

How Legal Professionals and Law Students Understand Strategic Thinking

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Abstract

Aim: This research aims to discover how strategic thinking is understood by legal professionals and law students.

Purpose: The purpose of this research is to advance the understanding of strategic thinking. A clear understanding of strategic thinking in the legal field has yet to be fully explored. It is relevant for students, professionals, and educational institutions to discover how strategic thinking is understood and therefore what it is, so that it can be developed.

Method: In order to reach our aim, law students and legal professionals were asked to write a text on strategic thinking by answering an open question. Afterwards, interviews were conducted. The texts were analysed by using the computerised text-analysis tool Pertex, and the interviews by content analysis.

Findings: Legal professionals and law students start their strategic thinking process by trying to reach a bigger picture of the situation, while doing so the students focus more on gathering the facts than professionals. The professionals also concentrate on the role of the client and counterparty. Both respondents value the assessment of possible outcomes. Legal professionals believe experience and patience are valuable to strategic thinking as well.

Limitations: The study is conducted in a qualitative manner, so the results are not statistically generalisable. The research also has geographical limitations in Sweden and within Sweden's legal jurisdiction. Qualitative content analysis can be affected by the researcher's interpretations. Lastly, Pertex is an automated text-analysis process, but sometimes involvement of the researcher is needed which could lead to the results being biased.

Keywords: strategic thinking, strategic, strategy, legal professionals, law students, text analysis

Table of Content

| | |
|---|-----------|
| 1. Introduction | 6 |
| 1.1 Background | 6 |
| 1.2 Purpose | 7 |
| 1.3 Research Questions | 8 |
| 1.4 Paper Outline | 9 |
| 2. Methodology | 9 |
| 2.1 Chapter Overview | 9 |
| 2.3 Research Respondents | 11 |
| 2.3.1 Law Students | 11 |
| 2.3.2 Legal Professionals | 12 |
| 2.4 Text Collection and Pertex Analysis | 13 |
| 2.4.1 Introduction | 13 |
| 2.4.2 Collection of the Texts | 13 |
| 2.4.3 Perspective Text Analysis Approach | 14 |
| 2.4.4 Process of Pertex Analysis | 15 |
| 2.4.4 Reading the Result of Pertex - The Pertex Tree | 17 |
| 2.4.5 Benefits and Limitations of Pertex | 18 |
| 2.5 Interviews | 19 |
| 2.5.1 Process of Conducting Interviews | 19 |
| 2.5.2 Content Analysis of Interviews | 21 |
| 2.6 Qualification and Quality of Data | 21 |
| 3. Literature Review | 24 |
| 3.1 Chapter Overview | 24 |
| 3.2 Strategy | 24 |
| 3.2.1 Literature overview | 24 |
| 3.2.1.1 Mintzberg's 5 P's of Strategy | 24 |
| 3.2.1.2 10 Schools of Strategy Process | 25 |
| 3.2.3 Frame for the Research | 27 |
| 3.3 Strategic Thinking | 27 |
| 3.3.1 Literature Overview | 27 |
| 3.3.2 Frame for the research | 30 |
| 3.4 Strategic Thinking in Legal Environments | 31 |
| 3.4.1 Limits of This Chapter | 31 |
| 3.4.2 Understanding of Strategic Thinking in Legal Literature | 32 |

| | |
|--|-----------|
| 4. Pertex Results | 33 |
| 4.1 Chapter Overview | 33 |
| 4.2 Root Concepts - Legal Professionals and Law Students | 34 |
| 4.3 Other Relevant Topics - Legal Professionals | 35 |
| 4.3 Other Relevant Topics - Law Students | 37 |
| 5. Analysis of Data | 38 |
| 5.1 Chapter Overview | 38 |
| 5.2 Analysis of Data - Legal Professionals | 38 |
| 5.2.1 Situations That Require Strategic Thinking | 38 |
| 5.2.2 Elements of Strategic Thinking | 39 |
| 5.2.3 Additional Perspectives on Strategic Thinking | 41 |
| 5.3 Analysis of Data - Law Students | 43 |
| 5.3.1 Facts Centered View | 43 |
| 5.3.2 Consequences of Decision Making | 44 |
| 5.3.3 Analytical and Out-of-the-Box Strategic Thinking | 45 |
| 5.4 Comparison Legal Professionals and Law Students | 46 |
| 5.4.1 Introduction | 46 |
| 5.4.2 Differences | 47 |
| 5.4.2.1 Difference in the Role of Intuition | 47 |
| 5.4.2.2 Difference in the Importance of Creativity | 48 |
| 5.4.2.3 Difference in the Role of Other Actors | 48 |
| 5.4.3 Similarities | 48 |
| 5.4.3.1 Analytical Thinking and its Relevance in Relation to Facts | 48 |
| 5.4.3.2 Need for Flexibility | 49 |
| 5.4.3.3 Foreseeing Potential Scenarios | 50 |
| 6. Conclusion | 51 |
| 6.1 Summary of Findings | 51 |
| 6.2 Recommendations for Further Research | 53 |
| References | 54 |
| Appendices | 57 |
| Appendix I - Text Assignment | 57 |
| Appendix II - Interview Questions | 58 |
| Appendix III - Elements Rating Overview | 61 |
| Appendix IV - Pertex Results Professionals | 62 |
| Pertex-tree Professional Respondent 1 | 62 |
| Pertex-tree Professional Respondent 2 | 63 |
| Pertex-tree Professional Respondent 3 | 64 |

| | |
|--|----|
| Pertex-tree Professional Respondent 4 | 65 |
| Pertex-tree Professional Respondent 5 | 66 |
| Pertex-tree Professional Respondent 6 | 67 |
| Pertex-tree Professional Respondent 7 | 68 |
| Appendix V - Pertex Results Students | 69 |
| Pertex-tree Student Respondent 1 | 69 |
| Pertex-tree Student Respondent 2 | 70 |
| Pertex-tree Student Respondent 3 | 71 |
| Pertex-tree Student Respondent 4 | 72 |
| Pertex-tree Student Respondent 5 | 73 |
| Pertex-tree Student Respondent 6 | 74 |
| Pertex-tree Student Respondent 7 | 75 |
| Pertex-tree Student Respondent 8 | 76 |
| Appendix VI: Search Log for Legal Strategic Thinking | 77 |

1. Introduction

1.1 Background

Ask any legal professional whether they have to deal with complex and uncertain cases and they will probably all answer yes. Even more, they will probably tell you that they deal with this on a daily basis. Whether it is due to unavailable or unreliable information, an unpredictable counterparty, judge or jurors: the cases legal professionals have to deal with are usually complex.

That being the circumstance, how do we prepare future legal professionals, current law students, on dealing with such situations? We believe that one way of answering this question might be:

"Educating future lawyers not just in the law but also in strategic thinking is essential to law firm management and in legal education moving forward." (Paul & Klinger, 2013)

Such statements can be found in multiple academic and non-academic sources. For example, Tjaden (2011), a Canadian lawyer, believes that law students and young lawyers need to be able to think strategically so they will not struggle with complex research problems. Law students are uncertain about their ability to think strategically, because their education is different from real life cases. The law school usually presents cases that cover a specific area of law, while real-life situations cover multiple topics. (Tjaden, 2011) In addition, Paul and Klinger (2013), a dean and a lawyer from the United States, point toward the strategic challenges of which areas of business are likely to grow or in what locations an enterprise should expand, that law students and young lawyers should be able to address. Similar to these statements, Siedel (2017), a business law professor from the US, gives specific examples of how to include strategic thinking in the law curriculum. One of his examples is to include *"strategies to increase the value-creating function of a contract as a business tool as well as a legal document"* in a course on contracts.

The above statements are clear, but the question arises: '*What do these authors mean when they say 'strategic thinking'?*'. Are these authors discussing the same idea or concept? Do they hold the same understanding of strategic thinking? Before we can educate future legal professionals in dealing with complex and uncertain situations, we need to establish what strategic thinking entails within legal environments.

The idea of strategic thinking is highly dependent on the social context and the social interaction taking place in it (Bonn, 2005). Therefore, within legal environments like the court or the law firm, strategic thinking can be completely different from the concept in business environments. Therefore this research is focused on the understanding of strategic thinking in a legal context.

1.2 Purpose

The purpose of this research is to advance the understanding of strategic thinking. As stated before, strategic thinking is needed in unfamiliar environments that are highly uncertain and complex. Making decisions in such situations requires strategic thinking. Before we can help develop strategic thinking in individuals, we need to know how strategic thinking is understood. In addition, this research will help to close the gap in literature as there is currently no clear understanding of strategic thinking.

Legal professionals deal with complex situations daily that require strategic thinking. As such, it is essential they develop the necessary competencies. However, a clear understanding of strategic thinking in the legal field has yet to be fully explored. This is precisely what this thesis will set out to do - by investigating the understanding of strategic thinking by both law students and legal professionals. We also look to see whether students, influenced by studies in law, and legal professionals, that deal with legal cases by profession, have a common or different understanding of strategic thinking.

Our thesis specifically contributes to the understanding of strategic thinking within legal environments, however by researching in a legal context it will also contribute to the

understanding of the concept in the management field. Finding the understanding of strategic thinking in a legal context, additionally contributes to a general understanding of the concept. Our research contributes to the research project "*The foundations of Strategic Thinking*", conducted by Stein Kleppestø, which aims at "(1) *defining the concept of Strategic Thinking*, (2) *validating methods for measuring individual ability* and (3) *exploring methods for improving the ability*" (Research Portal, 2018). Our thesis will contribute to the first goal of this research. Similar research projects are conducted by two other research groups from Lund University, one carried out in the field of marketing and the other in engineering.

It is relevant for students, professionals, and educational institutions to discover how strategic thinking is understood and therefore what it is, so that it can be developed. That is, a clearer understanding will provide a more solid basis for instruction within law degrees. The Chair of the Educational Committee of the Law faculty at Lund University has also expressed his interest in the results of the study, since it can be helpful in the design of the law programme (Nilsén, personal communication, 13 April 2018). Moreover, as this research also contributes to understanding strategic thinking in the management field it is beneficial to the design of other curricula as well.

This research could act as a basis for further studies exploring the concept of strategic thinking.

1.3 Research Questions

Our research questions are as follows:

1. How is the concept of strategic thinking understood by law students?
2. How is the concept of strategic thinking understood by legal professionals?
3. What are the similarities and/or differences in how law students and legal professionals understand strategic thinking?

1.4 Paper Outline

Chapter two discusses the chosen methodology for this research. Specifically, the chapter discusses the research approach, the research subjects, the data collection and analysis, and the quality of the collected data. Next, chapter three presents a literature overview which provides context to the discussion of the findings. Chapter four provides an overview of the results from the text-analysis. In chapter five the data collection from both respondents groups is discussed. Lastly, the paper ends with a conclusion in which answers to the research questions are given. In addition, recommendations for further research are given. At the end of this paper there are six appendices which contain the interview questions (Appendix I), the assignment given to the respondents (Appendix II), an overview of the rating of the elements (Appendix III), the Pertex-results from both professionals and respondents (Appendix IV; Appendix V) and a search log for strategic thinking in legal literature (Appendix VI).

2. Methodology

2.1 Chapter Overview

This chapter outlines the methodology of our research. It will firstly give a short description of our research approach. Secondly, it will discuss the sampling and specifics of the research respondents. Next, *paragraph 2.4* discusses the collection of written texts and the text-analysis tool Pertex together with its benefits and limitations. Next, *paragraph 2.5* describes how the interviews were conducted and analysed. The *final paragraph* discusses the quality of the collected data.

2.2 Research Approach

The research is conducted using two different methods. First, the respondents, law students and legal professionals, are asked to write a text in which they answer a question about strategic thinking (see Appendix I). Their written answers will be analysed by the use of the computerised text-analysis tool Pertex. After we received the texts, we held interviews with the respondents (see the interview questions in Appendix II) in which we asked both open questions and

questions in which they had to rate certain elements that are considered in literature as part of strategic thinking. The interview transcriptions were analysed by content analysis.

This research has an inductive approach, as the aim was to retrieve and analyse the data without the use of preconceptions of possible answers, and we were not trying to test a theory, rather we were trying to arrive at conclusions by using the data we receive from the interviews. Despite the fact that the respondents were asked to rate elements found in literature the research can still be considered inductive, as the use of elements is mainly to give the respondents a context to express their thoughts.

This study uses triangulation by using both the analysis of texts written by the respondents and interviews. Using different kinds of measures "*increases the confidence in the accuracy of observations*" (Easterby-Smith, Thorpe & Jackson, 2015, 'Glossary', 'triangulation'). By using two methods in which the respondents can explain their understanding in different ways, we can reach to more accurate conclusions. Moreover, two methods were beneficial to answer our research questions as strategic thinking is a complicated and hard to grasp topic. Having the respondents consider strategic thinking in two different ways therefore helped in getting data on their understanding of strategic thinking.

A more detailed discussion of the collection and analysis of the written texts can be found in *paragraph 2.4* and *paragraph 2.5* discusses the interviews and the content-analysis.

The study also provides a literature review to bring context to the research. The literature review is written to provide an overview of what is written about strategic thinking in business and in legal literature. The literature review can be characterised as a traditional literature review (Easterby-Smith, Thorpe & Jackson, 2015). The aim of this literature review is to provide an overview of literature about the topic of strategic thinking, without the need to comprehensively provide all existing studies about the topic (Easterby-Smith, Thorpe & Jackson, 2015). The literature provides context to the results from both the texts and interviews.

2.3 Research Respondents

The sampling of the law students and legal professionals was made by using, what Bryman and Bell (2015, p.428) call, “*purposive sampling*”, where the aim was to find respondents that are as relevant as possible to the research questions. The main element in the purposive sampling was what Bryman and Bell (2015, p.435) call “*snowball sampling*”, as we often got referred to potential respondents, which demonstrated to be key in finding people for participation in the study. Nonetheless, one of the student respondents was found by direct approach at the law faculty of Lund University. Important to remember is that purposive sampling does not allow the researcher to generalise to a general population (Bryman & Bell, 2015, p.429).

Both respondent groups have expressed that they are busy and under a heavy workload, therefore it might have been hard for them to find the time to prioritise answering our questions elaborately. There might be a risk of biased data (Easterby-Smith, Thorpe & Jackson, 2015), as some respondents might have rushed their response and have not been paying full attention to answering the questions.

Also worth mentioning is that as one of the researchers does not speak Swedish, the (Swedish) respondents had to partake in the study using a non-native language (English). This might have influenced their answers as they could be limited in how elaborate they could be in describing their reasoning, thoughts and opinions.

2.3.1 Law Students

The participating law students are students at the Faculty of Law at Lund University. All students, except for one, are in the second half of their Bachelor of Laws (LLB), which we chose as a criteria for the student respondents so that they have been influenced by their studies. The other student is doing a Master’s programme in Law, and has a bachelors from Scotland. However, as that respondent’s answer was relatively similar to other answers, we believe the different bachelors has not, or perhaps only in a limited way, affected the results. Worth

mentioning is that some of the student respondents have some, but rather limited, work experience in the legal field from internships or part-time jobs. Also, the students might have some differences in their education as the Bachelor of Laws provides one semester where students can choose courses freely, including courses from other faculties (Nilsén, 2018, personal communication, 13 April 2018). Finally, it needs to be noted that student respondent 4 could, unfortunately, not partake in an interview due to time limitations of the respondent.

