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# Change Management for Lawyers: What Legal Management Can Learn from Business Management

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## Abstract

The market for legal services is undergoing radical change which also impacts in-house legal departments. A number of chapters in this book address change that is already ongoing or imminent for legal departments, but how do you best go about managing this change? Lawyers are notoriously skeptical when it comes to change, and this is true for both in-house lawyers and their private practice peers. Practically no law school teaches change management, so most lawyers in management roles have only the management training offered by their respective corporations as basis for managing change in their legal departments—and many struggle with change. The most career-defining questions for many lawyer managers are simply: “Will the change I’m planning succeed? Can I overcome the inherent resistance to change among my lawyers? What can I do to improve the likelihood of successful change?” Fortunately, change management theory and experience exist which can be leveraged, and this chapter will help you estimate the likelihood of success for your change project—before you get in too deep.

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## 1 Introduction to the Topic

“Change management for lawyers”—it may sound like a contradiction in terms. Lawyers are notoriously skeptical about change and, while there are honorable exceptions, my experience is that the general public is more right than wrong when thinking of the legal community as change-resistant. My favorite quote to this point is a Danish Supreme Court Judge allegedly having stated that he was resisting all

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change—including change for the better! I cannot vouch for the veracity of the anecdote, but even if it is not true, it could be. My experience is that most people engaging with lawyer communities have a couple of examples in the same direction, but rarely as dogmatic.

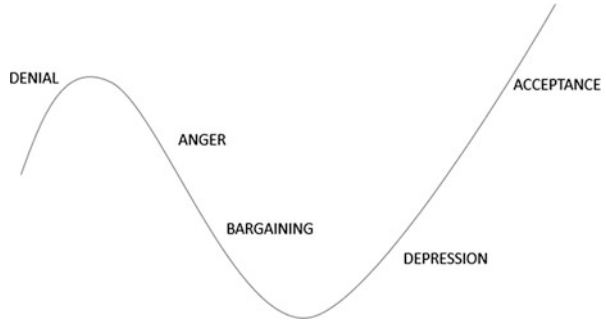
Exactly why lawyers are perceived as change skeptics I would not really know, and it probably is more of a social anthropology study for someone to consider. But the commercial reality for the manager of lawyers and legal teams—who usually is a lawyer, as well—is change pressures coming from all directions, at an increasing pace. More often than not, the change pressures on legal teams simply reflect increasing market pressures on their clients. As the clients experience innovation and efficiency pressures, they expect their legal advisors to work faster, better and more efficiently as well. And rightfully so, in my opinion. The entire legal industry, in-house as well as private practice, are dealing with a new paradigm where legal services are perceived as exactly that—services. The notion of legal advice being some kind of “dark art”, too complex for commercial scrutiny, is fading fast. The market demands operationally efficient legal services and we start seeing legal services becoming increasingly operationalized like Finance, HR and IT services. We see legal services getting segmented into the classic, bespoke “high-end” or “complex” legal services dominated by higher cost law firms, and new areas of “low-end” or “commoditizable” legal services where the key is critical mass and new players are challenging the classic law firms with innovative delivery and cost models. In my opinion, it is more than overdue to start thinking about legal services in more classic Gartner Group terms of services simply being a factor of “people, processes and technology”. In fact, the classic legal industry has focused nearly exclusively on the people element and not much on process and technology at all. When I see legal teams struggling with change management I often find the main perceived challenge being cost or resource scarcity, while the real challenge is need for better utilization (or even introduction!) of process and technology in teams that traditionally focused almost exclusively on people. In business terms, the legal community has been “throwing people at the problem” for too long. Getting the mix right will be a critical success factor for the lawyer managers going forward, and while every team works on finding out which mix is optimal for them and their clients, I am convinced this is an area with continued need for change management strategies and execution for years to come.

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## **2 Change Management Basics**

Change Management is a huge topic by itself, and I am not going to spend much time on the basics, because I know many lawyer managers have access to standard Change Management training from their employers or elsewhere. My focus will be on how to anticipate the likelihood of successful change rather than the nuts and bolts of how to implement/execute the change. However, the very basics are needed to appreciate the rest of the article, so here we go: Change Management in a Nutshell!

