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## Change Management in Law Firms— A Solution In Stormy Weather?

By **Teri Mottershead**, Principal, Mottershead Consulting, San Francisco, CA

The legal industry has been impacted by three main drivers for change: technology, the changing role of in-house counsel, and globalization. The depth and breadth of this change can be daunting for the law firm and must be managed proactively. Here are 10 steps that provide a useful checklist for a successful change management initiative.

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### Carnegie Report: An Update on Educating Lawyers for Real Practice

Many law schools pay insufficient attention to the application of legal thinking in the practice of law, according to a Carnegie report on the education of lawyers. The report advises that lawyers are best taught using a curriculum that integrates doctrine, skills, and professional identity, and recommends revisiting the traditional teaching approach that values legal scholarship over clinical instruction.



### New Faces of the Future Firm

The new law firm business model—producing increased profit through greater efficiency from decreased revenues—demands a strong team of talented business professionals. Firms are now modifying their operations team to place new faces in the usual strategic positions as well as creating entirely new positions to meet the changing needs of the legal landscape.



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Corporate social responsibility programs in law firms can be a positive force for generating opportunity and competitive advantage and recruiting and motivating staff. Organizations that fail to participate in the "responsibility revolution" risk becoming obsolete. Here's a look at how several law firms are approaching CSR.



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**Book Review: *Followership: How Followers Are Creating Change and Changing Leaders***

Departing from the leader-centric approach that often dominates thinking about leadership and management, this book makes the case that followers are becoming bolder and more strategic. It identifies five types of followers and argues that organizations that fail to understand them do so at their peril.

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By Terri Mottershead,  
Principal, Mottershead  
Consulting,  
San Francisco, CA

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The legal industry has been impacted by three main drivers for change: technology, the changing role of in-house counsel, and globalization. The depth and breadth of this change can be daunting for the law firm and must be managed proactively. Here are 10 steps that provide a useful checklist for a successful change management initiative.

### The Legal Industry in Transition

Managing a law firm or working in the legal industry the last few years has felt like living in the middle of a storm. Much of what we knew and had grown accustomed to has been questioned and challenged. We have been forced to confront change head on and it has been uncomfortable but, it was also inevitable. The legal industry has been long overdue for significant change and although the global financial crisis may have hastened the progress, it was not the only catalyst. Change is here to stay!

The legal industry has been impacted by three main drivers for change: technology, the changing role of in-house counsel, and globalization.<sup>1</sup> The technology revolution has made more knowledge available to more people and spawned a multilayered and more sophisticated buyer of legal services. In-house counsel have increased in number and decreased the work briefed to outside counsel. They have articulated, with increasing clarity, their expectations of outside counsel through associations, initiatives, and calls for action. Although often shorthanded under the all-encompassing headline of "alternative fee arrangements," these expectations have driven much deeper and wider demands of outside counsel. These fee arrangements can only be mutually rewarding if highly motivated and highly functioning teams with project management skills are available to support the consistent delivery of cost-efficient, high-quality legal services. These two drivers for change alone demand an unprecedented level of focus on and investment in leadership, talent management, knowledge management, and technology but, when the demands are elevated to the global level, they increase exponentially.

In 2007 the legal industry saw its first firm, Slater Gordon, floated on the Australian stock exchange.<sup>2</sup> Multidisciplinary practices will be possible in the United Kingdom next year.<sup>3</sup> More and more overseas lawyers are qualifying to practice in the United States but are remaining resident elsewhere. More U.S. lawyers are moving overseas and practicing U.S. and local law from these locations.<sup>4</sup> Legal process outsourcing organizations (LPOs) are taking on more and more commoditized work and delivering it from low-cost locations (inside and outside the United States).<sup>5</sup> These LPOs are also competing with firms for other types of work. More and more overseas law firms are opening in the United States. This last year has seen a noticeable movement by U.S. law firms away from organic international growth to growth by transatlantic merger. The merged entities' combined presence in Asia, once rationalized, has resulted in coverage in additional countries and continents. Law firms are considering moving U.S.-based head offices overseas. Globalization is occurring in response to local, regional, and global clients doing business in

more than one country, employing people in more than one country, and needing their legal advisers to service those needs in more than one country. Globalization means seamlessly practicing law through a single firm or as a member of a network of many geographically dispersed firms.

### **Law Firms and Change Management**

For many firms, the depth and breadth of this change is daunting. It impacts almost every aspect of the firm from its business model, to governance structures, to leadership and talent management. It emphasizes more effective and efficient management of the firm's business performance and its talent resources. The nature and type of change required of 21st-century law firms cover all types of change management: strategic, structural, technology, process, financial, and cultural (attitudes and behaviors). It also requires change at all levels of the organization: firm, group, and individual. Change of this magnitude, if it is to be successful, must be proactively managed and navigated and it will take time.<sup>6</sup> It requires different leadership skills, upgrading of skills across the board, and personnel counseling. The pivotal point, the place where change starts, progresses, ends, and supports continual improvement and adaptability, is communication—inside and outside the firm. There can never be too much communication! The big question for leading firms today is, therefore, increasingly less about defending the status quo and more about where and how to begin to change.

### **Ten Steps for Successful Change Management**

There is no magic to change management. The magic comes from law firms embracing it and the adaptability, flexibility, and consequent competitive advantage it gives those firms in the marketplace. Change management is, in many respects, project management with significant consequences. However, if research into lawyer personality traits<sup>7</sup> and the recent emphasis on project management training in law firms<sup>8</sup> are any indication, change management may prove to be more challenging for lawyers than others. Lawyers are renowned for challenging assumptions (skepticism), being detail oriented, and working by themselves (autonomy and sociability) to deliver solutions to problems quickly (urgency). While this serves lawyers well in their legal work, it can sidetrack change initiatives that require time to take hold, a leap of faith to get done, and advanced skills in consensus building, stakeholder engagement, and relationship management for success. Project management skills (and other management skills) are mostly not taught in law school. Unless firms provide their own training programs (in-house or through external providers) or an individual pursues this as part of his or her own professional development, a lawyer receives no formal training in these areas.

