers who will research and recommend what types of legal, technological and other resources they will need to support their future businesses. A client that was once a rental car company may now consider itself a company in the business of big (and profitable) data; a real estate and construction company may soon be considered a tech company. Simply put, clients want business advice in addition to legal advice from their lawyers. They want lawyers to be counselors, not just advisers. Some may question whether lawyers should be counselors who provide a mix of legal and business advice and services. Clients, however, think the answer to that question is absolutely yes.

You write that “the focus is changing from what lawyers do to how they do it.” What do you mean?

In the past, clients may have been delighted to receive the highest quality legal expertise that exists. That is not the case anymore. Quality is not judged on legal expertise alone. Similar to asking lawyers to return to being counselors vs. advisors, clients are asking for lawyers to put the word “service” back into legal services.

What do you mean by that?

Consider the difference between cross-selling and collaborating. Cross selling is telling your corporate client after negotiating a contract, “hey, I have a partner that does great litigation work. Let me introduce you.” Collaboration is telling your banking client during an M&A deal: “hey, my partner is an expert in deal-making. She works in our real estate area but she might be able to help us think through our deal from a different angle. Do you want me to set up lunch for the three of us to brainstorm?”

That difference is a shift in “how,” not a shift in “what.” It is a change in the way we communicate, the way we present ideas, the way we problem solve and more than that, it is a shift toward a client-centric provision of services. It is a shift toward empathy *with* the client.

In the first scenario, the offer to involve the lawyer’s partner wasn’t based on needs or pain-points of the client. In the second, it was. 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. Clients are asking their lawyers to spend more time on the front end in problem-finding exploration so that the solution is a snug fit—as opposed to over- or under-delivering.

You discuss seven experiences that all lawyers must master to achieve innovation, which include such non-legal concepts as “nurturing,” “falling in love” and “celebrating important moments.” How do you get lawyers on board with these?

Admittedly, at first glance, these emotional descriptions of experiences that occur in an innovation journey can raise eyebrows among lawyers who are often skeptical by nature and prefer matters of the mind over the heart. Yet, this is exactly why I couch them in this way.

Most design thinking literature generally does not describe the experiences that innovators *should* go through on an innovation journey and, therefore, expectations around the emotional effort that goes into innovating are not set. As I always say in LawWithoutWalls, the expectations that aren’t set are the expectations that aren’t met. These experiences are necessary for a multi-disciplinary team to get from a problem to a solution with a business case and prototype – without killing each other in the process.

I say that tongue-in-cheek but only sort-of. Innovation requires a type of intense collaboration among a team made up of diverse professionals that lawyers aren't accustomed to. That is why I include "nurturing the team" and "celebration" as two of the most important essential experiences. Perhaps they may seem obvious to people whose day-job is to innovate, but may not be obvious to lawyers. So, these experiences map out all the emotions the participants are going to feel (and that they should strive to feel) in order to keep the team intact.

What other purpose do the Seven Essential Experiences serve?

They are tools for how to progress from problem to solution. For example, "falling in love" is an analogy for how to approach the problem-finding process. I tell my teams that they need to fall in love with their problem and the consumer (the target audience experiencing the problem). I urge them to try to recall how it felt when they first fell in love with someone. At that point, they were likely filled with curiosity. They wanted to know everything about their love interest: their background, past loves, what makes them happy and sad. They maybe even found interesting the mundane – e.g., how that person got ready for bed at night, or held the steering wheel while driving. This, I say, is how they are supposed to feel about the problem they have identified and the person experiencing the problem. They are supposed to ask question upon question, dig deeper and deeper until they know every in – and – out about the problem and the target audience.

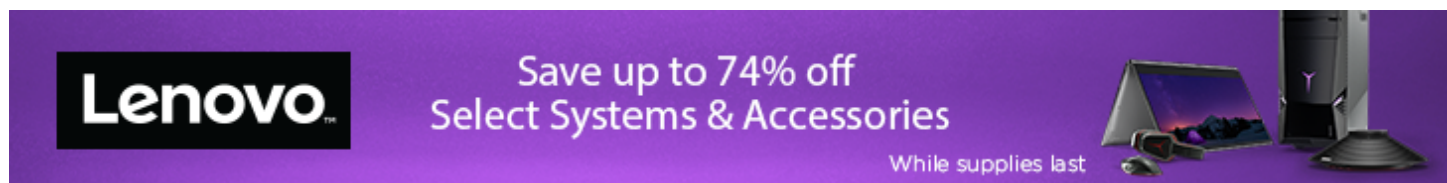
So by and large, the Seven Essential Experiences serve as "emotional" reminders to ensure each person is putting effort into teaming and they also serve as tools to help the team understand the problem, refine the problem, build a consumer story, along with creating a solution, business case, and prototype.

Your 3-4-5 method of Innovation for Lawyers is a four-month process designed to create innovations as well as teach 21st century skills. How do you get lawyers to divert from their usual way of doing business to try this out?

In January 2011, when I started teaching design thinking and innovation to lawyers through LawWithoutWalls, there was no other law school or lawyer executive education program attempting to do this. Today, there are many. I am proud to say that some of my students have now created programs in design thinking and innovation at their schools after going through LawWithoutWalls. For example, Margaret Hagan (now director of Stanford's Design Legal Design Lab) and Anna Pope Donovan (now the vice dean of innovation at University College London) are former LawWithoutWalls students.

In 2011, I recognized that one of the hurdles in using any design thinking method with lawyers was that the process of innovation was not described in a way that resonated with lawyers – the way we think and approach problem solving. While it is true that innovation is iterative, messy, unpredictable and prone to failure, the emphasis that many design thinking methods place on these aspects can be off-putting to lawyers who (according to research) are often risk-averse, analytical and methodical. Also, sometimes it is hard to know when or how to move from one stage to another or *who* should be doing *what* since timeframes and role identification are often not detailed. Further, lawyers sometimes discount design thinking methods believing that they are focused on designing *products* versus products and *services*.

The 3-4-5 Method of Innovation for Lawyers, on the other hand, is an innovation process grounded in design thinking principles constructed especially for lawyers based on the lawyers' temperament, training, work preferences and innovation needs. It emphasizes *the how and who*. It details specific instructions and exercises for each step, along with a timeline, role identification, time commitment, and the series of meetings that must occur among the team and with external advisers along the innovation journey. It also focuses on service innovation. Armed with this level of information and predictability, lawyers are willing to put in the time to get the results: new skills, new mindsets and new behaviors – not to mention an innovation at the intersection of law, technology and business.

A purple banner for a Lenovo promotion. On the left is the white "Lenovo" logo on a black background. To the right, the text "Save up to 74% off Select Systems & Accessories" is written in white. Below this, in smaller white text, it says "While supplies last". On the far right, there is a photograph of a laptop, a mouse, and a tower PC case.

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