

LEGAL **BUSINESS** WORLD

• Legal Business World Publications • No.3 • 2021 • www.legalbusinessworld.com

Predicting the Future with Stare Decisis

By Nicole Clark

Other contributors: John Chisholm , Richard Stock, Aileen Leventon & Todd Hutchison , Tony LaMacchia, Jeff Kruse & Cash Butler, Leor Franks, Catherine Kemnitz, Eimear McCann , Elen Irazabal, Kenneth E. Jones, Gretta Fenner, Jennifer Arlen, Dorothy Siron & Elizabeth Ortega, Priyanka, Maverick Jones, Shany Raitsin

Business of Law

BOOK RELEASE

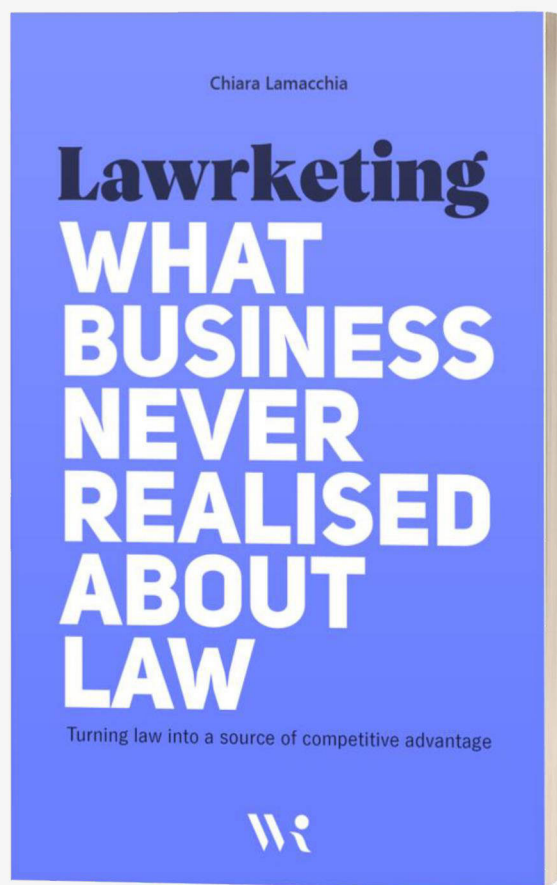
How can a business use law beyond the *legal-as-usual*?

Now as never before, business needs to explore these untapped dimensions of law, and use it proactively to stay competitive, innovative and to gain a strategic advantage.

This is what **Chiara Lamacchia** explores in her new book, *Lawrketing – What Business Never Realised About Law*.

This brief and to-the-point book offers a provocative and ground-breaking exploration of the legal role with a new business and innovation dimensions.

Lawrketing aims at proactively acting on legal trends in a cross-competences environment, where legal is no more an obscure field, limiting the business, but a whole set of possibilities to enable innovation.



► The Author

Chiara Lamacchia is a consultant in legal and marketing, serving global companies, across different sectors, promoting the adoption of innovative ways of using the law for competitive advantage.



AVAILABLE ON:

amazon

Rakuten kobo



**LEGAL BUSINESS WORLD
CONGRATULATES**



**THE INTERNATIONAL ACADEMY
OF FINANCIAL CRIME LITIGATORS**

**WITH THEIR 3rd
ANNIVERSARY**

ARTICLE SEE PAGE 70

Latest Website Articles

Why lawyers should embrace plain language, and how to do so

9 min

Contracts in four dimensions

11 min

The importance of re-skilling and up-skilling to achieve true transformation of the legal sector

7 min

Can Perpetual Power Corp Get Off the Clock?

4 min

COVID-19 Impacts on Litigation Trends for 2020 and Beyond

6 min

Ok, Boomer! Intergenerational Conflict in Law Firms

18 min

Out of the Comfort Trap: The Legal Mindset Revolution

8 min

How to choose the best ERP system for your law firm?

5 min

Fixing Firm Compensation Models To Fuel Value Focused Legal Delivery Systems

21 min

10 Challenges

9 min

Lawtomatic Newsletter Issue, #131

4 min

The Justice for All Framework: Opportunity for Investment and Reform

6 min

Fintech: The Future of Global and Egyptian Finance

7 min

Management/Publisher

LegalBusinessWorld Publications

Joek Peters | CEO | President

Allard Winterink COO | SVP

jpeters@legalbusinessworld.com

awinterink@legalbusinessworld.com

© LegalBusinessWorld™

Editorial

LegalBusinessWorld Publications

Editorial Dept.

MBL Media

Sales Representatives International

Michael Blakely (US/Canada)

mblakely@mblakelysalesandmktg.com

Telesales: Fox Associates

800-440-0231 ext 116

Adinfo.lbw@foxrep.com

Or contact our media department at

info@legalbusinessworld.com

Design & Layout

LateNight studio's

info@legalbusinessworld.com

Contributing Photographers:

Pexels & Unsplash



Cover photo Nicole Clark



Predicting the Future with Stare Decisis, Nicole Clark	08
Law Firms: Do you price for outputs, outcomes & results or bill for inputs, activities & time?, John Chisholm	14
Sourcing and Scoping Legal Services, Richard Stock	20
Competency Assessments and Skill Development for Legal Project Managers, Aileen Leventon & Todd Hutchison	28
A ClariLegal interview with Tony LaMacchia, Jeff Kruse & Cash Butler	34

Click on the page number in the photo and jump to the article



42



48



54



60



64

BD & Marketing: Strategy Before Structure, Leor Franks

42

Building High-Performance Departments, Catherine Kemnitz

48

Reimagining Legal: What If to What Next, Eimear McCann

54

To program or not to program, what should a tech lawyer do?, Elen Irazabal

60

No/Low Code Legal Operations Trends, Kenneth E. Jones

64

Click on the page number in the photo and jump to the article



International Academy of Financial Crime Litigators: Third Anniversary, Gretta Fenner, Jennifer Arlen, Dorothy Siron & Elizabeth Ortega	70
Digitalisation, Technology and the Legal Fraternity in India, Priyanka	76
How to choose the best ERP system for your law firm?, Maverick Jones	82
LawFlex Ranked As Global ALSP Leader by Chambers & Partners, by Shany Raitsin	85
Legal Business World partners with Legal Operators & Legal Newswire by law.com, press release	88

Click on the page number in the photo and jump to the article

Predicting the Future with Stare Decisis

By Nicole Clark, CEO and co-founder of Trellis Research

Civil litigators stand at the edge of the present. They are asked to predict the future, to anticipate how an opposing party will respond to an issue, how a judge will rule on a motion, how a jury will decide on a verdict. These predictive powers are heavily thought to emerge from the doctrine of *stare decisis*—standing by things decided.

In essence, stare decisis is the commitment to precedent. It considers existing decisions

binding, particularly those decisions that emerge from a court with appellate jurisdiction over another court. Stare decisis is what makes our legal system consistent and predictable, two hallmarks of judicial fairness.

It all sounds so simple. Yet complications lurk beneath the surface, rendering state trial-level courts a certain level of freedom from stare decisis. This freedom is as daunting as it is empowering. It requires civil litigators to



look to the past in a different way, to predict the future with something other than citation histories.

Finding Things Decided

The primary task of an attorney is to analyze texts, find patterns, and make predictions about the future. According to Gail Gottehrer, an emerging technologies attorney based in New York City, “if your case is similar and has similar factors to another case,

the results shouldn’t be too surprising.”

With this insight in mind, legal technology companies have developed platforms to unlock the routine and mundane tasks associated with legal research. Trellis Research, Bloomberg Law, and Premonition use artificial intelligence to mine state court records, aggregating data in ways that allow users to ‘Google’ search through—and collect information about—virtually any variable of their

choosing. Attorneys no longer need to spend hours trekking to law libraries and courthouses to sift through case law. Nor do they need to wait for relevant cases to come across their path. In a matter of minutes, they can find the precedent they need through a targeted search, one that points directly to the paragraph—to the sentence—that addresses the pertinent legal threshold, the key factors influencing a court's decision.

Some platforms have already performed much of this research for their users. Trellis, for example, has curated its own [Motions and Issues](#) library, which provides a catalog of the types of petitions that can be filed in each state trial court. Designed to perform the initial grunt work of legal research, this catalog sifts through thousands of relevant court documents and rulings to provide users with summaries of different motion types as well as guidelines for how to structure, submit, and respond to different types of petitions. The catalog then synthesizes judicial rulings to identify the relevant case law, legal thresholds, and state statutes state trial courts have considered when weighing their decisions on similar matters.

The Limits of Stare Decisis

Law libraries and legal archives make legal formalism possible. As one of the oldest theories of the law, [legal formalism](#) claims that judicial decisions can be explained by the facts of the case, the applicable laws, and the relevant legal precedents. Nothing more. But is this really the situation?

