International Review

Spring/Summer 2019

Two Types of Legal Innovation:
Type 0 - Substantive Law and Type 1 - Service Delivery

When Your Strategic Plan Needs To Get Implemented

A Lucrative Micro-Niche:
Digital Transformation Practice

A Lucrative Micro-Niche:
Esports Practice

Leading Requires Understanding Different Working Styles

32 Strategic Innovation Questions:
Basic Building Blocks To Prompt Innovative Action

Illustrations by Jim Prokell

www.patrickmckenna.com

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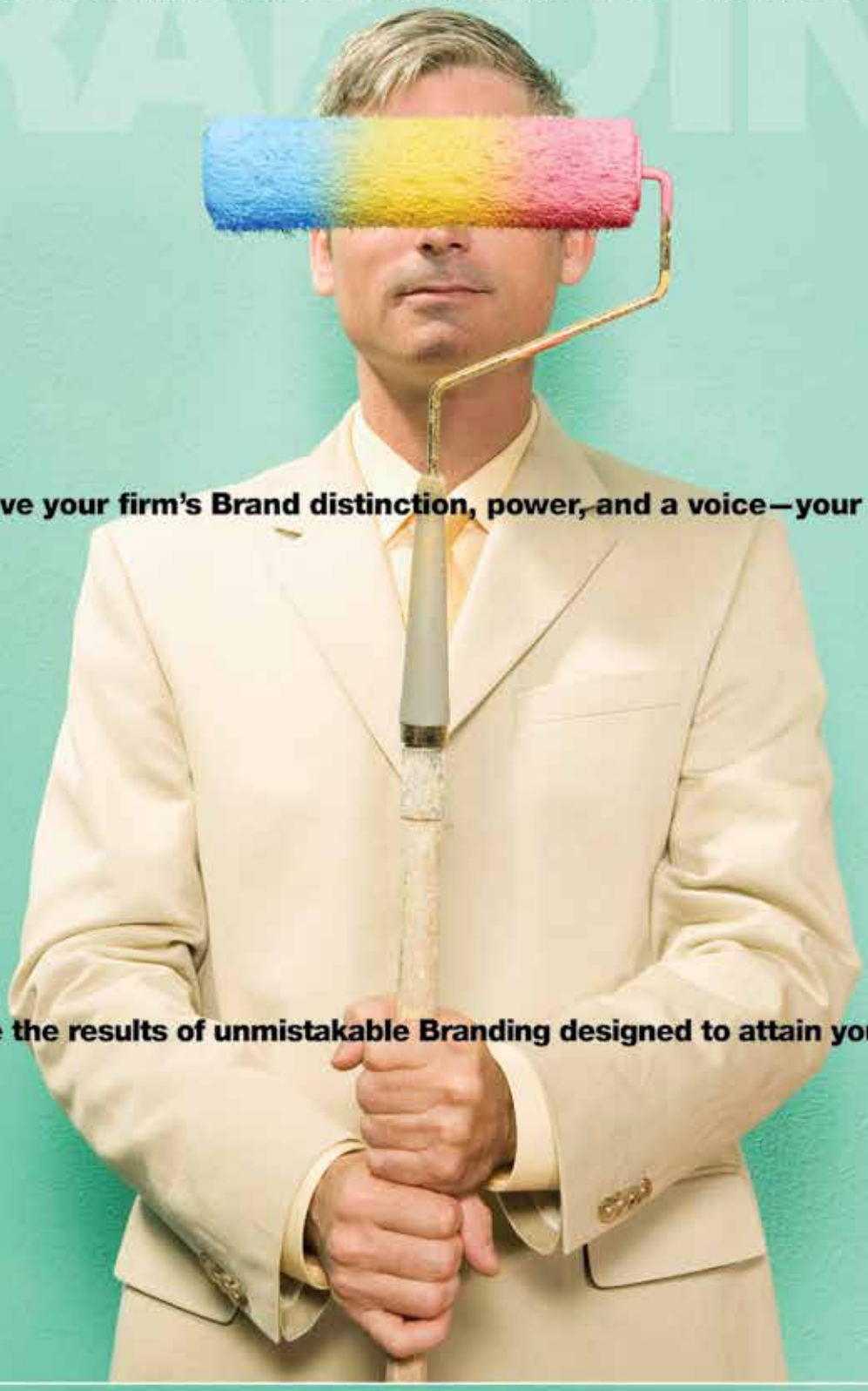

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Dear Valued Clients and Friends:

I trust, that like me, you are looking forward to a dynamic spring and summer. I am hopeful that this latest issue of my ***INTERNATIONAL REVIEW*** magazine will contribute to your strategic productivity and leadership efforts.

We start with an article written by my friend Professor Bill Henderson entitled *Two Types of Legal Innovation* wherein Bill kindly references some of my work and his candid examples of innovative efforts. This is followed by a related piece entitled *32 Strategic Innovation Questions* which I would welcome your feedback on, if you would be so kind.

When Your Strategic Plan Needs to Get implemented is intended to provide some pragmatic counsel on how to ensure that your implementation efforts prove fruitful and how to overcome eight of the most common hurdles.

In this issue I offer two examples of what I believe are potentially lucrative micro-niche areas of focus; the first on *Digital Transformation* a practice in which Deloitte already has dozens of lawyers serving global corporations and where I can only find one US firm with their toes in the water; and the second on recent developments in the *Esports* niche, where teams of video gamers competing against one another in front of a live and broadcast audience is becoming big business.

My final selection, *Leading Requires Understanding Different Working Styles* is an instructive dive into the different working styles that your various partners exhibit and how you need, as a leader, to understand these various styles and adapt your motivational and coaching approach to each.

I sincerely hope that you find some practical and usable ideas, tips and techniques here that you can put to work immediately. Please send me your observations, critiques, comments and suggestions with respect to any of these articles.

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Publication designed & illustrated by Jim Prokell, Jim Prokell Studio

By Professor Bill Henderson

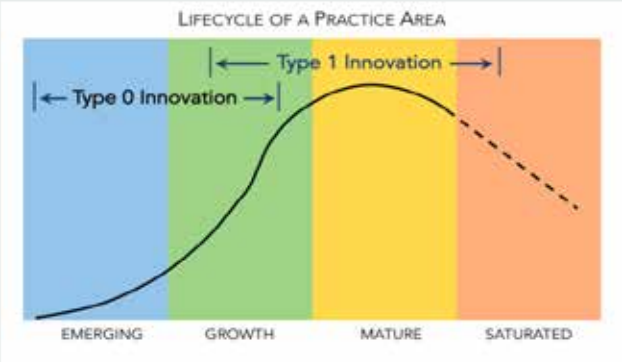
TWO TYPES OF LEGAL INNOVATION:

TYPE 0 - Substantive Law and TYPE 1 - Service Delivery

Innovation hype is alienating too many practicing lawyers. This is because we forgot that lawyers innovate in the realm of substantive law. It's time to fix that.

Recently I was at a conference on law firm innovation Chairperson, Patrick McKenna, walked attendees through an insightful 30-minute flipchart session that could have been the centerpiece of the entire conference.

Below is a depiction of what McKenna drew on the first page of the flipchart (I'll call it the McKenna Lifecycle of a Practice Area). Patrick was making the point that legal work moves along a time continuum



that starts with lawyers building relatively lucrative practices by becoming experts in difficult and emerging areas of law. Yet, at some point a substantial portion of that practice area becomes relatively mature. Notwithstanding one's level of mastery, the market is filled with other lawyers with a similarly deep skill set. As demand flattens and starts to decline, what was once a cutting-edge area of practice becomes a commodity.

Patrick gave the example of synthetic biology as an emerging practice area. As Patrick pointed out, synthetic biology raises extremely complex and novel issues of intellectual property, regulatory law and consumer safety to name but a few. In the growth area, Patrick suggested googling "virtual reality law practice" to see that lawyers from Cooley, ComputerLaw Group, and Kelley Drye have planted their flag in this important new practice area. Securities law is a good example of a practice area that has reached relative maturity — complex but sufficiently settled that portions of it can be brought in-house. Finally, Patrick pointed to debt collection as an area that has become fully saturated and thus subject to pure commodity pricing.

I have been studying the legal market now for more than 15 years. For the last ten years or so, I've tried to refine the tool of just talking to lawyers about their practices. In each conversation, I'm

listening for novel or recurring patterns. In my experience, very few lawyers or law firm leaders attribute their success to catching the right practice waves. Instead, conversations almost always focus on the abilities and intellect of individual lawyers. Perhaps this is because the waves of change in law move slowly and are hard to decipher without a lot of additional effort. As a result, we fixate on the surfer (and the surfer fixates on the surfer) and overlook the importance of the powerful waves that hurl them forward.

In this post, I'll explain how McKenna's Lifecycle of a Practice Area is a remarkably useful tool for delineating between two types of legal innovation: Type 0 innovation (substantive law), which is the engine that powered the rise of the world's most successful law firms, and Type 1 innovation (service delivery), which is crucial for reigning in the problem of rising costs and complexity in a highly regulated, interconnected and globalized world. Type 0 remains as important as ever, but clients would also like help with Type 1.

For a recent and in-depth treatment of this topic, see McKenna, "The Advent of the Legal Practice's Micro-Niche, Part 1", Legal Executive Institute, Oct. 14, 2018; McKenna, "The Advent of the Legal Practice's Micro-Niche, Part 2", Legal Executive Institute, Oct. 18, 2018. It's noteworthy that McKenna believes that the most important law firm strategy occurs at the practice group level.

TYPE 0 INNOVATION

As McKenna explained his diagram, I recalled numerous lunches and dinners with rainmakers who explained to me how they build their practices. Some fit the profile of the trusted advisor — they were great listeners, excellent at identifying core issues, very practical, and excellent at delegating technical tasks to other lawyers in the firm.

