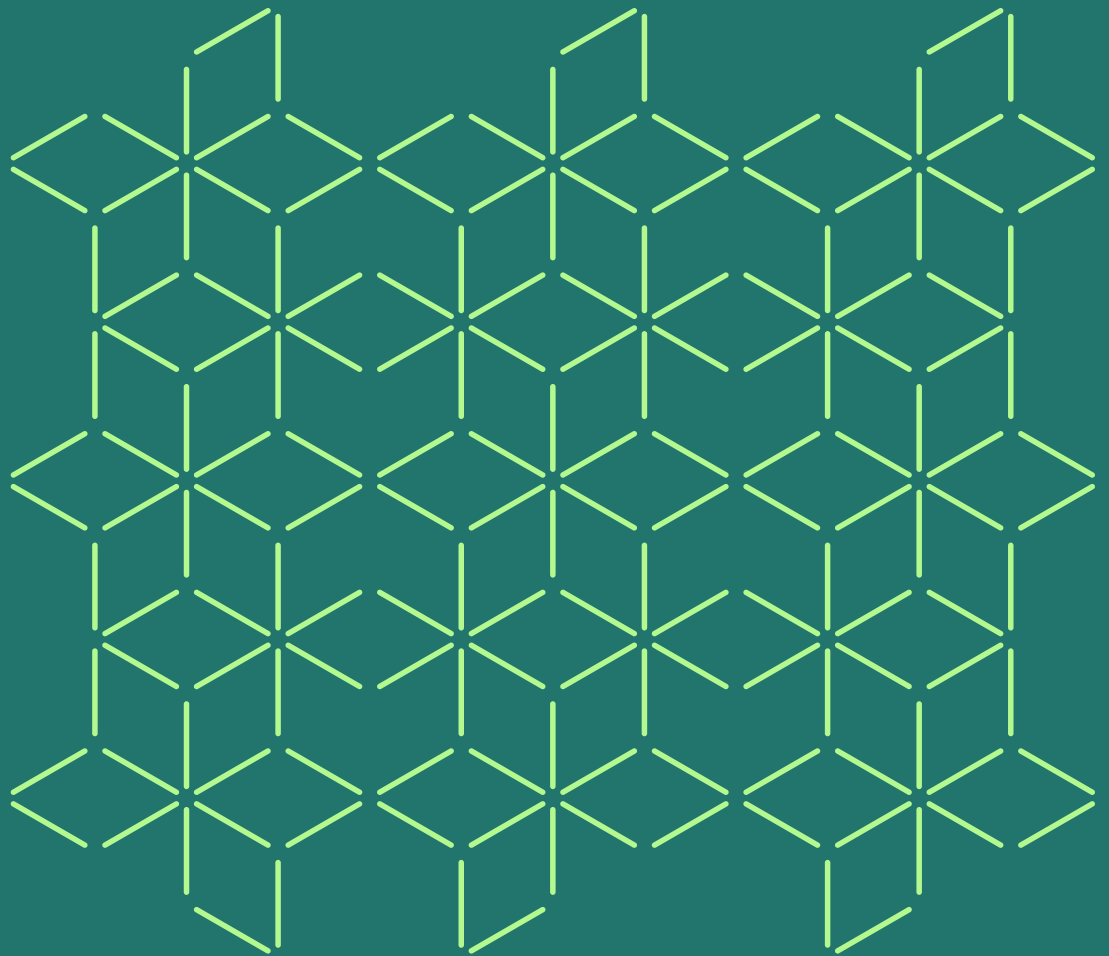


# Breaking Down Silos:

Increased Collaboration in the Face  
of Growing Complexity



# Breaking Down Silos: Increased Collaboration in the Face of Growing Complexity

## How Collaboration Increasingly Underpins the Practice of Law

### Executive Summary

Pick almost any random observable discipline, and it will become blatantly apparent that the world is growing more and more complex. Whether it's climate change, foreign election interference, global financial crises, or healthcare delivery systems, complexity seems to be a fact of modern life. However, while policies, processes, the inner workings of society, and even our workplaces simultaneously grow more complex, the human response in almost all cases is a tendency toward greater specialization.

