



#BakersDozen: Susan Dunn



#BakersDozen is a series of interviews with leading professionals in the fields of law, consulting, finance, tech, and more.

By David Kinnear

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Tell us a bit about yourself and how you came to be in the legal business?

I was always interested in the law from an early age, mostly because of the variety I thought a legal role might offer. That early life as a solicitor then developed into working in Atlanta; being a diplomat for 3 years; a stint in a dot com; until in 2002 I fell into the litigation funding world, at that time non-existent in the UK and many other jurisdictions, after a 'Sliding doors' moment on a tube train led to a chance encounter with an old colleague.

What do you do for a living right now?

I am Co-founder and Head of Litigation Funding for Harbour Litigation Funding, a £410 million fund which funds large commercial disputes in 13 jurisdictions and, currently, 5 different arbitral forums. It is a fascinating role which is constantly evolving as funding is adopted by more and more types of claimant.

What has been your greatest triumph and your greatest success in the legal services field and what did you learn from each?

The development of dispute funding from my own start with just £1 million in a converted carpet factory in Kidderminster, into an international activity has seemed like an amazing journey. But at times it has been a very tough journey as that of any entrepreneur is, paying to go to work [rather than being paid] as we had so little funds for overheads like salaries in that

first business. There were times I was tempted to find something easier to do, but now it is good to see that the dogged determination paid off and grew into what today is a great business, and I am blessed to work with a very talented group of people.

Do you think the legal industry is headed in the right direction, the wrong direction – or which direction?

I think it is too slow to adapt and modernise and it likes to stick to what it knows. We see too few firms adopt technology/more efficient ways of working despite the common complaint from clients that their services are too expensive and inefficient. The irony is that if costs were better managed, people would in fact litigate more because they can then afford to do so. Lord Justice Briggs' current proposals for reform are a great step in the right direction and I hope the profession embraces what he is proposing. He delivered the 4th Annual Harbour Lecture in October 2016 [see here for the text: <http://bit.ly/2e3GxNX>].

You're known for innovation and have been an inspiration to many. Who inspires you – and why?

My father was a great inspiration because he made me believe I could do anything (not in a schmaltzy 'darling you are wonderful' way but in a constructive and encouraging way). It makes me sad that he is not around to witness how things have developed. He was also an inspiration to encourage collegiate working and said: "to make really great hires always hire people smarter than you". I also enjoy learning about entrepreneurs who have persevered to get their businesses off the ground. And admire those people who have been hugely successful but never lose sight of how important *everyone* is in an organisation in making it a success.

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What advice would you give to the younger generation contemplating law as a career?

I think it is critical to carry out some self-analysis to determine what makes you tick. Many people I know almost fell into law, when they should have done something creative instead and so were miserable. Learn as much as you can from those who are in the profession to be sure you understand what it involves. It is a great profession, still full of interest, but not for everyone.

How deep do you think will be the inroads of technology in the industry?

Technology can take us a long way to making the process more efficient and cost effective (and thereby more interesting to junior lawyers who can focus on the legal strategy), but I don't share Richard Susskind's view that lawyers will disappear altogether, at least not in my lifetime.

In ten years, do you see an industry much as it is – or do you see new players, new technology and an altered state?

I so hope it would have evolved but I do feel progress is glacial at times. There is still a lot that needs to be done and the structure of law firms takes a lot of the blame. They are not run as businesses in the way they should be and should overhaul its use of technology to, not least, provide better management information for both internal and client purposes, is essential. We start to see progress but it needs to be much more exponential than it is. Lawyers are too defensive about new methods/providers of services when they should be embracing and growing as a result.

“Only if clients act more as a union will they truly be able to drive change”

What are your thoughts on the increasing availability of data to guide client-side procurement of legal services?

It is better but still has a long way to go, not least because few are capturing it sensibly/thoroughly enough to drive real insight, and clients often don't have enough data to provide the insight they require. Lawyers do have data, and if they used it, it would make them more efficient and more able to provide fixed costs for work because they would understand their business better and therefore know how to charge with greater precision.

Lawyers have typically regulated to keep non-lawyer investors out but that's a two-edged sword these days. What are your thoughts?

See answer above, I think it should be embraced. As long as clients know who is providing what service, I don't see the problem.

What's the one most significant factor that will drive change in your view?

Only if clients act more as a union will they truly be able to drive change, law firms benefit from the fact clients don't act collectively in commissioning legal services. Interestingly Kent County Council has done a good job at this type of initiative.

Are we seeing the demise of the “profession” and the real emergence of the “business” of law?

I don't think the two are incompatible and indeed if lawyers were more businesslike I think it would enhance their clients seeing them as the professionals they are.

What do you consider is the greatest challenge facing the industry?

How to make their services more cost effective.

What do you see as the greatest opportunity for the sector looking forward?

If they make their services more cost effective they will actually be hired more, but law firms have got to understand their businesses more in order to do so. The Eversheds/Tyco relationship is a good example of that.

Do you think law can improve its track record on diversity and inclusion? How?

It has to. At a conference recently, I presented on a panel of 6 - which was one of 6 panels that day - and of 36 panel members I was the only woman. That's just not acceptable. Why should those who are not 'white male' want to stay in a profession which doesn't reflect them in its senior roles? If the most talented people are to be retained, firms have to understand what motivates their employees and work harder to show it is a good and interesting profession to work in.

Will the current regulatory framework around law help or hinder it in the future?

It will hinder if it doesn't permit a more business-focused approach by law firms.

Who do you think are the greatest influencers on the industry these days?

Lord Justice Briggs, Richard Susskind and those firms embracing alternative technology and who really deliver what their clients want.

If you had to do it all over again, would you? Or what would you do differently?

I wouldn't change a thing about my career, it has been an amazing ride and I am so thankful to have held the roles I have. I feel very fortunate to have done so. And plenty are now flocking to work in litigation funding, understandably.

If a law firm was a startup pitching for investors, would you be an investor?

Not if run in the traditional way. Personal injury firms have been very businesslike in how they run themselves and I think the commercial firms we work with (we don't fund personal injury matters) could learn quite a lot from them. Few firms are really innovative, but there is progress on the horizon.

Wildcard Questions

If you weren't doing this, what would you be doing? Acting as artists' agent providing them with business support so they are free to continue to create not be bogged down by the selling of their wares.

What would you like to be known for? Being a good person to work with and having had the tenacity to develop litigation funding to a sometimes hostile audience.

What would surprise everyone if they knew (they may now). That I rode an Enfield Motorbike across India in 2009.

What's your favorite hobby or activity outside of law?

Art and travel. Having run out of space at home, artwork now adorns the Harbour offices.

What's your favorite city? Venice, where I am right now.

What's your favorite food? Middle Eastern.