GPSolo Podcasts – Brown Bag Series

Lawyer Forward: Finding Your Place in the Future of Law
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Operator

Good day ladies and gentlemen and welcome to the GPSolo Podcast Brown Bag July conference call. Currently, all participants are in a listen-only mode. Later, we will conduct a question and answer session, and instructions will follow at that time.

If anyone should require assistance during the conference, please press star then zero on your touch-tone telephone. As a reminder, this conference call is being recorded. I would now like to introduce your host for today's conference Ms. Lynn Howell. Ms. Howell, you may begin.

Lynn Howell

Thank you very much, welcome to today's podcast, our brown bag session. My name is Lynn Howell, and I am the Chair of GPSolo programs broad, and I'm kicking off today's program. Today's presentation, Lawyer Forward Finding Your Place in the Future of Law, it's a wonderful topic and something that all of us will find entertaining.

The programs and some of our key questions might include why don't potential clients trust us? Are all Solo attorneys really entrepreneurs? What's the difference between an access business and an expertise business? How can legal supply chain law help you connect with experts to serve your clients better? How do you build and leverage social capital, and how do we justify premium fees with qualifications rather than membership in a monopoly?

Now, today, we are so lucky to have Melanie Bragg, our Chair of the GPSolo division to, lead as our moderator of this session. Melanie is the celebrated author of Defining Moment as well as her Cross Town Park [seller] series. She has done an amazing job this year, and she also hopes all of you join us at the ABA annual meeting in San Francisco.
And then our lead speaker today is Mike Whelan from Casetext out of Kansas City, Missouri. And I'm going to let Melanie take over and introduce you to Mike, Melanie.

Melanie Bragg

Thank you, Lynn, it's just a real pleasure to be here this month, and it's an honor to be able to talk to Michael, someone that I've really been wanting to talk to for a long time. So, Michael, why don't you introduce yourself a little bit and tell us how you got to be this innovator and thought leader in the legal profession.

Mike Whelan

Yeah, it's mostly from indecisiveness. I would like to pretend that there was some grand strategy to the path that my life took, but my wife might be listening. And she would laugh at me. So, I didn't decide to go to law school until I was thirty with a couple of -- four kids into, which I would not recommend to anyone. And before that, I have had kind of a weird background. I was in logistics for several years. I got a Middle East studies degree from BYU, and then when I went to Texas for law school, I went in two thousand eight and which was awesome timing. And then the economy, obviously, collapsed, and I went solo right out of law school. And I practice as a solo ever since. Technically I still do now. I had a lady hire me to go over some documents the other day, but I now work for Casetext, which is an artificial intelligence enabled legal research company out of San Francisco.

And I'm kind of -- my role at Casetext I'm kind of the solo whisperer, I call it. The company has decided to try to help solos and smalls but didn't really know that market. So, my job is kind of to advocate for our club back at Casetext and also to help people at Casetext understand kind of the Solo small firm mind and how it's a little different than the big firms.

So, that's my winding path, and it looks now as if I planned it the whole time, but that would be a total lie.

Melanie Bragg

Well, is that always the case? It's always easier to see it in hindsight. Well, this year its GPSolo we've been focusing on tradition meets innovation. It's everybody knows there's a lot of disruption in business and all industries. Everybody's experiencing change, new ways of doing
things, going paperless, being in the cloud. The practice of laws is just changing dramatically.

And so, as we move forward in those changes there's certain things that you want to keep about our profession, and then there's certain things that you're like okay, let's do it newer, better, faster, stronger. And so, I would just like to get your thoughts on the profession of the law and what we need to take with us as we move forward. And what changes are you seeing coming on the horizon?

Mike Whelan

Well, if I can make it personal, what prompted me writing a book about the future of law practice and about where I think things should go actually happened in -- I was in Rockport, Texas. My practice was on the coast in a small town in Rockport, and I remember seeing a very senior attorney there. I actually went back and looked at the date and the case that I had that day.

And he must have been in his seventies, and he was appointed to a child protective services case on the other side. And he was just tired, right. He was wearing his tired very much on his sleeve, and he was running around, and throughout that case, he had all these issues of staying on top of it. He was being taking appointments all over the place.

He was just in his grind, and he was very sad and down and just kind of on auto pilot. And I remember that day going home to my wife and saying, this can't be the plan, right. Like, that can't be my life. And I found that a lot of people talk about it as if that's endemic to solo lawyering. Like, that's the job, and this lawyer certainly believe that, that is the job. And I don't like that.

I think that's not a favorable way to view that, and so I decided to kind of tear it apart and oddly look back at my background before law school and my logistics background to kind of figure out a better way to do it and to bring it to law and to the future into preserving what I think matters. A friend of mine once asked me what is the supply chain? If Walmart has supply chain management, what does that even mean?

And I said well, it's how we get people what they want, when they want it, with a good experience. And it made me think in law, what is it that users actually want? What is it that they're really after? Obviously, it's not
forms. It's not motions. It's not even advice, right. There's something that they are after, and if we could figure out what that is then we could optimize for that.

And in the book what I realized was that it's accessibility. They want to be able to get to solutions quickly and for those solutions to work and then it's also expertise. They expect domain expertise from lawyers, real advise that really gets deep into their lives. And the thing is they don't want both of those all the time. They want different things at different times.