But another group, who were not particularly charming or charismatic, described how a series of assignments early in their careers took them deep into the business and technical aspects of their client's industry. Eventually they came out the other side with a series of solutions that proved to be very valuable and useful. As a result, they got more work from their client and others with similar type problems. These folks caught a wave in the blue or early green portion of McKenna's lifecycle.

This is Type 0 Innovation. It happens organically when a lawyer has the opportunity to immerse herself in the business and legal complexities of a new or changing industry. Although it often produces the same economic benefits as a major R&D initiative, lawyers and law firms seldom frame it that way. This is because clients are paying the bill, often by the hour. It's just legal work. The lawyer who develops such an opportunity into a major practice is viewed as a rainmaker and is compensated accordingly.

I call this Type 0 innovation because it is common throughout the legal profession. Virtually any lawyer has the intellectual tools to do it. It requires zero additional training. Yet it's undertheorized almost to the point of being invisible to practicing lawyers.

To illustrate this point, McKenna cites several years of data from law firm retreats where he has polled partners using anonymous clickers. In sessions related to the importance of business development, McKenna asks, *"How many of you right now can think of something you've observed in your practice that could be turned into a compelling service offering for one or more of your existing clients?"* McKenna says he consistently gets scores in the 65% to 85% range. Next question, *"How many of you have shared your idea with firm management?"* Remarkably, scores of 25% or lower are the norm.

When asked why, partners explain that they doubt the firm or practice group will support them. Specifically, to "innovate" is to put yourself at risk of being on the wrong side of numerical targets needed to maintain one's status in the firm. Stated another way, the partners are not sharing risk. As a result, too many partners are stuck trying to sell services in the "mature" portion of the lifecycle, often at prices that cause clients to question the value they are receiving. This is a failure of both strategy and leadership.

That said, some law firms, particularly those that are highly specialized by practice area and/or industry, understand the importance of underwriting the development of substantive law innovations. For example, one of the attendees of Patrick's session was Tim Mohan, Chief Executive Partner of Chapman and Cutler LLP, an AmLaw 200 law firm that specializes in financial services. Tim later told me that Chapman had adopted a system of **innovation hours** whereby partners and associates could obtain credit on par with billable hours for innovation efforts likely to result in future revenues for the firm.

One area where this approach has paid large dividends is marketplace lending, which is the relatively recent development of non-bank financial institutions matching up borrowers with lenders, often by leveraging technology to evaluate and process loan requests. Obviously, this has been tremendously disruptive to traditional banks. Back in 2013, when this industry practice was at best an "emerging" [blue] practice area, two Chapman partners, Marc Franson and Peter Manbeck, wrote a whitepaper called *"The Regulation of Marketplace Lending: A Summary of the Principal Issues."* The first draft (the authors now keep it updated) took several hundred hours to research and write. But once posted on the Chapman and Cutler website, it became a hotbed of download activity that has led to $10M+ in firm billings. This is pure Type 0 innovation.

Far from going away, Type 0 opportunities are growing in number and importance.

Once McKenna's Lifecycle model got into my head, I began to see Type 0 innovation all around me. Consider the following examples:

- **Gary Marchant at ASU Law.**

Gary Marchant is a Regent's Professor of Law and director of the Center for Law, Science and Innovation at ASU Law. He is also on the speaker's circuit, wowing legal audiences with novel questions of law that judges, regulators, and practicing lawyers are grappling with as a result of massive advances in science and technology, from autonomous cars to drones to cloning to global warming to digital data that captures our every move and hence of great value in determining issues of guilt or civil liability. Several times over the last few years, I've had the privilege of being the same program with Gary, where he consistently knocks the ball out of the park.

Our most recent panel was earlier this month in San Francisco. Fortuitously, we shared a cab to the airport. Thus, I got to ask Gary, "*How in the world do you come up with all these examples of new and emerging issues?*" Gary replied that he teaches seven classes a year at ASU Law (e.g., Law, Science and Technology; Genetics and the Law; Biotechnology: Science, Law and Policy; Health Technologies and Innovation; Privacy, Big Data and Emerging Technologies; Environmental and Sustainability Law; and Artificial Intelligence: Law and Ethics). To scale his expertise, each is taught with a co-instructor. *"But they're all paper classes. I read and grade 400 papers a years. All my examples come from my students."*

Gary Marchant is astonishing example of how to get the three circles of teaching, service and scholarship to overlap in near perfect unity. Kudos to the enlightened deans at ASU Law who found a way to make this work!

- **Carolyn Elefant at MyShingle.com.**

Carolyn Elefant, the clarion voice of the solo and small firm bar at My Shingle, has recently written a book called *"41 Practice Areas That Didn't Exist 15 Years Ago."* Elefant is renowned for being a solo practitioner who stays busy doing challenging work she loves. So, how in the world does she have the time to identify 41 new practice areas? Similar to Gary Marchant, Elefant skillfully leverages the time of student law clerks she regularly employs in her practice.

Carolyn compiled this list not necessarily for her own practice but to prove the point that new practice niches are growing at an accelerating rate. As a result, any lawyer can pick an emerging area of law that is causing heartburn for some distinct population of clients and, by dint of some research and writing in an ebook format, translate that know-how into seven figures of income. This is because the community of interest passes around the ebook, building goodwill and credibility with future clients. This isn't theory — this is Carolyn's own experience which she learned through trial and error as she created a landowner rights practice. See *"Seven Figure Ebook,"* My Shingle, Aug. 23, 2018. She's turn this insight into an easy-to-follow methodology for creating a lucrative and rewarding Type 0 law practice.

I know all this because I signed up for one of Carolyn's webinars this past August — for me, it's field research. I greatly admire Elefant because she is passionate about helping other lawyers become successful. She reflects the legal profession at its best.

- **Kevin O'Keefe at LexBlog.**

Kevin O'Keefe is the Founder and CEO of LexBlog, which is an online publishing platform that currently hosts 1,400 law blogs, including Legal Evolution and the majority of blogs published by AmLaw 200 law firms. Arguably, LexBlog has become the epicenter of Type 0 innovation, as the vast majority of LexBlog content is focused on substantive law. In most cases, the unit of production is either the boutique law firm or a practice group inside a major law firm.

Like Carolyn Elefant, O'Keefe spends a lot of time helping lawyers see the abundance of ripe fruit hanging less than a foot off the ground. The only catch is the modicum of effort necessary to reach down and pick it up. This is the world of content marketing, demonstrating through your writing your insights on a set of problems that afflicts some discrete universe of clients. When someone in that small universe goes online in search of relief, your content appears near the top of the Google search (the LexBlog platform aids SEO). That content builds trust and credibility. Although some readers will use it for pure self-help, the complex work flows disproportionately to the authors and the authors' firm.

A good, but far from unique, example is Ballard Spahr, which puts out five publications on LexBlog:

- **Housing Plus.** Guidance and legal insight for all aspects of housing and community development
- **Money Laundering Watch.** Insights and news on the world of financial corruption
- **Consumer Finance Monitor.** CFPB, Federal Agencies, State Agencies, and Attorneys General
- **CyberAdvisor.** Insights from the frontlines of privacy and data security law
- Health Care Reform Dashboard. Charting Developments with the Affordable Care Act and Beyond

Kevin O'Keefe has an infectious laugh and a life story so inspiring that every year I invite him to Indiana Law to talk with my students. Without fail, Kevin marshals example after example of young lawyers who create life-altering career opportunities for themselves by researching the legal issues around what interests them. Step 1

is to find the online legal experts. Step 2 is to read their content and the materials they point to. Step 3 is to contribute to the conversation via social media. That's right, to get off the ground, cutting-edge Type 0 innovation often leverages a twitter account.

TYPE 1 INNOVATION

I hope it's obvious to readers that the vast majority of Legal Evolution content is focused on Type 1 innovation — i.e., service delivery improvements (data, process, technology, etc.) that chips away at the problem of lagging legal productivity. Yet, as important as this topic is to the future of the legal profession, it is near impossible to get lawyers to go on this journey when innovation hype ignores or denigrates the innovations routinely occurring at the practice group level. I hope the Type 0 / Type 1 framework can start to mend this riff.

DEFINITIONS

Lawyers value definitions. I would proposed the following as a starting point:

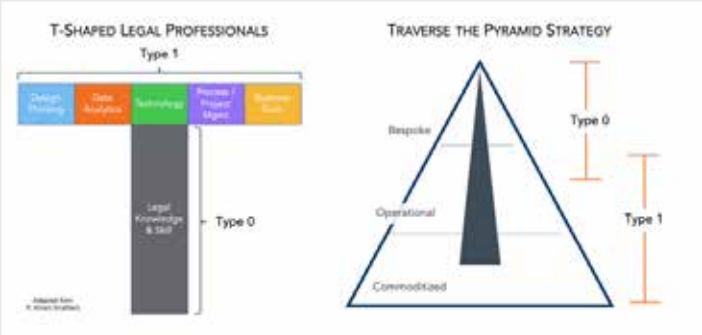
- **Type 0 innovation.** Adapting law to fit changing social, political, economic and technological conditions.
- **Type 1 innovation.** Improving the quality, cost and delivery of existing legal solutions.

We can plot these innovation types on McKenna's Lifecycle of a Practice Area, with Type 0 (emerging, growth) being in the wheelhouse of skilled artisan lawyers and Type 1 (mature, saturated) being the foundation of one-to-many legal solutions and thus requiring the collaboration of lawyers and multidisciplinary professionals.

Isn't it obvious that Type 0 and Type 1 innovation are both distinct and interdependent? Further, isn't it obvious that the legal profession's tool box needs to include both types of innovation, albeit with lawyers and legal professionals tending to specialize in one or the other but retaining the ability to effectively collaborative across the two types?