**Fig. 1** Illustration of a typical business application of the Kübler-Ross model. A search for “kübler-ross change curve” on Google.com will return hundreds of applied variations of this curve



Commonly accepted theory suggest that when you are affected by change, you are likely to experience a series of typical emotional reactions, first simplified in a model by Swiss psychiatrist Elisabeth Kübler-Ross in 1969.<sup>1</sup> Brilliantly simple, the Kübler-Ross model works on the most banal changes (e.g. you lost your permanent parking space at work) as well as the most existential (e.g. you have been diagnosed with a potentially lethal disease). It goes roughly like this:

**Denial**—The first reaction is denial. In this stage individuals believe the news is somehow mistaken, and cling to a false, preferable reality.

**Anger**—When the individual recognizes that denial cannot continue, they become frustrated. Certain psychological responses of a person undergoing this phase would be: “Why me? It’s not fair!”; “How can this happen to me?”; “Who is to blame?”; “Why would this happen?”.

**Bargaining**—The third stage involves the hope that the individual can avoid or negotiate mitigations to the rejected change. Usually, the negotiation for an extended status quo is made in exchange for reformation.

**Depression**—“I’m so sad, why bother with anything?”; “It’s over soon, so what’s the point?” During the fourth stage, the individual becomes saddened by the inevitability.

**Acceptance**—“It’s going to be okay.”; “I can’t fight it, I may as well prepare for it.”; “Nothing is impossible.” In this last stage, individuals embrace the unavoidable future (Fig. 1).

In my experience, most people swiftly acknowledge the relevance of the model, and it is pretty easy for anyone to think of an example of recent change that triggered a response pattern along the lines of this model. Obviously, any manager implementing change will have to take this pattern into consideration, because organizations consist of real people who will have real feelings about the change affecting them. The manager who can shepherd a team through the emotional rollercoaster is a very valuable asset to his or her organization. Most of Change

<sup>1</sup>Elisabeth Kübler-Ross: *On Death and Dying: What the Dying Have to Teach Doctors, Nurses, Clergy and Their Own Families* (1969).

Management theory out there seems to focus on these stages and how to deal with the challenges of each.

Existing Change Management theory is very useful, in fact extremely useful if you have not come across it before, but I still think there is a significant shortcoming when applied to commercial settings like business or law. The Kübler-Ross model and similar adaptations are based on the premise of an inevitable outcome. I.e. painful as it may be to move from denial through acceptance, the change will eventually prevail. Which makes sense when you think about Kübler-Ross studying the field of acceptance of death (which, alas, is inevitable), but certainly is not always the case in business or law, where there frequently is so much resistance that the change fails. In other words, the use of a Kübler-Ross type model in planning change may trick you into thinking that you will be successful in the end—which is simply not true. Which leads me to the main topic of this article.

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### **3 Can You Assess Whether the Change Will Succeed: Before You Get Started?**

If we had a crystal ball, looking into the future, we would of course not have started projects that eventually turn out not to succeed. Alas, such devices are not part of the lawyer manager's common toolkit, so consider this: is the risk of failure the reason you have not started on the change project you secretly think is needed? Will your management provide "air cover" to fend off escalations caused by change resistance or fear? Would you be a little more courageous if you had a good way of assessing the likelihood of success before you started the project? Well, you are not alone, but there is help. Several years ago I stumbled across a methodology that has been useful for several change projects. Unlike many change management methodologies—which mostly focus on how to execute, or implement the change—this methodology solely focuses on assessing the likelihood of success before you get started. Meet Gleicher's formula for change:

$$D*V*F > R$$

Now, before you totally freak out and reach for the algebra book, don't worry. It is not nearly as complex as it reads, and you do not need much math knowledge to put it to practical use. Let's face it: lawyers are mostly not great mathematicians and I'm certainly no exception, but I have found it very helpful. Gleicher's formula is in fact fascinatingly simple, so stay with me.

D is the Dissatisfaction with the current situation

V is the Vision of how the change will improve things

F is the First Steps towards the Vision

R is Resistance to change.

Hence, the  $D \times V \times F > R$  formula roughly means that the combination of your Vision of how things will improve, the team's dissatisfaction with the current situation and the First Steps you can offer up—in aggregate—needs to be greater than the team's inherent resistance to change. If it is not, your project will likely succumb to the change resistance and fail.

The formula for change's origin is usually credited David Gleicher, while he was working at consulting firm Arthur D. Little in the early 1960s, and later refined by Kathie Dannemiller in the 1980s.<sup>2</sup>

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## 4 Applying Gleicher's Formula in Practice

I have found Gleicher's formula for change very useful, but it is admittedly difficult to appreciate as a theoretical model alone. Applying it to a practical example really helps, and that is what I will do in the following.

