

[Back to Obelisk Support](#)



# Attic.

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[HOME](#) » [WOMEN IN LAW](#) » [LEGAL UPHEAVAL: IN CONVERSATION WITH 'LEGAL REBEL' MICHELE DESTEFANO](#)

# Legal Upheaval: In Conversation with 'Legal Rebel' Michele DeStefano

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**WOMEN IN LAW**

Published on 26th September 2018 – By [Kayleigh Ziolo](#)



**NAVIGATION**



How do we deal with upheaval as individuals? We have to adapt, be open to the changes ahead and listen to advice. In the legal profession, it is no different – as the world in which we practice law changes rapidly, lawyers need to be ready to rethink how they work.

That is the premise of a new book by Michele DeStefano, law professor and founder of [LawWithoutWalls](#) and [MoveLaw](#). *Legal Upheaval: A Guide To Creativity, Collaboration and Innovation in Law* introduces readers to 7 essential experiences that lawyers must master to achieve innovation, transform their collaboration with clients, and create solutions at the intersection of law, technology and business.

With some urgency, the author encourages lawyers to think and behave differently in order to drive the innovation that so many in the industry are calling for. We were lucky enough to chat to Michele, and she is just as infectiously passionate in person as she tells us about the process of writing the book and the need for lawyers to be more ‘open’...

**You are recognised as a ‘legal rebel’ by the American Bar Association – what**

#### NAVIGATION

To me a legal rebel means someone who isn't just talking about what needs to be fixed in legal practice, both in training and practice, but is actively taking risks to do things that are different. Ironically, since the law is slower to change than other industries it's not that hard to be considered a rebel!

**There certainly is a lot of talk about innovation at the moment – in the book you define it as 'lasting incremental change that adds value', how much of that are we seeing right now?**

There are various ways to define innovation, and it can be a hackneyed word. But there is some consensus in law that innovation is still about small steps – small change is difficult but is easier than asking for 'big bang' innovation, especially in a world of people that like the status quo.

However, lawyers and Heads of Innovation I think still inaccurately focus on the technology side of innovating, and it's starting to frustrate in house teams and clients. Not every innovative solution has to be a technology. Will tech be involved in improvement? Yes probably, but we need to first change the view of the way legal services are provided. The focus needs to shift from what lawyers do, to how we do it; how we are utilising and leverage tech in order to improve our service and provide better legal products. If we look at design thinking, there was a similar trajectory that law is now learning from: there is lots of literature on the design thinker perspective on improving service, and we're starting to see people from a design thinking method background being hired to work with lawyers to help them work through pain points and affect change in their service.

## NAVIGATION

## **You put great emphasis on encouraging lawyers to be more collaborative and well-rounded in order to drive the changes needed in the industry...**

Yes, that is something we typically struggle with. It's a chicken-egg scenario: is the law attracting a certain type of person – those who are more introverted, more risk averse, more sceptical, but are great at complex problem solving – or is it that through the way training and practice churns and burns us that we create them?

That's not to say being risk averse and sceptical are bad things, because in so many ways it's our job to be those things to protect clients. We need those qualities, but it's important to not be that all the time in the way we approach everything we do. Be a human! Use that fantastic lawyer mind but let's work together and build on each other's ideas to create a better service for those we work with.

## **Tell us about how you try to encourage openness with Law Without Walls?**

With Law Without Walls, we have created a learning programme that is multidisciplinary in every way – people of all ages experience levels and type of discipline: academics, public servants, law firms and law schools from across the world come together into teams to co-create a Project of Worth – a practical solution to a real business problem designed to bring value. It's extremely rewarding to watch the teams, especially the lawyers, change and grow in the way they ask questions, think about problems, approach meetings etc. Especially when you hear that their teams back home notice the difference too, so much so they are asking them 'who are you and what have you done with Craig?!' That

### **NAVIGATION**

## **How was the process of writing Legal Upheaval? What did you learn from it and was there anything that surprised you in the conversations you had?**

It wasn't so hard to write but it was hard to edit! It took two years of interviews and I had enough for three books but had to edit it all down to one. Interviewing is really a tough field – it requires listening beyond listening, there is no 'I' or 'me'! We should be doing more interviewing training in law school.

Obviously I knew going in that the topic of innovation was being pushed, GC and in-house counsels are constantly saying 'innovate or die' but they don't exactly know what it is or what they are asking for. Can you really measure it if you only know it when you see it? There's an analogy to be made there with the diversity movement – calls for diversity initially were very vague, so firms would say 'oh we have a female working with us' – no mention of what level they were at, but okay!