And so, I am writing this book, Lawyer Forward, kind of look back at my logistics background to figure out okay well, how do we get them accessibility when they want that because that's what a supply chain does, and how do we get them expertise when they want that? And really that's what the book is about and what I'm advocating for as a certain kind of future. So, if it's okay if I kind of outline that a little bit?

Melanie Bragg Yeah, that sounds wonderful. And what you said about the -- I had about fifty people come to mind when you were describing that guy, and I know that is true. And I feel that it's really up to us, the lawyer, to make sure that doesn't happen to us and that there are ways and strategies to keep it from happening.

But if you don't do anything about it on your own, you're going to end up like that and then want to get away from the practice or be worn out. So, there's ways I think to keep from doing that. So, yeah, tell us a little bit about this logistics background you have and how you're fitting it in with the law.

Mike Whelan Sure, and let me --this may seem a little gratuitous, but this really impacted me. As I wrote this book - I don't include this in the book because I don't want it to sound like I knew this was going to happen. But the senior lawyer who really impacted me that day while I was writing this book after I had my first draft done, I found out this lawyer committed suicide.

After the hurricane hit Rockport, hurricane Harvey made landfall in Rockport, he just lost everything. And he didn't have -- it would be ridiculous to pretend that if he had known what the supply chain was that
the man would still be alive. Obviously, that's insane, but he didn't have this emotional and financial reservoir that was needed for him to face the difficulties when they came.

And I think for Solo attorneys that's especially poignant, right. We have to have -- what we deal with as lawyers is so draining that we have to have reservoirs. Just simply getting by is a terrible way for us to operate. It's not an optimal way for us to operate. And I think because we do get by, based mainly on the value of the monopoly, we're not pushing ourselves to change as you mentioned.

And this senior attorney it really punched me in the gut when I found out that news because it just really brought home that we've got to make some freaky deaky changes. So, I mentioned my logistics background. Let me tell you about some burgers that my wife and I ran into because it demonstrates the difference between these two different client expectations of accessibility and expertise.

So, McDonald's, right, we went to McDonald's, and when you go to McDonald's you're not there for the burger. You are there for accessibility. You're there for a good enough burger, but you're not there for the burger. You're there for a drive-thru for being able to punch in your order on a screen for somebody bringing you -- giving you your food it.

You don't have to wait in line. You can go get your soda whenever you want to. That's one experience. It's inexpensive. It's accessible. Another experience that we had we went to I think it's in Caesar's palace where Gordon Ramsay's burger is. It's a burger restaurant, and his burgers are twenty-five, fifty dollars, totally different experience. It's about the burger. You go there for the burger.

They're not remotely accessible. You wait in line. You have to do reservations ahead of time. You have a middle man who has to bring you your soda everything you want soda, just a very different experience. And I use that example to illustrate when the consumer wants, for example, I went to a legal conference, and they said consumers want us to answer our text messages, be available all the time, right.

That's insane unless you have a certain kind of business. If you have the kind of business that's more of the McDonald's, that sounds shameful, but
it really isn't. When we're talking about accessibility and access to the law, these things go together. And if we're going to serve consumers, we need to increase accessibility. This is not an insult to that kind of practice at all.

But if you're going to do that kind of practice where you're answering text messages and you're available at all hours, it's really difficult to then make a high craft burger, right. We all know that if I'm doing a high-mind exercise like writing, to sit and answer text messages is a disaster because it takes you out of your writing brain over and over. You're not really able to develop expertise.

And so, what I argue for in the book is for attorneys to pick one of those two paths. What do you want to focus on? What's the good, the deliverable that you really want to build on? Do you want to be the audience focus, accessibility focused business that connects law to people as your primary focus, or do you want to be a super nerd in a basement doing the writing the books, the real deep thinking on a specific problem an expert business?

Those are two different things, and then from my supply chain business background I argue that we need to figure out ways to then connect those people. So, what I saw in that gentleman in Rockport was a person trying to do both, trying to be both expert and accessible. And the impossibility of that overlap is what's leading in my mind to Solo attorney burnt out, and so I am a strong advocate for not doing that anymore, for picking one of those goods and for building around it by connecting to other people.

Melanie Bragg

Yeah, that makes so much sense because the complaints that we're getting from even the bigger firms not being able to retain their young lawyers for people getting burned out on law before they've even gotten to experience the real joy of it, so, I agree. There has to be some kind of switch, but it's almost as if you're describing the rainmaker, which is the person that gets out there and brings in all the business and then the yellow pad person, the person that's in the library.

And firms basically want to hire the yellow pad people because they don't really want them to become partners, but then in a Solo context you almost have to be -- and it's hard to be a solo practitioner because you've got to do the rain making. And you've got to do the yellow pad thing or
maybe there's -- a can you envision a model where a Solo can eliminate some of those responsibilities?

Mike Whelan

Yeah, let me give you a model by giving you an example. My good friend Jess Burken, Jess Burken is in Minnesota, and she runs a practice that is designed for non-profit businesses. That's her -- she has a niche based on audience. And I remember asking her once, do you consider -- are you the deep expert? Are you trying to be the super nerd in this area of what you called the yellow pad lawyer? Is that who you're trying to be?

And she said no, I'm trying to bring the law to people who feel like it's not accessible. I'm trying to connect to an audience. And I said, is there somebody in your area who's that kind of super nerd like deep into the legal issues? And she said yeah, and she gave me a name. And this lady, apparently, is -- I don't even think she has a website, right. She's very difficult to get to.