Lawyers, as leaders, have the responsibility to harness their team's talents and resources while building trust among participants, fostering collaboration and discovery, insisting on open communication, and making a commitment to pursuing possibilities until they get results.<sup>1</sup>

The American Bar Association's 2019 report, "A Profile of the Legal Profession,"<sup>2</sup> found that solo practitioners are increasingly rare while their peers are more frequently choosing team-based environments, reinforcing the notion that collaboration is increasingly necessary. According to the research:

- / Nearly half of graduating attorneys in 2018 found work at law firms, an increase from the 40% entering firms in 2012.
- / The government recruited nearly 12% of the graduating attorneys, while about the same number of graduates took jobs in business and industry.
- / Just one percent of all graduates ventured into solo practice - a decline from two percent in 2012.

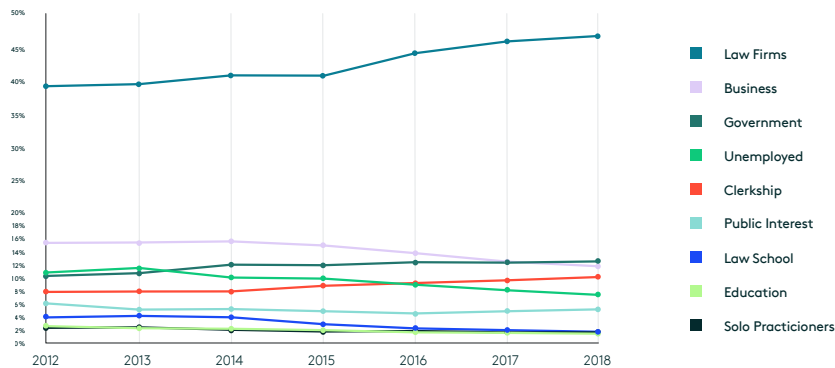
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<sup>1</sup> Donald J. Polden, "Lawyers, Leadership, and Innovation," 58 *Santa Clara L. Rev.* 427 (2019).

<sup>2</sup> "A Profile of the Legal Profession," *The American Bar Association* (2019).

## Where Law School Graduates Work 10 Months After Graduation, 2012-2018



ABA Section of Legal Education and Admissions to the Bar.

While autonomy is still an essential part of the legal industry, it's becoming a relatively minute consideration as more attorneys function in team environments that rely on open communication. In a world where the challenges legal professionals face grow increasingly complex while the individual skill sets grow increasingly deep and narrow, in-depth collaboration with colleagues and counterparts is becoming increasingly necessary.

The two trends currently present in law – increased specialization and the growing complexity of client issues – are creating a demand for attorneys who are not just technical experts in their domain, but also those who can collaborate with others in their firm as well as globally to solve multifaceted issues. This paper will examine how collaboration — or at least the need to collaborate — will power the legal profession, and specifically litigation, in 2020 and beyond.

## What is Collaboration?

Let's begin by defining collaboration by describing what it is not:

- / Assembly, in which people make individual contributions, and one person puts them all together
- / Sequential, interdependent projects that involve one person making their contribution and then passing the project off to the next person
- / Cross-selling, which involves one partner introducing a client to another lawyer, who will potentially provide them with additional services
- / Delegation, which involves assigning work to junior staff members

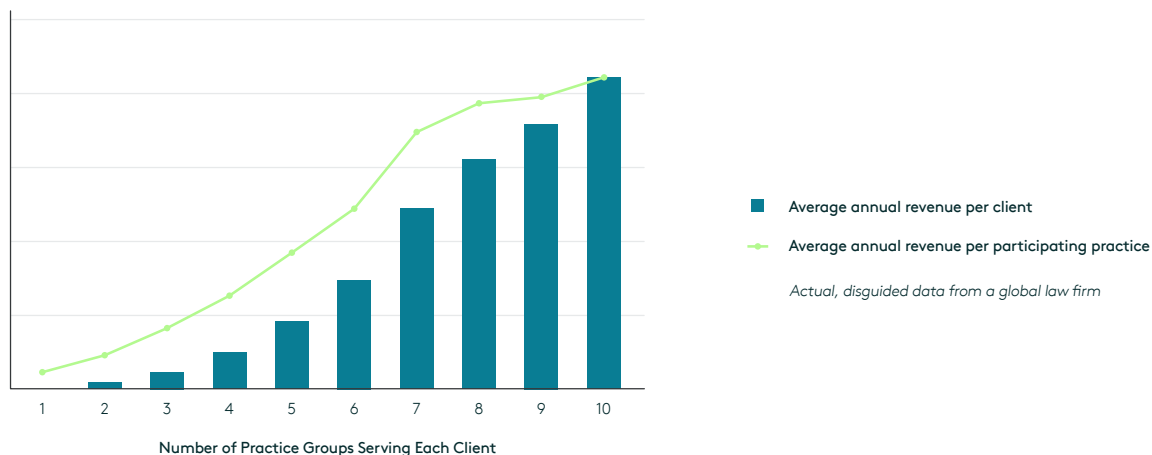
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According to Heidi Gardner, Distinguished Fellow at Harvard Law School and author of *Smart Collaboration*, true collaboration occurs when “knowledge workers integrate their individual expertise to deliver high-quality outcomes on complex issues.”<sup>3</sup> Gardner says that by genuinely collaborating, a team of attorneys is capable of addressing complex issues that none could tackle individually to deliver high-quality outcomes to clients.

