



Apollo Leadership
Institute

The Apollo Leadership Institute **Speaker Series**

In November 2020 we held the first in our **Speaker Series** where **Rob Booth, General Counsel and Company Secretary, The Crown Estate** joined **Dr. Catherine McGregor**, author and thought leader, for a conversation on the future of the legal profession.

Rob founded the **Bionic Lawyer Project** as a means of highlighting the changes that need to take place in the legal profession driven by levers to change that will help create the 'bionic lawyer.' The first of these levers focuses on inclusivity in the profession. Rob shared with the group the genesis of the project and how it is vital that the future of the profession includes a vision of diversity and inclusion.

*The Speaker Series
is supported by:*



“The Bionic (Inclusive) Lawyer: Key Points and Toolkit”

The Crown Estate legal team realised that a large percentage of the legal profession was suffering as regards innovation and creativity by its failure to work in a way which was collaborative and valued diverse perspectives and experience.

The Crown Estate legal team had seen collaboration and diverse experiences and ideas work wonders, both in their own team and in their partnerships with external suppliers. They realised, by working from these same principles, they could expand out more widely.

The Bionic Lawyer Project is unified by the purpose of unlocking the potential of the legal industry for the future. There are no barriers preventing people from getting involved in the



project. To be involved they only need to care (or even just be curious!) about the project's purpose. The group currently comprises about 500 people from around the world, from neuroscientists to entrepreneurs to technologists to the traditional definition of lawyers: solicitors and barristers.

From the Crown Estate's initial 12-lever model, the wider Bionic Lawyer team developed this into a 16-lever model. These 16 levers are being published over the next few months via LinkedIn.

The six levers that have already been published are included as part of this document, but the headline summaries of the six are summarised below:

- 1. I problem solve in teams and work seamlessly with a broad group of SMEs (Subject Matter Experts).**
- 2. I am valued and recognised for creating value for my customers.**
- 3. I have the tools to collaborate in real time wherever I am.**
- 4. I can map outcomes combining my human judgement with evidence-based analysis.**
- 5. I only produce content where my input provides special value.**
- 6. My success is based on what I do, what I deliver and how I think, without bias or privilege.**

- **At the heart of each lever is the human.**
- Putting the human at the heart of each lever comes back to provable science that what makes the human contributions really work are diverse ideas and inclusive principles.
- Diverse problem solving to deliver solutions to the most complex issues is fundamentally driven by the cognitive diversity that sits within the team considering the issue.
- But cognitive diversity comes as much from peoples' different cultural, economic, and societal backgrounds as it does from their race & ethnicity, sexual orientation, gender, and disability status (where people usually look for it).
- Human-in-the-middle, knowledge-based professions like law have to recognise that, for simple problem solving, the human mind is approaching obsolescence. It no longer really adds that much over and above what process optimisation technology could do.



- But for complex problems, a network of truly diverse individuals is a superpower.
- The Bionic Lawyer lever number 6 is the one most correlated with inclusion and diversity (lever number 6): People should be recognised and valued for how they think, what they deliver, and what they do, but it's fundamental that this recognition is completely free of privilege and bias.
- **The conclusion:** The systemic elements of how the legal industry is currently solving problems needs to change. (These include how we hire; how we view value. and who can create it; how law firms are set up not to reward diverse thinking and collaboration.)

How we can start this:

- Putting the human at the heart of the dialogue is familiar and hence comfortable for lawyers and avoids the existential crisis that change means they are obsolete.
- The idea is that this will produce a new view of talent which can give both young people and organisations confidence that they are approaching what the best value in the profession is and can be with the same range of understanding.
- The 16 levers can be mapped against existing practices and track progress for legal suppliers in a way that is more conducive to dialogue than just statistics. The levers can produce a gap analysis.
- Diverse thinking is key to discussions around diversity. We need to shake up our thinking around who has these conversations and broaden it out from just the GC and the client relationship partner. Examples include Chief Technology Officer; Chief Diversity Officer; CFO.
- The 16 levers can start to drive consistency around the conversation in the legal market.
- The levers are going to be tooled so they can be mapped against RFPs. General counsel will be able to see and measure if suppliers are working in this way.
- The collaboration at the heart of the Bionic lawyer shows that we can start dialogues across the industry and use



these diverse perspectives to create change where we can, rather than focusing only on our own organisation.

