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# The Multigenerational Workforce ...

# Law Firms Step up to Meet the Challenges and Reap the Rewards

This past February at a retreat for partners and associates of the law firm Damon Barclay, the guest speaker asked the crowd of attorneys a question that centered on the theme of the retreat—multigenerational workforce issues. "Generation X and Millennials are the first generations in human history to do one thing. What is it?" asked Chris DeSantis, a consultant who identifies himself as "an organizational behavior practitioner" and consults on workplace matters.

Several people raised their hands and offered answers, recalls John Langan, managing partner of the Syracuse-based firm. "But no one guessed it," Langan says. "And then DeSantis, who is an incredible thinker and speaker, gave the answer: 'Teach up.' He talked about cavemen teaching [younger cave dwellers] how to start the fire, hunt and gather – and how the older and smarter have

always taught the younger people. But because of technology, now the younger are teaching the older."

And that's a good thing—as long as it's handled well. "If law firm leadership is smart they will encourage Boomers to accept support from Millenials, especially when it comes to technology," says Robert Denney, a law firm consultant in Wayne, PA.

As members of four generations find themselves working alongside one another in law firms and other workplaces across the

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country, this first-ever teaching trend represents one of the several generational issues and differences that manifest in the work environment. The partnerships that both meet the challenges and reap the benefits that arise as a result of Baby Boomers working with Millenials will be the ones that thrive, according to workplace studies and the consultants and lawyers interviewed for this article.

Law firm clients expect to see their outside legal teams consist of lawyers of different



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generations. "Diversity of age is very important to clients, and it is to our firm as well," says David Suter, a partner at Detroit's Harness Dickey. "It's good to approach things with a variety of perspectives. And folks of a younger generation often see things differently than those of who are older do."

#### **Different Views**

At highly regarded Edelson PC in Chicago, the firm hires a lot of younger lawyers and staff. Jay Edelson and his leadership team have thought long and hard on the dynamics of a multigenerational law firm, and taken action to address those undercurrents that are changing the workplace. (The firm even designed its brand new offices to align with the changes. See Edelson's descriptions of that new space and how it gels with a new way of working, in the accompanying short article at the bottom of this piece.)

For one thing Edelson recognizes an inherent difference among many Millenials—although he adds that people don't necessary share commonalities simply because they were born in the same timeframe. "Speaking in generalities, people clearly work differently than they did when I was starting my career, in 1997," he says. "The idea that prestige is equated with stuffiness—wearing suits to work, having an isolated office with a secretary and working in a very hierarchical environment—has been turned on its head by Silicon Valley. When one of the richest people on the planet, Mark Zuckerberg, is wearing a hoodie to work every day, it's hard to feel like you are 'winning' because you are forced to wear a suit."

Another difference that many people point to is that younger attorneys and staff members like working together, outside of the "isolated office," as Edelson puts it.

"Millenials tend to like collaborative work environments as opposed to sitting alone

Continued on page 17







# **Always Room for Improvement: Retired Professor's Writing Tips**

We've all seen it: A brilliant idea (or set of ideas) jumbled and twisted and muddied by sloppy or circuitous or pompous presentation—an intelligent thought buried alive by bad writing. Well-crafted writing, on the other hand, serves as a pedestal on which you showcase your ideas.

This past May I taught my last nonfiction writing class, retiring from teaching after nearly a quarter-century as a college professor. During that time I saw students enter my classes and deliver a lot of clumsy and unclear writing—along with a lot of outstanding prose as well—and I'd like to believe that, throughout of the academic year, my instruction helped both the weak and strong writers improve. While I can't say for sure, I do hope they got their money's worth.

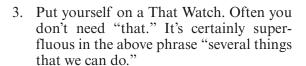
Of course, weak prose also surfaces in plenty of places outside of the classroom, polluting our space with dangling modifiers, run-on sentences, colorless clichés, overwrought passages, imprecise word choices and many other crimes against the English language. We certainly witness poor writing in the legal profession—although too often lawyers get a bad rap because frequently I read crisp, clear and compelling written pieces by attorneys. Still, sour prose among the attorney ranks persists—whether it's found in legal briefs, letters to clients, law firm websites, or any number of other outlets.

However, there are several things that we can do that can improve our writing as we pound away on the keyboard. For instance, avoid writing sentences like the one I just constructed. Technically, it's fine and makes sense and even uses a strong verb in "pound." But it violates a few principles that can better serve our prose. It's an improvement to replace that sentence with this one: "We can, however, do several things to improve our writing as we pound away on the keyboard.

In thinking about the above revision, consider these tips, keeping in mind, of course, that exceptions to them exist:

- 1. Stay away from "there-are" and "there-is" constructions. This may be the simplest way to strengthen your sentences. Look at this weak line: "There is a naughty exhibitionist in nothing but a trench coat standing at the bus stop." Check it out with this easy fix: "A naughty exhibitionist in nothing but a trench coat stands at the bus stop." Now, a person (albeit a miscreant) opens the sentence instead of an amorphous "there" and the stronger verb "stands" replaces the weaker "is."
- 2. While it's good to signal early on in a sentence that you're changing direction by using the word "however," it's usually best to avoid starting a sentence with that word. So in the reworked sentence above—"We can, however, do several things ..."—the commas make the reader slow down at "however" thereby adding emphasis to the directional change. Also don't end a sentence with "however" because, as writing guru William Zinsser says in *On Writing Well*, "it loses its however-ness."





Now you may know and utilize these tips ... oops, scratch "utilize" because it's a stiff verb and the three-letter, more common "use" works just fine. (If I could, I'd kill "utilize" as well as the flat and limp "facility" for the more precise "office" or "hospital" or whatever the building is; even "building" is better than the F-word.) Yes, you may know and use these tips already but it's always good to get a reminder. Here are a few more:

Vary your sentence structure and length. Don't over-rely on adverbs; instead of writing "walk slowly," for example, you'd be better off writing "amble" or "stroll." Jettison the baggage in such phrases as "an actual fact" ... "for a period of two weeks" ... "a definite commitment" and "talk on the subject of politics." Your writing carries more concision with "a fact" ... "for two weeks" ... "a commitment" and "talk about politics."

And perhaps the principle that many of us need reminding about the most is: Avoid the passive voice and use the active voice. "The decision was handed down by the judge" is passive and would be better if, rather than having a thing or idea done by a person, you have a person doing something to a thing or idea as is the case in this active-voice revision: "The judge handed down the decision."

