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Getting Personal With Legal Innovation

August 25, 2020 | [Indianapolis](#)

This interview with Barnes & Thornburg's Brendan Miller was originally published in the July-August 2020 edition of Corporate Counsel Business Journal.

Brendan Miller, Legal Operations Advisor of Practice Innovation, an attorney and former Barnes & Thornburg partner, shares his thoughts on the importance of making innovation personal.

CCBJ: What should our general counsel and in-house counsel readers know and understand about the data their companies are producing and storing?

The continued maturation and investment in legal operations functions in corporate law departments and law firms provides a prime environment to positively influence and enable innovation within the practice of law and how legal services are delivered.

For example, I was not an early adopter of smartphones. As they came into the market, I was very comfortable with my cell phone, and I had built up adequate shorthand handwriting skills as used in the Personal Digital Assistants (PDAs) prominent at the time; for most anything else, I reasoned that my laptop met my needs. The thought of having to change all of my habits and “give up” all the features and functions I had adopted was not appealing. And, I just didn’t really think I wanted or needed my phone to be that “smart.”

Then, I actually tried a smartphone. And I was hooked. So many personal and professional tasks were just made easier with the smartphone. Integrated web browsing, voice-to-text, a robust contacts system,

notetaking, and an ever-expanding library of apps were literally at my fingertips to accomplish everything from ordering lunch to designing house improvements. A smartphone is still just a tool, though. I had autonomy to use it in whatever ways made best sense to manage and enhance my daily life.

What made the difference? What convinced me to jump on the smartphone train? It was personal. It made sense to me. It was a positive change that affected me personally.

We've all heard that "all politics is local." A similar lesson applies to legal innovation. Innovation, at its core, is about change. Lasting change – whether an individual habit or societal transformation – is necessarily, and can be intensely, personal; that is, it's as local as you can get.

The topic of innovation itself is so broad. Defining innovation often ends up being a circular conversation. So often, innovation is in the eyes of the beholder – it is personal. What may be innovative to me may not appear "innovative" to you because what I see as innovative enables me to positively change my status quo, my ecosphere, my circumstances. Your circumstances may be unique and may be affected by different innovations. Sometimes innovations are grand, moonshot ideas (e.g. to fundamentally transform the nature of how legal services are delivered); other times, innovations may be more targeted to improving narrow segments of the service delivery process (e.g. protocols for enhancing communication in a workflow relating to a particular legal matter).

The common thread through all is that innovation – change – only truly happens at the personal level, where we each make the decision to apply (or not) new ways to interact with people and utilize processes and tools/technology to accomplish envisioned goals.

So, how do we make innovation personal? Here are some things to consider:

People Always Come First

The three commonly cited core elements of innovation are: people, process, and technology. These elements should be considered in the order just listed: people first. The most important stakeholders of any prospective legal innovation are the people affected. Process improvements must take into account the impact on the people involved and essential to success. Process and technology tools can enhance impact or outcomes, but only when applied to and with people. Technology tools are only as good as end users and the people affected by use of those tools.

Engage Stakeholders Early and Often

When developing a new, innovative idea, it is important to involve key stakeholders from the outset. Define stakeholders broadly: prospective users, clients, project partners, communicators/marketing, resource providers, even prospective detractors, etc. The more these key stakeholders are engaged, the more likely they are to "see themselves" in the end process or product.

Make it Real

When trying to engage professional stakeholders regarding prospective innovation, make the idea tangible for them, not just theoretical. Give them real use cases that help them understand how the innovation can be applied in their daily work. The more the use cases are tailored to the particular individual or group, the better. For lawyers and other legal professionals, does this change how they research or draft their briefs? Improve how they make a filing? Provide additional options for monitoring compliance obligations? Enhance how they review or draft a contract? Help them prepare for taking or defending a deposition? Make it easier for them to enter time in their diary/time tracking system? Enlist advocates within the particular practice area/department to champion the innovation with real examples.

Making the best use of people, process, and technology to deliver legal services allows us, as a profession, to give our very best to our clients and business partners.

Be Flexible

Different people will adjust to change differently...and that is okay. (Remember how I was not an early smartphone adopter?) Some will adopt quickly while others will wait until the process/product is more widely in use. Don't put all the burden on prospective users to figure out how to adopt the innovation into their practice or their professional workflow. Give them multiple, tangible ways to test the waters and start to incorporate the innovation into their work lives. Meet them where they are with flexible ideas for adoption they can implement. Wherever feasible, avoid making adoption an all or nothing proposition.

Provide a Boost

When something new comes on the scene, many of us will have a tendency to cling to what we know. Our habits, our routines, the tools and processes we are most comfortable with all represent an inertia or gravity that holds us close to the things we already know. This dynamic is certainly present in the legal industry, which does not have a reputation for changing quickly. We need to demonstrate the value proposition to encourage adoption of innovations by new users. What's in it for them? It is not enough to just tell users the new innovation will make them more efficient. Will this allow them to provide new or expanded service offerings to clients? Will beneficial alternative fee arrangements be more viable with this innovation? Will outcomes be more readily measurable? By explicitly helping colleagues and users to see the prospective value in an innovative process or product, we could provide them the encouragement and motivation – the “boost” – needed to reach escape velocity to overcome the weight of gravity pulling them back to their “old ways” of doing things.

When I made the transition last year to this new practice innovation role, it was in large part because I've seen the potential for positive change in

the legal industry. Making the best use of people, process, and technology to deliver legal services allows us, as a profession, to give our very best to our clients and business partners. The best legal tools and technology do not replace good lawyering; they enhance service delivery and enable good lawyers to deliver their best, in an ever-changing complex business culture.

Legal innovation is assuredly not always easy or quick. Not every effort will be a home run. Some will miss the mark, but there are lessons to be learned regardless. And, if we find ways to make innovation personal, the prospects for success – whether at small or great scale – demonstrably improve. When it's personal, there is greater buy-in and real opportunity for lasting positive impact for legal professionals and the clients they serve.