2.3.2 Legal Professionals

The legal professionals work as lawyers at law firms or as legal counsels at companies. We focus on legal professionals with an educational background that is comparable to the students. All participating legal professionals have graduated from the general Law programme in Sweden: six from Lund University and one from Uppsala University. There could be some differences in the education, however, the Chair of the Educational Committee of the Law faculty at Lund University (Nilsén, 2018, personal communication, 13 April 2018) explained that within Sweden the universities try to keep the law programme as similar as possible. This is mainly because the legal education is a professional education and parties such as the state and law firms are interested to have a common standard for the education.

The professionals have at least five years professional working experience as a lawyer or legal counsel, which is a criteria we chose to make sure that they have practical experience in dealing with complex and uncertain situations. The participating lawyers are business lawyers, who specialise in business law. We chose to focus on a specific kind of specialisation in law to make the results easier to compare since we have a small sample group. There has not been a specific reason to go for business law, apart from the fact that it was easier for us to get in contact with business lawyers. Their fields of expertise cover, among others, mergers and acquisitions, real estate, dispute resolution, commercial decision making, and contracting. As the legal professionals graduated five or more years ago, the legal education might have changed since then. Nonetheless, Nilsén (2018, personal communication, 13 April 2018) explained that the current law curriculum is ten years old.

2.4 Text Collection and Pertex Analysis

2.4.1 Introduction

This paragraph explains how we collected the written texts from the students and how we analysed these text with the analysis-tool Pertex. Pertex is a computerised text-analysis tool that can extract a writer's embedded intention in a text (Mattsson, Helmersson & Standing, 2018), meaning that Pertex can discover the underlying intention of a written text that covers a specific theme. We chose Pertex, because the analysis process is almost fully automated, which leads to *"results that are based primarily on the text itself"* (Helmersson & Matsson, 2001, p.118). Therefore, there is only a limited risk of the Pertex-researcher influencing the results, which will be explained later. In addition, we had the unique opportunity to meet with the designer of Pertex, Helge Helmersson, who has been personally guiding us throughout the data collection and analysis process.

2.4.2 Collection of the Texts

The respondents were asked to answer a question in a written text. The design of the question was an important part of the process. As strategic thinking is a concept that is hard to grasp, it was not possible to 'just' ask the respondents to answer the question 'what is strategic thinking?'. It was needed to frame the question in such a way that the respondents had a situation in mind to which they could relate. However, we needed to make sure that it did not directed them to a specific answer. As such we phrased the question in such a way that our approach would stay as close to inductive as could be. We did use the earlier mentioned framing of strategic thinking by Kleppetø to provide some context to the respondents. We have been aware that this has been a critical part of the process and therefore asked for advice from Helmersson several times, since he has extensive experience in writing the question. It was also important for the respondent to write the text in such a way that a reader of the text, who knows nothing about the topic, would understand it, because the respondent then has to clearly explain what is important for this 'reader' to know regarding the theme and discuss the key aspects. (Helmersson, personal

communication, 4 April 2018) Based on advice from Helmersson (personal communication, 4 April 2018), we designed the following question:

"You find yourself in an uncertain situation where you have to solve a problem/make a decision in your company/daily life that is of high importance and impacts performance. The data available is not reliable and the circumstances are unknown. This is a situation in which you need to think strategically. How would you define this kind of thinking? Describe your strategic thinking process that leads to your decision to someone that is not involved in the situation."

It was important not to dictate a minimum or maximum amount of words (Helmersson, personal communication, 4 April 2018), so that the respondents could write until they felt they were satisfied with their answer and had covered the topic.

2.4.3 Perspective Text Analysis Approach

The Perspective Text Analysis (PTA) approach is the theoretical basis that is actualised by Pertex. The PTA approach is a different methodological orientation in text analysis than 'traditional approaches', for instance an intuitive approach where one classifies certain words or parts of a text. (Helmersson & Mattsson, 2001) The PTA approach is different because it uses a predefined pattern to classify the text. As such, the results of the analysis are determined by this pattern. (Helmersson & Mattsson, 2001). The PTA approach assumes that humans have three main functions "*given by nature*", which in turn have linguistic counterparts that are present when we communicate by speech or text (Helmersson & Mattsson, 2001, p.117). The functions, which will be elaborated on below, are as follows:

1. *Intention*: the author's overall aim in writing a text.
2. *Action*: the mental or physical activity a text describes.
3. *Orientation*: the degree to which the author of a text is aware of the surrounding world.

2.4.4 Process of Pertex Analysis

This chapter describes the different steps in the analysis process of Pertex. It gives more insight in the automated process and helps to understand when the researcher is involved. The figure below shows the different stages in the analysis process, which will be described one by one below.

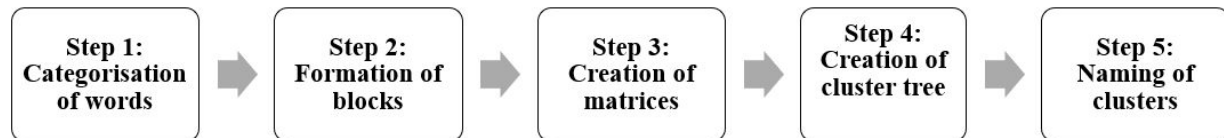


Figure 1: Process of Pertex

Stage 1: Categorisation of words

Pertex analyses the texts and categorises the words according to a special dictionary. In most cases, the words in the text are identified, but there is sometimes a need for the Pertex-user - the researcher using the tool - to make small edits to the text and/or specify certain words that Pertex does not recognise. For instance, the word 'question' could be coded as a verb coming from 'to question', but it could also act as a noun. In case of the latter, the Pertex-user needs to change this in the text, by adding a code to prevent Pertex from recognising the word as a verb. During our first text analysis together with Helge Helmersson, we were shown and learnt how to do this. It is not possible to continue the analysis before the errors are eliminated (Helmersson, 1992).

Stage 2: Formation of blocks

During the second stage of the analysis, Pertex divides the text into blocks. According to the PTA approach, the dividing of blocks happens corresponding to the linguistic counterparts of the earlier mentioned functions: action, intention and orientation. (Helmersson & Mattsson, 2001)

A verb is central in all normal running texts. Each block the Pertex creates is based on a verb, which expresses an action (a). As a verb does not express who is acting, there is also an Agent (A) involved. Based on a simple main rule, the Agent (A), consists of the words that are placed

before the action. (Helmerrsson & Mattsson, 2001) The third part of the block is the Orientation (O), which is the object at which both the action and verb are directed (Helmerrsson & Mattsson, 2001), that usually consists of the words following the verb (Helmerrsson, 1992). If sentences have more than one verb, the different parts with a verb make up their own block. A simple example, by Helmerrsson and Mattsson (2001), is the sentence 'I read the book', which makes up the following block:

| Word (function) | I (Agent) | Read (action) | the book (orientation) |
|------------------------|---------------------------------|-----------------------------|--|
| Explanation | Someone needs to read the book. | 'Read' indicates an action. | The action of reading is directed at the book. |

Figure 2: Example of Pertex

When one would read a longer text about the 'I' (Agent) and the book, there might be explanations of the intention the agent has with the book. To get to know more about the agent and the book, there needs to be more text to provide context. In a longer text there will be more information about the connections between the agent and the orientation. (Helmerrsson & Mattsson, 2001).

Stage 3: Creation of matrices

In the third stage, the Pertex creates matrices of unique Agent-Orientation combinations within the text (Helmerrsson, 1992). Each cell in the matrix stands for a combination of one specific Orientation with a specific Agent. The unique linkages between Agent and Orientation indicate the coordination between the orientation and the author's intention (Helmerrsson & Mattsson, 2001). It is not possible for the Pertex-user to decide or influence how many matrices will be formed, as it is dependent on the text (Helmerrsson, 1992).

Stage 4: Naming of clusters

The Pertex makes up several clusters, which are sub-parts of the text. The Pertex-user has no influence on the actual generation of these clusters. The Pertex-user can choose how many

clusters to use. Helmersson (personal communication, 9 May 2018), showed us where and how to choose specific clusters. After selecting the clusters, the Pertex-user has to label the different generated clusters. When it comes to the naming of the clusters, the Pertex-user can use synonyms to express the meaning of a cluster, however, the Pertex-user cannot simply name the clusters based on their own interpretation. Naming the clusters cannot be done randomly, as a deviation from the theme of the text can lead to unreasonable linkages between concepts in the clusters. The clusters show the unique thinking of the author of the text and not the Pertex-user's own interpretation of the text. The difficulty of naming the clusters is dependent on the texts and the number of significant clusters selected. (Helmersson & Mattsson, 2001) As the Pertex-user usually uses synonyms to name the clusters, there is a lesser risk of subjectivity (Helmersson, personal communication, 9 May 2018).

Stage 5: Creation of a Cluster-Tree

Pertex then automatically creates so-called cluster-trees which visualise the clusters. In this hierarchical tree, the Pertex-user has to fuse together the cluster names, by giving new labels. Therefore, the fused concepts contain more and more of the text. (Helmersson & Mattsson, 2001) The preceding steps of analysis will end up in a description of the relations that have been uncovered by the clustering (Helmersson, 1992). The cluster-trees that resulted from the analysis of our texts can be found in Appendix IV for the professionals and Appendix V for the students.

2.4.4 Reading the Result of Pertex - The Pertex Tree

In the former stages the analysis has always isolated certain parts of the texts, but in the Pertex-tree these parts will end up in a synthesis that "*grasp the intention of the text*" (Helmersson, 1992, p.15). The combined clusters of the text will contain more of the text every time they are merged, and the final cluster, called the '*root concept*', will contain the meaning of the entire text (Mattsson, Helmersson & Standing, 2018) and is therefore a representation of the whole text (Helmersson, 1992). However, it is necessary to check the results by also reading the full analysed text. Furthermore, for the analysis of the Pertex-results it is also useful to look at

the other parts i.e. clusters of the tree as the arrows demonstrate how, and from what, the final box is created. (Helmersson, 1992)

Dependent on the text, some Pertex-trees consist of sub-trees which show a separate thread of thought. This can, for instance, be a question or a theme that influenced the analysis due to the extent of the elaboration about the topic. (Helmersson, 1992) In our data there is one Pertex-tree with a sub-tree (Appendix IV, professional respondent 7).

2.4.5 Benefits and Limitations of Pertex

2.4.5.1 Benefits

Pertex generates the clusters and matrices according to the text. As Pertex-user, it is not possible to influence this analysis according to research questions, as this is an automated process. The Pertex, based on the PTA approach, generates the A/O matrices and cluster trees without the possibility or the need to set the analysis according to research questions. (Helmersson & Mattsson, 2001).

As mentioned, in stage 5, the Pertex-user is asked to name the sub-parts ('clusters') of the text. There is the risk that the naming is influenced by the research questions and the frame of reference of the Pertex-user, however the interpretation is restricted by different factors. Firstly, the user is only asked to name a small sub-part of the text, which is relatively easy as the naming involves a small part of the text, a specific fragment, and the Pertex-user can use synonyms. (Helmersson & Mattsson, 2001). Therefore, the interpretation takes place in a controlled sequence. Secondly, the naming needs to happen in accordance to the other clusters in the tree, as the different clusters flow together in the end. As a user of Pertex you cannot just name the cluster as you want, since you have to follow the process and need to take the other clusters in consideration (Helmersson, personal communication, 4 April 2018).

Dependent on the text and the Pertex-user's experience, some training with the programme may be required (Helmersson & Mattsson, 2001). We first had a 3-hour workshop in which the

general idea of Pertex was explained. In a second meeting we analysed one text from beginning to end together with Helmersson, which showed us very detailed how to use the tool. This limited the risks of mistakes and gave us the opportunity to ask questions. In a final meeting we could ask any questions we had left.

2.4.5.2 Limitations

To test the validity of Pertex, one option is to ask the respondent (the author of the text) whether the root concept, the final cluster of the Pertex-tree, seems justified. However, we did not have enough time with our respondents to control this as it would include explaining how Pertex worked and how this root concept was formed. Further, this approach can be biased by one's own interests (Helmersson & Mattsson, 2001), as the researcher is still involved in, for example, naming the clusters. However, the interviews have given us more context to the respondents' ideas and sometimes the respondents even elaborated or explained more about their text during the interviews.

Finally, it needs to be mentioned that apart from literature written by the designer of Pertex, Helmersson, we could not find any other material that discusses the reliability of Pertex. Helmersson (2018, personal communication, 9 May 2018) has also stated that there are no articles in which Pertex is being criticised. In addition, Pertex has also not been compared with other text-analysis tools (Helmersson, personal communication, 9 May 2018). We are, therefore, aware that there might be some other limitations to Pertex that we are unaware of.

2.5 Interviews

2.5.1 Process of Conducting Interviews

The interviews were conducted in a semi-structured manner, as there was a set of prepared questions ready for the interview (Sekaran & Bougie, 2013), but with room for the respondent to elaborate freely, or for us to ask follow-up questions. With a semi-structured interview the set of questions can act as a guide throughout the interview (Bryman & Bell, 2015, p.213). This way of conducting interviews helped to further explore the subjects that are most relevant to the specific

respondent. However, a downside of this technique is that the interviews might become harder to compare as each of them will be unique. The interview questions can be found in Appendix I.

As mentioned earlier, the interviews were set up of two different parts. The first part of the interview consisted of open questions, the second part of the interview were both closed and open questions were the respondents had to rate certain elements. The rating questions were followed by an open question to get a better understanding of the rating. We asked the respondents to rate the elements of analytical, visionary, creative, intuitive, logical and systematic. We chose for six elements, because we had a strict time-limitation and wanted to keep enough time for the respondents to be able to elaborate and to provide examples. We have chosen these six elements because they are easy to understand during an interview, do not require much explanation, and because they are easily distinguished. Also, the chosen elements are considered either as part of strategic planning or strategic thinking, because we believe it was important to include elements from both perspectives. As such the respondents were not directed to one specific idea of strategic planning or strategic thinking. Nevertheless, we provided each element of a short description so every respondent had the same idea of what the element meant. We found the rating itself to be less relevant than the explanations of the ratings and how the respondents describe the element as part of strategic thinking. As the respondents elaborated on the elements, we got insights to their understanding of strategic thinking and the context around it, and what role the certain elements could play.

During this study, both face-to-face interviews and telephone interviews were conducted, depending on the preference of the respondents. Even though we are aware that remote interviews lack "*immediate contextualization, depth and nonverbal communication*" (Easterby-Smith, Thorpe & Jackson, 2015, "Remote interviewing", para 1), we chose to allow for the option of telephone interviews due to the time limitations of our research and of our respondents. Conducting the telephone interviews offered us and the respondents more flexibility (Easterby-Smith, Thorpe & Jackson, 2015). Further, a interview over the phone might prevented

our respondents from feeling uncomfortable during the interview (Easterby-Smith, Thorpe & Jackson, 2015).

