

SERIES: LEGAL MARKET STRATEGY

The Value of Creativity and Imagineering to Legal Business Strategy

By Heather Suttie, Legal market strategy and management consultant



Strategy pertains to influencing things you cannot control. This is why legal business strategy can be challenging to lawyers who tend to be risk averse by temperament and are trained to hone this characteristic. They prefer to be in control of a situation.

Control is a factor in why the practice of law involves the application of yesterday's precedents to today's problems. History is known and usually documented. Therefore, it provides a degree of control. Applying the past to the present is what lawyers do, how they construct arguments, and where they often excel.

However, the business of law is another matter. It requires creativity and imagineering that are future-focused and often without precedents.



Creativity and imagineering in the business of law are not as prized as the learning of law and legal practice. In reality, traditional legal education has little if anything to do with the business of law. Yet, legal service is a business complete with its own industry code: 5411. And the business of law is where strategies pertaining to creativity and imagineering apply most readily.

Living in Your Head

Creativity and imagination are both nouns. Activating them means getting ideas out of your head and executing on them, which makes them real. Otherwise, creativity and imagination dwell in the land of overthinking.

Overthinking tends to be a lawyer trait that goes hand-in-hand with admiring a problem.

But problem admiration and overthinking get you nowhere. Solutions are required as well as actions that get them done.

The trick to harvesting the fruits of creativity and imagination is either having the experience of knowing how to execute on them or finding someone who does. Otherwise, creative strategies and imagined ideas become the stuff of magical thinking and fanciful fairy tales that live in your head until they go poof and disappear.

Getting Out of Your Head

Creativity is an often-neglected factor of legal business strategy. Why? Because lawyers rely on evidence and, better yet, proof to support arguments including those related to running

their business. This is why the evergreen statement, “We’ve always done it this way” and its pushback cousin, “Who else has done it this way and had success with it?” continues to hobble forward motion within traditional law firms and staid legal management.

It is also why those who may be intimidated by the change management processes that come with creativity and imagineering often mount a defense.

A symptom of this is usually a barrage of aggressive questions that rain down upon the head of whomever is daring enough to propose creative change along with a demand to instantly provide data points that prove beyond a shadow of a doubt that whatever is proposed will work effectively and efficiently the first time.

This mulish stance is vexing to people who are working to move the business of legal service forward, and who are propelled by innovative management objectives, strategies, tactics, and most importantly, execution.

These are the same dogged souls who often find themselves in the equivalent position of pushing a pill up a hill with their nose.

I’m one of them. This is my hill. Sometimes I think I’ve been dead up here for years.

Creativity

In 2006, Canada’s *Lexpert* magazine hatched a one-off issue titled “100 Creative Lawyers”. I can’t recall criteria used to measure the creativity of those featured, but do remember that when this publication appeared I was provid-

ing interim management for a national law firm that had a number of lawyers listed in this edition. Unfortunately, two of these lawyers had been misidentified, so a correction and compensation was requested.

Since the issue was about creativity, I wrote to the publisher about the error and my expectations for a make-good arrangement using two stanzas of poetry set in iambic pentameter. The publisher – a non-practising lawyer – responded with an offer also in iambic pentameter. I confirmed our agreement in limerick.

That’s the thing about creativity; it reframes a situation in a unique fashion.

The advantage of creativity is that it enables a mind-wide-open world of possibilities that launch as a result of answering a question asked in first year university Philosophy class. That question is: Why? The answer is not: Because. The answer is: Why not?

Imagineering

While imagineering has been around since the middle of the last century, the first time I heard about it was during my broadcast management years in the mid 1980s. At that time, imagineering was a creative process applied to broadcast engineering and production.

Since 1990, the word “Imagineering” has been registered as a trademark of Disney Enterprises, Inc. that employs imagineering to “make the impossible possible.” Disney describes it as “the creative engine that designs and builds all Disney theme parks, resorts, attractions, and cruise ships worldwide, and oversees the creative aspects of Disney games, merchandise

product development, and publishing businesses.”

Even though the word is trademarked, making the impossible possible is not. Impossibilities are made possible all the time in various industries and fields of endeavour, and miracles happen every day.

Devising and implementing new and imaginative concepts are entirely within our reach. So why not use them to advance business within the legal service industry?

Creativity and Imagineering: Putting Them Together

Creativity and imagineering go together like salt-and-pepper. It’s hard not to think of one without the other.

Individually, creativity and imagineering each has a plethora of applicability to the legal service industry. This applicability runs the gamut from education and training, to onboarding and mentoring talent, business development and client work, pricing, billing and collection, and tailoring infrastructures and management structures that enable profitability while also providing flexibility.

But pairing them results in a powerhouse combination.

Together, creativity and imagineering elevate the business of legal service into another

stratosphere – one that realizes what can happen when old and tired ways of doing things are jettisoned so that what is new and better-applicable to today’s expectations for getting things done can take off and accelerate unimpeded.

I can tell you from experience that the results of strategically applying creativity and imagineering to a legal service business are real, fulfilling, and exhilarating. This is because the outcome every time is a bright-lined business definition, crisp market differentiation, and a clear path forward. And as Disney well knows, there’s nothing Mickey Mouse about a business strategy like that.

About the Author

Heather Suttie is an internationally recognized legal market strategy and management consultant to leaders of premier law firms and legal service providers worldwide.

For 25 years, she has accelerated performance within law firms and legal service businesses – Global to Solo | BigLaw to NewLaw – by providing consultative direction on legal business strategy, market strategy, management strategy, and client strategy. The result is a distinctive one-of-one legal market position and sustained competitive advantage culminating in greater market share, revenue and profits. Reach her at heathersuttie.ca.



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