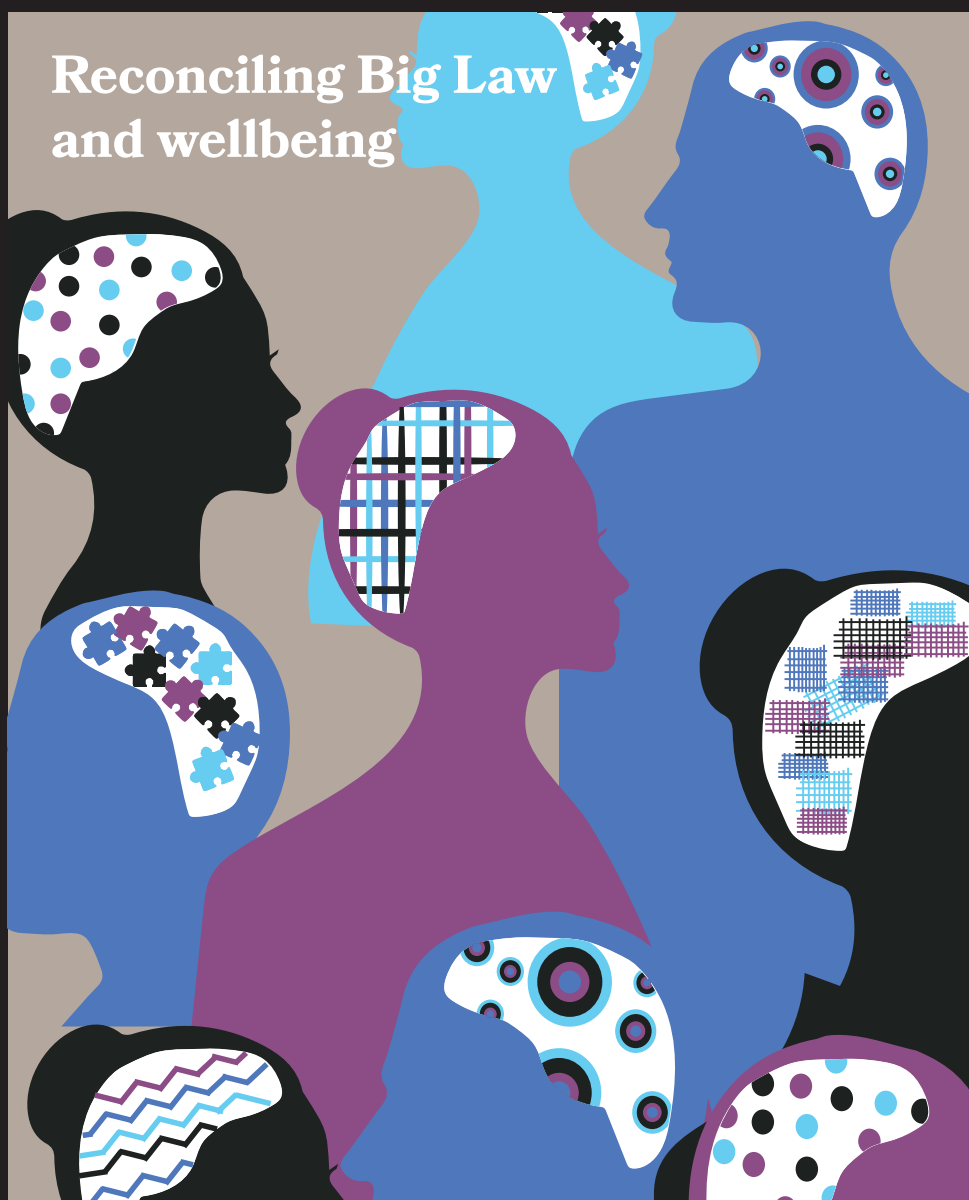


MAY 2019

fivehundred

THE FREE MAGAZINE FROM THE LEGAL 500 Issue ⁰⁶

Reconciling Big Law
and wellbeing



RON URBACH
DAVIS & GILBERT



Being the 'other firm'

LISA MAYHEW
BRYAN CAVE LEIGHTON PAISNER



Making a merger

SÉVERINE HOTELLIER
DENTONS



Why be polycentric?

The
LEGAL
500

BAKER MCKENZIE'S MILTON CHENG CORRS CHAMBERS
WESTGARTH'S DR PHOEBE WYNN-POPE HFW'S GAVIN VALLELY
HENGELER MUELLER'S GEORG FROWEIN and RAINER KRAUSE
MORGAN LEWIS' KRISTA LOGELIN SEDDONS' SEAN GRAHAM

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The Editor's Letter

One of the first articles I wrote as a junior reporter explored the impact stress and anxiety has on young solicitors and what UK law firms were doing to better protect the mental health of their fee earners. It's an issue dear to me and in the years since I have returned often to the topic – it even featured in the inaugural issue of this magazine (November 2018, 'Lawyers, it's #TimeToTalk about your mental health') – as year on year talented lawyers contemplate walking away from the profession due to poor wellbeing.

Some of the stigma attached to mental health issues has diminished of late thanks, in part, to the many celebrities and public figures – author J.K. Rowling (depression), actor Ryan Reynolds (anxiety), and Prince Harry (panic attacks), to name but a few – who have opened up about their own demons. By contrast, few high-profile lawyers have spoken publicly about their own battles with mental ill health.

The recently sadly departed Paul Rawlinson is one lawyer who helped bring mental health out of the shadows when, in October 2018, the global chair of Baker McKenzie stepped down from his post citing 'medical issues caused by exhaustion'. If someone as talented, respected, and likeable as Rawlinson could suffer from the stresses and strains of law, then surely anyone can. So, in recognition of Mental Health Awareness Week (13-19 May 2019), this month's big issue focuses on lawyer wellbeing.

We begin on page 60, where Krista Logelin explains how Morgan Lewis' new ML Well initiative aims to help its lawyers and support staff cope with



the pressures of everyday legal practice; Young Bar Committee chair Athena Markides reports on the pressures of the junior Bar and how chambers can help (page 68); while Dr Bob Murray looks at the kinds of stress-related illnesses that commonly affect lawyers (page 64). Also weighing in, I look at the latest statistics on lawyers' poor health (page 84).

Among our usual features, Bryan Cave Leighton Paisner co-chair Lisa Mayhew talks to Georgina about last year's big merger and the firm's next phase of growth (page 32), and the leaders of Davis & Gilbert, Dentons Paris, Hengeler Mueller, HFW Australia, and Baker McKenzie Hong Kong explain the challenges and opportunities facing their firms across the US, Europe, and Asia Pacific (pages 06-31).

The issue also features articles on the importance of incorporating human rights considerations into your legal advice (page 46); how junior US patent practitioners can get ahead (page 36); and Deutschland editor Anna Bauböck takes a look at how firms in Germany are getting to grips with legal tech (page 94).

There is all that and much, much more in the May issue of *fivehundred*. So until next time – and in the spirit of Mental Health Awareness Week – take care.

John van der Luit-Drummond

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Interview with...

**Ron
URBACH**



Davis & Gilbert's Ron Urbach on being the 'other firm' and the very antithesis of Big Law



**Séverine
HOTELLIER**



Séverine Hotellier, Dentons Paris, explains how polycentricity sets the world's largest law firm apart



**Georg
FROWEIN and
Rainer KRA**

Georg Frowein and Rainer Krause of Hengeler Mueller encourage collaboration between practices



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**Gavin
VALLELY**

HFW's Australia managing partner
on what sets his firm apart from the
competition, creating a 'one stop shop',
and 'unrestricted' partner access



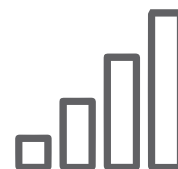
HFW

**Milton
CHENG**

Baker McKenzie's Milton Cheng
talks about the challenges facing
international firms in China



**Baker
McKenzie.**



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Ron Urbach: The benefits of being 'other'

Davis & Gilbert's chairman on why the New York firm is the antithesis of Big Law and the importance he places on offering clients value-added service

How would you define your firm's culture? How important is firm culture to you?

Our culture is a reflection of our firm's history and core values, grounded on the concepts of family – care, respect, understanding, integrity and service; history – learning from and respectful of the past; entrepreneurial spirit and business focus; and always putting the client first.

Having a strong culture provides a competitive advantage in the legal

marketplace and allows our firm to focus outward – on clients and their needs, not inward.

What's the main change you've made in the firm in the past few years that will benefit clients?

We have continued to focus on the firm's strategic vision and invest in core practice areas of the firm: (1) advertising and marketing sectors and related areas of the law; (2) core competencies of real estate, including leasing, retail, and developer; (3)



labour and employment practice, focusing on the— financial services, marketing and communications, hospitality and various service sectors; (4) middle market M&A; and (5) creditors' rights and insolvency.

Our strategic vision and how we train our team supports the overall objective of providing client centric service. We strive to be the modern era counsellor. Our attorneys provide not just excellent legal work but superior client service, value-added knowledge, and practical judgement and experience—all at the highest levels. Our training programme and internal structure are designed to ensure consistent and top-notch delivery of client service.

You've remained a firm that is compact and focused on core areas. Do you see that as the firm's future, or are you looking at expanding your reach?

Law firms are undergoing fundamental changes, which will result in two types of firms in the future. One of them will be the super large firm that provides geographic distribution and reach with large numbers of attorneys in multiple locations. The other type will be a mid-sized firm, characterised by strategic focus; 'best of the best' industry/legal expertise, experience and specialised knowledge; practical business-focused judgement and client service; control over costs and overhead; and a strong culture.

Davis & Gilbert is the 'other firm'. Our strategy is to provide added value to all that we do for our clients. Within our core competencies, we provide knowledge, experience, and expertise for both the

law and business practice. We provide judgement and insight; we provide information and guidance; and we provide excellent legal work. This is fundamental to who we are and in terms of the current state of the law firm industry, this makes our firm the right firm at the right time.

The firm has a strong track record of organic growth. What have you found is the best way to retain talent – both at partner and associate levels?

The attraction of the best talent at all levels is critical for our firm. The fact that our firm has a strong culture, well-recognised areas of excellence and provides great opportunities for advancement allows the firm to both recruit and retain nothing but the best talent. We also are committed to cultivating a diverse workplace, which is vital in recruiting and retaining talent and providing our clients with the widest range of ideas, experiences, and approaches to address their issues. When you add to this mix a strong combination of compensation and work-life balance, it is a winning formula.

The firm is best known for advertising and marketing practices – in an increasingly changing digital market, how do you ensure the firm stays ahead of the game?

What is fundamental in the marketing and advertising sectors, and their relevant areas of law, is fast-paced change with leading edge creativity and technology. Working as a lawyer in this area means that there is always a level of uncertainty. This means that answers may not be clear cut and business practices may be of first impression.

The only way to keep up with this fast moving industry is to be inextricably and consistently involved in all aspects of the business, the practices and the law that applies. This includes practicing law in the advertising and marketing sector in high volume, covers an expansive range of matters (from Lanham Act claims to agreements to regulatory disputes), with multiple clients across all industries, in all types of media (traditional, social and digital), content, forms, and styles. It also means deep industry involvement and staying current on the newest technological, business, and regulatory developments.

Davis & Gilbert is recognised as an industry player in the advertising and marketing space. Our expertise and thought leadership is regularly sought after in emerging areas such as data privacy (including the new California Consumer Privacy Act), mobile advertising, cross-device tracking, and influencer marketing.

The firm's industry experience contributes to our knowledge, expertise, and judgement that, combined with an unparalleled history and work in the space, allow the firm to be on the leading edge. We are and remain the tip of the spear in all that we do.

Differentiation is critical to buyers of legal services – how do you stand apart from the rest of the market?

We provide exactly what a client in today's legal marketplace seeks – the highest quality legal knowledge, deep industry expertise and experience, industry-recognised leadership and superiority, value-added service and advice, superior personal service, consistency and stability in firm structure and personnel, strong culture and identity, entrepreneurial

and innovative action, and a passion for delivering the best and being the best. Our industry involvement is a huge value-add to our clients. It allows us to provide practical, business-oriented advice because we truly understand our clients' business and their objectives. The firm's structure is the antithesis of the global, multi-office firm that focuses on growth by lateral partner acquisition and corporate takeover – both of which have the negative consequence of driving up costs and negatively impacting law firm culture and focus. Instead, Davis & Gilbert offers a positive culture with stable personnel that result in an efficient and cost-effective delivery of legal services.

What do you think are the top three things most clients want and why?

Clients want a trusted advisor who (1) understands and knows their business, (2) can bring expertise, experience and specialised knowledge; and (3) can provide practical, reasoned judgement to help clients make effective and successful decisions.

Since becoming chairman, what has surprised you most, either internally or externally?

My role is different than many other chairpersons in that I have a full and vibrant client practice. I have the benefit of a strong chief operating partner and an active management committee that allows me to perform my duties as chairman and to continue to focus on clients, new business, and strategy for the firm. There have been no surprises because my senior leadership team is incredibly talented that we have been able to continue along the strategic pathway of the firm to even greater success. ●



Séverine Hotellier: Polycentricity sets us apart

What works in New York does not necessarily work in Baku, and we understand that, explains Dentons' Paris managing partner

How would you define your firm's culture?

Dentons is a challenger brand and we are trying to build the law firm of the future together, so it is a very exciting place to work. Our culture is extremely important to us, so we have built a unique culture around five core values: passion, foresight, collaboration, value creation, and perhaps most famously, polycentricity.

Being polycentric means we have no one global headquarters and we reflect

the diversity of our clients and of the communities in which we work and live.

What are the biggest challenges facing firms in France?

Law firms are facing many of the same challenges that many of our clients are facing. Firstly, we are seeing fierce competition, not only from other international law firms, but also from non-traditional sources such as the Big Four, technology companies, and alternative service providers. At the same time, our



clients have more sophisticated demands so they need law firms that can innovate to fill those demands and deliver services better, faster, and cheaper.

What have you found is the best way to retain talented partners and associates?

I believe the best way to attract people is to give them the opportunity to grow and develop, both personally and professionally. This can be by doing challenging work for interesting clients. It can also be through coaching, or innovative development programmes, such as our award-winning senior development programme. We have also recently launched a new associate development programme for lawyers with three-plus years of experience who are on the senior associate promotion track.