Naturally, we're only scratching the surface with these tips. For more, remember to reexamine that thin little gem, the writing bible, *The Elements of Style* by William Strunk Jr. and E.B. White, better known as simply *Strunk & White*.

# **Zeroing in on Website Content**

I mentioned the weak writing you sometimes find on law firm websites. You can also read snappy, spirited marketing content that effectively urges the reader, often a prospective client: "You should hire me and my firm." An expert who knows what constitutes good writing in law practice descriptions, law-yer bios, and other law firm website content is the highly regarded Deborah McMurray, CEO and strategy architect of Content Pilot, a company that produces and overhauls websites, including those of many of the nation's most respected law firms. (By the way, she's also a friend of mine.) I asked Deborah if she'd offer some tips specific to attorney bios. Here's a sampling of some of the sage advice she graciously provided—in her own words:

"If you are rewriting your website biography, know that providing the specifics of your representative experience is 'table stakes.' If it's not sufficiently complete and it does not convey the complexity or scope of the work you do, it's not working hard enough for you. This is where you lock-in your place on a buyer's short list.

"Answer the questions: 'What have you done? For whom have you done it? What can you do for me (your reader)?' Once you are confident about how your past experience represents you, then, further answer the more in-depth questions: 'How do you do what you do? What makes you different? Why should I hire you?'

"Realize that often the consumers of your content don't read; they scan. Structure your content so it's easily scan-able. Avoid long paragraphs with long compound sentences. They simply won't read it.

"Read your material out loud. This is the best way to absorb it in the same way your reader will – with a fresh ear (or in your reader's case, a fresh eye). Listen for the arc in your content – are you conveying strength, substance, relevance and humanity?"

That last line could be my new writing mantra: Convey strength, substance, relevance, and humanity! Write on, Deborah! ■

-Steven T. Taylor





# **Should Your Leadership Build a Brand?**

Some years back, global management consultants at McKinsey & Co. proposed that the complexity and intricacy of managing a professional service firm deserved a multiplier of five, in terms of revenue, compared to any manufacturing or retail operation. That is to say that according to McKinsey, the management effort required to manage a \$500-million law firm is equal in complexity to managing a \$2.5-billion manufacturing or retail operation.

We all know that the law firm leader's job is unlike any other in the law firm. One way of envisioning its multiple responsibilities is to map them by the constituencies one must address. Today's leader must be an ambassador to the outside world as well as chief cheerleader, challenger of the status quo, and a translator of other partners' dreams inside the firm.

Exactly 10 years ago, in March 2007, at a time when most firms were doing very well economically, a survey was conducted of the profession to determine how certain firm leaders were perceived. A lot has happened since 2007. So, for the fourth in our series of Leader's Pulse Surveys, in October we repeated that same survey. We asked lawyers, specifically those in some form of leadership position (firm leaders, office heads, practice group leaders, elected board members), to reflect upon the various firm leaders that they have met, observed and/or read about across the country and respond to three specific questions.

1. Our first question was: Aside from your own law firm, please tell us the name of that law firm Managing Partner | Chair | CEO you most admire for their management | leadership competence.

We received substantive input from 92 respondents. And those 92 were among some 885 who examined our survey, read through

the three simple questions we posed, but then for whatever reason, decided not to participate.

One of the key reasons we suspect that caused them not to continue with our survey was articulated by a few who offered comments such as, "I have no way of knowing" and "I'm not aware of any." We also received specific names for consideration that may be well remembered but have already retired some time back from their leadership positions, including Ralph Baxter from Orrick, Peter Kalis from K&L Gates and a few others.

That said, our 92 respondents, represent the following demographics:

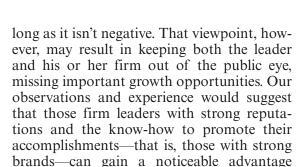
Less than 200 Attorneys: 51% 201 to 500 Attorneys: 16% 501 to 800 Attorneys: 6% More than 800 Attorneys: 27%

Back in 2007, according to those who responded with a specific firm leader's name, far and away the most admired law firm leader, receiving 13% of the total votes cast at that time, was Bob Dell from Latham; he was followed by Regina Pisa from Goodwin Procter and Lee Miller from DLA Piper, each with 6.5% of the total votes.

This year, surprisingly, not a single name managed to capture more than 3% of the respondents with a couple of mentions going to Ken Doran at Gibson Dunn; Brad Karp from Paul Weiss and Elliott Portnoy at Dentons. This result provokes an interesting question for today's law firm leaders to consider: *Is there value in developing a leadership brand?* 

Many firm leaders may be content to be perceived as just "your regular managing partner." They attend to their management and leadership responsibilities without much concern for their own public perception, so





Having a recognized firm leader can put your firm in front of its target audience in a very favorable way. In one recent instance, when a prominent regional legal publication selected a particular law firm chair as "Law Firm Leader of the Year" the individual related to us how those accolades contributed significantly to his being able to successfully recruit a few very attractive laterals to the firm.

over competitors.

For many firm leaders, the thought of focusing on personal branding may seem uncomfortable. It doesn't mean that you have to suddenly invent an oversized personality and contrary to any misconceptions, leadership branding is not about becoming a celebrity. It does mean that you need to think about an approach that works with your existing persona. The good news is that any firm chair or managing partner can create a perception of confidence, competence, and success.

2. The second question, the obvious follow up to "who," we then asked of respondents, "why:" Please now identify what specific leadership and management qualities come to mind that most influenced your leadership selection.

Here we elicited responses that fell into a number of categories.

# **Committed to Making Change**

We were constantly reminded that successful firm leaders engender hope in their partners and appeal to their desire to create a better future. Responses included:

- Change leadership, thoughtful, follow through.
- He demonstrated decisiveness in organizing his firm, resizing it for its business, and within a year or two driving it to record profits.
- Driving modernization of the overall business model and effectively achieving adoption and compliance with process improvement initiatives.
- Understanding of the changing envirornment and ability to maneuvre on the level of startegic choices.
- Ability to make a decision and stick with it.

### **Has an Ambitious Agenda**

An admired firm leader must dare to fail. Any leader who plays it safe all the time isn't setting goals that are high enough. Responses included:

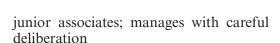
- Nimble in management to seize opportunities while looking for ways to deliver value to clients at a reasonable cost.
- Focus on distinctive practice areas, areas of real market advantage.
- Strategic thinker with a solid grasp of what his partners want to accomplish.
- Entrepreneurial, embracing the use of technology to enable the provision of efficient and rapid service.
- Relentless commitment to client service over a global footprint that covers real client needs.
- Laser focus on building practice areas that are preeminent.