Assume for a moment that you are the manager of an in-house team of 20 lawyers (could be 2 or 200, the principles are the same). The lawyers mostly support commercial transactions, but do some compliance work as well. You have inherited the team from a manager who left on short notice and the morale of the team is not great, but stable. Now, your legal function management and business clients have asked for information about the volume of deals the team support, deal velocity data and the team's value-add to the business. But there is practically no information to be found. Each team member supports deals upon request, typically as sales reps approach them deal by deal. Each lawyer stores the contracts on their own PC and uses MS Outlook to send and receive documents. Effectively, there is no workflow tool and no central repository. Your predecessor set up a Sharepoint and asked each lawyer to upload their main redline versions plus executed contracts so that at least Finance could have access to the executed documents as a basis for revenue recognition, but adoption was poor and the lawyers explained how they are too busy to deal with the administrative burden of uploading documents to a Sharepoint when the PC hard drives are managed by central backup anyway. Does the example sound familiar? A variation of this example case is the sad reality of deal support in too many companies, and even if you are not caught in this particular predicament, you are likely aware of some company and in-house departments operating similarly to the example.

Fortunately, your employer has a creative resource that is willing to help (could be a Chief-of-Staff, Operations Lead, or a visionary GC or senior manager). When you explain the situation, your creative resource suggests implementing an IT solution that covers contracting workflow (aka knowing who supports which deals) and contracts repository (aka finding those executed documents without ever having to go through the embarrassing ritual of asking the other party for a copy ever again).

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<sup>2</sup>[https://en.wikipedia.org/wiki/Formula\\_for\\_change](https://en.wikipedia.org/wiki/Formula_for_change)

You have found a commercial IT solution that provides both workflow management and repository, and you have secured budget for the project—let’s call it project “Deal Performance”. But when you announce this to the team they show a surprising lack of enthusiasm for project Deal Performance. In fact, you get the feeling that they don’t see any need at all for changing the way they work in supporting deals. Your creative resource suggests you do a Gleicher test on likelihood of successful change before you start implementation of Deal Performance as the company’s new workflow and repository solution.

## 4.1 Vision

I always recommend starting with the vision. The vision should be reasonably aligned with the organization’s overall strategy and priorities, or at the very least not be in conflict with them. It sounds banal, but too often managers skip over this step and get a surprise during the change implementation. All professional organizations have strategies and priorities, but they may not be equally well communicated or understood in all parts of the organization. Or they can be outdated or too general for practical application. Sometimes the search for strategy and priorities can even reveal that different stakeholders in the organization are in fact not aligned around a common set of strategy and priorities at all, and while it may not be your job to fix that, it will be very important to know before you set out on a change journey—for several reasons. First, change projects with real impact often need a degree of management “air cover”, which you are more likely to receive if you have aligned the change vision with the organization’s strategy and priorities and found supportive stakeholders at the management level. Second, any lack of alignment on strategy and priorities in the organization is likely to impact the assessment of resistance if you have to deal with resistance to change not only from the affected team but also resistance from the stakeholders not aligned with the strategy and priorities you based the vision on.

The change agent—i.e. the person driving the change—must be responsible for the Vision, and in our example it is you. A potential pitfall for the vision owner is to believe that the need for change and the associated benefits are obvious and do not need precise articulation. The benefits of change may eventually be self-evident to you, but remember that others may not have spent as much time analyzing the challenge as you have; and frankly, one person or team’s benefit may turn out to be another person or team’s disadvantage. So before you start any significant change project you should test the vision on some trusted colleagues.

Now, for project Deal Performance, you swiftly confirm the company’s strategy and priorities. The CEO has recently released a strategy to grow sales in a particular market, and the Legal function you belong to has been tasked with making your company easier to contract with and reduce average negotiation time with 20 % by the end of the year for deals in the target market. Having a contract workflow tool and central contracts repository will be helpful in terms of implementing the

strategy and the Legal Department management will prioritize the project. You take down the following key elements for the Vision:

- Deal Performance will show who is supporting which deal and make it easier for the managers to allocate workload among team members.
- Proper allocation of workload will improve utilization of the team member's available time.
- Deal Performance will help in identifying deals where negotiations are taking a long time, and support pro-active manager intervention to drive difficult deals to closure.
- The repository function will help Finance find the executed documents.

