



Private practice leadership roundtable

Managing partners and IP heads from top-ranked patent attorney and law firms share insights on how to captain a world-class practice

Leading a law practice or a patent attorney firm is a delicate balancing act. The demands of clients, the interests of the partners and the aspirations of associates all need to be catered to while ensuring smooth day-to-day operations and charting a course for long-term business growth. For many, these tasks come on top of maintaining their own busy practice. What is more, the qualities that make for superb lawyering and patent attorney practice can be quite different to those that make for inspirational organisational leadership. While there are plenty of individuals who possess both skill sets in spades, practitioners who ascend to leadership positions need to consider carefully how best to combine their dual mandates.

Pressures on private practice leaders are higher than ever. Law and patent attorney firms have been grappling with the effects of covid-19, managing the transition to remote working while communicating clearly with their teams about risks and challenges. Rapid technological advancements are transforming the competitive state of play, and there is greater demand than ever, including from clients, that private legal practices lead in terms of diversity and inclusion.

To discuss all these issues and more, *IAM* has convened a panel of managing partners and heads of intellectual property, all of whom lead practices for best-in-class firms recognised in the *IAM Patent1000*.

Panellists:

Pravin Anand, managing partner, Anand and Anand, India

Bai Gang, founding partner, Wanhuida Intellectual Property, China

Jacopo De Benedetti, CEO and managing partner, Società Italiana Brevetti, Italy

Shelagh Carnegie, co-head of global IP group, Gowling WLG, Canada

John Dower, principal, FPA Patent Attorneys, Australia

Kate Hay, head of intellectual property, Corrs Chambers Westgarth, Australia

Brett Lunn, managing partner, FB Rice, Australia

Ross McFarlane, managing principal, Phillips Ormonde Fitzpatrick, Australia

Simon Mounteney, UK managing partner, Marks & Clerk, United Kingdom

Anand Sharma, managing partner, Finnegan, United States

Kelly Thompson, chair, Adams & Adams, South Africa

Thomas Wünnemann, executive director, Hoffman Eitle, Germany

Jay Yang, managing partner, Kim & Chang, South Korea

What does leading an IP law firm or practice entail these days – what are the skill sets that a leader needs to possess?



Bai Gang (BG): It's critical that a leader has a vision for the future and a willingness to challenge the status quo. They need to have the skill and tenacity to bring partners and the entire team towards a shared goal.

The progress of IP firms requires professional renewal and cultural diversity. Leadership should accurately assess new trends in business development so as to identify and use talent, and to cultivate an inclusive corporate culture. An excellent managing partner is not necessarily the firm's best lawyer, but someone who is the soul of a smooth and effective team that unites lawyers of diverse backgrounds.



Shelagh Carnegie (SC): It is no longer sufficient to be a good practitioner, if it ever was. In order to lead a team that stays ahead of the competition and delights clients, you also need to bring practical business savvy and an understanding of sector-specific influences, strategic planning, knowledge of shifting competitive and legislative forces, and a keen interest in and awareness of global trends. Since these things are ever evolving, perhaps the most important attributes are to be curious and ready to embrace new ideas and new ways of doing things. In other words, you need to be a bit fearless.

Kate Hay (KH): Confidence is key to winning work and inspiring a team. Generosity (of knowledge, networks, time and opportunities) is central to getting the most out of our people and delivering the best advice and outcomes for our clients. Playing the long game by creating a practice that sustains the present and inspires the future is critical.

Simon Mounteney (SM): Because everything changes so rapidly these days, I think it is important to be adaptable, creative and very open minded; I am also a firm believer in collaboration. This approach



requires a leader who can communicate a clear vision and motivate people at all levels to work towards it. Underpinning it all, I think there has to be an aptitude for understanding. You need to understand your firm's clients and you need to understand your workforce, because there is a symbiotic relationship between them that can amplify the benefits for all when both are well looked after.