Another important way to retain great talent is to give people a sense of purpose. At Dentons we encourage our lawyers to be active on pro bono work as well as sustainability and diversity initiatives.

Diversity is increasingly important to clients. How do law firms become more diverse, especially in leadership positions?

We are already diverse in terms of geography, language, and nationalities, and we proudly offer clients talent from diverse backgrounds with deep experience in every legal tradition in the world. We have created a global and a Europe diversity and inclusion committee to help drive initiatives to make Dentons even more inclusive.

One of the areas we are focusing on most is women's advancement. We have many amazingly talented and inspirational women professionals, but the fact is that not enough of them are making it to partner. This is an issue not only at Dentons, but in our profession as a whole. We are tackling this from a number of angles.

First it is about communication. We are having an open dialogue about the issues faced by women professionals, and are actively promoting the successes of our women leaders. It is also about building networks. We have created the WomenLEAD network within Dentons, and also hold networking events for our women clients. We recently conducted a working parents survey to find out what forms of support would help our people better balance their work and home responsibilities.

And finally, it is about development. Women typically make up about half of the participants in our leadership development programmes which are a key stepping stone towards partnership.

How can law firms best encourage innovation?

In terms of innovation, Dentons is probably best known for our Nextlaw Labs business, which works with legal tech start-ups to find ways to transform the legal profession. We are also looking at our own operations.

We have created a digital and innovation group, made up of people who are passionate about innovation. The group is

focused on developing new digital services, digitising our knowledge, finding ways to engage with our clients and help them understand the innovative solutions we can already offer.

One other unique approach we have introduced is to treat work on innovation projects the same as chargeable work. Any lawyer can put forward an innovative idea, and if that idea is approved, the hours they devote to further developing that idea are rewarded the same as for billable client work.

Since innovation usually comes from collaboration, we are also looking to engage our people more widely in the creative process. We have an ideation portal, where our people can share their ideas and comment on the ideas of others and develop them into actionable projects. Last year, we had a global innovation competition, where people from around the world shared their ideas for new products.

How do you stand apart in a crowded legal marketplace?

Firstly, as the world's largest law firm, we offer our clients wider geographic coverage than any other firm, and this is important because we are seeing more and more clients rationalising their legal panels down to a small handful of law firms that can serve them across all of the markets in which they operate. And with more than 9,000 lawyers, we are also more likely to have the exact lawyer with the exact skills a client needs than any other law firm.

We are also unique in our polycentric culture. We are deeply rooted in each local

community and understand the local business culture and legal framework. What works in New York does not necessarily work in Paris or Baku, and we understand that.

What are the top three things clients demand of their lawyers?

I believe that first and foremost, our clients expect us to be responsive. In today's fast-paced environment, they expect their lawyers to be available anytime anywhere, and to answer their questions right away – tomorrow is usually too late.

They also expect good value, which means not only competitive fees, but also transparency and control over their legal spend, while also providing quality advice.

And finally, and probably most importantly, they expect us to deliver results, and often that means going beyond just legal advice to provide business solutions.

Since becoming managing partner, what's surprised you most about running a law firm?

I took over as managing partner on 1 January, so I have just recently completed my first 100 days as a leader. What has surprised me most so far is simply how many different issues a managing partner needs to address.

On any given day, I am a coach, a mentor, a moderator, an office manager, a decision maker, a business developer... and all of this on top of maintaining my legal practice. Luckily I have a fantastic team, who support me in all these areas. ●

Georg Frowein and Rainer Krause: Invent, move forward, collaborate

Hengeler Mueller's co-managing partners provide advice to the next generation of partners and explain why they shun the 'straitjacket' of branch networks



HENGELERMUELLER



View firm profile



How would you define your firm's culture? How important is firm culture to you?

Throughout the existence of Hengeler Mueller, we have preserved a close and cooperative culture within our partnership. We regard this as a very precious element of our firm and key to our success.

Most Hengeler Mueller partners spend their whole career at the firm. In a sense, we all grew up together here, professionally. A prime component within the partnership is our full lockstep model, which fosters a unique sense of family and joint sharing, and which helps to put the right minds together, collaborating at the right time.

We bring exceptional talent and experience together to best serve our clients: That is what we always strive to achieve and what we continue to be proud of.

What's the main change you've made in the firm that will benefit clients?

We are not a top-down driven firm and therefore changes are not made by order of the management. Having said that, a key

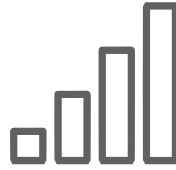
factor for the success of our practices is our integration of different practice groups.

In this regard, we as managing partners constantly seek to support and encourage the collaboration between the different practice areas of our firm and encourage our partners to cross borders, moving back and forth, bringing the right minds together at the right time: For instance, our corporate practice is closely linked with our M&A and capital market practices; indeed, our M&A and corporate lawyers are versatile and competent in both fields.

What do you think are the top three things most clients want and why?

Most importantly, our clients want agile and quality-focused lawyers who are able to move fast and in creative ways.

Secondly, they want honest advice, also when the advice reveals that there are difficulties on the way forward: There will be instances where any good advisor must concede that there are no mitigants. Then we can help our clients by providing a reliable basis to make an informed decision, and work with our clients to navigate through the



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risks – being our clients' trusted advisor in untested waters.

Thirdly, clients want their trusted advisors to think and offer coverage on a multinational basis. Our model for this is simple – we advise on headline international deals by leading unified, hand-picked teams of the best lawyers across the globe within our network of best friends firms.

By doing this, we believe that we are a cut above our competition because we are not constrained by a fixed, branch network and so we don't have to cross-sell lawyers who may not be at the cutting edge and may not have the most textured feel for local needs and local regulation – we have the freedom to pick and lead the best team for the job. In other words, we don't believe in the straitjacket and patchiness of branch networks.

What does innovation mean to you and how can firms be better at it?

Innovation is the ability to think ahead – a feel for new developments, taking new paths, defining new boundaries. This may be about how to respond to new legislation

(on German investment control or data protection, for example), how to develop the best defense line in complex litigation, or about new corporate tools such as the scrip dividend in Germany.

We strongly believe that innovation is a key task for each individual working at Hengeler Mueller (and not only the management) – which fits extremely well into our firm culture fostering our approach of swarm intelligence.

Is technology changing the way you interact with your clients, and the services you can provide them?

New technology comes to us in many forms, it is a constant flow of innovation, some smaller and gradual, some larger and more radical. Through our Hengeler Mueller LegalTech Center, we watch, test, pilot, and adjust our tools almost all the time.

When it comes to information sharing and data analysis, technology has affected our business already and will continue to do

so in the future. Today, we make heaps of information readily available, both client-related and know-how-related, which we constantly grow and harvest. However, a large part of our legal work transcends data analysis. What we do and sell is data- and fact-based judgment – it is mostly about allocation of risks, about the right thing to do in a particular situation, and the proper way to communicate.

What are your firm's policies on diversity and inclusion?

Offering a diverse working environment is one of the key elements of our working culture. As for gender diversity, we have continued to develop our Best Friends Women's Initiative, a joint initiative to promote female lawyers and strengthen the international network of our female lawyers.

Other measures to recruit and retain women at Hengeler Mueller in particular, both on a national and international level, have also proven to be highly effective and include the annual Hengeler Mueller Women's Day, monthly meetings and the Best Friends Female Leadership Program to name just some of a multitude of networking events.

We are also proud of our LGBT network (HM Pride).

Passion and determination alongside an excellent legal educational background are key factors for a successful career at Hengeler Mueller regardless of personal background, religion, gender, or sexual orientation. We are committed to provide our lawyers with the biggest possible freedom for personal development and to encourage creativity as well as individual initiative and responsibility.

We have also further enhanced our flexible working arrangements offering our lawyers a working environment that best suits their individual needs and personal circumstances. This now comprises a number of combinable flexible working arrangements open to female and male partners, counsel and associates, including part-time work, home office, sabbaticals, and parental leave.

How have your roles/involvement in client-facing work changed since becoming managing partners?

Not much to be honest – we continue to believe in a lean management and not too

much interference of management with the desks of the individual partners. Our key task is to organise the swarm intelligence and thereby support the creativity for each individual lawyer at our firm to give his or her best at work. By doing this, we have not changed our role in client-facing work which accounts for about half of our working time.

What advice would you give to the next generation of partners looking to rise the ranks?

Quite simple and straightforward: Always invent, always move forward, always collaborate. Be vibrant, make a mark. And choose the right platform (such as Hengeler Mueller) with a true 'esprit de corps' of partnership, generosity, and collaboration which not only allows you to grow professionally but also gives you inspiration and (most importantly) fun.

What are the biggest challenges facing firms of your size in Germany?

Recruiting and retaining highly qualified top-notch lawyers is a key challenge for any independent firm striving to constantly maintain the quality of its legal work

and expertise. In a dynamic market, competition for talent is therefore our high-priority challenge. Following a successful onboarding, training is key for the retention of our young talents and an essential part of our routine.

One example: All incoming Hengeler Mueller associates are automatically registered at the University of St. Gallen, where we have designed a five-year programme for our associates focusing on law (as it is applied and needed in the real world), economics, and a broad range of soft skills. On completing the five-year programme, our associates receive a Diploma of Advanced Studies, which is equivalent to 50% of the Executive MBA. Why do we do that? Because it takes more than law to make a good lawyer.

We are committed to absolute standards of service to our clients. We want our lawyers to understand the way our clients think, to see the broader context, and to be fully aware of the consequences of what we contribute. ●





Gavin Vallely: A true industry focus

HFW's Australia managing partner on what sets his firm apart from the competition, creating a 'one stop shop', and 'unrestricted' partner access



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What's the main change you've made in Australia that will benefit clients?

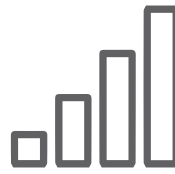
When we established HFW's first office in Australia in 2006 our principal service areas were shipping and commodities, being the industry sectors for which the firm is widely recognised internationally as having market-leading expertise. Australia generates about 10% of the world's bulk freight requirement across the mining, agriculture, and energy sectors so in many respects Australia was a logical jurisdiction for HFW's business model.

The firm's presence in Australia provided our Australian clients with the option of a 'one stop shop' to service their global logistics and trading requirements through the firm's fully financially integrated network of offices, and international clients with a trusted adviser in a key market.

Working examples of collaboration between the firm's Australian and overseas offices in relation to Australian clients include advising on major shipbuilding

projects in Europe and China, LNG trading from the Gulf of Mexico to South America, sanctions impacting trade into North Africa and the Middle East, acquisition of mining assets in Indonesia, major business interruption and property loss insurance claims in Africa and South America, marine casualties in China and Japan involving Australian bulk cargo, and enforcement of arbitration awards in China.

Over the past decade the firm has broadened its service offering both in Australia and across its international network to support our clients' diversification of their businesses and entering new geographies which, for many international clients, has been Australia. In particular, we have focused on growing our capability to service domestic and inbound investment in supply chain infrastructure such as ports, warehousing and inland terminals, as well as mining and offshore oil and gas development, with the projects and construction group now being the firm's largest practice area in Australia.



View firm's rankings



The firm's development in Australia has been underpinned by a combination of organic growth and strategic lateral recruitment. This involves a longer process to build the business, however, we saw this as important to maintain the firm's culture during this phase of our development rather than leaping into a major combination. This approach has allowed us to implement a growth strategy that is underpinned by the needs of our clients. Today our Australian practice can provide a 'one stop shop' across all of the firm's six key industry sectors of shipping, construction, energy, commodities, insurance, and aerospace.

After opening our first office in Melbourne in 2006 we opened offices in Sydney and Perth, in 2009 and 2011 respectively, and are able to offer a truly national service in Australia.

Is technology changing the way you interact with your clients?

Absolutely, how we deliver legal services has undergone revolutionary change over the last decade, and this is largely attributable to technology. Clients are streamlining their

businesses to be more efficient in how they serve their customers and they expect the same of their legal service providers. Excellence in the quality of work product is a given, with accessibility and responsiveness becoming increasingly critical KPIs with technology driving a paradigm shift in clients' expectation regarding the delivery of legal services. In practice, this means it is essential to embrace innovation as a point of differentiation in providing services. Building personal relationships with our clients remains a core value and we combine extensive face-to-face-time with technology platforms that allow clients to resolve issues in a streamlined manner.

One of the technology-driven services we have developed is the workplace advisory online platform iRES, which connects clients to their workplace relations team through a subscription service. iRES allows clients to log and track queries from any device and choose the required response time. It also provides access to reporting tools, which help clients understand trends and key issues in their business and identify

areas for development for the HR team and managers.

The tiered system means that clients can limit user access to certain types of queries. Overall it is like having your own in-house legal team with the expertise of external legal advisers.

What do you do differently from your peers in the industry?

The firm is truly industry focused and has been since its inception in the late 1800's which sets us aside from other law firms. In addition, all of our industry sectors are international, which underpins the firm's entrepreneurial and adaptive mindset.

Our clients are moving commodities across countries, ports, terminals and oceans, running major energy-generating businesses, overseeing large-scale property and construction projects, including those offshore (and often in remote and/or hostile locations), and rely on our depth of experience to assess and manage legal risks in supporting their endeavours.

We have purposefully built the full spectrum of services we need to support our work in these areas, which means that no other firm in the market is able to advise clients on their high-value and high-risk projects across these six sectors – shipping, commodities, construction, energy, insurance, and

aerospace – the way we do. Because of the nature of our work it is important that clients have unrestricted access to partners and senior staff, coupled with the cost-effective technology tools mentioned above.

You recently took on an employment team from Dentons. How does this feed into the firm's strategy for Australia? Do you see employment as a growth area for HFW?

While employment and industrial relations is a key service area for many of our clients this is particularly the case for clients in the marine, ports, logistics, construction, mining, energy and agribusiness sectors. It has been part of our business plan for many years to grow our capability in employment and industrial relations, and Mark Sant and his team were a perfect fit for us.

The regulatory landscape in Australia is becoming increasingly complex, and industrial disputes present one of the greatest risks of disruption to our Australian and overseas clients' business interests in Australia.

Yes, I definitely see this as a growth area for HFW in Australia, with many of our offices globally also looking to expand their employment services offering.

What advice would you give to the next generation of partners?

