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Managing Change in the Legal Firm Through the Teaching Company Scheme.

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Abstract

As predicted by Susskind (1998) the Web is becoming an important vehicle for marketing the legal practice and a way of delivering legal services to clients. Based on our previous research (Barton et al, 2000), many Scottish legal firms have a presence on the Web, but it tends to be used more as a promotional or marketing tool rather than as a vehicle for conducting business and providing clients with timely information concerning their cases. Many legal firms are aware of the need to invest in technology, but often do not possess the technical expertise within their firm, and feel insecure about committing resources to develop such systems. They recognise the introduction of technology requires the re-shaping of business processes within the firm which results in complete change in culture, and the re-training of all staff within the firm. These factors can present significant barriers and result in a reluctance to proceed.

The Department of Trade and Industry's Teaching Company Schemes (TCS) provide one method of enabling technology transfer through partnerships between universities and industry. Our TCS, which commenced in September 2000, is a unique project involving Glasgow Caledonian University and Bird Semple Solicitors (Glasgow) in the development of novel computerised legal service packages in areas of property and trust and executry to improve client services, particularly through the application of e-commerce. The TCS programme is viewed by the Firm as crucial to delivering an increase in the market share by attracting new clients through the provision of legal services over the World Wide Web. The systems developed will be at the core of service provision and built into the daily work of all fee earners, forming the basis of a significant part of their work. These systems will become the model for other areas of service provision not included in the project. The Web site will be central to the firm's marketing strategy and provide a significant means of communication with clients.

The TCS will identify the Firm as at the forefront of IT innovation within the legal profession, as well as enhancing working environment and improve communications within the Firm and between the Firm and their clients. The TCS project is seen as a springboard for re-shaping the Firm's culture. This will involve the introduction of new skills, and necessitate the development of staff training in the Firm, ultimately resulting in increased staff confidence and improved morale.

This paper draws from our experiences in the initial stages of this project and illustrates the many challenges facing legal firms undertaking such major restructuring of their business processes. The early involvement of all stakeholders and the development of effective change management

strategies are emphasised.

Introduction

Richard Susskind in his influential book, *The Future of Law* argues that the World-Wide-Web will become an important vehicle for marketing legal practices and a way of delivering legal services to clients. Susskind believes that in time, law will be transformed from an advisory service to an information service. Andrew Terrett who spoke at the BILETA Conference in Warwick (2000) agreed with Susskind's prediction. However, he disagreed about the time scale, probably as a result of the pace of events, insisting that these developments will happen relatively quickly in a 3 to 4 year time frame. Susskind confirms in his most recent book, *Transforming the Law*, that 'it is now time for lawyers to plan their future on the assumption that IT is here to stay and most will not be able to avoid its impact'. Darryl Mountain agrees with Susskind and Terrett about the disputative power of Internet technologies but he goes further suggesting that law firms will have to reinvent themselves as technology organisations or lose clients in the longer term. One thing seems certain, Information Communications Technology (ICT) will play a central role in the future of law.

Many legal firms are aware of the need to invest in technology, but are often reluctant to proceed; either because they do not possess the relevant technical expertise within their firm, or feel insecure about committing resources to develop such systems. They also recognise that the introduction of technology requires a re-shaping of business processes within the firm, resulting in complete change in culture, significant disruption, and extensive re-training of all staff within the firm (Barton et al, 2000). Taken together, these factors represent a significant barrier to change. This paper looks at the experiences of one legal firm which has made the decision to undergo a radical transformation. In particular it examines how, through the aid of a Teaching Company Scheme (TCS), such innovations can be facilitated and supported.

Teaching Company Scheme

The mission of the Teaching Company Scheme (TCS) is 'to strengthen the competitiveness and wealth creation of the UK...through collaborative partnerships'^[1] with its objectives being to facilitate the transfer of technology and to encourage industrial investment. TCS programmes are part financed by a government grant made to the *Knowledge Base* partner (University), complimented by funds from a company partner. This allows the employment of a recent high calibre graduate (*Associate*) to undertake a 2-year project which will produce potential growth and other benefits for the company partner, there by unlocking the company's potential.

Projects must demonstrate that they do one or some of the following:

- * open up new markets;
- * develop new products;
- * improve quality, productivity and customer partnerships.

