

OBELISK

BACK TO THE FUTURE: RESHAPING LAW FIRM CULTURE

The issues facing your firm and how culture change is the solution

TABLE OF CONTENTS

Foreword	3
Introduction	5
What are the Issues?	
I. Millennials Are Shaping the Future of Work	7
II. A Talent Crisis	8
III. Robots and Lagging Legal Tech	8
IV. Inflexible Work	9
V. The Big Four	10
VI. Women in Law, Cont'd	10
The Pillars of the Future Firm Culture	11
I. Flexible Work Spaces	12
II. The Lawyer-Preneur	15
III. Smart Legal Tech	18
IV. Mind (Re)Set	21
What's Next?	25
References	27

ABSTRACT

We examine the business benefits for why UK law firms should significantly invest in changing their culture in order to improve talent retention, ensure long-term growth, and become future-proof. We will identify key issues facing firms today and explore the pillars of future firm culture, as part of our new efforts to work with firms.

METHODOLOGY

This paper reviews current reports, surveys and various off-line and on-line literature on the future of work both in the UK and globally. As well as looking at the legal industry specifically, we draw on best practices from leaders across many industries in order to synthesize and present a comprehensive perspective on the current and future state of legal work.



Cherie Blair CBE

Human Rights Barrister, Lecturer and Writer

My adult life has been defined by several roles, each with its unique challenges and rewards. I have been a barrister and QC and established a thriving chambers and law firm; I am the founder of a charity and sit on the board of several others; I have been married to a Prime Minister, lived in number 10 Downing Street and dealt with all that this entailed. But, of course, the most important, rewarding and challenging role that I have been blessed with, is that of being a mother to my four children.

Throughout, I have been fortunate to be able to continue my work and balance my professional and home life thanks, in no small part, to a strong support system and a tolerant family. I am not saying that it wasn't hard; the mythical 'work-life balance' is incredibly difficult to find and its fragility makes it even easier to lose. Like many women, I have faced criticism for being a working mother from colleagues, employers, the press and, even from other mothers. Whilst there have been numerous developments in the legal profession since I was first admitted to the Bar, the obstacles facing working mothers sadly remain much the same and this, I believe, prevents too many women from reaching their full potential. Fortunately, there are glimmers of hope in the form of those forward-thinking organisations that are revolutionising the legal world, levelling the playing field and enabling us all to thrive.

Many of the larger law firms still use centuries-old business and organisational models that are just not relevant in today's world, upholding barriers to true gender equality and work-life balance through rigid and archaic traditions that place the emphasis on face time, rather than quality of work. Such practices leave mothers (and fathers) unable to enjoy parenthood at the same



time as effectively fulfilling their commitments as lawyers. But for women, the barriers don't stop there. Younger women also face the assumption from current or potential employers that they are 'bound to get pregnant sooner or later', as if this is a negative thing and their work life will be over! And, of course, there's the dreaded Pay Gap, which, quite frankly, I cannot believe we still have to talk about in the 21st century...

The research presented in this paper is both valuable and long-overdue. This succinct, accurate and insightful study focusses on the desperate need for a cultural shift in the Law. A fostering of new norms, priorities and practices is critical if we are to diversify the workforce and enable those who do not fit the 'lawyer' stereotype to succeed. We must transform the rigid way that law firms often operate to make space for fresh mindsets, different working styles and original ideas. We must embrace the contribution that the younger generation, people from all classes and walks of life, individuals from diverse cultural backgrounds, and, of course, women and mothers can bring.

Making these changes will benefit everyone. Why would we risk missing out on the next great legal mind simply because the need to collect a child from school means someone cannot work the excessive hours traditionally expected by law firms? Should our colour, class or gender prevent us from being great lawyers or great parents? Should a woman be excluded from reaching partner simply because she took maternity leave?

Something has to change in order to enable women who want to be excellent lawyers as well as parents, and to work how, where and when they can, in order to get the best results at work and at home. The work done by Dana Denis-Smith and Obelisk Support is an important step in helping us to understand and achieve these desperately needed changes. As a profession, we simply cannot afford to waste a single talented and dedicated person, let alone an entire gender!







INTRODUCTION

The future of legal work is changing, and along with it, how work will get done. The role of firm culture will be more significant than ever before, driven by a new generation of solicitors that will be the most demanding one yet, expecting diversity on all fronts – of people, workspace, technology and wellness.

The legal industry continues to experience seismic changes as pressure mounts on all sides: the plethora of new technologies; the expansion of multidisciplinary practices, such as PwC and Deloitte (the Big Four); the emergence of US firms into the UK market; and the growing disruption of legal change-makers offering fresh solutions to legal work.

These trends are not without impact. Although nearly 90% of Top 100 UK firms achieved some

level of fee income growth in 2018, profit margin erosion has continued as many firms struggle to contain staffing costs. Indeed, nearly 30% of firms reported a decrease in profits in 2018, on top of 48% from the previous year. This, coupled with Top 100 firms predicting a decrease of 0.1% in fee income for the 2019-2020 period, provides a grim future outlook.¹

While it may be too soon to herald the death of the traditional law firm model, what is clear is that it is time for a change.

We have reached a critical moment. And fundamental action is needed to future-proof the shape and operation of the firm.



“They always say
time changes things,
but you have to
actually change
them yourself.”

- ANDY WARHOL



Millennials Are Shaping the Future of Work

It's time to wake up and smell the vegan gluten-free matcha latte: Millennials are the future workforce. Defined as a cohort born between 1981-1996, Millennials currently make up 400 million of the worldwide population,² surpassing Boomers as the largest demographic of the UK legal profession.³

"It's no longer a case of employees adjusting to their work; it's about the work adjusting to them."

Padraig Cotter
*The Irish Times*⁴

Despite being routinely teased for everything from being considered lazy, overtly PC or allegedly being very fond of avocado toast, there is no denying that 'Millennial Think' has infiltrated all aspects of work culture:

People: Millennials expect the diversity of their colleagues to reflect that of their personal social spheres, going beyond the basics of demographic diversity in search of a cultural richness of thoughts and attitudes.

Upskilling: Millennials are focused on upskilling and learning on the job. They understand that it is necessary in order to keep up with the speed at which industry is changing.

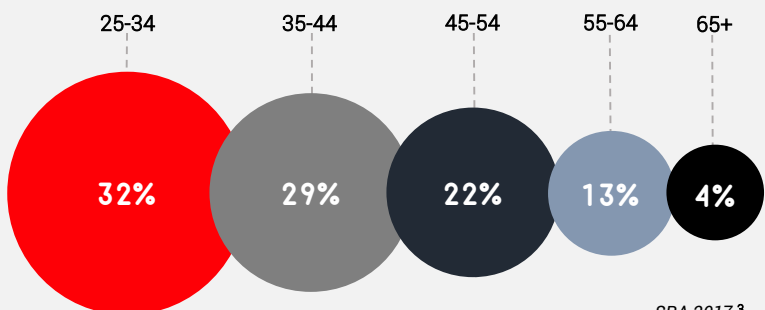
Space: Millennials are used to working in Starbucks and want their workspace to have the same flavour. Meaning, they prefer a less formal work environment, lots of tech, and some fun perks.