The fundamentals remain the same in that commitment and innovation have generally led to success. Legal practice has been undergoing significant change for the past 50 years so change is nothing new and those who embrace change are far more likely to succeed.

However, the rate of change has increased and it is essential to look ahead and continuously reassess how your practice will be relevant to clients' business in the next three to five years. Also strive to become clients' trusted adviser, which requires an understanding of their business and the markets they operate in.

Focus on specialising in areas that are less susceptible to becoming commoditised and will remain an essential element of clients' business.

What are your firm's policies on diversity and inclusion in Australia?

Diversity has been a strategic priority of the firm for several years. In many respects it is part of the fabric of the firm as our business operates across culturally diverse geographies as is reflected in the composition of our clients, our people, and the firm's culture of inclusiveness.

We are committed to achieving gender equality in all areas of our business and have set a target of 30% female partners by

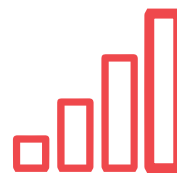
2020. More than 50% of our construction lawyers in Australia are female and Carolyn Chudleigh who leads the team in Australia is also the firm's global industry group leader for the construction practice.

We have also implemented programmes on social mobility, sexual orientation, and gender identity with the objective of ensuring that HFW provides a supportive environment that enables all talent to succeed.

What has been your greatest achievement, in a professional and personal capability?

I was a member of the foundation team that established the firm's Australia practice 13 years ago in Melbourne with a team of ten lawyers and four business support personnel – today we have three offices and more than 90 lawyers. A former global managing partner of the firm described the integration of the Australian business as the most seamless combination the firm had done.

We have come a long way, and built a business that provides a strong service offering in all of the firm's sectors. Several of the Australian partners are among the most successful partners in the firm. Importantly, our growth in Australia has not compromised the tight-knit and collaborative culture of the foundation team, which is something I am very proud of. ●



Milton Cheng: How to attract Chinese rainmakers

Baker McKenzie's Hong Kong managing partner talks about the firm's joint operation with FenXun Partners and the challenges facing international firms in a tough China market

How would you define Baker McKenzie's culture and how important is it to you?

We believe firm culture is very important. It sets the tone for how we interact with each other, our clients and our communities at large. We have a collaborative, entrepreneurial, pragmatic, diverse, and inclusive culture. These qualities among our lawyers and business professionals empower us to help our clients navigate the legal and business complexities wherever they do business by bringing together the best teams and sharing of best practices

and knowledge. Our friendly and inclusive work culture also helps us attract talent and supports our efforts in serving and contributing to the communities in which we operate.

What's the main change you've made in the firm that has benefited clients?

I would say it is the launch of our Baker McKenzie FenXun Joint Operation office three years ago. Historically, foreign law firms operating in China have been restricted in their ability to advise on Chinese law or

Interview with...



make representations in court. The restriction on practicing Chinese law had limited our ability to grow the business in China.

With the introduction of the Shanghai Free Trade Zone Joint Operation regime in 2015, and as the first firm to be granted a 'Joint Operation' license with FenXun Partners, we are now able to handle seamlessly both the international and cross-border aspects for our clients as well as the onshore Chinese law aspects. We have represented clients before regulators, such as the Ministry of Commerce and the State Administration of Foreign Exchange, as well as in Chinese courts.

What are the biggest challenges facing international firms in China?

International firms of our size, and breadth of coverage in China, are few. These are the firms which have broad corporate practice offerings, and which historically have covered FDI work going into China as well as outbound China work. This segment of the legal industry is under challenge from the major Chinese law firms which are growing both in size as well as quality and reach. This has impacted the talent and client pipeline in international firms, amplified by the difficulty in attracting Chinese corporate rainmakers who would have to give up their domestic license to join most of the international firms operating in China.

However, through the Baker McKenzie FenXun Joint Operation Office, Chinese lawyers are now able to keep their PRC licences, serve their clients on the PRC domestic matters, and at the same time, they have access to an international firm

network, management skills, and client base. Now, our challenge is ensuring a smooth integration of the teams that we have brought into the platform, and ensuring the many benefits of our hybrid structure offering are understood by clients and the market.

What do you think are the top three things most clients want and why?

Clients are increasingly looking to rationalise their legal spending, and law firms need to be able to demonstrate their value. Fees are only part of that equation; when selecting their legal advisor, clients will also take into consideration other factors, such as service quality and responsiveness, breadth and depth of coverage, and technical expertise.

What about technology? Is it changing the way you interact with your clients and the service you provide them?

It is clear that simply being a good lawyer is no longer enough. Clients need us to have the ability to harness new technology and invest in smarter ways of working. In the last 18 months, we have made several major tech deployments or expansions globally – all with the goal of combining artificial intelligence technology and our lawyers' legal know-how, and improving the efficiency and quality of our service to clients.

We are also making a conscious effort to import 'design thinking' into how our firm delivers legal services and how it can better address changing client needs, new industry

dynamics, and the broader role of digitisation across the economy.

Looking ahead, we are already thinking about longer-term investments in advanced technologies and data management to prepare for the significant changes these will bring to the legal industry.

Despite the rise in technology and innovation, human interaction and comprehension will remain an integral part of the future of the legal landscape. No robot could ever replace a good lawyer. We still need lawyers to meet with clients to understand their business needs and come up with an appropriate strategy and tactical plan. Ultimately, lawyers who can embrace technology to become more efficient and innovative in their service delivery not only will add value to the law firm itself, but also to clients.

What have you found is the best way to retain talent?

One of the biggest attractions for talent to our firm, and retention factors, is the opportunity to work with leading companies and SOEs on some of the most complex, headline-grabbing cross-border matters, as well as the ability to work on major PRC domestic legal matters through our Joint Operation platform.

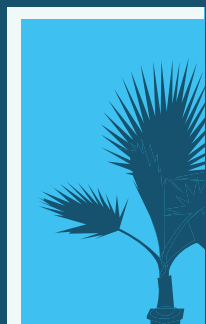
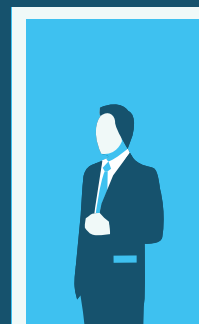
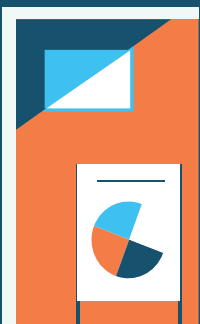
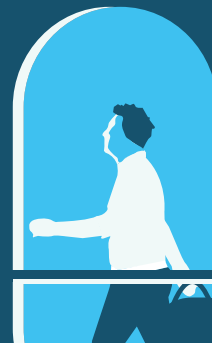
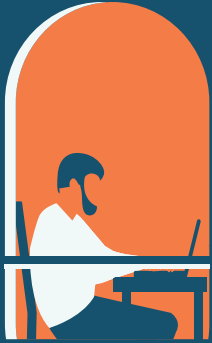
Our people are our biggest asset. That's why we are committed to fostering a high-performing, collaborative, diverse and inclusive workplace. We take a holistic approach to the development and support

of our lawyers and their performance. Recognising how high-pressure and demanding the law firm environment can be, we recently launched BakerWellbeing, a portal that provides our people globally with access to resources and tools that support their mental and physical wellbeing, including their resilience. Also, we offer flexible working arrangements through our bAgile programme.

Finally, what's surprised you most about running a firm?

People are a law firm's most important asset. Coming into the role, I had anticipated that it would require people skills, but I was surprised by just how important and how much time investment is needed on the personal element. It has been a key part of my working across the diverse platform that I oversee in China and Hong Kong, and also in my capacity chairing a committee that oversees our businesses in a number of other Baker McKenzie locations in Asia.

It has been very interesting and stimulating to have had the opportunity to build relationships across the region, learning about different cultures, what makes people tick and how to motivate them to perform to their best. It continues to be an immensely rewarding experience, now with more friendships built and an even better appreciation of the richness of Baker McKenzie's diverse culture and the strength of our practices in a variety of markets around the region. ●





Making a merger – the hard yards behind the first year of BCLP

Bryan Cave Leighton Paisner co-chair Lisa Mayhew speaks to UK Solicitors editor Georgina Stanley on 2018's transatlantic merger and the strategy for future growth

‘What have I learned?’ quips Bryan Cave Leighton Paisner (BCLP) co-chair Lisa Mayhew, speaking to *The Legal 500* last month on the first anniversary of the firm's merger, ‘I've learned that mergers are hard work and you don't sleep much.’

The combined firm launched at the start of April last year, when top 20 UK firm Berwin Leighton Paisner teamed up with Missouri's Bryan Cave. After more than a year of discussions, the union created a transatlantic firm with combined revenues of some \$900m, generated by more than 1,500 lawyers working across 31 countries around the world.

Twelve months on, while it may be only weeks since the firm handed out

celebratory decorated biscuits to mark its first birthday, Mayhew says it feels like the pair have been together for far longer. ‘It's flown by, in many respects, but it's also hard to imagine a time when we weren't BCLP – we spent 14 months discussing it before the merger went live, so it feels like two years.’

Integration efforts are well underway, with BCLP about to launch a new global IT platform intended to integrate people and clients, while other combined projects in the pipeline cover everything from key global clients, to industry sectors, to diversity.

All of these are intended to help both legacy arms work better together as a single entity. To date, teams from both sides of the Atlantic have worked on

more than 800 so-called ‘mirror matters’, involving blended teams from both legacy firms. Combined, these have generated more than \$80m in revenue.

‘At least one third of that revenue we wouldn’t have otherwise got, so it is an encouraging and positive symbol of the quality of the combination,’ says Mayhew. ‘It isn’t just London and the US involved here – we don’t have a single one of our offices that hasn’t in some way touched one of these matters.’

Mayhew argues that a key factor behind the union’s success so far has been the combined profit pool she and her US co-chair Therese Pritchard pushed for: ‘Because we structured it as one profit pool from day one, everyone has been in the same boat from day one; jointly incentivised to be successful together – this has encouraged people to work together.

‘Our remuneration structure isn’t lockstep or eat what you kill; there are financial criteria that encourage partners to collaborate – a

lot of information is gathered about how partners have supported each other.’

BCLP has certainly persuaded a significant number of new recruits to share its joint vision.

In the year since the deal, the combined firm has brought in no fewer than 17 lateral hires globally. Mayhew insists that some of these, such as recent City M&A recruit Simon Beddow, who joined from Ashurst earlier this year, wouldn’t have joined had it not been for the presence across the Atlantic that Bryan Cave brought to the union.

And while the firm is not planning to do a Dentons and tag on additional firms around the world, its growth plans will not be restricted to the additions to date.

‘As part of our aspiration of becoming the most connected global law firm, we plan to strengthen the markets we’re in rather than build new offices. We have a big lateral programme,’ says Mayhew. ‘We see growth in key US cities, Europe, and our Asian business. Simon is a needle-moving hire for us and we want to build corporate. Simon wouldn’t have joined us if we were still just BLP’



“I’ve learned that mergers are hard work and you don’t sleep much”

However, as with any merger, the combination hasn’t entirely avoided any fallout. A 10-lawyer team is leaving the firm in Hamburg to join Addleshaw Goddard, while London has seen a trickle of departures in recent months, including well-regarded private client litigation head Rupert Ticehurst to boutique Maurice Turnor Gardner. In Asia, the Hong Kong arm of the legacy US firm split away, with Shanghai going the same way more recently.

Mayhew insists the new hires outweigh exits and that most partners are positive about the impact of the union.

‘We’ve hired far more new partners than we’ve lost. [The departures are] a shame, but there are always going to be partners who feel that they’ll be more successful elsewhere. The key is to never be complacent – you always have to work hard to keep the glue of a partnership intact, but I would genuinely say that people are enjoying being part of BCLP’

Mayhew is also adamant that the firm is happy with its combined turnover of \$905m for 2018, a figure which BCLP claims

represents growth of 1% over a period which only included nine months of revenue from the legacy UK firm.

She adds: ‘To finish with revenue growth was really pleasing. Going into 2019 we are feeling optimistic and have a good foundation for the year ahead – we’ve got good energy and clarity around the strategic focus.’

Innovation will feature heavily in BCLP’s plans for the coming year – building on both legacy firms’ focus in this area. But one thing that Mayhew wants the firm to avoid is biting off more than it can chew. Reflecting on lessons learned, she says: ‘I’ve learned that you need to prioritise a few projects rather than take on too much and get project fatigue – learning to channel without curbing enthusiasm is very important.’

‘Mergers are hard work. But I’ve learnt that the promise we thought was there was real, that clients really care about the strategies being pursued by their law firms, and that it’s important to bring their voice into the conversations we’re having.’ ●





Being nimble wins the game

Senior researcher Dr Dana Ferchland explains how US patent litigation practices have adapted to the changing legal landscape and grown their talent pool

The US patent litigation market has evolved significantly over the past few years. Two main drivers are responsible for most of these changes.

The first is 2012's America Invents Act which introduced the Patent Trial and Appeal Board (PTAB) and established *inter partes* reviews (IPR) as a new tool to challenging the validity of patents. The second was

the Supreme Court's 2017 ruling in *TC Heartland LLC v Kraft Foods Group Brands LLC* which changed the distribution of patent disputes at the various district courts.

The traditionally busy Eastern District in Texas has lost out in national importance, but remains a key venue for patent infringement suits alongside the 'Rocket Docket' in the Eastern District of Virginia. The



“[ITC litigation provides] opportunities that may be difficult to obtain in slower-moving district court cases”

Mareesa Frederick, partner at Finnegan, Henderson, Farabow, Garrett & Dunner

district courts of Northern California and Delaware have seen a significant uptick in filings, while the Western District of Texas is slowly emerging as a new patent hub.

In a third major development the number of patent disputes at the International Trade Commission (ITC) has increased considerably and now regularly includes cases from sectors traditionally missing from the ITC's caseload, such as pharmaceutical litigation. Though I have yet to find a patent litigator who can pinpoint exactly what moved firms to try more matters before the ITC, some suggest the introduction of IPRs has been an important contributing factor, given they can cause a stay in district court litigation, but not in cases tried before the ITC.

Last, the overall number of patent disputes involving non-practicing entities (NPE) has decreased while the sophistication of the remaining cases has increased, a development many practitioners also trace back to the arrival of IPRs.