In a recent consultation exercise carried out by the Teaching Company Directorate, TCS Associates were asked to review their experiences. From this research a number of common issues were raised. One of the most significant of these was the importance of an effective change management strategy within the company. A number of 'conditions' were identified where programme have the potential to spin out of control or fail and change has not been effectively managed. For example where there has been a misunderstanding in the company regarding what the project is actually about, poor induction of the Associate into the company or university, and a lack of integration of the project into the company's business environment. Further problems arise where the technology transfer is perceived as being highly innovative, or where the Associate *really* is on the leading edge. The

research also highlighted a number of ideal conditions to support change. Programmes tend to be more successful in SMEs and where there is effective induction of the Associate. Because the Associate is essentially managing a change process they have to be visible and approachable. The benefits of the project have to be promoted and disseminated and the programme should be regarded as a valuable process and not as an end itself. Although the majority of TCS projects tend to be located in the scientific and engineering sectors, there has been one other TCS involving a legal firm in Scotland (the Teaching Company Directorate does not fund schemes in legal firms in England and Wales). This scheme involved the development of a Criminal Legal Aid Case Management System (Huntley et al, 1999) (Huntley et al, 2000) (Thomson et al 1999) (Thomson et al 2000).

This paper will discuss the TCS between Bird Semple Solicitors (Glasgow) and Glasgow Caledonian University, which commenced in September 2000. It is a unique project involving the development of novel computerised legal service packages in areas of property, and trust and executry to improve client services, particularly through the application of e-commerce. The TCS programme is viewed by the Firm as crucial to delivering an increase in the market share by attracting new clients through the provision of legal services over the World Wide Web. The TCS will identify the Firm as at the fore front of IT innovation within the legal profession, as well as the enhancing working environment, and improve communications within the Firm and between the Firm and their clients. Importantly, the TCS project is viewed by the partners as a springboard for re-shaping the Firm's culture. This will involve the introduction of new skills, and necessitate the development of staff training in the Firm, ultimately resulting in increased staff confidence and improved morale. Our experiences in the initial stages of this project are discussed and provide an illustration of the many challenges facing legal firms undertaking such major restructuring of their business processes. The early involvement of all stakeholders and the development of effective change management strategies are emphasised.

Background of the Firm

Bird Semple traces its private client roots back to David Bird, the founder of what later became the law firm Bird, Son and Semple. David Bird, commenced business as a Writer (the old Scots term for a solicitor) in May 1845. As the firm grew, commercial work became the firm's principle focus, with private clients less central in the firm's development. In 1999 at the firm's annual partner's conference it was decided to investigate the possibility of merging with a large English commercial practice. The following year Dibb Lupton Alsop (DLA) took control of the commercial side of the business. The private client partners saw this as an opportunity to exchange a peripheral role in a large organisation for a niche focus on private clients with a greater opportunity of developing private client services. The days of the large "all service" legal firm are coming to an end. The size, speed and complexity of commercial and corporate legal work nowadays demands specialist commercial firms. The remaining "all service" (but predominantly commercial) firms may find it increasingly difficult to provide the expert personal service, which private clients require at sensible cost - their priorities predominantly lie with their corporate and commercial clients.

Bird Semple's main aim is to make the Firm the natural first choice for private client asset protection work in the West of Scotland. As expected the de-merger had a significant impact on the Firm. From a staff of over 140 and 19 partners, today only 3 partners and a staff of just 27 remain. Rosabeth Moss Kanter in her book "When Giants Learn to Dance" argued that all large organisations should have the mind of a small one. Bird Semple, have both the structure of a small organisation and the mind of small organisation - small, agile, and responsive to clients' needs. Decisions can be made more quickly and there is less competition in the distribution of the Firm's resources. As a result the decision making process is more effective and the Firm has more freedom to make changes. The separation has acted as a catalyst for change and innovation. For instance, throughout the 1970s and 1980s the former firm had a reputation for being at the cutting edge of the application of computer technology to improve client services. The former Bird Semple was one of the first firms to introduce video conferencing between offices. In many ways the Firm was ahead of its time.

However, during the 1990s the firm had lost its lead in this area. The partners of the new Bird Semple are committed to recapturing the firm's reputation for technology, and have placed a high priority on regaining the firm's cutting edge reputation.

Overview of Project

The project involves the development of novel computerised legal services packages to improve client services, particularly through the application of e-commerce. The current paper based management systems in use at the firm are slow, wasteful, labour intensive, inefficient and not adequate to allow the firm to expand its client base. The project is still at a very early stage in terms of technology deployment, but several systems are planned for development. These include a Knowledge Management System, Case Management System, Document Management System and various Internet focused systems. Some of these can be classes as 'Internal' systems, others as 'External'.

