Insourcing refers to moving work functions to a lower-cost market, but still staffing with firm employees, either by asking existing employees to relocate and/or hiring new employees in the new location. The most recent insourcing example is Pillsbury Winthrop Shaw Pittman, which opened a Nashville, Tenn. office to house many of its non-legal positions. Do you wonder how they went about considering this option, how it went, and whether they would do it again?

By now you are probably tired of the word “outsourcing,” which can draw the mental image of a bunch of 20-something Web developers in a cube farm somewhere in Asia. With the upcoming U.S. presidential election, the word outsourcing has become a negative weapon—implying that if you have anything to do with it, you must be heartless and un-American.

Despite these rather dubious assertions, law firms have been dabbling in outsourcing for years. Facilities management companies provided the earliest options for firms willing to have others manage their mail and copying services. In the past decade, we have seen other functions moved to outside companies—Help Desk, Word Processing, and Electronic Discovery proved to be the easiest targets. One large U.K.-based firm, Cameron McKenna, actually outsourced its entire information technology (IT) function to India several years ago. Yet despite this clear move to utilize outsourcing as a strategic staffing model, the jury is still out as to whether pushing more in this direction makes sense.

Enter “insourcing” as an option that can offer many of the benefits of outsourcing, but maybe without as many downsides. With insourcing, a firm will find a lower-cost location to house certain functions, but retain the employee/employer relationship. Generally, insourcing involves moving firmwide non-lawyer functions to a lower-cost location.

There are a few firms that have made strides in this area and it’s beginning to feel like a trend. Perhaps the best-known restructuring effort in the legal industry, Orrick, Herrington & Sutcliffe’s move to open an administrative office in Wheeling, W.Va., has stood out for 10 years as a bold and unique move to control the cost of running a law firm. Although not fast to follow, other firms have recently started similar projects and many other firms have taken notice:

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Wilmer Hale has been sending non-legal work and document review to a new office in Dayton, Ohio since 2010.

Baker & McKenzie “insourced/offshored” to its Manila office in the Philippines, where they perform administrative and other functions for the firm’s worldwide operations.

A few firms have gone with the more traditional outsourcing approach, including O’Melveny & Myers, which moved 75 positions to an outside provider.

The most recent insourcing example is my own firm, Pillsbury Winthrop Shaw Pittman, which recently opened a Nashville, Tenn. office to house many non-legal positions. Do you wonder how Pillsbury went about considering this option, how it went, and whether they would do it again? Before we go there, let’s start with a few definitions.

**Outsourcing** means replacing firm employees with a lower-cost service provider to fulfill certain job functions. The most commonly “sourced” functions include back-office operations such as accounting, human resources, call centers (Help Desk), research functions, and Web or software development. There is also a newer trend for hiring hourly or “staff” attorneys in smaller markets. Outsourcing that occurs within the current country is sometimes called **domestic outsourcing** or **onshore outsourcing**.

**Insourcing** refers to moving work functions to a lower-cost market, but still staffing them with firm employees, whether that means asking existing employees to relocate, or hiring new employees in the new location, or a mix thereof. This is also referred to as “captive.” For instance, what Pillsbury did was an Onshore Captive (i.e., onshore insourcing), and what Baker & McKenzie did was Offshore Captive (i.e., offshore insourcing).

**Onshoring/Offshoring** – On- and offshoring refer to the physical location where the work is being performed. **Onshoring** for a U.S.-based company means the service provider is still somewhere in the country but instead of large, expensive cities such as New York, Chicago, or Los Angeles, the providers are located in smaller markets or even rural locations. **Offshoring** means the service location is quite far away from the company. In the U.S., it means the provider is not located within North America. For many, offshoring is a much more controversial decision as it means adding to unemployment within your own country.

Now that we’re clear on terminology, let’s see what Pillsbury’s CIO, Martin Metz, has to say about the firm’s recent insourcing project—the opening of a global operations center in Nashville, Tenn.:

**Why did Pillsbury prefer the onshore captive model to offshoring and outsourcing?**

The firm had several mergers over the past 10 years and has been keenly focused on how to create the best staffing model to serve its many offices. And the economic crisis of 2008 forced change and challenges on our profession that continue to shape what a law firm will look like for years to come. The need to run leanly, while maintaining a strong service approach, has never been more important. We thought about all options, but realistically, we were looking at making a change to all of our administrative services—no company we knew of really offered this range of legal support services on an outsourced basis. “Insourcing” became favored for many reasons—not least of which was the idea that we would be able to retain more of our staff. We didn’t really want to lose that relationship with our employees and the institutional knowledge they have. There are some huge risks involved in making a move like this, and insourcing was an easier path to gain acceptance within the firm—and we just felt better about it. It also penciled out as less costly in the long run and after all, reducing cost was one of our most important goals.

And our timing was excellent. Our San Francisco office lease was ending and we had more than 100 non-lawyer staff that would need to either move into a new space along with the lawyers, or be relocated to a lower cost building separated from the lawyers. We decided that if we were going to separate the legal from the non-legal, we should consider moving the staff to an even lower-cost area, not just a lower-cost building. So, timing helped, but when we did the analysis, it just made great sense because we had so many administrative staff spread throughout the U.S. in our major offices. Moving all of them, not just those from San Francisco, into a new location would dramatically reduce costs and improve services.