ADDITIONAL FRAMEWORKS

As I've reflected on Type 0 / Type 1 innovations, I've snapped them on to other frameworks. Below are two examples based on other Legal Evolution posts:



The T-Shaped Legal Professionals graphic (above left) has been discussed in Posts 043 and 048. Type 0 innovation is enabled by the traditional law school curriculum. If you're reading the news in the year 2018, it's obvious that Type 0 innovation is crucial to the functioning of an open society based on the rule of law. Yet, to address the problem of lagging legal productivity, legal professionals needs a bigger toolbox that includes the ability to collaborate effectively across multiple disciplines. Type 1 innovation is enabled by the disciplines at the top of the "T". Solutions to crucial PeopleLaw/Access to Justice issues require quantum leaps in Type 1 innovation. There's literally no time to waste. This is why so many of us are working tirelessly to stand up the Institute for the Future of Law Practice (IFLP, or "I-flip").

Likewise, variations of the Traverse the Pyramid Strategy (above right) have been discussed in Post 010 (the rise of managed services) and Post 055 (law firm strategy that combines substantive lawyering with data, process, and technology). It's foolish for legal services to migrate away from the pyramid model, as Type 0 innovation is built on the foundation of "mature" law in the operational and commoditized space. It's also the type of work that law firms have historically used to train junior lawyers. Less than 15 years ago, the process usually began with banker boxes filled with documents as part of the discovery or due diligence process. Likewise, legal operations and the P3 disciplines (pricing, project management, process improvement) all exist within the Type 1 innovation vertical — though more prices sensitive, it reflects the bulk paid legal work. Thus, we need to retool the traditional law firm talent model so that it can flex in the direction of both Type 0 and Type 1 innovation. This is yet another challenge that is being taken up by IFLP.

CONCLUSION

Neither Type 0 nor Type 1 innovation are easy or costless. Both require continuous learning and an investment of time and resources without a guaranteed financial return. Yet both add immense value to clients and form the basis for challenging and rewarding careers. Thus, for both lawyers and legal professionals, the future is bright.

Legal Evolution (https://www.legalevolution.org/) is an online publication that focuses on the changing legal industry. Legal Evolution was founded in 2017 by Bill Henderson, Professor of Law and Stephen F. Burns Chair on the Legal Profession at Indiana University Maurer School of Law.

32 Strategic Innovation Questions:

Basic Building Blocks To Prompt Innovative Action

Change the way you think about your practice. Open eyes, open minds and open your next meeting with one of these questions.

The innovative mind is a questioning mind.

The key to powerful thinking is powerful questioning.

Questions define the agenda of our thinking.

The quality of the questions asked drives the quality of the conversations you are likely to have about the future of your firm. Any firm leader can greatly influence their partner's innovative instincts by asking good questions and then turning your colleagues loose to try to find some imaginative answers.

What follows is a list of thirty-two (32) unusual, quirky, provocative and bizarre questions to clear out the cobwebs at your next partner's meeting. These are intended to jump start your creative thinking; launch your colleagues minds moving in innovative spaces; pop some new ideas out of your intellectual toaster; and get energized to take action.

Change the way you think about your practice. Open eyes, open minds and open your next meeting with one of these questions . . .

1. What are the unrealized aspirations partners have for our firm?

2. In this age of market disruption, what do we, as a firm, stand for and strongly advocate that makes us special?

3. What crazy ideas, if acted upon, could result in our being able to double our per partner profitability in three years?

4. Are there certain parts of the business that provide disproportionately greater innovation opportunities?

5. Where does our firm move the slowest, and what steps can we take to dramatically speed things up, by next week at the latest?

6. If we're trying to inject new thinking into our firm, what can the senior leader be doing to morph our status-quo oldsters into new thinkers?

7. What do we have to do to increase our number of partner-generated innovative ideas by 100x?

8. What things that made us successful in the past do we need to forget, unlearn, or discard to be successful now and into the future?

9. If our most demanding clients ran this firm, what experiments or pilot projects concerning with doing something totally new, would they have underway?

10. What has our industry known about and ignored for years that could deliver incredible value to clients that no one has every pursued?

11. How can we get into our client's heads, see through their eyes and gain breakthrough ideas?

12. What are new ways to put our clients together with each other, so they can help us identify and solve bigger challenges?

13. In what ways are we figuring out what we need to deliver to clients in the future beyond asking them – when they may not know what they are going to need?

14. How can we do something so big and challenging in a new market that our current competitors will have to follow us, thereby bolstering our innovation efforts?

15. How would an incredibly successful accounting or consulting firm rework our business model into something new?

16. What would our firm look like if we deliberately tried to break every rule that has defined our industry until now?

17. What could we do to digitize some component of our service offering?

18. What feature can we create that's unique and missing in most every other competitor's service to clients?

19. What are our plans for developing new skills and learning as fast as the world is changing, such that we can develop the kinds of skills that will make us indispensable to clients?

20. If our firm is trying to be a leader in some area of our market, what could we do completely differently instead of simply following our competitors?

21. How can we boost our speed, expertise, and strategic thinking by an order of magnitude to disrupt our industry?

22. If our firm were an organized religion, what would our beliefs be and what would constitute having committed a sin?

23. How can we prototype the change we need to start making right away?

24. How can we reduce the barriers to starting new initiatives for our people who are most likely to do great things and deliver incredible value?

25. How can we enable our talented but junior professionals to get the backing for new initiatives early in their work histories before they've had a chance to imagine their ideas won't work?

26. What steps do we need to take today to allow somebody (or multiple somebodies) within our firm to TEST new disruptive ideas without ANY constraints?

27. What will it take to blow up every excuse our firm has traditionally offered to not start tackling some important challenge – and get to work?

28. If we ruled out the belief that ANYTHING is impossible to accomplish, what would we start trying to accomplish RIGHT NOW?

29. What are all the little pieces we need to break a "too big to start or even imagine how to start" project up to finally get it started?

30. What steps could we take to better incorporate the creative genius of students, still in school, to help us develop new ideas?

31. What ways can we track the things our colleagues originally hated about some new change, that they now love – so that we can use it to better sell the NEXT big change.

32. If we considered everything we have accomplished in our innovation efforts as "Chapter One," where should we be, by the end of "Chapter Two"?

And finally, since procrastination is the graveyard of broken dreams, let's ask ourselves:

> "What are the key reasons why our best innovative ideas fall apart during implementation?" – and "how are we going to ensure that we STOP allowing that to happen?"

BECAUSE, if we think about it . . . only the mediocre and always at their best!

Whenever I think about the effort that is required to go into implementing your firm's strategic plan, I'm reminded of a particular business book title that grabbed my attention when I first saw it . . . Hope Is Not A Strategy!

To effectively transform your best intentions into tangible action, there are several common hurdles that you may need to overcome. Thinking through the following will help you make the leap.

1. ***Move seamlessly from strategizing to implementing.***

This is, from my experience, the most significant hurdle. Planning is not doing. Unfortunately, some partners believe that implementing the strategy and "getting their hands dirty" is beneath them. They act as if implementation is something best left to the non-legal professionals in the firm. This view holds that one group does the innovative strategizing work ("the thinkers"), and then hands the ball off to lower levels. If things go awry, the problem is placed squarely at the feet of the "doers," who somehow couldn't implement a "perfectly sound" plan.

Strategy and execution should be mutually dependent and cyclical in nature – the results of developing your strategic plan then drive your implementation efforts, which then requires that you think through the strategic implications. This is why execution needs the active engagement of those very same partners that came together to work on developing your strategy in the first place.

In other words, it should be absolutely mandatory, when you first begin your strategic planning, to have those who agree to serve on your Strategic Planning Committee understand that they will also be required to serve when your Planning Committee transforms into your Implementation Committee. I have discovered repeatedly, that if the partners who formulated the strategy have no responsibility for executing the strategy, it threatens knowledge transfer, commitment to sought-after outcomes, and the entire implementation process.

2. ***Have a single point of ownership.***

You need to make sure that you clarify specific accountabilities for each strategy and initiative.

Each and every member of your Strategic Implementation Committee (formerly your Strategic Planning Committee) needs to voluntarily take ownership for being the liaison on some action element and take responsibility for ensuring that they pull together the right partners and people throughout the firm to execute that task. This doesn't necessarily mean that they have to roll-up-their-sleeves and do it (that can be their choice), but it does mean that they are accountable for seeing that specific actions get done.

3. ***Do away with "should"***

For many firms, a pervasive problem in executing strategy is the existence of ambiguous wording, measurements and tracking mechanisms. Whenever I review some firm's prior strategic plan, I am always taken back by reading goal statements like: *"We intend to clearly distinguish ourselves and rise above the pack."* Or, how about this for a meaningful strategy statement: *"We should create a highly visible positive image in the markets in which we are determined to be a first choice"* or *"We should systematize cross-selling of practice areas by facilitating identification of client opportunities."* All of these are perhaps very noble in principle, but without any hint of HOW it's going to get done.

Without clarity, strategic execution becomes directionless work. Morale and support quickly erode. Alternatively, with clarity, you can create tasks and routines that keep incremental actions moving forward with holistic purpose and accountability.

4. ***Involve as many of your partners as possible.***

Effective implementation involves many hands.

Implementation always involves more people than the initial planning did, so communication throughout the firm or across different practice groups becomes an important ingredient. And linking strategic objectives with the day-to-day objectives at different offices and practice groups can become a demanding task. The complexity of execution increases as more people are involved – but that involvement is exactly what is needed for you to achieve any sense of alignment and success.

5. ***Think through the sequencing of your action plans.***

Sometimes you need to focus your execution efforts by thinking about the timing and pacing. When might it be best to move forward on implementing certain elements? Are you going too fast? Are the action plans you want to move forward in the correct sequence?

Think about how you might eat a good gourmet meal. Dessert doesn't come first; in fact, the same dishes served in the wrong order, will disrupt your entire dining experience. To make your strategy work, you have to observe the right sequence of actions, the right timing and the right pacing."

6. ***Meet on a regular monthly basis.***

Implementation requires enormous time. Overall, successfully executing a plan takes even more time than the hours and weeks invested in developing the plan. It can be extraordinarily taxing to the billable-time expectations and client obligations of the partners and others involved. It takes stamina to stay the course—but if you can prepare for what lies ahead, you might just reach your goal.

