

LOD

lawyers
on
demand



LAWYERING WITH PURPOSE

HOW DOING THE RIGHT THING
CAN MAKE YOUR CAREER THRIVE

BY PAUL GILBERT

Contents

Introduction	6
1. Make people central	9
2. Take control	13
3. Be clear on ethics	17
4. Trust in yourself	20
5. Be willing to say no	23
Conclusion	28

Foreword

“DO THE RIGHT THING. IT WILL
GRATIFY SOME PEOPLE AND
ASTONISH THE REST.”

Mark Twain

What would the eighteen-year-old you think of your current job and how you do it? Interested? Proud? Dismayed? Sometimes our unencumbered younger selves can offer insights that we then lose along the way - hopes, dreams and ideals not yet blunted by the pragmatic short cuts of working life. If you have kids, they can offer a similar service - think of what you might be proud to tell them when they ask what you did at work today.

Or if you don't trust yourself as a teenager (and I can sympathise there), what about the 78 year old version of you? When you're sitting on the retirement veranda looking at the sunset and reflecting on the years of Brexit and Trump and, maybe closer to your working life, of more-for-less and the march of technology, what will you think of the things you did (or didn't do) and how you went about them?

Though as lawyers we have chosen a vocational career, we can easily lose our sense of purpose and values. We can forget the people at the core of what we do, skim past the close relationship that law has with ethics and find our own values submerged in the maelstrom of work. One of the issues for us all is finding time to reflect. This report hopes to offer a small remedy to that and to give us a nudge to remember those purposeful important-but-not-urgent things in the context of our daily work. The things that really make a difference not just to our own wellbeing but to those of our colleagues.

Our author, Paul Gilbert, talks about being a lawyer in a context that brings those issues back into focus. When I first met Paul almost a decade ago I was struck by his willingness to talk about subjects that too rarely come up in the business of law - things like kindness and

humour, wellbeing and ethics. Many of you will know Paul – he spreads his word gently but pervasively across the in-house legal sector through his mentoring, consulting and inspiring events.

In this report we wanted to give Paul a platform to talk about being a lawyer with purpose, a lawyer who looks after their own wellbeing and not solely that of their clients. Not all Paul's suggestions will make you comfortable and you won't agree with some aspects – it certainly caused debate here at LOD. Nevertheless, the simple step of reflecting resonates with us at LOD where our mantra of 'new and better ways of working' loses half of its meaning without a deeper awareness of purpose – something we have to constantly remind ourselves. We hope that the topic chimes with you too and maybe even leads to some actions that the 78-year-old you looks back upon with a smile.

Simon Harper

Co-Founder

LOD

Introduction

I know this may seem a little bit rich. Here I am writing about how I would like you to have an even more fulfilling career in the law when a cursory glance at my credentials will reveal that I last worked in a law firm in 1989 and last worked in an in-house legal team at the turn of the millennium. I have not so much navigated my legal career as crashed it off the rat-racetrack before it was in top gear, abandoned the smouldering wreckage in a ditch and then thumbed a lift humming a chorus of “My Way”.

However, here’s the thing, I love lawyers and I want to show you that you can succeed and thrive in your legal career.

I love what you do and what you stand for. I love your stubborn, infuriating work ethic; I love your unrelinquishing grip on your value being tied to how busy you are, and I love the fact that you bloody care so much. When you care about something it is natural to want to protect it, but when you love something protecting it might not be enough; loving something should also mean wanting it to thrive and to see its potential fulfilled.

This guide is therefore, weirdly (probably) a sort of love letter. Like any love letter, it isn’t going to dwell on economics, or science, or even facts. It is going to be about feelings, passion and caring and wanting to do the right thing.

Despite the fact that today our professional world is dominated by talk of more for less, of being agile (really!) and of Artificial Intelligence, nearly all new ideas (including, for example block-chain, big data and all manner of algorithmic stardust) are predicated, frankly, on de-humanising the workplace. As a result, we risk creating the least attractive working life experience imaginable, but we tell our people how wonderful it is to have 24/7 real-time access to everybody’s storm of cc’d emails.