She charges a lot of money, but you have to have her because nobody understands the tax nuances of non-profits the way that she does. So, anyway, Jess is that distinct. She chose to be the audience focused lawyer, but sometimes her customers, her clients wanted deep nerd expertise that Jess didn't have. And then Jess builds around acceptability on audience connection.

The user still wants an expertise, right. They still want deep to advise when they want it. So, Jess had to create kind of a supply chain, and this is the way I walked through it with her. I introduced her to a company called Law Clerk, and if you don't know Law Clerk, I love those people. It's law clerk dot legal. And law clerk is a market place where different kinds of attorneys connect with each other.

And so, I said Jess, what's a common problem since you're an audience focus solopreneur, you're trying to build based on audience, what is something that your users constantly ask you for that you say I'm not competent to do but that you can incorporate other people to bring that expertise in? And she said people always ask me for employee handbooks.

And she's like, I have no idea how to write an employee handbook. I'm not an employment lawyer. I'm sure somebody out there knows how to do
this stuff, but I have no clue. And I said well, what do you normally do when that happened? She said well, I just refer it out. And I said, do your customers like that? She said no because now they've got to create a new trust relationship with some other person that they don't know.

Now I'm losing that audience connection. And I said well, let's do this. Why don't you go to Law Clerk and put in a project? And the project is design me a process for new employment handbooks, right. So, it Jess has a customer who comes in, she has no idea where to start with creating a process for employee handbooks. So, I said just go hire people on Law Clerk to create that for you.

And across the country some super nerds who have done this their whole lives, done labor law --employment law their whole lives all said when I do that, here's what I do, here's the forms I use, here's the system, the questionnaire. And Jess took all those things over to a designer, and they turned it all into these pretty pages.

That is supply chain management when you go out and you have a particular problem, and you go solve it. But I said Jess, you could take it to the next level and do what's called strategic supply chain management where you say I built this team. It solved a problem. Holy cow, I can sell that. I can sell solving that problem over and over again, so she kept that team together.

And now all of her users, all of her customers she can charge fifteen hundred dollars or whatever for an employee handbook. She maintains the relationship because that's her focus, and a bunch of that fifteen hundred dollars goes out to the experts who those experts do a very discreet task, but they make a lot of money in that discreet task because they're doing highly valued expert work.

And that is how you get a toaster at target that only costs twenty dollars. That is how you buy clothes that are not expensive. That's how you get the burger at Gordon Ramsay's restaurant. Even though it's twenty-five dollars, it's still a lot cheaper than if you hired a pro chef to come over to your house and make yourself that burger.

Those efficiencies that are built into Jess's new employee handbook supply chain actually make it so that she can deliver in a way that she couldn't before. Instead of having to say, no, I don't do that. She could
say, people are asking me for this over and over. Let's create a system for that. And then on the other side, again, that expert attorney who's on the other side who used to not have any work because they didn't know how to do what Jess does.

They didn't know how to go out and get the customers, and they were being bad at all of it. Instead of doing that could say hey Jess, why don't I rely on your audience connection. And I'll be the super nerd when you need me, and I will charge you a lot when you need me because I'm providing high value and no one else in the world can.

And that's the relationship. It's like just for all complex systems work this way. They are connected, nodes of expertise. That's how your brain works. It's how the internet works. It's how transportation systems work. There are bubbles of the nerds. There are these really focused groups that work together creatively on a problem.

And then they connect to other people working on different pieces and different problems, and that what I'm arguing for solos because work will continue to be disaggregated. We already have fifty percent of our labor force is solos, and I just think it'll be more because that's the labor market in general.

Instead of looking at that as we're all these little isolated sands in the sea, what we really can be as solos is organized in these connected nodes of expertise, and that's what I'm arguing for in the book. We're much powerful together than we are by ourselves.

Melanie Bragg  I understand, and just having a group of lawyers that you work together with that can fill those needs, like, I don't do everything, but my clients come back to me. And if I don't do what is that they need, I refer them to someone else. And we all have a system of our referrals and stuff. Is that kind of what you're talking about?

Mike Whelan  So, I'm not a huge fan of referrals per se. You've got to define the outer limits of your business. In my book, I go to the example of I worked at a freight forwarding company, and we had a motorcycle, an antique motorcycle that some mogul in Dubai bought. And we had to ship from Austin over to Dubai. The supply chain manager, we'll call her, her name is Kasha.
We did certain things in-house that only we could do. So, we did the packaging and the wrapping and the prepping and the paperwork and the whatever, but then she connected to other people who did other things. So, we didn't fly the plane over to Dubai. We didn't unpack in when it got to Dubai. As a business, we decided what -- strategically we decided what's going to be in-house, what's the things that we're going to keep in-house, including that coordination role?

Then we also decided what's going to be tied to other people, what stuff that's close enough to what I do, again, like Jess's question about employee handbooks. What's close enough to what I do that I can create a system for that, and then what's totally outside, right? That company, we never moved nuclear waste, for example. Saying that you should maintain as much as you can if you're the audience-focused business keep in the house and coordinate it as much as you can, if you're that kind of audience-focused business.

It doesn't mean you never refer out. Obviously, there are outer bounds. You don't have to move nuclear waste just because a customer told you to. But if you can think strategically about what's in-house, what's coordinated with other people, and what did we just send out entirely that's more strategic than simply I do this one thing and I send it out any time.