- Anyone can use and adapt The Bionic Lawyer levers.

It isn't just a case of diversity and inclusivity being the right thing to do. It's more than that, it's also the best way to deliver the purpose of the legal industry to protect the rule of law as part of the fundamental construct upon which society is built upon.

Rob Booth, The Crown Estate





I problem solve in teams and work seamlessly with a broad group of SMEs.

The “Why” (in about 100 words):

Pulling this lever allows us to leverage cognitive diversity, to create **superadditivity**. The multiple problem solving patterns created by **spanning** the disciplines of a variety of subject matter experts (crossing backgrounds, specialisms and professions and perhaps even including a robot...) adds measurable value to solving **gold box** problems and creating the model to solve **silver box** problems. Nobody is the expert of everything and a team will, on average, outthink a rocket scientist on a complex problem.

The steps necessary to do this provide abundant benefits, as they rely upon creating an atmosphere of **safety**, promoting self-awareness and awareness of others, and using trusted structures (such as “teaming” and “agile”) to leverage/overcome the friction in diverse groups.

But use this lever sparingly, it is overkill for solving **silver box** problems on an ongoing basis and regular recharging is necessary to prevent performance decline.

In summary, the Bionic Lawyer, and your customers, benefit from being part of a cognitive cocktail!



The Path to Enlightenment:

Read everything ever written by Amy Edmondson, Scott Page and Morten Hanson. Check out how institutions like Law Without Walls and Stanford’s d.school solve problems. Invest in Post-it notes, whiteboard markers and practice!

What has COVID taught us?

We are not well served to pull this lever, other than in person. The magic is hard to find and even harder to maintain through digital channels – leading to a worrying build-up of allostatic load. Establishing and maintaining the relationships needed to seamlessly collaborate is tricky when you are forced strip away the many layers that form part of human interaction and with that, our psychological safety suffers. Some meeting bad habits have though fallen away, so it’s not all bad.

The Bionic Lawyer would like to thank...

... all of the #bioniclawyercontributors, but with particular thanks to Dominique Ashby, Rob Booth (Sprint Captain), Charles Brasted, Tish Christias, Barbara Hamilton-Bruce, Michael O’Donoghue, Barry Matthews, Sam Spivack and Owen Williams.



I am valued and recognised for creating value for my customers.

The “Why” (in about 300 words):

There is a profound power in having symmetry between the value that we create and how we are in turn valued. In this lever we are going to try and unpick that statement for you.

“Value”. It’s a simple word with a myriad of complex meanings, but what these meanings almost all have in common is that they talk about making a difference. Value matters. We can use it to mean something has utility – it brings benefit – and because of that it means something to us. We can quantify some aspects of it using a numerical or financial amount, but not all.

When we talk about value here – we are taking a broad view. In particular – enabled value and the value of economic, social and (corporate) governance (ESG) factors are integral – as is a real focus on leaning into a truly inclusive stakeholder group.

Value also has a very human dimension to it, creating a positive cycle of productivity. When we feel what we do is regarded as valuable, we firstly better understand where we are creating value and we want to create more of it because recognition feels good! It engages us.

So of course if an institution genuinely knows what value its customer seeks (a broad view of “customer” is recommended!) and can identify how to create that value, then this unlocks an ability to create engaged and motivated Bionic Lawyers (a broad view of “lawyer” also applies!). As an example, our work shows us that customers give primacy to outputs not inputs and that should be brought to bear in how Bionic Lawyers are utilised across gold box and silver box problem solving. Inefficiently over-servicing the silver box does not create more customer value...

This lever becomes more powerful as alignment spreads along the value chain. Bionic Lawyers can be engaged and motivated with genuine insight from the value they bring – this should cover functional (money), personal (progression and growth) and social (public plaudits and the odd award...) recognition. Equally, Bionic Lawyers must surely be worth investing in by way of time, money and emotional energy – as they are already valuable, and that investment creates a virtuous circle for the Bionic Lawyer and your customers.

Getting all of this right ensures that there is continuity and resilience in a broad and undeviating value chain. And THAT is the profound power of this lever.



