Lawyers and Innovation: Waiting for Einstein

By Martin F. Smith

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Eighty-Five Percent

The current unmet need for legal services in the United States is pegged at a staggering 85 percent. It is a number so large it is no surprise that “the need for innovation in the delivery of legal services” is trumpeted everywhere we look – in blogs, articles, books, conferences, and in specially appointed task forces. It is also a primary focus of American Bar Association President William C. Hubbard:

What we need to do is look for new ways to do business. We’re looking for new perspectives. We’re looking for innovations.

Remarks at Elon University School of Law, June 14, 2014

The question on my mind is whether needed innovation will come from outside the legal profession, or from the knowledge and skills of the practicing bar?

As a long-time lawyer, my hope is that we lawyers will provide the overwhelming majority of needed innovation in the practice of law going forward. The so-called “disruptive innovators” – new entrants from outside the profession, such as Rocket Lawyer or LegalZoom – have already introduced simple, low-cost, even free products and services. If these companies follow the pattern of disruptive innovators in other industries, they will initially attract historical non-users of legal services and low-end markets, only to later move upmarket. They are innovators, to be sure. But aren’t practicing lawyers equally if not better suited to understanding where and how innovation can improve the delivery of legal services, while also ensuring that the fundamental tenets of our legal system are not lost in the process of innovating?

Even though a world of opportunity lies in front of us, my fear is that many of us seem to be suffering from a condition I call “Waiting for Einstein.” It’s a belief that we are simply incapable of this kind of innovation, and that we must await the arrival of a genius whose “light bulb” moment of creativity magically transforms our profession in ways that we like, saving the day. The problem with this approach is that it leaves us in the same spot as the protagonists in Waiting for Godot: sitting on the sidelines eagerly anticipating someone who may never arrive, while the world transforms around us.
For most lawyers, learning to innovate will mean overcoming a deeply ingrained – near constitutional – aversion to new ways of thinking and doing. Innovation is not a skill normally taught in law school, nor does it naturally arise from having practiced law. To the contrary, our training teaches us to look to the past for how things should be done rather than to the future. Moreover, in our practice, many of us are encouraged to spot all of the risks in a given situation rather than to look for the opportunities. Changing our habits will not be easy, but we need to begin if we are to maintain influence over the systems of the business of law, and ensure they meet lawyers’ professional needs.

This article provides examples of how the innovation process has dramatically transformed other aspects of our world, gives illustrative examples of innovative thinking by lawyers that is transforming the law practice environment, and finally offers a roadmap of how lawyers can learn to systemically conceptualize and implement effective innovation in their law practice environments.

The Nature of Innovation

A Waiting for Einstein approach often arises from two mistaken beliefs about innovation. First is the notion that innovation only appears through single, truly transformational ideas or events. History, in fact, teaches us that the lion’s share of innovation takes place through small, incremental improvements made over a long period of time. The second mistaken belief is that innovation only arises from completely new ideas, or what I call Primary Innovation. In reality, the overwhelming majority of innovation comes about through the process of Secondary Innovation, whereby a person simply looks at a pre-existing idea and envisions how that idea might solve a similar or even unrelated problem in a different field or profession.

Without question, Primary Innovation starts the process rolling by building a library of ideas we all can draw on, but Secondary Innovation often has the greatest impact. It is the method through which an idea solves many more problems than even the original inventor envisioned, as not even the brightest inventor has the breadth of knowledge to understand how the invention can change industries and professions outside the inventor’s personal experience. Rather, the success of Secondary Innovation depends on the knowledge and insights of the individuals who live and work in those other professions and industries.

As lawyers, the importance of understanding the incremental nature of innovation, as well as the process of Secondary Innovation, cannot be overstated. First, it means our primary focus should be on steady, small improvements in how we do our daily work. These are the equivalent of singles and doubles and not home runs. Small, consistent steps in improving how we work will lead to innovation faster and with a greater chance of success than swinging for the fences. Second, to twist the words of Pogo, “I have met the innovator and he is us.” In other words, we are the best Secondary Innovators of the needed improvements in the delivery of legal services. We don’t have to have “Einstein Moments” of original creativity. Rather, we just need to use our deep knowledge of the legal system and profession to envision how ideas, processes, and technologies in use in other settings can transform our own world. As illustrated below, examples of incremental and Secondary Innovation are all around us.
The Development of the Mobile Phone

Without a doubt, the cell phone has been one of the biggest transformational innovations of the last 50 years. The ability to talk to anyone regardless of where she is, send and receive email, text messages, and photos, or visit any website from a device that fits in one’s pocket or purse, has transformed how the world lives, works, and plays. Few people know, however, that AT&T launched the first mobile phone system in 1946 in St. Louis. This early “mobile” phone weighed 88 pounds and so was limited to use in cars and emergency vehicles. By 1948, AT&T’s service covered one hundred towns and highway corridors with 5,000 customers placing around 30,000 calls each week.