**How did the firm go about determining if the approach would work?**

I was asked to participate on the review team, including our CFO, CHRO, and COO, and we enlisted support from some of our most experienced office administrators and key financial analysts who would help us build the pros, cons, and implications, and develop financial models needed to compare our options. The basic metrics and potential benefits were presented to the Board to seek their general approval to proceed with...
an in-depth study. The Board authorized the hiring of Deloitte’s relocation consultancy, which had helped Wilmer go through a similar analysis the year before. The study took about six months. Getting leadership on board early was critical—you sure wouldn’t want to do an in-depth study like this without knowing a positive conclusion was possible.

How did the firm determine locations to consider and ultimately choose Nashville?

Deloitte’s location strategy consultants helped us identify our evaluation criteria and to compare those criteria with more than 300 metropolitan areas in their database. Our criteria included cost differentials, labor quality and availability, potential for natural disasters, accessibility, quality of living, and the like. Narrowing the list to 10 cities based on the criteria established, we then studied these 10 more carefully. From there we selected four cities for in-depth review. This meant two full-day visits with the local chambers of commerce and meetings with city officials, local universities, employment agencies, and other companies that built shared-services centers and moved to their chosen city from distant locations. We ultimately selected Nashville because it offered the best combination of low-costs with high quality labor, along with the most appeal for existing employees who may wish to relocate. It wasn’t the city that offered the most savings using a pure financial model, but it was the city that we felt best fit the culture of our firm.

What functions were moved to Nashville?

We moved the firm-wide components of the finance, accounting, IT, training, conflicts, marketing, human resources, and document processing teams to Nashville. In fact, we are still in the process of doing so—our office just opened in June 2012. It takes time to make such a change and it was important that we maintain services along the way. Altogether, more than 150 positions are being moved.

What is the expected payback period for the large investment the firm is making in Nashville?

Shockingly, not as long as you might think. We are building out a new office, but doing so thoughtfully—we want a state-of-the-art center that becomes the administrative hub of a vibrant firm. Although the cost of making this move is not for the faint of heart, the payback period is compelling. Although I’m not at liberty to give specifics, we think we will be close to achieving our expectations in breaking even on this investment. While we certainly are saving in terms of rent and facilities, the big win for the firm is the lower cost of overall labor. For IT specifically, there is an added benefit. Due to the various mergers completed several years ago, we had three IT hubs—San Francisco, Washington, D.C., and New York. Being able to have all of IT under a single roof will help improve efficiency, communication, and coordination, not to mention increasing the sense of being part of a more unified team. This can probably be extended to a few other teams that were spread out across offices.

Any final remarks you would like to share?

Making a move like this means separating from some long time employees. We encouraged our team to make the move and helped them do so as well. We were thrilled that 28 people, including our CFO and me, joined us to get us off the ground and running fast. We worked very hard to cushion the impact to those who decided not to go to Nashville. We, of course, have to refill those positions in Nashville and that has gone very well so far. It has been an amazing transition with exceptional support between our various teams. Finally, I would like to say that I believe this is indeed a tipping point—more firms will follow if the interest we have seen from other firms about this project is any indication.
In today’s contracting legal environment, firms are looking for more avenues to find clients. One that has always been there, but few have accessed, is the wealth of alumni that each firm, no matter its size, has developed over the years. Follow what one firm has implemented to reach out and touch their alumni.

Imperative concerns for all businesses—and now law firms—include solidifying and improving their brand’s reputation, acquiring new business, and recruiting the best people. While companies and firms of all sizes dedicate resources to these objectives, they often overlook one of the most valuable assets at their disposal for achieving all three goals: their alumni. Foley & Lardner LLP, a 170-year-old, 1,000-lawyer firm, has a history and story to tell through its alumni. Though alumni tracking began in 1999, approximately 2,200 attorneys (a yearly average of 13) have come and gone since 1842. Many of Foley’s attorneys move over to client companies, start their own businesses, or join a government agency. Over the past few years, law firms have been forced to downsize, losing good attorneys due to economic factors. That’s why Foley thoroughly enjoys celebrating “boomerangers,” those who return to the firm after a stint elsewhere. All said, these alumni are a group of individuals ripe to help enhance and grow the Foley community.

Large corporations have long understood the value of alumni relationships; many began by simply compiling and distributing hard copy newsletters to their former employees to keep them connected. Law firms are new to this endeavor, joining the initiative in the early 2000s. Over the last decade, with the advent of social media, there are more efficient tools at a law firm’s disposal that develop and maintain these relationships, require fewer staff, and mesh nicely with other online branding initiatives. Now the challenge is not whether to engage your alumni, but how?

Convincing Management

A robust alumni program can yield names, class years at a firm, and other pertinent information to help make the connection or reconnection with prospective and current clients. It is a marketing department’s dream to pull up a database and ask, “Who do we know at XYZ company?” and with a push of a button get the name of a contact. And if that contact is an alumnus, it is more likely a relationship can be initiated. Beyond the marketing aspects, it is also a

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branding tool. As with other social media tools such as Facebook and LinkedIn, anything that can drive people to your firm’s online presence helps to keep it front and center.

It may be difficult to judge the return on investment (ROI) from the start, but the startup cost is within a tolerable range and therefore worth the initial investment. It will take two to three years to see what the end results will be financially, but the sense of community is immediate. People enjoy reconnecting with colleagues and that goodwill is priceless.

