

# *New Work.* A Gamechanger for the Legal Profession

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*In this article, we are showing the benefits of marrying digital technologies like virtual reality (VR) to a “New Legal Work” mindset shift. This shift we maintain is critical and transformational for handling the increasing number of legal challenges from a vantage point of known experience. It is an actual perceptual game-changer! The unique aspects of virtual reality and the sense of presence are discussed. Use cases are presented for using this technology to upskill in collaborative digital and hybrid working environments. When applying the advantages of VR to promote leadership skills and learning further soft skills in coaching and training. This upskilling dovetails with a multi-faceted sense of awareness only possible in VR immersion. We hope that our collabor-*

*ation and the merging of our two perspectives spark understanding and curiosity to experiment with this fascinating technology. Try out virtual reality for yourself!*

### **Part 1 Digital Upskilling**

#### **Better collaboration, learning.**

Transformational changes in how we work are here to stay. COVID-19 is only the trigger in a fast-changing complex digital working environment. Pushing the boundaries and driving change. Decentralized work has been developing with technological advances for the last decade. To unlock this huge potential of technology for company benefit, (legal) leaders must upskill. And upskilling means more than

using tech. It means a mindset shift. Our way of thinking about human-centered collaboration. Learning how to meet the challenge is the challenge!

### **New Work in a transformed world.**

New Work refers to the transformation of the world of work. A world of globalization and digitalization. The development is moving away from the classic wage earners who carry out their professional activities according to the strict specifications of their employers. The development moves towards alternative and flexible approaches. The new employees enjoy more decision-making options, flexibility, and personal development opportunities. Buzzwords associated with New Work include open desk offices, agile teams, coworking, a culture of trust, and virtual reality.

### **Digital upskilling is vital.**

Digital upskilling and learning are a necessary part of the New Work journey. The learning awareness or mindset is associated with individual self-discovery. This is a growth mindset (coined by Prof. Carol Dweck). Understanding how to use technological tools is one thing. Getting excited about human-centered collaboration is another. Successful digital leaders must offer new ways and spaces for trying out new tech like virtual reality. Demonstrating adaptability with the results of the first experiments. The move is away from perfect solutions toward adaptive prototyping. This encourages innovation and entrepreneurial culture.

### **Digital Collaboration is key to success.**

Working or “teaming” collaboratively, dealing with complexity differently, and more adapta-

tively, are important to long-term success. Ever-faster technological change, the half-life of knowledge, i.e., the period in which knowledge is current, is rapidly decreasing. New knowledge content and updates are continual; too much for a single person to collect and apply. More effective is to teach individuals to work together. To pool and share resources. Interdisciplinary and intergeneration teams will thrive by incorporating different perspectives in their workflow and projects. If you understand this, you will emerge as one of the winners of the future. As an organization or individual.

### **It is a New Working world.**

Virtual working standards are redefining the way corporations organize their workflow, their leadership paradigms, and interfaces with their partners. The current digital shift presents a golden opportunity. We must adopt new tech and new working methods; promoting human-centered values such as trust, accountability, and transparency are essential. These so-called soft skills are powerful. They come alive in cultures where people and teams feel safe enough to ask questions, give genuine feedback and take informed risks.

This change to a culture of collaboration is especially challenging in legal environments where competition is fierce, and changes are slow. However, there is a growing realization that this current way of working is not sustainable for the future. It is time to act.

### **Law is fluid.**

Law is fluid. By its very nature. Regulating human interaction requires constant adaptation as evolution does not stand still. Use of

fire, automobiles, computers, and artificial intelligence. All tools which change how humans interact. Gamechangers. If the game changes, so must its rules. The legal profession needs to play on the same level to keep up and fulfill its purpose. Regulating human interaction. Safeguarding progress. Enabling humans to succeed.

### **Adapting is key.**

The ability to adapt to the new environmental conditions is the key element of digital transformation. For everyone. LegalTech, Digital Law however you name them, are not just options to improve processes within your legal practice. They represent the way in which humans already interact. It's digital collaboration. Fast, fluid, adaptive.

### **Law is a laggard.**

Unfortunately, law is also a laggard, by its nature. Regulation follows need. Regulations evolve from legal practice. Lawyers are the motors of legal development simply by applying, interpreting, and weighing existing rules. However, this ability requires knowledge about the topic itself. No time for this? Understandable. It takes time and effort to get familiar with new technologies and New Work. A lawyer's time is very precious. Nonetheless. There is not really a choice. The ones who survive are not the smartest, but those who are able to adapt (Charles Darwin). You surely have read that quote before.

### **Learning by doing.**

Another established wisdom is «if life gives you lemons, make lemonade». Digital upskilling will automatically turn you into experts on the subject itself. Not only in the

mastery of new technologies but also by getting first-hand experience into the legal challenges of New Work itself. Still not sure whether you could use a cloud service? The clients are probably already doing it and they face similar legal challenges. Is Teams or Zoom a reliable platform to have confidential meetings? A very progressive client wants to meet in a virtual workroom. Are you prepared for it? Have you already done your due diligence? Are you ready to interact professionally, smart, and confident in virtual space? Clients expect you to guide them. So, you need to stay ahead and not lag behind.

