

# MANAGING CHANGE

## How UMKC alumni are handling industry upheaval

by Dawn Novascone

The legal profession is steeped in tradition, but significant changes in technology, workforce management and lifestyle expectations are impacting long-held perceptions of a successful practice. Managing change, though not simple, is essential if lawyers are to keep pace with client demands and retain talented employees who desire more than a paycheck.

Across the country, law schools, large and small firms, state supreme courts and bar associations are coming together to rethink traditional ways of doing business. That means reviewing barriers that could inadvertently hold back innovation and rethinking firmly held beliefs like billable hours.

These issues were the subject of the “Future of the Profession Report” created by a joint task force assembled by the Missouri Bar Association and the Missouri Supreme Court to think about law in a new era.

### FLEXIBILITY AND VALUE

Since the recession, the law profession has been slowly altering some business barriers, including one of the most sacred financial tools – billable hours.

Alternative fees have been around for years, but many clients and firms hadn’t implemented those systems until recently, says Allison Murdock (J.D. ’88), deputy managing partner at Stinson Leonard Street.

“There’s a higher comfort level with them now,” she says.

This financial transition means lawyers must learn more about business management than they have in the past. Firms have begun teaching lawyers more about the financial aspect of practice. At Stinson Leonard Street, Murdock says that means lawyers sometimes work alongside professional accounting and finance staff to structure fees.

She is quick to point out that billable hours won’t go away anytime in the near future, if ever. Time-based fee structures have their place. Yet alternative fee plans are gaining popularity especially as corporations look for ways to steady expenses.

“Clients are looking for predictability, they want to know how much they’re going to spend every month,” Murdock says.

New tech tools have made clients feel more comfortable with billing because it’s easier to track time and budget. However, Murdock points out that many clients still want to know what those hours were and compare costs.

In addition, the task force said lawyers need to be more transparent and share why their services are imperative so the public can make informed decisions. Missouri Court of Appeals Judge Karen Mitchell

(J.D. ’93) wants to see The Missouri Bar continue to improve its online tools for the public, making it easier to hire and evaluate lawyers. She says if the public has to jump through hoops to find an attorney, they are more

likely to self-represent or turn to online legal programs.

So how do lawyers build a financially sustainable business without scaring off modest-means clients?

Mitchell says some of the most inventive changes could create



Allison Murdock (J.D. '88),  
Stinson Leonard



affordable options: encouraging flat fees in some cases instead of billable hours — which intimidate many consumers — and expanding legal insurance and allowing legal fees to be claimed in group cafeteria plans. She says the ideas require changes on the state and federal level but make sense as society changes and resources improve.

## MENTORING

While some attorneys are looking at fee structures, many new attorneys are facing the challenge of establishing their careers. Alexandra Nieves (J.D. '13), of Shook, Hardy & Bacon, sees a lot of opportunity for seasoned lawyers to step into a mentor role.

She also served on the Future of the Profession task force and, as a new lawyer, is a big believer in mentoring and sponsoring new attorneys. A mentoring program, as well as informal mentoring/sponsorship relationships at Shook, Hardy & Bacon, gave her a place to share ideas, ask questions and learn. The program is an invaluable extension of law school that she'd like to see offered beyond large firms.

"When you first start, you feel a little lost," she says. "You've learned all these legal concepts. You've taken the bar exam but you don't really know the practice of daily things."

The Future of the Profession task force spent considerable time thinking about how to better prepare students and analyzing ideas for more practical experiences during the third year of law school.

Nieves says UMKC offers several ways for graduates to transition from school to the workforce, including its Solo and Small Firm Incubator program. The committee wants other law schools to commit to incubators that train new attorneys and serve populations in need.

## UNTAPPED CLIENTS

So how can the legal profession help match lawyers with the millions of underserved and underrepresented?

For years judges have watched Americans with modest means struggle to finance legal services. Ethics often prevent them from speaking up or interfering with the dilemma.

Mitchell says the wealthy can often afford to pay and many low-income families can tap into assistance for representation. But Americans with modest means are often left without proper representation.

"Some truly struggle to afford it and some perceive legal services as not having enough value to pay for it," she says.

Nieves expanded on the task force's idea of an incubator collaboration between the state's law schools and the Missouri Bar to provide post-graduate support and training to newly-licensed attorneys who want to serve communities in need. The incubator would give new attorneys opportunities

to work on cases alongside experienced attorneys from across the state.

She says it's still not enough to serve the state's needs, especially outside urban areas. Nieves wants to see an organized push to incentivize attorneys willing to work in rural America. Similar programs already exist to coax doctors and teachers to work in underserved communities.

Mitchell says another way to connect lawyers with clients is to build upon rapid-response legal teams. The state and local bars

have developed volunteer lawyer hotlines during emergencies of disastrous weather, civil unrest and more. Those teams can be essential for families in their hour of need. One idea the task force suggested was rewarding rapid-response attorneys with free or reduced rates for continuing legal education.