2.5.2 Content Analysis of Interviews

The transcriptions of the interviews were analysed by doing a content analysis, which is a qualitative method. The process of the content analysis started out by selecting the relevant material (Easterby-Smith, Thorpe & Jackson, 2015), which are the parts of the transcript or concepts mentioned, that contribute to answering the research questions. The different transcripts were then compared to each other. We started the analysis by coding the data. The purpose of the coding was to assist us in drawing conclusions from the large amount of qualitative data (Sekaran & Bougie, 2013). We coded the text by giving certain parts of the texts a specific label, that we later turned into categories. Going back to the data several times helped us to better understand connections and to organise the data.

It needs to be mentioned that when using content analysis to analyse material, a certain level of interpretation by the researcher is needed and present throughout the process (Bryman & Bell, 2015). We analyse the interviews with the research questions in mind and therefore the analysis could be influenced by our own frame of reference. However, we are aware of this and have read the transcriptions several times.

2.6 Qualification and Quality of Data

The research is qualified as qualitative, which emphasises the “*words rather than quantification in the collection and analysis of data*” (Bryman & Bell, 2015, p.392). Another characteristic of qualitative research is that it has an inductive perspective of research and theory and an interpretivist epistemology where the focus is on the social world understood by its members, and lastly that it has a constructionist ontological view, where the “*social properties are outcomes of the interactions between individuals*” (Bryman & Bell, 2015, p.392). In one part of the interviews the respondent is asked to rate the importance of certain elements of strategic thinking, which might be considered quantitative. However, this data is interpreted in a

qualitative manner, meaning that the rating is mainly used as a starting point for follow-up questions and to get an understanding of what in their perspective is most important. Asking the respondents to rate an element gives them a frame to elaborate on the concept of strategic thinking, and it assists them in explaining their understanding of the topic.

As the research was conducted in a qualitative manner, there are certain aspects to take into consideration when assessing the quality of the data (Bryman & Bell, 2015). Lincoln and Guba (1985) present five criteria when conducting qualitative research of which we focus on: *credibility, dependability, and confirmability*. *Credibility* in qualitative research is reached by using triangulation, which in this research is used by conducting both a text-analysis using Pertex and performing interviews. To reach *credibility* there is also the method of validating our findings with the respondents, however, we chose not to do this due to our limited time frame and our respondents being hard to reach. *Dependability* is attained in our research as we will keep all transcripts of the interviews and the written texts available for anyone to read, and exhaustive descriptions are given about, for example, how the respondents were chosen for the study. During the course of the research, the paper has on two occasions been read by other thesis groups in a peer-review manner, and we have had a supervisor who was with us throughout the whole process, which is how we reach *confirmability* in the study

The research is performed under the time limitation of about ten weeks. Due to the time limitation, the number of respondents we could interview was limited. Eight students and seven legal professionals took part in the study. This is of course just a fraction of the potential student respondents at Lund University that fulfill the requirements of participation. However, in qualitative research the focus is on “*small-scale aspects of social reality*”, and not concerned with finding sizeable social trends (Bryman & Bell, 2015, p.417), hence why we were not concerned with finding a huge number of respondents. Due to the qualitative nature of the research, and the sampling method discussed later, we cannot draw any general statistical conclusions that can be used outside of the specific context of the research.

It is not possible to generalise the conclusions outside of Sweden. As the student respondents are studying at the Lund University law programme and the legal professionals are working mainly in Sweden, we cannot draw any conclusions about whether the results would be similar or different outside of Sweden. Further, the legal system and legal education is different according to legal jurisdictions. Therefore, the restriction of our research is within the legal system of Sweden and we cannot state that the results apply elsewhere.

3. Literature Review

3.1 Chapter Overview

As the definitions of strategy and strategic thinking are often used interchangeably and without clear distinctions, it is useful to show the different ideas and concepts of these terms. This is done by using theory stemming from business research, as this research contributes to the research led by Stein Kleppetø, which is performed in the business field. Many theories and definitions of strategy have been proposed in literature, hence why we provide an overview of different perspectives.

First, there is a section exploring the concept of strategy, explaining different definitions and schools of thought regarding strategy formation. Secondly, there is a section about strategic thinking and what it entails. We perform an inductive research, but it was beneficial to keep definitions of strategy and strategic thinking in mind throughout the research. Therefore the overviews on strategy and strategic thinking end with a definition of the concepts that we have used during the research.

Further, to understand how strategic thinking is understood in the field of law, it is useful to see how strategic thinking is understood in a legal context.

3.2 Strategy

3.2.1 Literature overview

3.2.1.1 Mintzberg's 5 P's of Strategy

Mintzberg (1987) discusses the task of defining strategy, and describes the term by listing 5 P's to contribute to the understanding of strategy. The 5 P's give a good overview of the concept, and help to better understand it, but at the same time one can understand why the concept of strategy can be confusing. The first definition Mintzberg (1987) identifies is strategy as a *plan*. Within this definition a strategy is created with a clear purpose, before actions are taken

(Mintzberg, 1987). The second definition by Mintzberg is strategy as a *ploy*, which is seen as a maneuver to entice another actor. (Mintzberg, 1987) Further, strategy can also be seen as a *pattern* in action, an (un)intended consistency in behavior (Mintzberg, 1987), in other words it entails some kind of unchanging behaviour. According to Mintzberg (1978), a realised strategy is a pattern that has an underlying plan. In other words, when multiple decisions are taken after one another, within a certain amount of time, a strategy will be considered to have formed (Mintzberg, 1978). Strategy defined as *position* is seen as a tool to locate an organisation within the environment it operates in (Mintzberg, 1987). Strategy as *perspective* is seen as the character or personality of an organisation, which stems from the organisation's members shared viewpoint of the organisation, which is highlighted by their intentions and how they act (Mintzberg, 1987).

3.2.1.2 10 Schools of Strategy Process

Other than understanding the concept of strategy, there are also different perspectives, or schools, on the strategy process and the formation of strategy (Mintzberg & Lampel, 1999). In no particular order, the schools mentioned by Mintzberg and Lampel (1999) are:

| |
|------------------------|
| Design School |
| Positioning School |
| Cognitive School |
| Power School |
| Environmental School |
| Planning School |
| Entrepreneurial School |
| Learning School |
| Culture School |
| Configuration School |

Figure 3: Overview of 10 schools of Strategy Process

Firstly, the *Design school* perceives strategy formation as reaching the main fit of “*internal strengths and weaknesses and external threats and opportunities*” (Mintzberg & Lampel, 1999, p.22). The main author connected to this school is Selznick (1957), who mentions the importance of considering the factors influencing what you can and must do when defining organisational goals. The *Planning school* is not that different from the Design school, as it perceives the strategy formation process as something that can be put down into clear steps, underpinned by, for example, formally defined goals and budgets. Next, the *Positioning school* perceives strategy formation as the analysis of the industry environment to reach an understanding of the environment, which enables to find the optimal position. The main representative of this school is Michael Porter, who has an analytical way of seeing strategy formation. Porter (1991) connects strategy to the own actions of the actor and the position of the actor within the environment it acts.

Very different from the earlier mentioned schools is the *Entrepreneurial school* that, instead of clearly defined planning, puts the emphasis on more vague concepts, such as intuition and creativity. The strategy is supposed to be more of a vision instead of clearly outlined plans. Next, there is the *Cognitive school*, which is mainly interested in the cognitive processes that appear in the strategist’s mind, for example biases and information processing. The *Learning school* sees the implementing and formulation of strategy as strongly connected, and learning as a central part of the strategy process. The learning school is highly connected to Mintzberg’s (1978) emergent strategy approach, where strategy is perceived as something that develops over time, and can be sourced from different parts of the organisation. The *Power School* associates strategy with power. These schools make a distinction between internal and external strategy. Internal strategy is named micro power, which is essentially a highly political process. External strategy, or macro power, regards the process of formulating strategies with important external actors. The *Culture school* regards the social interactions and the culture as highly intertwined with the strategy formation process, with the focus being on how the culture can hinder certain changes in strategy. The *Environmental school* relates the strategic formation process to the requirements of the environment, and how the organisation acts. Finally, the *Configuration*

school sees an organisation as containing certain behaviors and attributes, and the school combines several of the other school's perspectives into it.

3.2.3 Frame for the Research

Looking at the above perspectives and ideas on strategy and the strategy process it shows that there is not one definition of the concept. As this research takes an inductive approach the theory is provided as context to the study to make the results better understandable.

However, for the purpose of this study we believe there is a need to frame it to a certain degree, as the field on strategy and strategic thinking is broad and hard-to-grasp. As our research contributes to the research performed by Kleppestø, the framing of strategy and strategic thinking we use in our research are based on his ideas. There is a need for strategy when one is in a complex and uncertain environment (Kleppestø, personal communication, 30 May 2018), where there are different options or actions available, and the decisions regarding those actions require a substantial amount of resources (Kleppestø, 2017).

3.3 Strategic Thinking

3.3.1 Literature Overview

There is no agreement on what strategic thinking entails (Sandelands & Singh, 2017), but there are some ideas regarding the concept in literature. This paragraph shows how strategic thinking is defined by several authors. The paragraph discusses how strategic thinking is perceived when it is compared to strategic planning. Further, this paragraph mentions certain elements that are considered to be part of strategic thinking.

In theory the two concepts of strategic thinking and strategic planning have been a source of confusion, as they are used differently by different authors (Heracleous, 1998). Mintzberg (1994) distinguishes strategic thinking and strategic planning, and argues that they entail different thinking approaches to strategy. Mintzberg argues:

“Planning has always been about analysis – about breaking down a goal or set of intentions into steps, formalizing those steps so that they can be implemented almost automatically, and articulating the anticipated consequences or results of each step (...) Strategic thinking, in contrast, is about synthesis. It involves intuition and creativity.”
(Mintzberg, 1994, p.108)

Historically, emphasis has often been on strategic planning, but strategic planning should be seen as a support to strategic thinking by providing data and analyses (Mintzberg, 1994). According to Heracleous (1998), Mintzberg's view sees strategic planning and strategic thinking as two completely separate courses of thinking, where strategic thinking is of higher importance. Strategic thinking is defined as a certain *way* of thinking, including particular elements (Mintzberg, 1994; Liedtka, 1998). Similarly to Mintzberg (1994), in the context of "crafting strategic architecture" (Liedtka, 1998, p.121), Hamel and Prahalad (1994) also mention synthesis, specifically the synthesis of many people's visions, to be able to reach a good foresight within an industry.

Heracleous (1998) points out that Mintzberg's ideas show only one perspective. Other authors, such as Porter, treat the concepts of strategic thinking and strategic planning as combined. For instance, by stating that strategic thinking should be conducted specifically in an analytical way (Heracleous, 1998), by making use of analytical tools to support the strategic thinking. Furthermore, Mintzberg's emphasis is on the strategy process, while Porter emphasises the position that an actor takes strategically, which Heracleous (1998) believe is why these two authors perceive strategic thinking so differently.

Heracleous (1998) himself proposes that strategic thinking and strategic planning are both crucial and that they should be seen as separate to each other while still acting as complements, working interchangeably. Heracleous (1998, p.486) explains this as follows:

“There ideally needs to be a dialectical thought process of being able to diverge and then converge, being creative and then seeing the real-world implications, and being synthetic but also analytical. It all comes down to the ability to go up and down the ladder of abstraction, and being able to see both the big picture and the operational implications (...)”

Another perspective on strategic thinking comes from Liedtka (1998), who argues for five essential interrelated components of strategic thinking: systems thinking, intent-driven, intelligent opportunism, thinking in time and hypothesis-driven. *Systems thinking* stands for the ability of the strategic thinker to have a mental model of end-to-end system of value creation in mind, of which the thinker understands the interdependencies. In addition, strategic thinking is *intent driven*, meaning that it is driven by and concerned with the (re-)shaping of intent. The third element points toward the *intelligent opportunism* which leaves open the chance of using new emergent strategies. Further, strategic thinking is characterised by *thinking in time*, as it connects the past, present and future. Lastly, strategic thinking copes with the development and testing of hypothesis and is therefore *hypothesis-driven*. (Liedtka, 1998)

The discussion on strategic thinking versus strategic planning often seems to be both abstract and counterproductive as it seems to lead to more confusion. However, the separation between strategic planning and strategic thinking can help to understand how the concepts individually are perceived. Both Heracleous (1998) and Graetz (2002) designed an overview that show the different characteristics mentioned in literature of both concepts. Also looking at the elements of strategic thinking recognised by Sandelands and Singh (2017), an overview of elements of strategic thinking and strategic planning drawn from the mentioned sources is as follows:

| Strategic Thinking | Strategic Planning |
|--------------------|--------------------|
| Synthetic | Analytical |
| Divergent | Convergent |
| Creative | Conventional |
| Intuitive | Logical |
| Innovative | Systematic |
| Visionary | Prescriptive |

Figure 4: Elements of Strategic Thinking and Strategic Planning

Using this overview, it is easier to understand what the two concepts entail. It can be seen that strategic planning is, for example, often referred to as a process which is analytical in its nature, while strategic thinking is regarded as a process of thinking that is creative and divergent (Heracleous, 1998; Lawrence, 1999), i.e. thinking in a different manner (Sandelands & Singh, 2017).

3.3.2 Frame for the research

The above overview of ideas on and definitions of strategic thinking is provided as context to our research and to our findings. The overview also shows that there is no clear understanding of what strategic thinking is. We believe that there is not one perfect definition of strategic thinking, but for the purpose of the research it is better to start with a clear idea to keep within a certain frame within a field that is so broad, so that we prevent ourselves from drifting away. As such, for our research we understand strategic thinking as the thinking process that is needed in unfamiliar situations characterised by high complexity and high uncertainty (Kleppestø, personal communication, 16 April 2018). Making decisions in such situations should be based on a thinking process accommodating for the high level of uncertainty and complexity, which process we call strategic thinking. (Kleppestø, personal communication, 16 April 2018). Making decisions in such situations is characterised by committing a substantial amount of resources (Kleppestø, 2017). Strategic thinking is the thinking process that goes into the creation of a

strategy (Kleppestø, personal communication, 7 May 2018). We are aware that starting our research with a specific definition of strategic thinking in mind, might affect the outcomes. However, as mentioned in *paragraph 3.2.3* for the purpose of this study it is beneficial to have a clear understanding to start the research with and to help the respondents better understand the context.

3.4 Strategic Thinking in Legal Environments

3.4.1 Limits of This Chapter

Within the literature research, only a few sources have been found that discuss the strategic thinking of legal professionals (See Appendix VI for a log of our search). Besides, the articles are mostly published on (public) websites rather than in research journals, therefore the articles we found cannot be considered academic. Further, it is important to note that the research has been done without framing it by specifically searching for Swedish sources or sources from a similar (civil) law system to Sweden. We chose to keep the research broad to find as many sources as we could, but within our research we only found legal lawyers or law professors from the United States discussing the topics. We are aware that they argue from their American frame of reference and the American legal system. Lastly, many results were focused on the strategy of the law firm itself (i.e. Gofshener, 2014; Wharton, 2009), i.e. the positioning of the law firm, but we chose to leave these articles out of our overview because they are not about the ability to think strategically.