Thomas Wünnemann (TW): Let's distinguish between leadership skills as such and leadership models. Our leadership model is based on lean management and a true collaborative approach. This combines the experience of classic business leadership skills – such as business development, structural developments and commercial management – with the broad professional experience of our partners. As the backbone of our firm's culture we bring all these together in our management committee work. Talking about the skills set, we believe that a focus on strategy, leading change as well as sharing and delegating responsibilities is very important. Needless to say, strong communication skills and digital competences are also required.

How do you believe that the leadership role within firms has evolved over the last decade?



Pravin Anand (PA): Clients now have more options than ever before and that has affected the way that we deal with them. Lawyers, engineers and staff have become more outspoken and openly express differences of opinion. Consequently, all leaders must know how to reconcile differences and earn the respect of junior team members. The role of a leader is much broader than it used to be – for example, one must now also be a mentor to team members.



Brett Lunn (BL): While the fundamentals of what it means to be in professional practice remain key, there is now a significantly greater understanding that our firms are in business, that they have traditional and, increasingly, non-traditional competitors, and that long-term survival is not a given. As such there is a realisation that IP firms need to be run professionally by leaders with the skills to ensure success, who are primarily focused on that role.

We are seeing our clients look for more than just technical expertise. They want strategic, trusted advice, commercial understanding and insights into what is happening in their market – now and into the future. Leaders need to create a culture that supports this.

In addition, our staff also care about the reputation of their employer and that is not just whether the firm is considered Tier 1 in intellectual property. They have high expectations of how the firm acts as part of the broader community and also how we treat our staff.

Ross McFarlane (RM): Autocratic, top-down leadership is gone. Consultative, inclusive and authentic leadership is now an expectation of partners and staff alike. Everyone in an organisation is seeking a sense of purpose and meaning in their workplace and leaders must increasingly focus on clear communication.



Anand Sharma (AS): In the past, some of the biggest issues firms faced were related to new associate classes, productivity, raising rates, who makes partner, and creating and maintaining client relationships. These days, such areas are only part of the planning that goes into maintaining a healthy firm. We need to make sure that we're offering a holistic client experience while maintaining a safe and inclusive work environment for our employees, all the while recruiting and retaining top diverse talent. Our clients are savvy, and they know that if we don't offer our best in every aspect of service – diverse teams, successful results, creative billing arrangements and billing consistency – they will find a firm that does. Our jobs have never been more service-oriented than they are now.



Kelly Thompson (KT): The legal landscape has changed. Firms have had to adapt significantly in order to meet clients' needs effectively while remaining profitable. Naturally this has had an effect on the leadership role. It is no longer possible for a managing partner to have a finger in every pie and to

allow themselves to get bogged down in micro-managing day-to-day operations. It is the role of law firm leaders to have a vision and strategy, to align the firm and steer it in the direction it needs to go.

Structurally, what do you believe makes a world-class IP law firm or practice?

PA: The following elements are essential:

- top-class domain knowledge;
- the highest levels of integrity and a matching reputation;
- a motivation, desire and will, not only to learn about but to create solutions for clients;
- compassion with regard to diversity, inclusion and environmental sensitivity;
- a contribution to the development of the law;
- a contribution to the development of junior colleagues, more than just taking care of the firm's or clients' interest; and
- time devoted to *pro bono* work.

BG: A world-class firm should provide a structure that facilitates the growth of its people, while encouraging them to march towards the common goal of excellence in delivering client services. It should also, give the best technical and data support to its practitioners.

Firms must have a culture of openness, equality and inclusion. Openness ensures that talent undergo robust growth without impediments. Equality offers opportunities to everyone and ensures that individuals are evaluated fairly and rewarded each accordingly. Inclusion allows people of all types of talent to thrive and to realise their full potential.

SC: Open lines of communication, effective use of integrated technology (both for inside efficiencies and to streamline service delivery) and global offices that work seamlessly together to give proactive strategic advice, not just advice on an ad hoc basis. This is especially important for anti-counterfeiting practices but also with respect to many fast-paced technologies whose evolution and commercialisation cross continents.



