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Chapter 6:

Change management – dealing with people

So, you have decided to start on some innovation projects and you are excited to get going. This excitement is slowly tempered by the dawning realization that bringing others along with change of any description is a hard slog. There are many weighty texts on the theory and practice of change management, which we are not proposing to regurgitate (some are definitely worth a read, others less so) but the sheer volume of them, together with the numbers of consultants who purport to be able to help organizations manage change, should act as a warning sign that this is not going to be a walk in the park. In many respects, the technology and process aspects of innovation are the easy part. This chapter is all about people, and we all know there are many strong-willed people in law firms! This is often set against a background that those who are interested in innovation may not readily identify as “people people” (certainly us!) so requires extra effort and planning. This chapter outlines some of the characters you are likely to come across whilst delivering innovation projects and some suggestions on how to most effectively engage (or not, let’s pick our battles!) with them.

Of course, as people we are multi-faceted and there is every chance that a person displays multiple characteristics (or that even on different projects people display different characteristics). This is all part of the glorious world of change, and you need to roll with it. Repeat after me: “This is not personal” (even though it may feel like it). As with most things people related, a lot of this is how you choose to react, accepting that you cannot choose how others show up. In Figure 1, we’ve grouped the personas from hardest to easiest to deal with (of course, this may be different for you!) and we’ve tended to find that many of the characteristics overlap so if one suggestion is not working, try pivoting and using the suggestions from others in the same column.

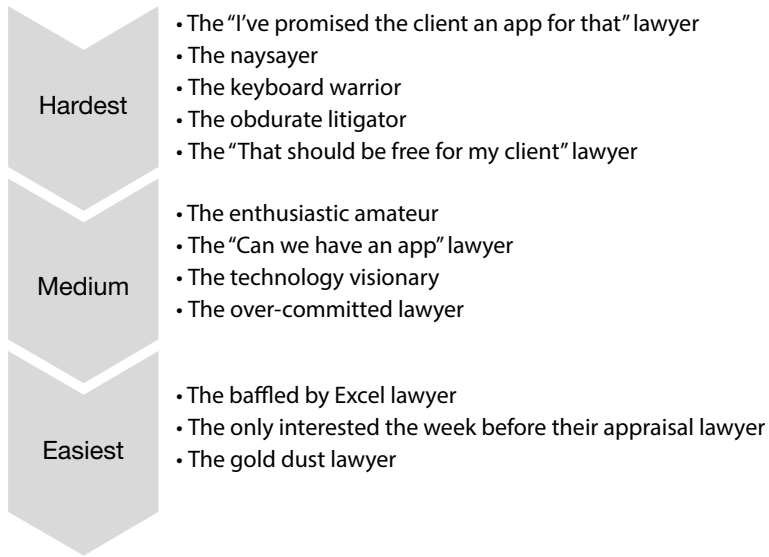


Figure 1. The relative ease of dealing with colleagues

The “I promised the client an app for that” lawyer

Characteristics

Sometimes related to the “Can we have an app for that” persona (but not always), this is the kind of person who tells you that an app has been promised to a client, and you then have to work out: (i) what, if anything, has been said and promised to the client; and (ii) is an app even the best solution? As a sweeping generalization, this character is usually quite senior and experienced in dealing with clients; often unaccustomed to being told “no” and does not want to disappoint the client. These added complications mean navigating this persona can be difficult. It is also generally the case that they have made the offer in a panicked moment when they have been asked what they can do to help the client around technology and innovation.

Frequent phrases

- “I spoke with [client] and we agree that an app would solve this. I said they can have it by [insert ridiculously short timeline], for free (and please carry on with delivery of my other urgent matters).”

How to navigate them

This is a tricky one to navigate. The intention of the lawyer when they offered an app as a solution can be equally tricky to ascertain. You will want to quickly get to the bottom of the position with the client. This requires you to take a step back and work out: (i) what has gone on; (ii) what has been promised; and (iii) the impact on other projects. Enlist others to help – those that know the client or have been in the meetings, and those in an innovation team who would be tasked with delivery. Crawl through any meeting notes or documents (of course, there is the very slim prospect that all of this will have been clearly documented in apple pie order, ready for a business service team to deliver it – we’ve never been lucky enough to have that scenario) and then form a small group to review them and understand what the client needs and what was offered. Much will depend upon whether they have been having the conversation with the right people at the client end – have two lawyers essentially got excited and come up with ideas that may not be feasible, or have they started to involve process or technology people?