Similar systems were introduced in other countries in the late 1950s and early 1960s, but the next major step in wireless telephony didn’t occur until Motorola employee Martin Cooper developed the Motorola DynaTAC in 1973. It was the first truly portable phone at 5”x10”x3” and a weight of 2.5 pounds. The DynaTAC took 10 hours to charge and had a talk time of around 20 minutes. On April 3, 1973, Mr. Cooper used this phone to make the first, handheld, mobile phone call from the streets of New York to Joel Engel of AT&T’s Bell Labs, Motorola’s largest competitor at the time.

Despite this history-making call, it wasn’t until 10 years later in 1983 that Motorola launched this country’s first handheld mobile phone service. At that time, Motorola introduced a $4,000 commercial version of the DynaTAC that ran on the country’s first cellular network in Chicago. Washington, DC was added to the cellular network in December of 1983, followed by Indianapolis and a host of other cities in 1984. By the end of 1985, there were 340,213 cell phone subscribers across the United States. Although that number grew to 1,000,000 by October of 1987, mobile phone users still represented less than 0.5 percent (one half of one percent) of the U.S. population at that time.

1989: Motorola MicroTAC, first phone under one pound in weight
1991: First digital cell phone
1992: First cellular text message
1993: First smart phone (IBM’s Simon)
1996: First QWERTY keyboard on a cell phone (Nokia 9000)
1997: First cell phone with an internal antenna
1998: First “bucket” of minutes pricing plan
1999: First cell phone to have a limited web browser (Nokia 7110)
2000: First cell phone with: (a) MP3 functionality (Samsung SPH0M100); (b) a color display (Sony Ericsson T68i); and (c) a full web browser (Opera)
2002: First camera phone in the U.S. (Sanyo SCP-5300)

2003: First cell phone with integrated email support (Blackberry)

2004: First cell phone with Bluetooth support (Motorola Razr V3)

2007: First iPhone introduced

2008: First cell phone app store

2010: First 4G cell phone (HTC Evo 4G – 10x speed improvements); iPhone 5 launches (5,000,000 units sold in the first weekend)

2012: Vine video sharing launches

2014: Apple Pay launches with iPhone 6

2015: 7 billion cell phone subscribers worldwide

Even if one considers 1983 the starting point of the U.S. cellular industry, it took hundreds of steps over a 25-year period to arrive at the device-and-network infrastructure each of us takes for granted today. Without a doubt, mobile phones are a heck of an invention, but we achieved the current technology through a lot of singles and doubles, and not many home runs.

The Development of the World Wide Web

Another world-changing innovation is the World Wide Web. Just like the cell phone, it has been around and improving for a longer period of time than many people realize. When CERN (the European Organization for Nuclear Research) engineer Tim Berners-Lee came up with the idea for the web in 1989, he based it on a 20-year-old invention known as the “Internet.”

The Internet was the world’s first system of interconnected computer networks that allowed computers to share and exchange information. Developed by the Defense Advanced Research Projects Agency and called “ARPANET,” it came into existence in October of 1969 when it linked together the computer networks of UCLA and the Stanford Research Institute. By the time Berners-Lee laid out his vision of the web, the Internet had been through twenty years of its own incremental improvements. These included the development of Internet Protocols such as TCP/IP, the standard that specifies how data is packetized, addressed, transmitted, routed, and received over the Internet.

Tim Berners-Lee came up with three related new technologies that would make the Internet more accessible and useful to a broader group of people: (i) HTML (the publishing format for web pages); (ii) URL (the digital “address” unique to each Web page); and (iii) HTTP (the technology that allows for the retrieval of linked resources around the Web). These technologies, coupled with a web page editor/
browser that Berners-Lee also wrote, enabled the first web page to be “served” in late 1990. It took over a year before the first US website at Stanford University went online, and by the end of 1992 there were still only 26 websites in the entire world.