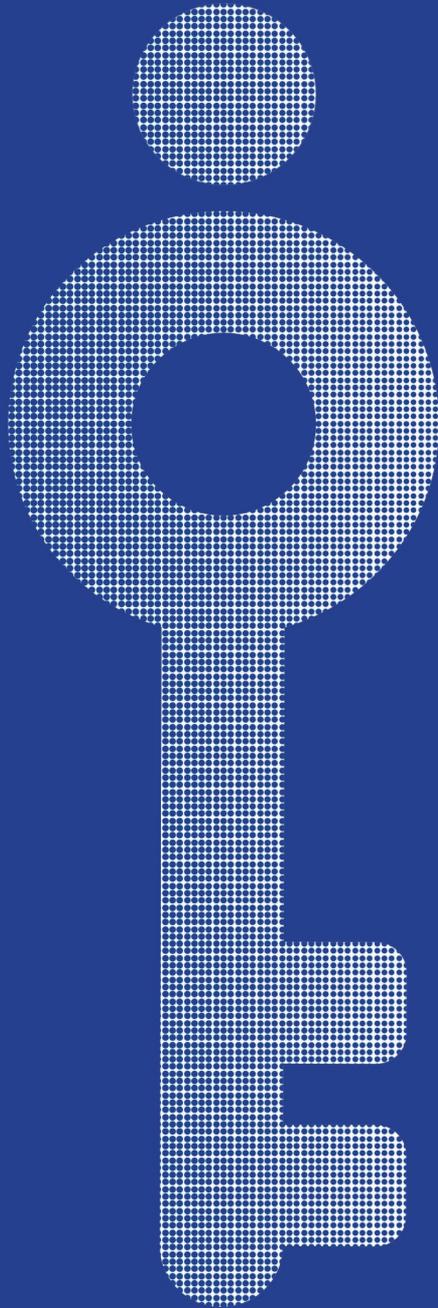
However, despite all the noise, perpetrated in the name of efficiency and effectiveness, it is still a world that mostly requires us to work with other people; people like us. So, I will quickly shuffle past the clichés about business partnering, exceeding expectations and cultish leadership

tropes. This guide is about the stuff you need to know today to make a decent fist of being a good colleague and still contribute wonderfully to the business that employs you.

It's not about being a kick-ass, innovating, paradigm-shifting, award-winning, inspirational ego-jockey; it's about how you can influence, how you must value your choices (indeed, recognise you have made choices), and how you can better navigate your career by the light of your values, your insights and your potential, when you might otherwise have felt mostly in the dark.

At the end I will finish with a thought because right now I think our businesses and our institutions, and frankly our society, needs you more than ever before. If ever there was a moment for lawyers to become an essential influence for good, it is right now.

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1. MAKE PEOPLE CENTRAL

There is an ice-breaking introduction for workshops which asks people to say something about themselves that might not be known to their colleagues, rather than name and job title etc. I have heard so many unexpected moments of joy doing this, and when they come they lift the heart. For example:

- There was the one who once a week teaches children with learning difficulties how to juggle.
- Or the one who in his spare time is a prison visitor helping hardened crims to learn maths and to read.
- And the lawyer mum of twins, one of whom has cystic-fibrosis, teaching the other twin how to massage her sister's back.
- Not to mention the trainee lawyer who had written an unpublished romantic novel.

I swear it is impossible to think of these people in the same light again. They are no longer cookie-cutter shaped lawyers in shades of grey, they are multi-dimensional, technicolour humans.

Of course, private things should stay private, and we do not have to be best friends with all of our colleagues. However, understanding that we should know our colleagues as people and see them in multiple, shifting and complex dimensions is a big step towards creating a better work place and a general sense of positivity.

Along with this, consider how you communicate with the people around you. Whether you have a formal leadership role or not we need to soften our language to reconnect with a vocabulary that values us, and which doesn't diminish us. Use words mindfully and do not spill out casual business clichés thoughtlessly.

If we do not engage with the impact our words may have, or worse still if we wilfully choose to euphemistically disguise their impact behind a clever HR word formula, we risk a far greater hidden harm. We risk undermining the confidence and well-being of our colleagues. We would not want to operate dangerous machinery without care, we should not allow ourselves to use dangerous words without care either.

You should also question how and why we interact with others.

If networking for you is a slightly tired drinks reception that stops you getting home on time, I do not think you are networking.

If networking for you is attending a conference, walking quickly past sponsors' tables and trying to find a person that recognises you, you are definitely not networking.

