

# The Secret Sauce to Teaching Collaboration and Leadership to Lawyers: The 3-4-5 Method of Innovation utilized in LawWithoutWalls<sup>1</sup>

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This is an excerpt from a Chapter that will be included in the book: [New Suits: Appetite for Disruption in the Legal World](#)

## I. Intro: The Easy Sell: In the Process of Learning How to Innovate, Lawyers They Hone Leadership and Collaboration Skills

It is a hard sell to convince lawyers that they need to learn how to innovate. However, when we consider the skillset and mindset that is honed in the process of learning how to innovate, this decision should be a no-brainer. This is because, as discussed in my other chapter in this book, the call for innovation by clients is also a call for service transformation. When clients ask their lawyers to innovate, they are asking for their lawyers to co-collaborate more proactively and with a different mindset and skillset.<sup>2</sup>

The easy sell is that, in the process of learning how to innovate, lawyers learn to do just that: they learn to co-collaborate and hone the mindset and skillset that clients desire. An additional and under-emphasized benefit to learning how to innovate and honing the innovator's DNA is that we also hone the DNA of leaders. When you compare the key qualities of an inclusive, adaptive leader with the key qualities of an innovator, they are almost identical.<sup>3</sup> Research demonstrates that innovators, like leaders, have high emotional intelligence and communication skills; they are empathetic, open- and growth-minded, self-aware, associative, and audacious.<sup>4</sup>

This is why I believe that all lawyers should try their hand at innovation, even if their business model is not broken. This is also why I believe that innovation should be the new, key discipline in legal education for practicing and aspiring lawyers. By teaching practicing and aspiring lawyers how to innovate, we are, in turn teaching collaboration and leadership—and they don't even know it. It's like getting away with putting broccoli in someone's ice cream—it's the secret sauce.

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<sup>1</sup> The material and text included in this chapter includes excerpts from a forthcoming book: MICHELE DE STEFANO, THE 3-4-5 METHOD OF INNOVATION FOR LAWYERS: A HANDBOOK OF EXERCISES AND BEST PRACTICES (forthcoming).

<sup>2</sup> For a more thorough discussion of the skillset and mindset that lawyers need, see Michele DeStefano, *Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law*, (Chicago: Ankerwycke, 2018) 28–55 (describing the Lawyer Skills Delta).

<sup>3</sup> Ronald Heifetz, Marty Linsky, & Alexander Groshow, *The Practice of Adaptive Leadership* (Cambridge: Harvard Business School, 2009).

<sup>4</sup> Bernadette Dillon & Juliet Bourke, *The Six Signature Traits of Inclusive Leadership*, Deloitte (Apr. 14, 2016), <https://www2.deloitte.com/insights/us/en/topics/talent/six-signature-traits-of-inclusive-leadership.html>. (identifying the six essential traits of inclusive leaders as courage, cognizance, commitment, curiosity, cultural intelligence, and collaboration); Daniel Goleman, *What Makes a Leader?* HARVARD BUSINESS REVIEW (Jan. 2004), available at <https://hbr.org/2004/01/what-makes-a-leader>; Sunnie Giles, *The Most Important Leadership Competencies According to Leaders Around the World*, HARVARD BUSINESS REVIEW (Mar. 15, 2016), available at <https://hbr.org/2016/03/the-most-important-leadership-competencies-according-to-leaders-around-the-world>; Katherine Graham-Leviss, *The 5 Skills That Innovative Leaders Have in Common*, HARVARD BUSINESS REVIEW (Dec. 20, 2016) available at <https://hbr.org/2016/12/the-5-skills-that-innovative-leaders-have-in-common>; Bill McBean, *The 5 Characteristics of Great Leaders*, FAST COMPANY (Jan. 24, 2013), available at <https://www.fastcompany.com/3004914/5-characteristics-great-leaders>; see generally Travis Bradberry and Jean Greaves, *Leadership 2.0* (California: TalentSmart, 2012).

But it's not an easy sauce to whip together. That is, although these benefits may make the need for teaching innovation an easy sell, teaching lawyers how to innovate is not an easy task. This chapter begins by explaining why this is so and why we need to utilize a method of innovation designed specifically for lawyers. It then describes the method of teaching innovation that I designed, re-designed, and tested over the past ten years on over 200 multidisciplinary teams that included lawyers, business professionals, and law and business students: The 3-4-5 Method of Innovation for Lawyers. It then explains the secret sauce, why this new method works, and concludes with a call to action.