Even though CERN made Berners-Lee’s technology available to the general public on a royalty-free basis in 1993, improvements to the web we take for granted today hardly arrived overnight:

1993: 623 websites, all found by knowing the URL; First graphical Web browser (Mosaic)

1994: Yahoo Directory (index of Web page URLs); First banner ad (for hotwired.com); WebCrawler (automatically found and indexed entire Web pages); Lycos (first search engine with relevancy ranking); AltaVista (first search engine with natural language queries)

1995: 23,500 websites; Amazon, Craigslist, Match.com, and eBay launched; RealNetworks, streamed Mariners vs. Yankees game live; First item sold on eBay

1996: Hotmail (first Web-based email site); ActiveMovie (first streaming video player); Expedia launched

1997: 650,000 websites; AskJeeves (ranked search results based on popularity)

1998: Google (first search engine with PageRank technology); PayPal founded

1999: Napster enabled free MP3 downloads

2000: 10,000,000 websites

2001: Wikipedia launched

2003: iTunes music store launched; Skype launched; Linked-In launched

2004: Facebook launched

2005: YouTube launched

2007: 100,000,000 websites

2009: First newspaper moved entirely online (Seattle Post-Intelligencer)

2010: Pintrest and Instagram launch; Young Egyptians use #Egypt and #Jan25 to spread the word on the Egyptian Revolution

2012: 50% of campaign contributions to U.S. Presidential candidates made online or via email
2013: 51% of U.S. adults bank online

2014: E-commerce sales hit $1.47 trillion

2015: 3.1 billion Internet users worldwide

Just as with mobile telephony, development of the web took many small steps over many years to evolve into the technology that each of us uses daily. Unquestionably, the web is a transformational innovation, but like the cell phone, one built on a lot of singles and doubles.

**Aldus and Apple**

Early in my career, I had the privilege of working with Paul Brainerd, the founder of Aldus, the creator of PageMaker, the first desktop publishing program. PageMaker helped transform the printing process in the mid-1980’s from a manual process of justifying columns in a newspaper and cutting and pasting headlines and awkward pieces of type onto glue-smudged page dummies to a computer driven, “what you see on the computer screen is what you get in print” process.

Paul had attended the University of Oregon, where he worked on the school newspaper and later went to the University of Minnesota for a graduate degree in journalism. After graduation, Paul got a job as an assistant to the operations director of the Minneapolis Star Tribune, later leaving to work for Atex in Redmond, Washington, a company that was working to computerize various steps of newspaper production. In 1984, when Kodak bought Atex and moved the company to Boston, Paul elected to stay in Washington and start his own company. For those who know the history of the computer industry, the year 1984 might ring a bell, as that was the year Apple introduced two significant new products: (i) the Apple Macintosh, the first commercially available personal computer with a graphical user interface; and (ii) the Apple LaserWriter, one of the first widely available laser printers.

Paul’s detailed knowledge of the inefficiencies in the publishing industry coupled with his learning about the Macintosh and LaserWriter led him to connect the dots and see how he could use these new Primary Innovations to help improve the world of publishing. While Steve Jobs and Steve Wozniak were the brilliant minds behind the Macintosh and the LaserWriter, it took Paul’s deep knowledge of the problems in the publishing industry to come up with the secondary idea for how those two Primary Innovations could transform an industry that Jobs and Wozniak knew little about.

**Tesla and Laptops**

English inventor Thomas Parker introduced the first production electric car in 1884, and not long thereafter, the electric car arrived in America. By the turn of the twentieth century, the United States was the world’s leader in electric vehicles with 33,842 electric cars scattered around the country. But, by the 1920’s, electric cars had been completely replaced by gasoline-powered cars due to the widespread availability and affordability of gasoline and the need for greater driving ranges to match a much improved road infrastructure. Electric cars remained a thing of the distant past until the early 1990’s,
when cars with limited ranges began to reappear on the scene in very small quantities, primarily as a result of California’s clean air legislation. It wasn’t until Tesla arrived on the scene in 2004 that the picture began to change in a much bigger way.

While Elon Musk is the name most often associated with Tesla, the company was actually founded by a small group of people including Martin Eberhard and JB Straubel, two engineers by training and both passionate car buffs. Before the founding of Tesla, Straubel had built his own electric Porsche 944 and a custom electric bicycle, and Eberhard had worked for a variety of computer hardware companies. By 2004, lithium-ion batteries for laptop computers had become a reliable, affordable, readily available commodity. Thanks to competition, they had short recharge times, a compact form, and the highest energy density ever seen in a battery. All it took was Eberhard and Straubel’s passion for cars, coupled with their knowledge of laptop batteries, to have a connect-the-dots moment and realize that a large number of laptop batteries wired together might enable the creation of a heck of an electric car.