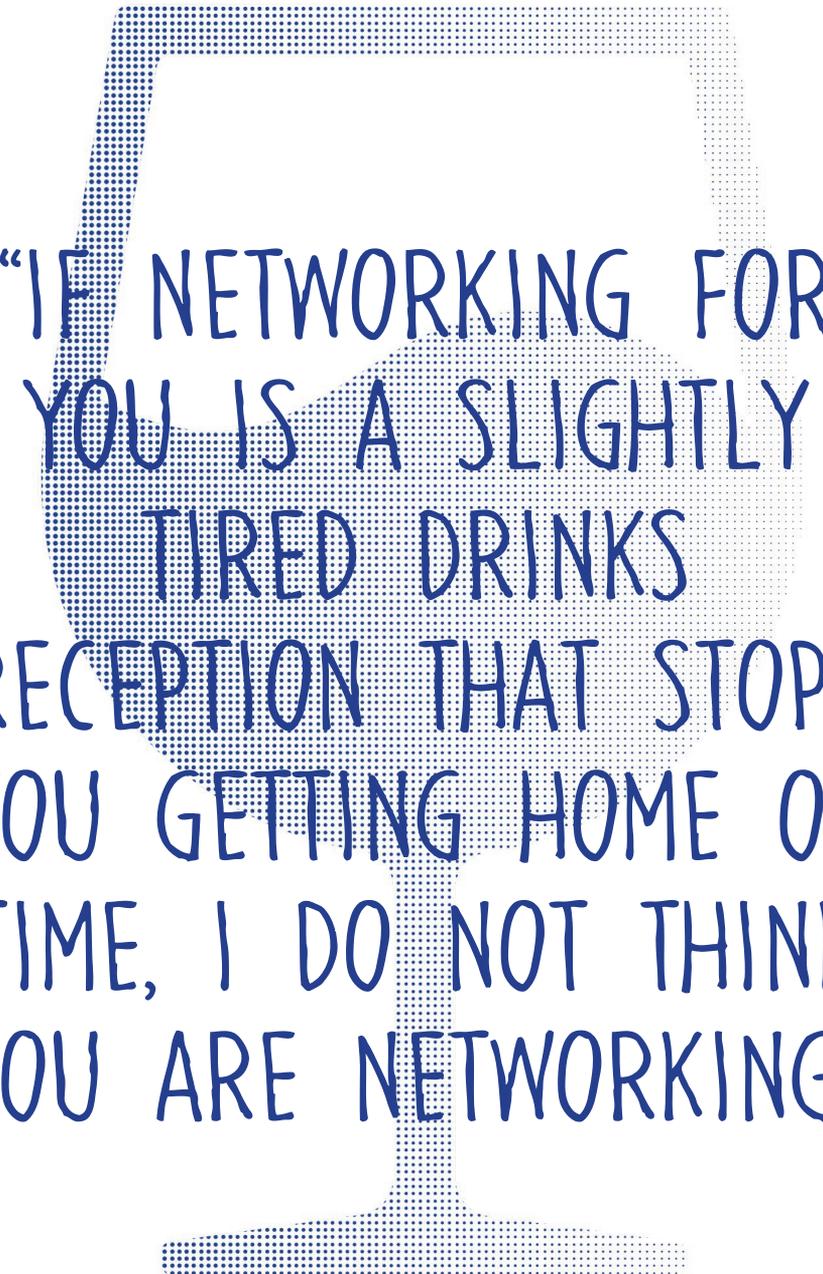
If networking for you is updating your LinkedIn profile on a wet Sunday evening because you are burning with frustration with your boss, I promise you that you are not networking.

We must get brilliant at networking because learning to build your network is not only a source of constant joy and fulfilment, it also helps you to curate your career.

I think most people can build a network, with some care and thoughtfulness, of about 50 people; if most of these people are similarly networked, you have a direct link to 50 people and a direct link plus one degree of separation to around 2000 people. All those people are accessible to you by the simple expedient of asking one of your contacts to send a message to one of their contacts.

This is not about turning you into something uncomfortably pushy or asking you to network at every gathering. However, it is about finding a purpose for your networking and then taking small steps towards meeting your purpose.

Networking needs to become part of the way we think about work. Of course it can be about your next move, but I think networking is at its richest and most important when it is about shared learning, helping out and offering support. It is an extension of your values.



“IF NETWORKING FOR YOU IS A SLIGHTLY TIRED DRINKS RECEPTION THAT STOPS YOU GETTING HOME ON TIME, I DO NOT THINK YOU ARE NETWORKING.”

2. TAKE CONTROL

I hear leaders use the word resilience a lot. I understand the well-meaning intent and indeed I have used the word often myself in the context of laying good foundations and building good infrastructure. However, I don't like it when the word is used about people, especially when the suggestion is that we all need to be more resilient to cope with work-place pressures.

Resilience may be a good word in some situations, but it gives a free pass to leaders who do not want to contemplate a new way of working and instead invest in a half-day workshop on breathing exercises.

I do not feel we should let those leaders off the hook. We have made progress, but we still need a cultural change in legal services.

Our responsibility therefore is not to conspire with a dysfunctional status quo either. We have to be contributing authors of what is sustainable and present the business case for this to be an attractive alternative.