Once the firm is committed to moving forward, these are the next steps:

**Gathering Information**

The biggest challenge in today’s information-saturated society is **quality**. Knowing who your alumni are, where they are, and what they’re doing is both the most difficult and most valuable part of an alumni network. Foley’s alumni network team utilized HR records, online resources, and personal contacts to reach out to former attorneys. They filled in blanks as much as possible, but still ended up with 900 names and mailing addresses without e-mail addresses. An effective alumni system works with e-mail addresses and social media tools, so paper mailings were sent to reach out to those 900 contacts, asking them to log on and register. Once you have quality data in place, ensure that you have an effective method for capturing updates and reporting on results.

**Build it and They will Come**

If your firm has an IT department with the ability to build its own system, more power to it, but there are a number of software providers that are worth exploring. Look for vendors with experience in the legal industry, a solid track record of success, and products with features that support your firm’s alumni program and branding requirements. Due to the data integration aspect of the program, ensure the products being evaluated are compatible with existing systems. Cloud-based offerings are becoming more common and offer platform-agnostic integration through the use of flat-file data transfers. Cloud-based products also eliminate the burden of managing security and access to your own networks. As with any vendor selection process, it is important to weigh the pros and cons of each system carefully, including cost, features, and the team with which you will be working.

Foley chose to work with SelectMinds Inc., a company with 12 years of experience in the corporate world that branched out into the legal industry in 2001. They are now working with 17 firms worldwide. SelectMinds offers a feature-rich cloud-based product with simple data integration points. Their team is knowledgeable and provided both technical and program-development guidance throughout the process.

As mentioned earlier, data quality is a key component of an alumni program implementation. Technical team resources focused on ensuring all of the necessary data was in one system for ease of data transfer and reconciliation. Since both current attorneys and retirees were included in addition to alumni, special care was taken to ensure ongoing data integrity. Understanding where the data comes from, how it will be used, who owns the data, and how updates should be handled are critical technical components of a successful launch.

In addition to a technical team, it is critical to have a business team that includes subject matter experts and members of leadership in place to address program-related questions that crop up along the way. Technical issues may need to be resolved through changes to business practices, and a well-staffed business team can offer solutions and secure necessary approvals to allow the program implementation to proceed.

Finally, a steering committee made up of a cross section of the target audience is a beneficial addition to an alumni program creation project. Successful implementation of any program hinges on understanding how the program will be used. Committee members provide unique insight into which product features are useful, and which should be removed. Foley’s steering committee consisted of current attorneys, a boomeranger, retirees, and alumni. The committee met before and during the technical phases as well as after the launch.

Once the product is built or installed, it should be reviewed for functionality and consistency in branding. Marketing departments can play a very beneficial role in this regard. The steering committee can also provide great feedback on the usability aspect of the product at this point. After receiving all approvals to proceed with launch, it’s time to begin communicating with the target audience.

**Striking the Right Communication Balance**

As with any effective marketing campaign, once the audience has been identified, there must be a plan for consistent messaging. There is a delicate balance between strategically communicating with your alumni to update them on news about the firm, their former colleagues, etc.—and flooding them with information they find irrelevant. Posting pictures from in-person alumni events is a great way to attract people to the site as everyone likes to look at photos of past and current
coworkers. Work with Professional Development, Marketing, and Social Media teams to cull the most pertinent stories and stick to a regular delivery plan. Whether it’s monthly or quarterly, be consistent.

Soliciting current attorneys, retirees, or alumni to act as moderators or group facilitators is a great way to connect people on the site. Whether for a substantive legal discussion based on recent cases in the news or for pure fun purposes like discussing best restaurants or favorite bands, it gets your community connecting with one another. The value of the site is for attorneys to use it and make contact with past and current colleagues.

Accept a Long-Term Vision

European-based companies tend to have a particularly holistic approach to their alumni. They regularly host both social and professional development-related events, where current attorneys—especially partners—and alumni are invited. These firms understand the inherent value of interpersonal relationships, and the necessity of consistently nurturing them if there is to be any benefit for either party.

Conversely, American firms have been a little slower to adopt this inclusive approach. They also tend to be more focused on new deals rather than the significance of the overall relationship and branding value. Fortunately, this trend seems to be waning, and U.S. law firms are becoming more accepting and inclusionary of their alumni. Foley chose to include its retirees as part of this group, as they often maintain quality relationships with clients, who are now friends, as well as with attorneys who have left the firm. Retirees are also invaluable resources for shaping the direction of the program—they know what they would like to see in an alumni program and have the time to take action on their ideas.

Firms need to take into consideration a long-term versus short-term view of alumni. Consider the alumni program to be an inherent part of the overall marketing and brand strategy. Accept that the long-term approach will ultimately yield valuable results, but set short-term goals to help measure success along the way (e.g., quality of alumni contact data, message clickthrough rates, or alumni participation in events).