Collaboration: Millennials prefer collaborative working structures. They need their huddle spaces to be able to share content, co-create and communicate with remote participants.

Technology: Millennials are digital natives. They grew up while today's technology was already happening and expect their workplace technology to be as entertaining and easy to use as those they use every day in their personal lives.

Demographic of the UK Legal Profession

Percentage Breakdown by Age



SRA 2017³

A Talent Crisis

In this crowded and competitive market space, firms face a tough job recruiting the right candidates from the industry's pool of elite professionals. After Brexit, the biggest fear of firms for future growth is a shortage of talent.¹

Personnel turnover in law firms, especially with young lawyers, is at its highest level ever – a trend that costs Top 400 global law firms roughly £6.8bn annually.⁵

Burn Out. It's no secret that in law, long hours are worn as badges of honour, and they have been for decades. Today, with the rise of technology, the idea of 'work all the time or you fail' has become the norm.

Burnout is on the rise: 23% of law firms believe it's increasing,⁶ with 96% of solicitors reporting that they experience negative stress, and 19% saying that stress is 'extreme' causing mistakes or burnout.⁷ As a result, lawyers are increasingly exiting the industry altogether to pursue other options such as helicopter skiing or scuba-diving.⁸



In-House. Lawyers are increasingly abandoning private practice and the long haul to the Holy Grail of partnership, preferring to work in-house where the environment is more business-like, tech-savvy, and conducive to a better work-life balance. Today, 20% of lawyers now work in-house, a number that has more than doubled over the last 15 years.³

With salaries for in-house solicitors now comparable to their private counterparts, going in-house offers greater work flexibility and efficiencies such as lowered-to-no constraints on billable hours, faster routes to promotion, and more diversity and inclusion among colleagues.

Annual Cost of
Mental Illness
to UK Firms: ⁹

£33-42 Bn

Entrepreneurialism. Why are lawyers going in-house? According to KPMG's 2018 *Global CEO Outlook*, 'agility is the new currency of business' and small businesses have this in spades.⁹

With 99.3% of all private sector firms in the UK being SMEs, it's no wonder that the entrepreneur mentality is taking over. 'Employees in small businesses can make decisions at a different pace and as a result, larger companies are trying to mimic this,' says Snorre Kjesbu, VP Team Collaboration Devices, Cisco.¹⁰



Robots & Lagging Legal Tech

After talent retention, the third and fourth biggest threats to growth perceived by Top 100 law firms are cyber threats (82%) and technological advancements (63%).¹

A growing number of law firms, both large and small, are putting AI systems to use,¹¹ with some 48% of UK firms having implemented some form of AI technology, and 41% with the intention to do so in the near future.¹² Although AI technology adoption is happening, it's doing so at a slow pace, as many firms are holding out until its cost advantages over outsourcing improve.¹³

But time may be running out. The bombshell report by the World Economic Forum that went viral in 2018, predicted that machines will do 42% of all labour by 2022, and more than half of it by 2025,¹⁴ should be somewhat concerning even for the biggest AI sceptics. This means that massive economic change is afoot, and it's

What are the Issues?

about to get personal. People are actively building machines to replace human work, all in the name of cost-savings and increasing efficiencies.

Ultimately, there will be a shift away from automated “lower level” tasks towards soft “higher level” work. The report adds, “skills, such as creativity, originality and initiative, critical thinking, persuasion and negotiation will retain or increase their value, as will attention to detail, resilience, flexibility and complex problem-solving.”¹⁰

“By 2022, 54% of employees will require significant upskilling.”

Forbes¹⁴

Of those firms using tech, Millennials are not happy with how it is being implemented. There is a perceived gap between consumer and business tech, with the latter failing to match the former in terms of ease-of-use and entertainment value.¹⁰ Millennials are also far more likely than Baby Boomers to say that they feel like their company requires them to use too many technology tools.¹⁵



Inflexible Work

Companies that offer flexible work are known to have increased employee retention, more motivated and engaged staff, and access to wider talent pools when recruiting.¹⁰ However, according to a recent report by Hydrogen Group ‘UK Sector Snapshot: Legal,’ there are still some gaps that need to be bridged.¹⁶

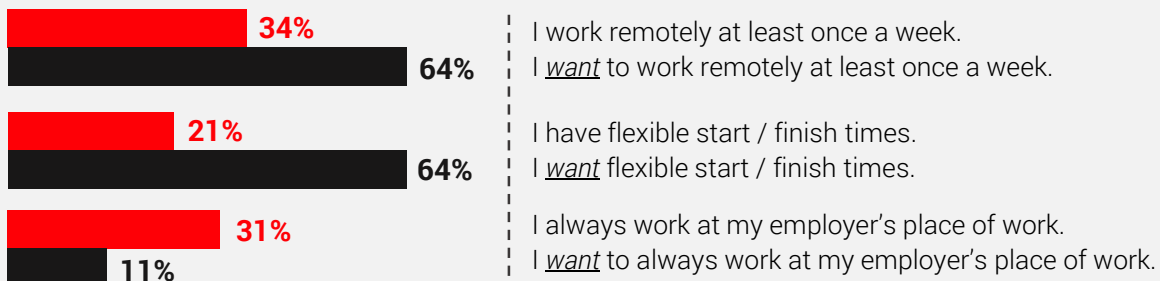
The report found that only 52% of firm solicitors were working flexibly to some degree, compared to 63% of in-house lawyers, and 66% of UK professionals. Furthermore, nearly 60% of firms do not make it standard practice to offer information about flexible work, while 81% of lawyers said that they would actively look for

flexible work options before joining a new company.¹⁶

But what does this ‘working flexibly to some degree’ actually look like? A handful of firms are currently offering agile working options, such as, work from home for one day per week, hot-desking, and working remotely on an ad-hoc basis.¹⁷

However, firms’ approaches to this are restrictive. Many cap their flexible working policies to working from home one or two days a week, and rather than allowing employees the freedom to choose how, when, and where they work, the majority are being granted a piecemeal offering.¹⁸

Lawyers Are Working Flexibly to Some Degree



Hydrogen Group 2016 Report¹⁶

The Big Four

With a deep understanding of process optimisation, a firm commitment to technology, and broad expertise, the Big Four (Deloitte, E&Y, KPMG, PwC) are certainly well equipped to meet the needs of the future legal department.

In reality, are four accounting firms set to become the biggest disruptors in law? Well, yes.