How do these changes affect how firms maintain their reputation and how young litigators build their own reputation? None of the practitioners interviewed for this article considered the above changes an impediment to a successful career. On the contrary, the changes were exclusively considered to be a springboard for firms, and especially their younger practitioners, to showcase their skills in the courtroom.

Flexibility

The redistribution of the patent cases to several district courts, rather than just one or two exceedingly busy venues, has required firms to become familiar with all venues. Bert Reiser of Latham & Watkins remarks ‘it is critical for firms seeking to compete for business to demonstrate to potential clients that they have successful experience in these jurisdictions, understand how they work internally, and are comfortable and confident litigating there’.

For Reiser, this requirement opens a path for young practitioners



“Strong international capabilities in patent litigation is a must as jurisdictions like Germany and China are seeing rising popularity as faster and more efficient venues to resolve IP disputes than a lot of options in the US”

Sean Cunningham, partner at DLA Piper

to win their first signature trial victory in key venues as firms can rely on ‘associates and junior partners to develop expertise in these jurisdictions’ in addition to ‘developing strategic partnerships with local counsel’.

Competitor litigation has increased in importance, but NPEs are a continued presence in district courts across the US. Firms ‘that have demonstrated the ability to understand the relative significance of the case to their client’s businesses, to litigate them appropriately, and to achieve economically rational results continue to handle a high volume of such cases’, observes Reiser. As such, his firm ‘involves its associates in NPE matters when possible’.

Given the increase in ITC litigation, many firms train their teams in ITC litigation, both in traditional cases involving electronics and high-tech patents and in cases regarding patents for pharmaceuticals and medical devices.

Mareesa Frederick, partner at Finnegan, Henderson, Farabow, Garrett & Dunner, considers this broader sector spread a great opportunity for attorneys as it ‘ultimately gives more associates an opportunity to get real, substantive experience very early on in their careers’, providing ‘excellent training’. Thanks to the rapid pace of ITC litigation, ‘associates are often given opportunities that may be difficult to obtain in slower-moving district court cases. Many associates’ first deposition or first cross-examination of a witness occurs during an ITC case,’ Frederick points out.

Additionally, it’s likely that junior attorneys will benefit from participation in cross-border mandates and become familiar with their peculiarities. ‘Strong international capabilities in patent litigation is a must’, says DLA Piper litigator Sean Cunningham, especially ‘as jurisdictions like Germany and China are seeing rising popularity as faster and more efficient venues to resolve IP



“Your litigation opponent may soon be your client or co-counsel, or may support organisations that are dear to you”

Erin Gibson, partner at DLA Piper

disputes than a lot of options in the US.’

Outreach

‘IP litigation is a small world’, says DLA Piper partner Erin Gibson. As such it offers an opportunity for young practitioners to earn lasting respect by staying ‘laser-focused on the merits’ of a case and acting as a reasonable, but tough opponent. ‘Your litigation opponent may soon be your client or co-counsel, or may support organisations that are dear to you,’ she explains.

Cunningham recommends the participation in joint defense groups as they ‘provide unique opportunities for younger lawyers to get their names out across many firms and in-house contacts at once, and to display talent, good judgement, and diplomacy’.

Jeanna Wacker, a life sciences specialist from Kirkland & Ellis, concurs and also proposes co-chairing a committee, volunteering to moderate a panel discussion, as well as writing

articles or speaking on panels as good ways to connect with other patent litigators.

On a similar note, next generation practitioners hoping to set themselves apart from the pack should become experts in new legal precedent, a feat much more difficult to achieve with less current topics.

Kevin Wheeler, partner at Latham & Watkins, points to the discussion about subject matter eligibility following the Supreme Court’s 2014 decision in *Alice Corp v CLS Bank International* as a prime example of an opportunity several of his colleagues have taken advantage of. Others are likely to follow as Wacker assesses that court opinions on subject matter eligibility regarding pharmaceuticals and biotechnological patents ‘have been very inconsistent and it seems likely the Supreme Court will eventually provide further clarification’, opening up room for young lawyers to explore this new terrain in more depth.



“There is no shortcut to success: reputation comes, deservedly, from the outstanding results that typically flow from hard work, diligence, and creativity”

Michael De Vries, partner at Kirkland & Ellis

Budget constraints

An exceedingly important factor to remain competitive is to offer clients a service that fits with their budget restraints and business goals. In times when ‘litigation and in-house legal budgets are more closely scrutinised than ever before,’ Reiser notes, ‘firms must demonstrate the desire and ability to work closely with the client to work out a budget and to faithfully adhere to it. Very good relationships can be harmed irretrievably by unexpected blown budgets’.

Frank DeCosta of Finnegan, Henderson, Farabow, Garrett & Dunner notes ‘for many types of cases, teams are now smaller than they used to be’, requiring the modern day litigator to be ‘nimble’ and ‘play multiple roles within a case’, in addition to balancing a docket of cases moving in parallel in districts, the ITC, and PTAB.

This requirement for leaner staffing models due to the increasing financial pressure on clients ‘has been a career development opportunity for young

lawyers’ who must now ‘ramp up very quickly,’ reports DeCosta.

The ability to produce excellent work is still of crucial importance. Kirkland & Ellis’ Michael De Vries puts it in a nutshell: ‘There is no shortcut to success: reputation comes, deservedly, from the outstanding results that typically flow from hard work, diligence, and creativity’. It is also the minimum requirement for young practitioners to earn the trust of senior partners.

Outlook

Patent litigation practices need to build teams which can skilfully handle every ball thrown at them. This challenge is an opportunity for the next generation of first chair trial lawyers to put their own stamp on litigation strategies. As Adam Alper from Kirkland & Ellis highlights: ‘There is no substitute for out-of-the-box-thinking. By-the-book strategies tend to be wasteful of court and client resources. Young lawyers on the team can often provide the spark that drives creative, game-winning strategies.’ ●



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How to become a smart shopper of AI

Whether making a direct investment or utilising the products of others, there's plenty of options for robot lawyering, says Dan Carmel, chief marketing officer of iManage

Information is the coin of the realm for any corporate legal department or law firm – and that is probably why the topic of artificial intelligence (AI) has generated so much excitement across the legal industry.

AI, properly applied, can produce dramatic productivity improvements, enabling document reviews and other basic legal tasks to be done much faster, with greater accuracy and at lower cost, than people. But, the improper application of AI can result in project delays, work that

has to be redone manually, alongside disappointed and disillusioned lawyers. How do you avoid these pitfalls and realise the benefits of AI? By being a smart shopper.

As a smart shopper, let's start by understanding where AI 'fits' in legal and where it does not. AI takes many forms, and so I will focus here on machine learning and cognitive task automation – the two most frequently cited areas of AI applications in legal. In general, the more specific the task or project

“We describe the use of AI today, as too dissimilar from how you use a dishwasher or a washing machine.”

to be automated, the better the result from AI. For example, finding parties named in all asset purchase agreements, versus finding the parties in any kind of contract.

Also, the more similar and repeatable your documents are, the better the results. So, if the leases you want to analyse have similar form, the results you get will probably be of higher quality than if they vary dramatically. Therefore, AI is best applied to consistent document sets, with high volumes, and where you can expect good commonality.

Second, AI is not going to replace lawyers. It will augment lawyers' work by automating tasks that are unpleasant, like detail document reviews. We describe the use of AI today, as a man-machine partnership, not too dissimilar from how you use a dishwasher or a washing machine. These machines don't do the whole job, but they take the drudge work out of the bigger job. That is the state of most legal AI in 2019. Good judgement is not a capability of AI yet. Another consideration is whether you want your organisation to be

expert in applying the AI technology, or outsource it. If you're thinking of developing a competency 'in-house' for AI, be prepared to invest in recruiting and training the right staff to apply this technology to different matters or practice areas. You'll need to think carefully about skill sets, staffing, and ensuring the technology you use can be easily maintained and integrated with other systems.

If you are not prepared to undertake this kind of investment, because your volumes of documents are not large enough, or, like many legal departments, you don't want to hire the dedicated expertise for such a specialised area, you will end up encountering AI in a less-direct way, such as:

- Licensing AI-based applications and legal services from law firms. More and more law firms are beginning to develop repeatable products and services based on a combination of AI, specific target document types, and custom legal logic. These offerings are made available

a man-machine partnership, not a dishwasher or a washing machine”

to legal departments, and sometimes to other law firms, and are intended to be close to a ‘turnkey’ solution.

- Encountering AI as feature of a software application you already use. A lot of software applications in areas such as deal management, document management, collaboration, and search are being augmented by AI technologies to make them smarter and increase their value. In these instances, the AI is not exposed to you – it is embedded inside another software product and merely automates the tasks for which it is intended. We see this as a dominant application of AI in legal over the next five years, as it is task specific, repeatable and delivers high value, without the cost of a bespoke solution.

For example, smart document management provides a terrific example: embedded AI can classify documents by document types; mine documents for clauses and

recommend best drafting language; extract key terms and entities from documents, which enables better analytics; search and expertise identification, for more effective content re-use; and knowledge management.

AI-powered security products provide another example: they can use machine learning to build a digital fingerprint of individuals to understand their individual behaviour profiles of professionals and then issue an alert when that behaviour deviates from expected patterns – helping identify and stop data breaches and insider threats much more quickly, than traditional security approaches.

Whether making direct investment in AI solutions, purchasing services from AI-enabled law firms, or using smart products that have embedded AI, there’s an ideally suited way for law firms and legal departments to start boosting their AI quotient based on their individual requirements. All it will take is a little smart shopping. ●





Legal advice must include human rights considerations

Australia's first federal Modern Slavery Act came into effect on 1 January 2019, in a move that has been hailed as a significant step to end forced labour and human trafficking. Law firms have started responding with changes to their teams to advise clients on the act's implications.

Under the new law, companies with an annual revenue over \$100m – and annual turnover of over \$50m in New South Wales, where companies need to report under the NSW Act – now have to publicise annual statements outlining the steps they have taken to keep supply chains compliant. There

are no financial penalties, however, the law, which also applies to public bodies, is not toothless. Statements will be stored in a public database, and scrutiny from investors and stakeholders as well as reputational risk will incentivise businesses to comply.

With the first statements being due in mid-2020, law firms have identified the urgent need for advice to protect clients' brand, business, and reputation. Overall, law firms deploy a range of experts across the employment, corporate, regulatory and compliance, and disputes practices to tackle the topic but due to the recent

“Simply being unaware of its supply chain is no longer a r proactively identifying and r be critical to a company’s via

nature of the law, and its wide-ranging implications, firms are still adjusting their individual approach.

At Norton Rose Fulbright, dispute resolution lawyer Abigail McGregor leads the firm’s business ethics anti-corruption group in Australia, and also sits on the human rights and business working group of the Law Council of Australia; DLA Piper’s Natalie Caton advises on corporate reputation and risk management issues, including bribery, corruption and modern slavery matters. Meanwhile, Sean Selleck at Baker McKenzie has a focus on supply chain transparency, labour law compliance, and modern slavery in supply chains.

Corrs Chambers Westgarth has recently appointed Dr Phoebe Wynn-Pope, previously director of international humanitarian law at the Australian Red Cross, as its new head of business and human rights, and

an expansion of the existing board advisory offering; her advice covers both commercial and human rights impacts of clients’ operations.

Andrea de Palatis spoke to Dr Wynn-Pope about the different aspects of her new role.

Andrea de Palatis: What does your new role involve?

Dr Phoebe Wynn-Pope: The role is dynamic and has many aspects to it. The first is to work closely with clients to think about the human right impacts of their operations, and how best they can incorporate human rights considerations into policy and decision-making. When this is done well it can support strong, sustainable business, mitigate risk, build brand, and grow reputation.

Responding to the requirements of the Modern Slavery Act in Australia

Issues further down the reasonable defence, and rectifying issues early can be critical to a company's viability"

– and other offshore legislation impacting our Australian clients with global operations – is another part of my role. This is a relatively new area for many companies and we are helping our clients to first identify and map the risk areas, and then work through all the related issues.

The final aspect of my role is working across the firm to continue to build on our own human rights program.

ADP: Why has the firm identified a need for this role and why is it strategically important for a law firm?

PWP: Global trends, and a number of new developments in Australia, including the commencement of the Modern Slavery Act and the outcomes of the Financial Services Royal Commission, give rise to growing interest in and concern about the human rights impacts businesses have

in their day to day operations. This means that businesses are having to consider the human rights impacts of the decisions they make.

At Corrs, our advice goes beyond legal compliance alone, to consider risks beyond the law – often this includes a need to be aware of and responsive to human rights risks. For example, if you are selling software to a client with a poor human rights record, do you have the confidence that your product will not be used to identify and suppress human rights defenders? If you are purchasing an asset that has all the appropriate licences and papers in place, do you have oversight on how it has been developed, who has been affected, whether they have been appropriately compensated for any loss?

Simply being unaware of issues further down the supply chain is no longer a reasonable defence, and proactively identifying and rectifying issues early can be critical to a company's viability.

“The Modern Slavery Act will have a huge impact not only for entities with a turnover of more than \$100m who will be required to report under the act, but also for much smaller businesses”

ADP: What kind of advice do clients need and are they even aware of a need for advice?

PWP: It is important that organisations understand the increased emphasis on the wider license to operate – everything from social to regulatory to investor attitudes are relevant. Clients fall across the spectrum of knowledge and awareness of human rights risk, but are increasingly considering the human rights impacts of their operations and are seeking guidance on how best to do this.

The UN Guiding Principles on Business and Human Rights, universally approved by the Human Rights Council in 2011, provide an effective framework and strong guidance on how business can, and should, incorporate human rights due diligence. We are helping clients work through what these principles mean for their day to day operations, and how they can leverage the reporting

requirements of the Modern Slavery Act for better human rights due diligence.

ADP: How has Australia’s Modern Slavery Act, effective as of 1 January 2019, changed the way clients do business as well as your advice to them?

The Modern Slavery Act will have a huge impact not only for entities with a turnover of more than \$100m who will be required to report under the act, but also for much smaller businesses. Reporting entities have to develop a clear understanding of their value chain and assess and identify risks of modern slavery across it. This is new for many Australia enterprises and in the first instance requires considerable investment.

But what will be interesting is the impact on smaller businesses who are not necessarily required to report under the act but whose customers require them to have visibility and

have a huge impact not only more than \$100m who will be but also for much smaller

assess and manage risks across their supply chain.

