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Book Review

Lynne's Laws of Leadership – 20 Big Lessons for Leading a Small Law Firm

By Lynne Burdon

Review by Robert McKay

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Editorial

“The legal profession has a problem” is the short but stark opening statement of the International Bar Association’s 2019 report entitled “Us Too?”, which reports on the issues of bullying and sexual harassment in the profession. These and related topics are addressed in this issue of *Modern Legal Practice*, in which governance, management, strategic and tactical direction, best practice, training and related themes predominate, at the same time as practitioners and executives aim for growth, profitability, career guidance and client care.

The IBA’s report was undertaken by its Legal Policy & Research Unit, its author being Kieran Pender, a senior legal adviser with the Unit and a visiting fellow at the Australian National University Centre for International and Public Law. *Modern Legal Practice* is privileged to be able to publish, as its opening article of the present issue, Kieran Pender on “Us Too?”. In it, he provides his own perspective in the wake of the report, explaining its parameters, context, background and findings, with a call to action to achieve change. He concludes that “Change is not inevitable, but it is possible”. Agnes Foy, lawyer, change implementer and pioneer of new techniques for the delivery of legal services, challenges the topic controversially yet analytically, with an opening reference to “a lot of baloney”. She offers 42 questions that may well provide a blueprint for discussion within modern legal practices which wish to tackle and attempt to resolve these issues. She is concerned about the historical and prevailing extent of bullying and harassment cultures and if well-intentioned rhetoric provides the radical shifts which may be required to eradicate the problem. Darryl Cooke, private equity lawyer and co-founder of law firm, gunnercooke, commences his article on culture versus strategy with Mary Douglas’s quotation, “if you want to change the culture, you will have to start by changing the organisation”. He deals with issues of legal practice management culture more generally, using sports team-coaching analogies

and others to show the need for learning as the firm’s key focus in delivering constructive behaviours internally and with clients.

For those in and around modern legal practice whose job descriptions require them to create and manage culture, as well as to manage and direct the full range of aspects of the firm, chambers or legal department, a handful of incisive and insightful articles by renowned experts follow. Chris Saul, a solicitor and founder of Christopher Saul Associates, is a former Slaughter and May partner who questions if leadership in law firms is an indulgence or a necessity, concluding that it really matters. He understands the wariness around the concept, in a law firm environment, of a consensus basis of partnership culture, wherein that which has the appearance of being ‘fluffy’ seems foreign. He reminds doubters of a changing world with changing needs. Drawing from her extensive experience as senior partner at Addleshaw Goddard LLP and elsewhere, solicitor, Monica Burch, explains the need to learn to lead, as she found out for herself. Those rising to the top of modern legal practices need to be assisted by way of preparation for senior partner roles as there is little in the form of intuition, inherent talent or legal practice experience that serves to prepare for them. She explains her own past successes and challenges, stressing the need at all times for effective communication. As to how partners can develop leadership qualities which their firms require, Rebecca Normand-Hochman, a solicitor, formerly at Allen and Overy and now of the Institute of Legal Talent and Leadership, believes that those with legal practice management responsibilities must be aware of their own motivations, needs and potential prior to acting out senior management roles, carefully balancing client and executive work. Christopher Bockmann, for many years at Clifford Chance and Linklaters, explains how leadership challenges evolve over the career of a lawyer. He addresses the challenges of

burn-out, disillusionment, imposter and summit syndromes and other critical concerns which must be recognised and addressed, in order to assist personal development and modern practice management. With law firm culture in continuous and rapid change and with flexibility becoming a new business imperative, Manar Morales, a former litigator and now president of the Diversity & Flexibility Alliance, agrees forcefully that modern legal practice managements would do well to recognise the business benefits of embracing flexibility and diversity. She argues that these have become business imperatives, to the extent that no firm can afford not to embrace them. Nicholas Luckman, practice director at Wilberforce Chambers in London, argues in favour of greater recognition of the importance of strategy in the management of English barrister's chambers, in ways that are more familiar in other legal practice structures. He believes that only those chambers with strategy which creates value will be able to justify their existence and survive. Cultural characteristics and an understanding of the ambitions of members and staff are key factors in successful strategic development.