Consider the [judicial system](#) in the State of California. In many ways, it mirrors the federal scheme. As a three-tiered system, it is

composed of a Supreme Court as well as numerous Courts of Appeal and Superior Courts. The decisions of the Supreme Court are binding for all of the lower courts. Similarly, the decisions of the Courts of Appeal are binding for all of the Superior Courts.

But here is the tricky part. The Courts of Appeal are divided into six geographic districts, operating in a system where geography has no influence on the precedential power of a judicial decision. In other words, there is no horizontal stare decisis. There are no geographical boundaries to the decisions of a Court of Appeal. Still, a Superior Court in the State of California must follow the published decisions from all of the Courts of Appeal.

That is to say, a decision from the California Fourth District Court of Appeal in Riverside County is just as binding on the Sacramento County Superior Court as a decision from the California Third District Court of Appeal in Sacramento County. While this might sound like an obvious and trivial observation, it creates a situation in which a judge from the Sacramento County Superior Court may be bound to two conflicting decisions from the Courts of Appeals, requiring him or her to choose which decisions to follow.

From Stare Decisis to Individual Judges

What happens when the power of stare decisis runs out of steam? How does a judge settle on a decision given two conflicting precedents? And, more importantly, how can a civil litigator anticipate what that decision might be? In these situations, knowing your judge and their predilections is just as—if not more—important as knowing your case law.

The ability to enter the mind of a judge is an extremely useful skill. “If I’m heading to trial, the judge is the person I need to know best, besides my wife—I need to get inside the judge’s head to figure out what will work and what won’t,” one attorney [confides](#) to Daniel Lewis of LexisNexis. This kind of mindreading requires more than a library of general, formulaic templates. It requires a deep dive into state trial court records.

Civil litigators are using legal technology platforms in order to perform close readings of the petitions, the memorandums, and the tentative rulings filed with the courts, collecting examples of the types of arguments that resonate with particular judges. According to [Lewis](#), certain judges “[accord] themselves to patterns, like focusing on the third factor in a four-factor test.” Other judges tend to reuse the same language over and over again.

In other words, judges tend to use the [same words](#) to explain the standards for a successful motion to dismiss or a motion for summary judgment. They might cite the same legal maxim, or they might rely on the same sports analogy. By studying this language, an attorney can gain invaluable insight into how a judge thinks, how they write, how they rule. With these insights, civil litigators can make informed predictions about the legal arguments needed to convince a particular judge to rule favorably on a particular matter.

Binding to Persuasive

“Well, more often than not, judges view what we’re doing as a positive,” [Lewis](#) mused. “In fact, I have heard California Supreme Court judges frustrated by attorneys focusing on the wrong arguments.... So judges welcome attorneys that have tailored their arguments to what

judges have cared about in similar past cases.”

As civil litigators stand at the edge of the present, they look to the past in order to predict the future. This past may not reveal everything about how an individual judge will behave in the coming weeks. It can, however, provide important insights at key inflection points in the litigation process, reminding us that even though the past isn’t always binding, it can often be persuasive.

About the Author

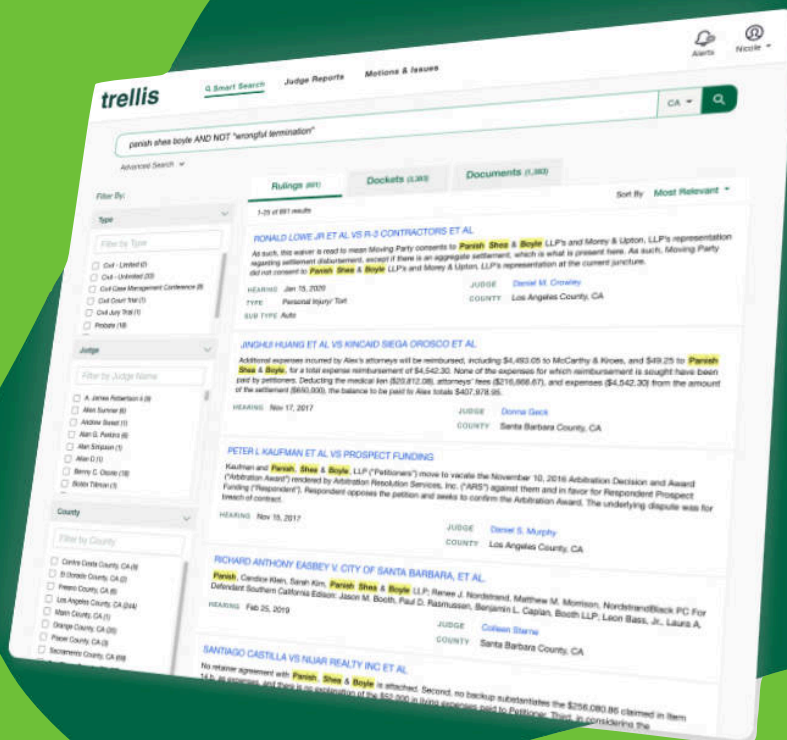
Nicole Clark, CEO and co-founder of [Trellis Research](#), Business litigation and labor and employment attorney

Trellis is an AI-powered legal research and analytics platform that gives state court litigators a competitive advantage by making trial court rulings searchable, and providing insights into the patterns and tendencies of your opposing counsel, and your state court judges.



READER PERK

TRELLIS IS PROVIDING LEGAL BUSINESS WORLD READERS WITH COMPLIMENTARY 14-DAY ACCESS TO ITS PLATFORM. [CLICK HERE](#) TO START YOUR FREE TRIAL TODAY.



SURVIVE & THRIVE POST-PANDEMIC

*A Guidebook for Legal &
Professional Services Providers*

#1 New Release



*20% of net proceeds from this book
to be donated to Global Giving,
a highly rated charity*

From Best-selling Author

JULIE SAVARINO, MBA, JD

Available Now

amazon BARNES & NOBLE

LAW FIRMS:

*DO YOU PRICE FOR
OUTPUTS, OUTCOMES
& RESULTS ?
OR BILL FOR INPUTS,
ACTIVITIES & TIME ?*

By John Chisholm, Director at John Chisholm Consulting & Innovim Group

Anyone who knows me or has read anything I have written would know that, for the last 15 years or so I, along with many others including my colleagues from The VeraSage Institute [1], have been imploring professionals especially lawyers to transform their business model and not only ditch the billable hour but also to burn their timesheets. I didn't always hold this view though. I am old enough to remember time before the billable hour. As a newbie partner in an Australian law firm in the early 80's (1980's not 1880's), I was swayed to introduce timesheets into our firm followed by time based billing, not because clients demanded them but because other law firms were doing it and we wanted to copy them and look the same as them (the safety of the herd).

As a partner, Managing Partner and CEO of two reasonably large Australian law firms for over 20 years I am not suggesting billing by time didn't have its advantages for law firms. It was profitable and a pretty lazy billing model.[2] You just had to educate/remind/cajole/threaten lawyers to fill in their timesheet- no matter how inaccurately and non transparently. [3] And provided you adhered to a leverage model, for so long as you could increase your hourly rates year on year higher than what your (mainly fixed) costs were and clients were prepared to pay your hourly rates, it wasn't all that difficult to be profitable.

It was also a pretty easy pitch to clients

too- ***“You only pay for our time spent, nothing more- and we will show you our time sheets too.”***

Sure, there were some downsides. It didn't take long to foster a production mentality in many firms. It meant the slowest horse could win the race as every lawyer at whatever level was measured solely by time. It also caused some problems with clients too, at times. Lack of certainty and predictability around fees and the inevitable **Bill Shock** was a source of irritation to clients (and continues to be) and often resulted in trust with clients taking a hit, not to mention some “write offs”.

Also, as the time billing pressures increased over time (excuse the pun) this started causing dissatisfaction, stress related and wellness issues for an increasing number of lawyers, many of whom were leaving the private profession. Often, this was to get away from the seemingly relentless pressure of time based billing and filling out time sheets in 6 minute increments. It always astounded me that as a profession we would proudly claim to attract the best, the brightest the most creative from law schools-and then make them account for every 6 minutes of their day?

Most of you know the deleterious effects of time billing and its partner in crime, the time sheet so I won't labour them here. Time recording I believe is the real cancer in the professions but especially in the legal profession. It severely limits a good firm's real potential. [4]

In addition to being inaccurate and non-transparent, timesheets are huge barriers to innovation and genuine internal collaboration and “sadly”, tempt otherwise ethical professionals to sometimes do unethical things. It also means that everything a lawyer does would default back to time. It is especially de-meaning to good, specialist, experienced lawyers that their worth and their value has been reduced to units of time. [5]

If you measure and reward time that is what you will get-and you will get it in spadefuls! As Matthew Burgess ex Biglaw partner and now owner of specialist estate planning firm View Legal [6] says, “***With timesheets you think what is billable. Without timesheets you think what is valuable***”.