Execution isn't a short burst of activity on a quarterly basis; it is a continuous and ongoing exercise. Execution requires persistence in taking small incremental steps; it can't easily be delegated. The challenge for the members of your implementation committee will be balancing the urgency of day-to-day client obligations and activities, versus the importance of working on the future.

There is an old witticism that goes, if you give a lawyer a project to work on and ask that they report to the group by this Friday, they will definitely start working on their project . . . sometime on Thursday. Taking that behavior into account, it makes no sense to do anything but meet as an implementation group on a regular monthly basis with short turnaround times.

7. ***Get help when specialist expertise is required.***

> ***"It should be mandatory to have those who agree to serve on your Strategic Planning Committee also serve on your Implementation Committee."***

While some firm may get their strategic planning right, they can then struggle with how to specifically transform some element of their plan into executable activities. For example, having a strategy that calls for developing Client Teams to provide enhanced value and service to a select group of your largest corporate clients is a sound approach. However, determining how best to get your Client Teams working effectively may require expertise that does not currently reside in your firm. In those situations you need to retain the best resource you can find to educate or supplement your internal professionals.

8. ***Constantly measure your progress.***

Assign resources and budgets to each initiative. Develop a means (such as a balanced scorecard) to measure results; focus on leading indicators; make the number of metrics small but significant in terms of impacting future goals. Continually monitor implementation to ensure the expected benefits are being realized.

Let's face it. If there was some secret or shortcut to effectively executing your firm's strategy – we would all be doing it. Unfortunately, there isn't. It requires a great deal of dedicated persistent effort and a lot of unbillable time.

If there is any good news to this situation, it is that most of your competitors will not be able to pull if off. So can you be the exception and thereby reap the rewards?

CONSIDER A STRATEGIC PLANNING PREMORTEM

You are now at the stage of having worked with the members of your Strategic Planning Committee (now Strategic Implementation Committee) for a number of months to finally come to the point where you have a draft strategic plan that has been approved by the partners and now needs some attention directed toward how certain components will actually be implemented. There are a number of actions contemplated that your fellow Committee members feel are critical and definitely need to be properly executed in order to make a significant difference. As an example, one such action item states:

> *Develop and codify in writing, a set of 'Client Service Standards' that are accepted and consistently used by all attorneys in every practice area.*

There is some discussion and concern amongst the members of your Committee as to how this is going to be effectively implemented. The concern emanates from a sense within the group that it has traditionally been very difficult to get lawyers to perform consistently, even so far as getting in their time-sheets on a regular basis is concerned.

WHAT TO DO?

As everyone knows it is common practice to conduct a "postmortem" or lessons learned session upon completion of any major undertaking. If your endeavor achieved its goal, the questions typically focus on what went right, what we did well, and how we might sustain our success. If your initiative fell short or failed to meet expectations, your postmortem efforts tend to focus on what went wrong and how we got off track.

That said, this may be a time to think about conducting a 'Premortem.' A Premortem is a process to aid in identifying the potential roadblocks, ***before*** they have a chance of derailing your implementation efforts.

In a spirit of full disclosure, I confess to borrowing the term "premortem" from a *McKinsey* article entitled *"Strategic Decisions: When Can You Trust Your Gut?"* Not only is the article a fascinating read, it supports my belief that a good way to help ensure effective execution of your strategic planning specifics is to ask postmortem-type questions before, rather than after, the fact.

Here is how a strategic planning premortem could be preformed.

▷ Ask the members of your Committee to assume that their draft strategic plan or some critical but contentious component of the plan (like the action item identified above) has either failed in it's efforts to be executed or has been totally rejected by the partnership.

Your instructions to the group might be: "Everyone take two minutes and write down all the reasons why you think the undertaking failed." This exercise asks the members of your group to be self-critical, before they prepare to move forward in implementation, and gets people to voluntarily engage in devil's advocate thinking before the specific action item even gets started.

The team members can then be given a few minutes to individually write down all the reasons they can think of regarding why the plan has failed. Your role as a facilitator would be to have each member announce what is on his / her list.

In some instances, your fellow Committee members may lack the foresight to spot shortcomings. They may be so confident that they don't see the need for a critique. In those situations you may benefit from bringing in some objective, trusted partners to read, review and serve as devils advocates to help identify any areas of the plan that may spark contentious debates.

▷ Now have your members determine different ways and actions they could proactively take to prevent the implementation of the specific action item from failing or being rejected.

Ask every member of the Strategic Planning Committee to suggest at least one action that they believe could help to reduce the likelihood of the plan being rejected – including possible revisions to the plan.

You may likely hear, as I did when conducting this exercise, a number of creative ideas like:

> *We could enlist a group of our more senior partners who are well-respected throughout the firm for their gifted client service abilities, as our 'blue-ribbon panel,' to help construct the client service standards based on the kinds of actions that they take on a regular basis.*

> *We could gather together a group of our very best, key clients to provide input into what our client service standards might include.*

> *We could publish the service standards on our web site and in engagement letters such that every client was made aware of the standards and knew what to expect from the lawyer serving them. This would serve as a catalyst for ensuring consistent behavior from amongst our lawyers.*

Conducting a premortem can help you identify potential problems that otherwise would not have surfaced until they caused major damage to the strategic implementation efforts. This process is intended to heighten your Committee's sensitivity to potential areas of contention and then prepare to either counteract or address those areas in a proactive manner. The goal is to **prevent** potential problems from occurring in order to increase the likelihood of success. For the amount of time invested, a strategic planning premortem can be a low-cost, high-payoff activity.

A LUCRATIVE MICRO NICHE

DIGITAL TRANSFORMATION PRACTICE

"Digital disruption is the main reason just over half the companies among the Fortune 500 have disappeared since the Year 2000."

Pierre Nanterme, CEO of Accenture.

Today successful companies realize the costs of failing to innovate in a business landscape that is seeing incumbents displaced at an increasingly rapid speed. Intel, which has more than 100,000 employees, holds quarterly innovation days where employees can report the digital threats and opportunities they see in the distance.

Meanwhile many CEOs recount a new mantra: *"data is the new oil."* It's true that both generate wealth, power the cogs of economies and corporations globally, but the similarities stop there. The fact is, oil is a finite fossil fuel, while data is infinite. In the next two years, 40 zettabytes of new information will be created. And to help those of us who don't understand what that means, it is the equivalent of four million years of HD video.

While the analogue economy has quickly given way to the digital one with increasing buy-in from industry chiefs, the biggest challenge in corporate boardrooms is unifying the strengths of the 'old' with the opportunities of 'new' and faced with this challenge, anyone reading anything about digital transformation may conclude that many have different definitions of what this topic is all about.

Most organizations seem to use the term to describe significant changes they are attempting to make in their business that are enabled by digital technologies – thus utilizing digital tools and new technologies. Digital transformation involves using digital technologies to remake a process to become more efficient or effective. The idea is to use technology not just to replicate an existing service in a digital form, but to use technology to transform that service into something significantly better. But it's not just about the technology: changing business processes and corporate culture are just as vital to the success of these initiatives.

"Many companies believe that half of their revenues, by next year, will come from digital channels. Law firms have been slow to identify this micro-niche as a lucrative area of focus."

Digital transformation initiatives are often a way for large and established organizations to compete with nimbler, digital-only rivals. These projects tend to be large in scope and ambition, but are not without risks. In general terms, it can be defined as the integration of digital technologies into all areas of a business, resulting in fundamental changes to how that business operates and how it delivers value to its customers. Digital transformation will therefore require organizations to examine all areas of their business, including supply chains and workflow, employee skill sets, board-level discussions and customer interactions.

Last summer, Crowell & Moring became the first law firm to announce the launch of a Digital Transformation practice looking to serve clients in a "broad" array of privacy and cybersecurity; artificial intelligence and robotics; the Internet of Things (IoT); blochchain; drones; and autonomous vehicles. This new practice claims to encompass a cross-disciplinary team of internal lawyers with external technologists and consultants. Apparently a focus of the group's efforts will be "speed to market" in helping

corporate clients quickly launch new innovative products and internal processes. To help clients reach their goals, the practice group will strive to increase the client's awareness of new technologies and of regulatory trends that may be shaping the technology sector.

On average, many companies believe that half of their revenues, by next year, will come from digital channels. Furthermore, the World Economic Forum has estimated that the overall economic value of digital transformation to business and society will top $100 trillion within the next six years. Any way you look at it, the largest growth opportunities that most organizations can access now is to better seize the white space in these rapidly expanding digital markets. But simply introducing digital isn't really transformative; it needs to be genuinely transformative to the way the business works.

Here is what some in the C-Suite are saying:

> *"Digital transformation continues to be a strong trend and driver for growth. More companies are starting to execute their digital strategies and experiment with proof of concept around IoT, robotics and analytics. We are seeing an uptick in cloud adoption and the use of cloud platforms."*

> *"In financial services there is a big focus on growth and the customer experience. Banks are looking to change the legacy system and infrastructure – and so we are seeing big transformation programs around IT replacement and putting in new digital solutions."*

The US market, the largest and most mature, is also one of the fastest growing and was the first to go all out on digital transformation. And while law firms have been slow to identify this micro-niche as a lucrative area of focus, the consulting profession has not. In the general consulting market, digital transformation by the end of 2017, the last full year for which there is data, reached a value of $26 billion in consulting revenues. Digital transformation work makes up 40% of all US consulting revenues.

Ongoing disruption across multiple industries driven by new competitors is the key driver behind this with incumbent players recognizing the need to invest in digitally transformed models in order to stay one step ahead of these aggressive new entrants. Even those companies who were slow to invest are now taking steps to change. A fear of being left behind combined with a strong economy and the tax windfall provides companies with the means to invest.

The financial services sector participants represent the largest buyers of digital transformation work accounting for 28% of the digital transformation spend. These companies focused on customer experience transformation initially but are now also looking at end-to-end digitization initiatives, using automation to reengineer entire processes and starting to experiment with artificial intelligence (AI) to drive up efficiency.