John Dower (JD): The core of our business is about serving clients and keeping abreast of what they want and need – a world-class IP firm understands how these needs change over time. Through our training and research programmes, we know that clients want four things from law firms: that we know their businesses intimately; that we have very strong communication skills, especially deep listening skills; that the 'after sales' service matches the promises made to win their work; and that we have the deep insights to solve their business issues. This guides how we train and develop our people. We

have shifted the focus from our credentials – what we do and what we can deliver – to understanding what our clients want and providing them with commercially and financially astute options that best fit their particular needs.

SM: For us, the most important elements are flexibility and cohesion. We have a lot of people and offices, so we work hard to make sure people do not feel like they are working in siloes. We set out to understand our clients' needs and match them with the people who suit those needs best. Client teams aren't constrained by location (unless that is important to the client) or practice group. In fact, we don't even have practice groups, we have cooperation teams. This might seem like semantics, but we want the emphasis to be on people coming together to achieve things.

TW: It is important to think like the client, to be a strong business partner and to be quality driven. We focus on developing lean structures that enable us to bundle the expertise needed for a client project. These structures should also support cost efficiency, fast delivery of services and the development of new talent, as well as building a culture of continuous improvement.

What has your experience of the covid-19 pandemic taught you about leadership?

SC: It is critical to work with and engage your stakeholders, both within and outside the law-firm structure. Law firms are very much consensus-driven models, which is invaluable because it infuses all decisions with the experience and ideas of a broad panel of people. Moreover, understanding what our clients are looking for from both a local and a global perspective influences all of our decisions, from how we use technology to the way we deliver advice. The remote-working experience has focused this engagement differently and proves that we can adapt to meet the same pressures in innovative ways.

JD: Law firms need to be less rigid and structured. We cannot afford to be stuck in the past or simply say "this is how we have always done it". We have a unique opportunity to reimagine every aspect of how we work, and to challenge and find meaning in what we decide to carry forward into the future. While the pandemic threw everyone into a state of uncertainty, it is important to focus on what we can control in our micro-universe and to provide certainty to our people. For the first time, leaders did not know everything and to suggest or think otherwise was not authentic. It's about being honest, opening up and saying to the team "we don't know what the future holds, we are working it out as we go along, tell us what you think, keep your eyes and ears open". We are all on a level playing field, which is where flat organisational structures and diverse thinking thrives. Consultative adaptation is key.

RM: By far the top lesson we have all learnt is to be clear and open with everyone in the firm on a regular basis about the challenges being faced, how the business is performing and what actions we are planning to take. Gathering feedback from our staff and involving them in our decision making has been important in reassuring people and letting them focus on what they can control. Constant communication takes a lot of management time, but the sense of common purpose and camaraderie created during covid has been wonderful.

SM: Be yourself, be open and do not pretend to have all the answers if you don't. I think this is my natural tendency, but at M&C we have devoted a lot of time and energy to ensuring that our people know what is going on and who is responsible over the last 18 months. Regular and authentic updates have been critical. I believe that people appreciate you being up front with them, even if something isn't going the way you would like. People really need to know they can trust their leaders, that those leaders have a plan and that the plan makes sense.

TW: Communication, communication, communication!

New working and collaboration models can be implemented quickly and securely if you have the right people on board. The loyalty of your employees is based on the trust you give them.

What aspects, if any, of changes you made to your operations over the past year do you expect to become permanent?

BG: We made heavy investments in our data and tech support services and remote communication capabilities. These are important elements in our marching forward during the pandemic and will greatly enhance our ability and efficiency in delivering services for years to come.

In the past year our trademark practice has focused quite a bit more on e-commerce-related issues and on border enforcement, and we expect this trend to continue.



Jacopo De Benedetti (JDB): With regard to our patent practice, we resolved many IP issues related to the pandemic, and filed several patent applications related to virus-fighting innovations. We expect this level of activity in the area of health care/pharmaceuticals to continue.