We'll revisit these below, when pulling it all together and testing the formula.

## **4.2 Dissatisfaction**

Let's then move on to dissatisfaction. What we are looking for here is any dissatisfaction with the current state. Dissatisfaction is normally nothing to strive for, but in terms of Gleicher's formula, having some dissatisfaction with the current state is in fact a good thing. It is good, because it can help overcome resistance to change—but clearly dissatisfaction is only helpful to the extent it will be addressed by the change.

For project Deal Performance you take down the following key dissatisfaction:

- Legal management is dissatisfied with not knowing who supports which deals.
- Legal management and sales management are not happy about deal velocity in the priority market.
- Finance are unhappy with the fragmented storage of executed contracts.

We will revisit these observations below, when pulling it all together and testing the formula.

## **4.3 First Steps**

This is an interesting part of the formula, which, I have to admit, I have been struggling with sometimes. The underlying point is that human behaviors gravitate so strongly back to existing patterns and habits, that even if the vision is very compelling and dissatisfaction significant—people are mostly just going to continue doing what they have been doing. The vision becomes a “pie in the sky” without first steps, and the cynics will soon undermine the vision by adding to the resistance. Comments like “Great idea, but I want to see it before I believe it” will start undermining the project. First steps are the first, tangible or practical proof that the change is actually coming, which becomes helpful validation for those working on the change project and provides hope for the most dissatisfied. But—let's face

it—first steps also kick starts the denial phase of the Kübler-Ross model for those affected by the change: “Really? Are we starting the change already? Shouldn’t someone think more about whether this change is a good idea, first. . .?”

For project Deal Performance you have not thought of any specific first steps. Thus, we will address this topic again below.

It is worth commenting here that timing of communication is in my experience really quite key for First steps. If there is only a short time from when you announce the change project until it has been implemented the need for first steps is dramatically reduced (imagine: “we have all lost our parking spaces and your entrance cards to the garage will not work in the morning”—hardly need for first steps here. . .). And conversely, if there is a very long time from the time of announcing the change project until it has been implemented, the more important first steps will be.

#### **4.4 Resistance**

First steps lead us nicely into the core element of Gleicher’s formula: Resistance to change. Realizing that change nearly always has an element of resistance is vital to change planning and change management. All too many change projects have failed because they do not take the resistance to change seriously. The change agent is always at risk of being seduced by his or her vision and overlook resistance elements. In fact, I know very complex organizations where I would argue that any change will meet some resistance—even change for the better (remember the Danish judge. . .?). An example of this is where some brave new middle manager initiates change that most agree is clearly for the better—thereby upsetting anyone who should have initiated the obvious change earlier (typically his predecessors or peer managers). It’s a long way of saying: always assume there will be some resistance to change and do your best to identify the resistance before you start on your change journey.

Resistance mapping can be done in many ways—from elaborate Stakeholder Mapping exercises with location mapping and intensity mapping—to informal watercooler discussions and corporate chatter. I wouldn’t even try to recommend a best practice for picking up on resistance, except if there has been a recognizable failed attempt to change in the past. If there has been a failed change project in the area you are planning a change, you may be lucky and find a post mortem analysis for the project. However, few organizations are good at documenting their failures, so you may have to do a kind of after-the-fact analysis by tracking down the people involved in the project, i.e. the ones who tried to implement the failed change—and interview them. Try to find out which Resistance eventually stopped the change, whether the resistance was known before the project started and which steps were taken to deal with the resistance. This post mortem analysis is important for the obvious reason: avoid making the same mistake twice. But also for a subtler reason. In my experience, every time you fail to bring about change it seems to me that it gets more difficult next time around. It is almost like organizations learn, and every



failed change project tends to harden the resistance to change. Hence, you may be better off assigning more weight to the resistance elements if there were past failures than if we are talking about a novel and new change.