This means that companies of all sizes need to think about their policies and procedures, and have much greater visibility across their supply chains in the future, and we are advising our clients accordingly.

ADP: Will your work also impact firm-wide decisions more generally?

PWP: Corrs has committed to the human rights, labour law, environmental, and anti-corruption principles of the UN Global Compact and we are looking closely at what that means for us as a firm. As we expand our human rights offering to clients we are also meeting our own responsibilities, and strengthening our contribution to the sustainable development goals (SDGs) as a responsible business. This is an ongoing process and we will continue to develop our programme based on our learnings.

ADP: Why should other firms in Australia follow Corrs example?

PWP: Globally, human rights are having an increasing impact on business outcomes. This impact can be in terms of reputation, investor engagement, shareholder value, and in relation to litigation.

If we consider that in 2016, 32% of investors said they would withdraw investment if they perceived human rights risks, and combine this with the growing focus of investors on strong environmental, social, and governance reporting, human rights considerations will be a prominent feature of sustainable businesses in the future.

If law firms are not able to incorporate human rights considerations into their advice to clients, beyond the limited supply chain due diligence required in the Modern Slavery Act, they may fail to address very real risks to the business model of the future. ●



Accessing justice in a time of austerity

Every year, members of *The Legal 500* join with thousands of legal professionals pounding the streets of London and the South East of England to raise money for pro bono advice centres. Sarita Guatama and Rosa Coleman of the London Legal Support Trust explain why these funds are so crucial to advice centres and the clients they help

Access to justice is a basic principle of the rule of law; it is a right, not a privilege. However, the effects of legal aid cuts combined with local authority cuts have had a significant effect on the availability and accessibility of free legal advice, meaning that the most vulnerable people cannot access the help they need.

While many of the high street firms and not-for-profit sector organisations that provided legal aid have now closed, the need for free legal advice has soared. Recent research by Refugee Action found that between 2005 and 2018, 56% of all legal aid providers were lost, and the proportion of not-for-profit advice providers fell by a staggering 64% over the same period. Further statistics suggest that the number of legal aid firms in the

South West has fallen over six years from 327 in 2011/2012, to 197 in 2017/2018, creating ‘advice deserts’.

The lack of accessible advice is hardly surprising when you consider the depth of the cuts, yet the knock on effects cannot be ignored. The ‘bedroom tax’, bureaucratic complexities of the welfare system, and decimation of early advice has left many vulnerable people across the UK without any clear guidelines on how to resolve issues, or any help to challenge injustices when things go wrong.

This in turn leads to increased demand on local authorities. A relatively straightforward employment issue that could have been resolved with a 30-minute advice session, could quickly escalate into debt,



View more about The London Legal Walk

homelessness, and untold number of other issues if left unchecked. The financial cost of this on the local authority is high; the emotional and financial cost on the individual is higher still.

In the current climate, where legal advice appears to be a remote luxury to a vast number of people, the comparatively few specialist free legal advice organisations face immense pressure. Frequently, they are the final safety net for individuals who have been let down elsewhere.

In recent years, advice agencies have been the voice for thousands; supporting the Windrush generation, fighting for the families of Grenfell, and taking on injustices faced by countless individuals across the country.

However, high level of demand for their services, low hourly legal aid rates, an increasingly bureaucratic system, and a lack of long-term

funding make for a difficult operational environment, not to mention the challenges of recruiting social welfare practitioners, and the wellbeing of over-worked staff. The organisations are having to fight for vital funds simply to keep doors open. Nezahat Cihan, CEO of the London Legal Support Trust (LLST) states: 'They also have to fire-fight for vital funds to keep their doors open. As a small grant-making organisation raising its funds through sponsored events, we are faced with increased demand for funding, particularly emergency funding to keep the doors open.'

LLST is an independent charity that raises funds for free legal advice services in London and the South East. We are preparing for the 15th annual London Legal Walk – the biggest and most popular fundraising event in the legal calendar. An overwhelming number of people show their support and the fight for access to justice at this fundraiser;



in 2018, a record-breaking 13,000 people participated in the 10km Central London walk, raising an incredible £830,000 for access to justice.

Participants from across the legal community and beyond are involved: from senior judges to court staff, solicitors to barristers, paralegal's to legal support staff, in-house lawyers and law students.

Thanks to the legal community's support and participation, LLST are able to support over 100 organisations each year, helping provide more specialist free legal advice to those in need. One of the centres supported by Legal Walk funds said: 'We have been able to maintain and expand our pro bono services to local people, as well as to retain vital front line support for people experiencing injustice, discrimination, and poverty. Your funds have helped our clients to achieve long term, sustainable changes in their lives,

and this is vital as we are often the only agency able to assist them.'

The amazing achievements of these agencies more than demonstrate their value to society; law centres, Citizens Advice, and other specialist advice centres are supporting thousands of vulnerable clients every day across the country. These agencies work tirelessly to support their local communities, regardless of whether they have a legal aid contract or not, and the value of their work is unparalleled. In the age of restricted access to justice, lack of funding, and decimated legal aid, the advice agencies are providing a beacon of hope to those who have nowhere else to turn.

The London Legal Walk takes place on Monday 17th June 2019. If your organisation wants to join, visit the link above to sign up your team, and help fundraising for access to justice. ●





Embracing technology in legal marketing

Technology won't change the face of law overnight but firms should be prepared to innovate, says Sean Graham, Seddons' head of marketing and business development

With a younger roster of legal professionals clawing their way up the ranks, we are seeing a workforce which understands the importance of technology, realises the benefits of using it, and adapts to and utilises new tech quicker than before. This also means that they expect much more from their marketing teams.

Technology is expanding at an exponential rate. Look back 30 years

and the typewriter, Filofax, floppy disk, and carbon paper were must-haves in the office, all of which have since been replaced by new technologies such as mobile devices, CRM databases, the cloud, and photocopiers. Look forward 30 years and the possibilities are endless.

There's a lot I'd like to talk about, and even more I could talk about, in this article, however, were I to mention all

“Siloed systems don’t work. I mean that literally – they don’t work together, they don’t talk, they don’t communicate”

emerging technologies we’d be here a very long time.

Spoilt for choice?

There are a staggering 6,829 marketing technology solutions from 6,242 unique marketing technology vendors, including CRM systems, social media marketing tools, and more recently a growing number of social influencer apps, according to the Martech 5000.

In 2018 we saw an increase of 27% on the 2017 model (5,381), but what’s even more astounding is that the solutions in 2018 were equivalent to all those technologies from 2011 through 2016 added together. So, it’s no wonder marketers have a hard time choosing the right tools for the job.

Before looking at which tools you need, I’d advise that you look at your overall marketing strategy. What are you looking to achieve with these systems, do they fit with the firm’s overall business plan, and will they help your team to be more efficient? Ensuring that the systems you choose

are fit for purpose is key, and the only way to do that is by researching each system. This is admittedly a time consuming process, but utilising your contacts and their experience will help you make an informed decision, saving you a great deal of stress later down the line, when your systems aren’t meeting the needs you had envisaged.

Throughout my career, I have discovered that the best tools, those which have gained my buy-in, work together. Siloed systems don’t work. I mean that literally – they don’t work together, they don’t talk, they don’t communicate. And as with any team, communication is vital to a strong working relationship, and it goes both ways – the same can be said for products.

When you understand your strategy, you will be able to understand how important it is to connect the dots. Your CRM should be talking to your e-marketing platform, which in turn should be communicating back the information gathered. Your client portal will need to be linked to your

“The role of the CMO is no longer just that of a marketer, more and more we are expected to drive ‘sales’ and bring in clients”

PMS, and allow clients to comment on developments.

Being all things, to all clients

Clients now want more for less, and they want you to know what they want before they even know they want it. You must be better than your competition at meeting your niche clients’ needs – even before they become clients. Doing this successfully doesn’t involve just a single strategy, program or tool. You have to be able to meet demand in various ways and in multiple places.

It’s about overall experience for the client – ensuring that you have robust intelligent systems behind the scenes, means that your client’s journey is much more efficient, and therefore cost-effective for both parties.

Evolution, not revolution

Adapt or be left behind. It’s fair to assume that firms which hesitate to change with the times and keep in line with the curve may struggle to survive; by 2020, it is estimated that 100 firms will disappear from the top 300.

The role of the CMO is no longer just that of a marketer, more and more we are expected to drive ‘sales’ and bring in clients. Today, most CMOs own or share P&L responsibility. Many CMOs are responsible for a digital commerce channel. And while customer experience very much remains a team sport, marketing often funds these cross-functional CX initiatives, sets the strategy, and designs the experience itself – and, in many organisations, owns and controls a growing multitude of customer touchpoints.

As digital marketing becomes marketing in a digital world, technology is woven into virtually every planning decision. Technology should be aiding that endeavour, but in a world of overwhelming choice, is that really the case?

It’s an evolution, not a revolution. Technology isn’t changing the face of law overnight, and no doubt it will adapt and change to the needs of the market, but firms should certainly be prepared to innovate and evolve with it. ●



Morgan Lewis



How 'well' are you? Conceptualising a wellbeing programme

Big Law does not have a great reputation for promoting good mental health, but Morgan Lewis' management is looking to change that, writes Krista Logelin

Your wellbeing is not fixed. The extent to which you are thriving is something each of us has the ability to influence, which is why I've chosen to focus my career on enabling individuals and organisations to flourish. In my position as director of employee wellbeing, I am tasked with designing and implementing a custom wellbeing curriculum for everyone at Morgan Lewis. As part of that effort, I am in charge of a recently launched internal initiative we call 'ML Well'.

We are striving to reinforce the intellectual, physical, emotional, and occupational health of everyone who works at our firm, with an underlying emphasis on engagement and community. Our programme will include regular educational

programming focused on how to design lives of meaning and fulfilment, as well as how to confront challenges to wellbeing, such as substance misuse and mental illness.

All of this is a logical extension of some steps the firm has already taken to cultivate wellbeing, including becoming one of the first signatories to the American Bar Association's (ABA) 'Pledge on Lawyer Well-Being'. Additionally, we are collaborating with attorney mental health expert, Patrick Krill, to foster awareness and discussion around the disproportionate prevalence of substance misuse and mental health issues occurring in the profession. Before joining Morgan Lewis, I studied Applied Positive Psychology at the University of Pennsylvania, and

I incorporated many of the field's pioneering concepts in my career as a management consultant, specifically in the area of leadership and talent development. I now have the opportunity to put that background to work in this first-ever director of employee wellbeing position at Morgan Lewis.

While Big Law does not always have a reputation for fostering the idea of 'flourishing', fortunately the management of my firm has enthusiastically embraced these ideas. In designing our efforts, we recognise the tension between wellbeing and the inherently stressful aspects of the legal profession. Still, while we acknowledge this fact, the science tells us there are things we can do as individuals, teams, and as an organisation to enable each other to better thrive. At the end of the day, we expect this effort will not only benefit our employees but also enhance our ability to deliver exceptional client service.

At Morgan Lewis we take a multi-dimensional approach to conceptualising the factors that affect wellbeing. I find it helpful to think of wellbeing like the weather. When you talk about weather, you are talking about several different factors – temperature, precipitation, wind, and so on. It is the same with

wellbeing. When we talk about wellbeing, we are talking about multiple different factors that, taken together, describe a person's level of thriving.

It is important to note that ML Well serves both the legal and professional staff at Morgan Lewis. This was a deliberate decision, as we recognise the importance of taking an inclusive approach to our efforts. Many (if not most) of the stressors our lawyers face also affect our professional staff. Morgan Lewis leveraged the ABA's wellbeing framework, which is adapted from the World Health Organization's model, to create a custom multi-dimensional approach to conceptualising wellbeing in a way we feel will be palatable to all our employees – attorneys and professional staff alike.

The ML Well portal, located on our intranet, is comprised of cutting-edge resources, tools, research and news, all of which we have organised by the different wellbeing dimensions. So, let's say you are interested finding out more about how to bolster your intellectual wellbeing, you are able to search for tools, programming, and resources related to that particular dimension. Further, the platform is able to recognise the office, practice group, and department of each

“While Big Law does not always have a reputation for fostering the idea of ‘flourishing’, fortunately the management of my firm has enthusiastically embraced these ideas”

user and customises the content on each person’s homepage to ensure relevancy. For example, we have an office that hosts a monthly book club, an event that helps promote intellectual wellbeing. Employees who sit in that office will see that event in their portal, since it is relevant to them.

When it comes to the content and resources we share, we also recognise that there is no one-size-fits-all approach to wellbeing. What we aim to do is provide a variety of tools that employees can try out and adopt based on what works best for them as unique individuals.

Our overall objective is to weave wellbeing into the fabric of our culture. In addition to building out new and innovative programming, we will be targeting existing avenues of employee contact. For instance, Morgan Lewis has a robust pro bono scheme. Each year we hold a firm wide community impact week,

during which we give specific focus to philanthropy and the connection to community wellbeing. Other examples include physical wellbeing events in local offices (step challenges, yoga, etc.), mindfulness meditation offerings, gratitude exercises, emotional intelligence trainings, and the integration of wellbeing into our various professional development events.

For other firms or in-house legal departments considering incorporating wellbeing into their strategic priorities, I offer you a few pieces of advice: something is better than nothing. This tension of wellbeing and the inherent stresses of the legal profession can be an intimidating one to grapple with. On the flip side, there’s a lot of opportunity. Don’t be afraid to start small. Secure the buy-in of your leaders and other key stakeholders. Finally, be inclusive of all employee groups and their unique needs. ●





The present business of law and mental health

Poor mental health won't be solved until we marry the business of law with human design-specs, argues Dr Bob Murray

T'ed' was not old, maybe in his mid-60s. He was the managing partner of his mid-sized law firm in regional England. His colleagues told me that he seemed always bright and cheerful. Last month he committed suicide.

About one in three lawyers of all stripes ideate suicide once a year. Criminal lawyers and barristers come top, closely followed by solicitors in small firms or one-lawyer practices. Almost none of them confide in anyone – even their doctors – about how they feel.

Lawyers don't succeed in committing suicide as often as doctors or dentists and overall their rate of depression is lower, much lower – they come last in the ranking of the ten most depressed professions. However, that may be

an underestimate because recent research has shown that lawyers, like 'Ted', who are mostly perfectionists, are loath to admit that there is anything wrong with them.