I don't like it, right, any kind of business that -- I love -- you and I actually had a back and forth about this Melanie because there's a lot of confusion around these terms. I like specialization in as much as it makes someone better at the thing that they do. I don't like specialization if it means you get so narrow that you can't think outside of your bubble.

And there's a lot of research on doctors, on what happens to doctors who hyper specialize and the harm that it does in terms of life expectancy for their patients. There's huge harm in becoming so narrow that you don't see anything else outside of you, but I definitely believe in whether you specialize via audience, some people will call that a kind of niche.

Do you niche by audience? That's very useful like Jess with her non-profit clients, or do you niche by problem, which is more of a comfort business like that lawyer that does the tax stuff?
Melanie Bragg: Do you recommend one or the other or?

Mike Whelan: Honestly, I really think it depends on you, right, like what -- are you the kind of -- I was never the kind of lawyers that wanted to get really deep on some section of the tax code. That was never my style. It wasn't the thing that I could do uniquely well. And if I can't be best of breed at a thing, there's no reason for me to continue doing it because there's something I can do that I would be best of breed at.

And for me, that was connection. I was really good at, especially women who were getting divorced who wanted to feel powerful, who wanted to feel like they mattered. I was really good at dealing with women in that situation. My wife has beaten and abused me to the point that I'm really good at trying to help women feel empowered in that situation.

And so, that's what I did was I was audience focused. I was bringing these women in to help them transition to post divorce, but that didn't remotely mean that I did everything, right. I deliberately was never a bad therapist. I made sure that I built a team with -- because that was a repeated problem. So, I created a strategic supply chain with therapists and with money people and with kid-related people.

I built a team around me, that strategic supply chain that could fill in for the things that I couldn't do or couldn't do well, right. I can do a lot just to be clear. This is the problem with lawyers by the way. We're really good -- we are pretty darn good at a lot of things because we're good thinkers, but the problem is we let ourselves off the hook on becoming great at something.

And the whole of the system is better off if we had connected great people than if we had disconnected pretty good people. And I -- in my experience, especially in the solo market, we tend to be that latter group. We tend to be very disconnected pretty good practitioners. My plea is by doing that, let's be highly connected great practitioners if that makes sense.

Melanie Bragg: Right, and that also -- does all this help access to justice?

Mike Whelan: Definitely, this is one of the things that drives me crazy about this conversation is right now we have the vast majority of our consumers not
being served according to ABA data upwards of eighty percent of people are not getting service they need from the legal industry. And then we're also not serving lawyers either, right.

We have really high rates of alcoholism and suicide. The system is not working very well, and that doesn't seem very controversial to me. That seems pretty obvious to me that the system we're doing now doesn't work very well. And to me if you have lawyers like Jess, Jess is what I would call a solutions engine. She's not biased about what kind of burger she serves.

She goes to her user, and she says, what do you want to see? I'm going to try to create solutions for that. I'm going to connect to who I have to through sourcing. There's going to be some lawyers. There's going to be some business planners. There's going to be some different kinds of experts in different fields, and she coordinates all those people.

That exercise of having the best people do the best things, makes the overall process cheaper. It seems insane that, that makes the process cheaper, but that's how the supply chain works. I give the example all the time of there was a PhD student in economics in the U. K. who decided to test this, to figure out does the supply chain make a toaster better and cheaper than if one person went out and made an artisan toaster.

And he spent a year doing this. He found where all the metal comes from and where the plastic comes from and who's doing the piecing it together. He learned from all these people. He built this toaster from scratch. It costs twenty-three hundred dollars, and it didn't work. That is the legal model that we have -- that's the legal model that we've been taught so far is be inefficient, be disconnected, make it cost more, make it take longer.

Access to justice will be improved when all of us are doing what we do best because we can make it cheaper. We can make it targeted to the thing they actually want as opposed to us guessing, and there are systems for that. The business model of the supply chain and the broader value chain, this is science that's been around for decades.

It's ideas that we can incorporate, and again, that's really what the book is about is trying to pull those ideas in to help us design better for clients. That's who really matters in the end are the consumers that aren't being served very well.
Melanie Bragg  
I really believe that too. There's a wide range, and people still don't quite understand about law, like what it takes and what we do. So, I try to explain to them what it's like on my end of things, so that we have a mutual relationship of trust and respect. And it's just really important for them to know that this isn't like walking up to target and filling up your shopping cart with products.

Then walking up to the cashier and saying gee whiz, I really love all these things, and I really need them, but could you just give them to me for free. You know, we don't. in the real world, we don't get to do that, in other markets.

So, I'm just, you know, we're- that happens to us- (cross talk).

Mike Whelan  
Right.

Melanie Bragg  
- all the time, you know.

Mike Whelan  
Right, but, and I have, again, I've practice in a small town, and I understand the demand. I've been there. But, it's not like that unless it is like that, and, if the consumer decides that to some degree they want it to be that way.

So, you and I talked about LegalZoom, and I think, they're really interesting case, because they, obviously, offer a McDonald's product, right. They won't even give you legal advice. They don't get details. They don't even ask you beyond very basic questions, and yet, their net promoter score, which is a score that measures how happy customers are, there net promoter score is way higher than attorneys, generally, in any specific attorney office, that I've heard of. Consumers like them.