Innovation: Clients want a holistic, business-solution approach to legal problems. Decades of audit price pressure have taught the Big Four how to deliver, and invest in technology and innovative processes that disrupt and deliver on business objectives.¹⁹

Pricing: The Big Four are driving a fundamental shift in the pricing model. By providing packages that bunch together a number of services for a cut cost, they forego dwelling on the P&L in the spirit of better servicing the client.²⁰

C-Suite: Thanks to deeper relationships, and an ability to gain legal business via access to the entire corporate C-suite, the Big Four are institutionally advantaged in business development.¹⁹

Larger Resources: Players like the Big Four have the resources, financial power and motivation to be agents of change. They also have the size and worldwide presence to make an impact, and most importantly, they have the money to invest and acquire.²⁰

Women in Law

While gender equality continues to be championed at board level, progress remains slow.

In a recent report, for the first time in history the number of working female solicitors in England and Wales exceeded that of men, at 50.1%, reflecting the decades-long Influx of junior women to the profession.²²

Yet despite the advances at the junior level, female representation at the partner level has been sluggish. Over the last five years, it's the Top 51-100 firms that have made some headway, with 24% reaching partnership. The Top 50, however, are trailing behind at under 20%.¹

In short, there are plenty of women lawyers, but they're just not reaching the top.

More shockingly, a recent report into the future of legal practice by BPP University Law School determined that it will take until 2037 for women to achieve parity with men at a senior partnership level.²³

Then there's the notorious gender pay gap. In the latest survey of Top 25 UK firms, the average gender pay gap came in at 20%. Not so bad, given that most banks published gaps in excess of 40%. However, only nine firms included partner earnings in their published numbers – of these, the gap rose to almost 60%.²⁴

2018 Gender Pay Gap

60%

AMONG UK FIRMS THAT INCLUDED PARTNER EARNINGS

Bloomberg.com²⁴

ons.gov.uk²⁵

9%

AMONG UK WORKERS IN GENERAL



THE PILLARS OF THE FUTURE FIRM CULTURE

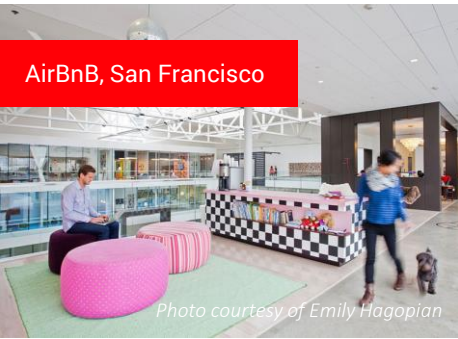
The existing discourse on employee satisfaction at law firms in the UK primarily centres around hours spent at the office relative to salary. A recent survey of 2,000 trainees by Legal Cheek revealed that the total hours spent working broadly correlated with a firm's score of work-life balance – *and* its remuneration.²⁷ A win for the juniors.

But good pay and benefits just aren't enough. In a survey by the Association of Legal Administrators, staff turnover in 2017 increased by 28% from 2016 – despite base salaries that rose by an average of nearly 9%, despite bonuses that jumped by 30%, and despite significantly improved benefits.²⁸ Summarised best by one junior lawyer: 'The balance is good, for a law firm. But that isn't really the appropriate comparator.'²⁹

When trying to benchmark the future of work for UK law firms, it's time to look beyond the measurable industry numbers, and instead focus on closing the employee happiness gap: what is offered to them; and what is being offered outside of the UK legal industry.

"The balance is good, for a law firm. But that isn't really the appropriate comparator."

A Junior Lawyer²⁹



AirBnB, San Francisco

Photo courtesy of Emily Hagopian

Pillar #1: Flexible Work Spaces

The future of work is about what we do, not where.

Flexible working embraces both the physical and digital workspace by empowering people to work where, when and how they choose, with the main goal of maximising their productivity at the firm. But flexible working is more than just a way of working: it's a business model or philosophy, and when done properly, it can reap some formidable rewards.

Beyond just offering hot-desking or a laptop to work from a client's office, flexible working puts the focus on where it counts: serving clients' needs. By encouraging teams to work collectively, rather than looking at the old barometers such as face-time, it promotes the delivery of improved results.

"Flexibility should be the default position; in other words, the manager has to argue why the employee cannot have it. It's about not having a fixed mindset."¹⁰

This non-fixed mindset means integrating new tech with:

1. Agile work solutions that go outside of the office
2. Dynamic office spaces that encourage collaboration
3. Office tech tools that are as fun, as they are fundamental to getting work done

1. Out Of Office

Flexible working removes location from the work equation. It puts an end to the idea that work is where you do it. It's time to get out of the office.

If a staggering 83% of workers would consider leaving a firm if it didn't offer work-from-home¹⁰, then firms need to wake up and start considering all out-of-office work options, like job shares, homeworking, part-time roles, co-working and annualised hours. Then decide what's the best fit for their business – and the solicitor.

The biggest trend in this aspect is co-working. WeWork is less than a decade old and yet has emerged as the world leader in co-working, ranked as the third most valuable startup in the US after Uber and Airbnb.³¹ The secret to this success? Creating environments that are conducive to productivity, innovation and creativity... with the right lighting, the right snacks, and, crucially, the right people.

Those who have already integrated agile working into their operations have enjoyed boosted productivity, increased staff loyalty, and reduced absenteeism. Perhaps most significantly, by projecting an image of an employer with family-friendly flexible work schedules, it improves the ability to recruit top talent.³¹

A photograph of a modern office interior. A prominent feature is a staircase with bright green steps and a glass railing. The space is open-plan with wooden accents and large windows. The lighting is bright and natural.

"There are four generations working together in the workplace. The need for the work settings to be flexible enough for all of the different requirements was our design focus."