Granted, they still needed to solve a lot of engineering problems, but the idea of using a pre-existing, dense, affordable, quickly rechargeable energy source was the moment that launched a whole new automotive industry. For over 100 years, building the right battery had been the Gordian knot of electric cars. Traditional automotive manufacturers who had looked into the problem all focused on creating their own batteries, instead of looking to batteries from other industries for the answer. It was a Primary Innovation in the computer industry that drove Eberhard’s and Straubel’s Secondary Innovation in the car industry.

Innovation in the Legal Services Sphere – Attenex, MetaJure and Avvo

The legal space also has examples of Secondary Innovation. In 2000, I was asked to give a talk on software licensing to an audience hosted by the Battelle National Laboratory in Richland, Washington. At the time, my law firm was employing 250 contract lawyers to read through the massive amount of email that had been subpoenaed by the Department of Justice in connection with the Microsoft antitrust lawsuit. Needless to say, the fees for the firm’s document review services were astronomical and growing with every new case that got filed against the company. We knew our law firm was at risk of losing all of this work if we could not significantly lower the cost of these services.

Prior to my talk, the director of the lab arranged for me to see a demonstration of four different technologies that had been developed for the US government and for which the lab was seeking commercial applications. One of the technologies was a data visualization tool called “SPIRE” that had been created for the Defense Department to help their analysts understand what was taking place on thousands of different websites. SPIRE used data analytics and visualization technology to create a three-dimensional knowledge map that gave the user a detailed overview of all of the topics occurring on those websites, the relative volume of pages on each topic, and the ability to drill down on any given topic.

Somewhere in the middle of the demo, I connected the dots between my law firm’s document review problem with how SPIRE created a visual map of thousands of electronic records and asked “Have you ever tried using this technology on email?” It was this “Aha!” moment that led to Preston Gates & Ellis’s
founding of Attenex, one of the very first e-discovery companies. Their tools helped transform the document review process, reduce its cost, and change the pricing model from hourly to a per-page or per-megabyte price.

MetaJure, my current legal-tech company, was founded by a group of lawyers with the goal of improving how law firms and legal departments capture, store, and retrieve their ever-expanding collection of electronic work product. We came from different backgrounds, but shared the view that current electronic document management systems are failing. These systems create additional work for lawyers by requiring them to manually tag and file their work product into the system – a job that in the days of paper records was performed by clerical staff. In a world of exponentially growing documents and email, this job isn’t getting done, or done well. The incomplete capture of work product leaves law firms and legal departments exposed to their ethical obligation to maintain client records. Additionally, incomplete information access impedes efforts to improve lawyer efficiency as well as work quality.

One of us had a connect-the-dots moment and asked, “Why can’t document management be as automated and simple as finding information on the Web?” Manually tagging webpages had been the Achilles heel of the first generation Web search engines. It required agreement on the content categories for which a website could be tagged, and led to a lot of work as the webmasters had to tag all of their webpages. As a result, websites often were not tagged or were mis-tagged, leading to incomplete or poor search results. This was exactly the problem we were seeing in document management systems.

The Primary Innovation that provided a solution for this problem on the web was the arrival of Google in 1998. Sergey Brin and Larry Page developed an entirely new approach to how information was automatically discovered and archived, and its relevancy as to topics determined, ranked and recorded, and then subsequently retrieved through a very simple, intuitive and amazingly effective interface. In an “Aha!” moment, one of us asked the question, “Would a similar approach work for collecting, preserving, tagging and retrieving legal documents?” That idea (and a number of smart computer programmers) led to the creation of MetaJure, the first automated smart DMS.

Mark Britton, the founder of Avvo, recently had a significant moment of Secondary Innovation when he launched Avvo Advisor. Seeing how successful Uber was in using the web to connect people needing a ride with drivers with capacity in their cars led to Mark’s “Aha!” moment. Namely, using the same approach, he designed a service that puts individuals needing immediate legal advice in touch with a qualified lawyer wanting work. For a flat fee of $39, a lawyer will call you within minutes and give you 15 minutes of legal advice. If you need another 15 minutes, you just pay another $39. Or you can elect to hire the lawyer for as much help as you want, on whatever terms you agree to. Avvo Advisor is getting many positive reviews, all while bettering the lives of both people needing immediate legal advice as well as lawyers in need of new work. It all came about by transferring a great idea from one space (transportation) into another space (legal).
The Plight of the Plodders

We all are aware of recent innovators and their successes – the Steve Jobs, Larry Pages, Sergey Brins, Mark Zuckerbergs, Elon Musks and Jeff Bezos of the world. But we often miss and fail to learn from the “Plight of the Plodders,” namely, the traditional providers of a product or service who continued to make or do things exactly as they had been doing for many years. These are the companies and service providers that are either so “heads down” they completely miss the new innovations around them that are challenging the status quo, or who fight the new approach or technology either by explaining why the changes won’t work, or refusing to adopt them out of fear that doing so would cannibalize their current business.