Perpetuating Firm Culture

The most successful alumni initiatives are those where current members of the firm—specifically, the partnership and business leaders—create a culture of alumni inclusion internally. Alumni come from all parts of the firm, and should therefore be interwoven into every part of the firm’s business. By creating an atmosphere where attorneys are valued through the entirety of their tenure and even after they have left the firm, the firm creates opportunities for alumni to similarly incorporate it into their future endeavors. If a firm considers every incoming attorney as an eventual future alumnus, the value of the relationship begins with recruitment and, ideally, is fruitful for both parties well beyond the end date.
Library and Research Services (LRS) organizations within law firms and other professional service organizations continually strive to deliver the right information to the right people at the right time. In the age of Google, social media, and Big Data, LRS teams have the opportunity to reestablish themselves as the go-to team for answers. LRS team members are uniquely trained to find the needle in the haystack and to consolidate large quantities of information into precise answers to complex questions. The key to success for these teams is the evolution from a reactive, process-driven organization to a proactive, service-driven organization, aligned with the strategic objectives of the populations they serve. Total Library Service Management (TLSM) provides a systematic approach toward facilitating this change.

TLSM is an innovative framework for redefining LRS organizations with a focus on continual improvement and strategic alignment with the goals of the broader organizations in which they sit. This alignment and understanding of the big picture allows a TLSM-driven LRS team to focus on supporting those goals through a well-defined information delivery strategy and supporting services. A TLSM strategic plan outlines goals and steps to be taken to achieve them in a way that can be presented easily to both management and internal teams. Most importantly, TLSM defines a process for developing strategic objectives and service offerings that meet current information delivery needs and lead to future innovation.

TLSM also provides a framework for LRS management focusing on service delivery and improvement. We are all trying to do more with less, and TLSM helps teams strive to streamline inefficient processes, freeing up staff to take more active roles in information delivery. TLSM gives LRS teams an approach for comprehensive evaluation of services with value and efficiency as primary goals. TLSM ensures that services contribute to the information needs of the firm, are well defined, reliably delivered, and documented. Conversely, TLSM provides a basis for the elimination of services that no longer provide value, thus eliminating wasted time and effort.

“Total Library Service Management provides a method for the evolution of services, aligned with strategic objectives, with an eye to continual improvement.” NOTE: This article is adapted from Ms. Oser’s presentation at the “Best Practices and Management Strategies for Law Firm Library, Research and Information Services” conference sponsored by ARK Group on February 23, 2012. It was part of the session entitled, “Running Library and Information Services Like a Business.”
Strategy
The TLSM wheel begins with strategic development focused on value and contribution to the business. The process starts with developing strategic objectives for proactive delivery of valuable information to case teams, administrative groups, and project teams. Understanding the strategic goals of each group and positioning staff in cross-functional teams will ensure that the LRS supports those goals. Creating a channel for the flow of information from firm leadership and practice management is key. Opening up communication with those driving practice development and firm direction ensures strategic goals are adjusted accordingly over time.

Financial Management also sits in the strategic segment of the wheel. Here is where budgets are defined and objectives are set regarding the expansion or reduction of resources. Having clear objectives has become even more important in the “digital age,” as management often believes that choosing electronic resources over print will save the firm money. Unfortunately, the reality is just the opposite. The increased cost of electronic resources paired with the desire to reduce resource budgets is a never-ending battle. TLSM pairs Financial Management with Strategy to establish a process of financial decision-making that supports strategic objectives and removes the impulse to cut for the sake of cost-savings alone.

Design
Once strategic goals and objectives have been determined, it is time to design supporting services. Determining what information to deliver, in what form, and to what group is key. The TLSM design phase outlines the steps for redesign of existing services and the addition of new services to the LRS portfolio. Teams should create a catalog of services that add value while being repeatable, reliable, and cost-effective. Having an established catalog of services that is well designed and documented eliminates the need for reinventing the wheel, allowing teams to deliver those services consistently.

Capacity and availability management come into play with staffing and resource availability. Successful service design includes determining hours of operation and necessary staffing to support those services. Ensuring that the right staff members are available to provide the services is critical, as is determining the time required to fulfill the request.

Transition
The Transition phase comprises the processes responsible for preparing for the introduction of a new or improved existing service before it becomes fully operational. TLSM sets forth a systematic way to promote new services and to evaluate the success of those services over time. Knowledge Management provides for the training of team members and the assembly of support documentation and/or troubleshooting guides. Release Management includes the plan for implementation of the service by answering several questions: To whom will the service be rolled out? How will it be distributed? How will customer expectations be managed? Lastly, Change Management ensures that new services will not adversely affect other systems or offerings and vice versa. Documenting these steps ahead of time in a consistent manner will reduce time spent scrambling if something goes wrong and will ensure that teams across the organization are prepared to support the new services.

Operations
The day-to-day running of the organization via operations is where the majority of the LRS team spends most of its time as daily research and technical services functions are managed. Part of managing these operational tasks is establishing volume metrics and key performance indicators; these
should be monitored regularly to validate effectiveness and identify areas of improvement or growth.

Event Management, a term borrowed from the world of IT, governs the way issues and outages are addressed. For example, in the LRS world, troubleshooting of a research charge question or a database access issue is considered an “event.” Event management also pertains to the print world: outdated materials that need to be updated or missing books fall into this category. Having well-established procedures for handling events like these will speed up resolution time and should ensure that all team members know how to escalate a request to the correct point people.

Management of vendors is key to operations, and in staying aligned with strategic and financial objectives. Developing both short-term and long-range goals for the management of the LRS resource portfolio will make the process of renewing contracts and evaluating new resources easier. Knowing the objectives before engaging vendors better facilitates successful negotiation of terms that align with the firm’s broader strategic direction.