The Path to Enlightenment:

On the value side, your customers are your surest route to enlightenment. Work out what they want and use that to establish what they need. Like them or loathe them, there are lots of case studies to help and using personas and design thinking principles really does work too. Also work out how you can play your role in the UN Sustainable Development Goals, look at what B Corp are



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doing and be brave – ESG is not a fad. But above all, remember that you have two ears and one mouth – listening is powerful in this space.

On the recognition side, have a good chat with a neuroscientist to find out how recognition unlocks one of the most productive brain states. Spoiler alert – recognition through financial reward doesn't always have the effect you think it would on the brain :0)

What has COVID taught us?

What we defined as valuable in our personal and professional lives changed overnight. What the business world recognises in organisations as valuable has also shifted. The lack of direct human interaction has also laid bare the intrinsic value that is provided to customers. The gold box:silver box divide has never been more important. At the same time, we have moved from norms to needs – so now is the moment!

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... all of the #bioniclawyercontributors, but with particular thanks to Dominique Ashby, Rob Booth (Sprint Captain), Charles Brasted, Emma Dowden, Stephanie Hamon, Julia Hayhoe, Jeremy Hopkins, Fleur Kitchingman, Alex Low, Georgie Lyon, Tom Lucas, Michael O'Donoghue, Adam Soames, Duc Trang and Owen Williams.



I have the tools to collaborate in real-time, wherever I am.

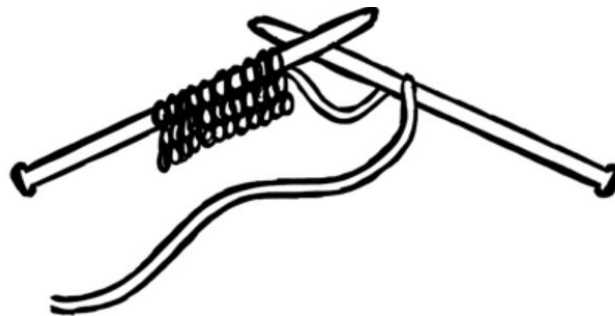
The “Why” (in about 300 words):

The “why” of collaboration landed in Chapter 1 – and the **superadditivity** it creates is critical to unlocking the potential of all Bionic Lawyers. This true collaboration sees Bionic Lawyers leave bias and privilege at the door (more to come on this). This collaboration requires hard work to create and maintain – and is massively enabled by having the right tools.

You thought we were going to go straight to technology..? We’ll get to that... but humans first.

Top of our list of tools are those which enable Bionic Lawyers to be self-aware, culturally aware and, crucially, reflective. This is everything from psychometrics to coaching and mentoring and thoughtful transparency. With these tools Bionic Lawyers are provided with a powerful, progressive perspective that maximises their ability to collaborate.

These tools are further enhanced by purposeful leadership and management. Driving the conditions for collaboration, yes, but also leveraging a deep understanding of collaborators, to include and empower a diverse blend of Bionic Lawyers to solve the **gold box** problem, optimally. We refer to this as knitting – and these leaders and managers are the knitters that Bionic Lawyers need.



There are so many process tools that can help too – knitting is a process after all. They provide trusted boundaries and norms for the collaboration process. They can be prone to silly names (fancy a “scrum”, anyone?), but beyond that there is commonly a pathway to better, repeatable collaboration.

And so to technology – we are all working in an ever connected, global ecosystem that requires most of us to have multiple technologies to connect, as well as a thorough understanding of where people work and mutual respect for how and when they choose to work. The best tools have a very simple user interface, are secure, flexible and provide transparent boundaries that allow collaborators to work at times that suit. They enable respect of the deadlines of others, whilst protecting the boundaries between our business and personal selves.

The Path to Enlightenment:

In actually collaborating (rather than just thinking we are) - your fellow collaborators are your surest route to enlightenment. You should imagine you are building virtual teams, invest in getting to know your co-collaborators, invest in understanding and appreciating what they bring to the team, and invest in enlightening others as to what you bring to the team and how they can best collaborate with you.



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***What has COVID taught us?***

COVID has been the biggest ever social experiment to test whether technologies are up to the task, requiring us to trust others even when we aren't with them. But digitally enabled teamwork has also taken a toll on our mental health and has challenged everything we thought we knew about working before the pandemic. Clearer than ever is the need to work in a truly collaborative way and really unleash **superadditivity** in a **psychologically safe** space. We must be careful not to enjoy this exciting sense of connectivity too much, to the detriment of our personal wellbeing. And so, while we are connected in new and marvellous ways - we have learned (sometimes the hard way) that we are dependent not just on our tools, but also on our ability to turn them off.