What happens next depends upon, first, whether the idea is in any way feasible. Assuming it is, you then need to see if you have resources to deliver the project. If you can, or if scoping it out further is advantageous, then you are often looking to get back to the original discussion of the problem and a chance to workshop with the client. A lot of this depends upon how it is positioned (both internally and externally). With clients, it can often be positioned positively as an opportunity to have a detail-based, user-centric workshop involving the technical experts from the client and law firm, where you can explore the problem from their perspective without approaching it with a fixed solution. Often, this brings different problems to the surface that you can help solve, rather than the one you have been presented with where the solution is to “app” it!. You can then work to break the delivery down into achievable milestone chunks.

How you deal with this internally depends mainly on whether the person is a repeat offender or not:

- *This is not a repeat offender.* Occasionally, this situation results from a genuine keenness to deliver for clients, coupled with a lack of awareness of internal processes, particularly that the firm’s business services organization is not a free, unlimited, and underutilized resource. This gives you the opportunity to revisit your internal messaging to see if it could be communicated differently:

- Do people know how to contact your team and who to contact? Do your people respond in a timely manner or does stuff fall into a black hole?
- Do you share the headlines of your processes so people can understand how things are done?
- How do you raise awareness and communicate with the wider firm? Do you put information and updates in firm-wide communications? Do you attend team or practice group meetings or do roadshows in different offices? We accept all of this takes time and resource, both of which are often in short supply in innovation teams, but periodically it is important to step back and review processes, including communications, especially as teams grow and mature. We have tended to use the addition of a new team member(s) as an opportunity to review (before they start) existing roles and responsibilities.¹
- *This is a repeat offender.* No matter how clear your messaging on processes, or how available you make yourself, there is always a cohort who will not operate that way. They promise things to clients as a way of frustrating the prioritization processes and use early client involvement to do this. Queue jumping is a perennial problem in product and innovation in a law firm. Naturally, everyone thinks their client is the most important and no one wants to let their clients down, but you need to think of what message this behavior sends in your organization if the request is acceded to. There must be some form of consequence to ensure they do not repeat the offence or, worse, encourage others to do it so that delivery suddenly becomes uncontrollable. This often requires senior people helping you to reconfirm messaging.

Of course, innovation by its very nature is dynamic, but you want to ensure you are involved at the right stage so you can facilitate understanding the problem and solutions before the unfeasible is promised, so that the delivery can be balanced and prioritized against everything else.

The naysayer

Characteristics

The naysayer gives something only one chance in a technology context. No matter how new it is or how unique their use case, it must be perfect. If it

does not work to their level of satisfaction (or they cannot get it to work) that is it, forever. They are usually vocal about other things in an organization and sure of their beliefs.

Frequent phrases

- *“This did not work once so it will never work, for anyone, ever, and I am going to tell this to everyone I meet.”*
- *“The [insert name of document automation system] does not do me a perfect first draft every time because in circumstances that I cannot explain, I need a different clause and it does not do it.”* (Note – this is usually a one-in-a-million event and requires the stars and everything else to align.)
- *“I saw similar technology in 2018 and it was not perfect then – if it is not perfect now why would I want to look at it?”*
- *“Fundamentally I do not understand how you think that technology can be better than or even help me with what I do on a day-to-day basis.”*
- *“How can technology be better at tasks than my lawyers?”* (seemingly oblivious to the fact that his/her team of lawyers who, after all, are human, might make mistakes).

How to navigate them

We all know that not every pilot will be a success, nor will every piece of technology work in the way you want or expect. In this scenario, negative comment is to be expected; lessons are to be learned and shared and you try something else, or explain the developments since they last saw it. Sometimes a successful pilot on a different use case is enough to spur people to try again.

The naysayer is different because they are usually expecting unparalleled levels of success from a piece of technology, which is usually out of kilter with the expectations of the human equivalent. Imagine giving a contract to a more junior colleague to draft. Unless you have given them a precedent and a specific set of instructions, you are not likely to get a contract that is exactly how you would draft it. You might make some amends to the document but are probably not going to rewrite every word and you will live with the contract having a comma where you wouldn't have put one or a sentence not quite how you would have written it (or not, depending on predilection). The naysayer expects the technology to replicate what they would do as if they are the only technology user. In the document automation context as

an example, unless the technology gives them a version using the style and syntax they would have used, then it is deemed a failure. You've got to compare apples with apples and pears with pears. If the thing in question isn't tailored to the individual idiosyncrasy of the individual lawyer it is deemed by them to be a failure, even when from a legal perspective the output is perfectly "good".