But all this was seen and regrettably, is still seen, by many in our profession as simply a cost of doing business.

And anyway there was no viable alternative to the billable hour, or so we were told.

Well, there are alternatives and there always have been. Unfortunately, I didn't really find out about these alternatives until after I left mainstream law in 2005.

There is now irrefutable evidence that professional firms, including law firms, can ditch time sheets and the billable hour and still be viable and profitable. Moreover, the ones that have taken that step and instead price their services and products up front like most businesses the world over, report the following benefits:

- substantially improved cashflow;

- reduction and often complete elimination of cost disputes with clients;
- improved value creation for their clients;
- enhanced relationships of trust with their clients; and
- a genuinely collaborative internal culture.

While that is easy for most businesses, I am the first to admit it is not easy for lawyers who, for two generations or more, have been used to relating everything they do back to time and little else. As mentioned previously, in many firms the whole firm is structured, measured and rewarded around time.

The late Dr Michael Hammer said “***A professional is someone who is responsible for achieving a result rather than performing a task.***” The billable hour model focusses us on tasks, activities and inputs instead of what really matters to clients- outputs, outcomes and results.

I believe every law firm, no matter what its speciality, can price its services up front- if it wants to.

I know “anecdotally” it is the unlearning not the learning that is the hardest. To price up front requires a mindset and business model change. It is not a billing model change.

I am a strong advocate of value based pricing [7] which means you price your services based on the perceived value you are going to provide to your clients. To do this properly, you need to first have a value conversation with your client to understand what is important to them, what they value, what they want and importantly what they need. You need to scope

the value and the work you are going to do for them and after you agree on the scope, you agree on the price with your client up front before the work is done.

The price is based on outcomes, results and outputs all of which are important to our clients, not retrospective fees based on inputs and activities or our own costs, none of which are important to our clients. If the scope changes, so might the price but you will always agree change of scope and change of price up front.

Four of the great misunderstandings in our profession which hold many lawyers back from moving away from time based billing are:

1. **That time is a cost** - Time is not a cost. It is a constraint that every business, every human being faces. There is no additional cost to a firm because I spend an extra 6 minutes on the phone to a client. Paper clips, rent, wages, computers, etc are costs. Time is not. Get over it.
2. **That there are only 2 ways to price a matter - either retrospectively by time (which btw is not pricing) or with a fixed fee.** Nothing could be further from the truth. You can have a fixed fee for some/many things (and sadly I see many fixed fees that are merely time based billing in disguise) but sometimes, you cannot price something out to the end of the matter because either you don't know the scope or the scope changes. I work with several timeless law firms who price for value. They might do fixed fees, phased or stage fees, milestone fees, subscription

model fees, success fees, contingency fees and many other pricing models.

3. **Clients are happy with hourly billing.**

I hear that all the time from firms who really don't want to change, want to keep hourly rates as an option (the primary option) and want to keep measuring and rewarding themselves by time. Overwhelmingly, the firms I have worked with have had little push back from clients when up-front pricing is properly explained to them. I am not saying that these firms have not encountered clients or prospects that insist on an hourly rate and time based billing but these firms have learned to say "no" to such prospects. And it is a powerful thing to say "no" to some prospects and clients if they are not the right for your firm.

4. **Pricing for value is difficult.** Are we really saying as professionals that it is too difficult to:

- Know what we are really good at;
- Listen carefully to a client;
- Ask some good questions to identify our client's objectives;
- Make a judgement about whether we have the talent to improve our client's position;
- And if we do, propose a scope of work and price to deliver our client's objectives?

The builder who built my house could do it.

The painter who painted my house can do it.

Surely good professionals can?!

Put simply, pricing for value and getting rid of your timesheets is a much better, more fulfilling way for lawyers to practise our craft. It benefits not just ourselves, but also our clients. It is of course not the panacea for all the ills

and challenges our profession still faces such as mental health and team member wellbeing, customer service deficiencies, toxic cultures, eat what you kill silo mentalities, lack of genuine collaboration, lack of diversity and inequality just to name a few. Anecdotally though, I have found that those firms that have embraced a business model change have been able to more successfully overcome many of these challenges.

After all its partly why they had the courage to choose to make the transition in the first place.

Notes

[1] The VeraSage Insitute <https://www.verasage.com>

[2] It's not a pricing model. Pricing is what you do up front before the work has commenced. Billing is what you do after the work is done

[3] <https://www.chisconsult.com/my-perspective/2018/august/time-billing-furphies/>

[4] <https://www.chisconsult.com/my-perspective/2021/january/time-recording-limitations/>

[5] As to why timesheets should be replaced and by what read this article <https://www.verasage.com/verasage-institute/blog/ask-verasage-all-about-t-a>

[6] [View Legal](#)

[7] "Value based pricing" is sometimes referred to by other names by different authors and different firms. For instance some firms use "up front pricing", "Progressive Pricing" <https://www.ignitiongroup.com/introduction-to-progressive-pricing>, "Agreed Pricing". Moores a Melbourne based Law firm who went timeless in 2013 call their pricing model

MAP-Moores Agreed Pricing. <https://www.moore.com.au/here-for-good/#moores-agreed-pricing> At the Innovim Group we call it "Aligned Pricing" <https://www.innovim.com.au/what-we-do>

About the Author

John Chisholm is a 3rd generation recovering lawyer, previously a partner, managing partner and chief executive of Australian law firms.



John established his own consultancy, John Chisholm Consulting, in 2005 to share his expertise and experience with professional firms who look to maximise their business performance. He now speaks, educates, facilitates, coaches and consults.

As a practising lawyer John was well placed to experience first hand both the benefits but also the drawbacks of the professions pricing their services solely by reference to time. He has worked with many professional firms (and their customers) around the world assisting them with both a mindset change, and the practical implementation and application of, moving towards a timeless pricing model. In 2017 John co founded the Innovim Group www.innovim.com.au, an international advisory practice that equips knowledge firms to transform for success by helping them to understand the value they create and how to capture that value with strategic pricing.

John is a Senior Fellow of the VeraSage

Institute, an international think tank of thought leaders and innovators for professional firms, Adjunct Professor of Law at La Trobe Law School, Fellow of the College of Legal Practice Management (US) and Distinguished Fellow Centre For Legal Innovation (Aus) 2019-2020. He has written numerous articles, papers and blogs on timeless pricing and has presented and spoken to thousands of professionals on the topic.

john@chisconsult.com

www.innovim.com.au

www.verasage.com

www.chisconsult.com



REINVENTING
PROFESSIONALS

By Ari Kaplan

[Listen to the Podcast >>](#)

Learning Plans and Technological Competency

I spoke with Bonnie Beuth, the Information Systems Trainer for Ford Harrison, and Rachel Baiden, the Global Technology Training Manager at Squire Patton Boggs, who are two of the founding members of the Legal Technology Core Competency Certification Coalition – LTC4, which is a non-profit consortium of law firms, corporate legal departments, law schools, and attorneys from around the world that have established industry-standard core competencies for legal technology. We discussed how the LTC4 has evolved over the past decade, what distinguishes its learning plan format, lawyer technological competency requirements, and how the LTC4 distinguishes its certification.

Sourcing and Scoping Legal Services

By Richard G. Stock, M.A., FCG, CMC, Partner with Catalyst Consulting

This is the twenty seventh in a series of articles about how corporate and government law departments can improve their performance and add measurable value to their organizations.

1. SECURING SPONSORSHIP FROM LEGAL

Multi-nationals such as banks, insurance companies, pharma, the full spectrum of technology companies, as well as manufacturers with global supply chains and distribution networks have complex legal requirements. The stakeholders affected by strategic sourcing for legal services can be many and varied

within the company. A successful sourcing program goes beyond managing a process efficiently to save on legal costs. To secure stakeholder sponsorship, it must actively engage primary and secondary stakeholders at key intervals.

Who Are the Stakeholders?

The primary stakeholder for a strategic sourcing initiative should be the Chief Legal



or General Counsel. As a company executive, the Chief Legal Officer can mobilize the support of key Board members, the Chief Executive Officer, the Chief Financial Officer as well as other corporate executives. There are too many instances of very elegant, and potentially effective arrangements with law firms that are eviscerated by carve-outs and exceptions. This outcome can be avoided with strong stewardship of the program by Procurement and Legal. The Chief Legal Officer's role is to identify the range of legal stakeholders across the company, secure their support, and communicate the developments and results of the sourcing process.

Two Steps

Procurement faces one of two possible dynamics in its efforts to secure sponsorship. The first is a reluctant law department that is less than enthusiastic because the company's executive leadership has mandated more systematic and cost-effective sourcing of all goods and services across the company.