*Debbie Baxter,
VP Corporate Real Estate,
Deloitte Canada.³⁷*

Deloitte, Toronto

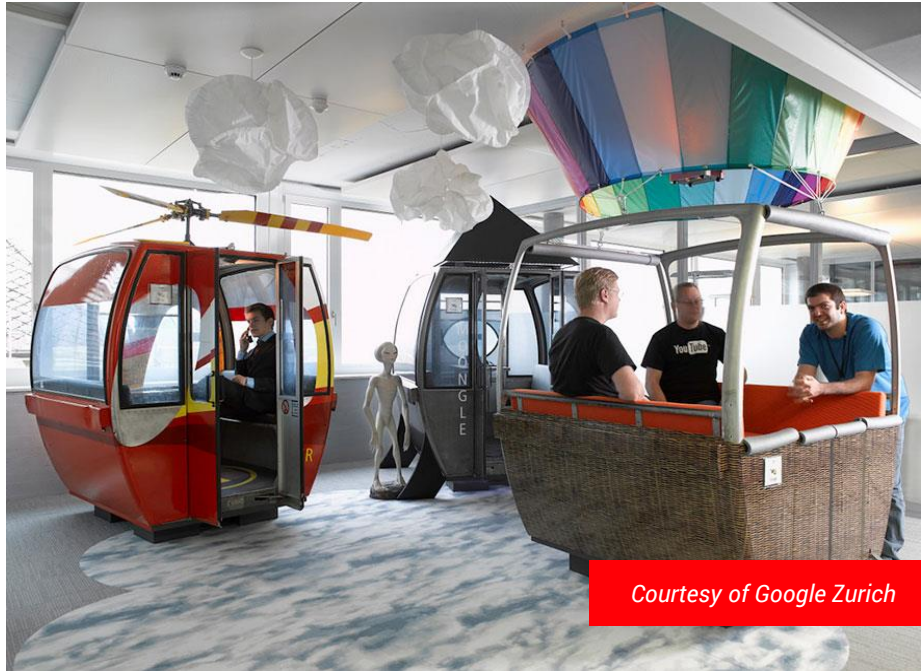
Photo courtesy of James Brittain

O'Melveny & Myers Menlo Park, California

Here's a law firm with an impressive list of accolades. Voted as the 'Best Law Firm To Work For' for the past two years by more than 18,000 US solicitors on *Vault*, and 'Best Law Firm for Women' by *Working Mother and Flex-Time Lawyers*, California-based O'Melveny & Myers is topping leaderboards left, right and centre.³²

Why? Remote-work, flex-time solutions, reduced hours and job sharing are all offerings of the firm's **CustomMize** programme, while **Bridges** allows staff to take a two-year sabbatical to explore other interests while still remaining an O'Melveny lawyer.

As one associate stated, 'O'Melveny truly is not a 'face-time' firm, and I love it. No one tracks where you are, or cares when you are in the office, as long as you get your work done.'³²



Courtesy of Google Zurich

2. Dynamic Spaces

For those who still need to go into the office, it's time to rethink spaces and how they're used.

From quiet contemplation, to collaborative teamwork, to creative idea-building, in one day alone, an employee could go through multiple working styles. And Activity-Based-Working (ABW) is a dynamic way to think about how this work gets done.

First coined in the book, *The Art of Working* by Erik Veldhoen – a Dutch consultant, ABW was initially piloted by Dutch insurance giant Interpolis in the nineties.³⁴ The idea is that if a suitable workspace is chosen according to the task that needs doing, it leads to an improved outcome. So essentially for ABW to work, firms need to create dynamic office spaces.

And leading the way in creative, forward-thinking office design are today's technology giants. These

are spaces that were conceived to inspire creativity, promote collaboration, and attract the best global talent. They have funky meeting rooms, an open kitchen, slides and contemporary art, which are all small in design, but huge in driving the popularity of these Millennial meccas.

With average talent retention as high as three years at Google, five years at Apple, and seven years at Cisco,³⁴ certainly some of this can be attributed to their work environments.

A fine example is Google which has claimed the top spot on Glassdoor's annual list of the '50 Best Places to Work', as well as Fortune magazine's annual list of '100 Best Companies to Work For', for multiple years. Though generous employee perks, opportunities for career growth, and innovative culture do also play a key role.³⁶



Photo courtesy of bcci builders

3. Office Tech Makeover

Out of office work, ABW and other flex work solutions – none of them would be possible without the integration of smart technology.

In fact, collaboration technology is becoming as important as flexible work spaces. Estimated by Frost & Sullivan to be 30 million huddle spaces globally, the growth rate is expected to be in the double digits.³

However, the key to incorporating new business tech successfully is ensuring it matches the richness and ease-of-use of today's consumer tech. Millennials want their workplace apps to satisfy them as much as their personal apps do, inspiring them to think innovatively and work smart. "The question about work tech shouldn't just be, "Will it work?" Rather, we should ask "How will my team feel when using this?" says Alex Shootman, CEO at Workfront.¹⁵

A shopping list of flexible workspace tech tools will need to include virtual reality meeting rooms, instant reality messaging (favoured by 62% of UK workers¹⁵), digital whiteboarding, live content-sharing, audio technology that blocks out sounds (say, of a dog barking), and smart AI tools that offer contextual information for meeting attendees.



Workers use apps such as Skype and WhatsApp on a daily basis in their personal lives. Digital connectivity is how we all live, so it should also be how we all work. Offering smart office tech tools that are part of agile working should no longer be seen as a perk, but rather a fundamental to how work gets done.

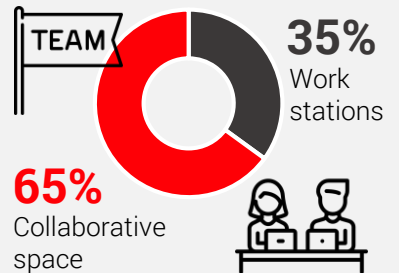


Photo courtesy of James Brittain

Deloitte Head Office Toronto, Canada

When Deloitte decided to renovate their Toronto office in 2017, their ideas were so future-facing, many top design firms were left scratching their heads. But after several rounds of pitches, the final design was awarded to an Australian firm, Arney Fender Katsalidis.

And this was a mammoth undertaking involving the smooth movement of 5,000 employees from six different offices into one shiny new 16-floor flexible workspace; replete with modular wall systems, mobile power supplies, collaborative areas, a Starbucks, wellness centre, a full concierge service and 100% unassigned seating (not even the CEO has a private office).³⁷



25% Real estate cost savings

Configurations of work settings available **18**





Pillar #2: The Lawyer-Preneur

Lawyers have always been entrepreneurial. But with the trend of solicitors moving in-house, and with the growing pressure of law firms to compete with SME's, the future lawyer will need to expand its roster of skills to adapt to an environment that is more business-oriented and tech-savvy.

“We need our lawyers to imagine, create and then make different recipes for how we do existing and new types of work.”
John Craske, CMS³⁸

Firms will need to invest in the future lawyer-preneur by:

1. Upskilling solicitors and partners on the job
2. Treating lawyers as strategic partners

1. Upskilling & Retraining

A lot of resources are currently invested in the training of new recruits, with firms offering a variety of initiatives such as mentorships, special interest classes, and financial support for LLMs and MBAs. But, when it comes to the continued training and upskilling of solicitors on the job, this is a road less travelled.

Outside the legal world – there's plenty of evidence of the ROI for building learning & development (L&D) programmes for employees.

According to a recent study by Issuu,³⁹ companies that spend more than average on upskilling per employees (£300 and up) are twice as likely to say their staff are highly satisfied, and never reported a retention rate of fewer than six months. The report adds that companies with strong L&D culture exhibit success factors such as using new technologies and dedicated training ROI tracking.

How are companies investing in their L&D?

Leadership Skills: Regardless of industry, leadership development is the most popular area of employee upskilling, and was reported as the top priority of 25% of companies surveyed in the *Issuu* report. This trend was even stronger amongst companies who have grown in the last financial year, of which 63% rate it as their top priority. These primarily took form as workshop seminars, on-the-job training, and coaching by external providers.