### **Handles Tough Issues**

An important mark of an admired leader is knowing that their actions affect not only their role but also the effective functioning of the firm as a whole. Responses included:

- Instills accountability in a collegial manner
- Strong communicator and connector, very disciplined
- Laser focus; benevolent dictator; acknowledges efforts and contributions even from





- Admire his communications skills and the general air of confidence without pretense that he carries with him
- She is decisive, genuine, willing to take risks and make hard choices while considering all sides

### **Gets People Aligned**

The best leaders understand how to get other partners to buy into ideas and expand on them through their own intelligence and drive. Responses included:

- Enthusiasm, understands people, smart
- Makes his partners, associates and staff all feel part of a single team that works hard together and has fun times together
- She strikes me as an effective leader and a great role model for other women leaders—coming across as decisive and confident yet accessible and warm
- Calm, contenplative, compassionate, careful
- Understands that being chosen for leadership is not evidence of his superiority but a mandate to be of service to his colleagues for the success of the firm
- Truthful, trusted and inspiring both to those who have a nice, but small book and to the big hitters

#### **Maintains Core Values**

Who you are as a firm leader, what your values are, what you stand for . . . great values never go out of style. Responses included:

- Runs a top-tier firm that is highly focused on quality with a sense of pride in the firm and strong culture
- He is willing to share insights and offer mentorship to others in ways that most likely personally benefit him very little
- Has led the growth of the firm with a strong commitment to maintaining firm culture
- Prudent in partnership promotions and lateral additions

3. Our final question was intended to serve as a caution for law firm leaders: *Please identify what one attribute you would see as most indicative of an ineffective firm leader, someone who was floundering.* 

Here, once again, we elicited responses that fell into a number of categories, but two, in particular, were the favorites of all firms regardless of size.

The number one issue that firms cited as indicative of ineffective leadership was where there existed a "strategic vacuum" of some kind. In other words, your partners feel as though there is no real sense of direction as to where the firm is going; no real strategic plan and no priorities. This was the response from 36% of all firms and overwhelmingly the most important issue identified by those respondents from firms of over 800 attorneys (43%). One of the respondents articulated it as "a failure to consider the strategic issues facing attorneys in a very difficult and competitive marketplace."

The number two issue identified by 33% of all participating firms could best be categorized as a "lack of cohesion"—an inability to bring the firm together as a team. This particular shortcoming, while pervading firms of all sizes, was most pronounced amongst the smaller, less than 200 attorney firms. As one leader described it, there exists "a lack of inspiration and rule by fear." Yet another talked about ineffective leaders allowing or promoting a "law firm variety of crony capitalism, where the distribution of business opportunities across the partnership favor some partners while disfavoring others."

The two other categories that are worth noting for the number of times that respondents raised them were "lack of communication" wherein respondents warn that a leader is floundering when there is little transparency of information attached to what is going on within the firm; and "change leadership" which transpires when a firm leader fails to motivate people to execute on some important course of action. A number of the responses





made reference to too much talk and not enough action; some leaders that "give good meetings but there is no follow through."

These responses reminded us that, sometimes, firm leaders may be completely unaware they exhibit such behavior. During their own study, leadership researchers Jack Zenger and Joseph Folkman were curious as to why leaders fail or derail and found that behavior had a large role to play.

Zenger and Folkman conducted two tests, one looking at the shared traits of Fortune 500 executives that had been fired over the span of three years. The other compared 11,000 leaders to find out which 10 percent had the least effective management style. "We compared the ineffective leaders with the fired ones to come up with the most common shortcomings," the pair explained. "Every bad leader had at least one, and most had several." Lack of clear vision, poor judgment, little enthusiasm, and an unwillingness to talk are among fatally deemed traits. Perhaps more surprising, Zenger and Folkman claimed that "those who were rated most negatively rated themselves substantially more positively."

This can have significant consequences. If anything, research has concluded that some behavior, especially those with negative associations, can be passed down from the top like a common cold. No one said running a law firm was going to be easy, and the stresses of the day-day can easily make anyone agitated. On the other hand, when you're the firm leader, the pressure is on for you to set the stage for your people.

Finally, one of our respondents summarized all of this beautifully with this point:

"Virtually all of any leader's ineffectiveness happens when that firm leader confuses himself or herself with the firm. It can't be 'all about me'."

## David J. Parnell & Patrick J. McKenna

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# Part II of the 2018 Legal Procurement Survey

Legal procurement is no longer an unchartered territory: Following top management's mandate to not only reduce spend but also drive more value by increasing the quality of work, procurement has clearly demonstrated its own value contribution. The majority of legal spend is now under (some) review and active spend management. A relationshiponly business approach to buying—and selling—legal services is now a small minority among the largest spenders. It is replaced by a professional, business-driven approach to sourcing.

The 2018 Legal Procurement Survey of the international trade organization Buying Legal Council examined the purchasing behavior of 153 legal procurement professionals, focusing on purchasing decisions, cost control, analyses, and trends. It is clear that procurement has a profound and lasting impact on the purchase of legal services for the world's largest companies.

After early wins, there are still many opportunities for legal procurement professionals to further create value to help save their employers money. Best practices are clear and common. Despite the commonly held belief, it is not just about savings. Legal procurement can drive work to providers that deliver a better outcome, higher response, and savings.

For firms, the pressure is on now more than ever. Clients continue to reduce the number of firms they work with. React now or watch your competitors win lead positions with clients you took for granted. It is both a threat and opportunity for the legal community. Winners will respond and deliver better results at lower costs.

The survey covers key benchmarks, such savings, spend, and number of providers; procurement tools and tactics (which ones are the

most used, most efficient, fastest growing?); procurement goals and preferences (when do clients prefer predictability, when low fees? Is familiarity with their organization or matter experience more important to them?). The survey also shows regional differences between North America and Europe.

You can download the full study, info graphics as well as brief videos from www. buyinglegal.com/survey

In this two-part series, we will take a closer look at the findings. For Part 1, see *Of Counsel*, July 2018.

# Procurement Tools and Tactics: More Sophisticated and Increasingly Analytical

Almost every client negotiates discounts—and legal procurement professionals are typically in charge of it: The vast majority (88 percent) of survey respondents negotiate discounts with legal services providers on behalf of their employer. An additional 8 percent plan to use this tactic. As a legal procurement professional expressed it: "Who still pays sticker price?"

Also very common legal procurement activities include issuing RFPs, developing sourcing, and purchasing strategies for legal services, as well as issuing and enforcing outside counsel billing guidelines.

