

2020 – ICEBERGS AND SEA MONSTERS

by

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2020 — Icebergs and Sea Monsters

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As was her practice every year, on the first day of calm seas in May, the captain of *The Law Practice of 2020* – one of the sleekest, most respected, fastest, and most technologically advanced vessels ever to sail legal waters – called together her ship’s newest recruits and sat them down on the upper deck so she could recount to them the history of the legal seas.

This is what the captain told them:

Back in the earliest days of legal practice, small groups of lawyers did their best to provide outstanding service to their clients from small vessels, powered only by wind and human energy. Their boats were sturdy but inadequate against the unpredictable threats that came from below the surface, and the lawyers soon found that instead of delivering top quality legal products to their clients, they were spending most of their time avoiding Icebergs and Sea monsters.

They were ingenious enough to often avoid Icebergs in time but those Titanic-killers seemed to grow each year in size and number. The chameleon-like Sea Monsters were harder to deal with because they were often invisible until it was too late. Few have ever laid eyes on Sea Monsters. Some will tell you they are nothing but a Loch Ness myth... but I assure you they are as real as debentures, and exist in ever greater numbers in the sea beneath us.

As the centuries passed, talented officers built larger vessels together called the “Legal Fleet.” This Fleet had many profitable centuries; clients would pay whatever the ships’ officers asked. A few decades ago, officers realized their vessels would prosper even more if they tracked and calculated every effort expended and asked the clients to pay accordingly.

The legal crews would inspect the cargo frequently, spray with insecticides, check and recheck the bindings and engage in countless other protocols. Perfect handling was the goal, whatever it took.

Due to rising profits, officers grew accustomed to earning more money each year feeling such increases were an entitlement. While the officers knew that some protocols were a little over the top, they reasoned that taking chances was ill-advised... especially since costs were all passed on to the client. (Sometimes the value of the legal cargo did not warrant the cost of shipping but alas what were the officers to do — sacrifice reputation? Unthinkable.)

Clients began to question pricing decisions and what they perceived as high legal costs. The officers successfully “pushed back”, asserting that their vessels’ methods optimized safety and always “delivered the legal goods.” In fact they said: “We leave no stone unturned in ensuring safety and successful delivery.”

The Advent of the Boat-iques

As technology advanced, some enterprising crew members saw that, indeed, legal cargo could be more effectively and efficiently delivered by smaller customized vessels designed for a particular kind of legal cargo thereby reducing loading, unloading time and fuel costs. The fees these customized vessels charged were lower but still highly profitable for these customized vessels (collectively nicknamed “Legal Rebels”).

Legislation had evolved over the centuries to restrict entry onto the legal seas to only those possessing special certifications and designations. But, alas, Pirates saw the spoils that were enjoyed by the Fleet and Rebels and cleverly encroached into the legal business by calling legal cargo by names that did not contain the word “legal” and breaking down traditional legal product into its small parts and agreed to ship them with a generic appearance thus avoiding the need to use expensive vessels or crews.

The Pirates commoditized the industry by building huge automated ports and large automated vessels that required only a fraction of the crew who were not certified and therefore were employed at lower cost.

Pirates Ahoy

When the authorities encountered Pirate vessels, the Pirates confidently dared the authorities to find a “legal” label. When the authorities prosecuted anyway, they rarely succeeded, and soon

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grew discouraged.

The Fleet and Rebels were perceived to be fat, rich, uncaring and aloof. So when the Fleet and Rebels complained about the unauthorized practices of the Pirates, public sentiment favored the Pirates – who were lowering the cost of legal shipping and allowing many who had no access to legal products previously to indeed have affordable access to these generics.

Instalegal

Even more advances in technology led to whole new legal-shipping paradigms. Bright minds wondered: What if we could move legal cargo from one place to another without using the legal oceans at all? What if we could offer the legal cargo at the place it was required by assembling it where needed? What if a 3-D printer could create that legal cargo? What if crew members and cargo were monitored constantly on the internet so that the client could see the progress of the legal cargo any time, day or night – like a child in daycare. What a desirable option this would be!

The captains of the Fleet and the Rebel vessels were not that familiar with 3-D printers... in fact, they were still upset about being dragged into training classes to learn about the creation of Word documents and Excel spreadsheets and were cynical about new and rapidly evolving technologies. The younger crew members loved the latest apps and favored texting over email and voice mail. The officers did not know what Instalegal was and the notion of getting news from Twitter made no sense. When they saw news of a \$16 billion purchase by Facebook for WhatsApp, they called it insane. They continued to pocket their entitlements and waited for the world to return to normal.

The Tide Turns

The profitability of many vessels faltered leading to crew layoffs. Some vessels were taken out of the water altogether. Clients pressed for discounts, threatening to go to the Rebels or Pirates. The officers were ill-equipped to negotiate and easily acquiesced to requests for discounts. (It reached the point where some officers thought a “victory” was agreeing a slightly smaller discount than the client had requested.)

Some vessels began to disappear. This struck fear into the hearts of many officers. “Where did that ship go?” asked the captains of other vessels. Some reasons were traditional: illegal or unethical behaviour led to insolvency. In other cases, higher compensation wooed valued officers to competing vessels leading others following suit. Soon, a tipping point was reached, causing the rank and file to lose confidence and the rest departed in droves. Once the lemming-like departures began, the officers had no choice but to liquidate.