Soft Skills: When collaboration becomes compulsory for a project employees must utilise their softer 'human' skills (empathy, humility, deference) that help people work towards a common goal. Combining the results of two 2018 surveys, one by the World Economic Forum⁴⁰ on Future Workforce Strategy and the other by LinkedIn⁴¹, it was reported that 92% of C-level executives rated soft skills as more important than hard 'role specific' skills.

92% OF C - LEVEL EXECUTIVES POLLED

consider having soft skills equal to or more important than possession of hard skills

Top soft skills identified as critical by C-suiters:

65%



Leadership

64%



Communication

55%



Collaboration

Blog.Cake.hr⁴²

Farmers Insurance London, UK

Virtual reality (VR) training is not a distant possibility in some far-off future. Now being tested and deployed by companies such as McDonald's, Alzheimers Research UK, and the National Academy for Rail, experts believe that this is the future for upskilling. With the main advantage of hypothetical simulations, VR training allows the employee to imagine scenarios in a visual manner, ask questions in real-time, and explore soft skills such as empathy and decision-making.

Farmers wanted to prompt critical thinking around the decisions that claims adjusters make in their role – before they've even entered a customer's home. By adding VR technology to their L&D programme. '(Learners) really appreciated the opportunity to be able to slow down, think a little more about the decisions that they were making, and also be able to ask questions in the moment,' says Jessica DeCanio, Head of the University of Farmers.³⁹



2. The Lawyer as a Strategic Partner

With solicitors flocking to commercial and not-for-profit companies with an entrepreneurial environment where they feel empowered and stimulated, it's time to have an in-house attitude towards employees.

In-house lawyers already understand the benefit of being involved at various stages of a legal process. 'There are always new issues, which means there is always an opportunity to learn. No two days are the same,' says Charlotte Lakin, an in-house paralegal at Live Nation Entertainment.³ The main benefit of this approach is that the lawyer feels both stimulated and

engaged, and the lawyer's advice is more well-rounded and business-driven. 'Fifteen years ago, in-house lawyers sat in the proverbial backroom and remained distant from the business,' says Ben Foat, Legal Director at the United Kingdom Post Office. 'Now they are seen as strategic business partners, whose work is core to the business.'³

Increased engagement is the best indicator of whether lawyers feel empowered. A recent report by Aon, representing nearly 10,000 legal UK professionals, suggests that there are still many gaps that need to be filled.⁴³



Photo courtesy of Samuel Zeller

The Top **50%** most engaged departments

have an average **33%** less attrition

HRMagazine.com ⁴⁹

According to the report, only 52% of professionals in the legal sector say they felt engaged. Partners are the most engaged demographic in the legal sector at 66%, while associates are the most disengaged at only 43% engagement. Trainees came in second at 59%, followed by business services and partners at 56%.⁴³

Only 54% of associates felt they were empowered and had autonomy at work, compared to 81% of partners. Just 40% felt they had been provided with strong career opportunities, in comparison to 65% of partners. Additionally, only 32% said they had experienced firm leadership in contrast to 53% of partners.⁴³

Giving associates a stronger voice within the firm, strengthening their accountability in client relationships, would help to bridge the engagement gap in the sector, the report suggested.

Allens Sydney, Australia

One way to tackle the issue of giving solicitors a sense of empowerment is through the creation of independent think tank groups.

Top tier national law firm Allens recently rolled out a 100% in-house multi-pronged strategy designed to drive innovation, increase their solicitors' sense of autonomy, and respond to the changing market demands.

Their **Innovation Underground** project encourages junior lawyers to actively collaborate with senior lawyers and staff across the firm. Their **A-Plus** group rounds up some 70 external business and knowledge development professionals to work alongside lawyers. The third prong, **LawLab**, works with clients on legal technology.

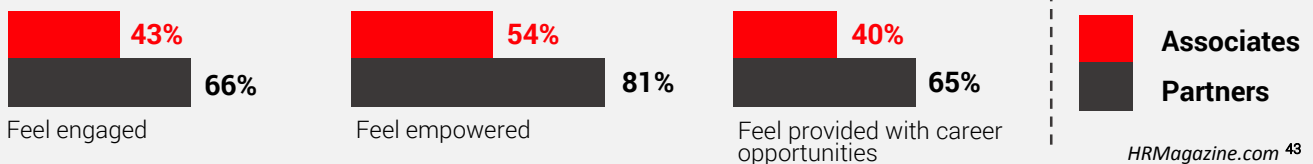
'Sometimes with large-scale projects you need a specialist project manager. Clients have found it to be fantastic,' said Managing Partner, Richard Spurio, to *The Australian Business Review*.⁴⁴



The lawyer is no longer someone you need at a specific point in time, for a specific set of circumstances. They must be seen as a strategic partner that is both driving and resolving the business needs of the firm, and its clients.



Legal Professionals Surveyed in the UK



HRMagazine.com⁴³

Pillar #3: Smart Legal Tech

Technology is reshaping all aspects of life and work, and the legal industry is no exception. While UK law firms are increasingly recognising the need to evolve their technology solutions, their employees are growing increasingly frustrated with its progress.

What once seemed like a wish-list of irreconcilable demands is now a prerequisite for survival in the modern legal landscape. As millennials reach an age where they rely more on legal services, many are discovering that law firms aren't meeting those expectations.

The future in legal technology will endeavour to:

1. Embrace work management technology with a millennial sensibility
2. Adopt a holistic family of legal tech products

1. Work Management Tech

A traditional working culture has been holding firms back from embracing technological change. A recent Legal Week Intelligence and Microsoft survey of legal professionals in the UK found that 87% of those surveyed said they *still* use pen and paper for completing legal work.⁴⁵

Things need to change.

The future firm will transition to a mobile-first world, where all the back-end systems, process management and documents are stored remotely in the cloud and accessible anywhere and at any

"Baby Boomers are more likely than Millennials and Gen Z'ers to say that they would rather forget to brush their teeth, than get 50 pointless emails."

*Workfront UK State of Work*¹⁵

time, using mobile devices such as a phone or tablet. As the *Law Society* recently reported,⁴⁶ 'devices such as smartphones and tablets allow lawyers to access law firm data remotely. They can conduct work on the move with easy access to firms' data and legal research platforms from any location.'

The strategic implementation of this technology is the ticket to its success:

Less Work About Work: According to the Workfront UK State of Work 2018 Report,¹⁵ 40% of UK workers report that they spend time on work about work. Certainly not the best use of their time. So selecting the right work management technology for the right teams is key. The main objective should be to reduce work about work, and ensure that tools are as easy to adopt as the technology in our private lives.

Servicing Clients: Clients also want good management tech. As millennials reach an age where they rely more on legal services, many are discovering that law firms aren't meeting those expectations. Firms will need to start considering digital services and cloud-based document storage, that will satisfy the Millennial's craving for tech solutions.

