



## Interview with Michele DeStefano — Law Without Walls; University of Miami



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Researchers from the Center for Education and Research on Innovation (CEPI — Fundação Getulio Vargas São Paulo Law School) interviewed Professor Michele DeStefano as part of the research “Leadership and Innovation in Law: the emergence of legal innovation leaders in a changing sector”.

**Michele DeStefano** is one of the main references in the field. She is a professor, author, speaker, independent consultant, and facilitator to law firms, corporate legal departments, and legal startups on innovation and technology, culture creation, teaming, cross-border initiatives.

**The interview was conducted and translated to Portuguese by Ana Paula Camelo, Ana Carolina R. Dias Silveira and Bruno Ett Bicego.**





I believe that any change process, any type of innovation or transformation effort, needs a leader who can also manage or a manager who can also lead. — Michele DeStefano

**1** • *In your book “Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law” (2018), you define three types of innovation and three types of innovators (related to intrapreneurship, entrepreneurship, extrapreneurship) showing concretely different flows and strategies related to new ways of creating value for legal organizations. And you also explore that innovation is much more than technology. But, still yet, this is the most common association we find in the public debate related to the future of the legal sector and legal professions. In your opinion, why is this narrative still strong and how can we unfold this*

***imaginary? Would you like to share some initiatives that have done it in a collaborative, creative, and impactful way?***

Being an intrapreneur is even more important today for law firm lawyers and in-house counsel alike as the world has gone digital. Businesses around the globe are digitally transforming at an extreme pace. This means that lawyers need to change in order to meet the needs of speed of the business. They need to be creative intrapreneurs to help their clients on their digital transformation journey. Gone are the days where outside lawyers can be merely advisors to their clients; gone are the days when general counsels are merely risk defenders or even revenue protectors.

Today's general counsels need to be revenue generators and, what I call in my book, *Legal Upheaval*, "innovation consiglieres" who can see around the corner for their clients. If the company in which an inhouse lawyer works is a rental car company, it is the lawyer's job to see where that company will be making its money in the future. If it is not renting the cars (and more likely it is not but instead from the data it collects), how does the inhouse counsel help bring that future vision to life? And how do the outside lawyers help in-house do that. It surely isn't by focusing on technology first. Instead it is about focusing on maximizing experiences and minimizing pain points for both internal business clients and external customers. Indeed this is the true meaning of digital transformation.

Tons of people focus on the tech or digital part of digital transformation, but it is the transformation part that matters and that is hardest to pull off. This is because transformation of any kind requires change inspiration which means both leadership and followship and both change and innovation management. Unfortunately, research shows that almost 75% of change management efforts fail. Evidently, one of the most common reasons? Not doing the right **FIRST** thing first. And the right *first* thing is focusing on people (our clients) and on the how (as opposed to the what we do): *how* we provide services to our clients, the services *experience*.

In my recent book, *Legal Upheaval*, my main mantra is focused on convincing all legal professionals, whether their business model is broken or not, to hone the DNA of an innovator — not so that they become entrepreneurs and innovators but, instead, so that they become intrapreneurs who approach collaborative problem finding and solving with a growth mindset, who see that the call for collaboration is much more than a call

for reactive collaboration — and who answer that call with pro-active, co-collaboration with clients on the transformation journey.

**2.** *Still exploring the amazing content of your book, one of the discussions that contributed a lot to our research and to other discussions related to the encounter of legal education and legal innovation was the “Lawyer Skills Delta”. Considering that innovation is at the top level, and demands the other levels’ skills and training. You also mention that not all the skills can be developed in an educational context. Considering that, how law schools can engage with this reality to prepare their future professionals, including the ones that can become future heads of innovation in legal organizations?*

First and foremost, I recommend that law schools take advantage of programs that already exist and have a track record of training the skills on the Lawyers Skills Delta and preparing our future lawyers to be client-centric professional service providers. So, of course I have to plug [LawWithoutWalls](#) (LWOW) here and that is not only because I founded it, but because it is team-based experiential learning for lawyers, business professionals and students. This multi-disciplinary, intergenerational, collaborative, team-based approach is the key to its success in honing the skills on the Lawyer Skills Delta.

