

Edition: February 2020

The conscious law firm – and the fascinating cases of Marque Lawyers and Hive Legal

In the second part of a three-part series, Dr Christian Duperouzel continues his examination of the notion of conscious capitalism and how two boutique Australian law firms have achieved success by moving away from conventional rules and practices.

Marque Lawyers is a Sydney-based law firm that was established in 2008 after a number of its founding members left their previous employment in a high-tier national law firm because of the disillusionment and dissatisfaction that they felt in response to the traditional way that the law was being practised there.

Speaking of his motivation for leading this new venture, managing partner Michael Bradley¹ conveyed that, *“[I had a] growing dissatisfaction with law, the way it’s practised, the way firm’s operate. I didn’t really enjoy being a lawyer...I had real problems with the way law firms are conventionally structured, the way they remunerate and progress, and the way people are valued and treated”*².

¹ Bradley served as the Chairperson for Conscious Capitalism Australia from 2012-2018.

² C Chaffey, *Legal leaders: Daring to be different - Marque Lawyers’ Michael Bradley* (Lawyers Weekly, Web Page), <<https://www.lawyersweekly.com.au/features/6668-Legal-Leaders-Daring-to-be-different---Marque-Lawy>>.

Creating a law firm that they actually wanted to work for, which also gave expression to the values that drew them to the law in the first place, these founders built their new venture on the principles of giving respect, being bold and having fun³.

Prioritising the giving of respect among the firm's members, regardless of their position or experience, has been found to build a more collaborative and enjoyable working culture within Marque, in which people can thrive and better serve clients through their work. Respect for their clients' needs in dealing with a law firm, and wanting to build strong relationships with them, is also a big part of how Marque operates. Instead of charging their clients on the basis of the time spent working on their case, they charge for the value of their work to the client, and provide them with flexible pricing options, which work out to be much more cost effective to their clients⁴.

On their ethos of being bold, the way in which the firm came into existence provides a potent example of moving into the unknown to do things differently than they have been done before. On this point of forming a law firm that defied many of the conventions which shape the way that the law is traditionally practised, Bradley communicates that, "*We thought it was a ridiculously ambitious and risky thing to do, but the worst that could happen was heroic failure, so we decided to give it a go. It has proved to be a lot easier than we thought.*"⁵ Having the courage to be disruptive and set themselves apart with the way that they do things has become engrained in the culture of Marque. This can be seen from

³ Chaffey, n 2.

⁴ *Our Beliefs* (Marque Lawyers, Web Page), <<http://www.marquelawyers.com.au/the-difference/our-beliefs/>>.

⁵ Chaffey, n 2.

the language and content of its website, where staff are given the creative freedom to post eclectic and unfiltered blog entries, and the firm's hiring practices.⁶

Focus on fun

Considering this and the other unconventional ways that Marque operates its business, it is easy to see how those within the firm would have fun as they go about their work. Contrary to the more confining 'work hard and play none' approach that more traditional law firms take towards their work, the priorities of those who work at Marque are very different. As its website says of the firm's beliefs, *'We want to enjoy our work, work with clients we enjoy, hang out with colleagues we like and go home each day with a sense of genuine satisfaction and reward.'*⁷

Behind this conspicuous style of doing business is a strong sense of purpose to serve justice and a collective good that does not just benefit those within the firm. Not only do they price their services to clients fairly, but they demonstrate a willingness to go the extra mile to create a better experience for them. This they do by authentically communicating and dealing with clients in a way that cultivates a more prosperous and sustainable long-term working relationship. To encourage a more symbiotic working environment that nurtures the common good within the firm, the decision was made at the outset to do away with timesheets, which as previously considered have the effect of measuring each lawyer's value in financial terms, and pitting them against each other in competition for progression and status⁸.

⁶ B De Maine, *The law firm that loves to break the rules* (Collective Hub, Web Page), <<http://collectivehub.com/2016/04/the-law-firm-that-loves-to-break-the-rules-2/>>.

⁷ Marque Lawyers, n 4.

⁸ De Maine, n 6.

Opting instead for a more dignified and cooperative model that values what each individual brings to the firm, a greater sense of individual and collective purpose is able to be nurtured that forges the connection that Marque's people have with the firm, and with the work that it carries out. Unlike many lawyers working within the more traditional firms, the lawyers at Marque actually want to be there, and not just for the pay cheque, which says a lot about the meaning that they derive from being part of a group that adheres to many of the conscious capitalism principles that were outlined in [part one of this article](#).

Contemporary model

Hive Legal, a Melbourne-based law firm created in 2014 by a number of partners who had previously worked in BigLaw or top-tier law firms, also gives expression to many of the principles of conscious capitalism. Like the founding principals of Marque Lawyers, the founders of Hive were dissatisfied with the way that the traditional law firms that they came from operated, and they wanted to design a law firm specifically for the contemporary legal market, which they had the foresight to recognise was undergoing fundamental changes⁹.

Speaking of her motivation for starting Hive Legal, principal Mitzi Gilligan conveys that she wanted to challenge the status quo by offering a unique value proposition that was grounded in flexibility, both for the clients which the firm serves and the lawyers who work for the firm¹⁰.

⁹ L. Mezrani, *Exclusive: Ex-large law partners launch start-up* (Lawyers Weekly, Web Page), <<https://www.lawyersweekly.com.au/news/15126-exclusive-ex-large-law-partners-launch-start-up>>.

¹⁰ Mezrani, n 9.