So how about our project Deal Performance then? You already know that there has been a failed change project (your predecessor's attempt to have main redlines and executed documents uploaded to a Sharepoint—that the team is not using). So first red light: you have to assume some hardened resistance. For simplicity, let's assume there are no post mortem analysis or past project members, so you have to gather the resistance info informally. Recently, you have brought the past project and the poor Sharepoint adoption up as a topic when talking to team members and other stakeholders. You take down the following key observations:

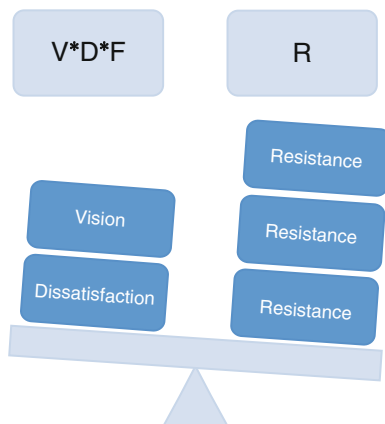
- Most deal supporting lawyers do not see the value in using the Sharepoint, because they are on top of the deals they are working on and can always find the executed documents from their local hard drives whenever anyone asks for them.
- All deal supporting lawyers claim they work as hard and fast as they can and blame slow negotiations on customer or internal business clients for slow closing deals.
- Some deal supporting lawyers share that they are uncomfortable with having management reading their redlined documents.
- Most deal supporting lawyers explain that they are usually deeply engaged in the next deal by the time the first deal closes, so uploading executed documents to the Sharepoint is considered an unnecessary administrative burden.
- Most deal supporting lawyers express some “big brother” concerns that management will use workflow data points to monitor their performance in a simplified way that does not recognize the uniqueness/complexity of each negotiation.

## **4.5 Putting It All on the Scale**

Now, this is where it gets interesting. The key observations you have collected about project Deal Performance in the areas of Vision, Dissatisfaction, First Steps and Resistance must be put on the virtual scale. Will the R(esistance) outweigh the combined value of V\**D*\*F?

Having discussed Gleicher's formula with a wide population of managers over the years, this is where we always end up in a bit of debate. Overly simplified, I divide them into the “Engineering School” and the “Lawyering School” of legal team managers. Those trending towards the “Engineering School” just cannot help themselves adding numerical values to the items on the scale. Sometimes, they would even weigh the items, which surely complicate the process of comparing vision, dissatisfaction and first steps with resistance items. I am not a big fan of adding numerical values to the identified items, and I will openly admit that I belong to the second school, recognizing that the items identified under V, D, F and

**Fig. 2** An illustration of initial assessment, with missing first steps



R are not all apples and cannot be directly compared 1:1, nor “weighed”, in a natural science manner. Rather, I will argue that comparing “apples and oranges” arguments—that are all relevant but carry different weight—lies at the core of classic legal training, and is something legally trained managers are actually quite good at. In legal method terms we sometimes refer to this step in legal reasoning as a “concrete evaluation of the specific facts of the case” or “holistic assessment of all the relevant facts” or something similar. My point is that this is core to legal method in most jurisdictions and whereas lawyers are not well trained on change management the step of putting all relevant items on the scale is right in the sweet spot for most lawyer managers.

Nevertheless, balancing the combined value of  $V \cdot D \cdot F$  against R has some challenges, and there are some pitfalls. The first pitfall is not realizing that the formula reads  $V \cdot D \cdot F$  on purpose, and it is definitely not  $V + D + F$ . The difference being that if either of the factors equals zero you are in trouble. That is, no matter how much Dissatisfaction you have or which well-planned First steps you can offer, you will fail if there is no Vision. And same logic, if there is zero dissatisfaction or no first steps. Gleicher’s formula basically warns you that if either of the V, D or F factors are zero you will fail (Fig. 2).

Let’s try it with the Deal Performance example:

$V \cdot D \cdot F$	R
<p><u>Vision</u></p> <ul style="list-style-type: none"> <li>• Deal Performance will show who is supporting which deal and make it easier for the managers to allocate workload among team members.</li> <li>• Proper allocation of workload will improve utilization of the team member’s available time.</li> <li>• Deal Performance will identify deals where negotiations are taking a long time, and</li> </ul>	<p><u>Resistance</u></p> <ul style="list-style-type: none"> <li>• Most deal supporting lawyers do not see the value in using the sharepoint, because they are on top of the deals they are working on and can always find the executed documents from their local hard drives whenever anyone asks for them.</li> <li>• All deal supporting lawyers claims they work as hard and fast as they can and blame slow negotiations on customer or internal business</li> </ul>

(continued)