As there were not many results on strategic thinking in a legal context, one might think of looking into legal strategies. However, we are researching how strategic thinking is understood by legal professionals and law students. We believe strategic thinking is the thought process that results in a strategy, it is the outcome of the thinking process. Looking into legal strategies is therefore not relevant for our research, as it does not specifically involve the thinking process and the understanding of it.

3.4.2 Understanding of Strategic Thinking in Legal Literature

The literature that discusses strategic thinking in a legal context, focuses on the combination of legal knowledge and business knowledge (Chanen, 2005; Hackett, 2015; Aronson, 2005; Aronson 2007). A 'strategic thinking lawyer' is defined by Shell (2005, mentioned by Chanen, 2005) as a lawyer that is able to combine the business perspective of gaining a competitive advantage together with the ability to maneuver a legal system. Poll (2013) responded to Chanen by stating that a 'strategic lawyer' is focused on providing service to the client. Hackett (2015) also believes that lawyers "*need to behave more like their business-minded clients*". In addition, Aronson (2007, p.9), argues in the sphere of the hotel industry that 'strategic lawyering' is about legal advisors "*who understand the legal issues, as well as the business and big picture*". According to Aronson (2005) the strategic lawyer looks at the bigger picture, who takes into account essential business elements.

4. Pertex Results

4.1 Chapter Overview

This chapter discusses the main findings from the Pertex-trees. As said, the different columns in the Pertex-tree are called 'clusters'. The final cluster in the tree is the root concept, which is a representation of the entire text. The other clusters in the tree are also relevant to understand the text written by the respondents.

Below, the tables in *paragraph 4.2* first show the root concepts of the professionals (figure 5.1) and students (figure 5.2). Secondly, the tables in *paragraph 4.3* show other topics mentioned by the professionals in their Pertex-trees that appeared to be recurring or interesting for answering our research questions. These tables show what the different clusters were saying regarding the specific topic. Next, the tables in *paragraph 4.4* show the relevant topics that were included in the Pertex-trees of the students.

The complete Pertex-trees of the professionals can be found in Appendix IV and the complete Pertex-trees of the students in Appendix V.

4.2 Root Concepts - Legal Professionals and Law Students

The root concepts of the legal professionals are as follows:

| Respondent | Root concept (final concept in the cluster tree) |
|-------------------|---|
| 1 | Foreseeing all possible scenarios |
| 2 | Share full picture and info of advice |
| 3 | Take the time for the decision process |
| 4 | Any final solution |
| 5 | Analyse situation and stay flexible |
| 6 | Reasoning in unawareness |
| 7 | Objective decisions with use of experience |

The root concepts of the law students are as follows:

| Respondent | Root concept (final concept in the cluster tree) |
|-------------------|---|
| 1 | Be prepared for anticipated outcomes |
| 2 | Facts are more important in work life cases |
| 3 | Help with the evaluation of risks and choices |
| 4 | Goal oriented decision making before acting |
| 5 | Situation and risks influence the thinking |
| 6 | Stay critical towards data and ask for input |
| 7 | Assess outcomes using everyone's input and info |
| 8 | Get comprehensive picture yet stay flexible |

4.3 Other Relevant Topics - Legal Professionals

Below the different tables show other topics included in the Pertex-trees of the professionals that are relevant for answering our research questions. The table shows in the left column which professional respondent's Pertex-tree included that topic and it shows in the right columns what the clusters were saying about the topic.

First topic: Looking at the bigger picture and gathering facts

| Respondent | Text in cluster(s) about the topic |
|------------|--|
| 1 | Understand big picture and details |
| 2 | Gather as much information as possible |
| 5 | Gather as much facts as possible |
| 7 | Find known facts |

Second topic: Finding different alternatives and solutions

| Respondent | Text in cluster(s) about the topic |
|------------|---|
| 1 | New angles and alternatives; testing potential solutions; foresee scenarios |
| 3 | Understand the problem and possibilities |
| 4 | Alternative solutions |
| 5 | Evaluate the options |
| 7 | Look for possibility; (...) looking for possibilities |

Third topic: Role of other parties, like the client or counterparty

| Respondent | Text in cluster(s) about the topic |
|------------|---|
| 1 | Foresee scenarios for clients |
| 2 | Handle client expectations; giving full picture to client; purpose of advice for client decisions; make the relevant info clear to client |
| 4 | Counterparty's problem |

| | |
|---|--|
| 5 | Consider counterparty's position; consider external parties; analyse facts, options & the counterparty |
| 6 | Other persons |

Fourth topic: Staying flexible

| Respondent | Text in cluster(s) about the topic |
|------------|---|
| 1 | Testing potential solutions |
| 5 | Have a back up plan; flexibility on redefining strategy |

Other mixed topics

| Respondent | Text in cluster(s) about the topic |
|------------|---|
| 1 | Conceptual and systematic is key; (...) outside the box |
| 3 | Take time to think logically and structurally; take time for decision process |
| 5 | Use of structured plan before decision making |
| 6 | Quickly; with reason; reason |
| 7 | Be objective (...); use experience (...) |

4.3 Other Relevant Topics - Law Students

Below the different tables show other topics included in the Pertex-trees of the students that are relevant for answering our research questions.

First topic: Different strategic thinking depending on the situation

| Respondent | Text in cluster(s) about the topic |
|------------|---|
| 2 | Approach depends on work or personal life; More intuition in personal life; Different facts more important in work life |
| 5 | More careful thinking in work situations; More intuition in personal life |
| 7 | Intuition important in work life; Separate personal and professional decisions |

Second topic: Asking others for input

| Respondent | Text in cluster(s) about the topic |
|------------|---|
| 2 | Ask friends for their opinion |
| 3 | Asking advice from other people |
| 6 | Get input and opinions from others; ask input from experienced person |
| 7 | Ask for opinions of friends and family |

Other relevant topics

| Respondent | Text in cluster(s) about the topic |
|------------|---|
| 4 | Execution is not a part of it; It is about the decision |
| 2 | Multiple facts lead to safest solution |
| 6 | Being logic by double checking data and source; use different methods to check data |

5. Analysis of Data

5.1 Chapter Overview

This chapter discusses the collected data from the Pertex-trees and the interviews. Following our research questions, the chapter firstly discusses the collected data from the legal professionals and then the collected data from the law students. For both the legal professionals and the law students, the discussion is structured according to, what we believe are, the main themes in their data. In *paragraph 5.4* a comparison of the collected data from both respondent groups is made. In some places connections are made to the literature review, to provide context to the findings.

5.2 Analysis of Data - Legal Professionals

5.2.1 Situations That Require Strategic Thinking

Situations in which the professionals believe they need to think strategically are, among others, cases where the outcome of the dispute is uncertain, during transactions (prof. respondent 4, personal communication), when giving recommendations based on scarce information (i.e. prof. respondent 2, personal communication; prof. respondent 3, personal communication; prof. respondent 6, Pertex-tree), and when they advise clients in unfamiliar situations (prof. respondent 1, personal communication). Also, being in negotiations is mentioned several times (prof. respondent 4, Pertex-tree; prof. respondent 2, personal communication; prof. respondent 6, personal communication).

Further, when the professionals discuss the situations in which they need to think strategically, the counterparty plays a big role. It is clear that the professionals take the counterparty into consideration (prof. respondent 4, Pertex-tree; prof. respondent 4, personal communication; prof. respondent 6, personal communication). As to the understanding of strategic thinking, this implicates that a lot of uncertain and complex situations involve, and perhaps are even caused by, the counterparty. There is a need for lawyers to think strategically, as they do not know what the counterparty wants or will do. For instance, prof. respondent 6 (personal communication)

argues: *'But the other part, the other people, they have their own plan and I cannot guess what their plan is'*. The skills that are considered important in strategic thinking by the professionals are, of course, influenced by the situations in which they believe they need to think strategically. As it is hard to know what the counterparty does, prof. respondent 6 (personal communication) continues with arguing that flexibility is important. Being systematic, as in acting according to a fixed plan, can be useful but it is more important to be able to adjust to the other party. This seems to fit Liedtka's (1998, p.123) element of "intelligent opportunism", which means that there should always be room for new strategies emerging. The professionals believe it is important to be able to react on the counterparty and therefore to create new emergent strategies when the circumstances change. Further, being logical is also necessary because there is a need to convince the counterparty, who needs to understand your argument (prof. respondent 4, personal communication). Lastly, also the need to be creative within negotiations with a counterparty has been mentioned (prof. respondent 2, personal communication).

Another interesting aspect is that the professionals mention the involvement of other actors like the client, judge or colleagues. Poll (2013) and Hacket (2015) also mention the role of the client. As mentioned, according to Poll (2013) a strategic thinking lawyer is focused on providing service to the client. Especially, the Pertex-tree of prof. respondent 2 is focused on providing a recommendation to the client and to explain the recommendation and circumstances around that recommendation. The fact that the legal professionals mention the client during interviews, as well as that the client is mentioned in their cluster trees, implicates that the client is usually involved when the legal professionals deal with complex and uncertain situations.

5.2.2 Elements of Strategic Thinking

In their process of strategic thinking, the professionals argue that they start by identifying the situation: 'what has happened?' (prof. respondent 3, personal communication) and 'what do they want to achieve?' (prof. respondent 4, personal communication) Prof. respondent 3 (personal communication) mentions: *'[If] you start with not knowing anything, (...) [you] have to deal yourself with the picture of what has actually happened'*. In other words, when the legal

professionals find themselves in uncertain and complex situations, they try to understand the situation and see the bigger picture.

The professionals believe that to think strategically, one needs to combine several elements or skills in their thinking. For instance, prof. respondent 3 (personal communication) explains that *'(...) you cannot have one [skill] without the other'*. All the elements are perceived to *'(...) be more or less important'* (prof. respondent 2, personal communication). Following this topic, prof. respondent 4 (personal communication) argues that there preferably should be a team of individuals with different skill-sets, and that if there is not, one should try to take on all those roles themselves. For the same reason of needing different skill-sets, prof. respondent 5 (personal communication) believes that strategy should be formed together with other people. Also, the Pertex-tree of prof. respondent 6 is focused on the involvement of others.

Despite the opinion of some of the legal professionals that the elements need to be combined, the element of analytical has received the highest average rating (Appendix III). We specified analytical to our respondents as follows: *"To get a highly detailed understanding of something by breaking it down into small goals or intentions"*(Appendix II). According to prof. respondent 6 (personal communication) this is important because you need to be certain that you have complete control over everything.

Besides, the role of creativity during complex situations was also discussed by the professional respondents. Prof. respondent 1 (personal communication) states: *'(...) you normally cannot just apply an old solution, in parts maybe, but then you need to be creative and think outside of the box'*. It is clear that the legal professionals connect the need for creativity to the need of new solutions as the complex situations requires different solutions than usual. In addition, prof. respondent 4 (personal communication) also mentions that is important to come up with new solutions, especially because they never work with *'(...) the school book examples'*. Both prof. respondent 2 (personal communication) and prof. respondent 4 (personal communication) link the need for creativity to negotiations, in which also the role of the counterparty is important.

However, both professional respondent 1 (personal communication) and 6 (personal communication) mention that the need for creativity depends on the situation and '*(...) what is on top of the table*' (prof. respondent 1, personal communication). Both prof. respondent 6 (personal communication) and prof. respondent 4 (personal communication) mention that creativity is needed when you cannot move on with your original plan or when something unforeseen happens. As prof. respondent 6 (personal communication) explains: '*(...) if the situation gets stuck, it is extremely important to be able to find new solutions, outside the box*'. The professionals (respondent 1; 4; 5, personal communication) also link creativity to the need to come up with different solutions or outcomes. Prof. respondent 5 (personal communication) emphasises the importance of creativity in the work of a legal professional and mentions that creativity is also about finding solutions and trying new ways. According to prof. respondent 1 (personal communication) you need to try to '*(...) see what could lie ahead and [try to see] different alternatives, routes or events that may or may not occur*' in order to solve complex situations. In addition, prof. respondent 4 (personal communication), argues that it takes a lot of creativity to come up with different scenarios and solutions in order to get what you want. Furthermore, prof. respondent 7 (personal communication) adds '*(...) a consequential analysis*' to the creative element. According to prof. respondent 7 (personal communication) it is very important that you are aware of what the consequences of your decision can be so that you are prepared for taking next decisions. Further, it is important to test several scenarios. The results of professional respondent 1 show that it is important to foresee scenarios and potential consequences when solving a problem (prof. respondent 1, Pertex-tree; respondent 1, personal communication).

5.2.3 Additional Perspectives on Strategic Thinking

Several Pertex-trees show that it is important to take the time for a decision process (prof. respondent 3, Pertex-tree; prof. respondent 4, Pertex-tree). In particular, professional respondent 3 (personal communication), adds the role of patience i.e. taking the time as an element to strategic thinking. By taking the time, they will see possibilities and ideas which they were not able to see in first instance (professional respondent 3, personal communication). However, the

professionals also acknowledge that some situations do not provide much time to make decisions (professional respondent 2, personal communication; professional respondent 3, personal communication). As professional respondent 3 (personal communication) explains: *'(...) sometimes you don't have a lot of time (...) and you have to work with what you have, but patience is [needed] in order to reach a high level of strategic quality'*. Professional respondent 2 (personal communication) discusses making the best of the situation when there is not much time available. In particular, professional respondent 2 (personal communication) involves the role of the client and the risks of making decisions when there is not much time. To conclude, when it comes to understanding strategic thinking, according to the professionals, taking the time can be important if the situation allows you to do so.

Further, the professionals (respondent 2, personal communication; respondent 4, personal communication) sometimes add the element of 'experience' as being relevant to strategic thinking. For instance, professional respondent 4 explains that:

'(...) you can be logical or strategical or analytical or the other elements (...) but if you lack experience you maybe will not get to the wanted position anyway, because you are missing something'.

Following the same ideas, professional respondent 2 (personal communication) also highlights that: *'[the good lawyers] can be both intuitive and everything, but it is always based on that they have done it so many times'*. The respondent further explains that *'(...) if you have all that experience, it is easier to make a good strategic decisions and a quick strategic decision'*. Professional respondent 2 (personal communication) explains that they have not studied strategic thinking academically, but that they have just been practicing it in their daily work. To professional respondent 2 (personal communication) it is about *'learning by doing'*. Further, the Pertex-tree of professional respondent 7 shows that the experience can also be used for objective decision making as to discover which collected facts are incorrect. Professional respondent 3 and 5 (personal communication) link intuition and experience together, and argue that experience is

included in the element of intuition. According to professional respondent 5 (personal communication), it is easier to rationalise when decisions involve experience rather than intuition. The use of your experience can be seen as similar to Liedtka's (1998, p.123) proposed "thinking in time" as part of strategic thinking. It might be this ability to use the history for creating strategy, that the professionals mean when they discuss the need for experience.