Before we can move forward as a profession we have to accept that we have helped to make it the way it is. We have created the current narrative as much as we want to create a new one. Until we accept that we are the ones who decided to work in ways that are destructive of value, health and balance, we will only pay lip service to change.

My challenge at this point is for you to accept that your acquiescence in your current circumstances is partly (at least) to blame. You are deciding to work like this, you are not enslaved.

If you can accept this, you are also empowered to at least consider changing the way you work to find a better way for you, your colleagues and those who employ you too.

I know we do not dictate, for example, how many hours we work, and I am not suggesting that we can be whimsical about an environment that must always be highly professional and roles that carry onerous

responsibilities. However, surely it is not inappropriate to suggest we have a voice that can advocate for us, as well as for the people we work with?

I think we should therefore at least reflect on whether the commitment expected of us is a sustainable commitment. How many 70+ hour weeks is fair? Why is it necessary to routinely work far in excess of our contractual hours? Is there an explicit bargain with our employer, or have things become a matter of habit? Are we consciously managing this commitment as our personal and family circumstances flex and change? It can be complex, it probably isn't easy, and sacrifices do have to be made, but to be passively acquiescent always isn't always best either.

I do not want to be fixated on hours, but in terms of the work we deliver in this hours-per-week paradigm, I am also interested to know how are we making time to do things other than legal advisory/drafting activity. For example, the time we have to share knowledge with colleagues? To invest thinking time to create better process? To analyse our effectiveness and value? To rest? To check whether what we are doing is still needed? To check if there isn't a bigger more pressing priority? To recover?

If you are not asking these questions of yourself, the likelihood is that your working life is (or will become) unsustainable for you, but you are also creating a fragile dependency on your individual contribution and that is a risk for your colleagues and your business too.

And what, in addition, is your explicit expectation for progression?

I understand of course that agitating for a promotion every few weeks or endlessly poring over job advertisements might make you dull company after a while, but neither should you be working without a thought to your career path. Your current role with all its opportunities and experiences (and mistakes) is preparing you for your next role.

I know we cannot change things just because we want to. I know we have mortgages to pay, schools to find and often elderly relatives to care for too. Sometimes a job is just a holding pattern and that is fine and honourable and appropriate too. I love your hinterland and you must love your hinterland even more, but we can still make a conscious commitment to accept the way things are and a conscious commitment to be kind to ourselves.

As a starting point, this is not about necessarily changing the way we work, or changing our job, it is about consciously deciding that the way we work now is something over which we have some control. If we accept that we have decided how we work today (by our behaviours, attitudes and actions) then we have a chance to decide something different for tomorrow.

One of the regular themes in my mentoring conversations is how the relentless volume of work creates a sort of hopelessness that things can be better. Sometimes this is significantly detrimental to an individual's well-being, other times it creates a sense of passive resignation acquiescing in the dysfunction as a better the devil we know tired compromise.

People will say to me "I can't change my boss" or "I cannot afford to leave" or "they'll never recruit an assistant for me" as if these big changes were the only ways to relieve the situation. The perception is that in the absence of a big change the only alternative is to hunker down in our comfort bunker and survive the day.

I do not believe it has to be this way and your mindset is key.

If I was your best mate I could put an arm around you and buy you a drink, but nothing would change. If I was some sort of loud-mouthed-self-help guru I could put on a head-mic, pump out "Eye of the Tiger" and generally ask you to "Whoop", but that would not change anything either. However, I am not your mate and neither do I have unfeasibly white teeth and a handy rock-ballad soundtrack. I am a middle-aged Englishman, who last did a "whoop" in about 1991. We therefore need a different way out of this place.

I think there are five small behavioural changes we should contemplate, whatever our circumstances. Written down they do not sound much, but

I know changing behaviours is difficult and rarely comfortable. Before I set them out therefore I need you to do something for me. Please do not scan quickly past the words. Please pause on each sentence and imagine yourself saying or doing what I have suggested. I need you to be truly thoughtful at this point (and not be in a rush to get to the end!)

1. Would you please consider asking a colleague for help when you need it? I think we need to be more practised at asking for help.
2. Would you at least consider leaving early one day if you are feeling especially tired? I think we need to be more practised at listening to our bodies.
3. If things have been crazy busy at work (or at home) would you consider, just for once, coming in a little later than normal? We need to be more practised at not feeling guilty when life is not perfect.
4. Would you at least contemplate occasionally saying no to something you are asked to do when someone else is not doing their bit? Because I do not think it is your job to cover all the cracks all of the time.
5. Would you ask your boss if he or she is OK? Because we need to be more practised at seeing the world through their eyes too and at looking out for each other.