Seventy-six percent of survey respondents already issue RFPs, another 17 percent plan to do so. This suggests that RFPs have become the standard way to choose legal services providers. Clients increasingly use web-based legal RFP platforms. (The Buying Legal Council recently conducted a vendor





showcase of different web-based legal RFP platforms. It is available on www.buyinglegal. com/formembers.)

Seventy-five percent of survey respondents develop sourcing and purchasing strategies for legal services, and 18 percent plan to do it. Again, this suggests that fewer and fewer (large) clients leave legal services unmanaged.

Seventy-four percent issue and enforce outside counsel billing guidelines, and an additional 18 percent plan to issue and enforce them. This suggests that legal procurement has started to become a more mature and increasingly professionally managed, category.

The establishment of panels or a preferred list of vendors is also quickly becoming a common tool. Seventy-two percent of organizations are currently using panels/preferred provider lists and 25 percent are planning to use them in the future. This leaves few clients without established panels/lists, and more firms risking the possibility of losing long-standing clients in the next round of panel formations.

eBilling is on the rise as well, 69 percent are currently using it, another 22 percent are planning to use it in the future.

Similarly, negotiating AFAs is currently used by 65 percent of survey respondents and another 31 percent are planning to use it.

Sixty-three percent presently conduct data analytics, and a third (33 percent) are planning to use it in the future.

Those longer in procurement for five or more years are more likely to use eAuctions, require eBilling, use legal project management, and conduct data analytics than those newer to the legal category. As shown before, time appears to drive success (see section "It Takes Five Years to Master the Category") for more information. Going through the stages, procurement professionals learn what works well and what does not.

#### **Areas of Most Growth**

We expect to see the most growth in the areas of legal project management: While only 27 percent are currently using legal project management, 50 percent are planning to use it in the future. Likewise, pre-matter scoping of work is currently used by less than half of survey respondents (46 percent), but 41 percent are planning to employ it in the future.

Also, in an up-trend is conducting invoice audits—44 percent currently audit invoices, but 36 percent plan to do so.

Sixty percent freeze their firms' rates, and another 21 percent are planning to do so.

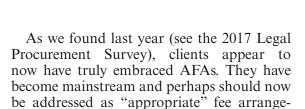
Similar to last year, running eAuctions was the least commonly used legal procurement activity, although their popularity is increasing: 18 percent of survey respondents currently use eAuctions (up from 14 percent last year), and an additional 26 percent are planning to use them in the future.

It is clear that, with the help of legal procurement, the sourcing of legal, alternative, and ancillary legal services is quickly moving from largely unmanaged or "passively" managed (see Appendix for more information) to an actively managed category of spend. Legal procurement is doing its job and earning its seat at the table.

# AFAs and Pre-Matter Scoping Drive the Most Value

Legal procurement professionals see negotiating AFAs, pre-matter scoping of work, and establishing panels/preferred provider lists as the most valuable procurement tactics. Also deemed effective are issuing RFPs and conducting data analytics. Negotiating discounts (a tactic almost every client uses today—see "Everyone Negotiates Discounts and Issues RFPs") only comes in 10th in terms of effectiveness.





ments, rather than AFAs.

Although not yet widely used, pre-matter scoping is quickly becoming more popular: It is an early stage conversation between the client and her lawyer about important background information on a matter (e.g., business objectives, timing), key issues likely to arise, and the scope of work to be undertaken by the law firm. Firms are advised to develop skills in this area and to work with their clients on detailed plans, establishing scenarios and forecasting budgets.

Panels of preferred providers are typically deemed very effective and are very widely used today. We expect most corporate clients to have panels established at this point.

Opinions appear to be divided about eAuctions: While more survey respondents than last year report using them and there is considerable interest in them, eAuctions came in last place of tactics able to drive value from legal services providers. We will keep monitoring if eAuctions become a common way to select firms or if they remain a peripheral element of procurement activity, only used for certain types of work or levels of risk.

# Top Goals: Better Capture and Analyze Data

According to our survey findings the top five goals for most legal procurement professionals this year are:

- (1) Better capturing and analyzing spend data
- (2) (Further) reducing legal spending
- (3) Better management of legal work
- (4) Implementing formal strategies and processes
- (5) Improving relationships with the law department

The focus on better capturing and analysis of spending data as well as the intention to better manage legal work is a further confirmation that legal procurement is quickly maturing and becoming more advanced: the industry is moving into Level 4 management of the category.

Although "reducing legal spend" only reached sixth place in last year's survey, this year it was in second place. We believe that, although most clients negotiate discounts (see section "Everyone Negotiates Discounts and Issues RFPs"), the approach to reducing legal spend is becoming more strategic and sophisticated. It will be increasingly common to have implemented formal strategies and processes, and procurement will use the entire range of legal spend management approaches (see also Appendix). It will be about better managing work, about avoiding expenses and unnecessary work to achieve "doing less for less."

Survey respondents preferred "low fees" for high-risk/bet-the-farm and 3 percent preferred "low fees" for complex, significant work.

Routine, commodity work showed a very different picture: 45 percent of survey respondents favored "low fees" as the most important factor, followed by "efficiency" (29 percent), and "predictability" (26 percent).

# **Favorite Value-Add: Free Hotlines**

To attract and keep clients, firms offer clients a variety of "value-add" activities. We wanted to know which ones clients really appreciated. Our findings suggest that clients prefer "hotlines or access to experts for quick questions" (63 percent), followed by "seminars and business-level training" (56 percent), and "Secondments" (50 percent). Less popular were "conducting pre-matter planning sessions" (40 percent) and "provider's participation on internal calls" (33 percent). (Multiple responses were allowed.)





Interestingly, answers widely diverged on what firms already offered: Firms appear to either offer a range of value adds: Survey respondents mentioned "Deal bibles, hotlines, training, meeting rooms" and "Trainings, CLEs, sponsorships to conferences, Secondments, help with staffing, subscriptions, tables at pro bono events." Others said that their firms offered "none" at all.

We believe that it makes good business sense to ask clients early to understand their preferences, offering what they really value rather than applying a "one size fits all" basket approach to "value adds." One survey respondent made their preference clear: they did not want the firm to "charge us for EVERYTHING!!!" (capitalization and exclamation marks in original text.)

### -Dr. Silvia Hodges Silverstein

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I know, you want your law firm to have a blog. Everyone else seems to have one. Some firms have a bunch of them. And deep down you're worried that they're sucking up the lion's share of the work you want as a result. At least that's what you read somewhere. And your lack of a blog is making you feel anxious.