But, sometimes they get screwed up, and they come to us, lawyers, and we, lawyers, are the ones who quote unquote clean it up. And so, we will say well LegalZoom is screwing everybody. Everybody, I see, who's ever use LegalZoom is mad about it.

But, that's kind of a false confirmation, because of course, everyone you see is mad about it; that's why they came you. The vast majority LegalZoom users are more than happy with the product that they've got,
obviously.

Melanie Bragg Right. Right.

Mike Whelan So, if we're going to be responsive to consumers, to what they want, to what-it's really hard for us to not be paternalistic about it. Because, we know the big picture. We know the crooks. But, the truth is we're PhD level lawyers, and if as legal providers, we say the PhD is necessary for every aspect, we're never going to be able to solve access the justice, because you and I can't be everywhere. I mean, as awesome as I am, and as awesome as you are, we can't be a checkout line at target. It's just impossible.

Melanie Bragg So, what would you say that would be your best piece of advice for, you know, a young person coming out of law school? You know what path would you recommend to them or would you create it custom, you know, custom to each lawyer, or is it or is there is there one path, or is there lots of ways?

Mike Whelan Well, I think there are things that everyone must do. Let's assume that there is such a thing as a net as a connected node of expertise. Richard Susskind who is the preeminence legal futurist, he and his son wrote in a book called, The Future of the Professions, I think is what that one is called. The Future of the Professions, they talk about the network experts model. I think that's a little different than what I'm talking about, because in their world, you go in, and you solve that particular problem, and everybody to disband.

And I'm saying, we'll be more strategic about it. And, once you create that team, use them over and over again.

But, let's assume that that system exists; that there is that kind of connection.

If I'm a young lawyer, the thing that I would focus on the most is the connection, is the social capital. It's figuring out who's my tribe, who are my people. So, if I decide I'm going to focus on expertise, on being a super nerd about a given subject. I want to be the known expert on that particular subject. Then my social capital is going to be built up around that. So, I'm going to find other people who care about this thing a lot.
If it's taxes related to nonprofits, then go find everybody who was talking about taxes related to nonprofits, both in the law and outside the law. Create the connections that you can leverage later, to build that expertise, to be the person, who really gets it.

If I decide I'm going to be the audience focused lawyer more like Jess, same thing, find the connections. Right. It's, now for Jess, those connections are a little different. She's going to find experts who understand tax law, but she's also going to, you know, connect with business leaders in her community, with other people in, you know, the political leaders in the community, policy makers around nonprofit's. It's just a difference. It's a different context, but in both cases, you're dealing with connection.

Do not, please, new Solo Lawyers, do not hide in the basement, and not connect with other people. Social capital is the future, connection is what technology is meant to do. This isolated, I'm in the basement by myself. It is an artifact of how the big firm model came to be, it's an artifact of an ancient system from a hundred years ago. Please, don't do that. Learn to connect with other people; that is where the economy is going. It is connections.

Melanie Bragg Right. Well, so, let's talk about that old law firm model, because from what I've seen and what I hear about, its, you know, lawyers aren't really trained in law school how to set up a business, how to—You know, we're trained on how to be lawyers, but we're not really trained on how to run a business, how to hire and fire staff. There's just so many skills that you need to be a small firm.

And, so, a lot of times people just come out of law school, they, two or three friends, just gather together, and say: Hey let's start a firm, and we will eat what we kill, but we'll sure all the expenses. And so, they just kind of collaborate like this.

I mean, there's been so many divorces, and partnership changes, and lawsuits, and, you know, all kinds of stuff that happens as a result of all that. But, you know, just as far as the model, what I know, that, some of the bigger firms are looking. How do we retain? And then of course, I'm looking at how do we love what we do, how do we continue to love what
we do? Because, I've had one of those burnouts, Michael, myself, about fifteen years into my practice.

I, you know, somebody came up to me and told me one of our warts that died, and I just didn't even care. And then I stopped myself. I was like, whoa, whoa, wait a minute; Melanie, you know, this person, you know, what happened to you. You know, my empathy was gone, because I didn't have that emotional, I didn't have that supply inside myself.

So, from, since that day, that was a long, long, time ago, I have really been conscious about not letting myself get, you know, keeping those self-care boundaries, and, you know, having empathy, and sympathy, and all of that, but not letting it get to where it burns me out.

So that, you know, so what do you think about that? Tell me a little bit about that law firm model, and then how or what would be a better way to try to organize yourself? I mean, I know what would work for me, because I'm doing it now, I'm living it now, and I'm infinitely happier than I was back in those days. Because, I was still trying to please people. I know, still trying to do too much back then. So, it's a totally different dynamic now, for me, but tell me about your experience with all this, and what you think.

Mike Whelan Yeah. I think it's even more fundamental than whether we trained lawyers on how to hire and business model stuff, because it-I think it's fundamental to how we define lawyering, and I will recommend a really great- I tell the story all the time; it's at the beginning, the very beginning of my book.

I recommend my book called, The Last Days of Night, and it's by an author called Graham Moore. And, he told the story of Paul Cravath. If you know anything about the history of law firms, you know the name. Paul Cravath. Paul Cravath created the Cravath System, capital S system, which is the big firm model that everybody's been trained on, ever since.

