



# PRESIDENT'S PAGE

By Tim Newsom

## THE WISHBONE, ONLINE STREAMING, AND THE PRACTICE OF LAW

After the 1970 football season, Coach Paul "Bear" Bryant summoned his offensive staff to a meeting. Alabama had just come off back-to-back disappointing seasons finishing 6-5 and 6-5-1. It was time for a change. Alabama, Coach Bryant declared, would convert from a traditional power running offense to the wishbone formation. The assistant coaches resisted this complete overhaul of their proven system. After all, Alabama had won three national championships hammering the ball with the old formation. Coach Bryant then delivered the edict—run the wishbone or pack your desk. Coach Bryant himself traveled to Austin, Texas to learn from an innovator of the wishbone—University of Texas Coach Darrell Royal. Coach Royal's teams had won national championships in 1969 and 1970 while running the wishbone. After learning the wishbone offense from Coach Royal, Coach Bryant returned to Tuscaloosa and implemented the wishbone offensive scheme. Alabama won three more national championships under the Bear's leadership. Coach Bryant was 57 years old when he went into Coach Royal's classroom to learn and ordered a sea change of offensive philosophy at the University of Alabama. Thirty years after Coach Bryant's death, the Crimson Tide Nation continues to reap the rewards of his willingness to learn and his decision to embrace change.

Blockbuster was once the big kid on the block to the inferior Netflix. Blockbuster was your neighborhood video rental store. Blockbuster had thousands of retail outlets, millions of customers, a massive marketing campaign, and efficient operations. Blockbuster, at one time a \$5 billion company, dominated its competition. Its CEO, John Antioch, recommended the company convert to streaming videos, not renting them, and discontinue charging late fees, which were a large profit generator but irritating to customers. After Antioch's ouster for his unconventional plan, Blockbuster stayed the old course and sailed right into bankruptcy. Blockbuster's resistance to change shut its doors.

By contrast, Netflix was originally a DVD-by-mail company. Customers ordered a DVD online and it was delivered to their house the next day. In 2000, Netflix proposed a partnership with Blockbuster where Netflix would operate an online streaming division of the company. Blockbuster laughed Netflix out of the office, down the hall, and into the elevator. Netflix, unlike Blockbuster, embraced change and improved its business plan. Netflix, without Blockbuster, shifted its business model from mail order to online streaming. Netflix is a \$28 billion dollar company today.

It is a given that times change for every industry and profession. Changing times require leaders to vigilantly improve themselves and the businesses they oversee. Our law practices change every time Congress meets, the Legislature convenes, or an appellate court issues an opinion. Lawyers are human and they have a tendency to focus on how their profession has changed without acknowledging that change is simply inevitable. The examples of Coach Bryant, Blockbuster, and Netflix, and there are countless others, emphasize that change is not unique to the legal profession. I submit that the key to inevitable change is what you do about it.

In his May 2010 commencement address at Texas Tech University School of Law, Mark Lanier implored the graduates to never let themselves peak, but to always strive to get better at their craft. Before every trial, Mr. Lanier reads a book, attends a lecture, or does something to improve his skill set. Mr. Lanier, who has been called one of the decade's most influential law-

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yers by The National Law Journal, continually searches for ways to improve himself to provide quality legal services to his clients. I must note that Mr. Lanier has accomplished his tremendous success even when confronted with monumental change in the age of tort reform.

We must improve ourselves as lawyers and continually refine our craft. Coach Bryant did it. Netflix did it. Some of our fellow lawyers are doing it. Our clients certainly deserve it. If we really want to get the absolute most out of our bar cards and live up to our oath as frontline defenders of the rule of law, then we must face change head-on and be willing to change ourselves. Dedicate yourself to improving and changing, and do not plan on packing your desk for a good long time.