Internal Systems

The primary purpose of the Knowledge Management System is to bring together the large and varied amount of expert human knowledge contained within the firm. The system will provide an easy to navigate information resource of knowledge that can be shared and exploited. Effectively, knowledge can be passed from one lawyer to another and knowledge that is relevant can be brought in from external sources quickly. Malhotra (2000) claims that there '...is no commonly agreed upon definition of Knowledge Management', although '...companies, governments, institutions and organizations are demonstrating an increasing interest in the topic.' He argues that the original use of the term was only relevant to pre-Internet business and that a new perspective of knowledge management is '...based on the need for synergy between the capabilities of advanced information technologies and human creativity and innovation to realize agility demanded by emerging business environment.' Gottshalk (1999) agrees that there is no single definition of Knowledge Management, but claims that the '...idea relates to unlocking and leveraging the knowledge of individuals so that this knowledge becomes available as an organizational resource which is not dependant on the particular individuals.' He highlights the fact that knowledge management is an increasingly important source of competitive advantage, with law firms being well placed to benefit as they are highly knowledge intensive. A law firm's key resource is the knowledge it has at its disposal - its expertise. The key challenge for the Firm is harnessing that expertise to both the administrative and the client base, and to be in position to respond quickly to the rapidly changing business environment.

Additionally, a new Case Management System and Document Management System will be developed to eliminate the administrative inefficiencies currently associated with managing cases. In general terms what these systems will do is improve the processing of information within a transaction. Ultimately they will also provide the basis for the strategic application of e-commerce.

External Systems

The project will also develop the Firm's presence on the World Wide Web. This encompasses not only the usual promotional aspects such as the services offered by the firm but also an extranet and an e-commerce provision. Research, using two instruments of evaluation, has shown that in Scotland, in any event, 'legal web sites ... are not utilising the Web as a tool for delivery of legal services' (Barton et al, 2000). To fully realise its potential as a technology organisation it must move away from standard promotional use of the Internet to a more interactive and strategic approach. Developments in this area will promote an external image and identity that is 'cutting edge'.

Work has just finished on developing the promotional aspects of the Bird Semple website. The extranet which will be developed later in the project, will allow existing clients to monitor the progress of their cases. This will give clients more control over their legal affairs because they will

be able to access information at times which are convenient to them. For instance, they will be able to read drafts of legal documents, consult progress status reports and review their fee online. This system will interact with the Case Management System, providing added value for clients and more efficient working practices for the Firm.

An e-commerce provision is a central element of the project. This goes beyond simply providing client-sensitive information to the processing of transactions on-line, for example enabling clients to select and purchase services via the web. The Internet has the capacity to alter the practice of law and the delivery of legal services. For instance, desktoplawyer.com and directlaw.com allow consumers to purchase and assemble their own documents over the web. In time, these websites and others like them will take market share away from firms who used to bill per hour. In a survey of Scottish legal practices (Barton et al, 1999) it was noted that many firms were not using the web to its full potential. In particular the web was being used as a glorified brochure to provide information about the firm and the services which they offer, and very few were offering the opportunity to transact over the web. Ho (1997) classifies the business purposes of a commercial web site into three categories:

1. **Promotion:** which is specific to the products and services that a business offers to customers
2. **Provision:** which refers to the supply of information to gain goodwill, exposure, credibility, or to expedite communication.
3. **Processing:** which refers to those business transactions that are beyond the generation of sales leads by promotion.

The intention in developing the Firm's web site is to move away from this notion of purely 'promotion' to include elements of 'provision' and 'processing'. It is recognised however, that this will present many technological challenges, and more importantly, a complete change of culture within the working practices of the firm.

Managing the Change

Theory

The systems described above obviously represent a significant change in the way the firm will conduct its business. At a deeper level this requires a fundamental change in culture. In preparing for the technological changes which will take place, an effective change management strategy is required so that these changes can be implemented successfully.

Kurt Lewin^[2] (1809-1947), commonly recognised as the founder of social psychology, developed the 'forcefield' model to describe the management of change. He argued that for change to take place, the total situation has to be taken into account. If isolated facts are used, a misrepresented picture could develop. He described the change management process as comprising of three main stages - 'un-freezing', 'changing' and 're-freezing' - this is the theoretical foundation upon which change theory is built.

