The Future of Legal Services: Expert Analysis
EDITED BY KATE CLIFTON
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Executive summary

AS LAW firm leaders look to the future following the global recession, few will deny that the profession has entered a period of unprecedented change. This is evident not only in the way that legal services are procured, but also in how firms manage the expectations of their clients. This includes pressure to adopt alternative fee arrangements and to provide a leaner, more efficient service. Gone are the days when lawyers could charge by the hour and clients would pay without question. The client is now very much in control.

However, change also presents opportunity and those firms that are willing to reassess their working practices, and adapt to keep pace with the sector as it develops, will be able to take advantage of the opportunities ahead and prosper in the increasingly competitive marketplace.

With this in mind, this report features analysis of key trends to keep an eye out for, lessons learned, and practical advice provided by leading industry practitioners and consultants.

Bruce MacEwen of Adam Smith, Esq. opens, with a look at the law firm of 2015 and how it will be shaped by dominant market forces including alternative fee arrangements (AFAs), legal process outsourcing (LPO) and project management. His coverage includes analysis of how core developments in these areas will affect individual career paths within law firms and force management to reconsider certain cost centers. In summarizing, he argues that law firms must be prepared for a substantive change in the way in which legal services are delivered. This will be paramount in an era where clients call the shots, disruptive technologies influence the ways in which firms work, and non-legal businesses foray into the sector.

ELD International president E. Leigh Dance focusses on the global marketplace for legal services, stating that in order to nurture their international growth strategies, law firms must first establish where they are standing now. Only then can they decide where they want to be in the future, and the most suitable route to that destination. The chapter summarizes global business dynamics and their effect on law firms, and then explores the changing needs of international clients. It goes on to address law firm strategies for expansion (for example, mergers) and finally suggests the questions you should begin answering now, in order to clarify your future strategic direction.

Declining legal markets in the west – as a result of the global financial crisis – have served as a wake-up call to many law firms, which have looked to the Asian market to grow their practice. In the past few years there has been an increase in new firms entering the area, or solidifying an existing position. In the third chapter Robert Sawhney, managing director of SRC Associates, discusses the firms which have taken the plunge, highlights the pros and cons of setting up shop in the region.
and explains the implications of significant changes in the legal industry (detailed throughout this report) or Asian practice.

In ‘Brave new firm’, Ben Rigby presents best practice approaches to managing the level of change required to adapt and survive (and prosper) in the challenging legal landscape. Firms must become more agile, if they are to increase efficiency, reduce costs and meet client expectations. Case studies on Hogan Lovells’ merger and Norton Rose’s flexible working scheme provide working examples of how forward-thinking firms have evaluated the need for strategic change, implemented new working practices and maintained momentum in order to improve their overall positions.

Paul Lippe, founder of Legal OnRamp, begins his commentary by asking whether or not lawyers will be able to retain their professional core during these times of change? Drawing on comparisons with changes in military expertise over the centuries, he asserts that in every large-scale human endeavor technology changes first, followed by techniques and tactics, then culture. He details the changes that have affected the legal sector in the wake of the boom period of 1992-2007 and explores the five resulting developments that he anticipates for law firms. These are more formal assessment of value, increased collaboration, the restructuring of work, unbundling of services and self-help.

Another key trend up for discussion is the role that corporate procurement executives play in the law firm selection process. In Expert analysis 6, Dr Silvia Hodges provides a number of tactics commonly applied by procurement professionals, which may be alien to in-house lawyers. She concludes that the relevant parties must communicate openly with each other and tackle procurement of legal services with a long-term, relational (as opposed to transactional) approach. In this way, forward thinking purchasers can work closely with suppliers, inspiring innovation and cost savings.

The seventh chapter of this report further explores in-house counsel relationships. Steven A. Lauer explores several key trends – and their effects – including: the emergence of the corporate law department; the increasing globalization of business; the introduction of performance standards for internal and external lawyers; a growing realization of the need for effective data collection; and a movement away from the attitude that law firms need to complete all aspects of legal work. In fact, some law departments now perform more complex, business-specific work that would previously have been given to external counsel.

As law firms face up to the challenges of surviving in a constantly evolving and competitive sector, many will look to their managing partners to provide the inspiration and leadership to galvanize individuals and teams, and ensure success. Patrick J. McKenna has found in his research of managing partners that the amount of time allocated to management of their firms has reduced quite significantly, as they react to the squeeze affected by the recession. In his analysis, McKenna notes that giving up the practice of law entirely may no longer be an option and provides some tips on how leadership responsibilities can be shared – and how best to make such relationships successful both for the individuals involved and the law firm.

George W. Russell continues the leadership theme, with analysis of the effect that international mergers are having on the stereotypes of national culture as applied to law firms, and the challenges for managing partners. His coverage of management styles across the globe
encompasses views from managing partners of firms in the US, Europe and Asia. He also includes advice on how managing partners can react to the challenges they face in a rapidly globalizing marketplace.

