

## We need new ways to discuss our future

JOHN STURROCK

THIS summer, many of us have returned from holiday to the press reporting of the Office of Fair Trading's (OFT) proposals for significant changes in the way in which legal services are delivered in Scotland.

It would be easy to get back into whatever groove we have become accustomed to and ignore this development, or to push it down the list of priorities. However, it is fairly fundamental stuff, upon the outcome of which many futures, including that of the profession as a whole, will depend.

If we do react or respond, how will we do so? The tendency is for the debate to become just that - an argument between those in favour and those against. That is certainly the way discussion is often characterised and reported. Such a response does not do justice either to the profession and those who are thoughtful about change nor, I suspect, to the profundity of the proposals, nor the rationale behind them.

Perhaps this is where we need to use the tools that many lawyers use to help clients solve problems or address new challenges. Certainly, we may need to step out of the traditional, sometimes uncreative - some would say crude and primitive - approach to problem-solving which involves putting up our arguments and trying to knock down those presented by others who are perceived as "opponents". There are more creative ways to address big issues - about which there are, and always will be, differing views.

Central to this is avoiding the instinct to reject the other person's argument - or blindly to defend one's own. The opportunity can be taken fully to explore the issues, the underlying concerns and needs, the fears and aspirations of organisations and individuals, the different interests that are necessarily involved, the purpose and objectives of different financial and business models and the very nature of service provision.

All of this needs to be done without anticipating the outcome, in a genuinely open and respectful inquiry that may reveal all sorts of underlying difficulties and possibilities that are not immediately obvious.

Only then can the range of options for going forward be discovered and refined, assessed and tested. Only then can we find solutions which will really work, are durable and meet the real needs of those who use legal services.

Charles Handy, Britain's leading management guru, spoke in Edinburgh last week about looking "under the stairs" to find what is hidden and often not appreciated or recognised as being really important.

He emphasised the need to ask "why?" - not just once but several times, as the layers of response and justification are stripped away. What is this really all about?

He also suggested that each of us, in our lives, should pursue what Aristotle called "eudaimonia" and which Handy translated as "flourishing" - doing our best at what we are

best at, for the good of others. Might that be a useful benchmark for the delivery of legal services, in all its diversity?

I noticed only two lawyers in Handy's audience, both senior partners in a large Edinburgh firm. I suspect that more of our legal professionals should be exposed to this kind of thinking.

Edward de Bono, of whom I have made mention before in this column, is speaking at the Edinburgh International Book Festival tomorrow. He is a world leader in what is known as parallel or lateral thinking.

When conducting training seminars or leading workshops, I often ask who in the audience has heard of de Bono. Not many ever have.

And yet, his "Six Thinking Hats" tool offers a simple but radically different way to address problems.

Might these be used at the Law Society's forthcoming conference to discuss the OFT proposals?

We might just discover something new.