

Innovation is Bliss

And six other steps that could shake up the legal industry

BY TONY FLESOR
LAW WEEK COLORADO

The Legal Marketing Association and Mile High chapter of the American Legal Administrators on Thursday hosted Deborah Epstein Henry, co-author of “Finding Bliss: Innovative Legal Models for Happy Clients & Happy Lawyers” to discuss seven steps to achieving legal zen at the two organizations’ first combined meeting.

Epstein, who wrote the book with Suzie Scanlon Rabinowitz and Garry Berger, said her pursuit of “bliss” began in 1999 when she was working as a commercial litigator and feeling miserable about it. After reaching out to a handful of colleagues about their feelings on practicing law, she received responses from 150 lawyers who let her know that she wasn’t alone. There was common dissatisfaction in the profession in the ’90s, she said.

She founded her own consulting firm and wrote her first book, a No. 1 ABA Flagship book, “Law & Reorder.” The idea of both was to develop different ways for lawyers to work and to draw attention to women’s issues in the law.

She said it was the research for her first book that led her to the idea for the second. The issues weren’t women’s issues alone

“Finding Bliss” sounds as if it might be along the lines of a self-help book leading lawyers to happiness in spite of a stressful job. But instead, the book is focused on larger changes in the way law firms and clients interact. Based off her research involving client interviews, a connection with a network of 10,000 lawyers that she built through speaking and consulting, and receiving what she calls, “Dear Debbie emails” from lawyers seeking out her advice, she distilled seven key steps to a more functional legal model.



DEBORAH EPSTEIN HENRY

She said she found several examples of a disconnect in the current legal model that show the need for a new one.

In one instance, she spoke with the General Counsel of LEGO Systems who interviewed a “buttoned up” lawyer for his legal services. The serious lawyer got off the elevator into an office where it’s not uncommon to see someone roll down the hall on a scooter. They just didn’t fit, she said. And to her, that was a sign that relationship building was one of those seven keys — if

stay another six to nine months. That frame of mind would be laughable in a legal setting, she said.

The current concept that everyone is climbing the same ladder, and if you get off you likely won’t get back on in the same place, is “inane,” Epstein said. “It’s an unforgiving model.”

We need to swap out the concept of the brass ring with the Olympic rings, she said — the image of five interconnected but different rings. Managers need to recognize the different aspirations and skills of their lawyers, and there should be transparency in both directions.

The seven steps she eventually developed are:

- innovation
- value
- predictability and trust
- flexibility
- talent development
- diversity and inclusion
- relationship building

She recommends law firms make all seven changes. Ultimately, that would mean a new legal landscape — not necessarily a new model. It would result in more choices for clients to meet their legal needs and

more choices for lawyers in how they work.

An example of how lawyers might benefit from a new schema for legal practice is in work expectations. Epstein cited the stigma that if a man’s office is dark in the afternoon, coworkers assume he’s at a closing, but if a woman’s office is dark it must be because they are at the playground with their kids. She said the acceptance of part-time policies benefit both men and women, though, and that rather than seeing such policies as “accommodations,” they should be seen as potential win-win situations for both clients and attorneys.

The benefit of happy lawyers translates to happier clients, but there are also economic benefits. Epstein cited her own law firm’s use of “secondments,” lawyers employed by her firm but who work at in-house legal departments, or out of a virtual office — in that situation, there is very low overhead, which allows the attorneys to pass those savings on to their clients.

But overall, regardless of how firms and individual lawyers adopt her seven steps, she said she will be happy. “My goal is to push the envelope. I want to force individual stakeholders to think about this.” •

— Tony Flesor, TFlesor@circuitmedia.com

“MY GOAL IS TO PUSH THE ENVELOPE. I WANT TO FORCE INDIVIDUAL STAKEHOLDERS TO THINK ABOUT THIS.”

Deborah Epstein Henry, legal consultant

and by focusing solely on lawyers, she was only looking at half of the problem. She also found that clients were unhappy too.

If clients’ needs were being met, that would be one thing, she said, but the fact that neither clients nor their lawyers were happy with the status quo showed the legal system had a broken model.

an attorney and client don’t understand each other, the lawyer can’t be effective.

Another example, she said, is the fallacy that every new associate is on partner track, when in reality, it’s closer to 10 to 15 percent, she said. The comparison outside the legal market is an employee at Twitter who said she really liked her job and planned to