KH: Everyone's confidence with using and mastering technology has risen – a fantastic and enduring improvement. Presenteeism is rightly dead and everyone has worked flexibly, showing that nothing teaches like direct experience. We all benefit from a shared understanding of how great and productive flexible working can be and how we want to take that forward. This looks different for everyone and that is good too. The courts have embraced technology, with cost and time savings flowing from that. In intellectual property, clients and experts are often located all over the world, so being able to meaningfully participate in court matters without international travel has been terrific. It's also brought into sharp focus what we miss – being together, learning from one another and visiting our clients in person.

SM: Hybrid working and video technology are the obvious ones, but I think we will also continue with the new ways we have found for people to connect, socialise and support each other. As an example, we have been running a number of clubs via video, including a book club. This might seem trivial but the power of something this simple was really brought home to me when I learned that one of the discussion groups included people from East Asia, mainland Europe, Canada and the United Kingdom. We will make sure that we don't lose the momentum of the new communications channels that we have been developing.

AS: At the very least, we will continue to connect with our clients virtually. We recognise the time and cost efficiencies that this provides and the importance of the flexibility that it allows. Virtual connectivity also provides opportunities for junior team members to gain experiences they may not have enjoyed in the past. We also found ourselves purposely cultivating personal relationships with clients, which I certainly hope continues. Once you've seen each other's homes or heard each other's children/dogs/significant others in the background over Zoom, it's hard to imagine losing that connection.

Jay Yang (JY): The covid-19 task force we set up to advise clients on pandemic-related challenges and to set out our virus-related policies has proved to be very effective. It has helped the firm and our clients to adjust to changes in government policy and the wider environment, while also giving



attention to individual needs. Accordingly, we will continue to rely on this approach to meet future challenges.

Competition for top talent among firms remains fierce – in your experience, what are the most important factors when it comes to attracting and retaining talent?

JD: Over the past year, our firm's vision has evolved to include 'Best Environment', which means:

- providing a flexible workplace, wherever that may be, as well as supportive and psychologically safe surroundings where people can turn up to work as their true selves (eg, adoption of personal pronouns);
- providing opportunities and promotions that allow our people to thrive;
- delivering leading reward and recognition strategies that take money off the table, so that people can focus on delivering their best work to clients without distraction;
- creating firm-wide benefits to compensate for the current external upheavals;
- devising a new programme of frequent one-on-one check-in conversations with supervisors;
- delivering mentoring programmes; and.
- creating the time and space to acknowledge, listen and genuinely care for our people.

SM: Know what your firm is really like and what it has to offer, make sure you communicate this accurately and ensure that reality meets expectations; I think that providing an environment in which people can be productive and do a great job is critical, as is ensuring that they can develop their careers within the firm. Happily, the quality and range of clients at M&C is such that we can utilise the specific technical and legal expertise that our attorneys offer, while our offices and cross-office teams are of a size that each person can feel that their contribution matters and is appreciated.

KT: It is important to understand generational differences. Work/life balance and showing a commitment to social investment, environmental sustainability and diversity are highly valued among graduates. Salary, while still important, is lower down on the list. This concept is still foreign to some older lawyers.

JY: Kim & Chang has been involved in virtually all major high-profile transactions and landmark decisions in Korea, so naturally we attract highly motivated individuals who want to work on cutting-edge projects with some of the most impressive legal talent around. We understand the importance of having attorneys who are very satisfied with the work environment and the work itself, so we do

everything possible to provide this. We give our professionals the opportunity to work with the best clients on their most complex issues, which leads to greater satisfaction, commitment and engagement from our team.

When building a team, how do you ensure you get the right mix of skills (eg, legal, technical and business)?

BG: First, we must know our own people and develop them. We exercise discretion in promotion, evaluation and training, providing lawyers and supporting staff with the opportunities to accomplish challenging tasks and exhibit their strengths. Our evaluation is comprehensive, covering academic strength, professional capacity and ability to learn and adapt. We then organise project teams based on this, as well as service needs. Training accompanies the entire process, motivating people to learn and to sharpen their skills. We recently built a moot court – a replica of a real courtroom – to allow our lawyers to practise their oral argument skills and to better prepare for actual cases.