## ***Part 2 Human-Centered Work is Hybrid Work***

### **Intentional or planned with foresight.**

Did you know that 88% of leaders asked in a recent Microsoft poll plan to keep some form of remote work? And 73% of employees want this! One form of digital New Working is a mix of on-site work and digital work called hybrid work. Organizations must intentionally approach hybrid work. There are no simple answers when it comes to designing a hybrid work model. Managing direct reports in hybrid working involves a clear plan to create an inclusive culture and an overview, assessment, and coordination of roles.

### **Asking the right questions.**

- *Which employees must be together to work on specific operational processes?*
- *And on which days in the month?*
- *When is it more advantageous to have people with certain skills work on-site together and how can synergies in this time slot best be leveraged?*

### **A new kind of meta-coordination.**

This is a new kind of meta-coordination. Some businesses are hiring “Head of Hybrid Work” to carry out the coordination with all the involved parties and their corresponding roles. To help ensure everyone feels part of a team, managers and team leaders should focus on limiting the affinity bias so that everyone feels included. Just as important is using human-centered collaboration skills to level the playing field.

### **2D Video fatigue is real.**

And that having been said, 2D video meeting fatigue is real and digital meetings (and learning!) are often for this reason ineffective. The best way to level the playing field is to step into a virtual one.

### **The duty of care and loyalty.**

The state of emergency is over. No excuse for poor performance or not carrying out mutual obligations in work relationships. Covid has made the professional world change. It triggered progress before the legal world was ready. However, the situation is different now. And different when hybrid work becomes an intentional alternative form of work. Because this also means that the meta-coordination requires legal foresight. The foresight that not offering hybrid work equally to everyone will end in a lawsuit based on discrimination.

### **Is it just about the younger workforce?**

Especially as many companies are contemplating how to attract the younger generation. By cajoling them into working at their companies with flexible working conditions. This is actually a golden opportunity for the “forgotten” current workforce. If such exciting working

conditions can be offered to new professionals and those working conditions are already possible now, is it justified not to grant hybrid work opportunities to everyone?

### **Experience makes the (legal) expert.**

And in the legal profession, maybe even necessary? And again, experience makes the expert. If you are using a digital tool and haven’t mastered it, then you are probably facing the same problems your clients do. And when it comes to online court hearings, an absolute necessity is to appear with confidence. Sovereign. Skill and experience have an influence on the outcome. In the offline and online world.

## **Part 3 Enhancing our strengths with Virtual Reality Human-Centered**

### **Upskilling your workforce.**

Until recently, virtual reality work has focused on job skills simulation training: flight simulators, safety, procedures, equipment operation, and maintenance. Several large corporations began to carry out studies on how virtual reality might be used effectively for training and coaching leadership, soft skills, and other human-to-human interactions. These studies showed that virtual reality has some compelling benefits and many use cases.

### **Emotions enforce memories.**

Virtual reality offers a unique sensory feeling of presence and enhances the emotional experience of the content. Immersive learning ensures high retention which leads to higher impact and learning effectiveness. One VR trainer puts it this way:

*“Using virtual reality makes the abstract into*

*an emotional experience that can be repeated and improved.”*

### **Accelerate learning.**

Price Waterhouse Coopers (PwC) study and report [1] demonstrated this in one of the most comprehensive studies on virtual reality for use in corporate training and learning. The report maintains that VR training will likely be an accelerator that helps drive a new age of corporate training and education by delivering a cost-effective, immersive, and efficient experience to coach employees in soft skills.

### **Main takeaways.**

Some of the main takeaways from the 2020 report:

- Employees using VR completed the training faster and could apply the solutions longer.
- Employees using VR were more confident about using what they had learned.
- Employees using VR had a stronger emotional connection to the content.

### **Ready for enterprise scale.**

People connect, understand, and remember things more deeply when their emotions are involved. VR-trained learners were up to 4 times more focused during training than their e-learning peers and 1.5 times more focused than their classroom peers. When learners are immersed in a VR experience, they tend to get more out of the session and will likely have better outcomes. The PwC report makes a strong case for using VR technology widely and at an enterprise scale. The cost to deploy is also dropping, with the creation of effective VR training programs.

### **Defining presence in Virtual Space.**

The feeling of presence is «a multifaceted term» [2]. Every person has a different perception of reality. The advantage of a virtual space is, that you can work with those different facets, and layers of presence. Because it is a controllable environment. One of the key reasons why psychologists are using virtual reality to study social behavior [3].

### **4 levels of presence.**

You can be present on different levels

- physically, defined by the actual location of your body.
- mentally, which depends on the focus of your mind. Your mind is focused on e.g., reading a book, watching a movie, or listening to music. emotionally, referring to your ability to feel and express emotions.
- and probably some form of subconscious presence also called instinct.