And, he was in the middle of a case called the war of the currents. There is actually a movie coming out about this; it was a battle between George Westinghouse and Thomas Edison, and to give the previous version, Thomas Edison was not an inventor. He was an owner of an inventor factory. And, it's a different thing.
What he would do was he would have large rooms, filled with these smart nameless guys, and they were all guys there, these large rooms filled with these smart, nameless guys, who would all kind of pecked at a problem. And eventually, one of them would figure it out, he'd raise his hand, Edison would go slap his brand on it, and then go sell it out to the world. And, nobody knew who any of these faceless, nameless cogs were. They weren't solving the problem individually, in the sense that there was one thing this person out of it, it was this mas. It was this massive labor and solutions kind of came out of that.

Cravath pivoted that and used that model to design the big firm model, which is a very similar, when you think about that, that really resonates, big firm, you know, they're organized, where people are kind of doing an individualized. They are measured in the matters of an individual's hour. There is nothing so isolating as product being measured by an individual sitting in front of a computer for an hour. Right. Just that value measurement is completely isolating, but it's based on this idea, this inventor factory model.

And so, this legal factory became the default model, and it made a lot of money, right, a lot of money, for these big firms. And, it worked for quite a while, honestly. But, we don't do scientific management anymore. And, in every other industry, we've make fun of scientific management, and that age of the robber baron leveraging everybody doing they're a little bit as nameless, faceless - Because, we just don't do that anymore, and yet in law we do.

And as Solos, when we go to law school, and that's the model that's given to us: when we are told that our value is not measured in terms of what we do, the good that we deliver to a customer to a client, or the great thoughts that we have that move the world's forward and protects some definition of humanity, we are taught that our value is measured in hours, in front of the computer, typing into forms.

And, that old model, the way it's translated to us as Solos is so destructive, and isolating, and lonely, and not profitable. It's not even delivering what consumers want.

This is another thing that just drive me crazy. We get mad at consumers for looking at us and not liking us; it bothers us, which is not crazy.
Right. Like, everybody wants to be liked. Consumers don't like what we're delivering; they're not big fans. And, it's easy to dismiss that and say: oh well, they don't want to spend money. They'd rather go spend money on their phones and their cars. Okay, fine. Maybe. Or to say, they just don't get it, or whatever excuse that we make for why we're different than every other industry, but the truth is the customers are not even, the clients are getting what they want from us.

So, I really feel like we can stop right now, and say it's not working for us Solos. There are companies that are making a ton of money, by the way, off of us continuing to behave this way. Traditional legal publishers are making bank, law schools making bank, big firms, big businesses, legislators, they're all making a lot of money off of us assuming that this is the only way to practice. My, again, plea is steer Solo; don't let them get away with it.

We are stronger together, if we can collaborate, and coordinate, and work together in these kinds of connected experts. We are a larger force than any other force that is telling us we have to do it in this way, and so I would just encourage us to let's get together.

Melanie Bragg Right.

Mike Whelan Let's do the old, with the Hayley Mill's. Was that the Parent Trap? Let's get the- (cross talk).

Melanie Bragg Yes. Yes. I understand what you're saying, and I - I'm kind of a case in point of this. Because, about three years ago, I was talking to a really good friend of mine, and he was talking to me about reviews. And I immediately pushed back. You know, my knee jerk reaction was just to push back, and go what a second: I've had plenty of clients for the last thirty years. I don't really need to do that, you know I'm afraid to ask somebody for a review, what if they say something bad, oh my god. You know, I mean I just had all kinds of-

And then, I stopped a little while later, and I stopped, and I said: wait a second. A lot of things are changing, and if you don't if you don't get on that bandwagon, and, you know, because that is part of things. You really do have to go along with culture. It's kind of like back in the days when people riding horses and the cars were invented, to say: oh no I'm not
going to get a car. I'm just going to keep riding my horse. When refrigerators were invented: oh no, I'm going to cool my food with an ice, a piece of big block of ice instead, of a refrigerator. So, you know, we do have to move into, and keep up, and keep pace.

So, I decided to go ahead and start doing that, and now I've integrated that into my practice. And guess what? It's completely shifted my client base, it is completely shifted who's coming to me now, and it has really, really turned out to be a wonderful thing. But, it was only because, even though, I rejected it off hand, at first, like you know, it's very typical human nature. Then, I decided to go ahead, and listen, and delve into it.

So, I mean, I think that that's one thing that all of us need to do is just be really open minded to new ideas and new ways of doing things, and you've got some really, really, really, great ideas.

Mike Whelan

So, I would just encourage people, I could give a list of books, and ideas, and things to think through, and it's, my book, which was supposed to be done six months ago, and I apologize world blame my kids. It should be done soon.

My- and again, I just want to get back to - somebody asked me one time, what's your goal with this book, and I said, honestly, if I can get one Solo to not commit suicide, if just, if I could save one person then that would make the effort worthwhile. But, I feel like we really can make change in this industry, that's better for everybody, if we would just rethink what makes us valuable, like you said. the stuff that we keep.

The stuff that we keep, as we transition into the future, is not monopoly, it's not paper work, it's not overly, unnecessarily, complicated processes. It is how we deliver incites that changes people's lives. That's what we do.

Melanie Bragg

Oh, yeah. I love that.

Mike Whelan

And so, hopefully, we bring in what will help people get to them.