I am working with the Law Society of NSW in Australia to create an outreach project which will create safe places for lawyers to discuss their mental-health problems and be guided to appropriate treatment without feeling medicalised. The programme will also be looking at the business of law – the stressors that solicitors, in-house lawyers, and barristers face and which are the primary causes of much of their mental ill-health.

Those with the most serious mental health issues are law students and junior lawyers. My good friend Professor Bill Henderson of Indiana

University Law School told me recently that about 70-80% of law school graduates worldwide will never practice law and this knowledge means about 40% of them suffer from major depression, which does not bode well for the mental health of lawyers going forward.

Depression is by no means the only mental health issue lawyers face. Mental ill health is increasing because of the snowballing stressors lawyers work under, including growing competition from other lawyers and from digitised law, and the rising demands on partners and others for more and more revenue with less and less support.

A number of studies have shown that chronic stress among lawyers is increasing by over 70% every four years. For the profession this is simply intolerable. Humans were not designed for it.

Besides depression there are other major mental health issues that lawyers face – most of which are stress-related.

Anxiety

Depression and anxiety often go hand-in-hand and neurogenetically they are very similar. However, anxiety encompasses a wide spectrum of disorders going from minor generalised anxiety disorder (GAD) to post-traumatic stress disorder (PTSD). Alongside GAD and PTSD, other anxiety disorders include panic disorder, social phobias, specific phobias (for example, agoraphobia

and claustrophobia), and obsessive-compulsive disorder (OCD). Each requires a different approach.

Many lawyers do not realise that they are suffering from anxiety until it has come to dominate their lives or led to a really serious mental or physical illness.

What is important about GAD and other versions of anxiety disorder as far as the legal profession is concerned, is that their symptoms are mostly survival techniques driven by fear and work stress. The greater the stress, the more severe the anxiety response.

Of course, many people have a genetic predisposition to anxiety, just as with depression but, as many studies have shown, this disposition is mediated by context, experience (especially childhood experience), and work environment.

Burnout

One of the most prevalent personality traits among lawyers is, as mentioned earlier, perfectionism; that, combined with an often-crazy schedule, makes them more prone to burnout than any other profession except medicine. Since perfectionism is what they are often praised for, this trait is reinforced.

Burnout is a defence against intolerable pressure. The latest research sees lawyer burnout as a symptom of an ailing organisation or practice. Any cure must therefore be aimed at de-stressing legal practices large and small.

“Research has shown that lawyers, who are mostly perfectionists, are loath to admit that there is anything wrong with them”

There are certain factors that protect a workplace from burnout: a sense of purpose and belonging; a transformational and inclusive management style; clarity and specificity around behaviours; clear goals; and sufficient autonomy to allow lawyers to get on with their work without undue interference. Without these, a practice is more vulnerable to burned-out people. Lawyer burnout rather than depression is the cause of most suicide attempts.

Chronic stress

Nearly every lawyer has a stress problem. Workplace stress among lawyers (and other professionals) is increasing exponentially. Chronic stress can lead to heart attacks, cancer, and a whole range of mental and physical illnesses. It's a good idea to de-stress each individual lawyer, but a much better approach – and paradoxically the easier option – is to de-stress the practice.

Research has shown there are a number of factors that contribute to workplace stress in law firms large and small. These factors, together

with burnout issues, can amount to a toxic work environment: overwork; isolation; role and authority conflict and ambiguity; career development barriers; difficult relationships with seniors, co-workers, or both; bullying – especially by ‘rainmaker’ partners; harassment (sexual or otherwise – usually otherwise); and de-personalisation.

Should the stressors continue, a lawyer is at significant risk of developing severe physiological and psychological disorders that can lead to increased absenteeism, presenteeism, organisational dysfunction, increased errors and decreased work productivity, and even death.

Conclusion

The problem of mental ill health in the legal profession is really a problem of the way that law is practiced today and won't be solved until we marry the business of law with human design-specs. That's one of the things we hope to achieve in NSW. ●





Don't trade your mental health for success

Young Barristers' Committee chair Athena Markides highlights the impact of judicial bullying, harassment, and poor wellbeing on the junior Bar

As chair of the Young Barristers' Committee (YBC), one of my first tasks is to set the committee's priorities for the year. Along with business as usual (e.g. Brexit and court reform), the YBC needs to identify key issues facing barristers in their first seven years of practice, and then to try and address those issues.

As you can imagine, this is not a straightforward task. The Bar is a vast and diverse space. We may all be 'barristers', but the job of a junior criminal practitioner, racing all over the country, doing trials solo from the first day of her second six will be almost unrecognisable to the junior

Chancery barrister, who may not cross-examine a witness by herself until she's put in several years as fourth, third, second and finally first junior.

The pay, the pace, the content – these key hallmarks of any profession – diverge so widely for the Bar, that one may wonder whether it is meaningful to talk about the 'job' or 'life' of a barrister at all.

It is clear that there are sector-specific issues. The woeful inadequacies in pay at the publicly funded bar quite properly continue to dominate headlines in legal news

and more widely, and that issue will form one of the YBC's three main areas of focus this year.

But it is also quite clear there are themes, interests, and threats which unite all junior barristers. Our other two priorities for the year which affect the junior bar as a whole: (i) equality, diversity and social mobility (EDSM), and (ii) wellbeing.

Equality, diversity and social mobility

This topic covers an enormous range of work, and the Bar Council has a dedicated EDSM committee, headed up by Robin Allen QC. I would like to draw attention to two particular issues on which the YBC is focusing: judicial bullying and harassment.

Judicial bullying has been in the spotlight quite significantly over the past year. This issue came to the fore in late 2017, when a criminal barrister tweeted about how some judges 'belittle and undermine' advocates, and how this can have a significant impact not only on justice, but on the barristers' wellbeing.

Within minutes, other advocates came forward with their own experiences of how judicial bullying had affected them. This prompted numerous articles, discussions, and lectures, and in February this year, the Bar Council issued guidance on tackling judicial bullying.

Clearly there are a great many judges who are decent and courteous and professional. But it is equally clear that judicial bullying is a real problem which resonates with many barristers (particularly those practising in crime) and further that it is a problem which disproportionately affects women and minorities.

All bullying is unacceptable. Judicial bullying is particularly egregious, given the disparity between the status of the bully and victim, and the inevitable erosion of confidence in the rule of law which accompanies a judicial bully's actions.

Victims of judicial bullying need to feel empowered to report these incidents in a confidential environment in which they will be taken seriously and have appropriate repercussions. The Bar Council provides guidance to barristers at wellbeingatthebar.org.uk, and also operates an equality and diversity helpline to assist. The Bar Council is also working on a system to assist barristers in reporting bullying.

Harassment is an equally prominent issue. In June 2018, the Bar Council released the findings of its 'Third Working Lives Survey'. Over 4,000 barristers provided 'useable' responses to questions regarding their perceptions and experiences of harassment, bullying, and discrimination.

The findings were stark. Reports of harassment, bullying, and discrimination within the barristers' profession, as well as reports of observing the same, had increased over the years: 21% of employed and 12% of self-employed barristers reported experiencing harassment or bullying in the two years prior to the survey, an increase of 3% at the employed Bar and 5% at the self-employed Bar.

Reports of discrimination roughly mirrored that trend: 16% of employed and 13% of self-employed respondents said they had experienced discrimination, a 4% increase at the employed Bar and 5% at the self-employed Bar.

This was also echoed by the increase in observed bullying, harassment, and discrimination: 30% of employed and 17% of self-employed barristers had observed bullying or harassment (up 9% and 8% respectively), while 20% of employed and 15% of self-employed barristers had observed discrimination (a rise of 5% and 7%).

Across seven protected characteristics (gender, age, ethnicity, religion/belief, disability, sexual orientation, pregnancy/maternity), the most common form of reported bullying/harassment was based on gender (53% - up 5% from 2013 data).

At the self-employed Bar, 50% of those reporting bullying or harassment

cited another barrister or colleague as being responsible.

It's clear that bullying, harassment, and discrimination are unacceptable behaviours. The Bar Council offers a confidential helpline, training, and support to individuals and chambers. Any barrister facing harassment or bullying should use these services. We are also working with the Bar Standards Board to ensure rules about reporting encourage chambers and others to call out and deal with unacceptable behaviour, rather than stay silent for fear of the consequences of speaking out

The YBC will be meeting with junior barristers this summer to assess whether their experiences mirror these broader findings and to explore what, if any, further support is required to assist junior practitioners who face harassment, bullying, or discrimination.

Wellbeing

The law has always been a pressured profession. Whether you are safeguarding people's livelihoods and liberty, holding public bodies to account, or setting out your solutions to commercial conflicts, barristers' input invariably comes at the knife edge of change – and the stakes are always significant.

The internet, smartphones, and laptops give us unparalleled opportunities for more effective

working. Need a case? You no longer need to trek to the library. Forgotten a document in chambers? Ask someone to scan it to you. Looking for a provision in the CPR but can't remember where it is? Google it.

The Bar deals in information – whether it's evidence, case law or advice. And technology has been of exceptional assistance at helping us access that information more readily.

But over the past 20 years, there has also been an explosion of information across the board. The occasional letter has been replaced by 40,000 WhatsApp messages. The carefully crafted bundle replaced by 150 emails, each of which has tens of emails embedded within it. And online resources like Westlaw mean that a 20 second search can throw up hundreds of cases each of which you now feel compelled to check to do your job diligently.

This builds on pressures historically associated with the job: developing and maintaining a good client base; doing a sterling job on every case; maintaining cash flow; cultivating good relations with other members of chambers; dealing with the particular stresses and isolation of being self-employment and chasing that elusive unicorn of the work-life balance.

Regardless of your age, seniority, personal circumstances, or practice area, the Bar can be a stressful and demanding profession. For many that is initially part of the thrill. No one comes to the modern Bar by accident. Junior

barristers everywhere have that common quality – we are the sort of people who have enjoyed jumping over increasingly high hurdles. But we are also the sort who will keep trying to jump over those hurdles, ignoring the fact that we're smacking into them until we physically can't lift ourselves off the floor.

This is a common theme – from the magistrates' courts to huge commercial arbitrations. Juniors of all stripes are working longer hours, with more information, unable to switch off, experiencing constant nagging feelings of agitation, exhaustion, and stress.

This was well-illustrated by the Bar Council's 2015 'Wellbeing at the Bar' survey. Approximately 2,500 barristers took part. Of those:

- More than half regularly experienced difficulty sleeping;
- More than half found it difficult to control/stop worrying at least some of the time;
- More than one-third found it difficult to control/stop worrying all or most of the time;
- One in six felt in low spirits most of the time;
- 59% felt they demonstrated unhealthy levels of perfectionism; and
- Two-thirds felt that showing signs of stress equals weakness.

These statistics speak for themselves.

Wellbeing is everyone's problem. And that isn't really surprising given how we work. We are constantly plugged in and switched on. In part that is a response to the rest of the sector: solicitors email over papers at 17:00 for a hearing the following day; your client is in a wildly different time zone and wants a telecom.

But in an age when people work, relax, listen to music, read, and find love, all online, then the boundaries between work and life can all too easily become blurred and finding that elusive balance becomes even harder.

I don't have all the answers. Mostly I'm just glad I don't have all the problems either.

But it is clear to me that there are steps which barristers, clerks, practice managers, chambers, and other workplaces more generally can be taking to manage this issue:

- Recognise that wellbeing is important and something which needs to be prioritised;
- Use the Bar Council's wellbeing hub for guidance, action plans, and helplines which you and your workplaces can and should be utilising;
- Set clear boundaries for work. The Bar Council is in the

process of preparing 'Email' and 'Sitting Hours' protocols, encouraging the Bar and judiciary to adopt codes of conduct limiting the hours in which we can reasonably be expected to be in court or respond to emails;

- Be sympathetic to the wellbeing of others and wellbeing initiatives more generally; and
- Be mindful of your own wellbeing.

It is tempting to dismiss these initiatives and treat them as a sign of weakness, inconsistent with our profession. In a job where mental integrity is the ultimate prize, barristers are unlikely to want to admit a weakness which correlates to failure.

To that I would say the following: stress is real. Its effects are progressive and can be devastating. Electronic working has significantly changed the working environment and the stresses to which its participants are subjected and balance and control are elusive. You don't get to pick when you burn out, or how that burnout will impact your life, or whether you will be able to recover from it. Your mental health is too high a price to pay for any success. ●



coram
CHAMBERS

Clerks or business leaders? Modern-day thinking and business development

Running chambers as a commercial enterprise requires sophisticated, professional, and entrepreneurial clerks, writes Sam Carter, senior clerk at Coram Chambers

There has been many an article written in recent years about the constant changes at the Bar and how chambers should adapt. As a service industry, being cost effective, offering and maintaining a high standard of excellence should be the focal point of any set's strategy while also remaining ahead of the game.

A growing number of sets are doing just that; whether it be lateral growth, international reach,

or expansion in specialist areas – the competition for legal services has increased dramatically and each chambers must find a way to differentiate itself.

To do this, more and more sets are taking inspiration from law firms, both in how they market themselves and the services they offer. Moreover, the solicitor-barrister relationship is one with fewer barriers than ever before; an exciting, refreshing change which allows more ideas to be brought to the table for the benefit of

clients. But where does that leave the traditional clerks' room?

What is a modern-day clerk?

The running of chambers as a commercial business – while still retaining important traditions at its heart – is still a relatively new phenomenon. Integral to this model are the clerks, who should be seen as business leaders in their own right.

More than ever, the modern-day clerk should have a sophisticated, professional approach to their role. Be entrepreneurial and ambitious with an absolute focus on client care and development; and don't forget to positively communicate innovation and be a driving force in how chambers conducts itself.

And yet, for a clerk to be successful, they must have the full support of chambers' members, practice groups, and management committees, as well as being given the opportunity to work closely with, what is now common, a director of clerking or chief executive.

I am fortunate to have been a part of traditional clerk's rooms and learnt from some great senior clerks. I have witnessed different styles in some great forward-thinking sets. What was common in each, however, was that barristers and clerks in each set were encouraged to express themselves, develop business, and

try out new ideas to raise their reputations. For example, identifying gaps in chambers not only benefits clients but can also change the perception of chambers in a positive way.