Can we get real here for a minute? Most law firm blogs are pretty awful.

They're really, really awful. And yours will probably be awful too.

I responded to a question on an online legal-marketing group posed by someone whose firm was struggling to re-launch a blog intended "to promote business and visibility" and improve their Google ranking. But the lawyers "didn't want to participate." She wanted to know how to get it going. I told her to not bother.

That wasn't a criticism of her firm; her experience is *very* common. I know I'm going to get all sorts of crap from the people who write or sell law firm blogs for a living, but here's how I perceive the situation: There's very little chance that *any* law firm's blog is going to be especially "successful." I know that sounds apocalyptic, but let's be realistic. Even under *ideal* circumstances blogs are very, very hard.

Innumerable firms have launched blogs after reading an article or seeing a speech about how some firm's blog magically landed it at the top of Google searches and was the panacea that solved all of its marketing challenges, catapulted it to market leadership, and generated an appalling amount of new revenue.

Of course, before launching their own blog, they failed to consider that their firm hasn't historically been able to push out a quarterly newsletter. (They didn't see that that gushing pro-blogging article was written by someone who sells blogs to law firms for a living. Who reads bylines anyway?)

In reality, writing a consistent blog is really hard for most firms. And they're even harder to *read*.

Remember, Fishman Marketing re-designs law firm websites, so we see a lot of long-dead blogs stinking up the firms' old home pages. Here's what I've seen most consistently:

A law firm excitedly announces its new cleverly named blog (notice the pun in the title?) and uploads a perky "Welcome to our new blog!" post, plus three more entries the very first week ("Look! We're blogging!"). They submit two posts in Week 2. Then nothing in Week 3, then one more in Week 4. The next post comes six months later, around Week 28. Then never again. The latest date on the home page's "Publications" section is three years old. Instead of looking like dynamic market leaders, they look ineffectual.

Why? Many reasons. Lawyers are busy. They bill hourly. They're intimidated by a blank screen. Writing regularly is really hard. Trust me, I write a couple blogs myself, and although I'm both opinionated and I enjoy writing, it's still challenging to push out reasonably meaningful content somewhat consistently. (Feel free to subscribe at fishmanmarketing.com/blog...!)

Exacerbating this is most lawyers' writing style, which is stiff and stilted. They're not comfortable writing in the casual 7th-grade tone demanded by Internet readers. Internal approvals take too long. No individual has personal responsibility for its long-term success, so posts are assigned on a monthly editorial calendar to a random group of faceless associates, which means there's no consistent style or "voice." Length, style, tone, and topic vary widely post to post.





- Who's our specific audience?
  - What are they interested in? What do they care about? What can we provide that they can't elsewhere done better?
- Why will our blog content be better than the countless other existing publications on this topic from paid bloggers or professional publishers like Of Counsel or The New York Times?
  - Will ours be better written, more entertaining, more provocative, more targeted, or provide better information?
- Will it measurably improve our Google rankings?
  - And if it does, do we care? That is, will "better SEO" generate meaningful revenue?
- Our audience is busy; they don't have time to read much, so why would they choose to read our blog over the many other competitors for their precious attention, things like The Wall Street Journal, People magazine, Harry Potter, other blogs, Facebook, Instagram, porn, or simply going home?
- What's the chance we'll be able to write at least once *every single week* for at least 2-3 *years*?

#### I could go on.

Basically, for a blog to be effective, I think you need at least one person who (1) is simply *passionate* about writing and (2) has countless interesting opinions about a narrowly focused topic. The world doesn't need another generic "Law" or "Litigation" blog or other broad area that is *already* being ably covered by a few *thousand* other blogs that are *already* being read by... almost nobody.

There are currently 350 million Tumblr blogs online and hundreds of millions more WordPress blogs (see, e.g., https://www.statista.com/statistics/256235/total-cumulative-number-of-tumblr-blogs/). How will your blog rise to the top of that immense pile?

My point is, if you're having this much difficulty getting your very first entry posted, how likely do you think that it's going to get easier over time? Is this really the best use of Marketing's time and effort? Aren't there other proven marketing tools that could have a higher chance of success at your firm?

To throw a bone to the blog-sellers whose neck veins are popping right now, I'm not saying that there aren't some wildly popular and successful revenue-generating law firm blogs out there. There are. But in my experience, of the incalculable number of legal industry blogs currently in print, they're the rare exception.

Consider: Is your blog likely to climb ahead of tens of thousands of other firms' blogs if you're already having difficulty getting your very first post written? Sure, maybe, I don't know your firm.

Hey, I'll grant you, this is only my personal opinion, I could be wrong. But c'mon, deep down, you know I'm probably not. ■

#### —Ross Fishman

Ross Fishman, JD, is the CEO of Fishman Marketing, one of the legal profession's leading strategy, branding, and website firms. A former litigator, marketing director, and marketing partner, he was the first marketer inducted into the Legal Marketing Association's (LMA) "Hall of Fame." He can be reached at 1.847.432.3546 or ross@fishmanmarketing.com.





Who Reads It? Where Does It Go?

We have selected two of our favorite topics for this article: how to have your content work harder for you (think better leverage and more and more effective distribution channels) and how to design a winning Twitter strategy.

There is a belief among lawyers who write articles and e-blasts, Tweet, post updates on LinkedIn and give speeches that once they have delivered a message, they have *communicated*. On the other hand, as Liskow & Lewis Chief Marketing Officer Eric Fletcher notes, "They haven't. Because they aren't listening – they're just talking."

Before you spend one more minute creating and publishing content, listen first:

- 1. Read/listen to what others are saying about topics, people, companies, and causes that are important to you and your clients. Follow them and "hear" their points of view.
- 2. In the social media context, listening is about social media "monitoring," which is the process of identifying and assessing what is being said about a company, individual, product, or brand on the Internet.

In today's world of seemingly countless communication channels, it's important to determine which ones make the most sense for your firm, its signature practices, its clients, and the strengths of your lawyers.

# **360-Degree Content Strategy**

Study this infographic created by co-author Deborah McMurray's company, Content Pilot. It displays the range of options from and to which you can syndicate and leverage content from various online and offline channels. Think of this range of options as your

distribution network. Not every one of your signature practices will utilize every channel you see here—the channels and media you exploit depend on the buyers for those particular services, how they spend their time, how they make decisions, and what they read/listen to.

Don't forget to script and leverage "Word of Mouth" (all lawyers want more qualified referrals from existing clients/friends) and "one-to-one relationships/conversations." These are all content-disseminating moments that you can repackage and repurpose.