**Improvement**

Once services are in place, aligned with the strategic objectives, it is time to look to improve. Reevaluation of services and processes needs to happen regularly to ensure that teams are efficient, and that services offered are still in line with the needs of LRS customers and clients. Suggested improvements should come from both internal LRS team members and LRS customers. Both groups can provide a unique perspective to the effectiveness of existing services and processes. Industry trends and new resource availability should also play a role.

Managed Services, or outsourced functions, should also be evaluated regularly with an eye toward improved service and efficiency. Many firms rely upon outside services for filing, chargeback processing, and after-hours research among other things. It is vital to make sure that these services are adjusted with the changing needs of the firm. It may make sense, upon evaluation, to move a service in-house or to expand another with outside help; improvement of Managed Services ensures that these services are leveraged appropriately, keeping costs in line, and augmenting the LRS service portfolio.

The last segment of Improvement addresses education and cultural change. These areas of improvement are extremely important given the rapidly evolving information landscape. Attorneys and staff have access to a wealth of information and avenues to access it. Here is where the LRS team can play a vital role in improving the way administrative and legal teams search for, process, and use information. Improvement, in turn, leads back to realignment of strategic goals and another trip around the TLSM wheel.

**TLSM**

TLSM provides a method for the evolution of services, aligned with strategic objectives, with an eye to continual improvement. It borrows from established two IT frameworks, Information Technology Infrastructure Library (ITIL) and Information Technology Service Management (ITSM), adapting them for the world of LRS. TLSM gives us a framework for many of the processes we are already doing, ensuring that we do not miss steps and that everything is linked back to our strategic goals and service improvement.

The information landscape is changing at breakneck speed. Library and Research teams need to evolve in ways that keep pace. TLSM provides the framework for successful evolution of Library and Research Services, now and for years to come.
Prepping Your Team for the Playoffs

When prepping for the increased intensity of a playoff run, law firms, just like sports teams, should be looking to add a major difference maker, experience, and/or depth.

Major League Baseball’s trade deadline, when teams trade away the present in hopes of a brighter tomorrow or spend big to acquire top talent, brings to mind the parallels between sports management and law firm management.

At the trading deadline, baseball teams typically focus on three key factors to bolster their run toward the playoffs, and ultimately, the World Series. Similarly, these three factors can push law firms to the front of the competitive legal pack.

When preparing for the increased intensity of a playoff run, law firms, just like baseball teams, should be looking to add a major difference-maker, experience, and/or depth.

THE DIFFERENCE MAKER

In 2008, the Milwaukee Brewers, an organization that had not been to the playoffs since 1982 and was playing in MLB’s smallest media market, found themselves with a young, talented, but inexperienced team heading down the wire in a heated, competitive playoff chase. About four weeks prior to the trading deadline, Brewers General Manager Doug Melvin made the call to trade away some of the organization’s top prospects in order to acquire C.C. Sabathia, the Cleveland Indians’ all-star pitcher. Sabathia was due to become a free agent at the end of the year and seen as the possible difference-maker Milwaukee needed. Sabathia later pitched the Brewers to their first playoff appearance in over 25 years.

Sabathia is the perfect example of what a difference-maker can mean to an already talented roster of contributors. Over the last five to six years, law firms have also picked up on this factor, as targeting and hiring lateral partners has increased dramatically. For law firms, difference-makers typically have two dominant characteristics, among many excellent traits: high-level, influential trusted advisor relationships and market-leading brand equity. In other words, they are the crème de la crème of rainmakers.

EXPERIENCE

In 2011, the Brewers were making another run toward the playoffs. Their young and inexperienced 2008 team had grown up together and their talents had matured. Bolstered by the offseason addition of two solid starting pitchers and an MVP season from one of its young stars, the Brewers were driving toward their second playoff appearance in three seasons when the trading deadline
approached once again. Unlike 2008, when the team needed a difference-maker to push them to the next level, the team now had all the talent. What they lacked, according to Melvin, was experience. So, to balance talent with the relevant experience necessary to compete at the next level, the team made two trades to acquire veterans with World Series experience. Both players were instrumental in leading Milwaukee through the playoffs and into the National League Championship Series.

The same philosophy holds true for law firms. Experience matters. In fact, experience and relationships are the only two things that a law firm calls its own. How firms collect, manage, and ultimately leverage both is typically the difference between average and above-average numbers at the end of the year.

Today’s market shows that most buyers are influenced first by their emotions and second by their own logical justification when it comes to making purchases. This is why relationships (emotion) and experience (logic) are so critical in creating the uniqueness necessary for law firms to separate themselves from a commoditized pack of competitors, and to ascend to the much less crowded, but still competitive, field of high-performing teams.

DEPTH

In 2010, the Green Bay Packers won their record 13th NFL Championship and fourth Super Bowl in team history, despite the highest loss of games to opening day starters in league history (91 games), and having 16 players suffer season-ending injuries, including backups of backups. Green Bay made the playoffs and eventually won the Super Bowl, specifically because of their depth—their depth became their difference-maker.

For law firms, this is also a very important part of preparing a team to take the next step. Resource management is an important aspect of team preparation and a key component for creating differentiation from competitors. Additionally, as fee arrangements move beyond the billable hour, the breadth and depth of teams becomes essential to crafting creative pricing.

The depth of team is also a contributing factor in the retention and growth of clients. With all of the lateral hiring firms are doing, the chances are high that key partners and team members may leave for other firms. Having depth of resources and relationships is vital to client retention. Growing beyond serving clients with a single practice requires depth and breadth across multiple practice groups to expand client business within the firm.