Having noted this, the following 10 steps<sup>9</sup> provide a checklist and starting point for any change management initiative:

#### **1. Determine what and why you need to change.**

It is important to articulate the business case for change. A change initiative is unlikely to get off the ground if more than half your leaders and managers do not agree on what and why the firm needs to change.

#### **2. Determine if your firm is ready for change.**

Three key conditions determine whether or not your firm is ready for change:

- a. Leaders are respected and effective. This applies to leadership of your firm as well as leadership of the change initiative. If your change leaders do not fulfill the criteria, the change initiative will not be taken seriously nor will it be viewed as a critical initiative in the firm.
- b. People must feel personally motivated to change and be rewarded for it. People are seldom motivated to change unless there is a real sense of urgency around the change. Communication about the change initiative must emphasize this urgency at the individual level within the firm. In addition, and as the change progresses, it is important to identify, celebrate, and reward those who embrace the change. This helps to provide examples and role models for change and starts to align professional development, evaluation, compensation, and promotion around the change initiative. It is for this reason that associate (and partner) competency-based development models have been viewed as part of a strategic change initiative by the firms that have adopted them.
- c. A nonhierarchical firm where people are used to collaborating. If the firm does not encourage widespread feedback, input, and suggestions, and the people working on the change initiative are not skilled at working in a collaborative environment, the change initiative will be viewed negatively—as a threat to be defended against and the change agents as interlopers with no authority to question leadership and the status quo. The change initiative needs to be viewed as an opportunity to increase competitive advantage.

#### **3. Identify and describe the change vision (what the changes will look like).**

All change initiatives need to have a clear vision about the future, and it needs to be compelling, realistic, focused, flexible, and easy to communicate.<sup>10</sup> This step is not a repetition of the first step, but rather builds on it. In this step, the change agents have accepted the need for change and are now articulating how the firm will be viewed internally and in the marketplace; this is a focus on outcomes or results rather than on activities.

**4. Ensure you have top management support and buy-in.**

While a rigid management hierarchy can hinder change, top management support is nevertheless essential. If the leaders of the firm have not fully bought into the change, do not drive it, are not consistently messaging the change, or fail to "walk the talk" through all firm initiatives and communication opportunities, then people become confused about what is expected of them and will not be motivated to embrace it. All change initiatives take time. Top management has to be sufficiently sold on and understand the change initiative such that they are committed to see it through from start to end (but are also willing to adapt should the need arise).

**5. Ensure employees understand the need for and benefits flowing from the changes.**

Effective change cannot be mandated. Fear will not motivate change. For change to be effective and sustained, individuals need to understand how they can contribute to it (feedback for buy-in), how and where they can go to better understand it (training and communication), how it affects them, and most importantly, what is expected of them (clear expectations or standards).

**6. Identify the change management team.**

While any change management initiative is intricately connected to people, it is important not to restrict the change management team to those dealing with people matters in the firm. Different specialists will be required, depending on the focus of the change, but it will always be critical to have representation from the firmwide leadership team, practice group leaders, and any other support department leaders who will ultimately need to lead and articulate the change. The team may also include a consultant or two depending again on the nature of the change. Consultants should be thoroughly vetted and are likely best retained for the purposes of providing industry know-how, delivering dedicated or discrete tasks, and acting as an external sounding board for the team. While consultants can also offer advice about implementation or assist in aspects of it, this is something best left to the firm so it can sustain the change within, build skills, and not become dependent on the consultant. The main criteria for team membership should be diversity of opinion and skills; innovation; contribution; commitment and ability to articulate the vision; advanced people skills including the ability to persuade, influence, negotiate with, and motivate people around the vision (stakeholder engagement); and the ability to work in a collaborative environment to find a common path (consensus building) and the best path (leadership). Remember this is a change initiative so while historical perspective is important, it should not dictate team outcomes. The same leadership and input that led the firm to where it is now may not be able to lead the firm through the changes it needs to make tomorrow.

**7. Appoint a highly skilled project manager.**

This is important enough to single out as a separate, although related, step from step 6. The project must be monitored and controlled if it is to be delivered on time and on budget. The project manager needs to be someone with excellent project management and people management skills. He or she must also have strong internal political connections, firmwide respect, and outstanding interpersonal skills in order to communicate, network, and motivate the change management team to get the job done and the firm leadership to stay the course to see the change initiatives through to the end.

**8. Develop a detailed project plan.**

As mentioned earlier, a change management initiative is a project and, like any well-managed project involving many people and many interrelated tasks, requires a plan. The project plan needs to identify the scope of the work to be done and the budget, assign responsibilities (and accountability), determine timelines, and anticipate and cater to risks, trade-offs, and adjustments.

**9. Develop a detailed and inclusive communication plan.**

The communication plan needs to inform and encourage feedback at a firmwide, group, and individual level. It needs to track the launch, progress, deliverables, and achievement of success measures or return on investment of the change initiative. The communication plan cannot be an afterthought. Internal and external

communication specialists need to be part of the change management team. The form (print or electronic), mode (in-person, e-mail, phone, social media—wikis, blogs, discussion boards), and format (behavioral interviews, focus groups, in-person meetings, roundtables, town hall meetings, training programs) of the communications should be tailored to the receiving audience. The communication plan should ensure that the firm leaders are front and center in delivering the change message not only when milestones are reached, but also through regular updates including all policies, protocols, or systems that seek to capture and entrench the changes.

#### 10. Develop a detailed and inclusive implementation plan.

Implementation plans can get lost in a multitude of activities. While it is important that these activities take place, they should reinforce, explain, report back, and deliver on results. The success or failure of the change initiative should not be measured by how many training programs took place but whether or not the "what and why" of step one and "vision" of step three have been realized in the time frame proposed and, if not, what steps need to be taken to recalibrate, reinvest, and reinvigorate the initiative to achieve the change.