I am not advocating a chaotic disregard for our commitments and the needs of those who rely on us at work. I am only asking you to contemplate being a little more human at work. I trust your professionalism and I trust your work ethic, but based on the last two decades of my career I do not yet trust your ability to look after yourself. Please do not dismiss these five points. Perhaps put them on a team meeting agenda for an open, thoughtful discussion. I think you will be amazed.

3. BE CLEAR ON ETHICS

This may seem like an abrupt change of direction, but it is all part of the need for purpose and boundaries.

I particularly want to talk to you about ethics because it takes us to a place where we do not often have a detailed and thoughtful conversation. I suspect we do not talk about ethics very much because we assume it is all kind of obvious and we trust our shared values and instincts. That, however, is not why I think we should discuss ethics more; the point I want to bring us to is a conversation about what it feels like to be a lawyer and to let those feelings have a space of their own.

My feeling is that we have made the role of the lawyer too pragmatic, too focussed on being commercial, almost too subservient. It feels like we have become so embedded in the operational apparatus of our organisations that we have lost a distinctive voice. To exaggerate a little, we no longer lead, we simply facilitate.

There is a concern if this has resonance for you.

In part, there is a concern that we have underplayed our role as a governance champion, part of the needed checks and balances of running large companies with multiple interests and stakeholders. There is a great deal that can be said about this concern, but I want to look at something else instead.

Why do you want to call yourself a lawyer if what you are in reality is someone who simply facilitates the commercial will of your sales and marketing colleagues as quickly and as conveniently (for them) as you can? Why do you want the business that employs you to refer to you as the legal team when you are for all intents and purposes part of the commercial operation?

My feeling is that we are experiencing an identity crisis.

In our hearts we know that we have a wider purpose and for some it is even more important than purpose, it is a vocation. We have a regard and a respect for the importance of doing things lawfully. It is more important to us that the law is honoured than that we win the business by any expediency available. Almost all of us would rather walk away from a role than have our values compromised. These are powerful feelings.

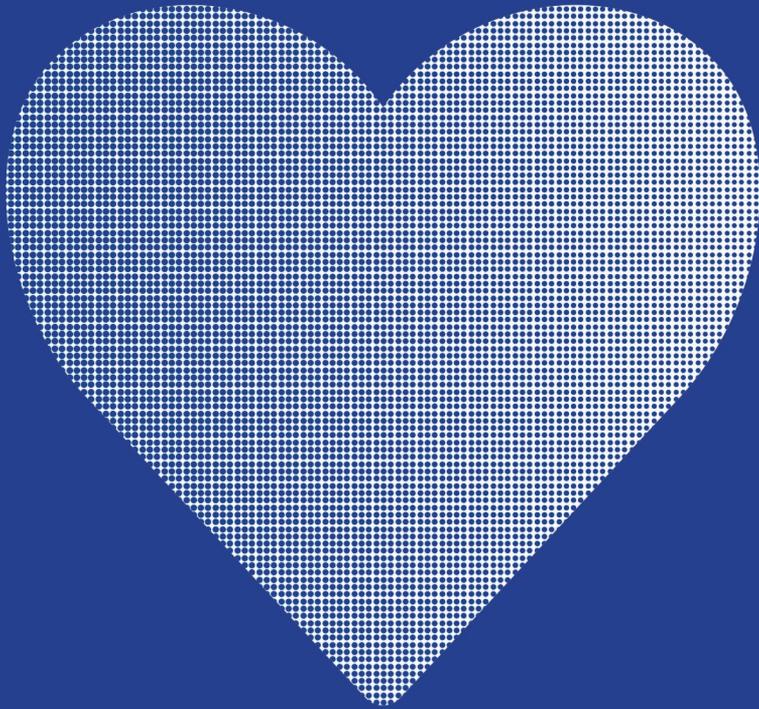
I am not claiming they are feelings that are exclusive to lawyers, but we should still respect these feelings as being important to our very identities. And yet we put these feelings in a box and continue with business as usual.

Why do we allow our role to be diminished by imposed budgetary and resourcing constraints that in our judgement compromise our effectiveness and our value?

Why do we insist on feeling that we must never say no?

I believe we are in danger of denying our rounded purpose, not because we want to, but because it feels somehow inappropriate or less on-message. I think we need to be braver.

We need to value our ethical purpose. We need to proclaim the many facets of our role – not just the commercial good sense we bring, but also our oversight and our wish for a moral frame to be visible alongside our business targets. Doing the right thing is part of our identity and for many of us it is more important to our careers than anything else. When we deny that feeling we diminish ourselves.



4. TRUST IN YOURSELF

I have not written this as if it were the output of a strategy retreat. My purpose in writing this for you has been to share something thoughtful and kind about the amazing things you do.