# On Twitter, but Not Sure What to Tweet?

Writing has always been a great tool for lawyers to demonstrate their expertise and build their brands. In the past, finding opportunities to get published were not always easy. Then came websites and, later, blogs, and lawyers suddenly had a self-publishing platform. Now social media sites are giving lawyers even more ways to communicate. Twitter is one of the easiest to use and, with 319 million users, the site provides entrée to a broad audience.

It's not that hard to figure out the mechanics of Twitter. Nevertheless, figuring out what to post on Twitter is often the bigger challenge.

One of the easiest ways to generate good Twitter content is to follow leading thinkers and legal and general news sites reporting developments that affect your clients. Then act as a curator and retweet news you think is important to your audience. Add comments to provide background and offer your opinion on why the news is important.





You can also link to cases and new laws and regulations and explain their meaning. For example, when the 9th Circuit recently issued an opinion confirming a lower court temporary restraining order against the President's travel ban, I went on a "tweet storm" and provided a real-time summary of the decision on Twitter in a string of connected tweets. Because the case was so newsworthy, it was retweeted extensively.

Lawyers are advocates for their clients, but also are now involved in broader efforts to affect change and promote justice. Candidates take positions on issues that affect your clients and your community. Government agencies put out requests for comments on regulations. Lawyers are often in a good position to explain to people what these mean and to urge people to act. Lawyers with passion are some of Twitter's most popular users and much of their content is pushing for positive change.

Follow journalists and comment on their stories and Twitter posts. Journalists frequently interact with readers and many will follow you back if you have useful things to say. They'll also start calling you if you're

a demonstrated expert on a topic they're covering.

Be sure to post links on Twitter to content that you're generating elsewhere. Your blog and LinkedIn posts and articles can be promoted via your Twitter feed to reach a different audience.

Finally, show you're not all business and that you have dimension. Tweet about your personal interests—sports, pop culture, science, music. Let readers know how interesting you are!

# — Greg Siskind and Deborah McMurray

Greg Siskind and Deborah McMurray are coauthors of the recent book, Lawyer's Guide to Marketing on the Internet, 4th Edition. It is available in the ABA Book Store at https://shop. americanbar.org/eBus/Store/ProductDetails. aspx?productId=273628281&term=marketi ng+on+the+Internet. Greg can be reached at gsiskind@visalaw.com and Deborah at mcmurray@contentpilot.com.





Continued from page 2

in an office and grinding it out," says Peter Guiliani with Smock Law Firm Consultants, who advises partnerships out of his base in Connecticut. "They like working in groups and they like sharing, which wasn't the makeup for me. They operate better in teams and, as consultants, we've been pushing the idea of using teamwork for a long time."

Langan agrees with this characterization and also says that, while younger lawyers value working in teams, they also want the freedom to work remotely, and he and his management team have accommodated them. "Last year we adopted a series of policies that are designed to reflect the changing workforce and the desires of that workforce," he says, adding that the firm has been replacing retiring legal assistants with college graduates, which has infused an "energy and dynamic that's a welcome addition."

One new policy grants associates who have been with Damon Barclay for more than two years the ability to work up to two days a week at home, as long as they're in good standing. The discussion the partners had before they implemented the policy demonstrated the generational differences, Langan says. Although many supported the policy, those partners who place a premium on "face time" clearly pushed back against it.

"We have some partners who watch the parking spaces and look for offices lights to be on as a basis for how committed people are to the firm versus how timely and good their work product is," Langan says. "But it's a changing world."

Just as some older lawyers don't understand the work habits of younger attorneys, the Millenials don't get why 65-year-old Bob can't figure out certain technologies. Nonetheless, this opens up opportunities for collaboration, Langan says, noting that the best approach is talking openly about the differences. "There are challenges as you go — and communication is the key," he says. "We've added a next generation committee of non-partners who advise the management committee."

Edelson says his firm truly appreciates the technological prowess that Millenials tend to possess. "One big benefit we get from our younger workers is that they have a fluency with the digital language that I, for example, will never have," he says. "Understanding all of the new apps and companies and 'disruptions' that happen every day is almost like learning a new language. I can try hard to keep up but a 24-year-old has an innate feeling for this stuff that can't be replicated."

Clearly law firms across the country continue to grapple with the many older-younger differences that surface and—if their partners are prudent—they try to integrate inter-generational perspectives. "You've got to find the middle ground, embrace the differences and make them work for you," Langan says.

—Steven T. Taylor





## **Building a Space for New Ways of Working**

When Edelson PC moved to new office space in Chicago, Jay Edelson and his partners wanted the new digs to reflect the changing multigenerational approach to work in the 21st Century.

Edelson describes the strategic model the firm used in their recent relocation:

"We spent a lot of time thinking about how, especially our younger people, like to work. We created a floor plan [for the firm's new office] that has plenty of cool hangout nooks where people can work alone or in groups, outside of conference rooms and offices, which, of course, are there as well. So, we have a cafe area that feels like a high-end coffee house, where lawyers are routinely working on briefs with earbuds. We have a little nook with a chair swing and super comfy couches where some of our working groups have regular meetings. We have outside areas on the balcony which, especially during summer days, are prime spots. It's more of a campus feel where we are working and interacting as a community."

He says that the benefits have been enormous:

"Since moving into our new space, our firm morale has been the highest in years; that came out in the mid-year reviews. We feel more integrated, more connected, lighter. This is true not just for the Millennials but for everyone. There's simply more energy, and it's a more fun place to work. For example, the firm organically started playing the app-quiz game HQ together. Every day, at the designated time, over half of the firm gathers in our main seating area on the 14th floor and plays together. People have a running leader board and get very into it. We have an indoor volleyball court that gets used on a daily basis. This has been a game changer for the firm — after a tense morning in the courtroom, we can grab a few people and get our energy out in an intense twos pick-up game. We have a golf simulator and our conference room has a state of the art ping pong table. We shut the firm down for a day to play office Olympics, complete with a dodge ball tournament. (I got hit in the face after suggesting a Millennial didn't have a great throwing arm — served me right.)"