## CHANGING POOL OF CANDIDATES

For some new lawyers in small firms, the key to jumpstarting their career has been seizing an opportunity to specialize.



Alexandra Nieves (J.D. '13),  
Shook, Hardy & Bacon



Hon. Karen Mitchell (J.D. '93),  
Missouri Court of Appeals

Murdock confirms Stinson Leonard Street has seen more lawyers targeting particular litigation areas. She says that deep expertise is especially valuable to firms when they're looking to add positions or take on new casework.

Aaron Lukken (J.D. '12) is one of those solo practitioners who quickly earned a national reputation for his niche work.

Lukken worked in international law for a large translation company for years. He quickly realized there wasn't a lot of room for professional growth and set out on his own. His expertise in international law was an untapped niche other attorneys needed. He ran with it.

Now he helps lawyers with service of process abroad, foreign compulsion of evidence and overseas enforcement of U.S. judgments. It's a field few others are willing to touch.

Specialization has also allowed Lukken flexibility in his working

## TOP 5 REASONS TO MENTOR A NEW ATTORNEY

**1** Mentorship helps keep associate attrition rates low. If associates do not feel a vital part of the team, and are only given mundane, administrative duties, they struggle to see a clear path for growth and promotion and leave firms and companies sooner.

**2** Mentorship programs help new associates adjust to the day-to-day issues that they will face in practice — a difficult client, an impatient judge or even properly billing time.

**3** Mentoring promotes collegiality among legal professionals and involvement in the firm/company. In turn, the developing attorneys are more integrated and oriented to the culture and work environment.

**4** Mentoring teaches mentees how to practice efficiently and effectively, which is in every organization's interest. Additionally, many mentors report that attorneys whom they once mentored later become excellent referral sources for new business.

**5** A mentoring relationship is the model for the relationship mentees will develop in the future with clients and opposing counsel.

arrangements. He uses technology to handle administrative duties and works on a secure cloud-based server at his home office. Technology has become so secure and reliable that Lukken travels without concern.

"I can literally do my work anywhere on the planet," he says. "I spent a week and a half in Paris last fall and I talked to clients every day. I sent emails back and forth."

He rarely has face-to-face meetings because technology makes it irrelevant. It's a freedom he may not have at a large firm and he loves it.

His advice to others thinking about a change?

"Don't be afraid of hanging out a shingle. Don't be afraid of doing it from home," he says. "But find something that will allow you to build expertise. Don't just throw out something and say, 'I'm a lawyer, I'll take anything.'"

Specializing and marketing have been key, Lukken says. He spends roughly half of his professional time on marketing and publishing the Hague Law Blog ([haguelawblog.com](http://haguelawblog.com)).

## WORK-LIFE BALANCE

Lukken isn't the only lawyer seeking work-life balance. As technological advances make it easier to work securely from home, more lawyers are expecting flexibility and balance in their careers.

On the other hand, with the remote connections to the office being so attainable, some worry about the added burden it places on workaholics.

The Future of the Profession task force wants greater oversight when it comes to juggling work-life balance to prevent burnout.

Murdock says getting away

from the office is critical and something her firm, Stinson Leonard Street, tries to reinforce in meaningful ways. The firm has always encouraged attorneys to take time off to attend their children's classroom parties or use their schedule to their advantage. Without question, attorneys have busy schedules, and that's why she says it's important for attorneys to plan schedules and leverage technology to balance both work

that it's going to be supported by the firm," she says. "We definitely support that and have a pretty robust process for it so it's part of the culture."

It's a small but significant way for lawyers to ensure they can continue pursuing something especially dear to them.

"I'm not sure that 10 years ago anybody was asking about that," she says.

That push for pro-bono



and personal commitments.

Stinson Leonard Street also offers an alternative work schedule for attorneys.

"They might work 75 or 85 percent of the time," Murdock says. "They still remain on partnership track. We've had many lawyers take advantage of that opportunity. Many advance to partner while on a transitional schedule."

Murdock has noticed during recent hiring interviews that work-life balance means different things to different people.

"Many of the folks coming here want to make sure they have the ability to provide pro bono work, and

provisions could be a by-product of the innovative work being accomplished in incubators and through non-profits.

Nieves says working on pro bono cases has been one way to energize her work after taking on especially stressful cases.

She's also noticed millennial recruits have found roundabout ways to ask about work-life balance during interviews. It's something every generation wants to know but struggles to ask about for fear they'll be labeled as lazy.

"I tell the younger associates, you know yourself and you know your limits," Nieves says. "You've got to learn how to figure out where your limits are in the first year and work out that balance to avoid early burnout." ■



Aaron Lukken (J.D. '12),  
Viking Advocates LLC

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