Manufacturing is the second largest market at 15% followed by Energy and Resources at 12%. Digital transformation means different things to different sectors. In consumer products it is about themes like cost reduction and better supply chain integration. Telecoms are focused on new service offerings and infrastructure. While Mining, which has operated with the same business model for decades, is now planning how to innovate using digital.

Some developments to watch during the year:

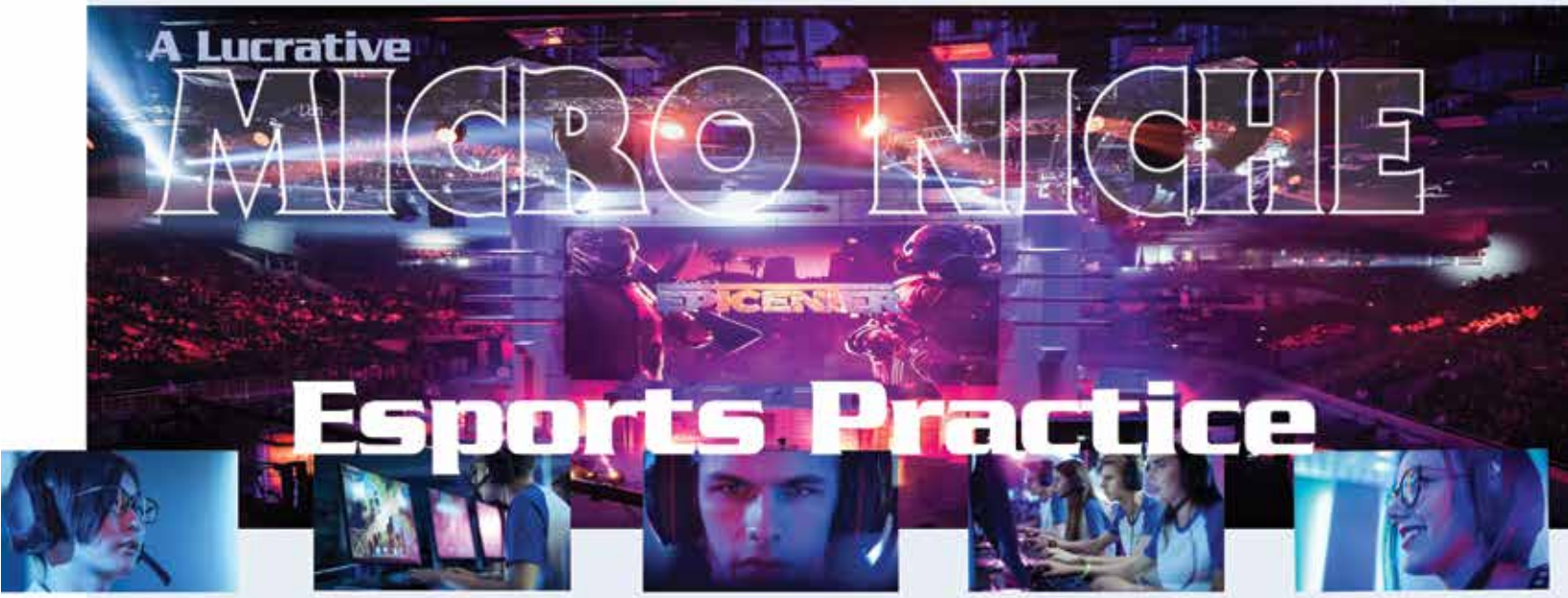
- According to the latest data from the MIT Sloan Management Review, the clear leadership role in digital transformation is now being assumed by the CEO, in 41% of companies – largely because it is now one of the top three priorities of many corporate Boards. Expect to see more CEOs committing their attention and resources and becoming actively involved in the selection of external support resources.

- Labor and employment support will become more critical as the people-side of the changes required for digital transformation often go under-addressed, yet arguably are the key success factors. Human resources in these companies have to carry out the digital transformation, yet are often inadequately equipped to do so from a skill, culture, mindset, inclination, and talent perspective. Many organizations have had their digital change initiatives crash upon the shoals of insufficient human capability to carry them out or an inadequately enabling environment.

- New digital regulations (like GDPR) are adding complexity to many digital transformation efforts. While some organizations may decide simply to ignore or abandon for now those regions with expensive and/or cumbersome regulations, it's not possible for larger organizations with commitment to customers and partners around the world. Expect more focus on digital regulation in 2019 and to be ready to deal with it proactively to head off slowing down of digital projects and initiatives.

- New technologies will emerge during the year to augment the vast and growing list of technologies that companies must absorb to stay relevant. Companies will be required to learn how to experiment quickly, often with partners and startups, to begin promising pilots to enhance the business and will require legal guidance in their efforts.

As digital transformation grows in importance, clients are looking for legal and business solutions guidance in developing digital strategies, including how to harness new technology to upgrade their customers' experience. Incumbents need to determine how best to deal with market encroachment from new digitally enabled competition. Efforts to digitize the back office through the use of tools such as robotic process automation has raised numerous operational improvement legal issues. Labor and employment, HR and change management is being reshaped as clients start to grapple with the implications that digitization work has for their workforces. And, there remains a continuing interest in cybersecurity risk assessment and regulatory.



Esports has become a specialized area of opportunity over the last few years. The stunning rise in the popularity of particular teams of video gamers competing against one another in front of a live and broadcast audience is becoming big business and another potentially lucrative micro-niche for innovative law firms.

In February 2015, Roger Quiles, head of Quiles Law an esports and sports law firm in New York City, launched the first Esports blog. Then in July 2016, he published "The Little Legal Handbook for Esports Teams - an online publication designed to help out players and organization owners on matters that include; how to draft a player contract, how to draft a sponsorship agreement and how to protect intellectual property.

In January of 2017, Seattle based lawyer Bryce Blum launched his esports-only law firm, Electronic Sports and Gaming Law. Blum, an ESPN contributor began to make his name in esports in early 2015 by posting legal opinions and articles on the subject.

Then last summer a young associate, practicing employment and labor law, inspired the leadership at the McNees Wallace firm to announce the launch of their esports practice group. For the uninformed, esports law is an amalgamation of multiple disciplines – labor and employment, contracts, endorsements, sponsorships, gaming, intellectual property and all the things that come with those arrangements. Potential clients are likely to include individual gamers, but also the game publishers, organizations building potential leagues, sports competition venues, media, entertainment, and advertising companies, and let's not forget potential investors and private equities.

According to those familiar with this area, what makes this robust, rapidly emerging esports niche especially complicated and intriguing is that it is still very much a 'Wild West' system without any established norms and patterns. The structure of teams and leagues, the formation of partnerships, and any kind of 'best practices' for those interested in the business are all still being created.

The esports industry brought in $865.1 million in revenue in 2018, according to Newzoo (market researchers), and expected to reach $1.1 billion this year, based on their projections. With a growth rate of 22.3 percent year over year, Newzoo predicts that the industry will rake in $1.79 billion in revenue by 2022.

People pay big bucks to see esports.

The industry can already boast of having a passionate, global, highly engaged audience. What is especially amazing is the way esports are moving into stadiums built for popular sports like the NHL or NBA. Over 20,000 people shelled out at least $60 apiece to see the two-day Overwatch League Final event at the Barclays Center last July. On Stubhub, a ticket resale portal, demand for tickets was high enough that a single ticket would set you back at least $195. These are ticket prices that are more often associated with major musical acts or major sporting events, not for those *watching* video games.

Citigroup analysts cite studies indicating that 143 million people watch esports at least once a month. Their study estimated a 15% compounded annual growth rate in viewers for the forseeable future. Deloittes is forecasting an estimated audience of

600 million globally by next year.

Meanwhile CNBC reported that the finals of the *League of Legends* tournament, held in South Korea in November, attracted an audience of 100 million – only 3 million fewer than US viewers of the 2018 Super Bowl.

> *"What makes this robust, rapidly emerging esports niche especially complicated and intriguing is that it is still very much a 'Wild West' system without any established norms and patterns."*

The teams are encouraging big investors.

In October, Cloud9 became the world's most valuable esports team after raising $50 million in funding. Meanwhile, a report in Forbes estimated that a total of nine esports teams worldwide are worth at least $100 million. As one might naturally expect, those numbers have attracted the attention of some big-time investors, like Mark Cuban and traditional sports mogul Robert Kraft, who owns the New England Patriots, and paid $20 million to own the Boston-based team in Activision Blizzard's Overwatch League prior to its launch last year. Even basketball legend Michael Jordan, joined in with an equity involvement in a group owning Team Liquid.

The biggest advertisers want a piece of this action.

The industry is generating approximately $1.5 billion annually from sponsorships and advertising. By way of example, in early February, the Overwatch League announced that it has added Coca-Cola as its official beverage partner ahead of the 2019 season. Coca-Cola joins Toyota, T-Mobile, HP and Intel as some of the major brands that this particular league has signed. While terms haven't been disclosed, the multiyear deal will give the beverage powerhouse exclusivity with all 20 teams in the league and events across the collegiate and amateur levels as well.

And big media wants in

Like traditional sports, esports is premium content, and media companies and advertisers are both willing to pay for the ability to tap into these markets. For the media, Esports offers partners and sponsors access to an extremely valuable and otherwise difficult-to-reach millennial demographic; a group not nearly as impacted by traditional television and advertising.

Twitch, a video game streaming service owned by Amazon, was the first to see the value of the Overwatch League, offering $90 million for digital rights to the first two seasons. Big media companies were a bit late to the game. Then Disney saw the dollar signs being thrown around in esports and wanted a part of the action. By last July, Disney and ESPN announced that the Overwatch League playoffs and finals would be carried on channels from Disney XD to ABC. This was a big validation for esports, which have always operated on fringe media platforms.

ESPN has reported that HP paid $17 million and Intel paid $10 million for sponsorship deals with Overwatch League. Sour Patch Kids, T-Mobile, and Toyota have also signed undisclosed sponsorship deals. If these companies are willing to spend money on advertising with leagues, they'll certainly be willing to pay a premium for advertising during esports events on TV. And of course that is what Disney sees as the upside of their deal with Overwatch League.