The second is one where Legal is more engaged and has learned that many other companies have successfully completed legal sourcing programs – some of them over many years. Because this is a leading management practice, the CLO wants to “stay ahead of the curve” rather than react to a sourcing program that is imposed. In both scenarios, Procurement should take two steps to “secure sponsorship” from Legal.

It is no longer sufficient for Procurement to say that it can manage an efficient sourcing process and that it will negotiate better discounts on hourly rates through a competitive process with a limited number of legal service providers. That may have worked 15 years ago. It will not work in the 2020's for the relationship-based business that is legal services. This is especially true for companies that have completed their fourth or fifth wave of sourcing legal services in the last two decades.

The second step to effectively secure sponsorship is a meeting where Procurement presents its formal program to Legal. There are four parts to the program,

- a description of the *Qualitative and Financial Objectives* to be achieved during the reference period – possibly over several years,
- the *Mandate* setting out Procurement's precise role in point form,
- a detailed *Work Plan* setting out the necessary research, documentation, demand forecast / scope of legal services, the invitations for strategic partnering / RFPs, the analysis of law firm proposals, the schedule of meetings and negotiations, how best to measure the results, and
- the *Logistics and Schedule*

Procurement would be well-advised to liaise with one member of Legal when preparing the program and its presentation to legal leadership.

Roles and Responsibilities

Many companies and their law departments

are decentralized. Often, many individuals in business units and members of Legal have their preferences for specific external legal counsel and how best to instruct them. Procurement should serve as the Project Manager for the legal sourcing program. Legal should be responsible to:

- supply data and other reports on legal spend and on the historical use of external counsel by legal specialty, by business unit and by jurisdiction,
- provide insight on arrangements and agreements which may currently be in place with legal service providers,
- ensure that the other members of Legal and other business units are consulted about the forecast / demand for legal services and about their preferences for certain firms to be invited to participate in the sourcing process,
- identify a limited number of members from Legal who will be required to read law firm proposals as well as the analysis and recommendations prepared by Procurement, and
- identify those members from Legal who will attend meetings with the law firms – a maximum of four representatives from Legal and two from Procurement should be sufficient.

Apart from coordinating all communications with law firms and with other legal service providers during the sourcing process, Procurement should manage all logistics for the meetings with law firms. Experience demonstrates that success and effectiveness in sourcing and negotiating legal services depends on an intimate knowledge of law firm culture, law

firm economics, and the variety of relationships that a company has with its law firms. These relationships can range from routine to specialized to highly strategic. Procurement must exhibit greater proficiency with non-hourly fee arrangements than Legal if it is to be entrusted with negotiating arrangements with a company's legal business partners in the 2020s.

Objectives

Non-financial objectives are often as important as financial ones in the drive to source external legal counsel for formal multi-year agreements. These objectives include:

- reducing the number of law firms in order to reduce the amount of time the company's inside counsel and business units spend maintaining relationships and instructing law firms. The time saved can be re-allocated to other priorities within the company. Just changing the configuration of law firms and how they work together for greater geographic coverage. Some companies have chosen to retain a handful of firms that can coordinate local, regional and country counsel. In effect, these firms serve as general contractors of legal services,
- simplifying reporting requirements, including billing and payment protocols, in order to reduce the company's administrative load for analysis and processing payments. Under the right conditions, law firms will take on this work at no cost to the company,
- leveraging technology to achieve measurable improvements in service delivery and, possibly, in legal outcomes. Efficiency and

effectiveness are critical key performance indicators, but are often mis-aligned with non-hourly fee arrangements,

- changing the ratio of risk / reward between the company and its legal service providers primarily through the use of alternative fee arrangements,

Financial objectives in sourcing external counsel can be quite straightforward. A target should be set to reduce the projected legal spend for the ISP / RFP reference period. It is not inevitable that legal fees should increase every year simply because law firm standard rates increase. However, the pathway to achieving significant reductions in legal expenses rarely includes greater discounts or hourly-based fee arrangements. That approach offers marginal savings to companies that have had formal sourcing programs in place for more than 10 years.

Securing Sponsorship

“Securing sponsorship” means obtaining a formal sign-off from Legal for a detailed sourcing program. The program proposal must pass the **S.M.A.R.T.** test in that it must be **S**pecific, **M**easurable, **A**chievable with the available resources, **R**esults-oriented and **T**ime-bound. Procurement and Legal must regard each other as equal partners in legal sourcing. The way ahead must be clear. Accountability for specific steps must be unambiguous. Only in this way will “sponsorship” for a legal sourcing program be secured.

Abridged with permission from the Buying Legal Council's [The Definitive Guide to Buying Legal Services](#)

2. SCOPING LEGAL SERVICES

Scoping is that portion of a Request for Proposals (RFP) or of an Invitation for Strategic Partnering (ISP) designed to inform law firms of the scope of work (SoW) in a way that can achieve a company's objectives. This is particularly important when covering portfolios of work or multiple jurisdictions over time.

Historical Data

The past is not a predictor of the future when it comes to expressing the demand for legal services. However, historical data is the first place to start. A matter management system is a superior source of data when compared to accounting data.

Still, companies that maintain a matter management system may find that some legal activity is not captured because it is a pass-through charged to customers, to insurers, to special projects or is cost-shared with other companies in the same industry.

Experience shows that asking each law firm that has been paid more than a certain threshold (e.g. \$10,000) in one of the last two years, to produce data in a uniform format will generate a more comprehensive picture of the company's historical demand for legal services. A basic spreadsheet supported by clear definitions of each legal category is sufficient to secure what is needed from firms. Ensure that the spreadsheet covers at least two complete calendar years plus as many months as possible in the current year. Data is required for each legal specialty and should be broken down according to jurisdiction or region, by legal specialty and matter complexity, and

with the total hours per year for each. In turn, the annual hours should be available by experience level for lawyers and technical staff to map practice patterns and staffing ratios for each law firm and legal specialty.

Analysis of Law Firm Data

Provided the data sourced internally and from law firms is comprehensive, then it is straightforward to determine the volume of activity (hours, number of matters), total fees and effective rate, as well as the staffing patterns for each legal specialty for each law firm by jurisdiction, and for the company and its subsidiaries for each year covered by the RFI. As part of a supporting document, law firms should describe discount and favorable fee arrangements that were applied to the spreadsheet data. For companies that retain dozens, not to mention hundreds, of primary and secondary firms across multiple jurisdictions, asking the firms to provide pricing information is more efficient than sourcing fee arrangements internally. Apart from rates, internal data may not be current or well-documented.

The analysis of the RFI data and discount arrangements should be prepared by Procurement and discussed with the law department. Experience shows that companies are seldom aware of the extent and detail of their company's external legal activity, including

- the precise number of primary and secondary firms used across the company each year
- fees, not including disbursements and taxes, paid to each firm by jurisdiction and legal specialty

- the number of matters and hours for each firm, again by specialty and jurisdiction
- variations in effective rates, discount arrangements, and alternative fee arrangements for similar work
- variations in practice patterns and staffing ratios by law firm for similar work

A comprehensive review and discussion with the law department should generate clearer objectives for the RFP / ISP including

- the preferred number of primary and secondary firms for the future
- preferred practice patterns and staffing ratios by legal specialty
- opportunities for non-hourly fee arrangements and for more favorable financial terms
- how best to formalize and improve internal protocols and operating practices governing how legal work is assigned and how it is managed with law firms
- how the law department and law firms can introduce and manage detailed matter budgets for all files over a minimum threshold (e.g. 50 hours)

Forecasting the Demand

Companies balk at divulging projected volumes / hours of work for each legal specialty and jurisdiction in their RFP / ISP. There will always be concerns that doing so can be interpreted as a company guarantee or commitment that the work (hours) will be there. For this reason, it is a common practice for the procurement process to be limited to creating a panel of qualified firms with the best possible hourly discount. Regrettably, this approach fails to leverage the data to stimulate

non-hourly pricing, innovation, and efficiency from the law firms selected. It also fails to support many of the non-financial objectives. In short, the company is not using its buying power to maximum advantage.

Determining the scope of work for purposes of the RFP / ISP should be a joint process between Procurement and the Law Department. Consider a SoW that covers at least three years. Express the demand for each specialty and jurisdiction as the total hours per year. Projections should be adjusted up or down from historical patterns, based on the law department's knowledge of work that is recurrent and work such as litigation, regulatory matters and transactions which can be irregular in its timing. Volumes can vary for each calendar year. The text of the RFP / ISP should explain the type and configuration of the legal work in the SoW.

Significant migration towards non-hourly pricing in favor of alternative fee arrangements (AFAs) which stimulate efficiency in law firms should diminish the number of hours required by the firm to do some of the work. The introduction of rigorous matter budgeting for files exceeding the defined threshold will also reduce the number of hours used. Companies have been successful in reducing the SoW (hours) by up to 15 % with the combined use of AFAs and legal matter budgets.

