

Mitch Kowalski



## Think different

Disruptive times call for disruptive measures. In his thought-provoking book *Avoiding Extinction: Reimagining Legal Services for the 21st Century*, which will be widely available in Canada in December, writer and lawyer Mitch Kowalski envisions a near future in which a fictional big law firm has rid itself of traditional practices and embraced a new way of doing business. In this world there are no sacred cows: Goodbye billable hour, hello new ownership structures. Kowalski is careful to point out that the discussions in this book are not limited to any one jurisdiction. Law has, after all, become a global business. Here is an excerpt from the novel, which grew out of a cover article he wrote for *National* in July/August 2009.

**M**aria Fernandez, General Counsel of Kowtor Industries, clicked on the link sent to her. The video player launched and there was Sylvester Bowen, CEO and Chairman of Bowen, Fung & Chandri Professional Corporation Inc. perched on a stool in front of a plain white backdrop, centre stage. After a tight close-up, the camera panned backward as Bowen began speaking:

There are countless law firms around the world. Many are very successful. However, our recipe for success is far different from theirs.

We are successful because we believe in challenging the status quo.

We are successful because we believe in changing the nature of how legal services are delivered.

We are successful because we relentlessly search for ways to leverage technology and talent in order to service our clients' legal needs.

We are successful because we don't benchmark against what others are doing — we re-imagine the entire process.

Bowen walked to the front of the stage.

We are successful because our clients not only buy what we do, they buy why we do it. Our clients see our passion and they want to be part of our drive for innovation. Seems like an odd thing for a law firm client to want, isn't it?

I'll let you in on a little secret. Our goal is not to do business with every single client on the planet. In fact we don't want to do business with every single client on the planet — even if we could resolve all the conflict issues.

We want to do business with those who believe in what we believe.

Our clients want to see that we are as innovative as they are. They want to see that we want to make our services better, faster and cheaper — that the laws of economics also apply to legal services providers.

In the traditional law firm model, there is immense pressure on lawyers to pound out more billable hours each year; to work harder in order to make more profit. This mindset inhibits innovation. It encourages the pursuit of short-term profits at the expense of long-term stability and profitability. It encourages lawyers to see the firm as nothing more than the sum of its parts instead of something that is greater than the sum of its parts.

That is why BFC is different.

We don't hire lawyers who are technically good and need a job.

We don't hire lawyers who are driven by money.

We hire lawyers who are motivated by our principles of change and innovation.

We hire lawyers who challenge everything, every day; who don't see the world or their practice as a zero-sum game.

We hire lawyers who are passionate about why we do what we do, because then great things are achieved.

We know that we can only ride each innovative wave for so long before we need to find the next one, so we place innovation above profitability; we continually invest in ourselves and redeploy our capital to ensure we always find the next innovation.

The camera shifted to the side of the stage where a man was sitting beside a small table and a lounge chair. He invited Bowen over to sit for a short interview.

**Q:** Many of our audience would like to know how BFC came to be.

**A:** Fong, Chandri and I were mid-level associates at a 70-lawyer firm called Garfield & Carmichael when the firm suddenly dissolved. After a few days I pulled Fong and Chandri aside and proposed that we start our own firm with as many remnants that we could find from G & C — 10 of us as it turned out. But we would do things differently.

The three of us recognized that a shift had occurred in the legal landscape; possession of legal knowledge was no longer sufficient to ensure the success of a law firm. Added to that was increased competition from non-traditional legal service providers: accounting firms, paralegals, consultants, in-house legal departments and legal process outsourcers.

The key to survival was better processes and greater efficiency — constant innovation in the delivery of legal services.

**Q:** Most firms are driven by a small group of so-called superstar lawyers or rainmakers, what is your take on this?

**A:** At BFC there are no so-called superstars — we all drive the organization — at BFC you leave your ego at the door and become part of the team. We want humble lawyers, lawyers who share the spotlight. If that's not your personality, you're not welcome at BFC.

**Q:** But surely salary is a prime incentive for recruiting and retaining good lawyers.

**A:** If you want steep pay, long hours, high stress and limited job satisfaction — go somewhere else.

**Q:** So BFC is a work/balance firm?

**A:** I don't know what that means. We ask all lawyers at BFC to ensure that they have considered the demands of legal practice on their home life. The ability to practise law is a privilege, not a right, and there is an obligation to serve your clients as needed. If you want to be a lawyer — then be a lawyer. If you want to be a stay-at-home parent — then be that. Law is not a career that one can simply set aside and pick up whenever it's convenient to the lawyer — at least not without significant financial consequences. Your professional life and your personal life are never going to live without conflict.

**Q:** Is BFC's goal to be the Number 1 law firm in the country or the world?

**A:** Being Number 1, whatever that means, is an outcome, not a goal. Our mindset is to keep challenging the status quo and keep pushing ourselves to be more innovative and responsive to our clients. That keeps us hungry. That gives us a desire to get better and prevents us from becoming fat and complacent. We need to keep asking ourselves, why do we deserve to exist as a law firm? **N**