Examples of Plodders are littered through history, including Western Union missing the power of the telephone, wired phone companies missing the power of mobile telephony, Kodak missing the power of digital photography, Borders missing the power of selling books online, and travel agents missing the power of the Web. Fortunately, history provides a bit of color as to these missed opportunities. An 1876 Western Union internal memo stated, “This ‘telephone’ has too many shortcomings to be seriously considered as a means of communication.” In 1983, when the FCC was auctioning off cellular licenses, AT&T chose not to bid because their CEO at the time felt cell phones were “strictly for local calling.” A Kodak engineer actually created the first digital camera in 1975, but the company elected to put the invention in the closet because they feared it would cannibalize their film and print business. In the mid-1990’s, as the web was starting to take off, Borders elected to place its big bet on expanding its brick and mortar business into selling CDs and DVDs, missing the fact that the distribution of music and films (not to mention books) was going online.

The battle between plodders and innovators is active and ongoing today. It includes conventional auto manufacturers trying to figure out how to respond to Tesla, fossil fuel producers figuring out how to respond to new forms of renewable energy, taxi cab companies and public transit operations working to figure out how to respond to Uber, and hotel chains figuring out how to respond to Airbnb.

Like these other industries, the legal profession is also figuring out how to respond to Rocket Lawyer, LegalZoom, Axiom, and Avvo, among other legal innovators. Without a doubt, some of us will keep our heads down, ignore their innovations, and blindly charge into the future. Others of us will take note, but will miss the market opportunity they have uncovered and proceed with business as usual, just like AT&T or Kodak, either out of blind faith that our current business model will sustain us long into the future or out of fear that if we were to change what we did or how we did it, we would cannibalize our existing income streams. The more vocal among us might choose to take up the fight and challenge their innovation as the unauthorized practice of law, or will impugn the quality of their offerings. Perhaps, however, our collective time would be better spent grasping the opportunities these companies see and working to become our own source of innovation for the profession.
A Roadmap for Innovation
A possible starting point in developing an innovation process is for each of us to focus on our personal experiences and identify the areas of our practice that are likely ripe for innovation. We can think about these opportunities as arising from three different areas: (a) how we accomplish our daily tasks; (b) who performs a given task; and (c) how we bill for different tasks.

Innovating in “How” and “Who”

I have talked with many lawyers who divide their daily work into three categories:

(1) The work they love that is the reason they went to law school (e.g., This is work they would like to be doing more of and includes unique drafting, client counseling, negotiations, court room appearances, etc.);

(2) The work they know has to be done, but is inefficiently accomplished (This is the work they must do, but feel wastes valuable time; it includes, such tasks as looking for prior work product or having to recreate it, cutting and pasting from a host of prior documents to create a new document, and going through reams of reports in an effort to uncover potential conflicts, etc.); and

(3) The work that they know that they shouldn’t be doing, either because of their hourly rate, lack of skills or the fact that the task is automated in a host of other industries and professions (This includes, for example, time spent manually checking section references in a contract, manually tagging and filing documents/email, gathering the most basic of client information, etc.).

If each of us can identify the tasks in our workday that fall into categories (2) and (3), we will have most likely identified the areas of our practice that are ripe for innovation. For each identified task, we need to ask ourselves a series of questions, keeping in mind the incremental nature of innovation: Is there an existing technology or tool that would make this task more efficient? Is there a tool or technique used in an analogous industry or profession that would make a difference in how I undertake the task? If not, can my firm or I come up with a new tool or approach that would make a difference? Finally, is there a better way to staff the task that would make it more efficient and less expensive for my clients?