## II. Why Lawyers Need Their Own Method of Innovation

As my prior chapter explains in more detail, teaching lawyers to innovate, collaborate, and be leaders is a barrier-filled journey. Here, I will only highlight a few, starting with the hurdles associated with leadership and collaboration (leaving aside innovation, because my prior chapter describes in detail the reasons why lawyers have trouble honing the DNA of innovators).

The reality is that all lawyers need to be good leaders, whether they work in-house, at a law firm, a government agency, a non-profit, or as a solo attorney. No matter the type, lawyers, even if they don't have a team, even if they don't practice, they lead; they lead clients, they lead social transformation, they lead regulatory efforts, they lead companies, and sometimes, they lead nations. And, when they lead, they have a lot of power and sway. As the many, many articles on leadership make clear, there are right and wrong ways to lead. In her book, *Lawyers as Leaders*, Deborah Rhode, Professor at Stanford Law School, makes the point there are many lawyers in the legal profession who have the *potential* to be leaders, but because our training does not focus on some of the core essential attributes to be leaders, they are not equipped with the right skills to lead "right."<sup>5</sup> And she's right: Very few courses attempt to train aspiring lawyers to be successful leaders in law school. Instead, the culture and curricula at many law schools do the opposite; they discourage the attributes of adaptive leadership.<sup>6</sup> This appears to also be true within many law firms, as very few directly reward lawyers for being adaptive leaders (i.e., inclusive and collaborative). Thus, lawyers are set up for failure given that we live in a changing world that demands inclusive, adaptive leadership capability from its lawyers.<sup>7</sup>

Worse yet, lawyers and aspiring lawyers themselves agree that lawyers lack the attributes of leaders. Recently, *Susan Sturm*, a professor at Columbia Law School, did a study on how lawyers view themselves. She provided a list of attributes and asked participants to categorize the

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<sup>5</sup> Deborah L. Rhode, *Lawyers as Leaders* (Oxford: Oxford University Press, 2013) ("Although leadership development is now a forty-five-billion-dollar industry, and an Amazon search reveals close to 88,000 leadership books in print, the topic is largely missed in legal education."). See also John Dean, *Teaching Lawyers, and Others, To Be Leaders*, VERDICT (No. 1, 2013) available at <https://verdict.justia.com/2013/11/01/teaching-lawyers-others-leaders> (explaining that lawyers are the dominant profession of the United States Congress and Presidency); cf. Nick Robinson, *The Decline of the Lawyer Politician*, 65(4) BUFFALO L. R. 657 (Aug. 2017) (showing that there is a slow, gradual decline of lawyers in Congress and the U.S. Presidency since the 1960s).

<sup>6</sup> Susan Sturm, *Reaction: Law Schools, Leadership, and Change*, 127 HARV. L. REV. F. 49, 50 (2013), available at <https://harvardlawreview.org/2013/12/law-schools-leadership-and-change/>.

<sup>7</sup> See generally, Heifetz et al., *supra* note 2.

attributes under the label “lawyer” or “leader” (explaining that any of the attributes could be used to describe both). She found the following:<sup>8</sup>

LAWYER

Problem solving  
Strategic  
Combative  
Critical  
Adversarial  
Rule-Oriented

LEADER

Problem solving  
Strategic  
Creative  
Empathetic  
Collaborative  
Risk-Taking

This research supports the conclusion that lawyers, as professionals, do not identify themselves as having the same skillset and attributes as leaders.

Similar problems exist related to innovation and collaboration. In law school, very few courses teach collaboration or even involve collaboration. In January 2011, when I started teaching design thinking and innovation to lawyers through LawWithoutWalls (“LWOW”), there was no other law school or lawyer executive education program attempting to do this. Today, there are many. I am proud to say that some of my students have now created programs in design thinking and innovation at their schools after going through LawWithoutWalls, including *Margaret Hagan* (now director of Stanford’s Design Legal Design Lab) and *Anna Pope Donovan* (now the Vice Dean of Innovation at University College London).