In looking at the inflexibility of traditional law firms, particularly in how they time record and charge for work, she makes the comment that *[Large firms] have their reward and recognition systems very deeply embedded in the whole concept of time recording and hourly billing and it is very hard for them to break away from that infrastructure*¹¹. Believing this to be an attribute of large law firms that is preventing these entities from adapting to the new legal landscape, her preference, in line with the needs of Hive's clients is a value-pricing model, which rewards efficiency and outcomes, rather than how long it takes to do something¹².

Perhaps the most innovative dimension of Hive's offering is the open and collaborative way in which it services clients' needs. While most traditional law firms seek to resource matters from within the firm to the greatest extent possible, in order to increase the profits flowing into the firm, Hive draws on a wide pool of qualified and trusted resources, within and outside the firm, to best match the requirements of a client's matter with the skills and capacity of the legal professionals that they have in their network¹³. In this respect, they see themselves as 'legal architects'.

So where a traditional law firm may agree to take on a client's matter, without having the best or most qualified people within the firm to handle it, Hive will focus on the needs of the client's matter first, and if it determines that the client would be best served by engaging an expert outside the firm, it will take the step of referring that work to the expert. Such an approach of not just taking on work to earn money from the client, when there are others

¹¹ Mezrani, n 9.

¹² M Gilligan, "*Let it go*" at Hive (Women Lawyers Association of NSW, Blog Post), <<https://womenlawyersnsw.org.au/let-it-go-at-hive/>>.

¹³ *Our Business Model* (Hive Legal, Web Page), <<https://hivelegal.com.au/how/>>.

outside the organisation who are better positioned to serve the client's particular needs, evidences the sincerity of the firm in putting its clients first.

Flexible philosophy

Another important aspect in which Hive strives for flexibility concerns the working conditions of its lawyers. Being acutely aware of the oppressive nature of the billable-hours system, Hive has been set up as a 'virtual firm' that allows its lawyers to work remotely¹⁴. Done with the ultimate aim of promoting a more sustainable work-life integration and skilled performance as an agile workforce, Gilligan makes clear that as long as their lawyers meet client requirements, they won't be expected to be in the office all of the time¹⁵. In her view, flexible working is both optimised and optimal, as happy people do better work¹⁶. The added benefit for the firm in adopting this approach is that it reduces overhead costs, which can translate into lower fees for clients.

With its focus on the health, wellbeing and engagement of its workforce, it is no surprise that Hive Legal has been recognised and awarded as a leading employer in these areas¹⁷. In articulating who they are on their website, the intention to liberate their best people to use their core skills and energy to do what they do best, is expressed and supported by their animating values of contemporary thinking, creativity, courage, empathy, character and

¹⁴ Mezrani, n 9.

¹⁵ Mezrani, n 9.

¹⁶ Gilligan, n 12.

¹⁷ *Overall recognition* (Hive Legal, Web Page), <<https://hivelegal.com.au/awards/>>.

collaboration¹⁸. The core vision of Hive, which is clear and resonant with the lawyers who choose to work for the firm, supports the essential purpose that the firm has to be ‘a truly contemporary and innovative provider of legal solutions which improves the experience for their clients and their team’¹⁹.

As Melissa Lyon, who is responsible for business development at Hive, makes clear, purpose is at the heart of what Hive Legal was set up to do²⁰. By utilising Design Thinking to develop HiveThink P to come up with, develop, assess and implement, innovative ideas (The P stands for the power of purpose), its members are implementing measures to consciously evolve the firm into the future²¹. In the new business world, which requires both innovation and agility to stay ahead of the game, Hive is well equipped to serve the market where it meets it, and all without compromising the integrity that it finds by operating in alignment with its core purpose.

Trusting environment

To go back to author Daniel Pink’s drivers for peak human performance²², the culture of Hive Legal enables mastery, autonomy and purpose to guide the process of work for its lawyers. In presenting lawyers with a challenging range of matters to which they can apply their particular expertise and energy, the firm creates the conditions for mastery to be

¹⁸ *Our Values* (Hive Legal, Web Page), <<https://hivelegal.com.au/why/>>.

¹⁹ M Lyon, *Joining the Dots: How ‘Designer Firms’ are creating better business development outcomes for firms and clients* (Legal Business World, Web Page), <<https://www.legalbusinessworld.com/single-post/2018/06/18/Joining-the-Dots-How-%E2%80%98Designer-Firms%E2%80%99-are-creating-better-business-development-outcomes-for-firms-and-clients>>.

²⁰ Lyon, n 19.

²¹ Lyon, n 19.

²² D Pink, *Drive: The surprising truth about what motivates us* (Riverhead books, New York, 2011).

moved towards. It is clear from the flexible working conditions which the firm promotes that it trusts in the character and capacity of its lawyers to do great work. Rather than micro-managing them in a way that stifles initiative, engagement and new ways of thinking, as is often done in more traditional law firms, Hive cultivates an autonomous working environment in which its lawyers feel in control of their work, and take greater ownership of it to generate excellent outcomes for clients.

The flow-on effect of this is that these lawyers experience a higher level of engagement in their work, which enhances the sense of meaning that they derive from it. Not only is this fulfilment of purpose reflected in the inner sense of satisfaction that their work delivers them, but it is also amplified by the positive results that are delivered to the clients for whom they work.

Law firms that are conservatively operating under the traditional model would do well to integrate the detailed workings of both of these firms into their operations, but as part three of this article will show, there are a broader series of steps that can be taken to evolve these businesses into a conscious law firm.

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