



*The Law
of the Pencil*

*Innovation and Client
Service in the New Millennium*

There's an urban myth, thoroughly debunked but instructive nonetheless, involving the American and Russian space programs in the 1960s. The legend goes that NASA needed a pen that would write in the vacuum of space, in extreme conditions, without breaking or freezing or otherwise malfunctioning at critical times. Scientists set to work and spent several months and millions of dollars to invent a "Space Pen" that would do the job.

The Soviets, faced with similar challenges but much less money, chose to go a different route. They used a pencil.

By Jordan Furlong



We always seem to forget about the pencil. It's one of the first writing instruments we learned to use as children, and many of us still remember that satisfying rhythmic grinding of the pencil in a plastic hand-held sharpener (or better again, the thrill of using the heavy-duty crank-driven pencil sharpener bolted to the teacher's desk). But then, somewhere along the road to adulthood, we started to use ballpoint pens and markers, and few of us ever looked back.

Pens, with all their permanence and authority, are especially attractive to lawyers: you'd never sign a contract

or make critical changes to a document in pencil. We like the glide of a good pen and that scratching sound it makes on official documentation, and we rely on its inability to be altered or manipulated by others. I'm willing to wager that whatever writing instrument is sitting on your desk right now, it's not a pencil. But I'd like to encourage you to give a little thought to pencils — specifically, to what they can teach us about innovation and client service.

Earlier this fall, *The Economist* published a brief but enlightening article about German pencil manufacturer Faber-Castell, which has been producing graphite-and-wood writing instruments since 1761. Especially interesting is the list of innovations that Faber-Castell has introduced over the course of

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time. You might suppose that a pencil is pretty much innovation-proof: once you've invented it, well, that's that. But if so, you'd be mistaken. Here's what Faber-Castell has done to its pencils over the years:

1. Invented the hexagonal pencil, creating edges on the previously cylindrical instrument to keep it from rolling off tables.
2. Attached an eraser to the end of the pencil (actually, the company copied this innovation from another manufacturer and survived the subsequent court challenge).
3. Introduced water-based, environmentally friendly paint that reduced poisoning hazards for the millions of users who can't help but chew on their pencils.
4. Developed the triangular pencil, making it easier for younger users to grip.
5. Added rubbery dots to the surface that, as the magazine puts it, “keep the pencils from slipping out of sweaty little hands.”

From a business point of view, there are actually valuable lessons to be taken from all this. Here are three.

1. Nothing succeeds like simplicity. The pencil does exactly one thing (two, if you count erasing) and does it easily and extremely well. You can have all the Mont Blancs and Watermans and Cartiers you want, and you can invent pens that write in multiple colours and upside down and in the vacuum of space, but you hold them the same as a pencil and they write just the same as a pencil. *The Economist* points out that even today, at the peak of the computer age, pencil sales continue to grow and now stand at between 15 and 20 billion per year.

Lawyers need to take a lesson from this example and ask: What one thing does my client need? And what is the easiest, simplest, most cost-effective way to deliver it? Asking and answering those two questions puts you far ahead of most lawyers in the search for client appreciation and market share. A simple example: integrated corporate and tax advice for family-run businesses. More complex: multi-jurisdictional regulatory compliance status updates accessed via drop-down menu on a 24/7 website.

2. Innovation is about the user, not the object. Faber-Castell's improvements to the pencil had very little to do with the "quality" of the pencils or the composition of the graphite. They were focused squarely on creating a better user experience: keep the pencil on the table, make it easier to grip, allow the user to quickly correct mistakes, and indulge the user's nervous habits. These innovations increase the ease, convenience, and safety of using the pencil, reflecting the company's understanding that the design of the product is at least as important, if not more so, than its quality.

Lawyers, who obsess over the fine details of a product or service, but rarely sweat the details of its design, delivery or end-user utility, need to learn this lesson. And we need to remember that nothing we produce for clients is ever "innovation-proof" — the user experience can always be improved. Try this: provide your best clients with a firm-branded, client-customized Apple iPad or RIM Playbook, with a password-protected app that allows them to access their documents, file updates and billing status online.

3. Your core competence is even narrower than you think. Faber-Castell isn't really a pencil company, and it certainly isn't a "global full-service writing instrument firm." Faber-Castell sells the pleasurable convenience of writing by hand, and when you get right down to it, that's not a product — it's a relationship, requiring the participation of both the seller and the user of the product.

Likewise, law firms don't sell documents or transactions or litigation — or at least, that's not what our clients actually want and it's not what differentiates us from our competitors. Law firms sell reliability, trustworthiness and peace of mind, not to mention convenience, user-friendliness and comfort —

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and each of those elements is a feature not of the firm but of its relationship with its client. That's your core competence right there. For instance: how much expense and effort do you really put into “customer service”? Would you create an emergency “hot line” number for your most significant clients that would put them directly in touch with a responsible firm representative 24 hours a day?

Right now, you and your competitors are probably working hard to bring in the “best” legal talent through lateral hires or even en-

tire firm acquisitions, staying up late to ensure the finest possible quality of your client work, and investing a lot of time and money in marketing your firm as superior to others. I submit, gently, that you might be working on a variety of new Space Pens. Responsiveness to client needs, investment in the user experience, and a focus on the essentials of service, reliability and trust — that's what you really need. That's the law of the pencil, and it's time we remembered it.



Jordan Furlong is a partner with Edge International who specializes in analyzing the extraordinary changes now underway in the legal profession worldwide. He has delivered presentations on the emerging legal landscape to law firms and legal organizations across the United States and Canada. He also authors the award-winning blog *Law21: Dispatches from a Legal Profession on the Brink* (<http://law21.ca>). Contact him at jordan@edge-international.com to discuss client service in the new legal marketplace.