Within their understanding of strategic thinking it is interesting to see that the respondents mix elements that according to Mintzberg (1994) are separated in strategic thinking and strategic planning. The professionals seem to take things from both perspectives. For instance, the professionals want to get an overall idea of the situation and come up with different scenarios of which they want to foresee potential outcomes. Relating to Mintzberg's (1994) arguments, this anticipation of results is part of strategic planning rather than strategic thinking. On the other hand, the professionals perceive intuition and creativity to be important as well. Which is, according to Mintzberg (1994), part of strategic thinking. Heracleous' (1998) arguments also seem relevant in this aspect, as he argues that both sides are important, and that being able to switch between both strategic thinking and planning is crucial, seeing both the overall picture and the implications on a more detailed operational level.

5.3 Analysis of Data - Law Students

5.3.1 Facts Centered View

Analysing both the interviews and the Pertex-results, it quickly became apparent that several of the students mostly put their emphasis on the importance of attaining facts and data when thinking strategically. A comment clearly highlighting this is as follows:

'(...) personally I hate making choices based on, like based on insufficient data, I always have, like, it doesn't really matter, it can be, like booking a train ticket, or like any kind of mundane situation. I rather have, like unless I have like lots and lots of experience on the topic, I'd rather have some (...) reliable data'. (Student respondent 6, personal communication)

Furthermore, student respondent 8 (personal communication) mentions that one needs all the detailed facts to be able to solve a case in the best way possible. The same respondent's Pertex-tree shows that attaining the full picture of the issue at hand is highly important when thinking strategically. In the Pertex-tree of student respondent 2, it becomes apparent that facts are crucial for that respondent when thinking strategically, especially in the context of working. This also shows in the same respondent's interview (personal communication), where the respondent mentions that '*(...) we're never supposed to say anything when we are not sure, we don't want to give the wrong advice*'. Looking at the ratings of the strategic thinking elements, intuition is often rated low compared to, for example, being analytical and logical when thinking strategically. These findings are interesting relating to Mintzberg (1994), as this seems similar to what he would describe as strategic planning, where there is an emphasis on data and analysis.

Student respondent 2 (personal communication) also mentions, in relation to facts, that it is important to take the time for reaching a final decision: '*I would say it is also important to, [reason and be calm]. To not rush into a decision, for me that is important to do. A strategic decision is to not do something without the facts. Taking a minute and just reason*'. Similar findings can be seen in the Pertex-tree of student respondent 5, where carefulness in strategic thinking is emphasised. This data shows us that in these respondent's views, strategic thinking can take time, and that it is important to make sure that you base your final decisions on facts and/or careful strategic thinking.

5.3.2 Consequences of Decision Making

Relating to the importance of facts, several respondents also seem to often relate their strategic thinking to imagining what the different potential outcomes of a decision could be. Student respondent 3 (personal communication) mentions: '*(...) what decisions do I have, and when I have [to] come up with those kind of ideas, I also need[] to think of the outcome, what can the outcome be of every decision?*'. In the Pertex-tree of student respondent 1, it clearly shows a connection between strategic thinking and outcomes, where it helps the respondent to be prepared for the consequences of making decisions. Student respondent 4 has a similar notion in

the Pertex-tree, where strategic thinking seems to be an aid for the respondent when deciding upon which decision to make, specifically with the goal (or outcome) in mind. These respondents have a focus on the consequences, because it helps them to see some steps ahead as to what can be the consequences of their decisions. In the Pertex-tree of student respondent 5 we can also see that there is a focus on both the goals and the risks, so the consequences for that respondent also include thinking about the potential risks of the decisions.

Furthermore, the data also shows that the students prefer collective strategic thinking when reflecting over the outcomes, by highlighting the importance of getting input from others. This can be linked to having a synthesis of many people's visions, which Hamel and Prahalad (1994) mention in relation to strategic thinking. The Pertex-tree of student respondent 3 has a clear emphasis on what outcomes will come from the potential choices, and also that the exploring and weighing of outcomes is done collectively. The Pertex-tree of student respondent 7 shows that specifically in work life it is important to get input from others who have experience from similar situations. We can also see in the same Pertex-tree that strategic thinking differs depending on whether the situations regards the respondent's professional or personal life, however, getting input from others is essential in all situations. The respondent intends to use that input to better understand the outcomes of the eventual decision. In the Pertex-tree of student respondent 6, a similar pattern can be seen where the respondent mentions the importance of staying critical towards all data, and seeking input from others with experience about the data.

5.3.3 Analytical and Out-of-the-Box Strategic Thinking

From questions based on elements of strategic thinking identified in theory, the students often thought that being analytical is extremely important when thinking strategically. The respondents often mention it in relation to when they try to fully understand a situation they are in. Student respondent 7 (personal communication) mentions that '*I think that like, being analytical is really like the basis of strategic thinking. In order to figure out what options you have and what the situation looks like, you need, I think you really need to analyse the situation*'. Furthermore, student respondent 6 (personal communication) says '*(...) that is why I think analytical is so*

important also, because if you don't understand it then how can you possibly solve it in like the best way?' Moreover, some student respondents also mention that it is important for them to try to find several angles of the situation, when they approach uncertainty. Student respondent 5 (personal communication) says that *'(...) if a situation is uncertain, it is important to be able to see different angles of a problem and try find new ways to solve it. The more alternatives you have the better, to try to reach what is best for that situation'*. Another comment by student respondent 3 (personal communication) was as follows: *'(...) when you are talking about strategic thinking, perhaps you should not do it by the book by the steps, you should think outside the box and do it in a different way'*. Based on this, one can draw that creativity is highly important in strategic thinking for these student respondents.

5.4 Comparison Legal Professionals and Law Students

5.4.1 Introduction

Both the professionals (professional respondent 1, personal communication; professional respondent 2, personal communication) and students (student respondent 7, personal communication; student respondent 3, personal communication) have mentioned, that they believe there are differences between the studies and practice of legal professionals. For example, professional respondent 1 (personal communication) explains:

'When you come out into the reality, you need to be aware that not everything is black or white and how do you work around that and how do you solve that problem even if you don't have quite the perfect answer and you create the perfect solution for your client, if that is the situation'.

Within this paragraph we analyse how the understanding of strategic thinking of the students and legal professionals is similar and where their understanding shows differences.

5.4.2 Differences

5.4.2.1 Difference in the Role of Intuition

A first difference can be seen when it comes to the role of intuition in strategic thinking. The ratings of the students are significantly lower than their ratings of other elements and than the rating of the element intuition by professionals (Appendix III). The professionals are aware of risks, whereas the students focus more on the need of reliable data. For instance, student respondent 7 (personal communication) argues: *'(...) I think it is, like it is more important to base your solution or whatever on actual facts and like thinking and analysing and that sort of things'*. Therefore, when it comes to strategic thinking, the professionals see less need for facts as they might be aware that it is not always possible to get them. The Pertex-tree and the interview of professional respondent 2 shows that when professionals make recommendations based on scarce data, it is very important to be clear to the client about the risks and the underlying data that was available. This implicates that the professional realises that it is not always possible to get all the information you want or need. Whereas, student respondent 7 (personal communication), believes that even though intuition is involved in a professional life, it is important to *" (...) base your solution or whatever on actual facts"*.

In addition, an interesting finding that has been mentioned many times, is that the students find the role of intuition more important in situations that relate to their personal life rather than their professional life (student respondent 7, personal communication and Pertex-tree; student respondent 2, personal communication and Pertex-tree). However, it needs to be noted that the professionals were directed to answer regarding their 'professional' life, whereas we asked the students to relate to their 'life'. This might be the reason why the professionals did not discuss their personal life and therefore we cannot know whether they distinguish the need for intuition between their professional and personal life as well. Student respondent 1 (personal communication) also points towards the risks that come along with using intuition.

5.4.2.2 Difference in the Importance of Creativity

When it comes to creativity all the professionals rate it relatively high (4 out of 5), whereas the students are divided in their rating of creativity (Appendix III). Further, the students elaborate much less on creativity than the professionals do, which implicates that the professionals can relate more to the use of creativity than students. As all professionals agree it shows that creativity is very important in strategic thinking in the legal profession, often relating it to legal cases they have worked on.

5.4.2.3 Difference in the Role of Other Actors

As mentioned in *paragraph 5.2.1*, the data shows that the professionals often take their counterparty and client into consideration, whereas only one student (respondent 2, personal communication) mentions the client and no students discuss the counterparty. This indicates that the professionals have a similar idea of when to think strategically in their professional life and that those situations involve the counterparty as well as the client.

5.4.3 Similarities

5.4.3.1 Analytical Thinking and its Relevance in Relation to Facts

Amongst both students and professionals, the analytical element of strategic thinking has been elaborated on much throughout most of the interviews. It is often mentioned as crucial to strategic thinking, and looking at the ratings of the elements it almost consistently gets a rating of either 4 or 5. It becomes clear that they perceive getting the full picture and grasping all the ideas and possibilities as necessary to strategic thinking. Prof. respondent 2 (personal communication) connects being analytical to the profession itself, saying that *'(...) I think that requires analytical skill and I think a lot of lawyers have that. You know, because we work so much with exactly that kind of thinking. So, in our work it is very important to be analytical'*. Another good example of this is prof. respondent 5 (personal communication) who argues: *'(...) I think you need to have a helicopter perspective, (...). And I think to be a good strategist, you need to be clever, you need to see the bigger picture and then I think it helps to be analytical, because you need to be able to see patterns, so to say'*. This also shows that the respondent see being analytical as a tool to see

see the big picture of a situation. Similarly, prof. respondent 4 (personal communication), has similar thoughts: *'(...) to be analytical[] in your strategic thinking, to me, to me that would be to go to back to see what information do we have, what information do we need and what conclusions can we draw based on that?'* Similarly, we see these patterns in the student respondent group as well (student respondent 1; 6; 7; 8, personal communication). For example, student respondent 8 (personal communication) argues: *'(...) I think that in order to ,like, solve a problem you would have to know every single part of it to see where the problem actually lies. So like I always try to do [use] a work breakdown structure before I even start thinking about the problem.'* To conclude, both the law student and the legal professionals perceive being analytical in the sense of reaching a bigger picture as very relevant in situations that require strategic thinking.

Also interesting is that both respondent groups often relate strategic thinking to gathering and analysing facts. Prof. respondent 4 (personal communication) perceives it as important to see what information is available and what information is needed that is currently unavailable. Prof. respondent 2 (personal communication) relates analytical strategic thinking to facts and data as well, saying that *'It requires that you are analytical and that you can swiftly, quickly go through, for example, a lot of agreements and documentation?'* In a similar manner, student respondent 1 (personal communication) draws the connection between the analytical element of strategic thinking and data, saying that *'(...) you need to be aware of a lot of data when you have to make strategic decisions'*.

5.4.3.2 Need for Flexibility

The ideas on the need for staying flexible while thinking strategically are very similar between the students and legal professionals. Both the students (student respondents 1; 6; 8; personal communication) and professionals (prof. respondent 4; 5; 6; 7, personal communication) mention that it is important to stay flexible. For example, professional respondent 4 (personal communications) mentions that *'(...) it is good to have a systematic approach as a starting point, but then you, probably, you would need to depart from that.'* Similar comments were made by

prof. respondent 5 (personal communication) who states that you '*(...) have to be open to always revise those plans*', and by prof. respondent 6 (personal communication) who shares that you need new solutions and need to move away from your original plan if things get stuck. Furthermore, both student respondent 1 (personal communication) and student respondent 8 (personal communication) express similar ideas regarding the need for flexibility. Student respondent 1 (personal communication) mentions that '*(...) there might rise certain conditions or things might change*', and student respondent 8 (personal communication) says that '*(...) things might turn out differently than you thought*'.

5.4.3.3 Foreseeing Potential Scenarios

Mainly based on the Pertex-trees, respondents from both groups also relate strategic thinking to trying to foresee the future, looking at what the consequences of their decisions could be. For example, the Pertex-tree of prof. respondent 3 shows us that strategic thinking is partly about seeing what possibilities lies ahead. Furthermore, prof respondent 7 (personal communication) mentions: '*If you have a creative way of thinking, before taking decisions, you also need to then, [see] the consequences of that. You need to add the consequential part of it (...)*.' Similarly, the Pertex-trees of student respondents' 1 and 3 both show that they focus on the outcomes of their decisions, however, with the difference that student respondent 3 specifically emphasises risks, and that it is important to seek input from others.

6. Conclusion

6.1 Summary of Findings

This research aimed to answer the question how legal professionals and law students understand strategic thinking and what the differences and similarities are between those understandings. In other words, how do these respondents understand the strategic thinking that is required in situations that are highly complex and highly uncertain?

The first research question aims to find how legal professionals understand strategic thinking. From the collected data, it shows that legal professionals link the need for strategic thinking in situations where they deal with a counterparty, for example during negotiations. In addition, the role of the client seems to be important, for instance, because the client needs to understand the circumstances under which the decisions were made. The legal professionals understand strategic thinking as the process in which they start by gathering facts, and reaching a 'helicopter view' or a bigger picture of the complex and uncertain situation they are in. Furthermore, they understand strategic thinking as a process in which it is important to combine different skills, for example to be both analytical and creative. Within their understanding, the professionals place emphasis on coming up with new solutions and thinking 'outside the box'. Besides, the professionals see a need for experience when thinking strategically and they argue that is important to take the time for the decision process.

The second research question aims to find how law students understand strategic thinking. When students have to deal with uncertain and complex situations, they highly focus on gathering the facts. As such they try to reach a better understanding of the situation. Besides, the students emphasise the need to come up with different scenarios and to envision possible outcomes and consequences of decisions. In addition, the law students argue for the need of involving others in their process, for example people that are more experienced with the situation. They also find it important to take the time, and to think carefully. Additionally, the law students understand

strategic thinking differently depending on whether they are in a personal or professional situation. For example, they see a higher need to be intuitive when it is a personal situation.

The final research question aims to compare the understanding of strategic thinking by both the law students and legal professionals. When comparing the collected data of both respondent groups, it can be seen that, as mentioned, they both perceive it as highly important to always fully understand the situation, by for instance foreseeing potential scenarios. Both groups start their thinking process by reaching a better understanding of the situation at hand and to gather facts. In addition, both groups find it is also important to stay flexible in uncertain and complex situations. One might start with a specific plan, or idea, but it is important to be able to adjust to changing circumstances. However, there are also clear differences between the two respondent groups, and it seems that working practically in law changes certain aspects of the understanding of strategic thinking. Firstly, the professionals often include the role of the counterparty and client when they talk about strategic thinking, while the students rarely do this. The students only mention the need to involve other, more experienced, people in their process to get input. Secondly, the students believe intuition is less important than the professionals. The professionals perceive the use of intuition and gut feeling as more important. Thirdly, the professionals elaborate much more on creativity than the students, and seem to think it is crucial when thinking strategically, and relate it to situations such as negotiations.