87%
of legal professionals said they *still* use pen and paper for completing legal work⁴⁵

2. Legal Tech Tools

Today, there are three clear technology applications for law:

Blockchain: 'Blockchain technology can affect the legal practice by securing a database where documents, such as evidence, can be stored and then referenced later on if arguments arise,' says Primavera De Filippi, a researcher at the National Center of Scientific Research in Paris and Faculty Associate at Harvard University.⁴⁹

AI-Automation: According to AI platform Luminance, the same document review task, which

would take paralegals and junior lawyers 15 hours to complete, takes just ten minutes through its platform [Raconteur Legal Innovation 2018 Report]. Other applications include document proofing, document automation, decision trees, contract analysis, due diligence, and legal research.⁵⁰

Online Courts: 'Online is not an alternative to the courts system, it is the courts system. Within ten years, most cases will be resolved by online courts,' said Professor Richard Susskind, IT Adviser to the Lord Chief Justice in the UK.³



Singapore's Supreme Court went paperless in 2014⁶²

Gardens By The Bay, Singapore

Millennials and Technology ⁵⁰



65%+ of employers expect to be working in a smart office in the next five years.



60%+ would prefer to receive high-tech perks vs low-tech perks such as beer and ping pong



80%+ of Millennials say workplace tech would have an influence when deciding to take a job



80%+ feel advanced tech & smart offices are crucial to a productive work environment

But are firms doing legal tech right? The short answer is: to a certain extent.

Intapp, a leading provider of business applications for professional services firms, conducted a survey in collaboration with *The Lawyer*. While every law firm in the survey considered intelligent automation and data-driven insights to be highly important, there is a significant gap between this recognition and the actual investment in deploying these technologies.⁶²

- 97% feel that intelligent automation is important for **conflicts**, yet only 44 % of firms are taking advantage of data-driven insights in this area.
- 90 % of firms believe that using data-driven insights to **manage client terms** is important, only 16 % currently use technology solutions for this purpose.
- 87% of firms think intelligent automation is important for **resource allocation**, yet only 14% have invested in this area.

- 86% of law firms agree that automation is important to **deliver insights and analytics to clients**, only 18% have, to date, made the investments necessary to embed this capability into their service delivery models.
- 44% of respondents stated that intelligent automation for **opportunity identification and cross-selling** is very important, yet only 16 % of law firms report they are currently utilising data-driven insights.



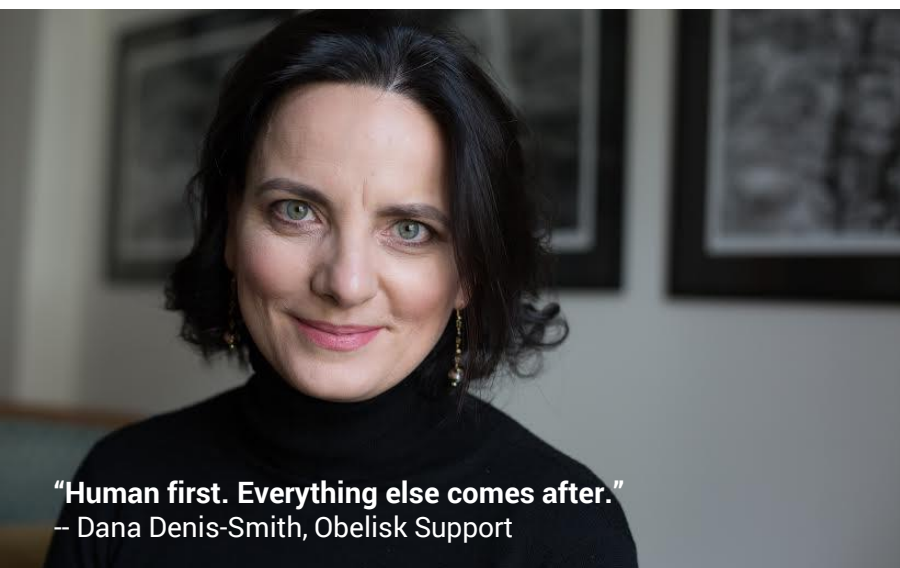
Going forward, firms will need to understand how to embrace technology in ways that augment the solicitor – with the solicitor and technology working hand-in-hand. This will free up time for him or her to focus on high-level consulting.

Obelisk London, UK

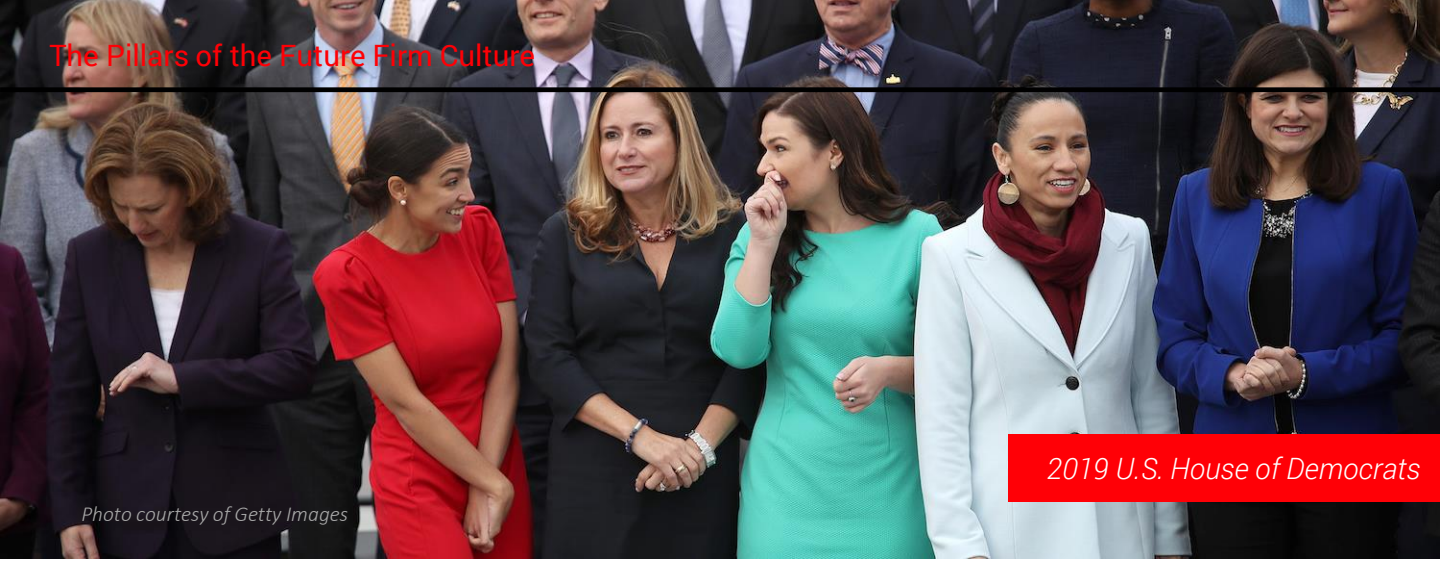
Obelisk is an award-winning legal services provider and active member of the London tech community, that provides flexible legal solutions to law firms and in-house legal teams. Founded in 2010, Obelisk specialises in unique work models that are designed to benefit both lawyers who choose to work differently, and clients who want access to an expert talent pool on a flexible basis.