#### A Few Thoughts to End With

Given the preceding discussion, it is not surprising that leading law firms have recently added a new skill set to their strategic management teams—organizational and change management specialists or change agents. These specialists represent one of the outwardly visible examples of the many change initiatives taking place in firms today. Another is the adoption of competency-based development models mentioned earlier. The recent spate of law firm, in-house counsel, continuing legal education provider, and law school summits suggests that these changes in law firms will have a "knock on" effect in law schools. Defining competencies for the profession and changes to law school curricula that support a more practical emphasis and vocation transition from law school to law firm are shaping up to be some of the law school-based changes. The changes we are witnessing in our industry are not changes for the sake of change alone. These changes are overdue. They have come at a cost—financial and personal. But they have also sharpened our skills, demanded we develop some new ones, and opened the door to new voices, new approaches, and different ways to lead and manage law firms. They have encouraged us to manage our firms in a way that better aligns with client expectations and is more akin to business practices in the 21st century, and have pushed us to get comfortable with change as part of the way we will need to practice law in the "new normal."<sup>11</sup>

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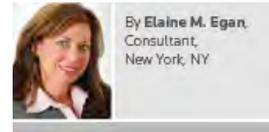
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By Elaine M. Egan,  
Consultant,  
New York, NY

## Carnegie Report: An Update on Educating Lawyers for Real Practice

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Many law schools pay insufficient attention to the application of legal thinking in the practice of law, according to a Carnegie report on the education of lawyers. The report advises that lawyers are best taught using a curriculum that integrates doctrine, skills, and professional identity, and recommends revisiting the traditional teaching approach that values legal scholarship over clinical instruction.

### How Law Schools Measure Up

In 2007, the Carnegie Foundation for the Advancement of Teaching issued *Educating Lawyers: Preparation for the Profession of Law*.<sup>1</sup> The two-year study in the United States and Canada was based on field evaluations in 16 institutions during the 1999–2000 academic year. Although this topic had been raised in a 1992 report issued by the American Bar Association, the 2007 Carnegie report renewed the discussions surrounding law school education throughout the legal community. But how should legal education change and what did the report actually say? It isn't as simple as stating that law schools should be including more practical experiences in their curriculum; it is more subtle than that. Most professional schools, including medical and business schools, frequently review their curriculum by adapting to changes in their profession. Advances in science and changes in global economic conditions will drive the need to modify clinical training or expand course requirements in any discipline or profession. Until recently, however, law school education had essentially remained unchanged in a century of teaching.

The Carnegie Foundation's resulting examination found the typical law school curriculum conforms from school to school with only casual attention to the application of legal thinking in the practice of law. This conformity resulted in "habits" of thinking, encouraging students to focus on the validity of a legal claim based on precedent. Conversely, the element of connecting conclusions based on situational complexity involving people, social consequences, or ethics was outside the practice of the Socratic lecture and Langdellian case dissection method.

The highlights of the Carnegie report state that lawyers are best taught with a curriculum that integrates doctrine, skills, and professional identity. Ideally all three components should be assembled within the same course. For example, this could be achieved by separating "factual investigation," "professional responsibility," and "process" within one course of study. The reliance on the Socratic and Langdellian approaches to learning are overused. According to the report, law schools have lagged behind other educational institutions in how they assess learning and provide feedback that improves learning outcomes.

Compared with the centralization, supervision, and mentoring received by medical and nursing students, as well as the supervised practice of teachers and social workers, law school students receive marginal clinical

and supervised training. In most instances law school students are at a distinct disadvantage upon entering school; they have little preparation and for the most part are starting from scratch. The conclusions drawn from the report stated that law schools do not go far enough to help students develop professional competence and professional identity. The conservative tradition of law school education implied that regardless of these findings, sweeping changes were not to be expected quickly.

However, marketplace conditions are a big incentive to drive change even for the most ardent supporters of tradition. The confluence of the Carnegie report's release and the global economic crisis has built momentum; we see a review of curriculum taking place like never before. The legal labor market can no longer hire graduates at compensation rates that do not foster profitability or who can't be utilized effectively because they lack the practical training to do the job they are hired to do. Most clients will no longer continue to pay high hourly rates for attorneys "in training," and public service requires effective case management to support volume with minimal support. Law firms like Philadelphia's Drinker, Biddle & Reath and Washington's Howrey both announced two years ago an apprenticeship program for first-year associates. The program involves significant hours of competency-based training and partner mentoring, along with a pay scale that is more aligned with an apprenticeship model.

### **Leading Change**

Students face enormous competition for large law firm positions and although 80 percent of law school graduates go into small firms, solo practices, or public service, law school graduates no longer have the luxury of learning "on the job." Washington and Lee University has led a significant educational change by modifying traditional third-year curriculum to focus on clinical simulations. Rodney A. Smolla, Furman University president and former dean of Washington and Lee, believes the focus of preparing students to practice in the real world will be a historic change in the landscape of legal education. Instead of traditional classroom courses, Washington and Lee's third-year students can enroll in four lengthy simulations that approximate a real-world legal problem. Fictitious clients and case files are assigned and the student must monitor billable hours, dockets, motions, and deadlines for submitting briefs. Although initially this third-year clinical was optional and the school had anticipated less than half of the students would enroll, nearly two-thirds of that class signed up.

In the United States, lawyers are viewed as serving both the interests of justice and the interests of their clients. The report asserted that professional identity is a big element missing in the education process. This has recently been addressed by two schools. Duke University Law School and the University of California, Irvine School of Law, have implemented a yearlong course examining different options for legal careers and professional ethics elements associated with various career tracks.

The University of California, Los Angeles School of Law, has developed an LL.M. course for transitioning to practice. This course is offered to recent graduates and is intended to mirror the preparation former graduates received during their first year as an associate. UCLA announced this program during a time when large law firms were deferring start dates for their incoming associates. While deferred, students were given the opportunity to start thinking about the rigors of legal issues and client needs and developing business skills.

The report did point out a few law schools that emphasized practical skills. For example, New York University School of Law stresses clinical experience and an evaluation of how well a student complied with the ethics code. Clearly the movement toward practical skill is increasing as the incentives for law schools are driven by economic reality, but the process is not comprehensive or refined. Without a clear mandate from deans or the ABA, even those schools professing sweeping changes are really only making minor enhancements or offering alternative real practice clinical options.