The Bionic Lawyer would like to thank

... all of the #bioniclwyercontributors, but with particular thanks to Stephen Allen (Sprint Captain), Dominique Ashby, Rob Booth, Nicholas d'Adhemar Alex Low, Georgie Lyon, Barry Matthews, Catherine McGregor, Michael O'Donoghue, Roger Wagland, Stuart Whittle and Owen Williams.



I can map outcomes, combining my human judgement with evidence-based analysis

The “Why” (in about 300 words):

In our chapter on collaboration, we referenced a robot. A digital subject matter expert in and of itself; capable of processing, error-free, vast datasets to deliver up analysis. As technology progresses and data both optimises and proliferates at unprecedented rates, these tools will self-improve and become a key input to solving **silver and gold box** problems. But for the **gold box** in particular, the application of technology alone lacks the human spark that can be the difference between the accurate analysis of patterns and the ability to predict the future. Entwined with a diverse group of Bionic Lawyers (to avoid the biases that would arise from a single viewpoint), the effect can be a crystal ball for customer outcomes. Powerful stuff...



Before we stray too far from “human first” – we should note that **lawyers** have been combining their legal judgment and evidence-based analysis for a long time – it is in our industry’s DNA. However, Bionic Lawyers are provided with the tools to deliver more. Bionic Lawyers use their collective judgment to create value by mapping customer outcomes; informed by careful and considered analysis of economic, commercial, operational, human and socio-political data.

Data is too big and raw for Bionic Lawyers themselves to analyse it effectively. But via process and technology it can be refined to information. From information, knowledge can be derived. By then applying diverse human judgement – the adaptive concept of wisdom – our Bionic Lawyers can take knowledge and provide their individual, unique perspectives to delve deeply to insight.

$$(\text{DATA} + \text{INFORMATION} + \text{KNOWLEDGE}) \times \text{DIVERSE WISDOM} = \text{VALUE MAGIC}$$

But we should note that the underlying knowledge decays – the laws of thermodynamics give it a ‘half-life’. The knowledge furnished to Bionic Lawyers must therefore be constantly and critically assessed, untangled and reanalysed. We should also be suspicious of all knowledge; its provenance, quality and legality must be transparent to Bionic Lawyers, to enable its use.

The Path to Enlightenment:

There are many books on the power of “big data” and its ability to create data driven organisations. It is worth understanding that space and in particular the underlying requirements of making data actionable. But don’t try to solve this yourself – **be a spanner** – make connections with quants and data scientists to supercharge your institutional understanding.

The rise of studies and applied academic studies on “AI + MIND” charts a path to truly delivering this lever – to creating astonishing results.



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We can also look to the past – to something that the Ancient Greeks called *‘metic intelligence’*. This is the intelligence of the navigator, constantly recalculating, using new data and then adjusting course to less hazardous waters and mapping a safer way forward.

Lastly, look to science. Science teaches us that data is most effective when it is used to test a hypothesis rather than propose one. How often are we guilty of getting that the wrong way around...? It also makes us wary of believing we have found causation, when we were in fact a hostage to correlation.

What has COVID taught us?

COVID has reinforced many of the pitfalls that we have highlighted above. It has thrown conventional, common knowledge out of the window. It has disrupted and, in some circumstances, irreversibly changed norms. It is a dramatic example of why we must remain suspicious of what we consider to be knowledge – requiring great processes and trusting to the judgement overlay.

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... all of the #bioniclwyercontributors, but with particular thanks to Stephen Allen (Sprint Captain), Dominique Ashby, Rob Booth, Alex Low, Georgie Lyon, Michael O'Donoghue, Sunita Patel, Sam Spivack, Jonathan Talbot and Angela Yotov.



I only produce content where my input provides special value

The “Why” (in about 350 words):

In our chapters referencing collaboration, we detailed how thoughtfully engaging Bionic Lawyers created **superadditivity** and with that, allowed Bionic Lawyers to outthink a rocket scientist. We also recognised that this superadditive state is hard to achieve and requires constant recharging. So where should our Bionic Lawyers be engaged and more importantly, how do we create the space needed to deliver superadditivity?