These outcomes could be beneficial for improving the legal education. For instance, seeing these different understandings of strategic thinking we believe that the legal education of students prepares them too little for dealing with unavailable or uncertain facts. The professionals appear to be more aware of the reality that it is not always possible to gather all facts and we believe that they therefore value the use of intuition more. In addition, the professionals are more likely to take other parties in consideration. The professionals are aware that they have to deal with the interests of the client, counterparty and judge as well. As these other parties complicate the situations even more. As such, we believe the students are not dealing enough with cases that reflect the complexity and uncertainty that the legal professionals have to deal with. Even more,

the professionals themselves argue that experience is important to strategic thinking. To prepare students to deal with complex and uncertain environments, and to educate their ability to think strategically, they need to experience - already during their legal education - more complex situations that, for example, involve other parties and more complex or unreliable facts.

6.2 Recommendations for Further Research

This research focused on law students and legal professionals and, as mentioned, there are two other groups looking into the field of marketing and computer engineering. It would be interesting to execute the same research on other fields as well. In addition, the different studies and results could be combined and/or compared to each other.

Furthermore, the same research could be conducted with other types of respondent groups. For instance, a research that compares first year law students with of final year law students to see if the education changes their understanding of strategic thinking.

This study focused specifically on business lawyers or legal counsels. However, other research could focus on legal professionals that are specialised in other fields of law, like criminal law, or using a bigger sample of mixed kind of legal specialisations. It could also be interesting to execute the study with other methods. For instance, conducting a quantitative survey in which the respondents are asked to rate the elements. By doing that, more elements could be added to the research which might broaden the perspectives of the professionals, and one could draw statistical conclusions. In addition, another text-analysis tool could be used to see if the results then are different.

Our study is executed in a inductive way, but it could be interesting to execute it in a deductive way by instead putting the emphasis on testing theories found in literature.

Lastly, we would recommend to research the law curriculum more in-depth to discover how or if the law curriculum is developing the ability of strategic thinking in law students.

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Appendices

Appendix I - Text Assignment

Assignment for Thesis Research

Question:

You find yourself in an uncertain situation where you have to solve a problem/make a decision in your company/daily life that is of high importance and impacts performance. The data available is not reliable and the circumstances are unknown.

This is a situation in which you need to think strategically. How would you define this kind of thinking? Describe your strategic thinking process that leads to your decision to someone that is not involved in the situation.

Instructions

If possible, please provide your answer as detailed and specific as possible in a running text (no bullet points or similar).

We do not aim to give you a minimum or maximum word count, so write until you feel you have covered the topic and have given a proper answer.

Appendix II - Interview Questions

Interview

Opening question

1. Can you give us a brief description of your academic and professional background? *(to open up the conversation and get a better understanding of their career and experiences)*

Intro

To give you an idea of what we are doing in this research, we would like to give you this short intro. There is a fundamental need for strategic thinking in unfamiliar situations characterised by high complexity and high uncertainty. Making decisions in such situations should be based on a thinking process accommodating for the high level of uncertainty and complexity. In this project we are trying to determine how legal professionals and law students describe the essentials of this thinking that we call strategic thinking.

General Questions

1. Have you ever read anything about strategic thinking? Can you give us the name of one or several authors?
 - If so: Do you remember what was written there about strategic thinking?
2. Describe a situation from your professional life where you had to deal with considerable levels of uncertainty and complexity, which meant that you had to think strategically.

Questions About Elements

Intro: We will now ask you about the importance of certain elements that could be considered as part of strategic thinking. We ask you to rate the elements on a scale of 1 -5 with 1 being not important to 5 being very important when someone is thinking strategically (i.e. meaning someone who needs to make a decision in a uncertain and highly complex environment).

General question: On this scale from 1-5, how important do you think it is to be <element> when you think strategically? With these follow-up questions according to their answer:

- 1-2: Why is it not important?
- 3: Could you explain why?
- 4-5: Please describe a situation where this has been or might be useful in your professional/daily life?

1. How important do you think it is to be **analytical** (i.e. getting a highly detailed understanding of something by “breaking down a goal or set of intentions into steps”)?
2. How important is it to be **visionary** (i.e. Imagining what the future will be or what it will look like)? (1-5)
3. How important is it to be **intuitive** (i.e. to do what feels good, no conscious reasoning) (1-5)
4. How important is it to be **creative?** (i.e. use of original/new ideas)? (1-5)
5. How important is it to be **logical** (i.e. according to clear reasoning)? (1-5)

6. How important is it to be **systematic** (i.e. acting according to a fixed set of steps/a plan)?

(1-5)

7. We have now mentioned analytical, visionary, intuitive, creative, logical and systematic. Are there any elements of strategic thinking that you are missing in our questions?

8. Would you say one of the mentioned elements is more important than others?

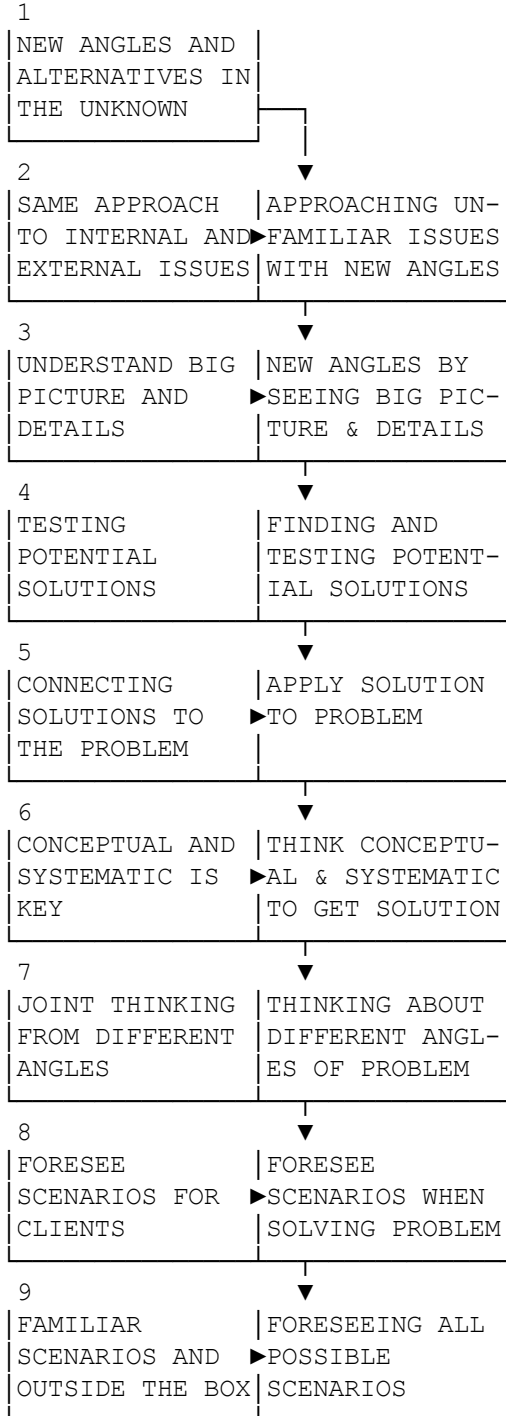
9. Anything final you would like to add?

Appendix III - Elements Rating Overview

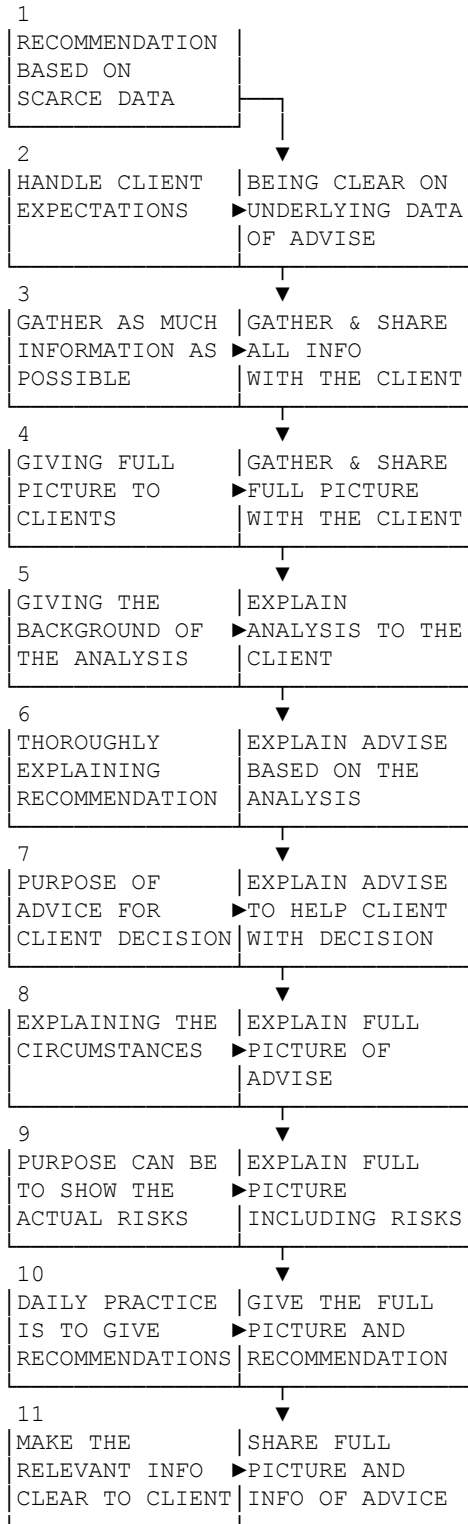
| Name | Analytical | Visionary | Intuitive | Creative | Logical | Systematic |
|---------------------------|-------------|-------------|-------------|-------------|-----------|-------------|
| Professional respondent 1 | 3 | 4 | 3 | 5 | 4 | 3 |
| Professional respondent 2 | 5 | 3 | 4 | 4 | 4,5 | 4 |
| Professional respondent 3 | 3 | 4 | 4 | 4 | 5 | 3 |
| Professional respondent 4 | 4 | 4,5 | 1,5 | 5 | 4 | 3 |
| Professional respondent 5 | 4.5 | 4.5 | 4.5 | | 3 | 4 |
| Professional respondent 6 | 5 | 3 | 4 | 4,5 | 3 | 3 |
| Professional respondent 7 | 5 | 3 | 4 | 5 | 5 | 3 |
| Sum Professionals | 29.5 | 21.5 | 23.5 | 23 | 24 | 23 |
| | | | | | | |
| | | | | | | |
| Students | | | | | | |
| Name | Analytica | Visionary | Intuitive | Creative | Logical | Systematic |
| Student respondent 1 | 4 | 3 | 3 | 4 | 5 | 4 |
| Student respondent 2 | 4 | 3 | 2 | 2 | 3 | 2 |
| Student respondent 3 | 4.5 | 4 | 2 | 3 | 4 | 2 |
| Student respondent 4 | - | - | - | - | - | - |
| Student responden 5 | 4 | 5 | 3 | 4 | 5 | 4.5 |
| Student respondent 6 | 5 | 4.5 | 4 | 4 | 5 | 4 |
| Student respondent 7 | 4 | 3 | 2 | 3 | 4 | 3 |
| Student respondent 8 | 5 | 3 | 3 | 4.5 | 5 | 3 |
| Sum Students | 30.5 | 25.5 | 19 | 24.5 | 31 | 22.5 |