Esports may just be getting traction

The future of esports may just be getting started. Overwatch League has demonstrated how big the business can be, and now Activision Blizzard will be the first company to see how big it can make esports grow. Management has said it wants to expand the league beyond the current 12 teams and potentially into international markets, which could bring in $60 million per team in expansion fees, although a final plan has yet to be announced.

Venues will also be built to house esports events. In Los Angeles, Activision Blizzard built an esports stadium for Overwatch League this year, and we'll see more purpose-built spaces in the coming years, particularly if expansion goes overseas. And we may just be scratching the surface of the esports advertising business. Esports fans represent a valuable under-30 crowd, and we should see advertising to them go mainstream now that Overwatch League has built critical mass.

Esports is here to stay, and given the size of the business this early there's no telling how big it will get -- which is great news for the industry's leader, Activision Blizzard.

Leading Requires Understanding Different Working Styles

Think back to the last partner's meeting that you attended. Monday in the boardroom for lunch and it was about 12:05 p.m. before all of your colleagues grabbed their sandwich and got settled. Remember how each of the partners started into that meeting?

There is usually a Dorothy, who wants to know precisely how long this month's meeting is going to last, because she has some important client matters that need her immediate attention, and after all, why do we really need all of these sit-down meetings?

Meanwhile, someone we will call Anthony is quizzing everyone on how their weekend was and what each of them was up to.

Now Amy is studying the agenda and wondering aloud why certain back-up written reports could not have been sent around on Friday so she could of at least had the weekend to study them.

Then there is an Elliott . . . he wants to relate to everyone the story about how he aptly handled the important client matter last week, that was preoccupying his every waking hour.

If this sounds at all vaguely familiar, our little scenario usually ends with you as the leader. You're sitting at one end of the table, trying to figure out if this collection of partners is like every other group in your firm and how you are ever going to magnetize this particular room full of compasses, such that they are not all pointing in different directions.

To date, there is a bit more being written about the importance of leaders being able to manage and coach professionals. Some of it may lead new leaders to assume that there is a one-size-fits-all methodology for coaching; when indeed as this example is intended to suggest, your colleagues can be very different from one another.

These partners, most of whom are critically important to the overall success of your team, think, communicate, decide, and behave differently. In fact, if we look closely enough, we might also find that they use their time differently, handle emotions differently, and deal with conflict and stress differently. Not necessarily worse, or any better than you might - - just differently.

Not accounting for these differences can cause you, or any leader to rub partners the wrong way, miscommunicate, and consequently experience great difficulty in establishing rapport and trust.

BLENDING DIFFERENCES AND SIMILARITIES

Fortunately, your partners behavior is not nearly as random as it often may appear. Psychologists have found that we are much more predictable, even in our apparent differences, than most of us would ever want to admit.

One of the more interesting studies on the general predictability of human behavior comes from a phenomenal text entitled *Influence*, wherein social psychologist Dr. Robert Cialdini documents numerous ways in which our behavior becomes habitual - - without us ever really thinking about it. As one example, Cialdini reports on a university colleague who tried a little experiment. He sent Christmas cards to a sample of absolute strangers. Although he expected some reactions, the response he received amazed him. Cards addressed back to him came pouring in from people whom he had never met nor heard of him. These people received his holiday greeting and

automatically, without thinking, sent one in return. This Cialdini called the rule of reciprocation – we behave out of an obligation to the future repayment of some favor, gift, invitation, or the like.

For an even more practical application of this same example, think back to a time when you may have asked either one of your partners or one of your clients for a small favor. After having delivered on that request for you, the chances are very high that you now felt indebted. In fact, according to Cialdini's studies, that same client or partner could come back and ask you for a favor that was even greater in magnitude than the one you'd received and you will, in all likelihood, feel overwhelming compelled to deliver in order to clear your debt.

So what is the relevance of all of this? Simple. While each of your partners may behave very differently from one other, those same partners are surprisingly predictable, if, and only if, you take some time to understand them, where they are coming from (their particular ***working style***) and then are prepared to adapt your style to compliment theirs.

I'm not suggesting that you will be able to foretell your partner's every move. Nor am I presumptuous enough to assert that you will know for sure how a particular partner may react. When you are dealing with intelligent adults, there are no certainties, but there are probabilities.

Have you ever noticed how one of your partners whom you would consider to be an accomplished "rainmaker" behaves when first meeting with a prospective client? That individual will immediately modify his or her behavior patterns to reflect that which they observe coming from the particular prospect. If this prospect appears friendly, is comfortable with small talk, appears unconcerned about time, and uses their hands to make gestures while they are communicating, you are likely to see that rainmaker doing exactly the same thing – even when and especially when, that is not their normal style of behaving. That is a part of what makes them so accomplished as rainmakers. They instinctively recognize that people, like people, who are like them!

The very same principles apply, whenever you seek to develop any productive relationship. It follows then that we need to learn a bit more about how and why people, (especially those partners you may want to manage and coach) behave the way that they do.

At the very least, you can manage your end of it. You can choose to treat your partner from his or her perspective, the way that individual wants to be treated, by modifying your own behavior (like the accomplished rainmaker) or you can choose to meet only your needs–facing consequences such as dissatisfaction, frustration, confusion, and distress.

"While each of your partners may behave very differently from one other, those same partners are surprisingly predictable, if, and only if, you take some time to understand them, where they are coming from (their particular working style) and then are prepared to adapt your style to compliment theirs."

GUIDELINES TO UNDERSTANDING YOUR COLLEAGUES BEHAVIOR

When you next meet with one of your partners, really observe that individual's style by virtue of their physical and verbal behaviors. Notice how they talk – is their voice monotone or inflected? Do they walk ramrod straight or do they saunter along casually? Are their movements fast or slow? Do they seem to carry a hard-drive worth of facts in their heads or do you wonder from their dramatic actions, if they should have been on Broadway? All these little things tell you something about what to expect from them.

Psychologists have come up with a variety of concepts to help us explain and understand behavior. Unfortunately, they haven't always arrived at the same conclusions, but they have been able to agree that there are two primary dimensions to human behavior, both of which are observable and measurable as you may closely watch and listen to your partners. In the 1960's, a Dr. David Merrill discovered that two clusters of behavior – "assertiveness" and "responsiveness" – are extremely helpful in determining how individuals are likely to behave.

Since the 1960's many of the leading accounting and consulting firms have taught Dr. Merrill's techniques for enhancing interpersonal skills in order to improve the client relations and practice management capabilities of their professionals. In fact, the cover article of the March-April 2017 issue of Harvard Business Review was entitled, *"The New Science of Teamwork"* authored by a couple of Deloitte's professionals and providing their interpretation (I guess it's their form of marketing) of what I'm about to outline for you.

In its most practical form, an individual's level of **ASSERTIVENESS** (not aggressiveness, which is very different) is the degree to which that individual is seen by others as being forceful or directive. Quite simply, across a broad continuum, there are those at one end who "tell" and those at the other end who "ask."

Your more assertive "tell" partners will often speak louder, more rapidly, and more often. They will exert pressure for a decision, for taking action, and are pointed in expressing opinions, making requests, and giving directions. They are slightly more risk-oriented and often more politely confrontational. You will observe your more assertive partner feel no hesitation in interrupting and attempting to take control in the midst of some discussion amongst the members of any group.

Meanwhile, those of your partners who are less assertive (absolutely no value judgment implied) will tend to ask questions, are more subdued in their expressions and posture, speak more softly, have less intense eye contact, and want to carefully study a situation before making any decision. These partners may be seen to ask a good number of questions either to gauge how others view the situation or to collect as much information as is available.

Assertiveness isn't a trait or quality. We are not judging any behavior as more or less desirable. It is merely an effective way to observe and describe how you perceive a individual's behavior – or, for that matter, how they may perceive yours.

Think about each of the partners in your group. Can you determine at which end of this assertiveness continuum each specific partner might easily fit? You may even want to take out a piece of paper and mark "ask" on the left side with "tell" on the right. Now underneath each, list the names of partners that you can easily observe falling into either of those two camps.

By way of another example, we have seen very accomplished rainmakers at both ends of this assertiveness continuum. The less assertive practitioner will quietly and calmly probe their client, by asking question after question, until finally the client perks up and says, *"you know what I think we had better do . . . ,"* to which this practitioner responds, *"Oh, good idea, let us get started on that for you straight away!"*

Alternatively, the more assertive rainmaker is often perceived in their telling mode, *"George, you had better start thinking about what you are going to do with respect to . . . , come on into my office and let's set out a plan for how we get things started."* And for some of us, who observe this more assertive behavior, we sit bewildered at how these professionals manage to get away with it!

The point here is simply that there are different styles, each of which can be equally effective. And even more to this previous point, we shouldn't loose sight of the fact that our clients have different styles that require complimentary approaches. Imagine this more assertive practitioner trying this same approach with the less assertive client. It may not be such a pleasant dialogue.

The other way to measure behavior is by observing **RESPONSIVENESS**. With responsiveness, you are looking for how your partner expresses themselves and how they react. There are those of your partners who are more reserved, who "control" their emotions; and those who "emote" or seem to "let it all hang out." There are times when they might choose to mute their expression of feelings, but their most natural style around you and others in the group is generally more emotionally demonstrative.

The sort of behavior you will see and hear when you are with a more responsive partner (one who emotes) is an individual who appears friendly, is facially expressive (smiles, nods, frowns), and uses hand gestures freely. This individual will easily engage in small talk, share personal feelings, recite anecdotes and stories, and is less structured in their concern for time.

Alternatively, your more reserved and less responsive partners will often appear poker-faced such that you are never quite sure whether they are in agreement with what you, or others in the group, might be saying. You will find these partners vigilant, preoccupied, wanting to get the job done with a deliberate systematic approach that is always needing facts and details with limited time "to visit." As a leader you may think that these partners simply lack feelings. However, these partners may experience strong feelings. They are just less likely to display them.