BL: It is always challenging to build a team with the right mix of skills. However, the reality now is that every person is expected to bring a blend of technical skills, IP knowledge, a commitment to client service and what might be called business nous. Some will be much stronger in one area than others and that is okay. But it is no longer possible to have someone on the team who doesn't bring a range of these capabilities or who has a closed mindset and an unwillingness to change.

SM: We start with what we intend to achieve, with teams being built around what the client does, what they need and how we can best support them. If it is an internal team, we start with the objectives and choose the most appropriate people to meet these. Everything is about working together on the task in hand, it is very fluid and dynamic. We find that this approach gives a real sense of direction, it is both cohesive and collaborative.

AS: First and foremost, we look at who has the right experience, which luckily, our people have in spades. We build teams based on technical and legal expertise, which we track extensively in-house for this purpose. We're fortunate to have many attorneys who understand the importance of having the right fit for the client. As our clientele become more focused on diverse teams, we also take this into consideration. Fortunately we already have such a broad range of backgrounds across the firm that we're usually already offering that blend of different perspectives

What can law firm leaders do to make their practices more diverse and inclusive environments?

SC: It's important to commit to an equitable, diverse, inclusive and respectful work environment. This starts with humility and being clear that there is work to be done at our firm, as well as at others. It involves understanding the challenges we face by gathering data. Our firm has been conducting demographic and inclusion surveys since 2014 and we are renewing our efforts with a new census and inclusion survey for 2021. We use this data to get a sense of where we are and what needs to alter, and measure changes over time. As they say, what gets measured gets done.

KH: Listening and being open to what you don't know and haven't experienced creates space for more voices to be heard. I have long subscribed to the saying, "if you can see it, you can be it". If you see yourself and your ambition reflected in your leadership teams then people are more likely to share more of themselves, make a greater investment in their work and their colleagues, and be natural and enthusiastic advocates for their firm, both with clients and new recruits.

RM: Removing systemic barriers to the progression of our talented people, in particular women, into our partnership and its leadership structures is crucial. Setting gender equity targets and establishing a diversity and inclusion (D&I) committee with broad representation from all parts of our business are

the first steps that we have made. Identifying and supporting D&I champions across the firm is also an important part of creating change.

KT: It starts with hiring and promotion practices and putting policies in place to ensure that there is diversity among new talent, which is then maintained through the ranks. Adams & Adams has a D&I committee, which meets regularly to review the firm's diversity status and to put in place practices and policies that enhance diversity and inclusion in the business. The chair sits on the firm's management committee, ensuring that every decision taken on strategy and operations takes D&I into account.

TW: This is a process. Our firm serves clients all over the world. In the United States, clients 'force' D&I by combining this with commercial terms (penalties). Asia is still at one extreme but in Europe we pay a lot of attention to this topic and the importance is growing. I believe that a leader should naturally adopt this into his or her leadership role and style, supported by open communication and visible actions.

JY: Kim & Chang is committed to cultivating and promoting D&I not only within the firm but also in the wider legal community. Our effort in this area extends to our *pro bono* work and our support for various organisations and programmes in the community. We partner with organisations such as the Korea Women's Hot Line, Gong Gam (Human Rights Law Foundations) and local multicultural family support centres, to help create a more inclusive environment through increased accessibility to legal services and education.

What law firm leadership looks like – the FB Rice perspective

We see all of our partners as being a driving force. They are responsible for ensuring the firm's overall sustainable prosperity and for protecting and enhancing its professional reputation. They need the skills and approach to build a team that will help them achieve this and it is my role as managing partner to ensure that they are empowered to do this. This includes:

- ensuring that they are free, as much as is possible, from other obligations and duties to focus on their key roles;
- ensuring that they are remunerated and rewarded in a way that encourages such an approach; and
- having a support structure for the management of our people, including training and recruitment, and systems and processes (including IT) that enhances and supports their efforts.