Northwestern Law School Dean David E. Van Zandt (who will become president of The New School in New York City in 2011) has stated that "law schools should go beyond simply adding skills-based courses and focus on what employers are truly seeking."<sup>2</sup> Whether or not this single motivator is in the best interest of training attorneys, Northwestern did hire a consultant to survey hiring decision makers. The consultant surveyed law firm leaders, in-house counsel, and government attorneys who indicated that the competencies they most looked for when hiring are project management ability, teamwork, basic accounting and business practices, and a global perspective. Based on this survey, Northwestern created an accelerated two-year J.D. program in which students are required to take courses in strategy, quantitative analysis, organizational behavior, and the psychology of decision making.

### **What the Future Holds**

The Carnegie report recommends that schools revisit the traditional faculty teaching approach that adheres to valuing legal scholarship over more costly clinical instructions. By reallocating resources, law schools could make better use of the second and third year by offering practice specialties, completing advanced clinical training, and offering closer working relationships with faculty. Even though most law schools do a good job of offering externships and clinical opportunities, they are often optional.

It remains to be seen if these real-life practice models will be successful and translate into a differentiator for the graduate candidate pool. If legal

recruiters report positive hiring because students who graduate from these programs are better prepared to practice, then schools featuring these new models will be better poised to place their graduates. The competitive advantage these schools offer will create the path for change. Ultimately what the Carnegie report recognized is that addressing the gaps in training will develop an attorney population that is prepared to practice whether in large law, private practice, or public service.

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## New Faces of the Future Firm

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The new law firm business model—producing increased profit through greater efficiency from decreased revenues—demands a strong team of talented business professionals. Firms are now modifying their operations team to place new faces in the usual strategic positions as well as creating entirely new positions to meet the changing needs of the legal landscape.

External forces are causing law firms to rethink their entire operations team. The impact of these forces on law firms has resulted in the need for a different business model—one that produces increased profits through greater efficiency from decreased revenues. This new model cannot be implemented without a strong team of top, talented business professionals responsible for their various strategies—talent management, technology, information, finance, and sales—elevated to the same level as the firm's business performance strategy.

Change is happening fast and furiously. While law firms are not adapting to change as quickly as many of their business professionals would like, firms are still changing faster than ever before. Some of the changes firms are making today are found throughout the operations team. Not only are we seeing new faces in some of the usual positions—chief operating officer, chief technology officer, chief marketing officer/chief business development officer, chief knowledge officer, chief financial officer—we are seeing entirely new positions created to meet the demands of the ever-changing legal landscape. While many changes will mean new individuals in these positions, change also means investing in strong operations team members by sending them to advanced education programs. This article will take a closer look at the new faces in the usual positions and some of the skills required to land and keep these roles.<sup>1</sup>

### The Demand Side

First, it bears mentioning that the demand or client side of the industry is putting new norms in place. Some may say it is the fault of the economic downturn, but those watching carefully know that these changes started taking place prior to the downturn and were only accelerated by the economy. These demands are causing firms to rethink everything from overall firm strategy to pricing strategies, promotion strategies, product/legal service strategies, and people. We focus here on the people and the changes that are happening now and are in the making. And, while there are many operations roles in law firms, our focus is on the changes taking place in the primary roles.

### Shake-Up in the C-Suite and the New Faces We'll See

Described below are some of the current hires, which is a trend that will continue. The firms who were early adopters of these management models and who have been through round one are already making significant changes and further refining the roles they require to move them into a

competitive position for the future.

### **Chief Human Resources Officer**

The historic role of the human resources director was working with the managing partner or executive director of the firm to set policies regarding everything from employee benefits to hiring and retention strategies. The HR team was more of a "back-office" support team to the rest of the firm. It helped with hiring and recruiting for most of the positions except the lawyers, which were often left to the director of recruiting. The traditional HR role is being replaced by a savvy chief human resources officer (CHRO).

This individual will oversee all hiring, including legal professionals, business professionals, and support teams. The CHRO will put into place a process by which it will be easier to test for and hire service-minded individuals who can support every firm/client intersection and activity. Promotion from anywhere in the firm—lawyer ranks or support team—will be based on merit and accomplishments rather than on length of service. The CHRO will work closely with the chief talent officer (in small to midsized firms these functions will fall under one individual) to develop programs for advancing the skill level of each individual in the firm. Upward and downward evaluations will be implemented under this strong manager of people.

Skills required for the CHRO:

- Master of Science (MS) degree in organizational development
- Process improvement and process management
- Key understanding of managing an organization across boundaries
- Ability to plan for and implement a workforce that combines remote workers and offices

### **Chief Talent Officer**

The focus will be on a strategic approach to talent management. The chief talent officer (CTO) has the responsibility of matching the pipeline of talent to the pipeline of client work. This is the person who has deep experience in the legal or professional services industry and is the internal consultant on all aspects of talent recruitment, development (training, mentoring, and coaching), deployment, evaluation, compensation, and promotion. This is not an administrative position. It is about aligning, developing, and implementing policies, procedures, protocols, and systems that produce the right people, at the right time, to deliver (and preferably exceed) client expectations. These CTOs have a seat at the strategic table and act as internal talent consultant to senior management. Their success is measured by their contribution to the firm's achieving its business performance goals. A CTO may be a lawyer, should have a Master of Business Administration (MBA) degree with a focus on change or organizational management, and should be a recognized specialist in this area. One trend to note about this position is that we are beginning to see the CTO or director of professional development report directly to the HRO.

Skills required for the CTO:

- MBA, Juris Doctor (JD), or MS degree in organizational development
- Strong, proven leadership skills
- Demonstrated ability to manage across global and remote worker platforms

### **Chief Technology Officer**

The chief technology officer (CTO) is a sophisticated individual who may come from a company like Oracle, Microsoft, or Apple. He or she drives the engine by which the entire firm develops and delivers legal services, links to clients, and contacts worldwide. The CTO provides for work and communication 24/7, across the firm and across the globe, be it through a laptop, handheld device, iPad®, iPhone®, or any other device that could possibly be used to connect and communicate. The sophistication of this position has increased, and will continue to do so, to levels that ultimately will allow a firm to use technology as a key means of gaining competitive advantage. The CTO is a member of the leadership team and may have supervisory responsibility for information resources (if the firm does not have a chief knowledge officer), marketing technology, litigation support, and all client interactions through the firm's computer systems and technology networks.