Of course, not all improvements come from using technology or changing who performs the task. Many improvements in “how” can come about from simple improvements in the “process” used to accomplish that work. It is worthwhile to take the time to understand the multitude of ways your law firm or legal department handles a given task and then work to determine what is, or should be, your best practice in accomplishing that task. Determining and documenting your best practices along with creating checklists can go a long way toward improving efficiency and lowering the cost of legal services. Since process improvements (like other innovations) are usually incremental in nature, you should regularly re-examine your best practices and continually ask yourself and those around you how to make them better.
Innovating in Billing

Talking with lawyers about alternative billing often elicits comments along the lines of, “I’d like to give it a go, but I wouldn’t know where to begin. And even if I did, I fear it would be a recipe for financial ruin.” One possible approach to this dilemma is to begin by: (1) taking the perspective of your clients to find the opportunities; and (2) envisioning a change in your billing practices as a possible path to a more lucrative practice.

In my experience, most clients see their lawyer’s work as a mix of “products” and “services.” “Products,” in their eyes, are either a commodity that is not unique to their lawyer (e.g., standard legal documents they expect you to have on hand or which they could buy off LegalZoom, or answers to routine questions that, with some work, they might be able to find on the web, etc.), or uniform, repetitive tasks their lawyer undertakes multiple times (e.g., mortgage foreclosures, garnishment proceedings, the legal work involved in the siting of cell towers, etc.). They see “services” as the work that is unique to their lawyer and for which they are typically more than willing to pay on an hourly basis. These are the tasks that involve the lawyer’s judgment and analytic skills, the experience, reputation, unique drafting abilities, and negotiation or advocacy skills, to name just a few. The place to begin looking for alternative billing opportunities is in the areas of your work that your clients see as “products.” Most are (and most likely always will be) willing to pay on an hourly basis for the areas they see as “services.”

Once you have identified your areas of “products,” how do you start down the alternative-billing path? For commodity “products” like documents, you might begin by looking for opportunities to create firm-wide standard forms that you can bill for on a flat fee basis, including any minimal customization that might be required. Focus on the “process” for creating those “products” and identify opportunities for reducing their cost. This may involve “who” completes the tasks, as well as “how” they are completed. Your goal is to come up with a process that costs the firm less than the flat fee amount you will charge. If you can accomplish this, you have an opportunity for a win/win – a flat fee that your client knows in advance and a potentially higher margin for your firm.

For repetitive, uniform tasks such as foreclosures, garnishments, or the siting of cell towers, for example, you might begin by looking back over your billing history. Determine the range of fees you have historically charged for this type of work, your average fee, as well as any factors that might have increased your fees in a given situation and, if so, whether those factors were outside of your control. If there are factors that impacted your fee that were outside of your control, can you separate that work out and price it separately or price the work on the condition that those factors don’t enter the picture? If, for example, your analysis shows your fees on standard projects ranged from $15,000 to $30,000, with an average fee of $26,000, can you find a way through innovation in “how,” “who,” and “process” to reduce the average cost to $18,000? If so, would your client be willing to commit to a guaranteed volume of the work if you agreed to handle it all for a flat fee of $22,000 per transaction? This would result in your client saving $4,000 per transaction and your earning an additional margin of $4,000 on that transaction. In essence, you would be splitting the savings of your new efficiency with your client in exchange for the volume commitment. The assured volume of work can help you to balance out unusual circumstances on a given project, just as contingent fee firms use high volume to balance out the highs and lows of their cases.
One thing to remember if you go down the innovation path is to make sure your compensation system is aligned with your innovation goals. Compensating lawyers based solely on hours worked is one of the biggest impediments to encouraging efficiency and innovation.

**The Path Forward**

There is no end to the creativity each of us can bring to improving access to and affordability of legal services, not to mention improving our workdays and perhaps our remuneration. To realize our potential, however, we need to develop a culture of innovation in our legal service organizations.

Take a few minutes to step back and think about your own legal service organization. Do you embrace your colleagues who suggest new ways of doing things as well as your “geeks” who know everything about the latest technology? Do you accept that how you have done things in the past does not need to dictate how you do things in the future? Do you recognize and accept the fact that failure is okay and often an integral part of success? Do you avoid spotting only the reasons why something new won’t work and instead also take the time to understand how it might work? Do you fight your instincts to avoid any and all risk and instead look for places where taking a smart risk might make sense?

How you answer these questions will tell you a lot about where you need to focus to build a culture of innovation in your organization. The one thing to keep in mind about innovation and the future of legal services is that there is no Einstein arriving who will save your day. The person you are waiting for is the one looking back at you in the mirror every morning. As the Latin phrase goes, “Carpe Diem” – it is time for us to seize the day.