John P Kotter in his book 'Leading Change' outlined an eight stage process of handling change effectively.

1. Establish a Sense of Urgency
2. Creating and Guiding Coalition
3. Developing a Vision and Strategy

4. Communicating the Change Vision
5. Empowering Employees for Broad-Based Action
6. Generating Short-Term Wins
7. Consolidating Gains and Producing More Change
8. Anchoring New Approaches in the Culture

In addition, Richard Susskind in *The Future of the Law* believes that there are several fundamental critical success factors to give the best chance of implementing any systems. He lists:

- * Top management support
- * Measuring performance
- * Project management
- * User involvement
- * Hybrid management
- * Exception management
- * Relentless training
- * Not re-inventing the wheel
- * Technical sophistication

It is imperative to have top management supporting in the form of a guiding coalition. Proper project management techniques are vital and generating short-term gains by ensuring adequate training is completed is essential. The importance of regular and effective communication with staff and the involvement of all stakeholders in the process cannot be over estimated. The changes need to be anchored into the culture - "This is the way we do things now".

The TCS project team has identified a list of statements representing our views of what we consider the most important issues to manage the change effectively in the Firm and to keep us focussed on achieving a successful outcome. These are displayed prominently in the Associate's office:

- * People First, Technology Second
- * Change is Frightening but Exciting
- * Support Support Support
- * Being Different is Good
- * Algorithms Suck; Ideas are cool

Managing change effectively is extremely difficult. In practice, many projects fail or only partially succeed because the focus has been on the 'hard' issues (e.g. the technology, hardware, software) and

not on the 'soft' issues (e.g. the people, processes, ideas). While it is relatively straight forward to identify and quantify the cost of a new piece of hardware or software, often, very little account is taken of the consequences of successfully embedding this into existing working practices or, in fact, of altering these practices to accommodate it. Technology is not a means to an end. Technology can only be used to support people. People have to use technology to achieve their objectives. However, at Bird Semple, and in many other firms, the systems in place work the opposite way around. The people end up having to fit in with the strange ways the technology works. The main objective of all successful projects must be to develop systems that are designed to be used by people.

In Practice/Experiences

Even at the early stages of the Project, the importance of employing effective change management strategies have become apparent. Several examples will be presented to illustrate this assertion.

In any organisation, change may induce a variety of responses from a sense of excitement, to uncertainty and in extreme circumstances even fear. Moreover, the reaction to change will vary across the organisation. While many employees may warmly welcome a new system because they have either requested it, or can clearly see the benefits it will bring, others may view the same system as a threat. Often, it is easy to overlook some of the stakeholders in the change. Assumptions are made about their involvement (or non-involvement), and even although the change may be beneficial to them, if their views are not taken into account this can lead to difficulties.

The effect this can have in an organisation is illustrated through the example of one of the early developments in this TCS Project. A new Room Booking system was required to update the previous Excel spreadsheet-based system. Previously, to book a room, individuals had to phone reception to check the room's availability and one of the receptionist would then enter the booking in the spreadsheet. The new system would allow everybody in the office to check availability and book rooms directly. As the Firm had recently upgraded to Outlook it was decided that the diary facility in Outlook would be used for room bookings. Following good change management practice, all of the staff who would be using the system were interviewed to find out exactly how they wanted the new system set up. The changes were then implemented, and guidelines on how to operate the new system were communicated throughout the firm.

However the receptionists were very unhappy about the change. They wanted to retain the old system, even though the new one was going to make their jobs easier in that they would no longer have to deal with these bookings. They were apprehensive because they had exercised complete control of the previous system and were concerned that others using the new system would "mess it up". They had not been involved in the change process at an early stage and as a result additional resources had to be devoted to supporting and re-assuring them after the change had taken place.

Although most people would agree that the change described above seems quite trivial, it illustrates the importance of supporting people in the change process, no matter how simple this may be. Everyone must be involved - even those that may be considered outside the sphere of influence of the new system. All members of staff in the organisation must feel they own the change, and they must be given the opportunity to be involved in decisions that will affect them.

The new systems being developed will bring about much more substantial changes in the way the firm operates. The early involvement of all stakeholders in the Firm has to be ensured to enable these changes to be implemented effectively. Change is frightening but at the same time it can be exciting if handled properly. People need a great deal of support. Organisations can only change, when its people change, and people will only change when they accept that in their hearts change has to happen.