When we enter a virtual space, our perception shifts. Virtual reality goggles allow us to blend out our perception of our surroundings. Mentally, emotionally, and maybe even our instincts.

### **Design as law of virtual nature.**

How deeply you immerse depends on how you enter virtual reality as well as the design of the virtual space itself. The currently most immersive way for the average users is VR goggles or headsets with controllers. They allow you to blend out the surrounding. The experience is enhanced by an audio system close to your ears. The more (photo)realistic the surroundings,

the deeper the feeling of immersion and presence. You still know that your body remains in the real world, but your focus is somewhere else. Your attention becomes more controllable. Today, increasingly affordable technology allows us to manipulate our human perception and abilities in new ways.

### **Use cases for learning and coaching in Virtual Reality. The power of VR.**

Enterprises are beginning to recognize the power of VR and its ability to impact the management coaching and training programs they provide. Using VR in human resources and talent development is on the rise. Tech-based coaching with virtual reality is a great enabler for important leadership capabilities and personal development.

### **Feedback is critical.**

For example, constructive feedback is an essential leadership skill. This is the case 1:1, for motivated teams. This skill is at the core of human-centered company cultures. However, it is common to “practice” such a skill in a live environment where it is a sink-or-swim moment with potentially demotivating results. VR provides the opportunity to cultivate and practice this interpersonal skill authentically with a skilled coach in a safe space. In fact, such experiences can be designed to simulate many kinds of challenging conversations so leaders and managers can upskill, practice, and self-evaluate.

### **Train your soft skills.**

The key is building an attractive setting that is risk-free for hard-to-replicate situations like skillfully navigating a negotiation, conflict, or empathetically dealing with difficult situa-

tions. Virtual reality has been shown to amplify emotional empathy [4]. It can be used as a lever to develop an awareness of biases and stereotypes - why not use VR for diversity and inclusion training? Avatars can easily be adapted to fit the requirements of the VR simulation.

### **Clients and Customers are not for practice.**

Without real-world experience, people often don't get the practice to gain the confidence they need to properly handle highly stressful situations. Can you afford to wait for employees to get better at handling difficult conversations while they “practice” on actual clients, customers, and colleagues?

### **Get active, confident, and self-aware.**

Active experience rather than just passive information.

Increase self-confidence and identify strengths and blind spots from which to develop leadership skills.

Develop self-awareness of biases and stereotypes. Increase empathy by stepping in the shoes of others. Practice with the coach new behaviors and habits outside of the office. Self-awareness is another soft skill in high demand for capable leaders

### **Tech-savviness is a lifestyle.**

Use VR to get strong buy-in and the attention from the new generation of leaders who expect companies to be able to match their tech-savvy lifestyle. Create jobs and value-based opportunities that young people want to grow into. They expect the organizations that employ them to be as tech-savvy as they are and to provide technology options that support their

lifestyles. VR is fun, exciting, and extraordinarily useful.

### **Virtual Reality is more than a tool.**

“A fool with a tool is still a fool”. It is about how the tool is used. For the power of virtual reality to be unleashed, new mental models are essential. As mentioned above, this mental shift is what we call, a New Legal Work growth mindset. Curiosity, adaptability, and a growth mindset mean that you thrive on challenges, and you’re self-reflective. Have you decided to see new things or even failures as a springboard for growth and the development of your abilities? New skills that are to be learned and practiced? People-centered, agile, technology-enabled leadership development can humanize and optimize multigenerational workplaces.

### **Upskilling legal with Virtual Reality. A use case.**

Getting the full attention. This is one of the special features of immersive technologies. And this is what lawyers are trying to achieve, especially in court. The full undivided attention of the judges. Imagine not just presenting your case with words, a few pictures, and maybe a video. Imagine showing the facts in a simulation. A simulation that turns «*the abstract into an emotional experience that can be repeated and improved*». Instead of relying on the fantasy of the humans, you can show them your client’s story.

Once again. This is a skill you need to acquire well beforehand. You really need to know and master your tool. How to use it, and how it can be used and misused. Because your opponent will do. And there is much more to learn.

### **Feelings are data.**

Body language contains a lot of information about a person’s mental state and feelings. We cannot fully suppress our body language. As lawyers, we are very much aware of this. However, in virtual space body language becomes data, when digitally captured. Feelings become data when digitally captured. Most avatars might not be advanced enough to show body language. But the body language of the humans behind the avatars is already captured. As data. Data to be processed and used.

Upskilling in legal is more than just about a confident appearance before the court or a virtual meeting. It is about awareness. It is about knowing the subject matter of law. Human interaction. In all its facets. Offline as well as online.

### **Notes**

- [1] <https://www.pwc.com/us/en/services/consulting/technology/emerging-technology/assets/pwc-understanding-the-effectiveness-of-soft-skills-training-in-the-enterprise-a-study.pdf?>
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- [4] MARTINGANO, A. J., HERERRA, F., & KONRATH, S. Virtual reality improves emotional but not cognitive empathy: A meta-analysis. Technology, Mind, and Behavior,

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