Four Considerations

There are important strategic and practical considerations when preparing the SoW for the RFP / ISP. The first is strategic because it addresses a non-financial objective of possibly

changing the number and configuration of primary firms. Creating a critical mass of work that is sustainable for firms over the RFP / ISP reference period means reducing the number of firms invited for proposals.

A smaller number of law firms should be kept in mind for maximum leverage. Consider that 10,000 hours per year represents a full workload for only 5.5 lawyers and paralegals.

A three-year projection in the SoW is always an estimate at best. There will be fluctuations in volume by jurisdiction and specialty from year to year. Favorable fee arrangements, even hourly arrangements, will be influenced by the amount of work the law firm hopes to receive. The RFP / ISP should state that the terms of engagement with each primary law firm will contain an annual review and adjustment mechanism which is both retrospective and prospective. Such reviews will consider variations from the anticipated scope of work and the potential for adjustments to fee arrangements.

Many law firms have at least 10 years and some have 20 years of experience with formal sourcing of legal counsel. Many legacy firms will be successful in remaining on panels and will not be at risk of losing legal work on active matters. Leading practices suggest that legacy work should be included in the SoW for the RFP / ISP, even if the same firms continue the work. Legal matter budgeting and optimal staffing ratios will usually be accepted by legacy firms as part of a concerted cost management program.

The composition of law firm panels can

change for many reasons. Lead partners leave the firm, or the law department changes its preferences, and because some legacy firms emerge from the sourcing process as comparatively too expensive. The SoW for the first year following a multi-year sourcing process should allow for a transitional period to the new panel configuration.

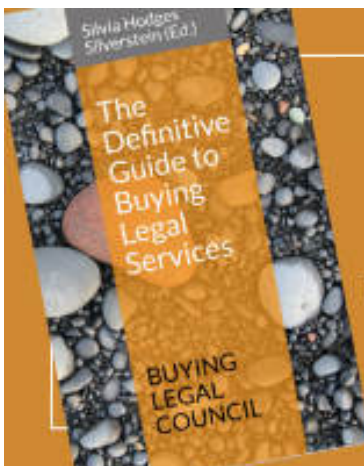
RFPs and ISPs should seek to reduce panel sizes, prescribe optimal staffing ratios by specialty, and target a reduction from current pricing. Once sourcing is complete, incorporate an annual review and adjustment mechanism. Allow for the work of legacy firms and provide for a transitional process when changing the configuration of firms or introducing new pricing arrangements.

Abridged with permission from the Buying Legal Council's [The Definitive Guide to Buying Legal Services](#)

About the Author

Richard G. Stock, M.A., FCG, CMC is the senior partner with [Catalyst Consulting](#). The firm

has been advising corporate and government law departments across North America, Europe, the Middle East and Australia since 1996. For law department management advice that works, Richard can be contacted at rstock@catalystlegal.com.



The Definitive Guide for Buying Legal Services was authored by the leading legal procurement experts of our time. It will guide you on how to take the best approach to buying legal services and technology for the legal department. Benefit from the many checklists, practice tips, and examples. Learn from the experience of others and understand what works and what does not. (Book see pag.75)

**never
run out
of
talent**

lawflex.

lawflex.



Competency Assessments and Skill Development for Legal Project Managers

By Aileen Leventon and Todd Hutchison

Changing client expectations and competition from alternative legal service providers have altered the legal ecosystem. Results-based pricing structures, technology-enablement and leveraging talent across jurisdictional boundaries which may have once been seen as innovative are now commonplace. Drawing from perspectives of lawyers and allied professionals across four continents, it is evident that today's legal practi-

tioner needs to be a technology and business-savvy, collaborative, and process-driven leader, who embraces virtual and hybrid team environments.

Such changes have attracted solutions from the application of legal project management (LPM) that offers methods to provide a structured planning and execution process for legal matters and other legal-related projects.



LPM is well aligned to meeting client expectations and support the commercial sustainability of law practices. The growth and acceptance of LPM requires guiding standards and the professionalization of its practitioners. As a discipline, LPM requires a common vocabulary that informs hiring, career development, sustainability as a career path and skill, retention and continued growth and evolution to augment an effective lawyer's core knowledge

and skills. A competency model offers a basis on which these goals may be achieved.

A broad-based shift in mindset, implementing new robust practices, and upskilling are required. The development of competency-based models can best provide a vehicle to test the knowledge and skills of an individual against a well-developed set of industry assessment criteria. Application of the model identifies

experience and knowledge gaps that can be used to create a personalised professional development and career plan. An associated assessment tool needs to be comprehensive enough to cover the breadth of a role, yet simple enough to quickly result in useful insights.

Through the work of global organizations like the Corporate Legal Operations Consortium (CLOC) and the International Institute of Legal Project Management (IILPM), LPM has been expanded to encompass both legal matters [1], as well as projects within a legal organization that contribute to improving the overall client service delivery and outcomes.

Starting with a Foundation based on Research

In 2017, the International Institute of Legal Project Management undertook research among those employed in legal project manager roles in nine countries to ascertain what the role comprised of and what functions they were undertaking. [2] The research showed that the phrase “legal project management” extends beyond the use of a customised project management approach to legal matters to also encompass process improvement initiatives, technology enablement and people dynamics. The study compared the general project management knowledge areas used in other industries with their application and relevance in the legal industry. The research led to the development of the IILPM LPM Framework that guides the workflow of legal projects by law firms, inhouse counsel and alternative legal service providers alike. [3]

Following up on the work in 2017, for six months starting in late 2020, a working group comprising Todd Hutchison (Chair), Aileen

Leventon, Antony Smith, Ignaz Fuesgen, and David Rueff Jr, convened to develop a robust competency model for legal project managers. Leveraging the insights and experience from the IILPM’s education entities in 13 countries, combined with a panoramic perspective of law firms, consultants, legal departments, legal operations professionals, and project management experts, the group developed a competency assessment tool for the legal project manager role. Its purpose was to provide a useful assessment method to compare practitioner’s current knowledge and skills against a criterion that represents the breadth of expertise required of a legal project practitioner.

Points of Entry

The career path of a legal project manager is not well-defined. Nor are the attributes, education, or knowledge base of incumbents in the role.

Sounds The LPM Competency Framework seeks to identify the many sources of talent in filling the range of LPM roles.

Consider the many points of entry: from the practising lawyer; the lawyer who does not wish to practice law and wants to stay connected to the profession; the paralegal; the other allied legal professionals and law firm operational support, such as those involved in pricing, marketing, technology, data analytics, portfolio management, practice support, knowledge management, and process improvement professionals; the corporate legal operations manager and the certified project management professional coming in from outside the legal industry.

Legal project management is also applicable to

the many variants of legal service providers, as well as being a relevant skill for the inhouse counsel who handles matters without the assistance of external service providers, whilst often coordinating the engagement of external lawyers.

An assessment of those holding the role or seeking LPM training provided the impetus to determine if there were any commonalities that may be used to establish a baseline for the competency model. This called for a multi-dimensional assessment tool that accommodated different pathways to the position.

Knowledge Areas

In addition to addressing the issues raised by a broad range of entry points and capabilities for those seeking a career path in LPM, a competency model also needs to establish the domains or knowledge areas that are critical to success in the role. The model identified the following five areas:

1. practice of law: the legislative, procedural rules and ethical responsibilities of the practice of law;
2. legal industry ecosystem: the industry knowledge of the roles of legal professionals, buyers and consumers involved in legal services;
3. legal operations: the policies, processes, information management and the associated supporting technologies of the business of law;
4. legal project lifecycle: the approach, methods and techniques of defining, planning, delivering and closing legal matters and other projects; and
5. people dynamics: the soft skills required to engage key stakeholders and lead legal project team.

Although most legal project managers acquire foundational knowledge of the legal project lifecycle, there is great variability in the range of knowledge in the four other areas. This is particularly pronounced when considering the points of entry to the legal project management role includes a certified professional project manager from outside the industry who may have a greater need to master all the other knowledge areas except the project lifecycle. Similarly, a paralegal may have greater challenges in mastering issues relating to the legal ecosystem than other allied legal professionals. Greater appreciation of people dynamics applies to all, regardless of the point of entry or experience.

Gaps in Competency

The context and integration of the five knowledge areas are the basis for an assessment of gaps in the capabilities and growth opportunities for an aspiring legal project manager. In order to identify such gaps in knowledge and to develop a custom professional development plan, those assessed would be rated across five levels of practice capability: Uninformed, Aware, Knowledgeable, Competent and Accomplished.

Each level includes a robust profile of the associated knowledge, skills and experience typically required. The inventory and taxonomy may serve as the basis for job descriptions, recruiting, professional development and coaching, as well as offering a method of comparison among practitioners.