Of course, every set has a different expectation, ethos, and brand. A clerk must understand what the set actually is, its current limitations and mechanics, its specialisms, as well as both its strengths and weaknesses. Beyond that, having the foresight to see where you can take your set in the long term – and the likely obstacles along the way – is what sets great clerks apart and benefit chambers.

Clear insight into what makes each area of law tick, its demands and client needs, preparation, strategic planning, and ongoing knowledge sharing is of utmost importance and a clerk must inject a level of energy throughout their chambers by communicating progression.

I would suggest 70% of business development can be done from within. Any information is good information; it is how you digest and act on it which makes a difference. At Coram, we recently capitalised on a unique opportunity and launched an additional base in Zurich, Switzerland. This allows us to advise on UK law and applicable international law – complementing our international family law practice,

“As a modern clerk, you should always remember that there is more than one angle to consider when looking at a new idea”

as we have a growing private client and dispute resolution offering.

Complacency is your biggest mistake

As a modern clerk, you should always remember that there is more than one angle to consider when looking at a new idea. You may find your idea benefits a member, practice area, client, or someone else in your network – the latter must never be disregarded. It is important to be on someone’s radar in business; you need as many friends as possible, so a quick coffee or chat can go a long way.

It is quite easy to become complacent, but taking clients for granted is the biggest mistake you can ever make. Conduct regular client analysis and regular contact is key. It is imperative you not only build a stronger rapport but improve your service through feedback and implementing change where necessary. Obtaining a deeper knowledge of an instructing firm, its

practice areas, clients, and ambitions may lead to further opportunities down the road.

There is a huge appetite for clerks to evolve, with relevant external courses and training is readily available if you know where to look. Many clerks have now completed business or marketing degrees and diplomas to further develop themselves as the next generation of clerking leaders. Adding another layer to your skillset gives you the tools needed to keep up with the demand and ever-increasing changes to your role.

And finally, our ingenuity and transferrable skills can add benefit to other areas within the legal sector, too. Just consider the likes of Paul Martenstyn joining litigation funder Vannin Capital as its new UK managing director (see *fivehundred*, issue 03) or Owen Lawrence becoming the CEO of the new International Arbitration Centre in London. Just something else for the modern-day clerk to consider. ●



RED LION CHAMBERS



The problem with pupillage

For the Bar to cast off its image of privilege, it must talk about how it selects barristers of the future, argues Ed Vickers QC of Red Lion Chambers

The legal profession has an image problem. For many students thinking of a career in the law, the Bar in particular is seen as overwhelmingly white, male and privately educated; the language of the law is old fashioned and resonates a world of privilege; and this image is compounded by photos of judges in full court dress and long-bottomed wigs in media reports.

For many state school-educated students, a career in the law is not even on their radar. For those who do aspire to a career 'at the Bar', visiting the Inns of Court in London (where they must eventually 'be called' in order to practice) and the formality of dining in Hall is likely only to accentuate feelings of being out of place amongst such ivory towers.

Putting the prohibitive cost of legal training to one side, it must surely be easier for a student from public school and Oxbridge to transition confidently from cloistered university to life in the Temple.

The Bar has done much in recent years to understand and counter the image problem and to tackle the underlying causes. The Inns spend millions of pounds on scholarships and access to the Bar initiatives. Middle Temple alone provides over £1m in means-tested scholarships each year and its work with state schools and universities seeks to provide real support and encouragement to students from non-traditional backgrounds to pursue a career at the Bar.

“There are 417 pupils currently in pupillage nationally. 81.5% are white, over 50% are women, but only 13.9% are BAME”

Some chambers have links with schools and assist with expenses-paid mini-pupillages; and individual barristers give time to outreach initiatives, such as those provided by the Kalisher Trust (the only legal charity devoted to enabling wider access to the Bar).

Two recent reports produced by the Bar Standards Board (BSB) on Diversity at the Bar and Pupillage, show that there is still much to be done, however. Taking two indicators, whilst the proportion of women and BAME barristers has increased in recent years, there is still a smaller proportion at the Bar than in the working population nationally (37.4% of women compared to 50.3% nationally; 13% BAME compared to 15.5% nationally).

Figures showing progression to QC are improving ever-so slightly (of QCs, 15.8% are now women, 7.8% BAME). Of the 108 QCs appointed in 2019, 41.9% of male applicants were successful, compared to 54.5% of female and 43.3% of BAME applicants, but this should be seen in the context of 88% of new silks being white.

There are 417 pupils currently in pupillage nationally. 81.5% are white, over 50% are women, but only 13.9% are BAME. These figures may show some progress, but still highlight concerns for the current state of diversity at the Bar, as well as raising significant issues relating to career progression.

These statistics may help to quantify the size of the problem, but if the Bar is genuine in its desire to address the issue of diversity, it has to ensure equality of opportunity at the recruitment stage: pupillage.

As the BSB concedes, ‘socio-economic background is not a protected characteristic under the Equality Act... however, it can be a good indicator of a meritocratic profession’. Although there was a low reporting response (51% on this issue) in the most recent survey, 15.5% of the Bar attended independent schools (compared to a national average of 7%). That figure is likely to be far higher given the low response.

The BSB itself concludes that the available data indicates a ‘disproportionately high percentage

of the Bar' attended independent schools. The Bar needs to ask itself: are we doing enough to promote equality and diversity in our search for the best barristers of the future, bearing in mind the words of Lord Neuberger that 'the Bar can only flourish and retain public confidence if it is a diverse and inclusive profession'.

So, what can chambers do? The approach of all sets should be governed by the Fair Recruitment Guide issued by the Bar Council, in which the principles of fair selection, objective assessment and interviewing (to avoid discrimination or unconscious bias), transparency, monitoring and evaluation are made clear.

In addition, chambers should consider alternative procedural approaches: anonymising the pupillage application form so that the first sift to select for interview is done by number only; redacting the school – or making allowance for extenuating circumstances, such as the Ofsted grading of the school or its overall exam results.

This raises a more fundamental question: is it necessary to take into account secondary school exam results when there are undergraduate (and often post-graduate) degree and BPTC results by which to evaluate academic and intellectual ability?

If two applicants both have a 2:1, should it really make any difference that one has A*A*A at A level from, say, Winchester, and the other, from an inner-city comprehensive school, ABC? Should the university attended have any particular weight, given that, again, a disproportionate number of public school students attend Oxbridge or Russell Group universities?

There is another, perhaps more pressing issue. If chambers are committed to promoting equality and diversity, shouldn't they take a more proactive approach? This might include outreach – visiting state schools and universities to encourage students to consider a career at the Bar; support – providing mentoring and practical advice relating to application forms and interviews, offering funded mini-pupillages and paying expenses to attend interview; and care – from ensuring wellbeing throughout pupillage to assisting pupils whom they cannot take on with the search for a tenancy elsewhere.

If the profession wishes to cast off the image of being privileged and exclusive, we need to have this conversation and to act decisively. ●

The Legal 500 Hall of Fame

The Legal 500 Hall of Fame highlights individuals who have received constant praise from clients, the law firm partners who are at the pinnacle of the profession. The roll out of lawyers from the United Kingdom, United States, Europe, Middle East and Africa.

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Your lawyers are only human

If they are to retain their best talent, law firms must remember their duty of care, writes John van der Luit-Drummond

A few weeks ago, I met up with an old friend from law school. It had been a couple of months since last we met, but the change in them was striking and somewhat frightening.

Dark circles around bloodshot eyes contrasted against drawn, ashen skin. Their now furrowed brow was topped by unwashed hair, while their clothes – usually pristine – were more worn in than the average working day creases. At a guess, they looked like they'd been slept in. It was a stark contrast to the image of a confident City lawyer usually portrayed. Instead, they looked like the weight of the world was on their shoulders.

Their team had been busy. Really busy. Demanding partners and clients had led to a succession of early starts and late nights, often bookending hours of frantic work. On the occasions they were able to leave the office at a reasonable hour, they found themselves lying awake late into the night, anxious about the following day's work.

To say my friend was 'stressed' would be an understatement. As they vented, it was like watching a pressure cooker about to explode. Unfortunately, they are not alone in my peer group, or among the rest of the profession.

“Over 93% of young lawyers with almost one-quarter feel stress”

A recent study of 1,000 workers, conducted by insurance firm Protectivity, found lawyers to be the second most stressed professionals in the UK, with almost two-thirds of respondents reporting stress on a daily basis. In a separate study commissioned by Lexis Nexis, two-thirds of solicitors admitted feeling ‘highly stressed’ at work.

The latest resilience and wellbeing report from the Junior Lawyers Division (JLD) of the Law Society of England and Wales provides greater detail on the poor mental health of the profession. The annual survey shows over 93% of young lawyers are stressed at work, with almost one-quarter feeling ‘severe/extreme’ stress.

Around half of respondents said they had experienced mental ill health, a substantial increase on

the 38% reported in 2018. Three in four reported disrupted sleep and just under 60% reported anxiety, fatigue, and depression. Alarming, more than 100 young lawyers admitted to having suicidal thoughts.

The key stress factors were found to include high workloads, client demands and expectations, lack of support, and ineffective management. Some 77% of respondents said their firm could do more to support stress at work, while 87% felt their firm could provide greater help, guidance, and support to improve mental health in the workplace.

But before any of our international readers assume this is just a UK problem, think again. In Australia, a 2015 PsychSafe study found that out of all professions, lawyers have the lowest psychological

are stressed at work, ing 'severe/extreme'

and psychosomatic health and wellbeing.

Meanwhile, a recent study by the Hazelden Betty Ford Foundation and the American Bar Association found that between 21 and 36% of attorneys are problem drinkers; 28% struggle with depression; 23% suffer from stress; and 19% are affected by anxiety. Moreover, studies by the Centers for Disease Control and Prevention found attorneys have one of the highest suicide rates among US professionals; the number of Big Law partners who have taken their own life grows each year.

The picture painted by these various studies is of a global profession struggling with the realities of modern legal practice. So what action can firms take to facilitate better wellbeing? Perhaps a starting point is for those at the

top to listen to the rank and file – and their fellow partners – affected with mental health issues.

Respondents to the JLD survey called on firms to look at the root causes of mental ill health and stress by addressing workloads, how work is allocated, and ensuring sufficient qualified support staff are available to assist with the volume of work assigned.

'[My] employer does not consider mental health as an issue worth considering,' replied one junior lawyer. '[They are] doing nothing despite me being signed off due to stress at work. In fact they made me feel guilty for taking time off,' offered another.

'Reduce billable hours targets,' was one respondent's suggestion as 'it's impossible to hit 6-7 billable hours within a 7.5-hour contractual day.' Another lawyer said firms

Taking positive action

- Employee assistance schemes, helplines, online hubs, and access to free counselling.
- Mental health champions and HR practitioners employed to promote wellbeing and reduce stigma around mental ill health.
- Supportive, approachable partners who check in on staff working long hours, acknowledge existing problems, and manage workloads and client expectations.
- Resilience and wellbeing training; mental health seminars.
- Supportive workplace cultures, encouraging a good work-life balance, open door policies, and maximum and family friendly working hours policies.
- Agile and flexible working patterns. Ability to take time off for stress or mental health reasons, or to work from home.
- Access to mindfulness sessions, yoga, massage, talks on nutrition.
Source: Resilience and wellbeing survey report 2019, Junior Lawyers Division
- Regular staff surveys to measure morale and wellbeing.

Source: Resilience and wellbeing survey report 2019, Junior Lawyers Division

[Click here to see the full report](#)

“Lawyers aren’t (yet) robots, they’re only human”

should ‘not have arbitrary quotas for x amounts of sick days triggering disciplinary proceedings’.

Young solicitors also called on firm leaders to combat mental health stigma: ‘Mental health issues need to become less of a taboo and more people need to talk about their issues at all levels,’ was suggested, as was the need for law firm leaders to ‘demonstrate how to maintain good mental health e.g. by having hobbies and prioritising family life’.

Many legal businesses have woken up to mental health being a bottom line issue. Repeated sick leave and reduced performance levels caused by poor wellbeing can impact on more than the affected individual – the team, wider business, and clients are also impacted.

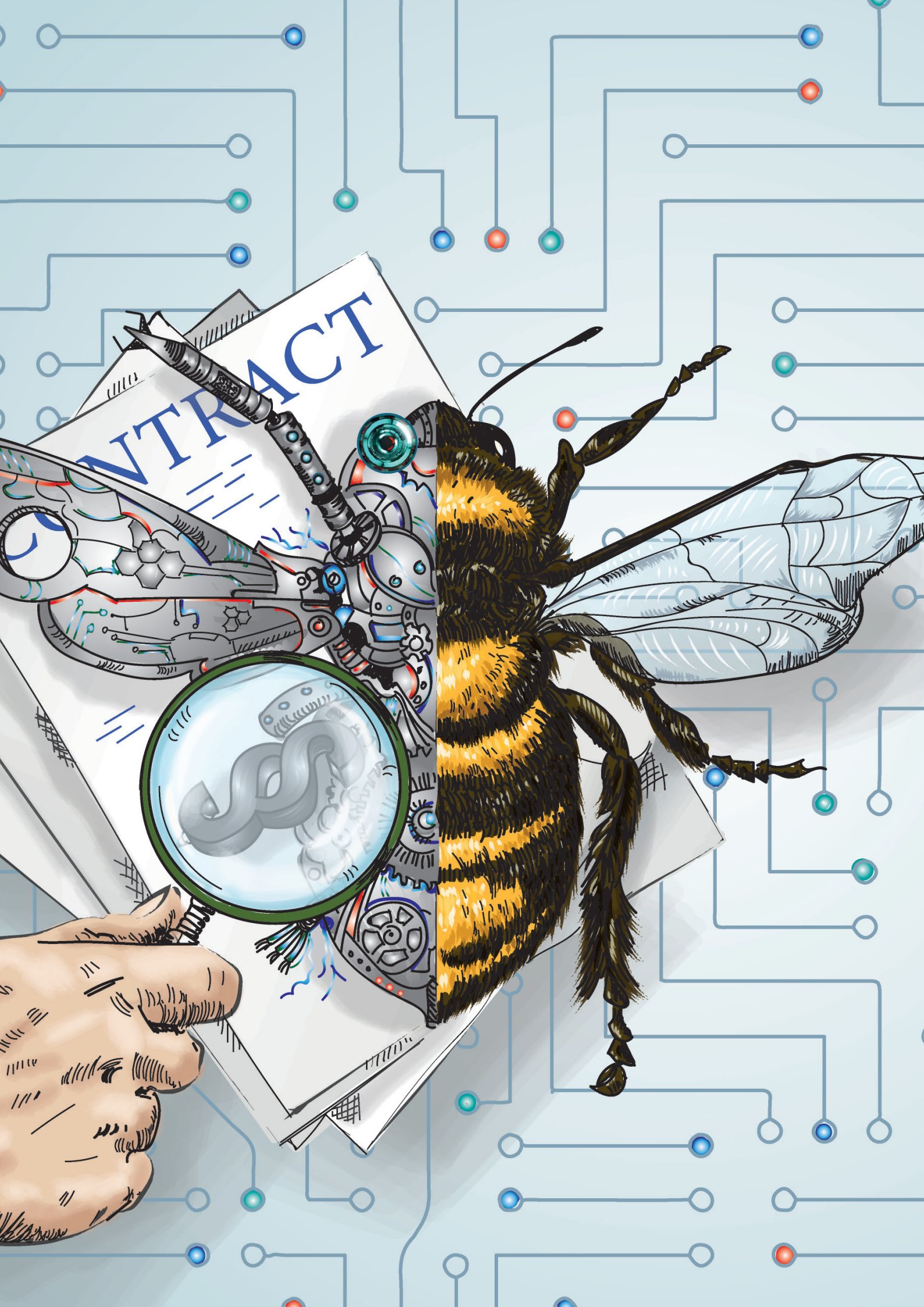
And if you want to retain your best and brightest – the future partners and firm leaders – then working them to breaking point is counterproductive, to say the least. High staff turnover and negative PR on legal gossip sites can definitely

affect a firm’s brand – just look at US law firms in the City.