In modern legal practice, change is everywhere, not least in relation to client procurement management and attitudes. Dr Silvia Silverstein, executive director of the Buying Legal Council, and Rebecca Bell, editor-in-chief of the Buying Legal Brief, express the view that a competent legal procurement team is of immense value, as they present insights from the 2019 Legal Procurement Survey. The survey indicates that while legal procurement continues to be an emerging field, its best people within forward-looking companies innovate, ask the challenging questions and achieve optimal outcomes.

For modern legal practices, in their search for growth and sometimes survival, Itzik Amiel, an attorney and leading authority, known for business development and mentoring lawyers, reveals the secrets of law firms staying top-of-mind with their clients and others. He offers six action points to use communication tools, tactics and strategies to stand out in crowded legal markets and achieve competitive advantage.

Lynne Burdon's book, *Lynne's Laws of Leadership – 20 Big Lessons for Leading a Small Law Firm* has a self-explanatory title and is reviewed in this issue by me. It is interesting to compare and contrast the author's 20 lessons with the sage guidance by *Modern Legal Practice's* esteemed authors, in their articles which make up the issue.

As ever, we are extremely fortunate and grateful to have such renowned authors who are willing to offer their knowledge and experience for the benefit of Modern Legal Practice readers, to whom we are indebted for their continued subscription support.

Submission of Articles

We are always keen to encourage readers of *Modern Legal Practice* to offer their own expertise and experience by way of articles submitted for publication. If you would like us to consider one or more articles by you on topics on or around the broadest definitions of business, strategy and/or leadership in modern legal practice, please contact the editor, Robert McKay, at robert@globelawandbusiness.com, who will be happy to give guidance and advice as to how to proceed.

Robert McKay

Editor, Modern Legal Practice

Us Too? Bullying and sexual harassment in the global legal profession

Kieran Pender

The legal profession has recently been confronted with a landmark report by the International Bar Association on the widespread prevalence of bullying and sexual harassment in legal workplaces. The report's author, Kieran Pender, provides his perspective.

In June 2017, my predecessor at the International Bar Association (IBA) received the results of a survey we had conducted on the experience of women in commercial legal practice. The findings were shocking, if not entirely unexpected. They identified alarming rates of bullying and sexual harassment in corporate legal workplaces, affecting both male and female employees. Later that year, as the #MeToo movement became a global phenomenon, the legal profession was not immune. Allegations of harassment and abuse were levelled against prominent legal professionals in all parts of the industry, including judges, prosecutors and partners at some of the world's largest multinational firms. This growing movement calling out unacceptable workplace behaviour, coupled with the findings of our 2017 report and other research, indicated that bullying and sexual harassment are significant problems in legal workplaces.

Recognising the importance of data on these issues, in early 2018 the IBA set out to undertake the largest-ever international survey on bullying and sexual harassment in the legal profession. The survey aimed to gather data regarding the nature, prevalence and impact of this behaviour. While prior research had focused on such misconduct occurring in commercial law firms, the new survey covered the entirety of the profession: private practice, specialist advocates, in-house counsel, government legal officers and the judiciary. After engagement with experts and stakeholders from across the globe, survey questions were drafted and reviewed. They were translated into six languages and distributed globally through social media, promotional material and the IBA's membership channels. It was hoped that the worldwide span of the project would provide unparalleled insight into these phenomena. The results are a forceful reminder that bullying and harassment are occurring at alarming rates, and that more needs to be done to address these issues.

The legal profession has a problem

The survey found that bullying and sexual harassment is rife in legal workplaces. One in two female respondents and one in three male respondents had been bullied during their legal career. Common forms of bullying included the use of ridicule and demeaning language, overbearing supervision, and misuse of power or position. Sexual harassment is also pervasive – affecting one in three female respondents, and one in 14 male respondents. The most prevalent forms of harassment were sexual or sexist comments, being looked at in an inappropriate manner, and inappropriate physical contact.