Melanie Bragg

That's great.
Lynn Howell: I hate to break up the fun for a second, but, we need to invite our operator to give the instructions for any callers that might want to ask a question.

Operator: Yes, thank you. Ladies and gentlemen if you have a question at this time, please press the star then the number one key on your touch tone telephone. To prevent any background noise, we ask that you please place your line on mute, once your question has been stated. Again, that's star then one to ask a question. One moment for questions.

Lynn Howell: All right. Melanie, you can finish your thought, Sorry. I just wanted to get to the questions out there.

Melanie Bragg: No, no. I was watching the time, and I know it is time. I was just saying thank you to that, to Michael, because we are in a different world, and it is a different way of doing things. And, you know, the older lawyers, who are resisting this change, you know, there still are lawyers out there, who don't even use fax. They're like I don't even fax, and you are sort of like wait a second. Fax is gone, you know, it's email. But, just in order to survive and stay on the cutting edge of things, we do have to be opening to listen and I really find-

Michael, thank you for coming on this podcast today, because I've really been very intrigued and excited about the freshness and newness you're bringing to the business, of all the practice of law. And, I really am just excited that you could be here today.

So Lynn, do we have any questions? I know you have some wonderful questions.

Lynn Howell: Yes, I do. Operator do we have any, before I get greedy and ask them all myself?

Operator: Yes, we do have a question from Aieda Deponde. You may proceed with your question.

Aieda Deponde: Hello. Thank you. This is Aieda Deponde. You made a very good point on the starting as the fresh out of law school. I, like you, I am older in age attorney, who to school late, after also being part of the industry in disguise changing. But, my question is did you enable yourself to throw in clients, at the beginning, because we're talking about connection, but
we're not also talking about how to bring clients in to getting the client's trust, when you are just infancy of beginning a law firm, without the experience of having worked somewhere else.

Thank you.

Mike Whelan

Sure. Thank you Aieda. I, for my personal experience, when I was in law school, about halfway through, I saw the economy was going to be terrible, and I created a future Solo Small Firm Club. And what I did, when I was at Texas, was I would bring practicing attorneys in, people I wanted to talk to, to come and talk to the law school about Solo Practice. Now, statistically it was sort of fascinating, because we had twelve hundred students at my school, and we'd only have two or three people show up. Because, all of those law students were just sure that they were all going to get the big firm jobs, that really didn't exist at that time. Lawyers are bad at statistics.

But, what it is - what's the net effect of that was, I, personally, when I graduated, I had plenty of people, who were invested in my success. And that, when I talk about social capital and I talk about connections, there are different levels of that. And, the level that is closest, is an analogous to something called Dunbar's number. Robyn Dunbar found that we can only have a hundred fifty close friends that we really care about and take care of, and there's really good literature on that. And, basically, I tried to cultivate that network.

And the thing that Dunbar warns about in this age of much more tangential connections, so I find that in a lot of places where groups for lawyers, I'm on Twitter for lawyers, it's easy to take those connections and call those my friends, but, then not have anyone close, who loves you and has invested in your success.

And, I, if I would, again, give advice to any Solo Lawyers, I love Twitter, I love Facebook, I love writing, and I love YouTube. It's all great. But, the people who are going to keep you fed is that close cluster, your real close group of friends, cultivate that.

They will change your thinking the most, try to design that group in a way that it's diverse, that is comes from a lot of different backgrounds, with a lot of different jobs. And, as you build that, they will keep you
well set, I promised.

Aieda Deponde  Thank you very much, Mike.

Lynn Howell  Operator, do we have any additional questions?

Operator  I'm not showing any further questions in queue.

Lynn Howell  Okay, Melanie, do you want to add anything to the caller's question?

Melanie Bragg  No.

I think that I would love to hear Michael talk about the Netflix show "Strangers Things." I think it is, because that example that he gave really brought this whole supply chain and the new way of looking at things home for me. So, Michael, can you tell us a little bit about that?

Mike Whelan  Sure, I'll give you the briefest version, if you don't know, Stranger Things, it's about a bunch of kids who meet monsters and save the world. It's a- the interesting part of this is that Netflix sort of crowd sourced this show. And I use this analogy, because I work for an artificial intelligence company now. I work for Casetext, and at Casetext, you plug in briefs, and it basically does a bunch of legal research for you. It checks all the sites and tells you what you're missing, and it's very cool.

But, because I work for an AI company, I had to figure out how in the world AI works, and this example of Stranger Things really helped me. So, when you go, and you're on Netflix, and you're saying like, and you're watching stuff, Netflix is doing something called machine learning, which it is, basically, it's taking the results and trying to figure out the rules. So, artificial intelligence is sort of the reverse of that. You have rules, you put stuff in and you get something out. Machine learning is show me the good, show me the results, and I'll pull some rules out of that.

So, Netflix has did that, and they realized what people liked were shows from the eighties. They like shows with kids that's heroes, a large group of kids. They like monsters, they like sort of light Sci-Fi. And then, they took all of those truths, all of those rules, and they presented them to a bunch of articles.
And, they said listen artist, here are your constraints, here are your parameters, but if we make a robot create this movie nobody would watch it. Because, robots don't get, you know, empathy yet. They don't understand how to connect with people. And, I always use that analogy to tell lawyers that's how your work will work in the future. Imagine that same scenario, where for a double case text, you put a brief in, in seconds, it tells you all the cases you missed that find the patterns, in the same way that Netflix did.