Assessment Tool for Diagnostic and Development Opportunities

Such competency-based assessment tools help provide greater insights to one's strengths and

development areas, as well as provide a fact-based foundation for discussing career options and plans. The assessment and gap analysis report highlights where an employee can add value, whilst giving them a sense of clarity to where Continued Professional Development programs support their education and professional growth. The LPM assessment may be supplemented with a behavioral profile based on the Extended DISC® model, which evaluates, among other things, an individual's introvert or extrovert orientation, and whether they are more task or people-focused. Such insights can assist in even defining team composition for those having different styles.

Global Applicability

The IILPM is in the process of testing the competency model with its accredited training providers across 13 countries. It will be further refined through field testing with IILPM graduates who are geographically spread across 47 countries, as well as other firm and inhouse counsel-based beta testers.

There are many factors for the of rise legal project management, ranging from the need for greater efficiency, availability of supporting technology and as an enabler to develop fair pricing models and profitable fee arrangements. Ultimately, the role of a lawyer is to achieve successful outcomes for clients through legal representation that captures organizational opportunities or that meet business challenges. Client satisfaction with the quality of representation all includes sound communication and having a sense of a valuable engagement experience. All these goals

require greater upfront scope clarity and better methods to manage risk, issues and variations that legal project management approaches provide.

Notes

[1] The CLOC model for legal project management for legal matters has been renamed “MLM”: Matter Life Cycle Management” and was announced at the CLOC Global Institute in May 2021.

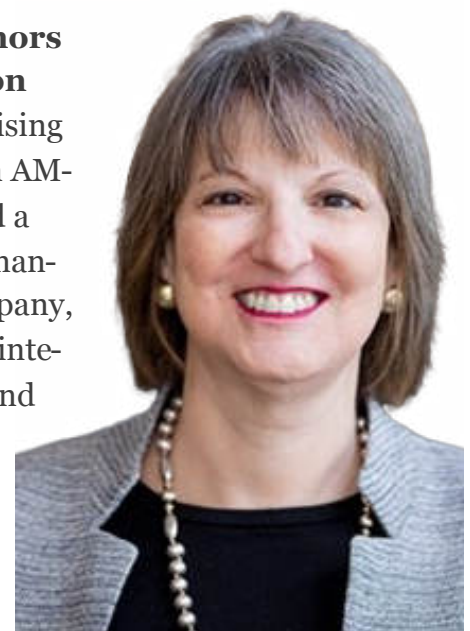
[2] Legal Project Management Competency Framework: A Global Standard for Professional Development in Legal Project Management, Executive Summary, URL https://www.iilpm.com/wp-content/uploads/2020/01/IILPM_LPM-Competency-Framework_Exec-Summary_1.00.pdf.

[3] Legal Project Management Framework, URL <https://www.iilpm.com/resources/lpm-framework/>.

About the Authors

Aileen Leventon

Formerly a practising lawyer at both an AM-LAW 50 firm and a multi-national financial services company, Aileen Leventon integrates her legal and business backgrounds to advance the practice and business of law.

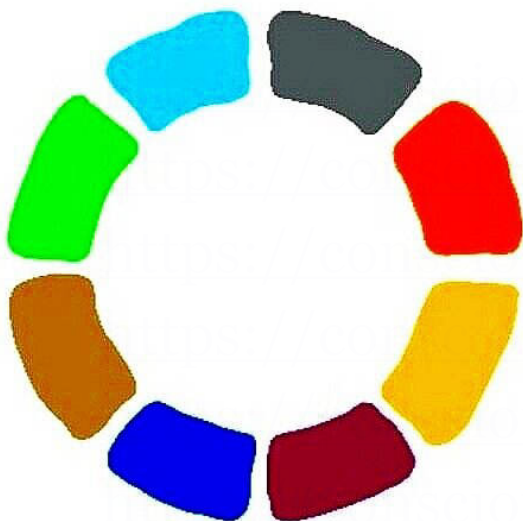


She is the Co-Chair of the Legal Project Management Committee of CLOC, an Accredited Training Provider with the International Institute of Legal Project Manager and a Principal with Law Strategy Coach.

Todd Hutchison

Adjunct Associate Professor Todd Hutchison is an executive of Australian law firm Balfour Meagher and a forensic scientist with Forensics Australia. He is currently the Chair of the International Institute of Legal Project Management, and is degree qualified in legal project management.





The Conscious
Inclusion
Company™

You belong here.

The Value Series

A ClariLegal interview with Tony LaMacchia, Director of Legal Operations and Technology, at Freeport-McMoRan

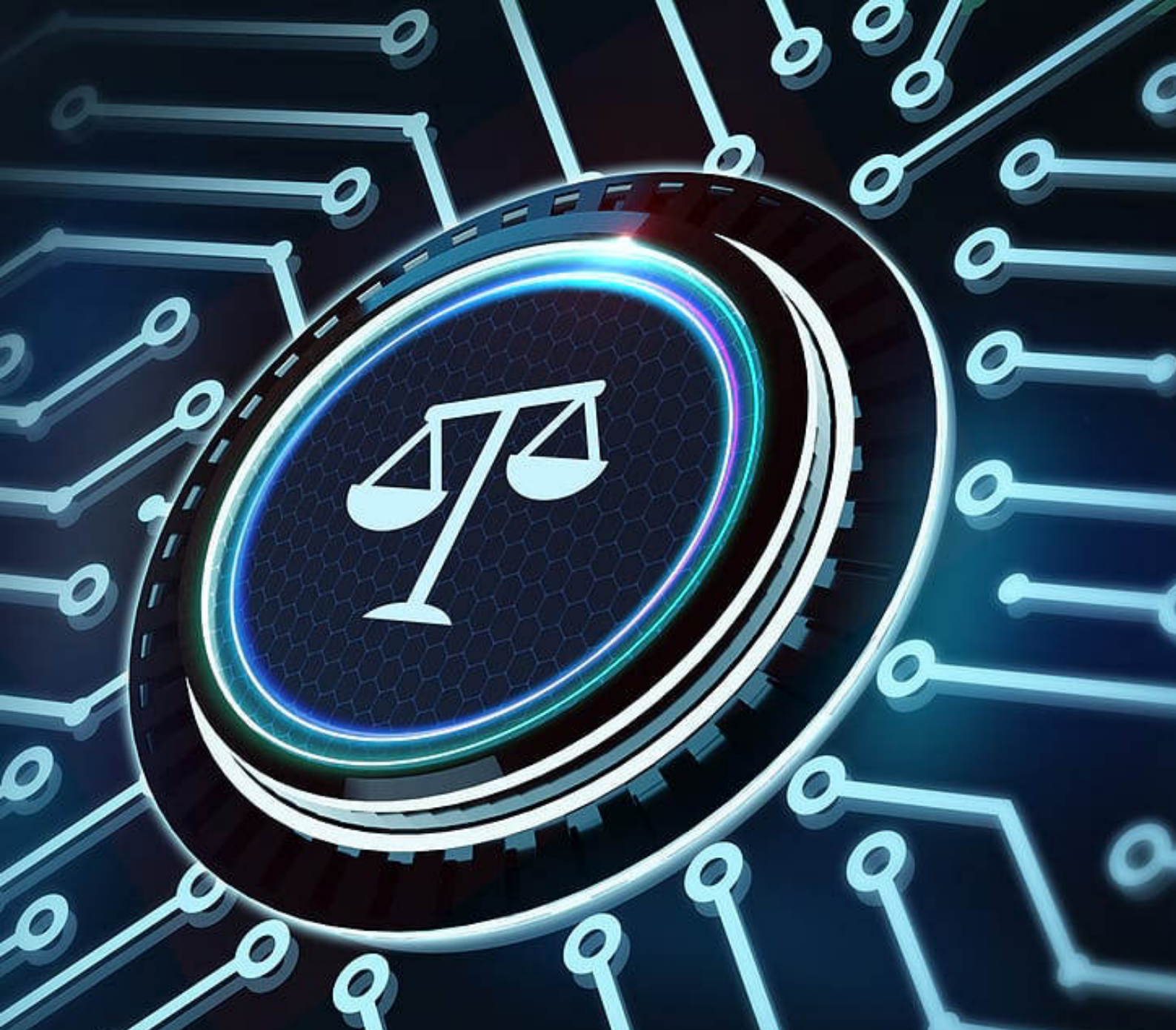
By Jeff Kruse, President of Kruse Consulting and Dispute Resolution LLC, and Cash Butler, founder of ClariLegal



Tony LaMacchia, Director of Legal Operations and Technology, at Freeport-McMoRan, recently took time to chat with us about the meaning of value in delivery of

products and services in the legal industry. Tony has been with Freeport-McMoRan, an international mining company based in Phoenix, Arizona that employs over 27,000 people, for ten years.