The CTO focuses on the infrastructure but not the information—the hardware, software, and core applications such as e-mail. Few people seem to have knowledge about the information needs and the flow across the infrastructure.

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Skills required for the CTO:

- Procurement and vendor management
- Capacity planning and implementation
- Emphasis on security and data privacy

- Shift away from purely technical skills
- Project management
- Ability to translate business needs into requirements
- People management

### **Chief Financial Officer**

Tomorrow's chief financial officer (CFO) will be a sophisticated financial expert who oversees new roles such as pricing, project management, value billing, process improvement, and related key strategic issues around the revenue and cost streams. As this article was written, the Legal Sales and Service Organization's job bank had a posting for "Director, Global Pricing" for Baker & McKenzie. Jones Day just appointed a new leader from its chief operating officer ranks to be the director of billing and client service. Drinker Biddle has a new "director of value." Minnesota's Faegre & Benson has a former Deloitte Consulting finance expert whose title is "manager, strategic operations and financial analysis." In addition to profitability analyses and feasibility analyses, he is responsible for the strategic operations of the firm and reports to the CFO and has a dotted line reporting relationship to the managing partner. These are the directions in which firms are heading in order to be client facing and to ensure the firm remains profitable.

Skills required for the CFO:

- Project management
- Process improvement
- Customer service
- Financial analysis
- People management

### **Chief Marketing Officer/Chief Business Development Officer**

The role of the chief marketing officer (CMO) is quickly changing. Firms are beginning to follow in the footsteps of corporate America and divide the functions. Wilmer Hale was one of the first firms to appoint both a chief marketing officer and a chief business development officer and Nixon Peabody recently did the same. Many firms are centralizing the marketing and marketing operations functions and decentralizing the sales functions to support industry teams in key industry geographic markets. Why have your top sales people for the oil and gas industry in Boston where the tech markets are booming? Some of this splitting up of marketing and sales may seem at odds, but in fact, the areas are as different as ERISA and labor law even though both would fall under the labor and employment area. The CMO oversees public and media relations, marketing operations (client relationship management (CRM), website, internal communications), external messaging including advertising, and general marketing activities. The chief business development officer (CBDO) oversees the key client programs, client loyalty programs, and all sales activities, including requests for proposals, usually in conjunction with a centralized proposal manager who may report to the CMO. In some cases, the business development officer is a partner and the title may be sales partner. This will be the wave of the future.

Skills required for the CMO:

- Public relations
- Social networking
- Media management
- Website management
- CRM deployment and management
- Intelligence—competitive, market, industry
- Writing
- Management

Skills required for the CBDO:

- Sales
- Writing skills
- Management

### **Chief Practice Management Officer**

Not many firms have a chief practice management officer (CPMO). Wilmer Hale may have been the first. This is a growing role and one that requires top people with analysis and management skills. Without a lot of resources to choose from in the market, most firms are investing in their people to help create strong leaders. Wilmer Hale's co-managing partner, William Lee, said, "We believe in investing in our top people. We sent our practice management officer to the Harvard Executive Education program." With the stakes rising for top performance in this area, it's critical for firms to make this investment. Some CPMOs have a JD and some have an MBA or other advanced executive education degree. This is a key role and will become a top strategic role at firms in the future no matter the size—from small firms to the top firms in the world.

Skills required for the CPMO:

- MBA or advanced education
- Process improvement
- Project management
- Knowledge about business development

### **Chief Knowledge Officer/Chief Information Officer**

In 1988 it was the word-processing manager. Ten years ago it was the

director of technology. Today and heading into tomorrow, it will be the chief knowledge officer (CKO) and the chief information officer (CIO). In large firms these are two individuals (or we see it heading that way). The library was always seen as the key information resource area of the firm. The library team was, and often still is, managed by an individual who possessed an advanced degree most often in library science. The library was the key to creating a successful legal work product with its vast access to volumes of information (initially in book format; later in online format) and legal work product and precedence, rules and regulatory data, and much more. Information resources are now being viewed as the key to developing and delivering the legal work product in an efficient, cost-effective manner. On the client side of this equation, consistency of the deliverable is critical and clients seek out those firm brands that they know mean top quality for the best price. With the pressure from the demand side causing great changes in how information is viewed in law firms, we see the CKO or CIO role as one of the most critical for which firms are hiring. The CKO or CIO oversees these and other growing needs: strategic intelligence, competitive intelligence, market/industry intelligence, and key client intelligence. In addition, the CKO often possesses a JD, an MBA, or other related advanced degree. The CKO is required to understand the role that process improvement and project management play in the development and delivery of the legal work product. This person, like the CTO, is part of the strategic leadership of the team. Roles reporting to the CKO/CIO may include marketing intelligence, library, knowledge management, database/CRM management and product/service development (also a new role), and last, research and development (an area we see expanding, although just a few key pacesetter firms are currently investing heavily in it).

Some hold strongly to the view that the chief knowledge officer has to be a lawyer. CKOs have to understand the legal process from the lawyers' perspective and the challenges the lawyers are facing in terms of serving clients. They need to be focused on information architecture and data modeling so they can design a cohesive information architecture that unifies the information produced within the firm, and facilitates its flow across systems for delivery to the lawyers and ultimately the clients. They need to be process engineers so they can design the work processes that consume and produce information. CKOs also need to be very aware of content management systems. Their teams will consist of large-scale content managers dealing with the capture of the classification and the storage, maintenance, and delivery of information content. They must be sufficiently aware of technology to communicate effectively with the technologists who will be providing a platform for a lot of these functions. So why is a JD necessary? It is needed in order for the lawyers to trust this individual at all. This description of the CKO relates to the CIO role as well, and if a firm has both positions, the CIO will worry about how the information flows from all of the back-office systems—finance, conflict, records, marketing, library. Data plus context is information.

