



# Lawyers Need To Disrupt Themselves To Succeed

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Law360 (August 20, 2018, 12:18 PM EDT) -- Even if their business models don't seem broken, lawyers in the 21st century must fight against complacency, push themselves to adopt unfamiliar skills and maintain an open mind, according to a new book published by a University of Miami professor of law, who contends that embracing innovation is the way for attorneys to keep up with clients' ever-evolving needs.

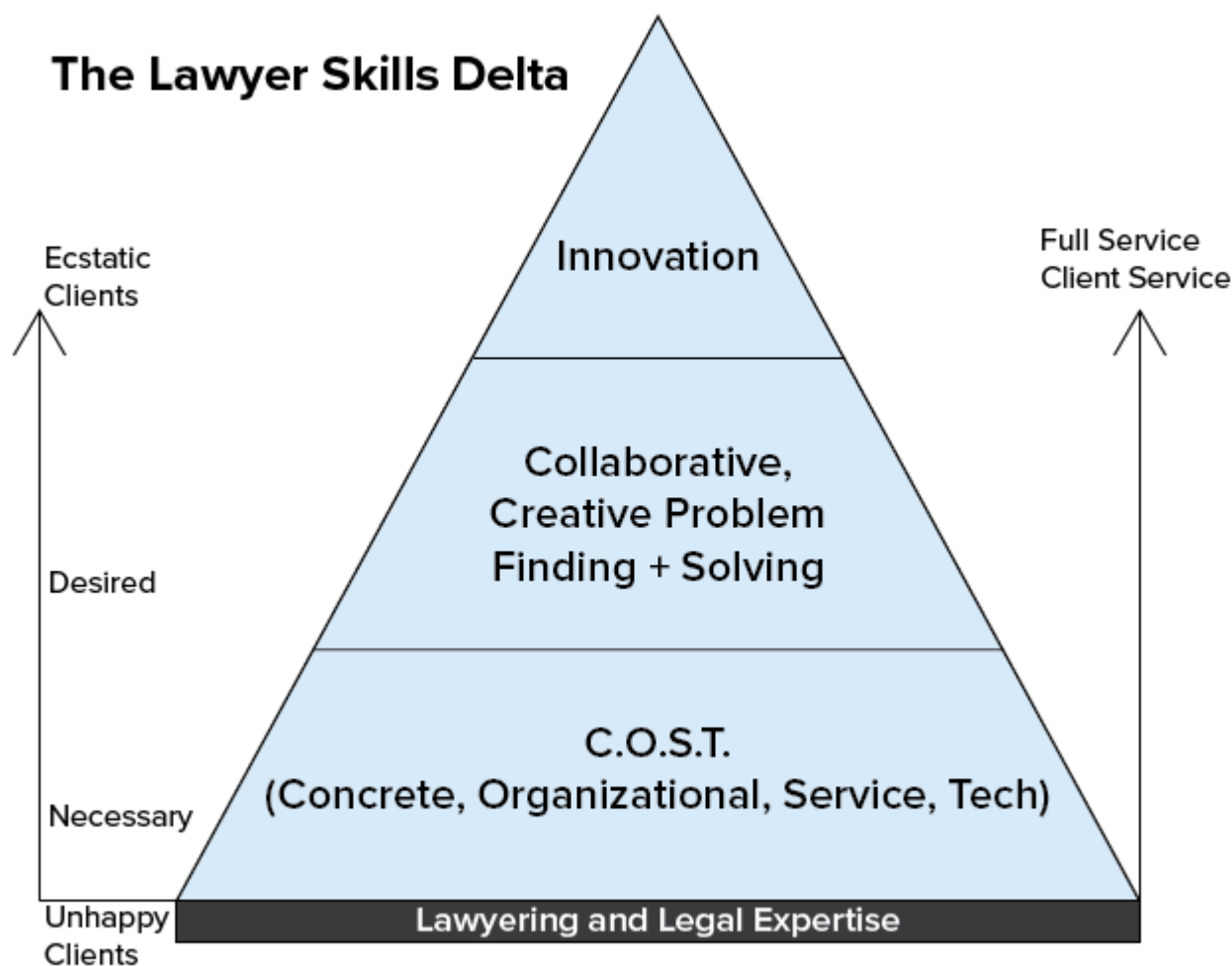
In "Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law," Michele DeStefano, who for the last decade has studied changes in the legal marketplace, explains the gap that she says exists between what lawyers do — from how they approach problem-solving to how they collaborate — and what clients demand.

"Clients are changing their focus from what lawyers do to how they do it," she told Law360.

A guest faculty member at Harvard Law School's executive education program and former marketing executive, DeStefano draws on interviews she conducted during the last two years with 107 general counsels and chief executives from large international organizations as well as heads of innovation and law firm partners from around the world to encourage lawyers to develop new skills and embrace innovation. That includes attorneys who may think their practices are just fine.

Clients within corporations and of firms are increasingly asking their attorneys to use technology to maximize efficiency, add value at every step and solve problems by partnering with them and other service providers, according to DeStefano.

But, as DeStefano underscores in the book released last month, most lawyers lack the skills needed to satisfy their clients' demands because of their training and temperament. She outlines these traits in a pyramid, which she calls the Lawyer Skills Delta, that rises vertically from required skills — those relatively easy to acquire — to desired skills — those that may be more difficult to achieve but can differentiate attorneys from their peers.



Credit: "Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law" by Michele DeStefano

The structure rises from unhappy to ecstatic clients along the same axis.