In order to answer this question, we need to accept that Bionic Lawyers are great at solving complex problems for their customers, but are pretty average at solving rules based problems or undertaking repetitive tasks where speed and a low error rate are the key markers of success. This leads us to the model of engaging Bionic Lawyers to solve **gold box** problems and to create the models that solve **silver box** problems. This is what creates special value.

Gold box problems are perfect for the application of diverse teams of Bionic Lawyers. They reflect the infinite complexity, chaos and unpredictability of the world around us. Solving a **gold box** problem represents the greatest value that Bionic Lawyers can create for their customers; it underpins competitive advantage.

Solving **silver box** problems is fundamentally rules based, but and also creates a lot of value. However, our Bionic Lawyers are not engaged to solve them, they work in teams to create the model that repeatedly solves them – the self-service tool, the algorithm, the workflow. They then don't intervene other than to maintain and sustain the model – as the easiest way to turn a **silver box** problem into a **gold box** problem is to involve lots of people...

Perhaps counterintuitively, for Bionic Lawyers, in order to put the human first it is important to engage the human last. Bionic Lawyers are the cherry on the problem solving cake.



To get this right, Bionic Lawyers must therefore be able to ruthlessly prioritise where they contribute. That prioritisation should be driven by customer value creation and enabled by removing inefficiency through adopting processes and technology. To bring this to life, a quiet hour spent thinking deeply about a **gold box** problem, shouldn't be compromised by a need to do some proof reading... you should have an app for that.

As a final note – the **gold box** is infinite – so for now there is no need to worry that Bionic Lawyers are not needed :0)



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***The Path to Enlightenment:***

At a practical level, there is much to be gained by thinking “lean” and mapping your operating model to accurately identify the value creation and pain points of what you do. This is a strong foundation to pulling this lever.

But there is quite a bit of depth here. In his book 'Range: Why Generalists Triumph in a Specialized World', scientist turned journalist - David Epstein makes the case for generalists within an ever more specialist world: “Modern work demands knowledge transfer: the ability to apply knowledge to new situations and different domains. Our most fundamental thought processes have changed to accommodate increasing complexity and the need to derive new patterns rather than rely only on familiar ones. Our conceptual classification schemes provide a scaffolding for connecting knowledge, making it accessible and flexible.”

Where do the best **gold box** ideas come from? From thinking differently. From listening to others who think differently. From questioning traditional thinking. From harnessing the power of ‘cognitive diversity’. In “Rebel Ideas: The Power of Diverse Thinking”, Matthew Syed offers advice on how to break free of the echo chambers that surround us and gives tips on how to develop an innovative ‘outsider mind-set’, forcing us to think again about where **gold box** ideas can come from.

On this basis both David and Matthew are honorary #bioniclawyercontributors!

What has COVID taught us?

COVID has reinforced the sense of overwhelming and competing priorities already common in the industry. It also has increased cost and efficiency pressures. More than ever, Bionic Lawyers have needed to articulate the value they are delivering, sometimes as a bare survival tool. In that context, the **gold box:silver box** has never been more important and we have seen a glimpse of what activities can be sacrificed (often without impact) to allow a focus on what matters.

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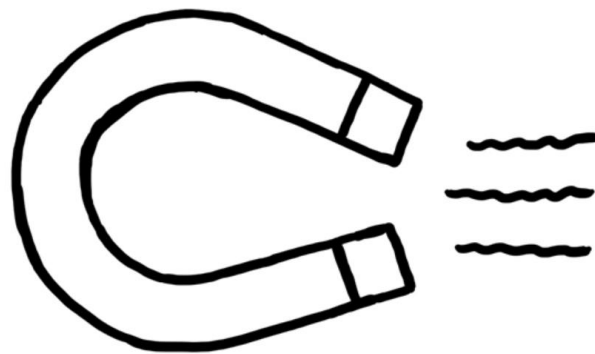


My success is based on what I do, what I deliver and how I think, without bias or privilege.