It was only over time that the questions became more focused: what % of minorities are in our organisation, what % on my senior team are diverse etc. Now, clients are asking for your flexi-time policies, because without that you cannot support diversity – diversity doesn't truly exist without creating an inclusive culture and environment.

It's the same with innovation – who is going to lead it? What are you hoping to achieve? If you don't want the same thing to happen as diversity, where you are racing to meet client demand instead of forward thinking and define innovation for yourself, now is the time to be asking serious questions. Part of being a great innovator is self awareness.

**Another thing I was surprised by was the amount of in-house**

### **NAVIGATION**

advising. There is a disconnect there, and I don't know why or what is happening. Perhaps it's because we are taught to see the trees not the forest, so many lawyers are missing the bigger picture of how their documents are used in day to day business practices. In-house counsel can read the law, they don't want to receive reams of information that they have to filter and rewrite. We need to spend more time sitting back listening and asking 'why' in what we are doing. Of course, that makes people uncomfortable, especially the more senior we get, as we think we know the answers and we are taught to find answers for ourselves.

## **From your experience as a professor of law, is there a change in approach to teaching? Are students coming in with different expectations now?**

It is a bit like moving the Titanic. I don't know if students are all that different – for hundreds of years they have come in with bright eyes and big hearted missions, that won't change, but the next generation may have different expectations of the culture of law. Unfortunately law schools are much slower to move and the tenure systems that are in place very much encourage status quo and professors keep on teaching the same things they have taught for years. So, though there are some great things being done in law schools across the world in terms of bespoke programmes being created, it's not reaching every student that it should. But it's not just up to the schools, it's going to take the whole village to move and change way we train and retrain lawyers.

## **What do you hope people will take from the book overall?**

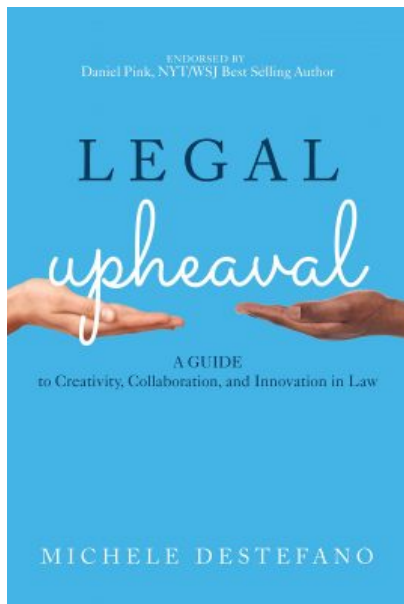
### **NAVIGATION**

that some of the traditional habits that have made us successful so far are also characteristics that we can utilise to get over hurdles. The mission of the book is to get every lawyer to try a problem solving group project with the mindset of an innovator and try to adopt some of those skill sets and characteristics.

My three rules of engagement are Open Heart, Open Mind and Open Door – it does sound corny, but they are essential. Yes, effective people are good at editing out the nonsense and saying no to things, but innovators are different. They let go of preconceptions and allow themselves to be more open to accept seemingly silly ideas. That's something that those in the legal industry can adopt and build on, and take that brilliant lawyer brain to fine tune and turn them into the really good ideas. We can approach creative problem solving collaboratively through just a small shift in thinking.

Michele's efforts to encourage collaboration struck a real chord with us here at Obelisk. While this change in mindset is a challenge for all lawyers given their traditional education, DeStefano concludes it is overall good news for women lawyers, because on balance they are better at the necessary skills: having an Open Mind, Open Heart and Open Door. It certainly gave us hope that we are on a real cusp of change in the legal industry, and that small actions being taken today are laying the groundwork for a more open and inclusive future.

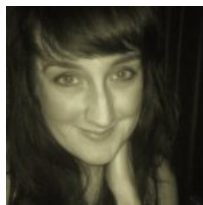
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Legal Upheaval is available on [Kindle and in Hardcover Edition](#) from 1st October

**TAGGED WITH:** collaboration, future of law, inclusion, law without walls, legal innovation, Legal Tech, Legal Upheaval, Michele DeStefano, women in law

### About the author



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Kayleigh Ziolo has a background in magazine publishing and is writer and Commissioning Editor at Obelisk. She specialises in the subjects of workplace wellbeing, flexible

### NAVIGATION