

## PRIMER for Microsoft's Trusted Advisor Forum on Innovation Volume II – The Remix (2020 edition)

### What is a business design challenge?

This is not just another innovation pitch or competition. The business design challenge is a unique program that invites SPP firms and other legal service providers to put design and business theories into practice in a collaborative environment where they are supported by their customer and client, as well as experts from the fields of business and design.

**Business design** blends **design** methodologies and **business** acumen to (i) identify broader opportunities, (ii) create new ideas and (iii) accelerate success.

Using creative problem-framing and solution-shaping techniques and frameworks from both the business and design disciplines, this program will help drive focus, align resources, and better equip teams to generate **measurable impact** within Microsoft and within their respective firm.

Exposing your organizations to design concepts, specifically business design, is one of the key drivers for this entire program, as shared in the Explainer Note you received announcing the challenge.

We recognize that familiarity with design as a discipline, or even the language of design, is not commonly found in our profession. However, we also recognize that, at their core, *all lawyers are highly skilled problem solvers* that take pride in, and are trusted by clients to:

- articulate or define a problem,
- propose a solution (e.g., how to achieve the desired outcome), and
- defend a proposed solution by “showing your work” (e.g., applying caselaw to the facts-at-hand).

Thus, although the terminologies and methodologies of business design may be new, every participating organizations possesses and is very familiar with the core skills required to participate in this business design challenge.

We strongly believe that by participating in this business design challenge, you will be exposed to and equipped with methods and tools that complement and enhance your already impressive problem-solving skills. You will of course be encouraged to apply these methods and tools in your relationship with CELA, but also more generally across your Firm's client base, and even internally within the Firm's operating environment.

## Why business design?

Over the last decade, design has become quite popular across the global economy as organizations seek to find new ways to grow and strengthen their ability to innovate. It has become a management trend to help spark innovation and more effective problem-solving.

Large incumbent companies like 3M, Capital One, Ford, PepsiCo, UnitedHealth Group, and many others have invested heavily in design talent and programs. High growth startups such as Airbnb, Pinterest, Kickstarter, Blue Apron and BuzzFeed all have founders that come from a design background. The large consulting and strategy firms like McKinsey, IBM, EY, PWC, Deloitte, BCG, KMPG and Accenture have been acquiring design agencies at a quickening pace. And not just one or two, we are talking five or six each over the last several years. Rigorous academic studies are presenting evidence that design thinking is central to solving significant problems; issues such as global warming, disease, and terrorism among others.

We are confident that your teams will benefit greatly from learning about design. Applied appropriately, it will enhance your problem-solving skills and help you generate more sustainable solutions to our challenges, your other clients, and even your own challenges.

## Design criteria

When considering how you will best address the design challenge, it will be helpful to use the following three components as guidelines. Each of these raises important questions that will help you chart a path to a solid pitch on March 4<sup>th</sup> and lead you through a successful design sprint if you are selected.

**1 - Measurement.** What is measured, what can be measured, and what should be measured related to this challenge is worth determining.

Measurement is about the ability to capture data and information related to activities and behaviors relevant to the design challenge and your potential solution. This information could be within your firm, CELA, Microsoft, or in the broad marketplace. It may already exist in pristine or poor condition. It may have to be created.

Think in terms of **sizing the problem** that you want to address. For example:

- How often does it occur?
- What does it cost in terms of time lost, money spent, knowledge wasted, and so on?

Being as specific as possible is the goal. Knowing where to find or how to generate these measurements will be a serious advantage to your team.

**2 - Insight.** This is the ability to turn the data and information into meaningful analysis that raises and answers relevant questions about your firm and your design options.

The power of insight is that it provides context; a unique vantage point of the current state of the problem and how your solution might work and why. It is based on the specifics of your firm's current culture, operational systems, resources, and strategy.

Your idea cannot exist in a vacuum or protected environment. It will have to be executed by you, with your firm's help as well as CELA's and Microsoft's. Applying insight will highlight those opportunities that teams can and should address through concrete decisions and actions. It informs leaders on not just what is happening but on what might or can happen, providing them greater clarity and validity on potential decisions.