In order to facilitate lawyer-to-client matching needs, Obelisk has developed a proprietary solicitor pairing software. **Buzz** starts by mining a database of 1,500+ lawyers for the best talent to meet the specific exigencies of clients' needs. This custom-built technology platform then brings the team together through a transparent process of carefully designed steps and collaboration points. Essentially, it connects and then guides the entire team seamlessly through each project from start to finish.

However, the technology was not designed to completely replace humans. Checks and balances have been built into the system in order to preserve that human touch. Whether it be approving a solicitor search short-list, creating a client project wish list, or writing up feedback after a job is completed, **Buzz** ensures that a team member can always input his or her expertise.



“Human first. Everything else comes after.”
– Dana Denis-Smith, Obelisk Support



2019 U.S. House of Democrats

Photo courtesy of Getty Images

Pillar #4: Mind (Re)set

Perhaps the biggest change over the next decade, is the increased expectation of solicitors around equality and wellbeing. With demographic diversity as a bare minimum, solicitors of tomorrow will look to firms for personalised solutions that meet their physical and mental health needs.

However, the Top 100 law firms haven't arrived at this point yet, especially when it comes to gender equality. Given that they still struggle to fill top partnership positions with women, and offer more work-life balance to employees (while smaller firms do not), they are playing a dangerous game with their future and success in attracting and retaining top talent.

Here are four areas that are critical for the future firm in addressing equality, engagement and wellbeing:

1. Finally enabling women to attain equality
2. A new way of approaching profit sharing and equity
3. Eradicating the flex-work stigma
4. Taking mental health seriously

January 2019 marked a historic moment for the US House of Representatives: The 116th House is the most diverse ever sworn in, with more women, people of colour (men and women), openly LGBTQ+ members, and Millennials serving than ever before.⁵³

1. Gender Equality (Re)visited

The issue of gender inequality is not new, and neither is it specific to law. And yet no area of the business world is more illogically gender imbalanced than law firms.

How can the future firm finally attain gender equality?

Flexible Work: The lack of flexibility offered by law firms is perpetuating the gender disparity in senior roles. As women progress in their career, they are forced to make decisions on how to combine working life with parental responsibilities. Often women leave because they can't achieve a reasonable work-life balance. Flexible working needs to become accepted as a *de facto* work solution – without creating negative fears among those who choose them.

Transparency of Gender Pay Reports: By including partners in published gender pay reports, firms will not only gain awareness of the issue, they will also be in a

position to address it. Failure to do so may place firms at risk of seeming out of step with the future lawyer. "I think they're missing a real point in the current social and political environment," said Tony Williams, founder of Jomati Consultants, which focuses on the legal industry.²⁴

Change from the Top: Of course, any corporate shift will flourish if it comes from the top, and for any type of broad culture change, a certain level of executive buy-in is required. However, because the gender gap in law is so big, and the improvements so slow, drastic measures will need to be taken by the most senior of partners in order to effect change.

Female Lawyers in the UK represent:



ChambersStudents.co.uk²⁶



TAJ Paris, France

Gianmarco Monsellato, Head of TAJ - a member of the Deloitte network, decided to tackle the gender problem personally by getting involved in every single promotion. 'For a long time,' he told *Harvard Business Review*, 'I was the only one allocating cases.' He insisted on gender parity from the beginning, by tracking promotions, compensation and personally ensuring that the best assignments were evenly awarded between men and women.

Other firms can learn from this hands-on approach. By taking practical steps and focusing on performance, it is possible to overcome gender bias.

'My biggest issue is trying to stop women from working all the time,' Monsellato told *Harvard Business Review*, 'as technology allows them to work anywhere, anytime. It's the "tone from the top" that is key.' Speaking to a roomful of female lawyers at a recent conference, he reminded them, 'You are not a minority.'

Today, TAJ is 50/50 gender balanced.⁵⁴

2. (Re)thinking Equity

Promotion to equity partner has become a pipe dream. Put simply, it's twice as difficult to become an equity partner than it was thirty years ago, and that is thanks to the underlying business model that produces these outcomes.

Today's average profits per partner are 2.5 times what they were thirty years ago – when the ratio of highest-to-lowest partner compensation within equity partnerships was 3-to-1, versus today's ratio exceeding 10-to-1. As the rich have become richer, and fewer, annual equity partner earnings of many millions of dollars have become commonplace.⁵⁵

Curbing Billable Hours: The core problem starts with the billable hour, and moves through metrics that managers use to maximise short-run partner profits. However, some firms have already started tackling this sticky issue. For example, Forsters has one of the lowest billable hours target, with annual target hours for trainees at 975, while still keeping its pay of newly qualified lawyers in line with City firms.⁵⁵

Alternative Fees: With clients being more price sensitive and

interested in per-project fee structures, alternative fees such as fixed fees, capped fees and success fees are gaining momentum. A key enabler is the use of data analytics that can project the total legal effort of a project, allowing firms to provide more detailed and transparent pricing to their clients. 'Our firm frequently prices work according to the value of the solution provided to the client, rather than by the hour,' says Nick Pryor at Bryan Cave Leighton Paisner.³ Indeed, since clients value how firms resolve their business issues, rather than how many hours lawyers spend trying to resolve them, adopting alternative fees is a future-proof approach to resetting the firm mindset.³

Higher-Archies: In order to appeal to the future workforce, another consideration would be to rethink the firm's traditional hierarchical structure – which dates back hundreds of years for some. Many millennials believe in a holocratic organisational structure, involving self-organising teams with decision-making power, rather than a managerial heavy hierarchy. Here, every team member's opinion counts and shapes the work.⁵⁶





Only 9%
of lawyers actually use reduced hours

Alliance Diversity & Flexibility Report ⁶⁰

44%

of **firm lawyers** don't feel comfortable approaching their employer about flexible work

22%

of **in-house lawyers** don't feel comfortable approaching their employer about flexible work

Hydrogen Group ¹⁶

3. (Re)moving Flex-Work Stigma

In the *Diversity & Flexibility Alliance 2017 Report*, 100% of the top 28 US law firms surveyed, reported that they implemented reduced hours. However, of those firms offering reduced time, only 9% of lawyers actually use them, of which 66% were women.