<p>support pro-active manager intervention to drive difficult deals to closure.</p> <ul style="list-style-type: none"> <li>• The repository function will help Finance find the executed documents.</li> </ul> <p><u>Dissatisfaction</u></p> <ul style="list-style-type: none"> <li>• Legal management is dissatisfied with not knowing who supports which deals.</li> <li>• Legal management and sales management are not happy about deal velocity in the priority market.</li> <li>• Finance are unhappy with the fragmented storage of executed contracts.</li> </ul> <p><u>First steps</u></p> <ul style="list-style-type: none"> <li>• None.</li> </ul>	<p>clients for slow closing deals.</p> <ul style="list-style-type: none"> <li>• Some deal supporting lawyers share that they are uncomfortable with having management reading their redlined documents.</li> <li>• Most deal supporting lawyers explain that they are usually deeply engaged in the next deal by the time the first deal closes, so uploading executed documents to the sharepoint is considered an unnecessary administrative burden.</li> <li>• Most deal supporting lawyers express some “big brother” concerns that management will use workflow data points to monitor their performance in an overly simplified way that does not recognize the uniqueness/complexity of each negotiation.</li> </ul>
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So what to make of this? The first observation is that having no first steps is a problem. Better deal with that immediately. As you think through the implementation project, two potential first steps come to mind:

1. you can enforce the uploading of executed contracts to the Sharepoint while waiting for the Deal Performance solution to be implemented, or
2. you can set up a generic mailbox (e.g. contracts@yourcompany.com) and tell the deal supporting lawyers to simply copy/forward this generic mailbox when they deal with executed documents at the final stage of the deal support.

Your concern with #1 is that it will not be popular with the deal support team and you first think the second option is less controversial (but also less useful as it will be more work migrating executed contracts from the generic mailbox to the new system than from the Sharepoint). However, discussing your findings with your creative resource, you realize that option #1 has an interesting double effect, because it both, serves as first steps, and may increase the dissatisfaction with the current situation—which can be a good thing in terms of Gleicher’s formula. You are still uncertain whether increasing dissatisfaction is needed, and you are a bit concerned it can be perceived as too “Machiavellian”, so you would really prefer option #2 for first steps. On the other hand, the sum of the resistance items is really quite substantial, and you doubt that the combined value of your VDF factors outweigh the resistance factors.

You re-consult the creative resource, who quickly points out that not only do the resistance items seem to outweigh the VDF items, but additionally there seems to be an imbalance when it comes to whom the issues concern. Your creative resource illustrate it like this:

Category	Issue	Team member concern?	Mgmt concern?
Vision	Deal Performance will show who is supporting which deal and make it easier for the managers to allocate workload among team members.		X
Vision	Deal Performance will show who is supporting which deal and make it easier for the managers to allocate workload among team members.		X
Vision	Deal Performance will identify deals where negotiations are taking long time, and support pro-active manager intervention to drive difficult deals to closure.		X
Vision	The repository function will help Finance find the executed documents.		X
Dissatisfaction	Legal management is dissatisfied with not knowing who supports which deals.		X
Dissatisfaction	Legal management and sales management are not happy about deal velocity in the priority market.		X
Dissatisfaction	Finance are unhappy with the fragmented storage of executed contracts.		X
First steps	Generic mailbox.		X
Resistance	Most deal supporting lawyers do not see the value in using the sharepoint, because they are on top of the deals they are working on and can always find the executed documents from their local hard drives whenever anyone asks for them.	X	
Resistance	All deal supporting lawyers claims they work as hard and fast as they can and blame slow negotiations on customer or internal business clients for slow closing deals.	X	
Resistance	Some deal supporting lawyers share that they are uncomfortable with having management reading their redlined documents.	X	
Resistance	Most deal supporting lawyers explain that they are usually deeply engaged in the next deal by the time the first deal close, so uploading executed documents to the sharepoint is considered an unnecessary administrative burden.	X	
Resistance	Most deal supporting lawyers express some “big brother” concerns that management will use workflow data points to monitor their performance in an overly simplified way that does not recognize the uniqueness/complexity of each negotiation.	X	

Some changes are just like this, that all of the resistance comes from the team or individuals most affected by the change, while the vision, dissatisfaction and first steps focus on the need of the management, owners or other pan-organizational stakeholders. And the risk with this constellation is that the entire change projects

ends up in a “us” vs “them” battle where the change agent ends up in the middle—relying solely on the managements will and ability to force or “marshal” the change on the affected team. Your creative resource suggest that you try adding weight to the VDF side and that you consider if there are VDF items concerning the team members that you may have overlooked (i.e. not only think about VDF from the management perspective).