Appendix IV - Pertex Results Professionals

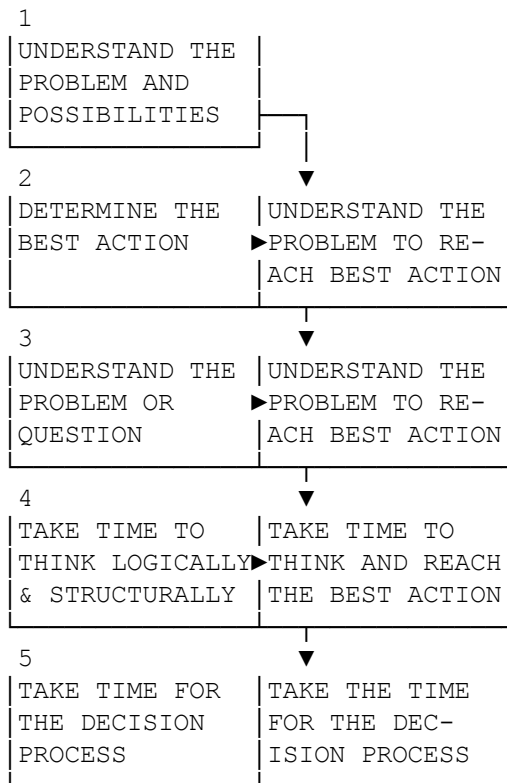
Pertex-tree Professional Respondent 1



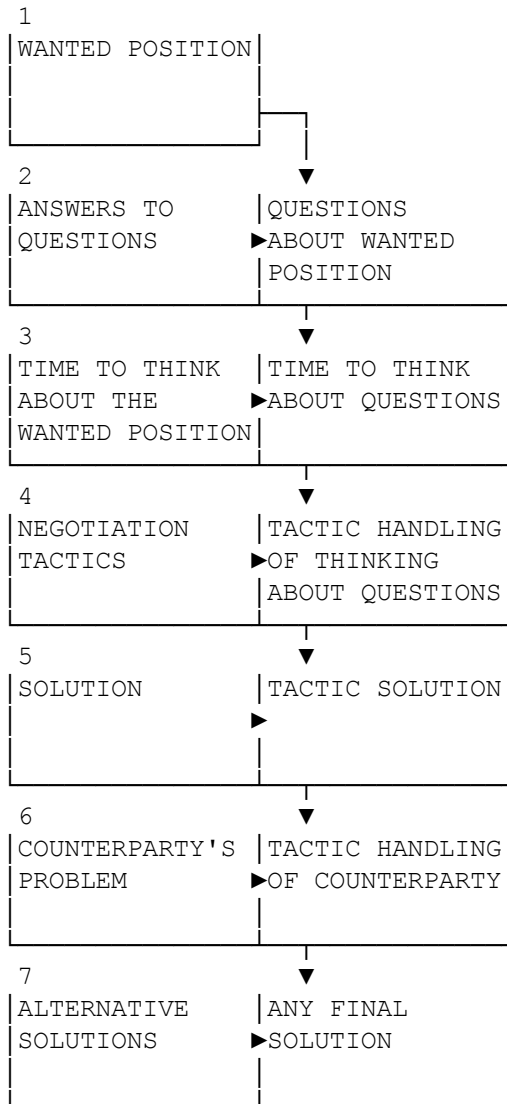
Pertex-tree Professional Respondent 2



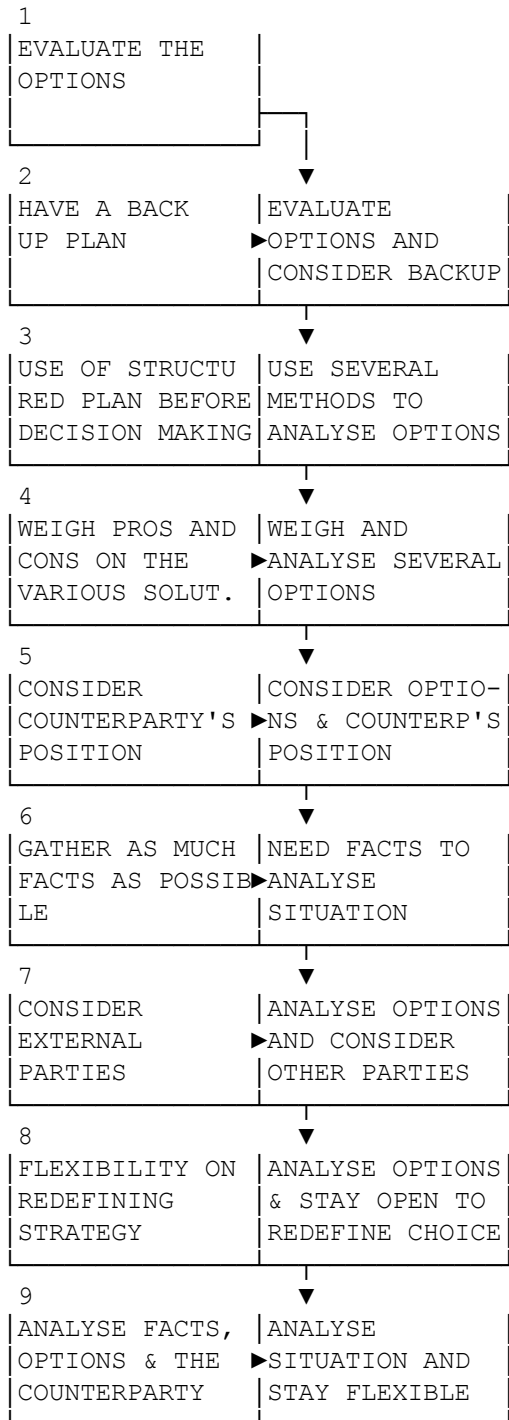
Pertex-tree Professional Respondent 3



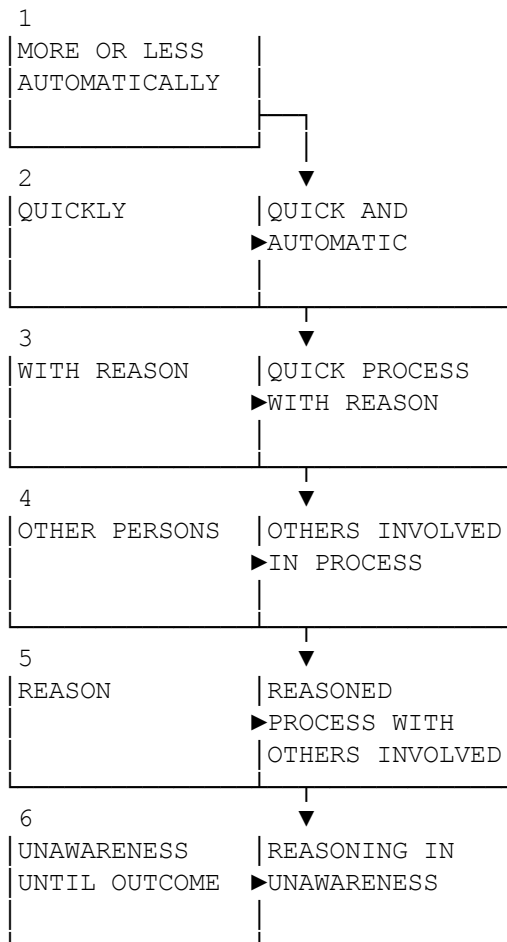
Pertex-tree Professional Respondent 4



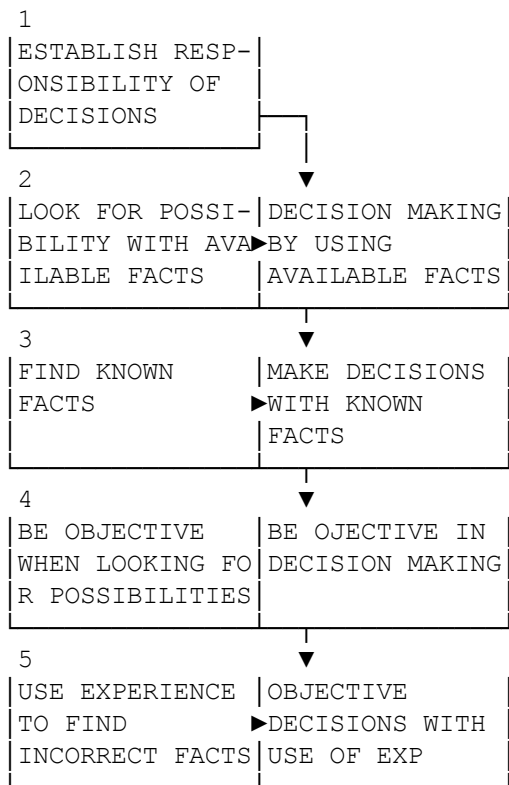
Pertex-tree Professional Respondent 5



Pertex-tree Professional Respondent 6

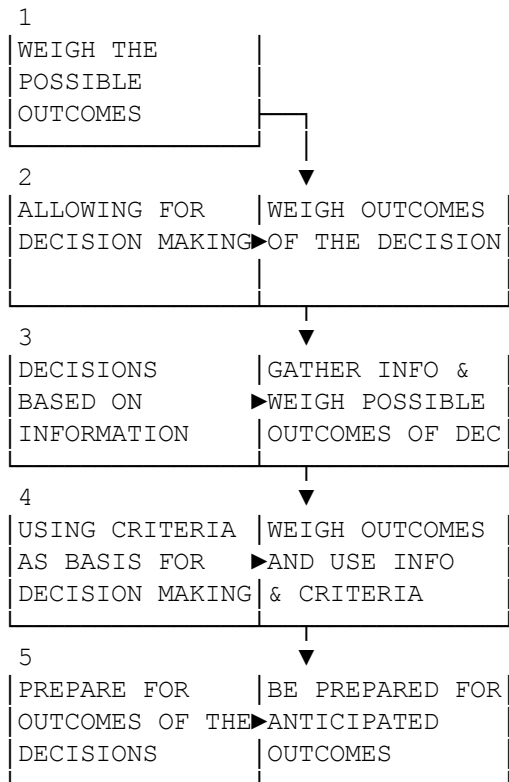


Pertex-tree Professional Respondent 7

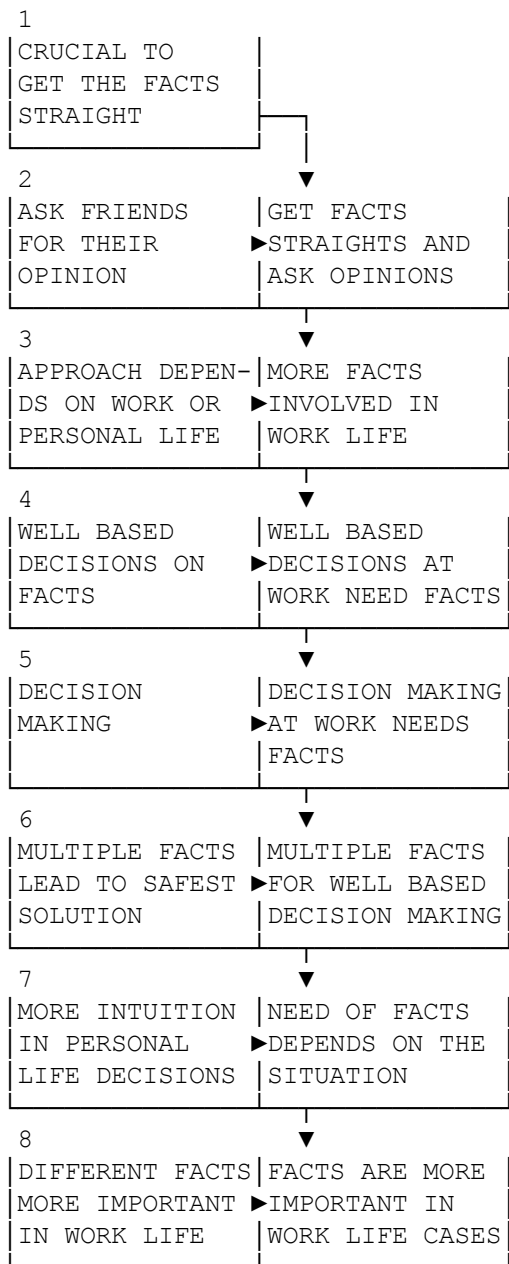


Appendix V - Pertex Results Students

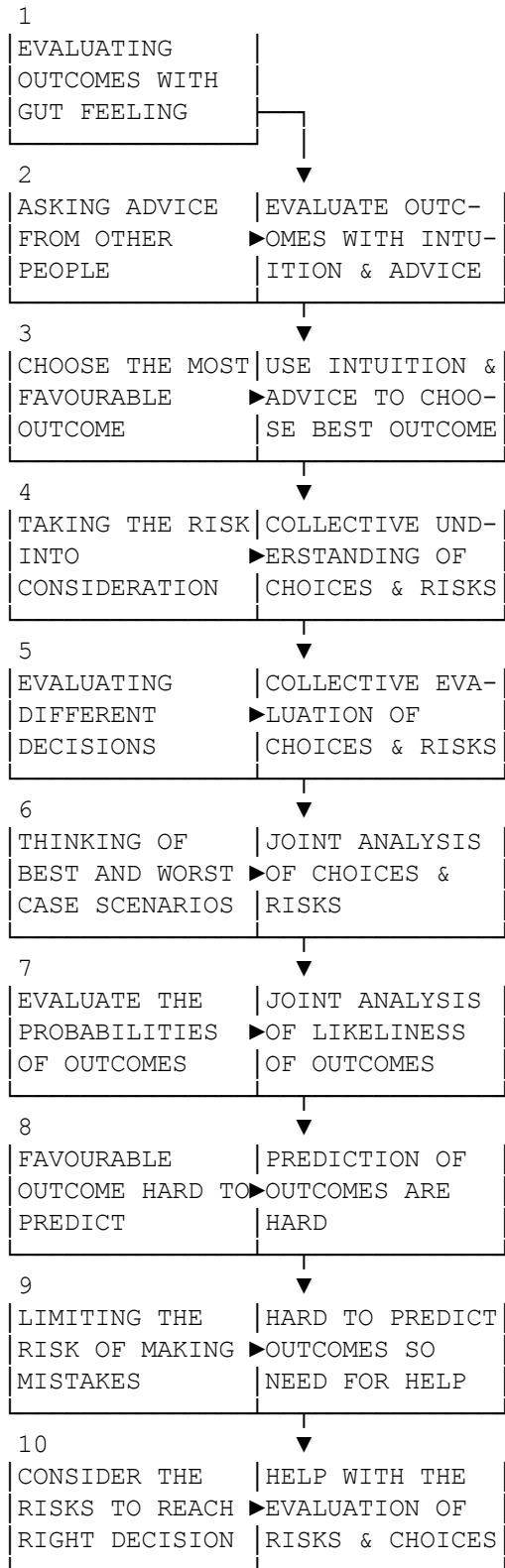
Pertex-tree Student Respondent 1



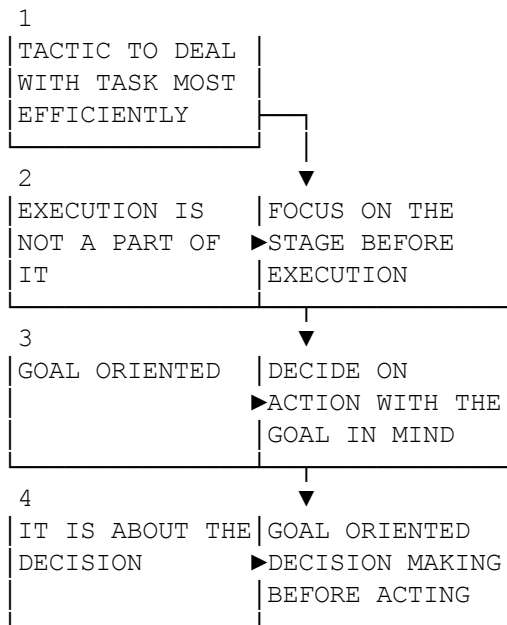
Pertex-tree Student Respondent 2



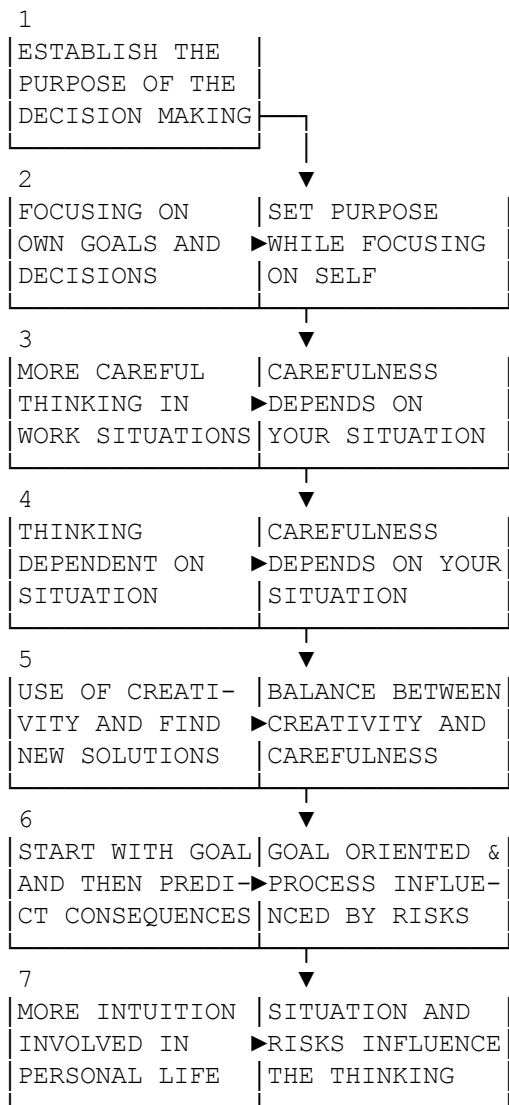
Pertex-tree Student Respondent 3



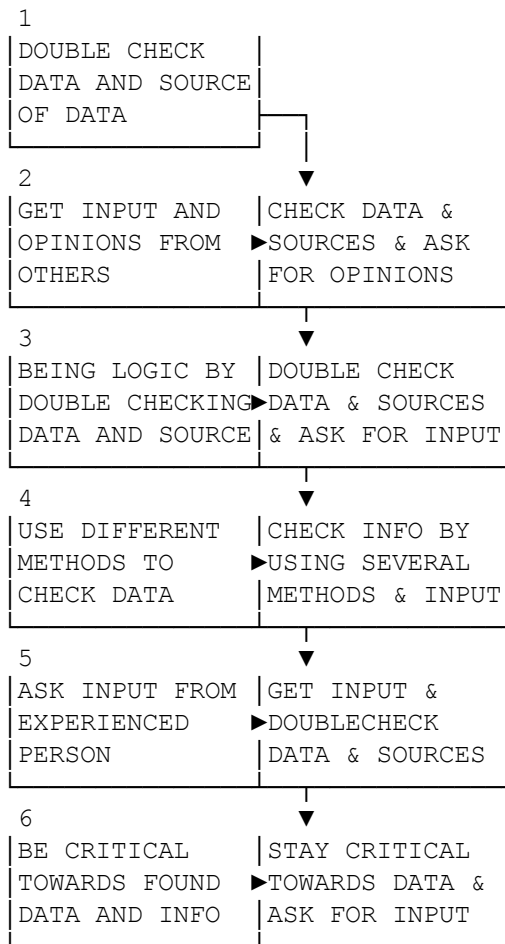
Pertex-tree Student Respondent 4



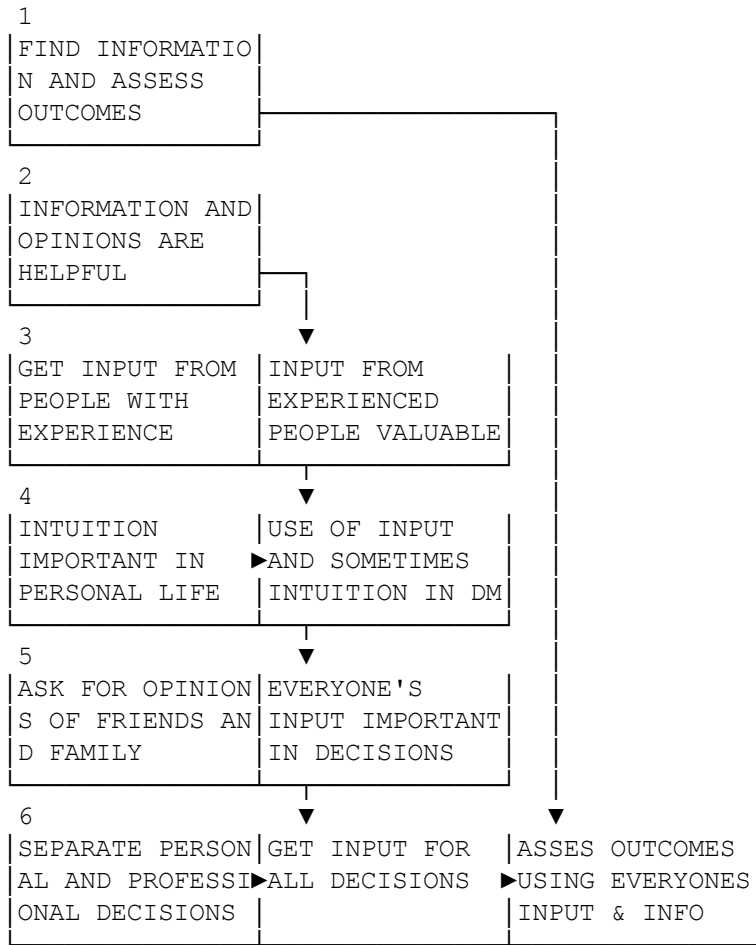
Pertex-tree Student Respondent 5



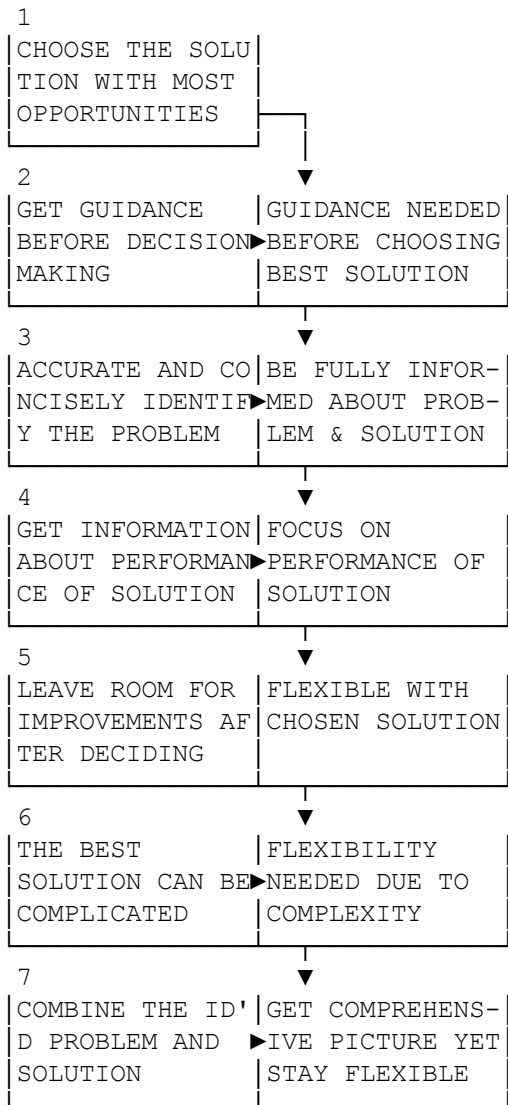
Pertex-tree Student Respondent 6



Pertex-tree Student Respondent 7



Pertex-tree Student Respondent 8



Appendix VI: Search Log for Legal Strategic Thinking

| Overview of search terms | Tool |
|---|---|
| "strategic thinking lawyer" [0 findings] | Lub Search |
| "strategic lawyer" [14 findings'] | Lub Search |
| legal strategic thinking | Google |
| "legal strategic thinking" | Google Scholar |
| strategic thinking lawyer | Google Scholar |
| "legal strategic thinking" [3 findings] | Lub Search |
| legal strategic thinking | Lub Search |
| "legal strategic thinking" | Google Note: nothing relevant |
| strategic thinking attorney [35 findings] | Lub Search |
| "strategic thinking attorney" [0 findings] | Lub Search |
| "strategic thinking attorney" [86 findings] | Google Note: website of attorneys. No relevant |
| strategic thinking attorney [548 000 results] | Google Note: first 2 pages with already opened sources |
| strategic thinking in law | Google Note: sources that have already been opened or irrelevant sources |
| strategic thinking in law | Google Scholar Note: 2,110,000 results but first pages seem irrelevant |

Date: 1 May 2018

- Search term: legal strategic thinking
- Tool: Google
- Findings: About 2 430 000 results

First 24 findings

| Title | Used? | Why not? |
|---|--------------|---|
| Strategic Thinking NZ Society | No | General, not about legal |
| A significant shift in strategic thinking in law firms is needed, Goener (2014) | No | About the strategy of law firms |
| The Role of Strategic Thinking in Legal Training, Paul & klinger (2013) | Yes | |
| Strategy and the Legal Profession, McArthy | No | About the strategy of law firms |
| Strategic Thinking in Legal Research, Tjaden | Yes | |
| Legal Strategy 101: It's Time for Law Firms to Re-think Their Business Model | No | About the strategy of law firms |
| Strategic thinking for GCs | No | About leaders, not about lawyers. Also not accessible. |
| The General Counsel as senior leader: more than "just a lawyer" | No | Not about strategic thinking [not mentioned in the text], only shortly mentions business strategy |
| An inside job: Becoming a valued strategic business partner, Hackett | Yes | |
| Strategic thinking for in-house counsel | No | Ony about a kind of education |
| The Strategic Lawyer, Chanen | Yes | |
| The PLA's Latest Strategic Thinking on the Three Warfares | No | About China |
| Strategic Thinking In Every Situation | No | A Powerpoint that does not seem reliable nor relevant |
| Strategic Thinking Courses | No | About education on strategic thinking, not specifically law |

| | | |
|---|----|---|
| Thinking Like Your Client: Strategic Planning in Law Firms | No | About the strategy of the law firm |
| Law, Strategy, and Competitive Advantage, Bird | No | About using law itself as a competitive advantage |
| Stop and Frisk. Legal Perspectives, Strategic Thinking, and Tactical Procedures, | No | Focused on law enforcement professionals, not lawyers |
| Legal Strategies: How Corporations Use Law to Improve Performance | No | |
| E-Business: Strategic Thinking and Practice: Strategic Thinking and Practice | No | Not about strategic thinking in law but the legal perspective as part of strategic thinking |
| STRATEGIC THINKING REDUCES RISK | No | About the strategy of the law firm |
| Strategic Thinking in Criminal Intelligence: 2nd Edition | No | About Australia and about criminal, seems out of our range |
| Strategic thinking – Audits, assumptions and alignment | No | Not about legal |
| Leadership Competencies for Business Lawyers: Using a Framework that Links Strategy, Law, and Ethics , Siedel | No | |
| Law, Strategy, and Competitive Advantage, Bird | No | Using law as a competitive advantage - second time this source comes up |

Date: 1 May 2018

- Search term: legal strategic thinking
- Tool: Google Scholar
- Findings: About 2,320,000 results

First 10 findings:

| Title | Used? | Notes |
|---|-------|--|
| The New Strategic Brand Management: Advanced Insights and Strategic Thinking | No | About strategic thinking in general, not about law |
| SCENARIO PLANNING: A TOOL FOR STRATEGIC THINKING | No | About strategic thinking in general, not about law |
| Behavioural studies of strategic thinking in games | No | |
| Operations management | No | |
| Legal strategic analysis planning and evaluation control system and method | No | "this invention is directed to a strategic planning control system, and more particularly to a computer-based, closed-loop legal strategic planning system and method having iterative convergence to an optimal strategy and dynamic tracking of current prevailing legal climates" |
| Strategic thinking and the new science: planning in the midst of chaos complexity and change | No | About strategic thinking in general, not about law |