Legal project management (LPM) is mentioned throughout this report, so it seems appropriate that expert Jim Hassett, founder of LegalBizDev, provides a history of how the discipline has taken shape within law firms—including the industry changes which have shaped its growth and the solutions available to those looking to implement a strategy. Within his analysis Hassett discusses lawyers’ attitudes to change and the differences in educating versus changing behavior, before concluding with a summary of the eight key issues in LPM.

Fronterion’s Michael Bell continues with insight into LPO. He suggests that no single development in the legal profession has such wide-reaching implications as disaggregating legal services and parceling them out to third parties outside of the auspices of the traditional law firm. He charts key developments in the LPO market and provides advice on how law firms can make third-party relationships meaningful and successful. The chapter closes with a list of top trends for 2011, taken from Fronterion’s recent research into the area.

“The present system of dispute resolution is broken,” according to Patrick J. Lamb, who contributes the 12th expert analysis of this report. He argues that it costs too much, is unpredictable and was designed for a time when disputes tended to be resolved by trial. While disputes now tend to be resolved predominantly through negotiation, the processes and rules used by lawyers have remained essentially unchanged. This chapter provides guidance on how to introduce processes, project management and alternative fees to improve the litigation process and bring measureable value to the resolution of cases.

Thomas Berman, of Berman & Associates, asserts that information integration is the next big thing for law firms – in particular using integrated practice management software programs to reduce risk on a case by case basis. His article discusses information held within firms and how to make that data accessible to those who require it. It also features examples of how an IPMS program can help to improve processes and concludes with the view that “… a safe, effective and profitable law firm requires integration of its software and its practice. Without such centralization, it is suggested that a law firm will be unable to compete on a level playing field with other firms that have since adopted an IPMS. “

Larry Bodine then provides a snapshot of the social tools that individual lawyers and firms can use to maximize their online presence and win new clients. This includes creating an online biography to entice clients to the firm; using blogs as a cost-effective lead generator; and taking advantage of popular websites such as Facebook, LinkedIn and Twitter. According to Bodine, “Consistently making connections and interacting with clients online will lead to more business and increased revenue in the real world.”

Rounding off the report, Dan Dipietro and Gretta Rusanow of The law Firm Group Citi Private Bank, focus on AFAs and buying growth through the successful acquisition and integration of laterals into the firm. The analysis draws on research conducted by Citi, which finds that in the first half of 2011 there has been positive movement in revenue and demand for legal services, and an increase in rates. However, the legal profession is yet to return to normal and performance in all these metrics is still down
Executive summary

on results recorded during the boom period. Dipietro and Rusanow conclude that the past few years have been tough for the legal industry and the challenges faced by law firms will continue into 2012.

However, those firms which are open to change and introducing new ways of working are likely to emerge from these difficult times stronger, more efficient and more flexible to the developments that are shaping the future of legal services. We hope that this report provides some guidance on developments to watch out for, enabling US law firms to prepare for the challenging – but exciting – times ahead.
About the contributors

Michael Bell
Michael Bell is the founder and managing principal of Fronterion LLC, a legal outsourcing advisory firm. His expertise covers the full spectrum of legal outsourcing advisory services.

Working with some of the largest law firms in the world, Michael helps clients structure and implement highly innovative legal outsourcing engagements.

Michael is also the author of the seminal book *Implementing a Successful Legal Outsourcing Engagement*, which is regarded by many to be the most authoritative resource on the topic of legal outsourcing.

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Thomas Berman and firm members had managed and consulted with law firms, corporate law departments, accountancy firms and the Legal Services Corporation for 23 years, before establishing Berman & Associates in 1991.

Berman & Associates was started as an independent auditing firm working in conjunction with syndicates at Lloyd’s of London. Its mandate was to assist law firms throughout the US, Canada and the UK with professional liability risk issues.

For the past 20 years the firm has worked with over 1,650 law firms throughout the world. These have included firms of every kind, from single lawyer to over 700 lawyers; from intellectual property to plaintiffs’ personal injury law. The firm is hired directly by law firms, through independent brokers and insurance underwriters. Over the course of that time, approximately 700 of its assignments have been on behalf of Lloyd’s Underwriters.

Today, Berman & Associates is involved in all phases of law firm practice management including mergers and acquisitions, partnership and shareholders agreements, calendar systems, conflicts systems, integrated practice management systems, law firm planning, partner compensation and, of course, risk management.

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Leigh’s inside and outside counsel relationships span the globe and give her a rare perspective on legal services. Founder of the Global Counsel Leaders Circle, she has organized roundtables of top counsel around the world for 12 years. She advises global corporate legal teams (such as Accenture, Coca-Cola, Hilton and Lenovo) on topics such as law firm management, alternative sourcing, performance, emerging markets and compliance.