Skills required for the CKO and CIO:

- Strong communication skills
- Fostering interactions between people for knowledge exchange
- JD preferred
- Process improvement
- Project management

These changes may clearly threaten those who currently hold positions in these areas. The best advice is to take your own professional development seriously and if the firm will not pay for your education, invest in your future yourself. It will be critical to your success and will also help the firm succeed.

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## Sources

1. Sally Gonzalez, Hildebrandt Baker Robbins, and Terri Mottershead, Mottershead Consulting, contributed to this article.

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By **Silvia L. Coulter**,  
Managing Director,  
Law Firm Strategy and  
Structure, Hildebrandt  
Baker Robbins,  
Boston, MA

## Corporate Social Responsibility Programs in Law Firms

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The new law firm business model—producing increased profit through greater efficiency from decreased revenues—demands a strong team of talented business professionals. Firms are now modifying their operations team to place new faces in the usual strategic positions as well as creating entirely new positions to meet the changing needs of the legal landscape.

External forces are causing law firms to rethink their entire operations team. The impact of these forces on law firms has resulted in the need for a different business model—one that produces increased profits through greater efficiency from decreased revenues. This new model cannot be implemented without a strong team of top, talented business professionals responsible for their various strategies—talent management, technology, information, finance, and sales—elevated to the same level as the firm's business performance strategy.

Change is happening fast and furiously. While law firms are not adapting to change as quickly as many of their business professionals would like, firms are still changing faster than ever before. Some of the changes firms are making today are found throughout the operations team. Not only are we seeing new faces in some of the usual positions—chief operating officer, chief technology officer, chief marketing officer/chief business development officer, chief knowledge officer, chief financial officer—we are seeing entirely new positions created to meet the demands of the ever-changing legal landscape. While many changes will mean new individuals in these positions, change also means investing in strong operations team members by sending them to advanced education programs. This article will take a closer look at the new faces in the usual positions and some of the skills required to land and keep these roles.<sup>1</sup>

### The Demand Side

First, it bears mentioning that the demand or client side of the industry is putting new norms in place. Some may say it is the fault of the economic downturn, but those watching carefully know that these changes started taking place prior to the downturn and were only accelerated by the economy. These demands are causing firms to rethink everything from overall firm strategy to pricing strategies, promotion strategies, product/legal service strategies, and people. We focus here on the people and the changes that are happening now and are in the making. And, while there are many operations roles in law firms, our focus is on the changes taking place in the primary roles.

### Shake-Up in the C-Suite and the New Faces We'll See

Described below are some of the current hires, which is a trend that will continue. The firms who were early adopters of these management models and who have been through round one are already making significant

changes and further refining the roles they require to move them into a competitive position for the future.

### **Chief Human Resources Officer**

The historic role of the human resources director was working with the managing partner or executive director of the firm to set policies regarding everything from employee benefits to hiring and retention strategies. The HR team was more of a "back-office" support team to the rest of the firm. It helped with hiring and recruiting for most of the positions except the lawyers, which were often left to the director of recruiting. The traditional HR role is being replaced by a savvy chief human resources officer (CHRO).

This individual will oversee all hiring, including legal professionals, business professionals, and support teams. The CHRO will put into place a process by which it will be easier to test for and hire service-minded individuals who can support every firm/client intersection and activity. Promotion from anywhere in the firm—lawyer ranks or support team—will be based on merit and accomplishments rather than on length of service. The CHRO will work closely with the chief talent officer (in small to mid-sized firms these functions will fall under one individual) to develop programs for advancing the skill level of each individual in the firm. Upward and downward evaluations will be implemented under this strong manager of people.

Skills required for the CHRO:

- Master of Science (MS) degree in organizational development
- Process improvement and process management
- Key understanding of managing an organization across boundaries
- Ability to plan for and implement a workforce that combines remote workers and offices

### **Chief Talent Officer**

The focus will be on a strategic approach to talent management. The chief talent officer (CTO) has the responsibility of matching the pipeline of talent to the pipeline of client work. This is the person who has deep experience in the legal or professional services industry and is the internal consultant on all aspects of talent recruitment, development (training, mentoring, and coaching), deployment, evaluation, compensation, and promotion. This is not an administrative position. It is about aligning, developing, and implementing policies, procedures, protocols, and systems that produce the right people, at the right time, to deliver (and preferably exceed) client expectations. These CTOs have a seat at the strategic table and act as internal talent consultant to senior management. Their success is measured by their contribution to the firm's achieving its business performance goals. A CTO may be a lawyer, should have a Master of Business Administration (MBA) degree with a focus on change or organizational management, and should be a recognized specialist in this area. One trend to note about this position is that we are beginning to see the CTO or director of professional development report directly to the HRO.

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By David A. Cruickshank, KermaPartners, New York, NY

## Professional Development: Downtrodden but not Defeated

### IN THIS ISSUE:

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Professional development in law firms has faced serious challenges during the last two years but a return to program building and strategic talent growth and retention is in the offing. Through careful investment of energy and skills, your firm, your clients, and your associates will recognize its continuing value.

If you have been working in a law firm professional development career for the past two years, check all that apply to you:

- Your budget is lower than it was in fiscal 2007.
- Associate retreats were cancelled.
- Outside consulting and training were virtually halted, at least for a year.
- The recruiting and professional development staff was either frozen or cut back.
- Your 2010 summer class was at least 25 percent smaller than it was in 2007.
- Business development spending and focus are on the ascendancy in the firm, often to the exclusion of other issues.

With a depressing number of checks on this list, it is tempting to think that professional development has been eclipsed, or at least diminished, for years to come. Not so. Professional development still matters. However, to make it matter in the coming two years, firms and their professional development departments will have to put their energies and money in the right places. As one of the "gray hairs" in this business, I am going to try to give you a shot of optimism with your morning coffee.