WHEN IT ALL COMES TOGETHER

When legal departments talk about the various characteristics that define their go-to firms, they invariably come back to the three factors mentioned above, because it takes all three—difference makers, experience, and depth—to make clients’ big problems go away. Any one of the three on its own is a powerful factor, but cannot effectively stand alone.

FINDING THE TALENT

The digital age has facilitated the uncovering of targeted talent. In large law firms, law librarians have at their disposal a number of commercial products they can search, not only to find players who can add value to their firms’ expertise, but also to verify promises made by recruited talent. Surfing social media sites such as Facebook and LinkedIn can uncover valuable intelligence on future prospects or validate a candidate’s assertions. For example, does the candidate really have the mobile book of business he or she claims to have?

Certainly, the emergence of online databases, such as competitive intelligence platforms, has made it easier for information professionals to identify and vet potential candidates than in years past. Recently, a law firm client was looking to grow its Houston office. The firm took a list comprising nearly 40 percent of its top 100 clients to the firm’s librarians and, utilizing various intelligence tools, the librarians were able to generate, within a day, lists of attorneys at various firms in Houston who were also representing each client in the local and surrounding jurisdictions. Additionally, the librarians were able to separate the associates from the partners and, utilizing year-over-year trending analysis, were able to determine quickly which attorneys were consistent, go-to counsel for individual clients.

VETTING & ALIGNING THE TALENT

Identifying potential laterals is just one step, however. Recent surveys in the legal industry indicate that barely half of all lateral hires fulfill the expectations with which they arrive. Typically, there are three reasons why lateral hires do not fulfill even modest expectations: inability to bring existing clients to the new firm, lack of cohesion and chemistry with the new firm, and a practice or niche that doesn’t align with the new firm in a way that can be leveraged effectively. This is where the role of the librarian becomes critical when law firms look to grow through lateral hiring.

Utilizing one of many available competitive intelligence (CI) platforms, librarians quickly can ascertain the likelihood of client portability. In the example involving
a firm’s expansion in Houston, the librarian identified potential lateral candidates, and then began assessing the total client representation of each lateral’s current firm as well. For example, if a lateral candidate claims the ability to bring a client to the firm, one must look at the lateral’s current business and relationships. Have his or her clients been represented by the candidate’s current firm for the last eight years in seven of the firm’s 10 offices? Has the firm handled at least three areas of law that can be identified with another 15 attorneys from the candidate’s current firm listed as counsel on various docket filings, M&A transactions, and patent applications? If so, there is a strong probability that the client will not be moving all, if any, of its business with the attorney.

The use of internal relationship intelligence will factor into this exercise. Utilizing a firm’s Client Relationship Management (CRM), or even more powerfully, a firm’s Enterprise Relationship Management (ERM) system, which automatically surfaces relationships and strength-of-relationship indicators, firms can broaden their due diligence on candidates by vetting candidates through their own team. Surfacing potential personality or interpersonal relationship issues can benefit the firm immensely, from both a financial and morale perspective.

An additional consideration is the market trend for the legal work of the talent’s primary clients and client industries. Is the client, industry, or both a shrinking or growing market? Utilizing various tools, including the many CI platforms available, librarians can benchmark companies against their industry, or a group of primary competitors. This practice enables intelligence professionals to contextualize past performance, identifying outlying macro and micro trends, and better detect emerging tendencies among the talent’s clients and market.

Finally, how do both the primary and secondary capabilities of the new talent match the existing capabilities of the firm? Does the skill set and niche of the new talent extend the firm’s current market positioning, or does it allow for the expansion into new practices, industries, or markets?

Prepping for the playoffs is a sizable undertaking that requires resources, a top-down strategy, and tactical execution at all levels. However, unlike professional sports, in law firms it is not only an end-of-season or end-of-fiscal-year strategy. To be successful, a firm’s playoff preparation strategy must have a consistent, year-round focus.
Looking over my shoulder as I typed, my tween daughter asked, “On the rebound? Who?”

Instead of ignoring the impulse to do otherwise, I jumped at the chance to share my thesis. I explained, “My premise is that the legal professional development field is bouncing back from the harsh consequences of downturns in the economy. Professionals are reviving traditional approaches and creating innovative strategies in an effort to add value in their firms where the impact of tighter budgets have threatened even professional development bread and butter programs, including in-house CLE programs and new associate training.

“Ok, you mean ‘rebound’ like that,” my daughter quipped. “I thought you meant like when a girl and her boyfriend break up and she gets a new guy to cheer her up.”

Maybe that is what I meant. Law firms, still stinging from the effects of former robust and successful professional development programs being radically reduced or eliminated, are now openly courting new ideas and initiatives that they hope will be more effective and efficient than their predecessors. Professional development is on the rebound; we are the new guys.

The Breakup

With the legal profession losing 3,100 jobs between November 2010 and November 2011, no one needed to tell us it was over.

This Bureau of Labor Statistics figure served as the final warning to firms that the time had come to say goodbye to traditional legal management practices. Indeed, there were other harbingers of the challenges we would face. The National Association for Legal Personnel reported both the average number of hours worked and the number of billable hours worked per year declined as the slowdown in the legal economy began in 2008. The average total number of hours worked was 2,032. The average total number of hours billed was 2,066. By 2009, those numbers were unchanged. With a few exceptions in some smaller firms, the stagnation and precipitous decline was felt across firms of all sizes and most practice areas.