## Increased Collaboration Equals Increased Revenue

Heidi Gardner has spoken to over 4,000 partner-level professionals about the benefits of collaboration: “My research shows that when firms can get their partners to collaborate across practices, offices, jurisdictions, or other internal boundaries, the financial gains to the firm are unambiguous. One of the clearest measures of this finding is the link between cross-practice collaboration and revenues. Simply put, the more practices that are involved in servicing a client, the greater the annual average revenue that the client generates. For example, in one law firm we studied, moving from one to two practices serving a client on average tripled the revenues from that client, and the addition of each subsequent practice continued to generate fees. Clearly, if  $1+1=3$ , then the lawyers involved in cross-practice service were doing more than just referring their colleagues to provide their own siloed work. Similar numbers arise for international firms doing cross-jurisdictional work: client projects involving offices in several countries are significantly more lucrative than single-office engagements.”

### The Effects of Cross Practice Collaboration on Revenues



Heidi K. Gardner, “Collaboration in Law Firms,” (2015)

<sup>3</sup> Heidi K. Gardner, “Collaboration in Law Firms,” (2015), [Harvard Business Review](#).

## The Importance of Collaboration in Litigation

One of the major issues present in modern litigation is the sheer volume of data that legal professionals must navigate. The current “big data” era is fueled almost entirely by interpersonal communications, and it’s simply far easier to create discoverable data today than ever before. A moderately sized corporation generates millions of email messages, chat transcripts, voicemail recordings, digital documents, videos, social media posts, and more. While it’s hard enough to keep up with this torrent of information at the moment, the problem is magnified for those who need to mine the historical artifacts of communication in search of relevant information.

Law firms, government attorneys, global multinational corporate legal teams, and many others are facing increased complexity and attempting to work more collaboratively to overcome various challenges, which often include:

- / How to efficiently create order from the chaos of a massive trove of documents
- / How to determine what is relevant – the proverbial ‘needle in the haystack’
- / How to convert their findings into a cohesive, compelling narrative
- / How to become better collaborators

Given the importance of collaboration, how, then, can legal teams become more successful collaborators? According to MIT professor Michael Schrage<sup>4</sup>:

“Successful collaborators don’t just work with each other; they work together through a shared space. Shared space — whether physical, virtual, or digital — is where collaborators agree to jointly create, manipulate, iterate, capture, and critique the representations of the reality they seek to discover or design. This holds true for collaboration around products, processes, services, songs, or the exploration of scientific principles. Shared space is the essential means, medium, and mechanism that makes collaboration possible. No shared space? No real collaboration.

James Watson and Francis Crick didn’t do a single experiment on their way to discovering the double helix and winning the Nobel Prize. But the shared space of their helical metal models proved indispensable to their collaborative success. Wilbur and Orville Wright pioneered wind tunnel designs and tests as shared space for flight design. Steve Wozniak and Steve Jobs, and then Jony Ive, relentlessly prototyped digital devices like obsessive perfectionists.”

**Michael Schrage,**

“Collaboration, from the Wright Brothers to Robots,” (2019), Harvard Business Review.

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<sup>4</sup> Michael Schrage, “Collaboration, from the Wright Brothers to Robots” (2019), retrieved 24 February 2020.