These issues are impacting legal professionals in all workplace types, and across all geographic regions. While respondents across every age group and position had experienced this conduct, young people were significantly more likely to have been affected within the past 12 months. Line managers, supervisors and other senior colleagues were also the most frequent perpetrators of bullying and harassment. These results are consistent with other research which has identified hierarchy and power imbalance as playing a vital role in facilitating and exacerbating incidence of inappropriate workplace behaviour.

Worryingly, the survey data indicates that existing mechanisms for preventing and responding to bullying and sexual harassment are not having the desired effect. Policies and training are underutilised – only half of respondents' workplaces had relevant policies and just one in five ran training. Incidents were chronically underreported, for reasons including the profile of the perpetrator and the target's fear of repercussions. Even when targets did report, their workplaces often failed them. Perpetrators were rarely sanctioned, and the majority of respondents rated their workplace's response to reported bullying and sexual harassment as insufficient or negligible. This failure to effectively address bullying and harassment is hurting the profession, and many targets are

Across the profession, we must work together to raise awareness of and respond to the problem of bullying and sexual harassment.

considering leaving or have left their workplace or the industry entirely as a result of these incidents.

We must act to address these issues

In order to combat bullying and sexual harassment in the global legal profession, it is critical that we know the nature and extent of the problem. Our survey data has confirmed that no type of legal workplace is immune from this conduct and that bullying and sexual harassment are having a serious detrimental impact on targets, workplaces and the profession as a whole. But recognising that there is a problem is only the first step. We must, individually and collectively, do better to combat these issues. In our report, the IBA has developed 10 recommendations for individual workplaces, law societies, bar associations and legal regulators. We have also committed to taking concrete steps to support the implementation of the recommendations.

On an individual level, we must all be conscious of how our behaviour enables and condones inappropriate conduct, and speak up if we witness it. In our workplaces, we must collaborate to devise and implement strategies to prevent and respond to incidents of bullying and harassment. Articulating clear standards of behaviour through policies and training are important first steps in this regard. Ensuring that existing policies and procedures are effective, and exploring ways to improve their efficacy, is also critical. The IBA will shortly be launching an online resource hub with materials on bullying and

sexual harassment. The hub will offer guidelines, best practice materials, videos and talking points to assist in discussing and addressing these issues. We urge workplaces to use these resources, and to engage with employees and one another to consider how they can respond to inappropriate workplace behaviour more effectively.

Across the profession, we must work together to raise awareness of and respond to the problem of bullying and sexual harassment. To affect real change, we must develop formal and informal networks to discuss these issues and share best practice and insight. We must commit to engaging more with younger members of the profession and ensuring they feel empowered and supported to speak up about these issues. The IBA is collaborating with domestic bar associations and law societies to facilitate this dialogue. We are also hosting events in approximately 20 cities across six continents, launching the report and providing insight into its findings. Our global engagement strategy will culminate with a showcase session at our annual conference in Seoul, taking place between 22 and 27 September of this year. We encourage legal professionals at all levels to get involved with these events and take action on these issues in their jurisdictions. We all have a role to play. Change is not inevitable, but it is possible, and it must begin with us.

The author acknowledges the assistance of Sophia Collins with this article and the Us Too? Report.

Kieran Pender is a senior legal adviser with the International Bar Association (IBA) Legal Policy and Research Unit (LPRU), and a Visiting Fellow at the Australian National University (ANU) Centre for International and Public Law. He has led the LPRU's work on bullying and sexual harassment in the profession. Kieran is a graduate of the ANU, where he was awarded the university medal. His academic work has been published in the Public Law Review, Sydney Law Review and Melbourne University Law Review, and he has spoken at the United Nations, World Bank, European Parliament and OECD. Kieran is also a freelance journalist and has reported from four continents for The Guardian and Monocle.

'Us Too? Bullying and sexual harassment in the global legal profession' by Kieran Pender is taken from the tenth issue of the *Modern Legal Practice*, published by Globe Law and Business, www.globelawandbusiness.com/journals/modern-legal-practice

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