As business faltered, experts reported that the professional “gentlemen’s agreement” model in law would have to give way to a business model driven by competitive market forces. This, however, was not a revolutionary proposition. As early as the 1950s, Judge Richard Posner described the legal profession as “an intricately and ingeniously reticulated though imperfect

Legal professional development managers are reviving traditional approaches and creating innovative strategies in an effort to add value in their firms where the impact of tighter budgets have threatened even professional development bread and butter programs, including in-house CLE programs and new associate training.
Professional Development: On the Rebound?

So Who is This New Guy?
Professionals in our field would have little trouble compiling a list of gaps in the skills of attorneys and how those deficiencies result in clients’ demands going unmet. The list would include:

1. **business acumen** – Do attorneys understand how the moving parts of a company or firm work together?;

2. **leadership and management** – Do attorneys know how to set a new direction and how to guide people in that direction?; and

3. **client service** – Do attorneys solicit and value feedback on whether their product or service meets the client’s expectations?

Professional development programs are filling these gaps by identifying and implementing programs that increase real-world practical understanding of the problems clients face. No news there. Developing attorneys to work in real time with clients is at the very core of our professional mission. What is new in this rebound relationship is that professional development professionals are renewing the emphasis on core competency frameworks that serve as a guide for these initiatives. In this new relationship, we know there must be a foundation for our programs that can be defended in a hostile budgetary climate.

Three innovative approaches deserve discussion because they directly address a deficiency through innovative curriculum rooted in leadership and management training and tradition. The first program is an ambitious partnership of two powerhouse institutions of law, Milbank, Tweed, Hadley & McCloy LLP and Harvard Law School. Not unlike most firms, Milbank launched a training program for its new associates where continuing education is provided over the course of an attorney’s career with the firm. The difference, however, is that the training requires every Milbank associate to participate in an annual progressive program at Harvard. Scott Edelman, Vice Chairman of Milbank, said, “Collaborating with Harvard Law School on this program evidences Milbank’s absolute commitment to the professional development of our attorneys. This groundbreaking program will provide our lawyers with tools to ensure the provision to our clients of the most high-quality, effective, business-savvy legal service available in the market.” The curriculum, which was developed in partnership, sought to provide a balance between theory and practice, the success of which will be directed and measured by traditional business metrics.

Second, U.S. firms are adopting a traditional British training model called “secondments,” where firms loan attorneys to a client or pro bono organization on a temporary basis for a specific project or to fill a short-term need. A variation is to offer secondments to attorneys between offices within the law firm. Attorneys who are unsure of what area of law they would like to practice or attorneys who are in a “flat” practice group with limited opportunity for growth can greatly benefit from taking secondments. They are a valuable way of offering attorneys professional development and career opportunities without having to leave the firm. Taking a secondment also demonstrates an attorney’s flexibility and adaptability, qualities inherent in effective leaders and managers. Firms benefit from attorneys who take a secondment with clients because they acquire transferable skills and knowledge that can be put into practice when they return to the firm. The attorneys can share their experiences and skills with the team and other departments within the firm to enhance the client relationship.

Last, the “gentleman’s agreement” approach to business development has given way to new approaches that acknowledge the intensely competitive environment in which a law firm must survive. To that end, attorneys are embracing the fact that sales is an important skill set that must be mastered if their practice and business is to thrive. Since legal services almost always require personal contact with the buyer, sales in law firms are typically defined as “client” or “business” development. Increasingly, firms are developing frameworks in which attorneys learn to: 1) identify clients, 2) develop a relationship with clients, 3) gain initial legal work from clients, and 3) expand the work for a client. Most major law firms have now implemented business development programs at the associate and partner level, for practice groups, offices, within client teams, and/or for industry groups.
As Posner predicted decades ago, the cartel is shattered. Yet, few new attorneys enter a law firm practice with an understanding that a law firm is a business and that attorneys need to contribute to the firm’s bottom line. Consequently, law schools are beginning to offer students courses on business development and networking. In 2010, Fordham University School of Law offered as electives, “Law Firm as a Business” and “Law Firm Marketing.” Law schools such as Fordham, pride themselves as institutions that offer a “complete education” that includes teaching about the business of law. New lawyers entering law firms from schools like Fordham will be able to become profitable sooner than those who hail from traditional academic law schools.

These approaches are gaining momentum and popularity across all geographical lines. Time will tell if these initiatives are fruitful. That is the tenuous nature of being on the rebound. Law firms still value professional development and will continue to invest in initiatives even during economic downturns. We now know, however, that all change is not growth and all movement is not forward. We must ensure that our initiatives and strategies have an intentional direction and measurable goals so there will hopefully never be another breakup.
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Can the legal industry improve its business outcomes by employing organizational psychology in project management? How can individuals and project managers best utilize concepts in organizational psychology that transform globally shared services and cultivate successful project outcomes?

Over the last several years the legal industry has embraced aspects of project management (PM), and, in some cases, created PM teams associated with technology. However, there continues to be some hesitation by firms to fully engage, define, and measure the repeatable processes that support legal project management. How have obstacles been overcome in the financial and professional services sector in positioning project management in its business processes?