## Collaboration and the T-Shaped Lawyer

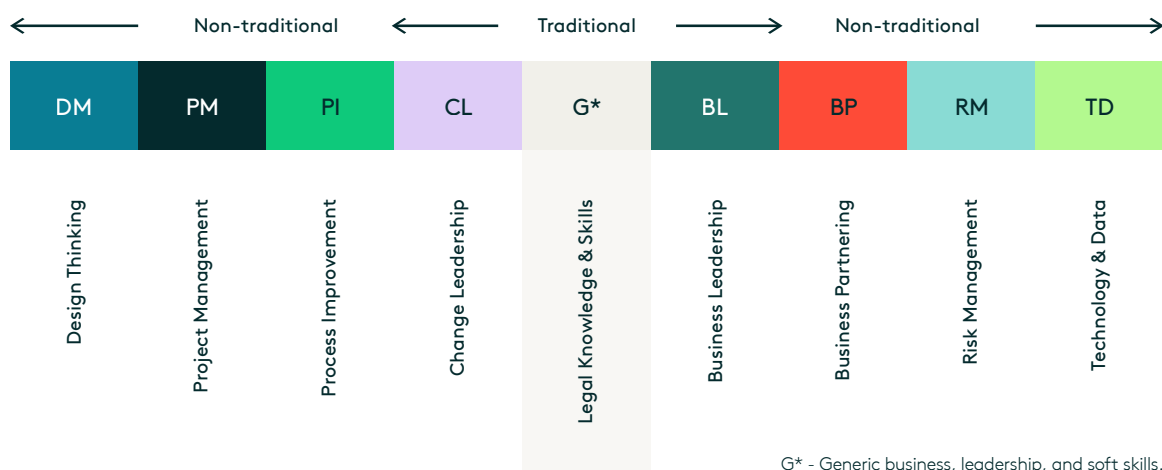
Most attorneys historically fit the profile of an “I-shaped” professional<sup>5</sup> – a lawyer with comprehensive knowledge of and expertise in specific areas of law (with some leadership, business, and soft skills thrown in) whose primary purpose is to perform traditional legal work. However, according to legal technologist and licensed attorney R. Amani Smathers, changes in the market, ethics, and the industry as a whole require lawyers to become “T-shaped”<sup>6</sup> to remain competitive in the 21st century.

T-shaped professionals are entrepreneurial and capable of thinking in the many project roles they may be required to fill during their professional life. In contrast to the specialized problem solvers of the 20th century, T-shaped lawyers possess deep legal expertise (the vertical part of the T) as well as a solid working knowledge of technology, business, analytics, and data security (the horizontal bar of the T). In this new normal, collaboration will allow attorneys to address business challenges beyond providing legal advice.

## The Requirements of Collaboration

Most would agree that the legal industry has been slow to collaborate, yet the practice of law is inherently collaborative. While “technology” is unfortunately frequently mischaracterized as a panacea for every industry, there are indeed recent technological advancements that provide a roadmap for how legal professionals can collaborate together more effectively. The principal components of a modern “shared space” solution for legal collaboration must include the following:

## The T-Shaped Lawyer, Critical Skills for Innovation & Collaboration



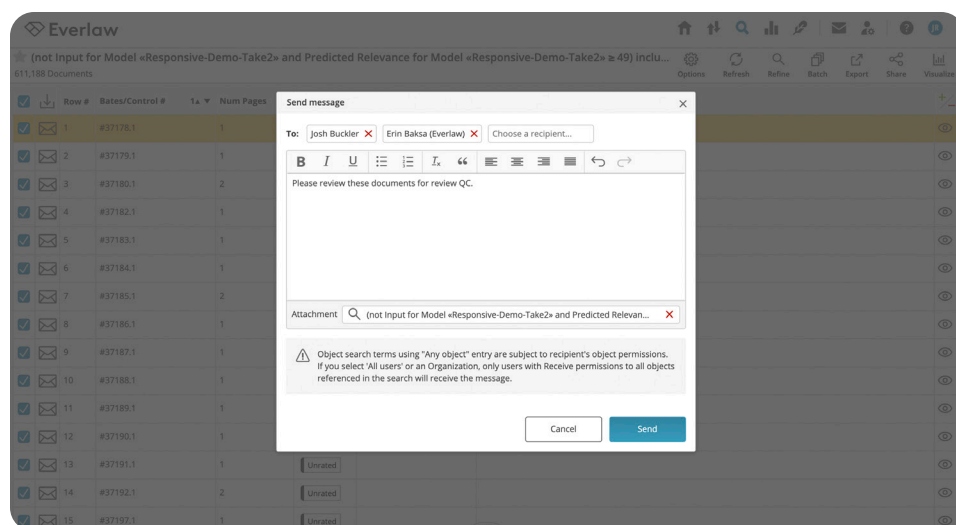
R. Amani Smathers, “In-House T-Shaped Lawyer,” (2018)