How you deal with them depends whether they are a senior, vocal but likely to be a non-user of the technology, or someone who is more likely to be using the technology day-to-day:

- *Likely non-user:* You do not need to turn everyone into technology and innovation evangelists, but they do need to give new concepts a chance, especially if they are not the ultimate end user of the technology. For example, a partner may not use a piece of document automation software, but it may be of great assistance for a more junior colleague to get them a working first draft. It is then unhelpful if said partner changes every word of the draft or talks openly about how poor quality the first draft is (made even more annoying if they had been part of a group of lawyers tasked with agreeing precedents to then automate). The old adage of "If you haven't got anything nice² to say, please don't say anything" is one worth repeating. You may need some senior buy-in to help with this messaging to encourage only constructive comments.
- *Likely user:* You have to try and get to the bottom of the disquiet. If you have involved them in the planning and pilots, then the opportunity for this to arise should be minimized. It may transpire that the technology is the final straw and not the underlying problem. Again, you may need some senior buy-in to help with the messaging.

The keyboard warrior

Characteristics

We all know someone that causes us to let out a little sigh as their email arrives in our inboxes. In the world of innovation, there is often more than one, so prepare yourself. You know the email will be an overly long way to make any point, and often hostile and combative in approach. When you read it, you must remind yourself that you both work at the same firm and want the project to be a success. Remember the mantra, "It isn't personal".

Their email warrior skills have often been honed over years of attritional

exchanges with the other side and they carry this on with internal emails as it has become entrenched behavior. Ironically, they often lack the technical knowledge of the business services aspect of a project, but this does not stop them launching into a verbose response where every email you send is seen as a threat and an opportunity for them to demonstrate their advocacy skills. They have deep legal knowledge but shallow experience in anything else and assume they can make up for that lack of experience through sheer force of intellect and their version of what they regard as “common sense”. Not a persona with an abundance of self-awareness as a rule.

Frequent phrases

- *“What does [insert name of managing partner] say?” (usually whilst copying another 50 partners into an email chain).*
- *“I am not trying to be difficult but...”*
- *“(I do not understand this but) I fail to see how this is so hard.”*

How to navigate them

Ring them (yes, old-fashioned phone!). I appreciate that in the early days this is easier said than done and will require all your steely resolve as you don’t know if the call will disarm or enflame until you’ve made it. As a rule (albeit not 100 percent foolproof), even the most vitriolic and supercilious of keyboard warriors tend not to be able to keep that attitude up in the face of a real, live human being. That is partly why they resorted to email in the first place. Even someone who starts off as hostile on a call can usually be persuaded after a couple of minutes of animated discussion. Ringing them (especially if not booked as a meeting so they can plan) takes the wind out of their sails and disarms them. It is much easier to tell them verbally that they have the wrong end of the stick than to email it (as there are usually many others copied into the thread by now) and you often earn their respect as they realize you have saved them embarrassment in the email thread.

Ever-increasing email chains are unlikely to help in the long run and need the sting taking out of them. Use the rule of four: if you are about to send the fourth email in the chain, you clearly are not getting through and it needs a discussion. You are collectively failing to communicate using the written word (frequently because the correspondents are working with a different set of assumptions, so you may not even be arguing about the same thing). One method is to simply say it will be easier to discuss and set up a meeting. You then need to think about who to have in the meeting. Is this character like this

with everyone? Is there a colleague who may be better at explaining things to them? Does level of seniority matter? Don't take it personally. Easier said than done. You might also want to think about calling the person to whom they report, just to warn them that this appears to be an issue and ask if they are comfortable with you dealing with it. It pays for them to have heard your side before they hear from someone who is worked up. As a form of communication, email is open to far too much interpretation, both in terms of the actual content and, more importantly, the intent behind it.

This extract from the chapter 'Change management – dealing with people' by Stuart Whittle and Catriona Wolfenden is from the title 'Innovation in Law Firms: Implementing Successful Projects', published by Globe Law and Business.

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