That said, even with these developments, many students graduate law school without being taught how to innovate or collaborate. Further, the way we are assessed in law school is generally on an individual basis. As *Sturm* points out, “[I]aw school cultures and curriculum tend to be highly individualistic and competitive, to encourage conformity, and to discourage risk-taking.”<sup>9</sup> This is also true of the cultures of law firms. Lawyers are often assessed solely on their individual contributions; i.e., the billings, origination, billable hours, etc. When lawyers are put in situations where they are supposed to collaborate (e.g., on committees or an RFP team), they divvy up the work and end up coordinating and cooperating, but not collaborating—and even when they try to collaborate *for real*, they don’t do it very well and they don’t like it very much, for all the reasons discussed in my other chapter in this book.

Hundreds of interviews I’ve conducted of both in-house and law firm lawyers around the world support my contention that lawyers don’t collaborate well. So too does my experience teaching current and future lawyers. In addition to the lack of training and extrinsic motivation (described above), there are other inhibitors to lawyers collaborating well:

First, lawyers often don’t know what we mean by “collaboration.” Recently, I was talking to a managing partner about the firm’s recent re-organization by industry group and her dismay with the results thus far. She said: “You know, we learned that we are not supposed to use the word ‘cross-sell.’ That’s a no-no. Instead, we are supposed to use the word ‘collaborate.’ But, I don’t think we know what that means.”

Second, lawyers often don’t know *why* they are collaborating, and without the “why,” there is little incentive (intrinsic motivation) to collaborate at all, let alone collaborate “right.”

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<sup>8</sup> This chart comes from a paper that Susan Sturm presented at the AALS meeting in New Orleans in 2018 that has not been published yet. Abstract can be found here: <https://sectiononleadership.org/2019/03/08/lawyer-leadership-embracing-the-paradoxes/>.

<sup>9</sup> See Sturm, *supra* note 5, at 50.

Third, lawyers don't know how to identify which part of a project is ripe for collaboration. When they are put on a team to "collaborate," the default (dreaded) conclusion is that this means everyone will have to collaborate together on everything—which would be impossible and terribly inefficient—so they give up collaborating altogether, often before the process even begins.

Fourth, lawyers often don't know that "teamwork is an individual skill."<sup>10</sup> As a result, they don't put the effort into honing their own *individual* abilities to team, nor do they attempt to identify what skills they are good at and can bring to the team to help the team collaborate better.

Lastly, the way courses on innovation, collaboration, and design thinking are described often does not resonate with lawyers. While it is true that innovation is iterative, messy, unpredictable, and prone to failure, the emphasis that many design thinking methods place on these aspects can be off-putting to lawyers who (as described in my book, *Legal Upheaval*) are often risk-averse, analytical, and methodical.<sup>11</sup> Most methods do not identify *how* or *when* to move from one stage to another in the ideation process or *who* should be doing *what*. Most methods also do not delineate timeframes and role identification. These are all parameters that are part of standard operating procedure for lawyers and, when removed, make us feel like we are operating too far outside of our comfort zone. Further, lawyers sometimes discount the value of design thinking methods, mistakenly believing that they are focused on designing products, instead of designing products and services.

I created the 3-4-5 Method of Innovation for Lawyers with all of these gaps in mind. The 3-4-5 Method is an innovation process grounded in design thinking principles and constructed especially for lawyers based on the lawyers' temperament, training, work preferences, and innovation, collaboration, and leadership training needs. It emphasizes the *how* and *who*; further, it makes the *what* and *when* super, super clear so that collaboration comes easier (and perhaps with more certainty in the process) than it might otherwise. And it does this in three phases, over four months, in five steps: hence the 3-4-5 title. Although the steps are iterative, this method details specific instructions and exercises for each step, along with a timeline, role identification, time commitment, and, importantly a timeline: the series of meetings that must occur among the team and with external advisers along the innovation journey. This method focuses on purpose, goals, accountability, and transparency. It also focuses on *service* innovation. Armed with this level of information and predictability, lawyers are willing to put in the time to get the results: new skills, new mindsets, and new behaviors—not to mention an innovation at the intersection of law, technology, and business.

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<sup>10</sup> Christopher M. Avery, *Teamwork is an Individual Skill: Getting Your Work Done When Sharing Responsibility* (Oakland: Berret-Koehler Publishers, 2001).

<sup>11</sup> *Legal Upheaval*, *supra* note 2 at 56–70 (describing lawyers' crutches, their temperament and training, as the source of the gap in skills, behavior, and mindset).