There are other programs that do so as well like IFLP [[The Institute for the Future of Law Practice](#)] and the [Digital Legal Exchange](#) and like LWOW, they, too, take this type of approach. To be successful in honing these types of skills (self-awareness, leadership, client-centricity, cultural competency, growth mindedness, association, audacity), the format has to be team-based, multi-disciplinary, and inter-generational which means law schools need change their format. But more than that, they need to open up their minds, their hearts, and their doors to not only new ways of teaching but new types of “teachers” and to welcome them as equals in their mission.

**3.** *In our research, we have observed that the roles played by heads of innovation, project management, and IT leaders, despite the differences, have aspects in common that end up resulting in a confusion between roles and attributions of innovation leaders. How do you see this merger of leadership and management roles? In your opinion, which characteristics would make the position of head of innovation in law firms unique?*

There are a ton of articles out there about the differences between managers and leaders. For example, it has been contended that leaders focus on people whereas managers focus on performance. Leaders embrace chaos and inspire others whereas managers embrace process and work to resolve problems quickly. Whether these differences are true or not, I believe that any change process, any type of innovation or transformation effort, needs a leader who can also manage or a manager who can also lead.

So I think the merger of roles and identities is a positive thing as long the person who has the position of head of innovation can do both. Back in 2013, David Burkus wrote an HBR article called “Innovation Isn’t an Idea Problem” and he was so right. Ideas are a dime a dozen. Anyone can have a good idea and there are a lot of law firms and legal departments with great ideas. But as any venture capitalist will tell you, what is more important than the idea is the person who is bringing it life. And only someone who has creativity, vision, and charisma to inspire — along with project and process management, and executional skills can play the role of Chief Innovation Officer at a law firm.

**4.** *Finally, in the paper “The law firm chief innovation officer; goals, roles and holes” (2018), you discussed whether the head of innovation at a law firm is an effective way to meet organizations’ needs, the changing marketplace demands and satisfying clients’ expectations. How do you see the impact of the COVID-19 pandemic on the roles and routines of a legal innovation leaders and also for legal organizations in a broad sense?*

I see the impact of COVID-19 pandemic as both a negative and a positive. It is true that there is nothing better than a burning boat to get people to swim and this pandemic has served as a burning boat. Lots of lawyers have now embraced new technology and working virtually who had not before. However, I’m a big believer in focusing on *why* people do what they do because if the motivation isn’t from within or, at least, from a positive place, the *right* new behaviors might not be adopted and, even if they are, they might not last. It’s like dieting. If you are dieting because *you* want to live a healthier life and *you* care about your body, the changes you make will be different and, potentially longer lasting, than if you are dieting to win a bet you made with someone to lose 10 pounds in 3 weeks.

True, lawyers and law firms are changing right now, but if lawyers and law firms are adopting new ways of working and *only* doing so because of the pandemic (i.e. a burning boat), I have two fears: first, they may be developing some bad habits (along with some good) in terms of online working and teaming; and second, when the world opens up again, they might slowly revert back to old ways of working. That said, the pandemic also represents a huge silver lining and that is change and change in and of itself can be very positive. Lawyers are changing and innovating how they work.

Further, to contradict my fears, there is great research demonstrating that creativity does not only come from “thinking outside the box.” Indeed, Drew Boyd and Jacob Goldenberg wrote a book [2014] all about the opposite: innovation and creativity can come from having to think “Inside the Box.”

And as Mark Cohen pointed out recently during a Financial Times Digital Lawyers panel (sponsored by the Digital Legal Exchange): the greater threat is stasis and doing nothing. And I agree with Mark! And hopefully we can all agree that the legal professionals and legal marketplace — law firms, law companies, legal departments and even law schools all over the world have stepped up and done a lot more than nothing during this tough time.

## Recommended Reading



[Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law](#)

To know more about Michele DeStefano's work:

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