

# MANAGE CHANGE

LOD Toolkit for in-house legal teams



# About LOD

We help in-house counsel answer ever-increasing calls from their business to deliver more value, run more efficiently and bring data, insights and ideas to the table.

With our world-class people platform, services and tech, we help them build legal functions that are strategic, responsive and ready for anything.

# Introduction

**"Without change there is no innovation, creativity, or incentive for improvement. Those who initiate change will have a better opportunity to manage the change that is inevitable."**

William Pollard

William Pollard was not a lawyer. He was not a judge, nor was he a legislator. He was, however, someone quite familiar with wrestling change and all its attendant resistance, risks and rewards. Known by many as the Atomic Deacon, Mr Pollard was an Episcopal priest and physicist. He famously worked on the Manhattan Project, a project which quite directly changed the course of history.

We wanted to start this toolkit on change by acknowledging its worth. For all our following points about how difficult it can be, we must also realise it's necessary - and worthy. Mr Pollard reminds us of this fact. And reminds

us why it's important to both lead and embrace change.

This toolkit is designed to help you best navigate and steer change. It's not going to lionise the value of innovation and novel approaches - we're taking that as read.

Sadly, this toolkit is not going to do change management for you. But it will explain why it's hard and, more importantly, give you tips on how to best manage change.

Here's to the tricky, often boring, but rewarding pursuit of change.

# Insight #1

## Resistance is Human

Think of a time when something at work changed dramatically. Maybe it was a software “upgrade” overnight, maybe it was a switch to an open-plan environment or maybe it was just a change in your tea supply. How did you feel instantly? Likely, you weren’t overawed. Well, there’s a good set of scientific reasons for that.

A fear of the unknown is hard-wired into most humans. More specifically, we’re wired to want to resolve unknowns. Biologically, we like what’s safe and generally, what is known is safer than what is unknown. This is true even to the point where we would rather a known negative consequence over an uncertain outcome.

Change can often produce a fear of the unknown. And while this toolkit will give you guidance on how to combat that, it's important to recognise that resistance is a human response; not a personal attack on your change efforts. Empathy and imagination is key to best managing this - put yourself in your stakeholder's shoes and think about what types of information and encouragement you would want.

Newton's First Law of Motion states that every object will remain at rest unless compelled by an external force (i.e. inertia). While this is a law of physics, it translates in the commercial environment: change takes effort. This is just a fact, so don't be surprised or disappointed if you find yourself wading through treacle to get your change project over the line.

**Don't be discouraged by resistance – it's only human.**



## Insight #2

# Resistance is Legal

And while humans are generally resistant to change, lawyers are even more so. This is primarily down to their training and three key ideas:

- It's your job to be risk-averse,
- It's your training to follow precedents,
- It's your nature to be a perfectionist.

These three things combined, do not naturally lend themselves to a warm embrace of radical change. Lawyers are the people who "cross the 'T's and dot the 'I's", not the ones who throw caution to the wind. And this isn't a bad thing of course! The sober duty of lawyers to the court and their clients requires thoughtful work and a careful attention to detail.

**"[T]hat is the way of the common law, the judges preferring to go 'from case to case, like the ancient Mediterranean mariners, hugging the coast from point to point, and avoiding the dangers of the open sea of system or science.'"**

Justice McHugh (High Court of Australia) on precedents in *Perre v Apand*

As the quote above illustrates, the entire profession revolves around small steps of evolution: not a big bang revolution. So, don't expect any Silicon Valley style radical philosophies of "move fast and break things" to get any credence in your legal department.

This second insight is to help you appreciate the forces already at play in law departments which militate against change. It also sets the context for the following tips.

**Don't be discouraged by resistance – it's just what lawyers do.**

## 5 TIPS TO MANAGING CHANGE BETTER

# Tip #1

## Who's Accountable?

This tip shouldn't surprise anyone: projects without leaders fail. This can be reimagined to: projects without effective leaders can be expensive failures. The bigger and bolder the project, the more real leadership is required.

In a law department context, it's important to decide who has ownership of the change project. This might naturally fall to the General Counsel or Head of Legal. If it's an IT based change, perhaps it's owned by your CTO/CIO. From there, you can divide up responsibilities and tasks. But you cannot diffuse the overall responsibility to a large committee – this is a recipe for failed projects.

Accountability goes beyond agreeing the leadership positions. Proper accountability

manifests and structures itself around the system of checks and regular reviews built into your project timeline. You can think of it a bit like a large construction project with clear milestoneing and reporting procedures. Who has to do what and by when? You might consider adopting a certain project management methodology or just using a Gantt chart.

Responsibility shouldn't be viewed as who wears the blame when it goes wrong – that's an upside-down way of looking at it. Better to reframe it into: who gets to lead the team to project success!

Finally, make sure in your planning and milestoneing that you have included a retrospective 3 months after the project. This gives you the opportunity to learn from your success and failures – an opportunity to be better next time.

**One liner: define who's responsible for what and by when.**



# Tip #2

## Time to get Slack?

Lawyers are busy. Some say: crazy busy. And this means that there is poor capacity and an appetite for change approaching zero. But if you want change (and ultimately to improve) you need to allow time. Experts call this slack.