Project management varies among organizations within the financial and professional services sector. In part, variation has to do more with the organizational readiness and adaptation of project management; in other instances there isn’t a standard approach to managing projects. The most successful companies consider individuals who are certified in Six Sigma, Agile, or Prince2, or who are registered Project Management Professionals, as qualified to lead projects. It’s a big mistake for companies to think that only one methodology will solve all their challenges. Each methodology has its pros and cons; it really depends on your objectives when figuring out which skill sets are most relevant to your company’s needs.

How can individuals become better project managers by employing tested behavioral concepts of organizational psychology?

Industrial or organizational psychology is the study of humans in the workplace. Most of what project managers do is drive initiatives through the assistance of others. One of the techniques that I’ve adopted and coached my clients to use is a personality test like the Myers-Briggs Type Indicator or the Dominance, Influence, Steadiness, and Compliance (DISC) assessment. Unless one works for a consulting firm where skills sets are all the same, most people who work on projects are volunteered by...
their leader to join the project. That may mean they may not really want to be involved. By understanding communication preference and personality type, a project manager can develop specific strategies that motivate a team to work for a successful project outcome.

**What specific concepts in organizational psychology have you identified that transform project managers?**

Many of us may have heard of forming, storming, norming, performing, and adjourning, but did you know that these are the five stages of group development that Dr. Bruce Tuckman created? Group dynamics is one of the critical factors to project success. Through my research and experience I’ve found that a project manager’s biggest threat area is between the forming and storming stages. Think of forming as the honeymoon phase and storming as post-honeymoon. If project managers are seen as weak or are not living up to the leadership standards of the project team, then members will look for an alternate informal leader. Having informal leaders in this case is not good. It means that leadership was not up to the task and the team would rather listen to someone else.

**How are these concepts interrelated and connected, and how will they form a point of view for a project manager?**

Focusing on the individual and group will enable the project manager to set himself or herself up for success. This also ensures that he or she is not contributing to behavior that will be destructive during the project. For example, and I know this may sound simple, but when you kick off a project meeting and you decide to start 10 to 15 minutes late, you’ve just given your team members an unconscious cue that it’s okay to be late. Unfortunately, many people don’t realize that small behaviors can contribute to norms that may be counterproductive.

**Is there a particular project that is ideal for employing these concepts?**

Unless a project has no human interaction, then I would say all projects are ideal candidates for leveraging these concepts.

**What is the best way to formulate a project management plan so behavior in an organization is understood and optimized?**

The most underdeveloped areas in a project plan are the change management and communication sections. Regardless of the magnitude of a project, preparing

your end-users to adapt to change is critical for the project to be successful. One of the other concepts I teach in my workshops is the “emotional change curve.” Elizabeth Kübler-Ross, a renowned psychologist, researched the stages a person goes through when a loved one dies. She developed the “Five Stages of Grief.” Since its inception it has been adopted to how people react to change. People naturally like to control their environment. When something is imposed, depending on the imposition, the person will have either a soft or really hard knee-jerk reaction. This means when you are going to change the way a person works, adoption of what you are doing is critical; otherwise, you will have a mutiny on your hands.

**How does organization behavior minimize project failure?**

Organizational behavior affects the project management team’s group dynamics, leadership, and motivation to ensure that the projects are delivered on time and on schedule. This leads to higher success rates in project implementation.

**In organizational cultures such as law firms, financial institutions, and professional service firms, what are the most challenging aspects to running a project successfully?**

There are three challenges:

1. Consistent standards detailing how projects are defined, measured, and administered within the organization

2. The organization’s maturity level in optimizing the benefits of proper project management

3. Upskilling and level-setting project management skill sets across project managers

**How can an individual leader or manager within an organization take a first step into project management and organizational psychology?**

When you first venture into project management, you need to understand you are working with people. You are also driving projects and influencing without authority. The success of the project is how you lead a project team. These skill sets on the organizational psychology side equip you to manage teams. Being able to recognize strengths and guide self-assessment produces the right people for the right role, ultimately leading to successful outcomes and continued sponsorship.
How are globalization and technology influencing project management and managing virtual teams?

Location is a big obstacle in successful project management because it impacts group dynamics. Despite location and time zones, you still need to build a strong team relationship. A PM leader always needs to start out by getting to know his or her team. This fundamental information sharing helps the team understand its skills and who you are. The goal is to build rapport that, over time, becomes stronger and stronger. Secondly, communication is a priority. Working with colleagues in different parts of the world has become normal. Even colleagues who share a common language will find that where they reside will result in a vernacular and nuance of language that may not necessarily translate. Having regular meetings is key. Don’t be afraid to probe further when you recognize something is happening, or, for that matter, not happening. The message you need to communicate needs to be received.

Lately there is talk of using technology solutions, such as Avatars, to create a virtual work team within a corporate environment. I think there is an inherent danger when leveraging this form of technology because this concept encourages a person to lose one’s self or identify and form a new self. This could potentially result in a false group dynamic. I have found that using Skype, once you become comfortable, allows the group to pick up on nonverbal cues, resulting in a more natural collaborative environment.

Is there a competitive advantage for a project manager to integrate an organizational psychology approach in any business capability?

Whereas the multitude of project management disciplines focus on the technical skills, industrial psychology compliments the project manager by focusing on leadership skills to ensure project success. This form of success is ultimately the competitive advantage and higher return on investment for any industry or corporation.