Again, you might want to think about the partners in your particular group and on a separate sheet of paper mark "control" on the top and "emote" on the bottom. Can you now determine which of your partners are just naturally more controlled and which express themselves more openly? And, where do you fit?

Dr. Merrill (and others subsequent research) tells

us that we can be highly successful at our profession, irrespective of wherever we may happen to be on these two important dimensions of assertiveness and responsiveness. Interestingly however, the behavioral habit patterns related to these two dimensions are deeply ingrained by the time we reach adulthood. What this means is that, for example, while it is possible to increase or decrease one's assertiveness or emotional expressiveness given a particular situation or circumstance, we can only maintain that increase or decrease for a relatively short period of time.

Take a situation where you, as the leader, are someone who is most comfortable when you are highly focused on the task at hand and feeling a strong need to get at the facts so that you can help your colleagues make a timely decision. You are speaking with a partner who is inclined to want to take the time to explore "the big picture" and discuss the future ramifications of what each decision alternate might portend. You now have an internal (that sense of great impatience that you are probably feeling) and potentially external conflict.

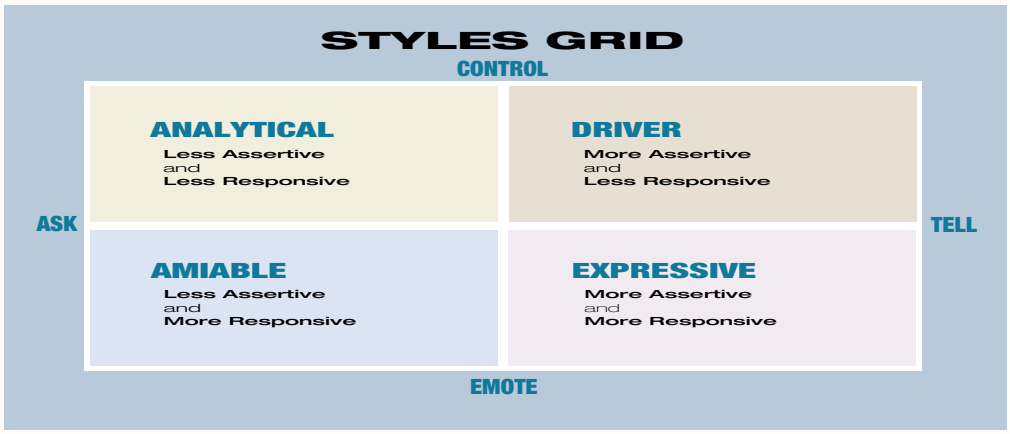
You can choose to plow forward such that both of you are likely to become polarized and highly irritated. Or you can choose to understand that this professional is simply flexing their natural style and you need to attempt an accommodation.

To accommodate your partner will require that you modify your style. To modify your style is not natural, not easy, and will evoke some level of short-term stress. Your level of stress is dependent upon how well you understand these principles of different styles and for how long a period you have to modify your style in order to accomplish the results you want to achieve.

THE KEYS TO UNDERSTANDING YOUR PARTNER'S STYLE

Now that you have examined the assertiveness and responsiveness continuums, if we put the two together, it will give you an idea of what a particular partner is like, where that partner may be coming from, their expectations, and how you need to work with them.

Based on what we have learned from this exploration of the two continuums, it can be said that each of us has a dominant style. In other words, you and each of your partners, prefer to relate and work in ways characteristic of one of four specific styles. The following Grid is provided to give us a frame of reference.



To communicate easily about these four different styles, it helps to give each a name. Now, there are a couple of problems associated to doing that. Firstly, our professional tendency is to be highly skeptical of anything that smacks of touchy-feely. Second, we all have a natural resistance to anything that suggests putting people in "boxes." And finally, by naming those boxes, we may focus only on what the particular label might imply, and not the full spectrum of behaviors that characterize that style.

But, let's see if we can suspend our skepticism for just a bit to see if this Styles Grid might really offer some important insights for you on how you can better manage, work with and coach your fellow partners.

(The Drivers among you are thinking, can we just get to the point. The Analyticals are not quite sure if there is yet enough solid data to support this model. The Amiables are completely repulsed by the whole idea of boxes and wondering why we just can't accept people at face value. While the Expressives are thinking, so some of the leading accounting and consulting firms are using this model . . . Can you give us specific names?)

YOUR "DRIVER" PARTNERS

In the upper right quadrant, we have those of your partners who are perceived as being control-responsive and tell-assertive. This partner is most comfortable when he or she is in control of themselves, the work environment, and their client transactions. These partners want quick action, tangible results, and pride themselves on their bottom-line, results orientation. They speak in forceful tones and are far more comfortable with verbal, rather than written communications.

Decisiveness is a salient characteristic of these professionals. They perk up when competing and appear to thrive within a pressure-cooker schedule. This partner will "squeeze" you into

their calendar and let you know that their time is limited. This partner may give in to impatience and rely on educated guesses or hunches rather than facts. You can expect them to be more likely to change their mind such that others are surprised by the abrupt changes in thinking and the sudden shifts of direction. In this partner's mind, the situation has changed and so too must the response.

It is not unusual for this partner to call you and without saying hello, launch directly into the conversation. This individual quite naturally wants to direct the discussion toward important tasks and goals; *"I think we will implement this tomorrow"* or *"I think this discussion is over."* Combine their no-frills conversational style with rapid delivery, a leaning-in posture, forceful gestures, and eye contact that may seem piercing and you have a partner that is likely to intimidate the less assertive members of any group.

Your Driver partner can accomplish a tremendous amount in a short time. However, if others feel bull-dozed or depersonalized, there is a danger that the progress will be more illusory than real. Others lack of buy-in or outright resistance may delay or even sabotage the outcome. When you observe the forceful nature of this partner you may be tempted to assume a lack of caring about people. This partner may have a sincere concern for others but just does not talk about it, nor does their body language reveal the depth of concern. This partner is a doer and their feelings are channeled into the language of action.

When Working With Drivers:

Managing Drivers is no easy thing because they want to manage you! Work with the Driver's strengths by allowing them to take the reins on particular projects. Their preference for change and innovation makes them the natural choice for new "frontier" programs where they can implement their own ideas. Make sure they understand the need to check in with the group or they may demonstrate their renegade syndrome.

Winning, more than anything else, motivates this type. They are more likely to thrive in pressure cooker situations. Provide them with options and clearly describe the probabilities of success in achieving goals.

In the interest of saving time, Drivers will usually try to find shortcuts. They don't like to bother with details. Focus on the high points please. So show the simplest, fastest route to get them to their stated destination. Stick to the facts. Draw them out by talking about the desired results. Describe the gap between actual and desired. Then discuss their concerns. Focus on tasks more than feelings. Ask them how they would solve the problem. When suggesting a different idea, opinion, or action, be sure to express your desire to identify solutions that will be mutually acceptable.

YOUR "ANALYTICAL" PARTNERS

In the upper left of the matrix, we have those partners for whom details and facts are the most persuasive. They are obsessed with getting information. These partners crave data – the more the better, such that they often agonize over decisions, wanting to be certain of making the right choice.

This partner is known for being well organized, can usually be found in their office, and the door is probably closed. Their offices may display a functional décor with charts, graphs, credentials, and firm related pictures, but everything is orderly and in its appropriate place.

Perceived as an individual of few words, this partner tends to ask pertinent questions, rather than make statements. This partner tends to be formal and proper, always likes to know where he or she is going, prefers written communication, may proceed carefully when taking the next step, and enjoys working with complex situations. They are often seen to place a higher priority on the task to be accomplished, than on the relationship. They strive for accuracy and expect it in others. They have perfectionist tendencies, set high standards, are often hard on themselves, but willing to do the time-consuming work needed to achieve or exceed those standards.

These are not contact people, preferring to work alone rather than with others. They also prefer formal, businesslike relationships; and may not volunteer much about their personal lives. Despite their solitary nature, they surprise you by being loyal when the going gets rough.

They favor brief, to-the-point telephone calls or email communications, are inclined to speak in structured, careful speech patterns, almost weighing their words as they convey them. Your Analytical partners will typically retain their ground in stressful situations when they can maintain their position with concrete facts or reverse-control questions. This partner will try to avoid the emotionality related to conflict. When others get carried away by emotion, this partner will retreat into his or her head and become emotionally detached, assuming a rational approach will cool an overheated situation. It often has the opposite effect.

When Working With Analyticals

Since Analyticals are complex thinkers, they base their decisions on facts and proven information. "I need to think about it," usually means just that. Supply them with any materials or documents they need, and provide deadlines and parameters so they can build those into their time frames.

Appeal to their need for accuracy and logic. This type does not respond well to fancy verbal antics

(avoid exaggeration and vagueness), so keep your approach clear, clean, and documentable. They will usually approach a challenge bit-by-bit, showing patience and follow-through until they do it right.

In general, when coaching Analyticals, point out the most important things to remember first. Then demonstrate the procedure in an efficient, logical manner, stressing the purpose of each step. Proceed at a relatively slow pace, stopping at each key place in the process to check for understanding. Elicit their thoughts about processes, procedures or problems *("If it were in your power, how would you change this to make it even better?")* They often are reluctant to directly express their thoughts and opinions - so persist in your attempts to get them to talk. This type particularly dislikes change because they view the future as unknowable variables where things can go wrong. When correcting behavior, specify the exact behavior that needs to be changed and establish agreed-upon checkpoints. Allow them to save face, as they fear being wrong.

YOUR "AMIABLE" PARTNERS

The quadrant on the lower left describes those partners who are ask-assertive and emote-responsive. This partner's behavior may suggest little desire to impose their actions and ideas on the group, preferring instead to reserving opinions. These partners project sensitivity to other's feelings, exhibit great patience, and believe it important that they take time to establish relationships.