The “Why” (in about 300 words):

The need for diverse Bionic Lawyers to operate in an inclusive and **safe** environment runs as a golden thread through all 16 of the levers that make up the Bionic Lawyer model. It underpins everything and without it our industry will be constantly self-limiting and eventually obsolete. The industry and institutional imperative is strikingly clear.

Superadditivity is not enabled by clumsily chasing diversity, it is nurtured by the environment we create and that environment acting as a cognitive magnet to the diversity we need. Our science shows us that the stronger the magnet, the greater the diversity it attracts; and the resulting creativity and collaboration within insightfully led teams of Bionic Lawyers, is more powerful.



Consistently with our other levers, “diversity” is defined as widely and deeply as possible, and in our multi-disciplinary profession, the **“lawyer”** of Bionic Lawyer is defined equally widely. We recognise that any defined grouping (take white, middle class, heterosexual men) will contain different ideas and backgrounds, but this is a shadow of the cognitive and experiential diversity that is available to us. This offers huge potential and is an exciting concept for our Bionic Lawyers.

For this to truly enable our Bionic Lawyers, we have to tackle the value destroying interference that is caused by the biases and societal constructs of privilege that influence us all. These influences need to be minimised in order to ensure that we see the potential and value contribution of every individual Bionic Lawyer, making decisions with lens that is true and clear. To operationalise the philosophical elements of this, tools and technology can play a role, can ensure that biases are designed out and seek to improve our objectivity – from recruitment, to work allocation to reward. None are perfect, but these tools should be embraced.

The Path to Enlightenment:

The path to enlightenment is a long one for this lever, as we are all human. But investing time to build an understanding of this area and of people, is an investment well made. We need to be reflective and interrogate our world view via speed bumps, questions and logic gates, which can be deployed at key junctures. For example:

- I. Does this person bring new thinking and/or talents to my existing team or do they complement existing thinking and talents?
- II. Does this person look like/not look like me and how does that make me feel?



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III. How would I describe this person to a colleague who doesn't know them – and which of these descriptions apply to their capabilities and which applies to their background, gender or status?

IV. Would I feel comfortable having lunch with this person and if not, why?

V. What do I understand this person's beliefs to be and does that impact how they will do their job? Why do I think this?

We need to bring this way of thinking and interacting into everything we do and think about not just when someone labels it diversity and inclusion. How do we run meetings? Who gets to speak first? Do we look for diverse subject matter experts (SMEs) first, and not just to speak about diversity?

There are many groups doing fine work in this area and there is value in leaning into as many as you have capacity for. We have too little space to do the full suite justice, but those who are tackling inclusivity at all levels would include Interlaw, and much good work is being done in a focussed way by groups such as the Social Mobility Business Partnership, the Black Solicitors Network, Transforming Women's Leadership in the Law, She Breaks the Law, Stonewall and so many others. Exploring this work is not just hugely enabling, but can also be a joy.

We believe that you will get the most acceleration with human help, but watching TED talks and reading books also allows us to see different perspectives and interrogate how we understand the world. There are many thought provoking works out there (and we are happy to disclose the full extent of the Bionic Library!), but some good examples are set out below:

- Remi Eddo-Lodge: *Why I'm No longer Taking to White People About Race* (Bloomsbury 2017)
- Ibrahim X. Xendi: *How to Be an Anti-Racist* (Vintage 2019)
- Kenji Yoshino *Covering: The Hidden Assault on Our Civil Rights* (Random House 2007)

What has COVID taught us?

Belonging is hard to build when we are in different places. This is made more difficult again in a time of crisis as, under pressure, it is easy to default to old ways of thinking and behaving.

We need to keep thinking about how to make all interactions inclusive including virtual ones. While the enforced discipline of asking for comments in turn on a Zoom call is naturally inclusive, our digital communication channels pose a threat of cliques developing and de-humanised behaviours arising. Seemingly inconsequential virtual behaviours are playing out to create real difficulties over time.

We have also seen the asymmetric effect of the pandemic along the very lines of diversity we are describing. This is sobering, but should also act as the catalyst for change. The time is now.

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...all of the #bioniclawyercontributors, but with particular thanks to Stephen Allen, Nilema Bhakta Jones, Ali Blackwell-Cook, Rob Booth, Tish Christias, John Croft, Georgie Lyon, Barry Matthews, Catherine McGregor (Sprint Captain) and Kenny Robertson.