<sup>5</sup> Peter Connor, “[The T Shaped Lawyer](#),” (2017), retrieved 20 February 2020.

<sup>6</sup> R. Amani Smathers, “[T-Shaped Lawyer](#)” (2019), retrieved 20 February 2020.

**Speed.** Business, and life, move faster than ever before, and truly shared space must have the ability to transmit communications rapidly. “Waiting for a message to arrive” should be a thing of the past, not just for mails and messages, but also for live (real-time) collaboration on work product. Search results should load instantaneously, no matter how complex the search string or how large the document trove.

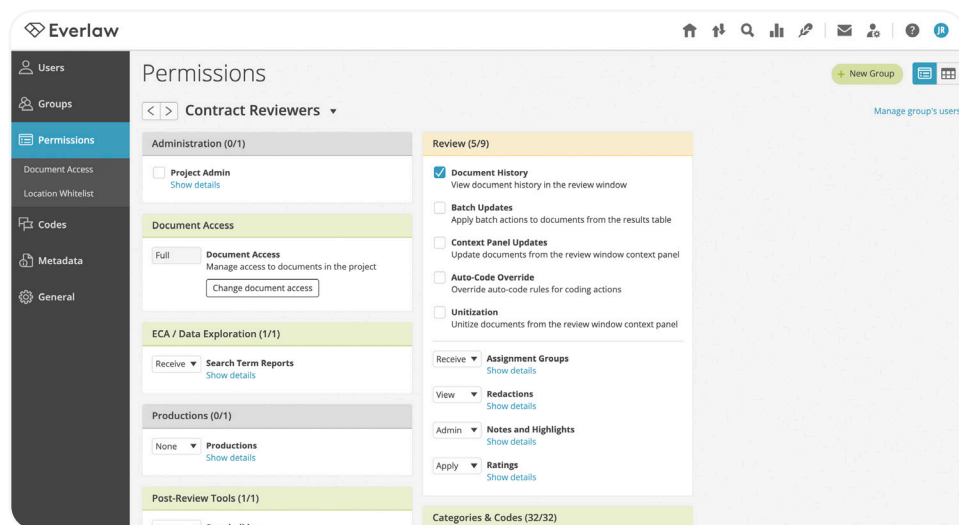
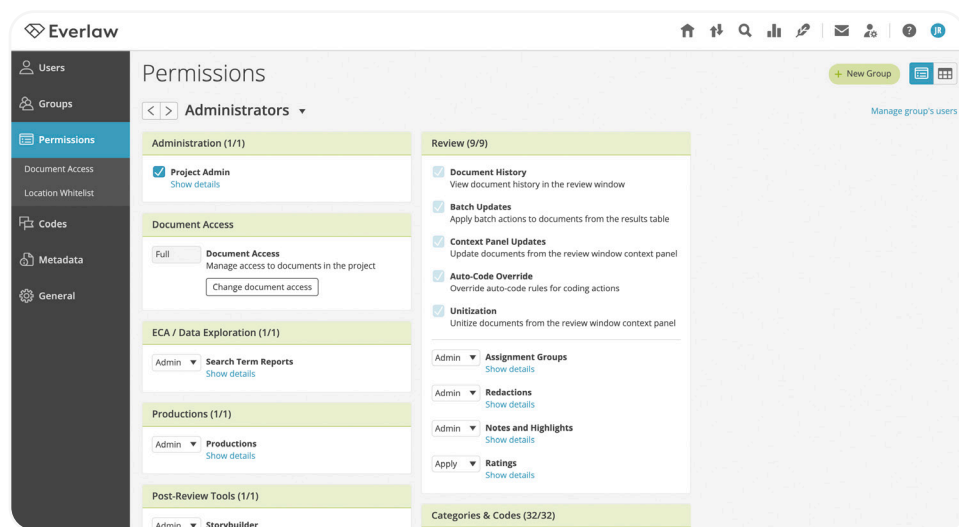
**Convenience.** How easy is it to collaborate? An efficient shared space reduces the friction of collaboration by ensuring that collaboration is always close to the work product. An example of high friction collaboration: being required to export a document to PDF from an online platform, attach it to an email, and send it to a recipient. Here are some examples of low friction, convenient collaboration.