To a greater degree than others, they are team players enhanced by their generosity with their time, eager to ask questions they hope will get to the core of the matter, and use relationships to achieve results. This partner is skilled at encouraging others to expand on their ideas, good at seeing value in other's contributions and genuinely more interested in hearing your concerns than expressing their own.

When you enter this partner's office you are likely to see group photos, an abundance of family pictures and mementos, and even conservatively framed personal slogans. This partner will favor arranging their office seating such that they can sit side-by-side with you in a congenial, cooperative manner. They walk casually, acknowledging others and sometimes get side-tracked in the hallways by chance encounters. This professional will express a sincere interest in the point-by-point description of what you did yesterday or the sequential pattern of how to complete a certain transaction. They like to approach their client work in a methodical and sequential in-out order. They are not enamored with goal setting or planning.

This partner prefers more personal interactions, rather than communicating by telephone, text or email. They typically express themselves tentatively, defer to the proven way things have always been done, often defer decisions, and feel more comfort making decisions by conferring with others, rather than by themselves. In conversation, this partner will reveal personal things about themselves that may have you thinking you know them better than others. Often, however, they are surprisingly guarded. They do not communicate many of the thoughts and feelings that are most important to them. This partner will withhold feelings of anger and critical judgment of others. Your Amiable colleague can seem calm on the outside while a storm rages within.

When Working With Amiables:

Amiables contribute harmony and stability to the group environment. However they may become use to using the same old methods again and again, and need to explore new ways to improve their work practices.

Amiables like to feel that their relationships with others will benefit from their completing a task that is within their responsibility. Therefore, appeal to their need to strengthen relationships.

In general, when coaching Amiables, allow plenty of time to explore their thoughts and feelings. Amiables usually express their feelings less directly, so draw them out through questioning and listening responses. When engaging in corrective discussions, recognize that Amiables tend to take things personally, so remove the *"something is wrong with you"* barrier as quickly as possible. Reassure them that you only want to focus on a specific behavior. Point out in a non-threatening way what they are doing well or contributing while also emphasizing what needs changing. In dealing with problems or decisions with Amiables, make sure to deal with only one subject or situation at a time, one step at a time. Before moving on to other items, make sure they are ready, willing and able to do so. Deal with matters calmly and in a relaxed manner. When suggesting a different possibility, encourage them to share their suggestions as to how the eventual decision might be made in a way that is likely to least disrupt things for everyone involved.

YOUR "EXPRESSIVE" PARTNERS

Finally, the lower right quadrant belongs to your Expressive partners. These professionals are not hesitant about making their presence or feelings known and are generally seen to be very enthusiastic. They are often perceived to he highly intuitive and can be highly persuasive when they combine their personal power with emotional display.

You know when you have entered the working area of these people. This partner may strew paperwork across their desks – or even trail it along the floor. They react to visual stimuli,

so they like to have everything where they can see it. Consequently their desks are often cluttered. You may see notes posted and taped all over with little apparent thought, but they are apt to tell you that they are organized within their disorganization.

This partner has a naturally preference for talking, often tending to "think out loud," skipping from topic-to–topic in a way that defies logic. They are often seen to monopolize discussions and when they talk their whole body joins in. Their varied, emotional vocal inflections and their colorful choice of words may tend toward exaggeration. The phone can be a favorite toy that enables them to prolong conversations (often with personal stories and anecdotes) and recharge themselves. This partner is the most outgoing, flamboyant, tending toward the dramatic, and enjoys the spotlight - they like glitter, glamour, flash, and excitement. They bristle with energy and are always on the go, enjoy being where the action is, and hate being confined to their desks all day. They prefer to work with others, are great at networking with innumerable contacts who can help them achieve their goals.

In group meetings these partners will continually shift about in their chairs; and if bored, will engage in a side conversation. They will look for ways to make the group's work more enjoyable. They tend to be highly creative, visionary, and relish examining the "big-picture" rather than getting mired in the details. They push others to look beyond the merely mundane and practical.

When you and the others are hard at work with the nitty-gritty of building the castles that your Expressive partner has dreamed up and sold you on, you may find that this partner is not working along with you – he or she is off dreaming of other castles. These partners are impulsive and have a tendency to act first and think later. Their mantra is: *"First I dive into the pool and then I look to see if there is any water in it."* This impulsiveness can create problems for them and for others. They prefer to work according to opportunity rather than according to plan. Few are good at time management. And while they are usually good motivators when emotionally high, more than any other style they can often find themselves in the pits.

When Working With Expressives:

With their energy and enthusiasm, Expressives can get so involved with so many different activities that they may accomplish goals with a flourish. Or, they may show flurries of activity, but not actually accomplish anything. Expressives are concept people who come up with plenty of ideas, but not necessarily the means of carrying them out.

Expressives like little special incentives to inspire them to achievement. They especially like constant rewards along the way and may favor shorter tasks with smaller payoffs.

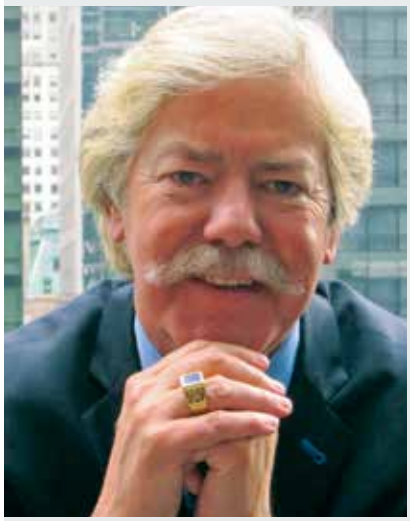
In general, when coaching Expressives, don't give them too much at once or they will become overwhelmed. Skip as much of the detailed, boring stuff as possible. Frequently, they want to jump in and try before they are ready, or before they fully understand everything. Help them channel that enthusiasm with tactful reminders and hands-on assistance to help them prioritize and organize. Ironically, when tasks become more organized, the anxiety level decreases - despite the fact that Expressives bristle at the thought of organization. Expressives see mental pictures first, then convert those pictures to words. They base decisions on their impulses, gut feelings, and others' recommendations and testimonials. Support their ideas and dreams while showing them how they can transfer their talk into actions. If you disagree, try not to argue because they dislike conflict. Try to explore alternate solutions. When you reach an agreement, iron out the specific details concerning what, when, who, and how. Then document the agreement, since they tend to naturally forget such details. When in stress, they avoid problems for as long as they can. They will want to avoid any discussion of negative-sounding or otherwise messy problem situations. Involve them by asking how they could solve the challenge or difficulty. Sometimes just talking allows them to air their feelings, relieve tension, and find a solution.

MOVING FORWARD

When presenting a general description of each of these styles, I am speaking in broad tendencies. None of your partners will be completely true to style. The average partner will have most of the characteristics described, but not all of them. So when working with any particular partner, you need to be alert to the characteristics of their style and also looking for behaviors that may be exceptions to the rule.

Don't allow your initial perceptions to be cast in stone. Continue to absorb new information about this individual's assertiveness and responsiveness. Check your hypothesis against specific clues about the style you think this partner exudes. Then test your hypothesis in action. You can do that by reflecting the same characteristics as you believe are characteristic of your partner's style. If by doing that, you find it makes it easier for your partner to relate to you, you have probably made an accurate assessment of your partner's style.

Most new leaders who are introduced to this concept for working with people find that it helps them better understand important dynamics of most of their relationships. Keep in mind the central point to all of this: No one style is better nor worse than any other style - just different. It is in understanding these differences that will help you get results.



PATRICK J. McKENNA

PROFESSIONAL PROFILE

An internationally recognized author, lecturer, strategist and seasoned advisor to the leaders of premier law firms, Patrick has had the honor of working with at least one of the largest firms in over a dozen different countries.

Patrick authored a pioneering text on law firm marketing, *Practice Development: Creating a Marketing Mindset* (Butterworths, 1989) recognized by an international journal as being *"among the top ten books any professional services marketer should have."* His subsequent works include *Herding Cats: A Handbook for Managing Partners and Practice Leaders* (IBMP, 1995); and *Beyond Knowing: 16 Cage-Rattling Questions To Jump-Start Your Practice Team* (IBMP, 2000).

A prolific writer on the challenges of firm leadership, his book (co-authored with David Maister), *First Among Equals: How to Manage a Group of Professionals*, (The Free Press, 2002) topped business bestseller lists in the United States, Canada and Australia; was translated into nine languages; is currently in its seventh printing; and received a best business books of 2002 award. In 2006, his e-book *First 100 Days: Transitioning A New Managing Partner* (NXTBook) earned glowing reviews being read by leaders in 63 countries and culminated in Patrick being asked to conduct a one-day masterclass for new firm leaders. Over 80 leaders from AmLaw 100, AmLaw 200, accounting and consulting firms, hailing from four countries have graduated from the program. According to Hugh Verrier, Chairman of White & Case,
"I was struck by the synthesis of the issues you presented. It was amazingly clear and comprehensive, given the breadth of the topic and the short time available. I was delighted to attend the event and I learned a lot from it."

Patrick's most recent book, *The Changing of the Guard, Second Revised Edition* (Ark Group, 2017), provides in-depth guidance on the leadership selection process in professional firms and resulted in his being acknowledged in *American Lawyer* as *"a long time succession consultant and coach to new firm leaders."*

Always obsessed with innovation, Patrick was instrumental in introducing the first global (InnovAction) awards initiative in 2003, in conjunction with the College of Law Practice Management, to identify and celebrate global law firm innovation.

McKenna's decades of experience led to his being the subject of a Harvard Law School Case Study entitled: *Innovations In Legal Consulting* (2011). He was the first "expert" in professional service firms admitted to the Association of Corporate Executive Coaches, the #1 US group for senior-level CEO coaches; was the recipient of an Honorary Fellowship from Leaders Excellence of Harvard Square (2015); and voted by the readers of *Legal Business World* as one of only seven international Thought Leaders (2017).

Most recently Patrick helped launch the first International Legal Think-Tank (LIFT: Legal Institute For Forward Thinking) comprised of distinguished thought leaders from three countries.