### We've Had a Great Run

If we turned law firm investment in professional development since 1995 into a Dow Jones line graph, we would see a constant upward slope, punctuated by steep jumps, when large states made continuing legal education (CLE) compulsory and permitted firms to be providers. We have been on an extraordinary growth curve—in careers, CLE products, spending, technology, and legal skills development. The first ALI-ABA/NALP Professional Development Institute, held in 2002, drew about 160 attendees. By 2010, more than 330 professionals were coming to the conference. After such growth, a pause is to be expected.

On the other hand, the build-out process is only partly completed in many firms. You have strong junior associate curricula, but your upper years could use some depth and variety. Firm leaders, until their attention turned to financial management and business development, were asking for strategic contributions from professional development directors. In the next two years, I foresee a return to continued program building and strategic talent growth and retention. The curve will continue more gradually upward, for some of the reasons that follow.

### The Business Cycle Will Turn

It is hard to recognize a change in the business cycle when everything now seems grim and uncertain. Nevertheless, smart firms have repositioned themselves. Others, often midsized and regional firms, did not take such a big hit to their core practices. Big or small, the strongest firms emerging from the recession will start to hire first. They will offer a value proposition that comes in one of these forms:

- Leave "big law" and come to a smaller, more stable firm platform.
- Leave for a partnership opportunity. (How many made partner in your current firm in the past three years?)
- Come to us for more responsibility and higher quality work.
- Join a firm that mentors associates through to counsel or partnership roles.

When this happens, your midlevel and senior associates will reflect on how they have been treated in the past two years—in workload, compensation, and career development. The very people you don't want to lose will be the hottest targets for recruiters. As your firm's "internal pulse-taker," can you say that you have "recruiter-proofed" these valuable associates?

One of the best places to put your energy, therefore, is into holding your best associates close. Now is the time to alert partners to the risk and to enlist them for explicit conversations about the associate's future in the firm. This may also mean rethinking bonus structures, performance-based pay, and rewards for senior associate business development. Above all, firms have to take a measure of how "beaten down" their associates might feel, and invest in building them up again. If your firm waits until the upside of the cycle becomes firmly established, those people will be gone.

### **Deliver CLE Value for Clients**

Think of the list of your firm's top 10 clients. Have you offered each of them training (CLE credited or not) in the past two years? This is a low-cost business development opportunity that is often overlooked by partners. The firm invests in newsletters, but it doesn't put a live partner in front of a live client audience. Professional development experts have a huge role in making their partners look good, but we have to step up and take a meaningful role.

First, you can educate partners about a variety of CLE products that can go to clients—a live presentation at the client's offices, an event at your office, a firm presentation at a client industry conference, a DVD, a webcast, or a joint client-partner presentation to a partner lunch.

Second, you can insist on quality. At my former firm, we rehearsed client courses in the firm, critiqued the presentations, and tightened up timing. Partners understood the need for this kind of investment, and they were repaid with great client course evaluations and business opportunities.

Third, if you have skills in educational design, you can get yourself embedded with a client for a session that the client's legal staff wants to be unique. Again, I have had several opportunities to go "on loan" to design sessions for the worldwide training meetings of a large financial institution. I have run interactive case studies and business leadership games, as well as the more conventional interactive panel. These opportunities came because we offered. The law firm received significant goodwill with very little investment of partner time.

### **Course Quality Matters**

This is a "motherhood" statement, but I submit that the recession has had a measurable, negative impact on learning outcomes from training. Consider some of the things that you have been asked to do, all affecting course quality:

- Drop outside presenters and do not replace that course, or replace it with an internal presenter.
- Drop in-person retreats and training sessions across offices and use video-link sessions instead.
- Move live training to on-demand webcasts.

In each case, I submit, while money is saved and convenience is increased, the measurable learning of the attorneys has probably gone down. At what point is "delivering course credits" the main outcome instead of "developing attorney skills and knowledge"? And if we are not in the latter business, why not just buy the cheapest, repackaged CLE webcasts that we can find?

High course quality—by using adult education techniques, well-supported partners, and outside consultants—will deliver better learning outcomes and better cost-benefit ratios. Let me make two observations about the "post-cutback" environment I see in firms.

First, many firms now have competencies for midlevel and senior associates that call for "management and supervision skills." There may be even higher expectations at senior levels—such as leading teams in complex matters or project management. Yet the only training the associates now get is "on the job" or from a (videotaped) partner panel. Skills like delegation, supervision, feedback, and project management are not the same as drafting a deal document or preparing a motion. Law firms typically do not have the skills templates, the best practices, or the broad-based human resources experience to teach these skills. Even the internal partner volunteer will likely offer a highly individualistic model, one that works for his or her personality. Outside consultants, usually working with small groups, have the multi-firm perspective, the skills template that works for lawyers, and the training skills to deliver sound learning outcomes—and improve the management behaviors of your attorneys. If you tell your associates they require these competencies, what is your

course quality compared to the best of the external trainers? And is the weakness of your course or on-the-job outcomes worth the cost saving?

A second concern is the mislabeling or "dumbing down" of legal skill courses. To learn effective legal writing, advocacy, drafting, or negotiation, there is a mile-high stack of literature (in law and adult education) that tells us that learners need a set of criteria, practice, feedback, and reflection. They also need to see demonstrations of positive models. This is why NITA (National Institute for Trial Advocacy) trial advocacy courses are universally praised and well-attended. They have small groups, expert coaches, and good design and they follow the principles above. However, in many law firm internal courses and in public CLE offerings, what is labeled a "skill course" is too often a lecture "about skills" or a demonstration of do's and don'ts—without the criteria-based practice, skilled feedback providers, and intellectual framework for the skill. Back when there were retreats, I taught negotiation skills for transactional lawyers. We used two half days, organized small group teams, presented negotiation styles and theories—and provided opportunities for practice, feedback, and reflection. The attorneys came away with skills and increased confidence in their skills—an outcome that a lecture on negotiation (even from the top negotiator in your firm) cannot deliver.