Challenging the status quo is a difficult task that needs to be handled sensitively. On many occasions

the attitude: "This is the way it's always been done" prevails. However, this can be managed successfully through generating short-term gains. Again the experiences of the project so far help illustrate the importance of this factor. In most legal firms the cash room represents a major contribution to its success. For many years, the Firm have employed a system of colour-coded forms to process transactions in the cash room. Debits, credits or transfers are recorded on one of the coloured forms and sent to the cash room. Even in a small firm like Bird Semple, approximately 2,500 cash forms per year are processed in this way. The important point to note here is that most of the data the fee earner is expected to write on the form, is already contained within the computerised Cash Accounting system; clearly a lot of data is being duplicated. The system was structured so that if money was received, and was to be paid straight out again two forms would have to be written - one for the credit and one for the debit.

As anticipated, the cash room staff were greatly opposed to the proposed change, and wanted to preserve the status quo. The coloured form system they had developed worked very well for them. In effect it had been set up to assist the cash room but not the fee earners. To overcome this resistance, a new single white form was developed. In addition, an electronic version was created, which allowed the user to search the cash system and fill in most of the forms details automatically. The system is still not completely electronic in that the form has to be printed out before submitting it to the cash room. In addition, if cash is coming in and going straight out again, instead of completing two forms, the new single form has to be photocopied and a cross put through it.

The system is obviously still not perfect, but it is a start. Trying to satisfy all of the stakeholders at one time is a difficult job. Although all of the fee earners who use the system are delighted with the change, the cash room staff still have a few reservations. However, this small change was relatively easy to implement, the cash room staff have now accepted the change and the next step will be easier to take. This is only stage one in changing the business processes in the cash room. The Kaizen approach has been adopted - that is a small incremental change. Stage two involves automating the whole process. The fee earner will eventually post the entry electronically; this will be displayed on screen in the cash room for approval. This should provide advantages for all concerned. Currently the cash room spends approximately 2 hours per day posting the entry. The fee earners gather the information and the cash room have to put the information back into the cash system. By next year cash room forms will no longer exist. The fee earners can already see the benefits and are willing to take the next step. A little change can have a big effect on people, if they can see the benefits. Change management is about trying to bring everybody along with the changes. It's about consolidating improvements and producing still more change.

The change literature suggests that major change is impossible unless an individual at the top of the organisation is an active supporter of the proposed change. Fortunately, this Project is in the happy position where it has the full support of all the partners. In particular, one of the partners can be considered to be a 'change champion' and is helping to drive forward the changes. He has innovative ideas, and an exciting vision for the future of the Firm. However, although this can be viewed as highly positive, there is a danger of trying to do too much. As people become more aware of technology they want to do more with it. Ideas are good but trying to manage the perception is difficult. The challenge for the Project is to keep focused and prioritise, especially since Bird Semple no longer has the IT resources of a large firm.

Conclusion

The main advantage of being part of a managed TCS project like this is that the Firm does not have to worry about keeping the momentum of change going. This is achieved through the University and a TCD consultant. As government money is involved in the TCS scheme, a rigorous screening process was undertaken to gain approval for the project. This process led to a 2-year project work schedule being developed. This contained the tasks, deliverables and estimate effort required to complete each task. Obviously this plan is not set in stone, however, prior authorisation is required to

change the plan. Using proper project management and change management techniques helps to ensure that the project runs smoothly and because government money is involved regular review meetings have to take place to ensure the project is achieving its objectives. This ensures that the project keeps on moving. In addition, the way that the partners view the firm has changed. The partners now want to project a high tech image. There are already signs that the internal culture is changing, and this can only contribute to the success of the Project.

There is still a lot of work to be done, and to achieve it, Bird Semple have to continue to be flexible, adaptable and retain the mind of a small organisation, even though they have the ideas of a large one. We are entering the age of the e-lawyer. The world is changing and the pace of change seems to be accelerating relentlessly. Like any other professional adviser, the Firm needs to ensure that it is at the forefront of those changes, which will affect and can benefit its clients. In meeting the changes, the Firm is encouraged by a line of unbroken service stretching back over 155 years. For large firms, technology will have to become a core competency. For smaller firms the TCS is one way that can assist with technological empowerment.

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[1] Taken from TCS Mission Statement, Teaching Company Directorate

[2] No specific references to Lewin's work are given as it is his basic philosophy and concepts that are relevant here.