

## Reimagining a New Ending to "Reimagining Legal Services"

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**Mitchell Kowalski,** [Avoiding Extinction: Reimagining Legal Services for the 21st Century](#) (2012).

**Spoiler alert:** This *Jotwell* review reveals the plot of [Mitchell Kowalski's](#) book, *Avoiding Extinction: Reimagining Legal Services for the 21st Century*.

In recent years, those of us who are interested in legal services market innovation and disruption are often presented with two different types of source materials to satisfy our curiosity. First, there is blue-skies thinking—ideas that might ultimately become mainstream but not in the immediate future. Secondly, there is research, which examines innovative market behaviours, delivered by actual providers to real clients. However, what is generally missing from such works are discussions about how either of these changes will impact existing lawyers who find themselves caught up in this period of transition. And this is the main attraction of [Mitch Kowalski's](#) approach: By writing a novel, *Avoiding Extinction: Reimagining Legal Services for the 21st Century*, Kowalski is able to offer a human-focused examination of these mega-market changes—from the perspectives of individual clients and private practice lawyers.

When we first meet Maria Fernandez, general counsel for Kowtor Industries, she is clearly intended to act as an emblem of client frustrations with current Big Law service providers. Indeed, within the book's first few pages, Kowalski reveals that Fernandez has recently received a budget-busting invoice from one of the traditional law firms she previously worked with. Naturally, therefore, Fernandez becomes intrigued by a YouTube video that focuses on the activities of an innovative legal practice called Bowen, Fong & Chandri (BFC). In the video, BFC chief executive and chairman Sylvester Bowen sets out what he believes is wrong with the existing model of legal services and how BFC is different. What she hears clearly arouses her interest: By chapter three, Fernandez is taking her company's CEO, Harry Kow, along to a BFC tender presentation.

Mark Reynolds first appears in chapter four. His main role in the novel is to act as a disoriented and burnt out, "big law" refugee, cautiously trying to come to terms with the realities of the new legal market as BFC's newest recruit. Indeed, Stephen Boulder, the very first BFC employee he encounters on day one, points out that Reynolds' three-piece suit is "overdressed" for BFC's laid-back approach. But this is just the start of the cultural challenges Reynolds faces, as he progresses through BFC's induction programme. BFC's use of cloud-based IT systems initially causes him to worry about possible ethical and confidentiality-related issues. He is also concerned about the firm's use of an Indian-based legal process outsourcing operation. Naturally, he is reassured by his fellow BFC coworkers that all possible ethical and regulatory challenges have already been overcome.

As you may now have guessed, many aspects of BFC's culture and working practices are revealed through discussions between characters in Kowalski's novel. They cover, among other things, the perfidious billable hour, virtual working, the unbundling of legal services, and the importance of results for clients. On many occasions, this approach works: In my mind, I imagine many of these conversations being delivered in the rapid style that was pioneered on the *West Wing television series*. But, on other occasions, this method feels somewhat laboured. For example, when explaining BFC's approach to

knowledge management (KM), the discussion between KM head Barry Spunker and Reynolds comprises lengthy tracts of explanation by the former, punctuated by a succession of two-word responses by the latter. Thankfully, Kowalski uses humour and self-awareness to alleviate (some) incidences where over-long monologues may cause the reader's attention to wander. For example, as Rachel Nguyen, BFC's senior vice-president of professional development, enthuses about the firm's tension-avoiding air circulation system, Reynolds is revealed as thinking: "She sounded a little like a bad office brochure . . . particularly when . . . gushing over the special coating of the offices' large windows."

Segments of clunky dialogue aside, perhaps the biggest challenge for any reader of Kowalski's novel is in its plotting. Having introduced Maria Fernandez as an in-house counsel considering retaining BFC, and Mark Reynolds as a new BFC recruit, I came to regard it as inevitable that Fernandez and Reynolds would ultimately work together.<sup>1</sup> But remarkably, this storyline never materialises. The last we hear from Reynolds, in the book's penultimate chapter, is that he has been selected to write BFC's pitch document for the Kowtor tender.<sup>2</sup> Yet, having dominated the first three chapters of the book, Fernandez's character simply vanishes, without the reader ever learning about the outcome of her meeting with BFC. Instead, the book concludes in a wholly unexpected manner: BFC's CEO and chairman, Sylvester Bowen, announces his resignation at a directors' dinner.

In truth, I found it difficult to care about Bowen's resignation. After being featured in the YouTube video watched by Maria Fernandez in chapter one, his character does not reappear to any significant extent until chapter six, when he takes Reynolds out to lunch. Indeed, Kowalski's novel ends so abruptly that I was genuinely surprised to be confronted with "Appendix A: Kowtor Industries Outside Counsel Expense and Disbursement Policy" just four pages after Bowen's big announcement. I even checked the book's page numbers, to reassure myself that a section of the book wasn't missing from the novel I was reading. Nothing was. The ending was just plain odd.

However, if my criticism of Kowalski's dialogue and story-telling has left you feeling that you could comfortably give this novel a miss, I urge you to reconsider. Like [Bruce Macewen's](#) new book [Growth is Dead: Now What?](#), Kowalski's book will, in just a few hours of light reading, provide you with a clear overview of the possible future direction of the legal services market, in a way that a series of research papers on discrete research topics would not. And, while Kowalski's novel is lightly referenced, I noticed it name-checked at least two well-known legal profession academics, discussed various principles of process reengineering, innovative ideas regarding approaches to learning, and (briefly) mentioned a well-known case history regarding technology-driven market disruption. I'm sure other well-known concepts were also referred in the book's narrative, but simply passed me by.

As already mentioned, I believe that the book's major failure is its abrupt ending, which fails to unify two key story arcs. But, hopefully, now that I've managed your expectations on this point, that shouldn't be a problem. There's no need to emotionally engage with either Mark Reynolds or Maria Fernandez, because you now know it's unclear if they will ever end up working together—unless Kowalski plans to write a sequel. Let's hope he does.

1. I even absent-mindedly wondered if Reynolds and Fernandez would have an affair.
2. Partially in order to offer a "point-of-view" perspective, the novel does not consistently follow a linear timeline.

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