I am thinking about the people I know who spend the first hour of the day corralling their school-age children into leaving the house vaguely dressed, fed and having had a nodding acquaintance with their toothbrushes. I am thinking about the people who have five messages a day from an elderly parent and a stressful commute; and I am thinking about the people who, despite being told to prioritise better, have to curb their anger at the futile ridiculousness of that suggestion.

I love that you do a great job coping with everything that you have to do at work and at home, I love that you put up with so much and still care to be the best lawyer you can be; but we should not settle for just coping. We also deserve to continue to explore our potential, to feel inspired and to feel we can make a difference.

I know you cannot magically change the fundamentals of your role overnight, but there are small things we can all do for ourselves that help create a culture in which we can thrive. I promise this is possible, but we must first be prepared to change some things. In doing so we will make ourselves feel a little vulnerable, but in that moment, trusting our talent and our judgement, we can make a difference.

- I hope you can be present with your feelings. Try not to be at work denying how work is making you feel. Note carefully how you feel and respect what you feel.
- Try to create small purposes which you control and which you know can be achieved. Pursue them mindfully.
- Forgive yourself when things get in the way, but note why things got in the way, and note how you might avoid them getting in the way again.

- Trust your sense of what is right and fair and find your voice to suggest things can be different.
- If you need some support, ask. If you can give some support, offer it.
- Make decisions that respect your feelings and your needs.
- Do not whinge, it never helps.
- Do not accept it cannot be different.
- Do not put up with crap because other people cannot be bothered.

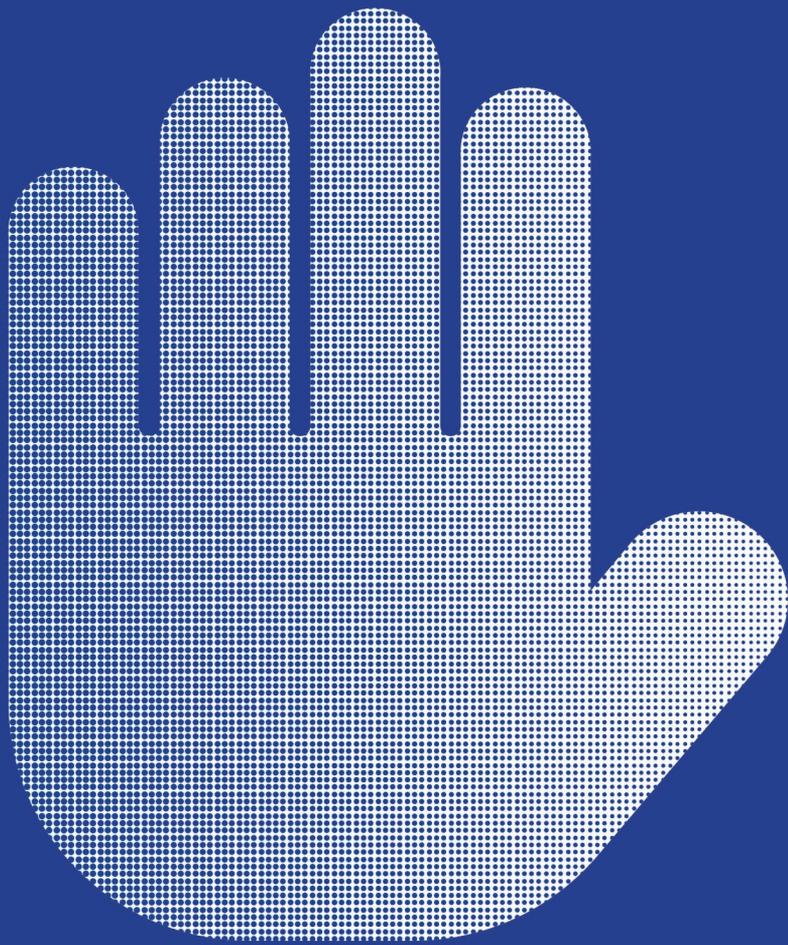
Cultures reflect collective behaviours, normalised over time. You must learn to see again what goes on around you, to listen to how things are said and to note what happens (or doesn't happen) as a result – and then you must be prepared to be influential in small ways to change small things for the better.

The reason all this is so important is that culture can cradle your needs and inspire your endeavours. However, a poor culture can undermine your confidence and stifle any progress. There is literally no point changing strategy, objectives or tasks, unless the environment is one in which you can thrive.

We help create the culture we work in. We must own that responsibility and then we must also believe we can change it when it fails us.

Do everything purposefully and make your overarching purpose to create an environment in which you and your colleagues may thrive.