Associates debating a move to the London outpost of White Shoe firms can often be heard saying, ‘yeah, they pay great, but they’ll take their pound of flesh in return’. Whether or not this perception is correct, would you really want to work for an employer that only takes care of your bank balance to the detriment of your whole self?

But putting aside the business case for taking wellbeing and mental health seriously, there is also the moral obligation all firms owe their staff. Lawyers aren’t (yet) robots, they’re only human – treat them as such and you’ll get the best out of them.

Returning to my friend, they’re thinking long and hard about their future. I hope their firm does the same. ●





Beyond the buzz? Getting to the crux of legal tech

Deutschland editor Anna Bauböck speaks to a selection of partners about the meaning of legal technology, innovation, and a changing profession

With such a buzz around 'legal tech' these last few years, I've found myself questioning what people actually mean by the term.

Today every firm I meet wants to talk about it, but the definition and understanding of legal tech appears to vary widely and not surprisingly so, as it can encompass a whole host of different technologies, processes, and ideas. So, I decided to speak to four firms – a large international firm, an independent German firm with strong roots in media and

technology, a full-service German firm, and an employment law boutique – about how they define legal tech.

To Nicolai Behr, who co-heads Baker McKenzie's innovation team in Germany, 'legal tech describes the use of modern, computer-based, digital technologies to automate, simplify, and improve legal discovery, application, access, and manage through innovation'.

Dr Michael Kliemt, founding partner of boutique KLIEMT. Arbeitsrecht, suggests legal tech

“We describe the use of AI today as a partnership, not too dissimilar from a dishwasher or a washing machine”

can be divided into three main categories: first, tech enablers, including network and security solutions and platforms; second, process management, such as case, cost and document management; and third, Legal Tech 2.0, which encompasses document and decision automation.

This certainly cuts to the core of the subject. But SKW Schwarz managing partner Stefan Schicker and partner Dr Stephan Morsch think even one step further: legal tech for them is ‘an approach to support lawyers in providing innovative legal advice to their clients’. This ‘also relates to a certain mindset: lawyers have to learn that their profession is changing and that they have to be more open-minded towards technical solutions if they do not want to lose the connection to the future of legal business’.

Kliemt agrees that ‘any content related to legal tech is to be seen

as a moving target with constantly changing market players, solutions and challenges’. Legal Tech 3.0 and 4.0 – revolving around AI and blockchain, which are currently still limited – may be just around the corner in a few years’ time.

Even if others, such as Dr Axel von Walter, member of Beiten Burkhardt’s IP, IT, and media group, speak out against using the term ‘for a vague future vision of AI automatisisation in the legal service sector’, there is no denying that legal tech is not just about technology but very much about a mindset or an attitude correlating to a changing nature of the legal profession.

Varying approaches

How then do firms position themselves to keep up with this change? Does it cause fear or do firms see an opportunity?

By now it is clear to most that nobody can rest on their laurels;

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avoiding legal tech is simply not an option. Firms need to keep an eye on developments and be involved one way or another to remain competitive. Yet while some take big leaps seeking to be at the forefront of technological innovation, others adopt a more cautious wait-and-see attitude or try to make use of new technology without big investments.

SKW Schwarz is an example of a frontrunner. ‘We have been observing developments in the area right from the beginning,’ say Schicker and Morsch. The initiation of so-called legal tech meet-ups, a series of events actively promoting the exchange between lawyers, tech companies, publishers, corporations, and financial investors on various topics, has led to the firm establishing its own legal tech company: SKW Schwarz @ Tech GmbH ‘specialises in developing, adapting, marketing, and distributing legal tech products

and applications, and it will also provide consulting services in connection with the digitisation of legal services’.

Other firms make the strategic decision not to become a technology company. Beiten Burkhardt follows ‘an unagitated approach’. ‘For us, legal tech is not about becoming a software company but about a positive attitude to use tech tools or tech-based processes to add value for our clients,’ says von Walter.

Indeed, many firms simply try to leverage outside technology solutions to meet business needs for clients. Baker McKenzie has a strong engagement with start-up companies and has partnered with various initiatives, including Barclay Eagle Labs and LitiGate, a Tel Aviv-based venture developing a litigation platform that uses AI to automate legal research and argument assessment in relation to High Court applications.

Will legal tech replace lawyers?

Nicolai Behr, German co-head of Baker McKenzie's innovation and legal tech team and compliance practice:

'Legal Tech is not about replacing a lawyer's judgement – it is about enabling it. By freeing up time and talent through the effective use of technology, we can make sure lawyers' skills are used efficiently in solving the truly complex problems our clients face.'

'Nevertheless, legal tech is changing the job profile. In addition to technical understanding and thinking in IT processes, lawyers need to be empathetic, curious, and know a client's business and their sector like it's their own.'

'They need to bring industry and commercial insight and analysis to their client work that helps ensure legal solutions answer business questions. One key area for us is to team up with technology vendors in order to provide clients with world class legal advice in a digital setup.'

Dr Michael Kliemt, founding partner of KLIEMT.Arbeitsrecht:

'The core role of a lawyer as a trusted advisor will not be replaced by technology. However, we expect that areas with standardised legal service will be step by step replaced by technical solutions. To that extent, roles of lawyers may become redundant.'

Regarding high-end-legal-services we expect a change of roles, role-requirements, skill-sets, and the organisation of law firms. Probably in about five years from now the daily use of technology and mixed tech-legal-teams will be a normal and integrated part of working life for lawyers. Because of this development we already now start to prepare our staff for the required adjustment of mind- and skill-set.'

Stefan Schicker, managing partner, and Dr Stephan Morsch, partner, at SKW Schwarz, both also general managers of SKW Schwarz @ Tech GmbH:

'The legal profession is a people's business and legal tech won't change this. We will always need lawyers to work on complex legal matters, and nothing can replace a trustful relationship between lawyer and client. But we will need less lawyers to work for instance on contracts and due diligences – computers will take the lead in all processes that can be easily automated.'

Dr Axel von Walter, member of Beiten Burkhardt's IP, IT, and media practice

'The machine will do what the machine can do. Lawyers working on legal commodities will certainly compete with AI and legal tech, and will lose. Our lawyers add more value to the clients than solving a specific legal problem. As trusted advisors they add a trusted client relation. In my view, it will be hard for a machine to become a go-to trusted advisor beyond AI-based legal assessments.'

“Lawyers have to learn that their profession is changing and that they have to be more open-minded towards technical solutions”

More recently the firm has also partnered with the Accord Project to assist in the development of industry-wide standards for smart legal contracts, and with ContraxSuite by LexPredict, an open-source contract analytics and legal document platform.

According to Behr, the firm aims ‘for early sight of innovative new technology that enables us to (a) optimise service; (b) better deliver our services; and/or (c) improve how we run our business’. The firm is also the founding sponsor of ReInvent Law, a legal innovation hub in continental Europe, and houses the Whitespace Legal Collab in its offices in Canada, which aims to address changing client needs, new industry dynamics, and the broader role of digitisation across the economy.

Kliemt similarly notes the importance of staying ‘curious, open-minded, and improvement-driven’. KLIEMT.Arbeitsrecht develops tailor-made software products, has launched

services like its Arbeitsrecht.Weltweit blog on global employment law issues and has run hackathons. Its dedicated team of ten lawyers is constantly testing legal tech solutions, including document automation, no-code solutions, and early AI solutions. Some tests result in pilot phases and roll-outs. The firm also intends to soon launch its KLIEMT.HR-Tools service for potential clients.

There is no doubt about the rapidly growing amount of legal tech conferences, as well as newly founded associations, hubs, and innovation centres. Critics may point towards the leveraging of legal tech as a marketing tool. Yet the number of serious providers is growing and technical development is constantly progressing.

In terms of its current implementation, the trend seems to point towards a mixed approach: firms both buy off-the-shelf tech and build their own in-house solutions; not wanting to be left behind in

“The ongoing debate on legal tech is about process change that is necessary to maintain service level for clients”

the technological race, they opt to purchase various solutions but customise the application to the firm's or project's needs.

Kliemt and Schicker and Morsch are in agreement that legal tech is still at the beginning of its journey. It may offer great opportunities, but overall it remains a small market. Nevertheless, while recent talk about legal tech may constitute a bit of a hype, and may give a distorted picture of its current use, it is crucial to recognise and understand ongoing developments, the impact they have on business and client-relationships, and also their limitations.

In other words, digitalisation requires knowledge – and money. As von Walter points out, ‘the ongoing debate on legal tech helps firms to facilitate the process change that is necessary to constantly improve the service level for clients. That is the most impacting role of legal tech today’.

Firms need to consider where digital innovations actually make sense. One should not forget that legal tech is not an end in itself but to optimise legal services to be quicker, better, more cost-effective, and precise. In which areas is it useful and where does it offer added value?

The bigger innovation picture

An even bigger question is perhaps if a firm has to be involved in legal tech to be considered innovative or if innovation doesn't necessarily have to relate to tech? Von Walter proposes that ‘innovation is not necessarily linked to tech. However, in an increasingly digital driven business environment most innovations will be at least supported by tech’.

Behr expands upon this idea: ‘Technology can be an important aspect in setting up a modern and future-oriented legal department or law firm, but it is only one of three

tech helps firms to facilitate the ry to constantly improve the

steps, all part of the bigger innovation picture also involving various professions, people, and processes.’ He recognises that ‘technology itself is not sufficient; more efficient service delivery means improving our processes across the business. Collaboration among our lawyers, project managers, process engineers and others is driving this change’.

Indeed one must not forget people as an important factor in all these technological developments, not only as the ones coming up with innovative solutions, but also those to implement them. ‘Innovation is definitely not about technology in the first place,’ says Kliemt. ‘More important factors involve staff and a constant development of an innovative mind-set in the whole organisation.’

Kliemt recognises that the ‘human factor including acceptance within staff and clients plays a major role’ and hence one must ‘pay big attention

to involve and encourage all lawyers, but also non-legal staff and clients, to be part of the technological journey’. In fact, the ‘biggest challenge in the long-run might be the training of young lawyers on the job if and when solutions for standard cases will be provided (partly) by technology’.

Schicker and Morsch believe ‘we will see a new generation of lawyers for whom legal tech will be a self-evident integral part of their daily work’. Getting more philosophical about the matter and bringing it to a full circle, they declare: ‘Innovation starts in the mind: if a law firm does not have the right mindset, and if it is still too much bound to old traditions no software will be able to turn it into an “innovative” firm. But at the same time, an innovative firm will not get around making use of legal tech.’ ●

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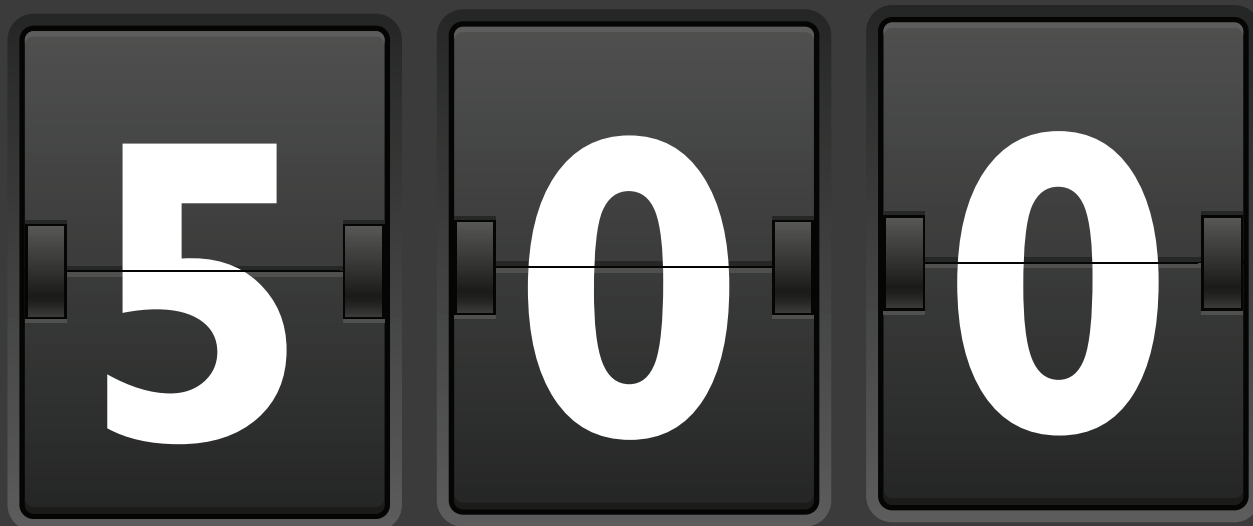
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