**Security.** Security is vital, especially in the legal industry. With the rise in hacks and exploits, collaborative shared spaces need to be extremely secure, or participants will not feel comfortable using them. Security also goes hand in hand with other components. For instance, the above example – exporting a document to PDF and then attaching it to an email – is not only inconvenient but also highly insecure, since the information now resides on the recipient’s potentially vulnerable computer, with no way for the sender to control access.



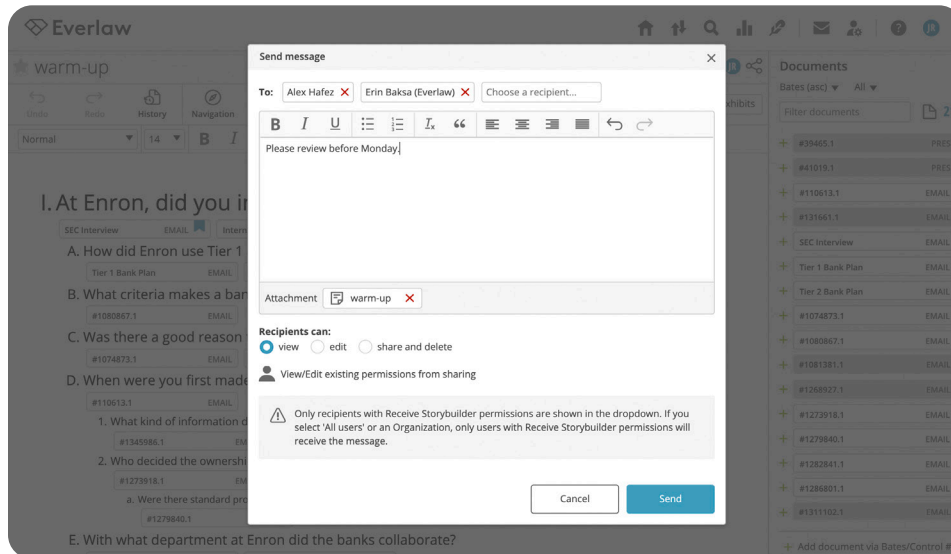
**Inclusivity.** This component often requires a thorough examination of exclusivity. How can you make sure that people only see the communications they’re supposed to see? Is there sufficient granularity to specify precisely who should see what? Teams that work toward inclusivity rather than exclusivity will likely have a shared mission, and in the process, be more agile and more effective.



When done correctly, law firms, corporate counsels, and government agencies are not the only ones that benefit from collaboration; individual attorneys can reap huge rewards as well. Rainmakers who collaborate – share the business they drum up – tend to end up with significantly more clients (and work) than those who instinctively hoard the work they bring in.<sup>7</sup>

<sup>7</sup> Heidi K. Gardner, “When Senior Managers Won’t Collaborate,” (2015) [Harvard Business Review](#)

**Breadth.** If opportunities to collaborate are too narrow, the shared space isn't really a space, but rather a lane or channel. A significant step beyond exporting to PDF is to allow users to share a document from within a platform. However, as soon as a user wants to share another bit of work product – a search, binder, reviewer assignment, timeline, or draft of a motion – if they don't have the means to do so, they will have to leave the space to collaborate. An actual shared space has room for collaboration on all the work product and workflows necessary.



## Collaboration and the Future of the Legal Profession

In a world where the challenges we face grow increasingly complex and our individual skill sets become increasingly profound and narrow, the obvious solution to solving our problems is to increase our ability to collaborate with one another continually. It is no longer possible to be a renaissance man or woman – there's just too much to know, and too much to do – so deep collaboration with colleagues and counterparts is increasingly necessary. If we are able to find ways to enable more collaboration in complex legal matters then, ultimately, we are each helping to illuminate the truth and, by doing so, upholding a key pillar of democracy and contributing toward a more just society.