Edelson says certain generational differences present downsides in employing as many Millienials as he and his firm does. For example, several applicants come to interviews without doing the basic research on the firm, something that would've been unheard of 15 or 20 years ago. And, one potential intern actually brought his mother to an interview. He notes that he has seen some of the stereotypical attitudes that older professionals complain about regarding younger workers – a sense of entitlement and a dubious work ethic – but that for the most part this new generation brings a lot of attributes to the table:

"Our firm is premised on the notion of hard work, humility, and loyalty. A stereotypical Millennial attitude just wouldn't work, whether someone is a college intern or an associate. Luckily, there are scores of terrific Millennials that are incredibly hard-working and immensely talented. I have found that people are more 'mission-driven' than they used to be. That is a great quality, but one that has to be properly harnessed. We do that by giving non-partners meaningful roles in everything from our firm operations to the cases we bring in. If we, as a firm, take some time to look after their needs and respect their values, we get a tremendous payoff."

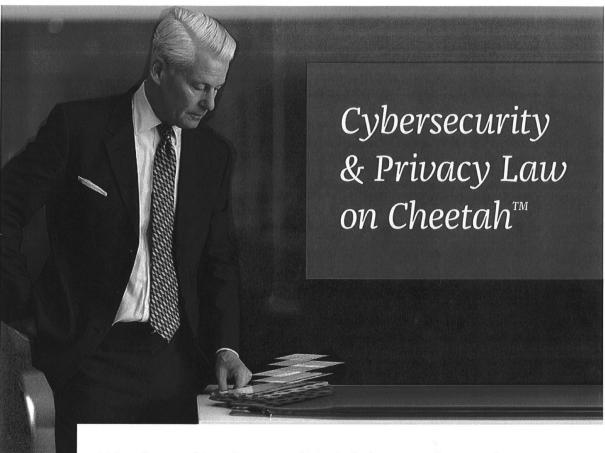
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#### When you have to be right



Wolters Kluwer Legal & Regulatory US provides authoritative, accurate, timely analysis and tools to help you navigate the growing and continually changing complexities of the cybersecurity and privacy legal and regulatory environment. *Cheetah™ Cybersecurity & Privacy Law* allows you to confidently advise clients with our assembled collection of expert analytical content, efficient practice tools, focused news headlines, explanations, case summaries and key regulations.

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# Of Counsel Profile

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and articulate English fluency, he seems like the right person to co-lead the initiative.

Recently *Of Counsel* spoke to Silvestri about his career, the growth of the firm's Italian-based practice, the move to San Francisco and other topics. The following is that edited interview.

*Of Counsel:* Stefano, I want you to discuss Bird & Bird's entrance into the States but first would you talk about your career? What compelled you to become a lawyer?

Stefano Silvestri: That's a very profound question. To be honest, I've never been asked that question but it's very easy to respond to. I've been drawn to the legal profession since I was very young. I've always been fascinated by anything that concerned deal-making from a legal standpoint. I'm not from a family of lawyers. My father has a law degree but went into the banking profession and has been a banker his entire career.

I'm fascinated that, within a certain framework of legal provisions, you can find suitable ways of making deals, making things work, and getting relationships off to a good start. That was my natural inclination. I went to law school in Italy, which was then followed by a legal training period and then qualification as an Italian lawyer. I took some time off after a couple of years of work to do a master's of law with a U.S. law school, Notre Dame, so I am a Fighting Irish, despite being Italian.

*OC:* I would imagine that you heard your father, the banker, talk about money and transactions, and perhaps that fueled your interest in deal-making.

SS: Yes, and not only that, my father was a banker in Italy but then moved to the US and he worked for an Italian bank, which was involved in one of the biggest banking scandals ever. He was asked to take the leadership following the scandal. So I was exposed to a lot of US lawyers, initially in Miami and then we moved to Atlanta.

My father worked with a lawyer at [Atlanta-based] King & Spaulding [to clean up the bank's malfeasance], and they became very good friends. I was fascinated with the role of the lawyers navigating a client through difficult times and also being able to strike deals and help clients grow their business. So that's how I developed an interest for that job, which led me to pursue a legal career.

## **Joining Two Birds**

*OC:* That's an interesting story and a great answer. You joined Bird & Bird in 2003 and became a partner in 2008. What attracted you to this firm?

SS: I started in the profession in 1999 right out of law school. In Italy a law degree is not a post-graduate degree as it is in the US. It's an undergrad course, which you take over four to five years. Once you graduate you have to take three years of training, at the end of which you take the Italian bar.

So I went straight into the profession, working for a firm that was then known as Andersen Legal, which was basically the legal arm of Arthur Andersen. When it became embroiled in the Enron scandal, the whole Arthur Andersen world collapsed in a matter of days, despite the fact that the Italian law firm and the other Andersen firms had nothing to do with that.

The group of lawyers I was working with was led by a gentleman named Massimiliano Mostardini who was a leading IP lawyer in Italy, although I was on the corporate transaction team. And he and another partner





were approached by Bird & Bird, which was the go-to firm in Europe for IP and technology matters and, at that time, they were going through a period of expansion and were looking to set up shop in Italy. We were lucky enough to be brought into the Bird & Bird in 2003. There were seven of us who opened the Milan office. Now we also have an office in Rome and have grown from seven to 130 lawyers, through organic growth, without acquiring any firm locally.

For us it was very important to go to a firm that had a very good reputation for excellence in the legal field. The fact that it was so focused on technology and intellectual property was something that we saw at the time would grow tremendously in the coming years, which ultimately was the case.

That gentleman I referenced, Massimiliano Mostardini, has become the chairman of Bird & Bird. He was elected by the global partners two years ago. It's quite an interesting situation, where the Italian partners have not only succeeded in growing the business from a small group of lawyers to 130 lawyers in two offices but have also received recognition in the partnership with one of our partners elected to help lead the firm. It has made us very proud.

OC: Well, that was certainly a very good decision by Bird & Bird and by your group—a smart move all the way around. Let's turn our attention to the office in San Francisco that you're about to co-lead with Nick Aries. Obviously, the technology experience you have, your leadership in the firm, and your excellent English all seem to make you a perfect person to come to the Bay Area and help open the new office. What's the firm's strategic thinking in coming to San Francisco?

SS: Thank you for saying that I'm the perfect choice—but that's yet to be seen. I just hope I am worthy of the designation. The Bay Area was a fairly obvious choice for us given our tech-IP expertise that I referred to earlier. It was a significant decision within the partnership and the subject matter of a long

consultation period because it was about setting foot on the ground in the US for the first time.

Bird & Bird, as I'm sure you know from doing your research, operates in 28 countries, but we had never contemplated opening in the US because we were focusing on our core markets and raising our profile in those markets. But at a certain junction we started to realize that because we are working with a lot of US companies—more than half of the Fortune 100 companies—we realized we needed to be closer to our clients and operate in the same time zone with them. We need to be constantly in touch with them.