Here, Law360 looks at the categories of traits that DeStefano recommends lawyers cultivate to disrupt their approaches and successfully meet their clients' needs.

### Legal Expertise

Lawyering and legal expertise form the pyramid's base, which DeStefano doesn't consider part of the three main levels. Instead, the traits are what she calls the "basic fodder" of law schools and junior associate training programs.

"You would be surprised how many lawyers master the base and consider themselves equipped for the job into the next several decades," she says. "The base of the Lawyer Skills Delta, however, is not even the real beginning of what will be required in years to come."

Since law schools typically focus training on these base traits, the Lawyer Skills Delta is foreign to most law students and practicing attorneys because it doesn't agree with their education, she says.

She cites Richard Susskind, an adviser to international firms and national governments and author of “Tomorrow’s Lawyers: An Introduction to Your Future.”

“We are schooling aspiring lawyers to become traditional one-to-one, solo, bespoke, face-to-face, consultative advisers who specialize in the black-letter law of individual jurisdictions and who charge by the hour,” he said, rather than helping them transform into attorneys dealing with relevant, modern problems.

The issue, DeStefano says, may stem from professors grading lawyers individually and only on the final exam or paper, which isn’t typically revisited. But that’s not how self-awareness, improvement and innovation happen, she says.

She also points out that lawyers learn to follow precedent, which is antithetical to creative brainstorming.

“It isn’t just a skills gap but a skills handicap because lawyers must unlearn some of the skills and behaviors that have made them most successful,” DeStefano says.

### **C.O.S.T.**

Above the most basic abilities on DeStefano’s pyramid are three tiers of skills she encourages attorneys to view as building blocks to provide the fullest extent of client service. Rather than loading up lawyers with the new skills in a classroom or through an accelerated five-day course, she says the development of these traits takes time, multicultural and multidisciplinary training, hands-on doing and practice.

The first level focuses on concrete, organizational, service and technology skills, or what she calls C.O.S.T. Think business skills, such as mentoring, project management, leadership, knowledge of industry, understanding of a client’s business, marketing and the ability to harness social media.

These skills are necessary because clients won’t be satisfied and lawyers won’t be able to compete without them, DeStefano says.

In-house business clients want lawyers to apply legal issues in a larger business context and need counsel who are experts not only in their practice area but also in their industry and specific business. [Holland & Knight LLP](#), for example, is trying to meet this need with a reorganization by industry sector groups to establish cross-sectional client teams. To accomplish their goals, the lawyers are forced to share not only information but also their clients, according to DeStefano.

Throughout her research, DeStefano says clients told her they search for lawyers who provide advice that’s executable and provides options, and who offer a point of view on those choices.

“Clients are sick and tired of advice that does not take into account their industry and their particular business, brand and culture,” she says.

### **Collaborative, Creative Problem Finding + Solving**

Moving up the pyramid to the desired section is collaborative and creative problem-solving, which includes empathy, inclusivity, trust, diversity, humility, cultural competency and self-awareness.

GCs and chief executives “want someone who has accepted the idea that she/he doesn’t know everything and will ask for help from a wide and diverse set of inputs — in other words, someone with self-awareness and a dash of humility,” DeStefano says.

Research referenced in the book suggests the most successful problem solvers are the best problem finders because they’re collaborative, inquisitive, open to failure and inclusive. Clients need their lawyers to move from

the role of service provider to partner, and work with them to seek the right problems and solutions, DeStefano says.

The collaboration, she says, extends to marketing and business development professionals, lawyers at other firms and legal startups and other types of service providers.

GCs want to work together with their law firm lawyers, not just receive a solution or a new issue. This is the opposite of law school, where collaboration usually means “that I deliver my part and you deliver yours ... and then we’ll put them together,” the author says.

DeStefano’s book is informed by her time leading nearly 200 multidisciplinary teams at LawWithoutWalls, an educational platform that she established in 2010 to help students and professionals connect over issues facing the legal industry. DeStefano says she has seen firsthand which skills are required for modern-day lawyers, as well as those that attorneys need to strengthen.

“These new skills that are required challenge us, but I have belief that all lawyers can master them and hone them,” she told Law360.

## **Innovation**

Innovation is the highest point on DeStefano’s pyramid, denoted by a line indicating “client leadership edge.” DeStefano says the key ingredients leading to innovation are the traits from the second tier of the Lawyer Skills Delta.

Attempting to innovate can teach lawyers how to collaborate in the way clients desire. Innovation is likely to stem from ongoing collaborative, creative problem-solving in which a person’s ideas impact another person’s thoughts. Over time, the concepts change and migrate into a solution, she explains in the book.

Whether they say it indirectly or directly, clients are looking for lawyers who approach collaboration and creative problem-solving as innovators, according to DeStefano.

When they ask their lawyers to innovate, clients may not have an end goal in mind. But they’ll likely be satisfied with incremental changes that add lasting value, DeStefano says.

“Innovation doesn’t have to be new or original; it just has to be practicable,” she says, adding that it can range from a new user experience or training, to the creation of a new recruitment program that helps educate future lawyers.

Clients told DeStefano that lawyers’ willingness to innovate puts them in a “special” category; it distinguishes them and their company or firm as a useful partner, and increases the chance for repeat business.

DeStefano suggests this partnership between a lawyer and client is a new form of business development.

“Together,” she says, “they are feeling vulnerable and are taking risks, and they must trust each other.”

--Editing by Rebecca Flanagan.

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