



Inside Out

Staying ahead of the curve

What does innovation mean in the practice of law?

Martini: Innovation means looking for new, different and more thoughtful ways to deliver value to clients. Whether it is taking things we have been doing for a long time and reframing how we do them into something unique and distinct or doing something that has never been done before in the context of our field, there are any number of ways to innovate as lawyers. Given that we are a service profession, it is quite likely that innovation in our industry will be process-driven and will seek to optimize the various facets of delivering legal services, including the staffing of matters, creating top-notch work and getting it to clients in a timely, efficient manner.

Susler: Innovation covers a broad spectrum, from how to approach an issue or mapping out a new legal theory, to figuring out a different approach to organizing your law department or the floor plan of your new office in an effort to enhance collaboration and creativity. You do not necessarily have to reinvent the wheel or come up with completely new and unique ideas to innovate, as what may be known to some may be completely new to you or to your organization.

Innovation also includes adapting to new technologies or ways of doing business, such as with our increasingly connected international business world. Innovation also often comes from looking outside the legal profession for ideas, something else that often will meet with resistance in our rather insular profession — which means we must also be creative in figuring out how to overcome the resistance to change that is endemic to our profession.

Why is innovation important when selling and purchasing legal services?

Martini: Our clients expect it, particularly those who come from industries where it is

the norm. The process of innovation leads to self-discovery — and it is through acknowledging our strengths and weaknesses that we are able to best determine how we match up against our competition. This enables us to more effectively package ourselves in the market through touting and leveraging what best differentiates us and helps us to better understand who our target clients truly are. It also helps us to focus on those areas we need to improve so that we can better compete in the long run.

Susler: The world is not standing still, so neither can lawyers. Organizations are constantly changing, pushing their business partners to continuously improve efficiency and quality and reduce prices at the same time. Our clients are always reorganizing, developing new ways of doing business and entirely new businesses. As someone who purchases legal services, innovative lawyers are most attractive because they demonstrate that they are thinking, creative lawyers who will help me and my company develop the best solutions to whatever matters we are working on. As someone who also “sells” legal services, innovation is job security — I have to continuously innovate to remain relevant and sought-after by my business colleagues which, in turn, helps us continue to successfully compete.

What are some potential issues with innovation in the law?

Martini: The innovation conversation changes across different industries. The law is no exception. While there are a number of parallels when compared to product-driven industries, there are also important differences. Innovation in the product space often involves new design specs, materials and manufacturing processes. On the other hand, innovation in a service industry typically involves human performance and the accompanying feelings

and attitudes with whatever changes and improvements may be implemented. Lawyers and others in the legal profession do not necessarily have the mindset to innovate, and they may not know how to do it or appreciate why it is important. When you are among the people in your legal organization driving change, you need to remember that it is generally not second nature to your constituency and getting support at the grassroots level is critically important to shift the mindset. This takes time, as these are delicate matters.

Susler: Innovating, whether with legal theories or business structure, requires a certain appetite for risk, which lawyers typically do not have, and sufficient advanced planning to implement your idea and also to be prepared should your innovative theory or idea fail. Innovating, especially with organizational structure, may well lead to upset and resistance if not properly and sufficiently planned out in advance. In other words, innovation affords an important opportunity to engage in change management. You must build consensus in order to achieve desired results, which may itself require innovative thinking. ■

questions.insideout@gmail.com

Christina L. Martini is a practicing attorney, author and columnist. She is chair of the Chicago intellectual property practice group at DLA Piper and sits on its executive committee. She focuses on domestic and international trademark, copyright, domain name, Internet, advertising and unfair competition law.

Martini's husband, David G. Susler, is associate general counsel with National Material L.P., a manufacturing company primarily engaged in steel processing and aluminum extrusion. He has a general practice, providing advice, counseling and training to all business sectors and operation.

To submit a question for future columns, e-mail questions.insideout@gmail.com.