Before becoming Director of Legal Operations and Technology, Tony was the Director of Global eDiscovery and Litigation for Freeport-McMoRan. Tony knows value. As proof, he and his team at Freeport were recently nominated and among the finalists



for an Association of Corporate Counsel (ACC) Value Champion Award for litigation cost savings through technology for generating a 2.9M return on investment (ROI) in 18 months.

Delivering Value Has Been His Focus from the Start

Providing value to his clients has been a central focus for Tony LaMacchia throughout his career. Upon graduating law school, Tony went to work for a mid-size

general practice law firm in New York. At this firm, he handled a variety of matters from estate planning and divorces to representing small local businesses. His diverse practice right out of law school “set the foundation” for how he would view value in legal services throughout his career.

During his time working for this law firm, Tony represented “real people with real problems.” Because of the nature of his practice, he had to be “mindful that value

and cost were always a concern” for his clients. So, he recognized early in his practice that he had to “work smart and work efficiently and pay close attention to the billable hours.” Tony has carried that mentality with him throughout his career into eDiscovery and legal operations.

Start Up

After a couple of years as a general practitioner, Tony got the extraordinary opportunity to work with some software developers who were developing a business-to-business online marketplace for healthcare. Tony left the law firm to become legal counsel for this startup enterprise. After exerting a lot of sweat equity to help get the business off the ground, eBay acquired the company. Through this experience, Tony learned to appreciate the importance of being efficient and effective working closely with the business to provide legal services.

Contract Positions and Return to Law Firm Practice

After eBay bought the startup, Tony eventually took a contract position with a financial services firm in the midst of a M&A project, and Tony helped them complete the project. Again, Tony focused on being as efficient as possible in providing legal advice for the company. Tony then helped a large inventory management software company where he handled a variety of their legal matters. As with his prior positions, efficiency and efficacy were keys to his success in that position as well.

Ultimately, Tony returned to private practice at another law firm. He practiced at that firm for a number of years before a headhunter reached out to recruit him to join Freeport-

McMoRan. Throughout his journey from first year associate at a law firm in New York to going in-house at Freeport, Tony has been mindful of “costs and expenses,” and he “always wanted clients to see him as providing a great service at a reasonable cost.”

Cost Consciousness In-House at Freeport

When Tony joined Freeport, he took his cost-conscious approach to legal service delivery with him. Soon after he started at Freeport, Tony began looking at how Freeport’s legal expenses through the same value-based lens he applied throughout his career. He helped Freeport decrease the number of vendors providing products and services and by doing so, was able to reduce spend on litigation and litigation-related expense by over 15% in just a couple of years.

Tony also brought with him an emphasis on efficiency in the provision of legal services. Because he believes vendors need to be efficient in providing services, Tony implemented an annual vendor vetting process. He also improved the outside counsel management process to better control litigation expenses.

Tracking Metrics to Determine and Refine Value

One of Tony’s successes has revolved around efforts to track and measure metrics to help Freeport “define and refine value” in legal services. In addition to the annual vendor vetting process, Freeport also conducts an annual audit to “look at the processes and numbers to see how it can improve.” Tony notes that being able to improve savings year-over-year is difficult because the data footprint is constantly increasing, but nonetheless, they have been

successful in achieving improvements every year. To achieve continued savings, they have had to be creative with data processing and hosting, along with alternative fee arrangements with law firms.

Trust, But Verify

Several times during our conversation, Tony emphasized that he follows the “trust, but verify” model of management. He was quick to note that Freeport is content with the services provided by outside counsel and by their vendors, but through the annual audits, Freeport is able to track and measure yearly improvements.

For instance, as part of the continuous improvement philosophy, Freeport upgraded its e-billing system and improved its legal hold preservation platform as well. Additionally, Tony’s team has recently transitioned away from multiple different external vendors and implemented a hybrid vendor/in-house eDiscovery solution. By bringing the process in-house, they save on outside hosting and processing fees.

Tony’s experiences before joining Freeport have heavily influenced how he views managing outside counsel. One part of his approach to “trust but verify” involves scrutinizing law firm invoices. But he emphasized that if you have open dialogues with outside counsel, you can avoid most problems relating to invoices and billing.

Impact of the Pandemic

As for the importance of open communication with outside counsel, Tony noted that in the early stages of the pandemic, Freeport entered an “austerity phase” in which they delayed

non-essential legal work. To do so, they needed to communicate openly and clearly with their law firms and vendors. They asked their firms “to get creative in their cases” to control costs during the pandemic. By doing so, Freeport was able to reduce legal expenses on some matters by as much as 80%.

Lean Legal Department

Freeport’s incredible success in reducing legal expenses and improving efficiencies is particularly impressive given the small size of the legal department. There are only 13 lawyers in the legal department and only around 20 other legal service professionals in the legal department. Thus, the department has to run efficiently and find ways to improve continuously.

Quality Matters When Looking at Value

In Tony’s view, “value cannot be determined just in terms cost or price.” As he put it, “if they are happy with the service, whether through a law firm or a vendor, but the price was a little higher than some others, it is still valuable.” To Tony, “value includes results.” Value includes “quality representation, quality results, and mindfulness of expenses.” Tony looks at value as “great law firms and great vendors performing great work.”

Measuring Value

From Tony’s perspective, “some parts of the value equation can be quantifiable by looking at metrics like dollar cost savings or a period of time, but a large portion of determining value is not as easily quantifiable. It is subjective.” For example, paying a relatively large amount to settle a litigation could be of great value if the settlement eliminates high monthly legal fees and expenses, ends business disruption, brings closure and certainty, and

eliminates an unpredictable risk. While some of that “value” could be measured by the reduction in monthly costs, there are many other aspects of that “value” that “you just can’t nail down” because those benefits are “more subjective but nonetheless still important.”

Aligning Value with Business Objectives

Tony was quick to note that when discussing the concept of value, you should look at it from a variety of perspectives. Value is not just “value to the legal department.” The concept of value also includes “value to the shareholders and value to the corporation.” Therefore, to assess “value,” you need to “align the legal outcomes with the company objectives.” For example, Tony explained that it might be best for a company to settle a significant litigation to bring finality and end uncertainty. In doing so, the “legal outcome” aligns perfectly with company goals and shareholder objectives.

Dedication to Improving Processes and Cutting Costs

Tony is dedicated to demonstrating value to Freeport by improving processes. During one mass tort litigation, Tony refined data hosting processes and significantly reduced the monthly cost of data hosting by eliminating outside vendors from the process and brought the data in-house.

Deliver Value or Lose the Business

Although relationships still matter to some degree in law firm hiring decisions, those relationships are not enough if the firms are not delivering value. Tony noted that the company will part ways with firms, even those who have represented the company for years, if those firms do not deliver great service and great results.

As an example, he mentioned a firm that sent an invoice for over \$2 million 4 dollars and 38 cents that contained no detail. It was essentially a pre-1970s “for services rendered” invoice with no descriptions of the work performed, the hours invested, or the value provided to the company. Naturally, the company was not pleased with a bill that size without any details. Instances like that lead to uncomfortable discussions between providers and clients and can strain relations. The law firm had obviously not evolved to meet modern billing practices.

Advice to Legal Service Providers

Tony has a lot of advice for legal service providers and law firms. First, there can be value in “client development” meetings if those are handled properly. The value in social-setting client development meetings is in getting to know each other at a deeper level than in group meetings in conference rooms.

Second, for law firms and vendors who have an existing relationship with a client, those firms and vendors need to continue to streamline processes and innovate. They also need to communicate with their clients that they continue to innovate and refine. However, those providers need to communicate their improvements in a way that is “not just another sales pitch.” The communications need to be done better than the typical “e-mail overkill.” As Tony notes, in-house lawyers rarely have the time to invest in sales-pitch e-mails.

Third, the most important message a law firm or vendor can provide is “exactly what can you do” for the company/prospective client. Outside vendors and firms should summarize precisely what they can do and how they are

different from the competition.

Fourth, firms and vendors need to be creative in finding additional services they can offer their clients. They need to be looking for additional value they can add that will strengthen their relationships with their clients.

Example of Adding Value

Freeport's search for a legal hold platform served as a good example of how a vendor could show additional value without sending spam e-mails. During the search for a new legal hold platform, a large eDiscovery vendor demonstrated a willingness to add value to an existing relationship. Some of Freeport's other vendors used that eDiscovery vendor's data processing and hosting software. That vendor suggested that instead of simply looking at a legal hold solution, that Freeport consider bringing the database in-house. As part of that offer, the vendor volunteered to include the legal hold solution at no additional cost. By bringing that database in-house, Freeport was able to reduce their legal spend by over seven figures per year. Plus, Freeport was able to streamline processes and eliminate reliance on other vendors.