When that decision was made, then the subsequent decision was: Where do we start? It's such a huge country and it is very diverse from one coast to the other. We came to what we think was the natural conclusion that the starting point had to be the West Coast and particularly the Bay Area because of the type of work we do for a lot of our clients. We very much believe that the world will continue to change by technology, and what better place to be than in the Bay Area.

# **Building the Base**

*OC:* How many attorneys will be moving in?

SS: Two partners will be relocating on a permanent basis, Nick and myself. We will be joined in September by an associate, who I can't name, from one of our offices in the Asia-Pacific region and an expert in employment law. We will bring on another partner who is already based in the Bay Area. There are two other partners, Roger Bickerstaff and Ian Hunter, from our London office who will be spending 50% of their time supporting the growth of this branch office. So to answer your question, with the two of us we will be adding a more structured presence, and we will adjust on-the-go depending on what we see will best meet clients' needs.





To be clear, we are not intending to provide any US law advice. What we intend to do is market our capabilities everywhere else in the world where we have lawyers or where we have the ability to coordinate local counsel. But we are not attempting to compete with US firms. As a matter of fact, we intend to use this office as a platform to strengthen certain relationships that we have with US firms and hopefully present to clients a compelling proposition by teaming up with some of the firms that do not have the geographic reach that we have worldwide.

*OC:* So in a sense you will be serving as a liaison of sorts, someone who will foster relationships, using your communication skills perhaps more than your legal skills. Is that a fair characterization?

SS: Because we will not be providing US law advice, we will foster relationships, as you say, but also we will continue to do as much work as possible for existing and hopefully new clients with respect to the advice that we are already providing to them.

I work for a number of US clients and I will continue to coordinate my team based in Milan to support these clients, alongside other Italian partners, in their endeavors. I'm one of the co-heads of the international corporate group, which is a group of 60 partners and 300 lawyers who advise on corporate transactions across our jurisdictions. I will also continue to be involved in those efforts.

But yes, you're right: The job description will likely change. We're going to be, what I like to say, spreading the gospel about Bird & Bird. So there will be a lot more marketing than we usually do from that standpoint.

# It's All about Relationships

OC: I want to ask you a personal question. I'm sure you're very much aware that after New York City, San Francisco is the Italian-American center with so many

Americans with Italian heritage who have settled there over the years. How do you feel about that? Does that make it easier to make this move or does it not matter because you have so much experience living in America anyway?

SS: I'm a lover of diversity in culture, as in anything else in life, so the fact that there are a lot of people with Italian origin is a plus but it's not key to what would have driven my choice anyway. To be honest, I'm a lover of people. [laughter]

*OC:* What does the future hold for Bird & Bird in San Francisco? You talked about what some of your objectives are in terms of building relationships. What's the game plan?

SS: The game plan is pretty basic but it's important; any time you come up with a strategy you need to have clarity in terms of what you want to pursue. We want to pursue strengthening relationships with clients. That's at the core of what we want to do. We realize that we had lost some opportunities regarding strengthening relationships that are already great but could be much better by being closer to clients.

Because the environments in the regions where we operate are increasingly complex in terms of regulations and development, we think – that by portraying the capabilities we have on the ground and having real domestic knowledge about the issues that could affect a client's operations – we have a compelling proposition.

It's one thing to say to a client that you can assist them everywhere in the world, or in dozens of countries in the world. It's another thing to actually know the people who are going to be advising them and steering them to the right choice of professional who needs to guide them on some issues that are pretty intricate.

The fact that we recognized the ways in which changes affect how companies operate and how the legal market continues to





change we think we are positioned well on that front. We are truly local in all of the countries where we operate and are close to clients—so the game plan is to spread the gospel. I have been working with many of the people in my 15 years at Bird & Bird, in all of the countries. If I recommend a colleague in Singapore, for example, it's because I know that he or she can be a game changer in terms of the support the client needs.

With all of the companies that the US has—obviously in the Bay Area but also other places in the States where we plan to travel and meet clients—I'm sure that some of those have globalized in the jurisdictions where we are and might want to try out the Bird & Bird experience.

*OC:* What law firms in the Bay Area do you work with?

SS: We work with a number of firms that we have established relationships with—one that we work with frequently is Sheppard Mullin. We also collaborate with the likes of Fenwick & West, Wilson Sonsini, Kilpatrick, and others. Because you write about the legal profession so much you know that this is a people's business. So, a lot of relationships

are driven by individuals, partners, or groups of partners who have developed collaborations over time and have developed mutual trust. We intend to continue to do that. We are not exclusive with any U.S. firms, and we try to foster those collaborations.

*OC:* Finally, Stefano, how do you feel about this, about moving to San Francisco?

SS: Is that a personal or professional question?

*OC:* Let's make it a personal question?

SS: I feel it's a fantastic opportunity, and I am a lover of the United States, as you can probably tell. I believe that even in this day and age with some of the questionable things that have occurred most recently that you are, by far, the greatest country in the world—by the mere fact that you represent a dream and an opportunity for a lot of people around the world.

For me personally, to be involved in the first effort that Bird & Bird is making in coming to the U.S. is extremely exciting.

Steven T. Taylor







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# Of Counsel Interview ...

# **London Calling: Global UK Firm Opening in San Francisco**

"Two Birds" is spreading its wings.

The large London-based global law firm of Bird & Bird (which the partnership sometimes calls "Two Birds") is about to land in San Francisco, its first entry into the United States. The move will allow the 1,200-plusattorney firm, which has offices in 28 countries, to offer support to the many tech-based clients it serves, several of which are located in the Bay Area. Clients expressed a strong desire to have more convenient in-person access to their lawyers, in part to help them adjust to looming European Union regulations on trade secrets, data and privacy, as well as other changes.

"This on-the-ground presence enables us to offer a heightened level of support to clients as they tackle these challenges head on," says David Kerr, the firm's CEO. "We're looking forward to immersing ourselves in the local community in downtown San Francisco and

being able to work much more closely with the companies driving innovation in the region."

To lead the opening and management of the new branch, the partnership—known for its intellectual property and corporate expertise—has chosen Stefano Silvestri, partner and co-head of the firm's international corporate group who is currently based in Milan, and Nick Aries, an IP partner based in London. Both will be relocating to San Francisco in a matter of weeks. Two other London-based partners, Roger Bickerstaff and Ian Hunter, will be spending half of their time in the new U.S. office.

Silvestri has been with Bird & Bird since 2003 when it established its Italian presence, and with his previous experience living in the States, a rising-star reputation for his legal acumen

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