An example of the use of Insight is **workflow mapping**, which is a visual depiction of the sequence of steps that it takes to produce an output.

Workflow mapping (i) defines tasks and (ii) identifies the resources used, tools/capabilities applied, and time spent. These can be applied to both operational processes (like the conflicts process) as well as legal work product (like litigation or transactions).

**Map the workflow associated with your problem and idea**, and make sure you are answering key questions like:

- Who does what jobs and tasks?
- What resources (including people and tools) do they use?
- In what sequence are tasks managed?
- Where does the problem arise?
- How would your solution be integrated and what are the contingencies or assumptions to making it sustainable?

**3 - Execution.** By execution, we mean the ability to actually turn the idea into something real that both your firm and Microsoft will adopt and use while having a measurable impact.

New ideas require more than just being built. Every organization that uses or interacts with the new idea (product, service, etc.) will have to make changes at the human level in order for it to be successful.

Yes, this is a **change management** exercise, and here are some effective tools to help calculate the likelihood of execution.

- **Valid**
  - Is your idea solving a problem that your organization and Microsoft even recognize? If so, how?

- Will people support the advancement of your idea?
- How easy is it to communicate its value?
- How big is the problem and what type of investment is needed to embed your idea (see Measurement above)?

A valid idea encompasses solutions and language that firm leadership and partners find cogent, coherent, and most of all, applicable and relevant to the firm and its current position and ambitions. For Microsoft it must represent something that is worth chasing given all of their other competing priorities.

- **Feasible**

- What will it take to gain support for, actually build, and maintain this option?
- What resources will be needed and in what timeframe? Are they accessible to you?
- Will your firm culture even support your idea?
- Are hostile or misaligned forces strong enough to derail your efforts?

A feasible option consumes resources as efficiently and effectively as possible, given current availability/scarcity, while achieving maximum value. It does this in a timeline that paces ahead of hostile efforts or ambivalent forces that will impede progress. Also, feasibility addresses such intangibles as political resistance, change management, and resource availability.

- **Desirable**

- What will the level of interest be from other parties (clients, competitors, media, etc.) and internal parties (fee earners, leadership, business talent)?
- Will they want to participate/learn more?

A desirable option attracts curiosity and builds momentum for further development on the part of leadership and the firm generally. If the idea's value is too murky, difficult to communicate and convey, or appears incomplete, it will suffer from erosion of support and emotional commitment.

## Thinking about your pitch

Remember this is not about demonstrating how you actually solved or implemented your idea. That would be virtually impossible. This is about demonstrating that you have a really good opportunity to focus on, have begun the work needed to progress, and why your idea should be one of the two chosen to proceed into the Business Design Sprint.

We highly recommend that your pitch include as many of the following elements that are reasonable given your progress prior to March 4<sup>th</sup>. If you use the information shared herein, and follow along with the three design criteria components (Measurement, Insight and Execution), it will be easier for you to include these elements in your pitch:

1. **Introduction** of your team. What are the various roles/titles of each member?
2. **Your focus:** How did you interpret the challenge and what led you to your area of focus?
3. **The Problem:** What problem/opportunity are you seeking to solve? What is its size and frequency of occurrence? Who is impacted by it? Specifics are better than generalities.
4. **The Idea:** What is your idea? Does it address 100% of the problem or only a portion (which is fine)?
5. **The Team:** Why is your team qualified to make this happen? Do you have everything you need? What are you missing and is it reasonably accessible?
6. **Current Status:** What have you done to test to ensure it is valid, feasible and desirable? What have you accomplished to date?
7. **Contingencies:** What are the major changes within your firm, CELA, and/or Microsoft that would have to occur in order to move forward and ultimately turn your idea into a sustainable solution?
8. **Investment:** What will be required in terms of resource allocation, time (think about billing pressure here), capital, or politics/bureaucracy?
9. **Measurement Projections:** What would evidence-based success look like and in what timeframe? What are the key measurements to show positive impact for your firm, CELA, and Microsoft?