“YOU MUST LEARN TO
SEE AGAIN WHAT GOES
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AS A RESULT”



5. BE WILLING TO SAY NO

There is a conundrum for lawyers – the better you are at what you do, the busier you will become. You are fabulous at helping, fabulous at creating demand for your time, and fabulous at wanting to be involved, to be liked and to be needed.

You even have your own vocabulary to achieve these things – to be more pro-active, aligned and strategic. What you may have become – though it may sound harsh to say it – is exhausted and confused.

It is not entirely your purpose to please people.

It is not entirely your purpose to be liked.

It is not even entirely your purpose to be busy.

Every lawyer can generate demand for their time, but that is not the point of being you. If you do not come to terms with this conundrum you are destined to become a pathological people pleaser who can't even say no to reviewing a routine NDA.

To be a successful lawyer with a workload that is sustainably balanced between urgent and important things, the solution does not rest in some Holy Grail of IT, templates and if only we had an office junior. The solution is in having a purpose with boundaries that defines a valuable contribution for which you are happy to be accountable and on which the business can rely.

This is so important to get right. Getting too busy might not be the fault of circumstances beyond our control. Getting too busy might be the fault of our blindness to behaviours that create demand and dependency without putting boundaries in place.

Coping with unfeasible demand requires the hardest assessment you may ever have to make – to rethink your role and what it means to be a lawyer and to assess how your behaviours and actions contribute to your situation.

I am convinced that the way out of that feeling of being at the mercy of overwhelming workloads is to reflect on how we have contributed to our predicament and to change the way we work.

A legal team should never give the slightest impression that it is a biddable service function, or that it is a passive doer of everything the business wants, as long as it is not illegal. Yet nearly every team that claims to be a solutions-orientated, creative and innovative problem-solver also struggles to assert that it has needs too, or to relish that conflict is often a healthy by-product of the creative process.

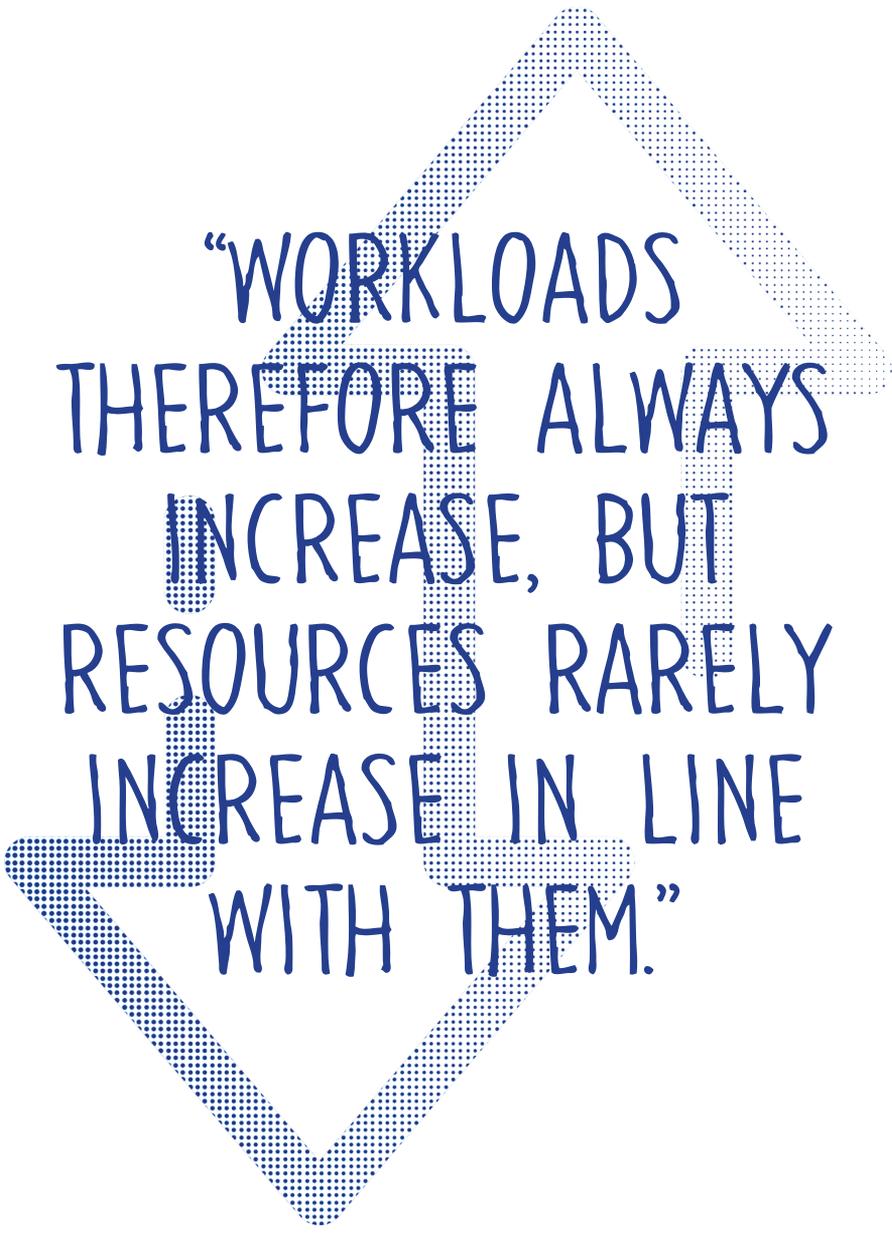
Workloads therefore always increase, but resources rarely increase in line with them.