Leigh’s articles on law, regulation and business have appeared in the *Financial Times*, *The Wall Street Journal*, and other publications. She has an MBA in International Management from Thunderbird and an International Relations BA (*cum laude*) from University of Delaware. She has worked in public policy in Washington DC and New York, and was a vice president with Chase Manhattan Bank, with assignments in Paris, Hong Kong and London.

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**Dan DiPietro**

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Prior to joining Citi in 1987, Dan spent five years managing Mellon Bank’s middle market lending office in New York. Before this, he was a banker within Chase Manhattan’s middle market lending division. He also managed a not-for-profit organization and taught in the New York City school system.

Dan holds an MBA from Columbia University and a BA from St John’s University. He is a visiting professor at Harvard Law School in the Leadership in Law Firms program, and has been published in a number of legal industry periodicals including regular articles in The American Lawyer. He holds Series 7 and 63 Licenses. Dan speaks at numerous industry roundtables, partner retreats and leadership groups at law firms.

A father of three, Dan resides in Sea Cliff, New York with his wife Ann. In his spare time he is a member of the Sea Cliff Silly Shakespeare Company, and while a banker by day, he is a yoga instructor by night.
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He is the author of nine books, including The LegalBizDev Survey of Alternative Fees and Legal Business Development: A Step by Step Guide. He has also published more than 80 articles in the New York Times Magazine, Of Counsel, Legal Management, Strategies: The Journal of Legal Marketing and other publications.

Jim is a frequent speaker at law firms and bar associations (including the New York City Bar, the New York State Bar, and the Massachusetts Bar), Harvard Law School, the Association of Corporate Counsel, the Defense Research Institute, Ark Group, and at Legal Marketing Association meetings in Boston, New York, Philadelphia, Washington, Savannah, and Vancouver.

He has conducted webinars through West LegalEdcenter, the National Law Journal, the Center for Competitive Management, the International Lawyers Network, TAG Academy, and the Legal Marketing Association.

Jim also writes the blog Legal Business Development (www.jimhassett.com) which was featured at the ABA TECHSHOW in 2009 and again in 2010 (in its list of ‘60 Sites: Latest and Greatest Internet Hits’) and by TechnoLawyer (in its list of ‘the most influential legal blogs’ in BlawgWorld). He has a Ph.D. from Harvard and is an Adjunct Associate Professor at Boston University.
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Silvia earned her PhD at Nottingham Law School in the UK with Professor Stephen Mayson. She also holds a master’s degree in business from Universität Bayreuth (Germany) and Warwick Business School (UK).

Silvia has conducted a number of studies on international buying behavior, including Europe (Germany, UK, France, Italy), Latin America (Brazil, Mexico, Argentina, Venezuela, Colombia, Chile, Peru), and the US. She is currently working on a study on the influence of purchasing managers on the buying of legal services. Her lecture at Harvard Law School is scheduled for 6 December 2011.

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Patrick J. Lamb

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Since its founding in January 2008, every bill sent by the firm has included a value adjustment line, enabling the firm’s clients to make adjustments to the bill if they believe the firm did not deliver the promised value. The firm’s focus on client value has been featured in numerous blog posts, podcasts, articles and presentations.

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From 1992 to 1999, Paul was an executive at Synopsys, an electronic design automation company. During that time Synopsys grew from $63m to $800m in revenue. Paul was at various times senior vice president, general counsel, and ran business development and corporate marketing. Synopsys is the global leader in sophisticated technology for chip design.

After leaving Synopsys, Paul became CEO of Stanford SKOLAR, a medical digital library and e-learning company sponsored by Stanford Medical School. SKOLAR was recognized as a leader in self-directed learning, with the first approved in-context learning system.

Paul is a graduate of Yale College and Harvard Law School. He is married to Nancy White Lippe and they have four children. When not on the Ramp, Paul splits his time between Concord MA, Moffett Field, CA, Blue River, CO, the Acela and Virgin America.

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Patrick currently co-leads a bi-annual program entitled, ‘First 100 Days: The New Managing Partner’s Master Class’, held at the University of Chicago, which has thus far graduated over 50 firm leaders, many from the largest NLJ 250 firms.

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He previously worked as a staff reporter on Legal Business and In-House Lawyer magazines, and is formerly the Bar Editor of the Legal 500 UK.

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He is also the author of *Marketing Professional Services in Asia* (Lexis Nexis, 2009) which has been called ‘one of the most indigenous books on Asian marketing’ by Professor Oliver Yau, Chair Professor at the City University of Hong Kong.
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In addition to his consulting work Robert has written numerous articles for pre-eminent publications such as the Business Times (Singapore), Hong Kong Lawyer, Hong Kong Accountant, Managing Partner, Singapore Law Gazette, Law Dragon, The Australian Law Management Journal, The Lawyer, Hong Kong Economic Times and the ACCA Journal, among many others. He has also delivered training programs accredited by both the Hong Kong Law Society and the Hong Kong Institute of Certified Public Accountants.

Robert has a BA from Brunel University in London and an MBA with distinction from the University of Lincoln (UK).

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