## **4.6 Re-Assessment**

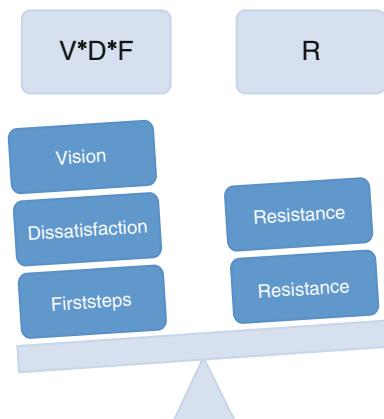
Re-thinking the vision and looking over notes from interviews with the team, you realize there is a pattern of concerns with in-equal workload balance in general and holiday coverage in particular. Having no contracting workflow tool, some team members feel they regularly are assigned more deals than others. Plus, when it is time for holiday coverage, each team member will have to forward all relevant drafts to the colleague covering the deal while the first team member is on holiday—and similarly the colleague will have to return all updated drafts when the holiday is over. In both instances, there is room for error. Follow-up calls to locate missing drafts or legacy documents during holiday are more the rule than the exception. If all current drafts and executed documents were available in a centralized system, holiday coverage will be a smoother process. Not to mention sudden absence due to sickness or other abruptions, in which all team members will benefit from relying less on the individual team members’ hard drives.

You decide to include fair workflow assignment and improved deal coverage during holiday and sickness as vision items benefiting the team members.

Regarding dissatisfaction and first steps, your creative resource conversations have led you to the conclusion that it is better to enforce the Sharepoint upload until the new contracts workflow and repository solution is in place. It is better to take the pain now and have a central collection of executed documents that can be transferred to the new repository in an automated fashion (batch upload or similar), than to let things slide and try to convince the team to dig out old documents from their hard drives when the new system is available. Furthermore, you are pretty sure that the team members will welcome the move from a rudimentary Sharepoint solution to the sleeker, new system, adding weight to the VDF side of the equation in Gleicher’s formula.

Your creative resource did not ask you to revisit the resistance items, but when looking over you think there is actually room to reduce some of the concerns by reducing the uncertainty about the use of the data in productivity assessment of the team. You work swiftly with Legal Management to create a framework for which data points the Deal Performance system will report, and how the data will be used in performance assessment. Several team members are positive about the increased clarity, and some are looking forward to objective data points showing how hard they work and their value add. Overall, you are convinced that the sum of resistance items has reduced, and that the increase in vision, dissatisfaction and first steps

**Fig. 3** An illustration of final assessment, including first steps and resistance mitigation



items will be sufficient to tip the scale. You're ready to begin project Deal Performance (Fig. 3).

## 5 Conclusion

“Culture eats Strategy for Breakfast” is a frequently used management quote usually attributed to the iconic Peter Drucker. And rarely is it more true than when an organization is faced with profound change. At the same time, it has never been more dangerous for businesses to remain static, being subject to change rather than driving change.

Whether it is culture, politics or just human nature that keeps adding challenges in your specific situation, I hope that you will find Gleicher's formula to be of some help as a framework and methodology—or simply structure for thought. Good luck!

### Liquid Legal Context

by Dr. Dierk Schindler, Dr. Roger Strathausen, Kai Jacob

Whatever angle we take to the transformation of the legal industry, it is a fact that it brings about change in fundamental ways and at large scale to individuals that work in the industry. “Known territory”, one is tempted to say, as we are all somewhat literate in the traditional methods of change management.

Byberg, accepts that—but makes a convincing case why we need to look beyond proven models like e.g. the Kübler-Ross-curve. He identifies a short-coming in models like that, if they are applied in commercial settings, like business or in legal. Commercial reality has the potential power to make change fail.

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This is why the author proposes to use a different approach to change and to assess first, if there is even a chance to make it happen. He advocates to use Gleicher’s formula, which basically helps to answer the question whether the team’s dissatisfaction with the current situation and the first steps for improvement you can offer—in aggregate—are greater than the team’s inherent resistance to change. If not—don’t waste your resources and the team’s goodwill until you have a better plan.

Byberg concludes with a tangible example that allows for taking his approach to practice. Yet, let’s also test his approach by applying it to the impressive journey that Roux-Chenu and de Rocca-Serra took their team on, turning legal into a profit center.



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