As pressures mount, thoughtful investment in better policy and process becomes the casualty. All that is left is the stressful realisation that we are in a perpetual state of reactive crisis management.

We talk a lot about well-being. We are rightly concerned for our mental health. I wonder, however, if we are prepared to acknowledge that the way we behave contributes significantly to the stress-related problems we want to manage more empathetically.

If we are prepared to contemplate that changing the way we behave might contribute to a less stressful environment, we can begin a dialogue (first with ourselves) that we have the power within our reach to at least identify how we contribute to perpetuating and sustaining a work environment that ultimately we know is not sustainable for us.

It is not easy to change any behaviour, but it is impossible to change behaviours that are not part of our conscious interactions with the world around us. The more we can reflect on what we do, the more we increase the possibility that we can change.



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CONCL



CONCLUSION

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As a legal profession we have succeeded in almost every facet of possible development. Law firms are more sophisticated, more international and more technological than ever before. In-house is more accessible, more embedded and more respected than ever before. NewLaw is more innovative, interesting and mainstream than ever before. We are obviously doing a lot right. However, I think we need to be far more important than any of these things suggest. It is one thing to create economic value, it is quite another to be a force for good.

I have lived through the age of the accountant. I have lived through the age of the management consultant. I have lived through the age of the dot.com bubble. We are now all living through the explosion of the data age.

I hope that a different new age may soon be upon us.

There are fundamental issues that must concern us:

- We are living through a time when justice and even our democratic foundations are vulnerable and seem to be treated like any other tradable commodity.
- When big companies fail, they take down with them suppliers, contractors, employees and communities.
- We live in a world where a data breach may wreak havoc for tens of millions of people and billions of pounds/euros/dollars in stock market valuations can be lost overnight.
- Products can be mis-sold.
- The environment we live in can be damaged or lost.
- Business crimes are committed, politicians are bought, accounts are massaged.

I am sure we would want to be on the right side of history.

I think society needs business to reframe success so that it is not fixated on short-term sales figures, but makes a broader, more sustainable, more valuable contribution for customers, suppliers, employees, their families and the communities in which they operate. This is the time therefore for lawyers to help the companies and institutions they work for:

- To be a better employer for employees and their families.
- To be a better neighbour in our communities.
- To be a better custodian of the environment.
- To be more creative and valuable for customers and suppliers.
- To be more transparent, accountable and ethical.
- To care to do the right thing.
- To create a genuine community of common interests.

I am certain we have a more vital role to play. This might be our time. This could be our true purpose. Should we therefore not advocate for this, loudly and proudly, and put our name in the frame to help lead?

I so hope you want to. I really, really hope you want to.

Notes

PAUL GILBERT

Paul is Chief Executive at LBC Wise Counsel, a business working with in-house legal teams and individual in-house lawyers around the world.

His focus is on impactful one-to-one mentoring, on supporting the strategy and operational efficiency of in-house teams and on designing and delivering the LBCambridge series of residential skills development and leadership programmes for in-house lawyers.

He qualified as a solicitor in the UK in 1987 and was an in-house lawyer for 12 years, including as General Counsel to two UK financial services companies. In 2000 he founded LBC Wise Counsel. Paul has written six books for lawyers and published over 150 articles.

Presented by

LOD

Over the past decade, we've transformed the way in which lawyers, consultants and legal teams work. Today, we're one of the largest and fastest growing flexible legal services businesses, continuing to lead the market we created and completing hundreds of assignments with the world's leading businesses and law firms.

Winning numerous awards along the way, LOD is continually recognised for creating different and better ways of working for both lawyers and legal teams. Following the merger between LOD and AdventBalance in Asia and Australia in 2016, LOD is now a NewLaw business with global scale: ten offices, 650+ lawyers and consultants, and more than 500 corporate and law firm clients.