Research from University of Cambridge Judge Business School and LexisNexis shows that conceptualising, planning and implementing change requires organisational slack at all levels. One common thread across their interviews highlighted a distinct lack of slack. As one respondent put it, "law firms are not wired for slack" – this is readily applicable to law departments. Clearly, leaders need to make time for change. Equally important is the need for the disciplined allocation of time, especially at higher levels.

What does this look like for your department?

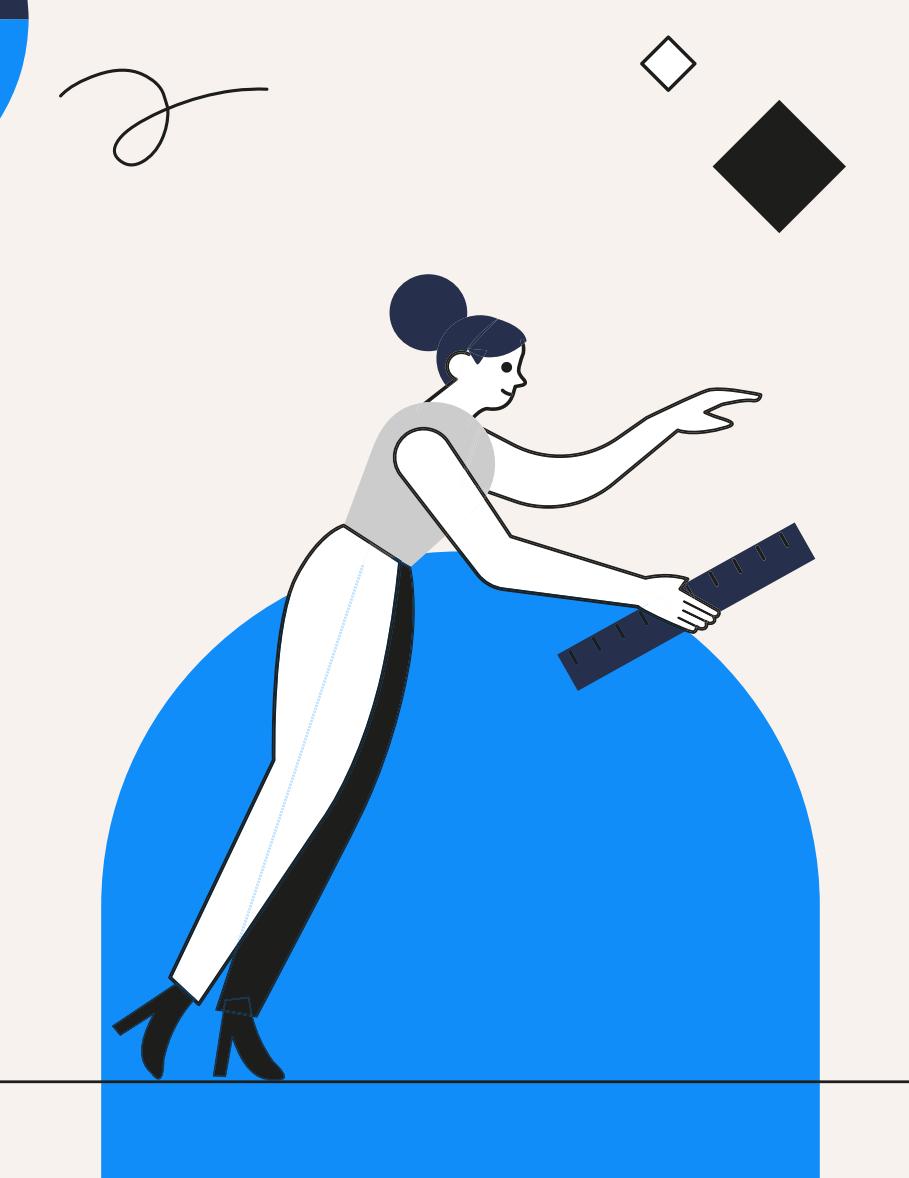
### What is organisational slack?

Slack can be defined as an actual or potential cushion of resources which allows an organisation to adapt to pressure for internal changes and to initiate strategic changes to respond to the external environment (Bourgeois, 1981)

Well, you need to begin to structure some time into your lawyers' diaries for strategic and change work. You cannot expect a lawyer running at capacity to also seamlessly add a whole new workstream into their day. We're not saying this is easy: this is hard. But many of the most successful organisations around the globe build in slack to their workers' diaries: Google and Toyota for example. One way for law firms to create this time is to rethink how they deliver their low value and low risk work. It might be this work can be outsourced or dealt with differently.

Building in slack is difficult, especially for lawyers so accustomed to the billables model. They're not used to having latitude with their time. So, this might involve an education piece and an agile approach. No one can tell you the optimal slack amount. Perhaps it's an hour on a Friday morning, perhaps it's an afternoon every month. Experiment and iterate. But we think it needs to be stand-alone time: not something tacked onto the end of a team meeting.