Divided, They Sank

The Fleet was fragmented and comprised of too many vessels. When captains came together to discuss the Icebergs and Sea Monsters, they would be leery about disclosing competitively sensitive information for fear of losing position. Disorganized and uneducated about evolving business and technology, only some recognized their vulnerability but most remained willfully blind. After all, they desperately hoped, the Fleet had been viable for centuries and no insignificant short-term aberration fueled by geek-college-student Pirates would run Fleet aground. “Icebergs are avoidable and Sea Monsters are not real.”

Survival of the Wisest

The captain of *The Law Practice of Tomorrow* respected the damage that Icebergs and Sea Monsters could do to their vessel but more importantly saw an opportunity. She knew her crew had to quickly learn to detect and neutralize Icebergs and Sea Monsters. If they could do so better than their competitors, they would own the seas.

That Visionary Captain decreed as follows:

- We will create a system of early detection. Some of our newest legal crew members, fresh from school, will monitor technology and report any instance of applications designed to enhance delivery to clients. We will watch other industries and transpose their advancements into better protocols we can use;
- We will stop turning over every stone in favor of engaging with our clients in determining the value of the legal products and services they require and jointly work out more efficient and effective and measured protocols;
- We will invent new ways of pricing that offer value for our clients and sustainable profits for us. I will appoint a long term task force to continuously learn better pricing approaches and algorithms and then teach them internally. We will teach fee-related negotiation skills to our officers;
- We will utilize checklists and become experts at project management for the mutual benefit of us and our clients. We will not waste our time or our clients' money. More importantly we will create value that our competitors can not match;
- We will carefully monitor the behavior of our competitors to ensure that we remain ahead of them, or to emulate them where we think appropriate;
- We will instill in our crews the importance of remaining at the forefront of the use of the

technology in which we have invested. We will offer exemplary training and those who refuse to attend it, or who believe it is charming not to understand or utilize technology, will be invited to seek a posting on another vessel;

- Clients will no longer pay whatever we ask, and our crews will no longer be trained at the expense of our clients. The institutions that train our legal crews will need to evolve to teach many of the skills traditionally not learned by crew members until they are onboard. But we shall not wait for this evolution... instead we will offer training to our new crew members by furnishing them with the practical skills required to breathe life into our ambitious plans for the future we visualize;
- We will no longer create annual or even occasional navigational charts and plans, leaving execution to the spare time of our officers and crew members. Instead, we will create a living plan and revisit it on an ongoing basis, keeping it resilient and fresh and relevant by making frequent course corrections as required. Of equal importance, we will constantly monitor the efforts of all of our crew members as they do their part in executing our plan. We will do this by visibly tracking their actions and results. If they appear to be headed aft when they should be moving forward, we will expend all necessary effort to get them turned in the right direction. If those efforts fail, those crew members who have not exploited the resources we have given them will be invited to seek postings on other vessels.
- We leave our compensation system until last because most of our crew members will be primarily motivated by our purpose, their mastery of their tasks, and the discretion we allow them to be the best they can be in their own way. It is only where we see our compensation system at odds and "in the way" of the behaviors we want that will we change it – and then only enough to achieve harmony with our ambition.

The captain of *The Law Practice of 2020* finally took a deep breath and said, "Icebergs and Sea Monsters will be ever present, but these decrees demonstrates how we shall detect these dangers and render them harmless as we thrive on our exemplary vessel. Adherence to these decrees will mean much glory for us all but non-adherence will not be tolerated and will lead to certain expulsion from this vessel."

One of the young recruits then asked, "What of those legal vessels that lack your vision? What will become of them?"

Without hesitation, the Captain replied: "They invite one of three possible outcomes: firstly they will falter and sink and; or, secondly they will emulate us, happily "raising all water with us" as the expression goes; or, thirdly they will transcend us by being more imaginative and creative and execute better visions than ours and we will emulate them." The captain smiled at her recruits and said, "For our profession's sake, I hope this third possibility occurs most often."

About the Author

[Gerry Riskin](#), B. Com, LLB, P. Admin, is an internationally recognized lawyer, author and management consultant and founder of the 35 year old global consultancy to the legal profession, [Edge International](#). A graduate of commerce as well as law, he practiced since 1973 and was Managing Partner of a firm in Canada and Hong Kong.

Gerry is author of *The Successful Lawyer*. His other books include: *Creating The Marketing Mindset*, *Herding Cats* and *beyond KNOWING*.

Gerry has served the Conference Board of Canada and is a Visiting Fellow of The College of Law in London, a visiting lecturer at Fordham Law School in New York, a Fellow of the College of Law Practice Management and a past Visiting Professor at the University of Pretoria in South Africa.

Gerry specializes in counseling leaders on issues relating to the evolution of the structure and management of leading companies and the creation of competitive strategies.

Gerry is most frequently serving clients in Canada, the USA, the UK, Europe, South Africa, Latin America, Australia, New Zealand and India. He is still a Canadian but has resided on the Caribbean Island of Anguilla, British West Indies for the past 24 years.



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