| Uses and misuses of strategic planning | No | About strategic thinking in general, not about law |
| Modern strategic management: Balancing strategic thinking and strategic planning for internal and external stakeholders | No | Not about legal |
| Stretching strategic thinking | No | Not about legal |
| Developing the strategic thinking of instructional leaders | No | Not about legal |

Date: 1 May 2018

- Search term: strategic thinking lawyer
- Tool: Google Scholar
- Findings: About 2,320,000 results

First 10 findings:

| Title | Used? | Notes |
|--|-------|--|
| Thinking like a lawyer | No | Only 1 finding for word 'strategic'; not related to thinking |
| Thinking Like a Lawyer, Acting Like a Lobbyist: Some Notes on the Process of Revising UCC Articles 3 and 4 | No | |
| On strategic nonviolent conflict: Thinking about the fundamentals | No | |
| Cultivating Ethical, socially Responsible Lawyer Judgment: Introducing the Multiple Lawyering Intellegences Paradigm into the Clinical Setting | No | |
| Thinking Like a Lawyer about Ethical Questions | No | |
| Beyond Thinking Like Lawyer and the traditional Legal paradigm: Toward a Comprehensive View of Legal Education | No | Only 1 finding for the word strategic, not related to thinking. 3 findings for the word 'strategy' but not relevant. |
| The future of law: facing the challenges of information technology | No | |
| Situating Thinking like a Lawyer within Legal Pedagogy | No | |
| Thinking Like a Lawyer | No | Only 1 finding for word 'strategic'; not related to thinking |
| Making the Last Chance Meaningful: Predecessor Counsel's Ethical Duty to the Capital Defendant | No | |

Date: 1 May 2018

- Search term: "legal strategic thinking"
- Tool: Lub search
- Findings: 3 exact same articles

| Title | Used? | No? |
|--|-------|--|
| SPECIAL SUPPLEMENT: STRENGTHENING PUBLIC HEALTH THROUGH KNOWLEDGE OF THE LAW AND LEGAL STRATEGIC THINKING: Training Individuals in Public Health Law | No | Term 'strategic' only used once in the text: "To solve this problem, the report takes a more strategic view ". No findings for the word 'thinking' or 'strategy'. Only a small bit about american legal education. |

Date: 1 May 2018

- Search term: legal strategic thinking
- Tool: Lub search
- Findings: 465

First 16 results:

| Title | Used? | Notes |
|--|-------|--------------------------|
| Money secrets: How does trade secret legal protection affect firm market value? Evidence from the uniform trade secret act. | No | |
| Le rôle et la pensée stratégiques des gestionnaires publics d'interface : les meilleures pratiques des sous-ministres à l'interface politico-administrative. | No | |
| Academic Journal SPECIAL SUPPLEMENT: STRENGTHENING PUBLIC HEALTH THROUGH KNOWLEDGE OF THE LAW AND LEGAL STRATEGIC THINKING: Building Public Health Law Capacity at the Local Level | No | (three times in results) |

| | | |
|---|----|--|
| Anatolie Bantuş – pillar of the administrative law science | | |
| (RE)Thinking the Legal Education Through the Storytelling Practices: The Example of the Jury | No | Spanish |
| Strategic Thinking for a Fragile Recovery. | No | No about economic recovery |
| Story interface and strategic design for new law curricula. | No | |
| Strategic Thinking: A New Direction [article] - Hildebrandt (1999) | No | About the strategy of law firms themselves |
| ADVANCING LEGAL ASTUTENESS SKILLS THROUGH INDUCTIVE LEARNING: AN EDUCATIONAL APPROACH FOR MBA STUDENTS | No | |
| Preparing the ground: Regulatory challenges in siting small-scale wind turbines in urban areas | No | |
| The Study on the Strategic Thinking of “Three Warfares”by PRC to Taiwan : The Perspective of Asymmetrical War | No | |
| A Systems Thinking Approach to Environmental Follow-Up in a Swedish Central Public Authority: Hindrances and Possibilities for Learning from Experience | No | |
| волюція становлення Гібралтарського к... | No | |
| From Bench to Boardroom The R&D Leader's Guide / by Clifford L. S | No | |

Date: 1 May 2018

- Search term: "strategic lawyer"
- Tool: Lub search
- Findings: 14

| Title | Used? | No? |
|---|--|--|
| Strategic Lawyer, The [article], chanen | Yes | |
| CORRECTIONS: THE STRATEGIC LAWYER | Yes, Same As First Result | |
| THE STRATEGIC LAWYER: Companies Are Placing Premiums on Advisers Who Understand Both Business and the Big Picture | Yes , Same As First Result | |
| Companies Are Placing Premiums on Advisers Who Understand Both Business and the Big Pictur | | |
| <p>Commentary: A strategic lawyer shows value to clients, Poll</p> <p>http://eds.b.ebscohost.com.ludwig.lub.lu.se/eds/detail/detail?vid=0&sid=13cf6bc5-c7c4-4edb-8bb9-868d9fba0875%40pdc-v-sessmgr01&bdata=JnNpdGU9ZWRzLWxpdmUmc2NveGU9c2l0ZQ%3d%3d#AN=L54820513MLMN&db=bwh</p> | Yes | |
| LETTERS TO THE EDITOR. | No, did not add anything new | Presents letters to the editor referencing articles and topics discussed in previous issues. "The Strategic Lawyer," which discussed strategic lawyering |
| Commentary: Whatever your focus, specialize in value, Poll | Yes, Same as "Commentary: A strategic lawyer shows value to clients" | |
| Commentary: Todays world needs more strategic lawyers | No | |

| | | |
|--|------------------------|---|
| Commentary: Coach's Corner: Todays world needs more strategic lawyers | No | |
| Take it from a plumber: Skill enhancement is vita | Also poll, nothing new | |
| Highly effective legal advisors take the macro view. Mort | No | |
| Commentary: Today's world needs more 'strategic lawyers' | Poll - same | |
| Big-picture lawyers offer better service to clients | Yes | Almost same article Hotel & Motel Management. 11/7/2005, Vol. 220 Issue 19, p16-16. 1/3p |

Date: 1 May 2018

- Search term: "strategic thinking lawyer"
- Tool: Lub search
- Findings: 0