**One liner: create slack for change.**



## Tip #3

# Marginal Gains

“Don’t boil the ocean” is a common phrase in management thinking. As the metaphor suggests, it means don’t take on impossibly large projects. This is particularly relevant to change projects involving lawyers. Part of this is a trust exercise – you make a few small quick wins, then you set yourself up for more ready acceptance of larger-scale projects.

Famously, the British Cycling team adopted an approach of “marginal gains” that led them to Olympic glory. It was a relentless commitment to a strategy of aggregating tiny 1% gains that led to success – a riff on the Kaizen philosophy of continuous improvement in Japanese

businesses beginning after World War II. While law departments are not cycling teams or car manufacturers, there is still deep applicability.

The marginal gains philosophy has been heartily embraced by corporates because it means stuff gets done. Not only is it a trusted way to improve your business – psychologically it removes the daunting nature of tasks. It’s kind of like looking down at the worn path – not staring up at the towering mountain peak. Step by step and the 1000-mile journey is done. That kind of thing.

Adopting a marginal gains approach is also more palatable from a risk perspective. While not everything is amenable to small quick wins, it’s recommended to start change projects with these marginal gains. Build the trust and change capability of your team – step by step.

**One liner:** [create specific, measurable and small-scale milestones.](#)

# Tip #4

## Overcommunicate

When you're at the heart of a project and running internal communications, it can feel like you're repeating yourself ad nauseum. You might feel like you're being tedious, but in all likelihood, you're the only one who feels that way. Perhaps it's also helpful to remember: "It is not my audience's job to listen - it is my job to be heard".

Internal communications are vital at each stage of the change process - manage expectations before the rubber hits the road, encourage correct behaviour during the implementation phase and celebrate the success of the project.

**"Treat your lawyers to something special on the go-live date of your change project - a chocolate on the desk, free coffees...etc. Seems silly but it really goes long away"**

Senior Partner of Global Law Firm

This is a chance for you to celebrate and reward the change makers in your organisation.

One pragmatic take-away tip here: give people an opportunity to question the change. This helps bring them along on the journey and provides a sensible check on the change initiative. Then it's a matter of reiterating, reiterating and reiterating.

Think about the following methods of communication:

- Email - group and individual
- Intranet
- Physical posters and signs
- Meetings (virtual and in person)
- Calendar invites and reminders

**One liner: communicate early, often, positively and in multiple formats.**

# Tip #5

## Mindsets

We don't want to go too far down the rabbit hole of psychology here, but there is something here worth talking about: fixed versus growth mindsets.

This goes a bit beyond change management but it's very relevant to thinking about how your team will cope with change.

**"People with growth [mindsets] see outcomes not as evidence of who they are but as evidence of what they could improve upon in the future and what challenges they could overcome."**

Harvard Business Review, 2016, "To Recover Faster from Rejection, Shift your Mindset"

There's lots of reading you can do about growth mindsets and it's a field that is pretty fluid in orthodoxy - but the above quote is quite a solid foundation for you to think about mindsets. And

the reason this is our final tip is that despite the world's most polished change management efforts - there will be teething problems.

So, at a very pragmatic level, you need to think about how your team will react to setbacks. Those who can adopt a growth mindset will react far more positively to challenges.

The question is then how can you encourage a growth mindset in your team? Part of the answer here is how you measure performance and set goals. If you tend to focus on just results when goal-setting - this will encourage a more fixed mindset. If you focus on development, you're more likely to get a workforce that experiments and innovates. Giving permission to fail (within reason obviously) and not overemphasising success (ironically) will lead to a more conducive environment for growth mindsets.

If this all sounds a bit too academic and Bohemian, the central point is to get your team to take challenges well - by not taking setbacks as personal attacks on their credibility. Thinking about how you role-model this - talking openly about failures and how they are lessons learnt and a necessary step on the journey of improvement.

**One liner: encourage a growth mindset.**

# Conclusion

Change is often difficult. But this doesn't mean we should abandon it. As Tom Hanks' character says in A League of Their Own:

**"If it wasn't hard,  
everyone would do it."**

Hopefully this toolkit has given you some ideas on how to bring your change project to life. The deployment and implementation stage can often be the most critical phase of a project. It's now that you should double-down your efforts and wear a thick skin. Have that growth mindset.

And while we like to end on a positive note, we do have a word of warning: it's important to not build up scar tissue in the organisation from too many false-starts. If a pattern of failed projects begins to emerge, you'll find it harder each time to bring people along with you.

LOD has spent the past decade working with legal teams around the world to improve how they work. We're intimately familiar with the challenges that face legal teams and we use the best and latest practices to manage the change journey. Like Mr. Pollard stated in his quote in our introduction, we believe those who lead change are best placed to manage it. If you're ready to lead change, we're here to help – either by advising or helping to deliver.

## Other Toolkits in the Series

### Measure your impact

8 KPIs for in-house legal teams

### Creative problem solving

5 stages of Design Thinking for in-house legal teams

### Increase your influence

6 stages of positioning for in-house legal teams to impact business strategy

### Inspire your team

6 ways to create a productive working environment for in-house legal teams

### Manage Legal Supplier Procurement

5 tips for running a successful procurement process

### Draft better contracts

A guide to improving your contracting

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