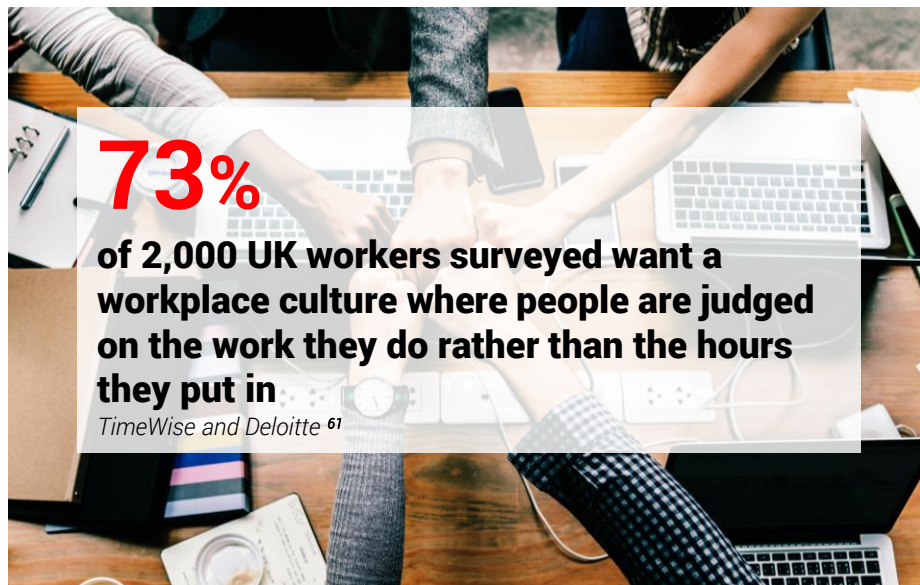
According to the *Hydrogen Group* report,¹⁶ 44% of UK lawyers don't feel comfortable approaching their employer about flexible work, vs 22% of their in-house counterparts. However, when law firm HR departments were asked the same question, 89% claimed that staff *would* feel comfortable approaching the organisation

about flexible working. So clearly, there's a disconnect.

In addition to this, only 41% of UK law firm recruiters make it standard practice to offer information about flexible working options before someone joins their company. Of these, only 18% raise the topic during the interview process, and only 9% promote

jobs on flexible working sites.¹⁶

A fundamental shift in how flex work is viewed is paramount. Lawyers should not feel afraid to request flexible work solutions, and neither should they be penalised for not being at the office. To the contrary – it should be encouraged and even rewarded when it results in an improvement to a lawyer's work output.



73%

of 2,000 UK workers surveyed want a workplace culture where people are judged on the work they do rather than the hours they put in

TimeWise and Deloitte ⁶¹

“We have found that allowing agile working has had a big impact on morale because people appreciate that trust.”

Sarah Gregory
Inclusion & Diversity Partner,
Baker & McKenzie ¹⁶

WHO IS DOING WHAT?

Ernst & Young launched its u ok? programme to address mental illness and addiction among its staff. The idea is to enhance EY's culture of caring by reaching out to people who may be struggling, and removing the stigma around asking for, or accepting help. The programme also offers 24/7 support.⁵⁶

American Express' Healthy Minds employee assistance programme not only provides part-time counsellors at each employee clinic, but it has also hired a clinical psychologist to run the initiative and continuously improve its services.⁵⁷

Online banking giant Barclay's began This Is Me to challenge the 'stigma around mental health at work and aim to break the culture of silence, by supporting people to tell their own stories.' Spearheaded by the company's disability network known as Reach, these colleagues banded together to record their mental health challenges.⁵⁷

Unilever, a 172,000-person company, has a global health initiative in place for all employees that includes a specific and comprehensive mental health program. They provide training for managers and senior leaders, host internal campaigns to raise awareness about mental illness, and hold regular employee workshops on sleep, mindfulness and exercise.⁵⁸

4. (Re:) Mental Health

While every industry has workers facing psychological challenges, those in law seem to suffer in disproportionately high numbers.

A 2016 study of US lawyers in the *Wall Street Journal* revealed that 20.6% of those surveyed were heavy drinkers (vs. 15.4% for members of the American College of Surgeons) and that 28% experienced symptoms of depression (vs. 8% or less for the general population). A 2012 CDC study also cited in the *Journal*, claimed lawyers have the 11th-highest suicide rate.⁵⁵

Recent efforts to address mental

illness in the legal industry are calling for the law to be amended, making it mandatory to appoint mental health first-aiders in the same way as physical first-aiders. 'Employers who introduce mental health first aiders and focus on improving the wellbeing of staff see both morale and productivity improve,' says Jodie Hill at Thrive Law.⁵⁹

This is why it is paramount for firms to not only remove the stigma of mental illness, but to also put initiatives in place to help any employees who are suffering.

38%

of 70,000 Law Society's Junior Lawyers Division members said they experienced mental illness in the last year.

*LawGazette.co.uk*⁵⁹

Photo courtesy of Buco Balkanessi

Becoming a partner is the dream that has for decades manifested into a monster culture of working 'til you dropped, and then some. But if the ends justifies the means, then how is it sustained when the ends are no longer in reach? Firms will have to ask themselves the hard question: 'How can we increase the rate of partnerships at our firm, without also driving more hours of work?' And more importantly, 'How can we encourage gender parity at the top echelons of the ladder?'



WHAT'S NEXT?

The future firm will focus on optimising creativity, collaboration and productivity – and at supersonic speeds.

In this world, agility, speed and creativity will drive the competitive advantage, by focusing on the four pillars of firm culture:

1. Promoting flexible workspace options that can be tailored to the worker's needs
2. Fostering a future lawyer that is entrepreneurial and adaptive to a variety of situations
3. Strategically adopting technology that makes sense for specific, clearly defined objectives
4. Resetting the corporate climate to be more accepting of differences in people and how they work

This change is significant. It will take time and effort and it can't be done alone.

This is why we're excited to be able to partner with law firms to share Obelisk Support's experience of making flexible working work, along with access to our talent pool of over 1,500 lawyers.

Working closely with you, we can provide the following services to help your firm thrive:

- On-demand access to over a million hours of flexible legal talent
- Design, advice and sourcing to power your own "Returners" programme
- Consulting to help you understand and evolve your workplace culture.

Together we will forge a strategy that will evolve your work culture in terms of place, people, technology and mindset, in order to promote top talent, delight clients and ensure the future success of your firm.

We have reached a critical moment. Let's take fundamental action to future-proof the shape and operation of the legal industry.

ABOUT OBELISK SUPPORT

Obelisk Support is an award-winning legal services provider and an active member of the London tech community, providing flexible legal solutions to law firms and in-house legal teams, including those of many of the FTSE 100. Dana Denis-Smith, the founder of Obelisk Support, is an outspoken champion of women in law. She is the LexisNexis Legal Personality of the Year 2018 and is also the founder of the First 100 Years Project.

Founded in 2010, Obelisk Support has developed a unique flexible working model, designed to deliver high-quality legal expertise to law firms and in-house legal teams without the constraints of traditional office hours. Our consultants can be available in a matter of days for urgent projects or work with your teams on longer-term engagements.

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