I am also very conscious that leaders are watched closely by everyone in the firm and their approach to leadership significantly affects an organisation's performance and culture.

At FB Rice, we have turned our minds to the question of what skill sets are required by our leaders. In addition to competency in intellectual property good leaders need financial literacy and an understanding of risk management. In addition, leaders these days need a wide range of other competencies, including:

- good communication skills;
- lateral thinking;
- the ability to influence people;
- conflict management;
- coaching and mentoring;

- empathy; and
- cultural awareness and an understanding of the impact of unconscious bias.

In addition, I think it leaders need to be aware of their mindset and the impact this has on their thinking and leadership. Personally, I think the key for a leader is to have a growth mindset and also to ensure that they are focusing beyond their own personal success (something that may have got them to the leadership position in the first place) and looking to team growth; they should derive real satisfaction from seeing the team, and individuals in the team, achieve success.

How changing the tech and data offerings available to firms can transform their structure and the services that they offer to clients – the Gowlings view

There are two ways that tech and data offerings can affect firms.

The first is substantively. We are now offering services that speak to our clients' needs in this changing world. One example that comes to mind is a trade secret service bundle that we launched recently in response to the needs of companies involved in fast-paced technologies. Another is our global brand protection practice, which we launched late last year in response to the fact that advances in technology have increasingly allowed infringers to operate worldwide.

The second is in the delivery of our services and thought leadership. Clients have come to expect what Amazon calls "frictionless and immediate service" and law firms must go some way towards offering this as well.

As such, we have invested in the software necessary to create client portals to make it easier for clients to store and access information about their portfolios and communicate with our professionals. We are also creating thought leadership in accessible modern formats that harness the latest in media and marketing technologies (eg, videos, on-demand webinars and podcasts).

Earlier this year, we introduced new data management software and continue to identify and license many online tools to access information and automate workflows in order to futureproof our business. I am very excited that we are also getting set to launch an online mentoring and onboarding platform for our IP clients, which will allow them to educate themselves and take steps towards identifying and protecting their own intellectual property. The tool will also be available in-house for companies looking to capture and manage the intangible assets being created within their own organisations. We have invested heavily in the required technology and human resources to advance this project swiftly in the coming months.

Committing to diversity – the Finnegan approach

Diverse talent needs to see diversity at all levels, whether it be the general counsel, managing partner, or other areas of leadership. At Finnegan, 66% of the members of our management committee have diverse backgrounds, which reflects our commitment to inclusivity not only through recruiting, but through top-down efforts as well.

Another way to help achieve equity is to look outside what have traditionally been considered the top schools when recruiting. If you have a dozen recruits from top-tier law schools, you may be missing out on candidates who have not had the same educational opportunities but who would offer distinct perspectives. This also highlights how important it is to ensure that all students are given the same opportunities in the early stages of education. In the IP field, we try to encourage participation in science, technology, engineering and mathematics at an early age. Most IP attorneys need a technical background, so increasing the pipeline of diverse students gives you a larger pool of qualified candidates to recruit down the road.

Within a firm, an inclusive environment starts with trust. Firms talk about diversity, equity and inclusion, but it's still clear that not everyone is being given the same opportunities to succeed. Your recruiting efforts will be undermined if you bring in diverse attorneys and don't give them opportunities to contribute meaningful work, participate in client meetings or argue motions. It's important that management, client teams, departments and the firm in general is inclusive and representative. A firm led by one demographic group cannot build trust internally when team members don't see themselves represented. Having served as the partner-in-charge of diversity and inclusion efforts when we formalised them more than a decade ago, I can say this is an issue that we've been focused on for quite some time.

At Finnegan, we've always believed in the importance of recognising different viewpoints, which is why we have historically kept terms for our management positions to three years. It allows us to train the next generation of leaders, then hand over the reins and let them lead with their own unique perspective. We're a collaborative firm and it's rewarding to watch people that we've mentored over the years apply what they've learned in a new way.