To be attractive to associates in the skill-building phase of their careers, firms will have to truly teach the core skills. Law graduates know what that looks like—because many have had well-designed skills courses in law school. There are no shortcuts in running an effective skills course. Even if you put your energy into improving the quality of one skills course, it should be a better investment than several mislabeled courses.

In professional development, we have all had to respond to crisis in the past two years. We may feel exhausted and dispirited. But the wheel is turning, and your carefully invested energy and skills will help your firm, your clients, and your associates recognize your value once more.

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## Book Review:

# Followership: How Followers Are Creating Change and Changing Leaders

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By **Barbara Kellerman**, Boston, MA: Harvard Business Press, 2008

Departing from the leader-centric approach that often dominates thinking about leadership and management, this book makes the case that followers are becoming bolder and more strategic. It identifies five types of followers and argues that organizations that fail to understand them do so at their peril.

Business writers and scholars have written much over the years on leaders and leadership, while largely neglecting those who follow and support leaders. Even though the focus has been almost exclusively on leaders, followers are "every bit as important as are leaders," (p. xviii) according to Barbara Kellerman. We tend to focus on leaders to help explain an otherwise confusing world. We often commit "the leader attribution error," (p. 11) assuming that leaders are solely responsible for everything that happens on their watch, as if Adolf Hitler had personally killed each and every one of the 6 million Jews who died in the Holocaust. Strong leaders, like Hitler and "Chainsaw Al" Dunlap (former CEO of Scott Paper and then Sunbeam, famous for decreeing massive layoffs), tend to overshadow everyone else who supports them. It was, in fact, the Holocaust that made scholars ask why followers follow. Stanley Milgram's experiments show that only a few will defy authority (refuse to inflict pain on another in this case) even when they believe that they are being asked to do something morally wrong.

Followers do, however, have more power now than they had before. Until the 1960s, superiors were expected to and generally did control their subordinates. The '60s challenged in multiple and profound ways the existing order, and we are still feeling the effects. The information revolution has made information easier to obtain and harder to keep secret, so more people have access to more of it. Knowledge and expertise can trump rank as a source of influence. People can more easily communicate their concerns and coordinate their responses. As a result, more people than before have access to power and influence. Followers now expect to have more of a say, and expect leadership to be more distributed. Leaders, finding their positions to be increasingly perilous, have to pay more attention to their followers. Still, any redistribution of power is nearly always contested.

The benefits of following may be less apparent than the benefits of leading, but they are nevertheless real. Going along is less costly and takes less effort than resisting. Followers can often get away with doing little of the collective work needed to maintain the group. In fact, going along is necessary most of the time, since it is impossible for everyone to be a leader. Hierarchies are essential, for they provide order, reduce tension, and make conflict rare. Experience shows that hierarchies and leaders emerge over time even in egalitarian groups that start out by rejecting them.

Leaders give individual followers safety, security, a sense of order, and a group to belong to. Leaders do the collective work of leading and

maintaining the group. Leaders give groups structure, a goal, and ways to achieve the goal. The benefits are mutual, since leaders need followers as much as followers need leaders.

Relations between leaders and followers run the gamut from tyrants who compel compliance to genuine democrats who treat followers as partners. But it is also true that followers follow each other as much as they follow leaders, because of shared values and experience as well as the pressure to conform exerted by most groups.

But not all followers are alike. It is essential to distinguish between those who "mindlessly tag along" (p. 75) from followers who are deeply engaged. Kellerman's own typology classifies followers into five types along a single axis: their level of engagement, which can be either in support of or in opposition to their leaders (unlike some previous writers who distinguish between supporters and opponents). *Isolates* are completely detached from and uninterested by nature in the social contexts in which they work and live. *Bystanders* are aware of their surroundings but consciously choose to disengage from their leaders. Both, however, are effectively if unintentionally tacit supporters of the status quo. *Participants* clearly support (or oppose) their leaders. *Activists* are strongly engaged for (or against). *Diehards* are so devoted (or hostile) as to be completely consumed by their passion.

Kellerman devotes much of the book to detailed examinations of historical episodes that illustrate each type of follower. As examples of bystanders, for instance, she takes the many citizens of Germany during the Nazi era who, although they had no particular hatred of Jews, simply went about their daily lives and did nothing to oppose the regime or stop the Holocaust, and are, for her, at least partially responsible for it. She cites as counterexamples a few people who did do something, such as overtly protesting or covertly helping Jews.

As her example of activists, Kellerman takes the Voice of the Faithful, a group of lay Catholics in Boston who banded together in response to revelations of sexual abuse of children by priests, and who eventually forced the resignation of Cardinal Bernard Law as archbishop of Boston.

Kellerman freely admits, in the chapter on Nazi Germany and elsewhere, her bias against bystanders, whom she sees as free riders on the efforts of others. She does concede that we do not have enough time or energy to "support every worthy cause or step in every time someone somewhere ought to be doing something." (p. 98) And she points out that opposing authority can be risky and might cost us dearly, especially if we fail. Nevertheless she believes that doing something is better than doing nothing, and is a moral duty.

But if bystanders are nearly always bad followers, that doesn't necessarily mean that participants, activists, and diehards are always good followers. The two criteria for good followers are (1) being willing to engage and (2) supporting good, ethical, and effective leaders and opposing bad leaders. In other words, good followers support good leaders and oppose bad ones. Followers who oppose good leaders and support bad ones are bad followers. Opposing bad leaders (e.g., Adolf Hitler or Al Dunlap) is as much a moral duty as supporting good ones. In real life, of course, it isn't always clear, and people often vigorously disagree whether a particular leader should be supported or opposed.

Finally, leadership and followership should be seen "as inseparable, indivisible, inconceivable the one without the other." (p. 239) In fact, "*followers are more important to leaders than leaders are to followers.*" (p. 242, italics in original) Furthermore followers often follow each other as much as or more than they follow a leader. While scholars and writers in the field have paid much attention to developing good leadership, they have not paid nearly enough attention to stopping bad leadership, even though bad leaders are everywhere. Although stopping bad leaders can be difficult and even dangerous, followers do have weapons, most importantly, as the example of Voice of the Faithful shows, the power of numbers.

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