It's either- I heard, the complaint that I've heard from people when I tell them, you can get better results quicker. Lawyers will say to me. well then, I'll make less money. Which, if you want to raise a red flag to the ridiculous incentives in law, that sentence tells you how broken all of this.

But, I say to them all the time, no. The technology finds the patterns, your job, better than you can, your job is to then go create the insights. You're the artist. You're the human connection. And so, anyway, that's all. I give that example to say to lawyers, that's your future of work is learning how to read patterns in a way that you can give insight to the people and connect the people.

Melanie Bragg
Wonderful. That's really an interesting way to look at it. And, as I begin to shift my - the way I'm looking at things, I'm just getting such better results. I mean, the client that I'm getting are just wonderful, and responsive, and appreciative, and it's just a complete shift, you know. But, it took me stepping out and doing some new things, in order to get those results. I didn't just sit around and wait for it to happen.

So, I think that everybody, all the young lawyers, all the people that are thinking about going out on their own, you know, there's an awful lot of work to do, but it can be done, and it can be rewarding, and exciting, and fun.

Lynn Howell
Yes, they can be.

Now, Michael, with AI, what's your best advice to get lawyers over their fear? I mean, because they hear about AI; they hear comments all over Microsoft AI, all of that. And, a lot of them just really don't get what it is or what could it even do in our industry that's helpful to them, but not
fearful.

Mike Whelan

Right. Right. Well, again, AI is almost all hype speed. Most of the AI conversation in law is really more like box, it's more like a rule system. And, again, if I can recommend Susskind (inaudible), Richard Susskind talks about this in Tomorrow's Lawyers and In the Future of the Professions, as well. There's so much hype around AI that's not real. What I would, again, encourage you to do is kind of step back, don't fall into the hype, realize-

There's a really great book that I always recommend Body and Mind, John Grant recommended it to me. It's called The Business of Expertise, and it's by a guy named David C. Baker. And, Baker's argument is that expertise, the very human expert system, the thing that experts do, is we narrow our set up observation. So, we niche, we focus, we get into a pool of repeated situation. From that, we find patterns, we see the things that are occurring over and over again. And then from those patterns, we say, oh, here's a truth.

And, what AI does, and machine learning does is they just help with that middle piece. You still have to go through the exercise of narrowing your scope down to problems that matter to real people, that's it. That's a human exercise.

Then, you use the text tool to find the patterns, and then, your job is to turn around to the human, and say: okay, now that I've understood you, I've got empathy for you. I see the patterns that I found from the machine. Now, I'm apply these to a truth to you.

And yes, one hundred percent, I will believe. I think it is true that if case text cuts your legal research time down, significantly, and gives you better results, and you bill hourly, problem. Right. You've got to find a different way to operate, but he insights that you will give at the end of it, the advice that you will give at the end of it, informs someway better patterns than you are remembering something that you thought you learned in law school.

And so, you bought a block from some legal publisher, and it cost a hundred dollars, even though it's only forty pages. And now, you're a self-declared expert. And, you know, that whole process that we were taught
to use, whether in law school or in practice, we just don't have enough data for it to be useful. What you remember from law school, and the book that you bought for too much money, and read for two hours, is not pattern. Right. That's not a statistically, significant sample size, that's you.

Instead of doing that, find the tools that will give you way better data, and then your insights will be so much better, and that's really what people are after. What the client really wants is not you are sitting in front of the computer, looking at cases from the sixteen hundred, they don't care. There's no good for them out of that, so stop billing them that way. Stop making and building your business around that exercise.

But, what they really want is the insight. They want the truth that you are able to find for them, what they couldn't find.

Lynn Howell  That sounds excellent. Operator, do we have any questions?

Operator  As a reminder, ladies and gentlemen that's star then one to ask a question.

Lynn Howell  All right. Well we're getting close to the bewitching hour. So, Melanie, Michael, do you have any last thoughts before I sign off for?

Melanie Bragg  No. I just want to say thank you Michael for such an enlightening and interesting podcast. This is just been wonderful. Lots and lots of new ideas for young lawyers, middle age lawyers, and older lawyers. You know, there's just plenty of material for all of us.

Mike Whelan  Absolutely, and if you guys are interested in these subjects, I know sometimes I come off as a little out of left field, but that might be good. But, if you go to: lawyerforward.com/bookupdate; it will send you kind of a breakdown some of these ideas, and then, you'll also be notified when the book is finally out. Again, my wife is mad at me for not getting it done by now.

But again, it's: lawyerforwardcom/book update, and just shoot me an e-mail if you have any questions or thoughts on that at mike@casetext.com, again at: C. A. S. E. T. E. X. T. dot com, and my Twitter is at: mikewhelanjunior. So, I hope to see you guys online.
Lynn Howell  All right. Thank you both, and I'd like to thank all of our callers for joining us. This podcast will be available on our website in a few days at: ambar.org/podcast. If you are not a member of GPSolo, we hope that you'll join the division, especially since our membership is now free for AB members.

Again, thank you for coming, and we hope to see you next month, and at the annual meeting in San Francisco. Thank you all.

Melanie Bragg  Thank you.

Mike Whelan  Thank you.

Operator  Ladies and gentlemen, thank you for participating in today's conference. This does conclude today's program, and you may all disconnect. Everyone have a wonderful day.