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GCs Who Want Outside Counsel ‘Innovation’ Need to Define It, Author Says

Michele DeStefano, a law professor at the University of Miami, set out to explore what innovation means to lawyers, including in-house leaders, in a new book. She discovered that there are numerous definitions.

Sue Reisinger

University of Miami law professor [Michele DeStefano](#) picked the brains of dozens of general counsel around the globe for her [new book](#) about legal innovation, and most of them agreed on some key points.

“I wasn’t surprised by their answers, but I was surprised by the consistency of their answers,” said DeStefano, author of [“Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law.”](#) She spoke with Corporate Counsel in an interview Wednesday.

For instance, she found the No.1 complaint from GCs was that their outside counsel “are constantly providing service that misses the mark. It overreaches—giving you a Maserati when you just want a Ford, or it misses the mark altogether by being disconnected from the reality of the situation.”

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General counsel, DeStefano said, want their outside counsel to understand what the legal department is going through, and that in-house counsel are being pushed to change by their internal clients. The book does not reveal the identities of the general counsel nor their companies.

Another consistent thread DeStefano found was the lack of agreement among in-house leaders about what “innovation” really means.

“Their answers show it’s really about attitude, culture and behavior that change a relationship to collaborative,” she said. “Almost everybody said the same thing—it’s about small noticeable changes” and not big, dramatic ones.

“That says to me that the legal marketplace is not in the land of Big Disruption yet,” DeStefano said. “Almost everyone wants outside counsel just to move the needle a little. And we’re not talking about a new measurement or new dashboard—we’re talking about moving the needle on the same dashboard.”

That can be hard, the law professor explained, because collaborative problem-solving doesn’t come easy to some lawyers. “It means spending a lot of time talking about the problem and building to a solution, instead of just going out and trying to fix the problem yourself,” she added.

DeStefano said one step general counsel can take to fix the disconnect with their outside counsel is to more clearly delineate what innovation they want. Her book tries to show them how to do that.

“It’s like law firm diversity was a few years ago,” she said. “Law firms said, ‘oh, yeah, we’re diverse.’ So general counsel had to get very specific in what they wanted to see in terms of numbers and policies and relationships in order for law firms to really diversify.”

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Now, she said, general counsel need to better define innovation and quantify it as much as possible in their RFPs.

In the book's introduction several GCs, who did agree to be named, talked about legal innovation.

[Jeffrey Carr](#), senior vice president and GC at Univar Inc. and former GC at FMCcTechnologies Inc., said, "'Innovation' is one of the most misused and misunderstood terms in Law-Land. Much characterized as innovative isn't. ... Michele DeStefano utilizes interviews, critical analysis, and humorous, conversational writing to provide a practical road map to actually innovate—but it requires behavioral change, commitment, and rigor."

[Horacio Gutierrez](#), general counsel and vice president of business and legal affairs at Spotify, called the book "a thought-provoking account of the unthinkable truth: All lawyers should learn how to innovate, even if their business model isn't broken."

DeStefano has made innovation an element of her own career. In 2010, she created [LawWithoutWalls](#), a unique program in which students from more than 35 law schools around the globe form teams with legal and business leaders to find solutions to a real-world problem. She is also a guest [faculty](#) member in Harvard Law School's executive education program.