The Future of Value

Tony combines the views and skills of a businessperson who is also a lawyer. His perspective on the future of the practice of law revolves around that combination of business and legal viewpoints. From that combined perspective, over the last five to six years, the "role of big data has been evolving." To grow and evolve, "companies, including law firms and legal vendors, have to deal with their data." They "need to understand and use their data or they will get left behind."

The "pandemic forced companies to focus on how employees work from home." The new environment comes with an increased data footprint. Now, companies have more data from video conferencing, cloud data, and other new ways of communicating. All of the new data sources have increased cybersecurity and privacy risks that companies must address. For vendors and law firms to be successful, they need to embrace these changes and challenges and not "go kicking and screaming into this brave new world."

A Career Focused on Value

Tony has focused his entire business and legal career on delivering value to his internal and external clients. His views on the business of legal value-chain have evolved over time. His early experience in private practice in New York and his work with the Silicon Valley startup shaped his view that value requires great service and great results at reasonable costs. Tony has used that perspective as an eDiscovery and legal operations expert to streamline processes, eliminate vendors, and reduce legal expenses at Freeport. Tony has been a true champion for value throughout his career.

About the Authors

[Jeff Kruse](#) is President of Kruse Consulting and Dispute Resolution LLC where he consults with law firms and legal departments to help them operate more efficiently through technology implementation and Lean Six Sigma techniques to improve their bottom lines. He specializes in assisting firms and companies on the RFP process. www.kcadr.com

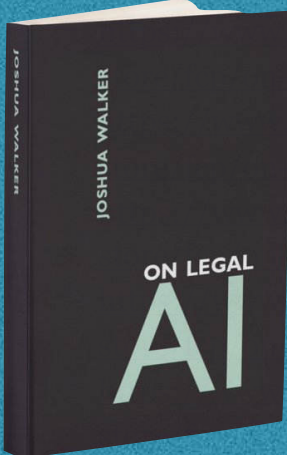


expert in legal operations, legal vendor management, pricing, and project management. [ClariLegal](#) is a preferred vendor management platform for legal services that improves business outcomes. Made for legal by legal experts. We match corporations and law firms with preferred vendors to manage the work through a fast and complete RFP and bidding process. ClariLegal's platform allows all internal client segments to improve business outcomes across the board – predictability, time and money. [Learn more](#)

[Cash Butler](#) is the founder of ClariLegal and R3Ex, a consulting organization focused on bringing efficiency and effectiveness to legal operations. A seasoned legal technology innovator, Cash has over 18 years of experience in the legal vertical market, primarily working in



eDiscovery, litigation & compliance. Cash is an



On Legal AI is perhaps the first fact-based attempt to map the territory between AI and the law. While grounding the conversation in hard theory, Joshua Walker takes the reader through a flurry of (interstitially entertaining) real-world examples to resolve on a single “recipe” for developing legal AI, and making AI “legal”. *On Legal AI* will aid readers in becoming far more productive and valuable to enterprise and government by specifically illustrating how to leverage practical legal automation, and how to avoid falling prey to its dangers. It seeks to marry the best mores and methods from law, computer science, and design—in time to catch the present wave of opportunity.

THE LEADING PRIVATE COMMUNITY FOR LEGAL OPERATIONS PROFESSIONALS



LEGAL

OPERATORS



Global Network

Connect with thousands of professionals worldwide



Active Discussions

New topic-specific discussions & responses posted daily



Industry Insights

Curated legal industry news across dozens of topics



In-Person Events

Exclusive events and benefits for members



Local Chapters

Discuss regional topics and meet up with members in your area



Technology Updates

Experts present the latest advances and best practices

Legal Operators is the leading private community for legal operations professionals to connect with peers, brainstorm problems, and discover solutions. Our community enables you to access resources and vendor info in a private environment.

[READ THE LATEST NEWSLETTER >>](#)

BD & Marketing:

STRATEGY

Befo



Cut through the noise by focussing on clients.

Brand, Communications, Marketing, and Business Development. Four individual separate functions, or all part of one joined-up

team? There are a vast array of configurations of these teams in professional service firms.

Brand and marketing are sometimes conjoined. Or marketing and communications could be integrated. In some partnerships, marketing and BD are one, with communications separate, with perhaps brand on its own, or linked to a digital group if one exists.



re

STRUCTURE

By Leor Franks, Business Development & Marketing Director at Kingsley Napley

What is the optimal arrangement to cut through the noise caused by the pandemic, where most firms are using fewer, similar channels to market? How do you ensure good governance, value for money, alignment to practice priorities, and effective coordination? The answer from my experience is simple. Put strategy before structure and avoid silos.

A good example of the risks of failure and

opportunities to improve is, perhaps unpalatably for some, to be found in the experience of the US military. For much of the twentieth century, the US would have been considered the world's foremost superpower. US military spending was ahead of all others, and they had a clear technological advantage over competitors. Their armed forces were feared and revered and considered a model for others to learn from. The conflicts of the

70s and 80s are, however, said to have shone an unfavourable light on their structure, with the example of Grenada often cited. Whilst the US had overwhelming superiority, the conflict did not progress as planned. Loss of life was sadly greater than expected, and budgets and timescales were not met. Analysts often cite siloed thinking, inter-force discord, and poor communications as the causes.

To set things right, President Reagan's administration commissioned a review that led to the Goldwater-Nichols Act. This fundamentally reworked the command structure of the military to focus on strategy, not silos. In previous conflicts, the four individual armed services (army, air force, navy, and marines) would each have had a leader with their own strategy, priorities, and idiosyncrasies. This was identified as disabling to effective operations. The new structure implemented by the Act was to have one unified line of control, a single 'combatant commander'. This one leader would manage all four forces, first and foremost setting a clear, cohesive strategy, and then communicating unambiguously both up and down the chain of command. Whilst each branch would continue to recruit and train personnel, action would be coordinated by one General, with the various elements unified as one holistic team focussed on the specific operations at hand.

Whilst obviously a far cry from the day to day of law firm go-to-market activity, this case study is a helpful parallel to the debate on structure of brand, comms, marketing, and BD. Picking up on the learning around a combined strategy, the Favourability Journey tool-kit can be used to identify what a firm re-

quires. In the same way that the US now combines all its forces to focus on a particular mission, the Favourability Journey model encourages a combined approach across all four disciplines to help win work in a competitive environment. And it directs leaders to consider the perceptions of clients as a source of intelligence for decision making. The tool is best brought to life with another story, not this time of battles and battlefields, but of wine and wine bars! Instead of army, air force, navy, and marines, we have four strategies: recognition, reputation, relationships, and revenue.

Focus On Clients

Recognition. You go to a bar to meet a client for a drink. Thinking about what to order, you see 60 bottles on the shelf, none are known to you. How can you select without recognition of the brands? Looking at the labels, eight are from a region you are aware of. You've arrived at the first milestone of the Favourability Journey: 'Recognition'. However, without further details, eight is too many to pick from.

Reputation. There is no bartender in sight, so you go behind the bar and take a closer look at the eight. In the absence of awareness of the quality of these, how do you choose? Six of the bottles show an award certificate on their label. This gives comfort that they are of good calibre. You've arrived at the second milestone of the Favourability Journey: 'Reputation'. But six is still too many to pick from.

Relationships. A bartender greets you. They ask about what you like to drink. Understanding your preferences, they advise that two of the six bottles you are looking at might suit.

You've arrived at the third milestone of the Favourability Journey: 'Relationships'. Two is a sensible range to select from, but what of price?

Revenue. The bartender tells you one bottle is \$125 and the other, \$25. You think about what will look best to your client – the rather pricey and ostentatious option, or the lower cost, but potentially risky choice. You've arrived at the final milestone of the Favourability Journey: 'Revenue'. Considering anti-bribery concerns, you decide on the cheaper bottle!

In a short period, you've journeyed from unaware and uncertain, without recognition of the brands, to being confident about reputations, and with advice based on a relationship, you can now make an educated selection, to give revenue to one brand over the others. This type of experience is likely familiar for personal buying decisions. It may also ring true as the kind of journey clients go on with purchases of legal services.

Evaluate Favourability

Before formulating strategy and deciding on structure, an evaluation of clients' favourability to your brand is the first step. Examples of some typical actions for this process are below and will depend on your available budget, resource, and firm profile.

Recognition. Question 'how well is our brand known by our target market'? A client survey, preferably conducted on an unattributed and unprompted basis, is an effective tool. A digital review, including search engine rankings, can supplement this.

Reputation. Question 'what does our target

market know about us'? As well as the methods in the recognition audit, it is useful to add third-party sources, e.g. directory rankings or award providers. A media sentiment analysis, whether using technology or a PR consultant, can also be used.

Relationships. Question 'what do our existing clients think of us'? Input from the above processes should be supplemented with CRM data. Ideally, client service assessment reports should be added, as can input from fee earning staff.

Revenue. Question 'how do we perform on specific opportunities'? An evaluation of win / loss rates on pitches should be undertaken. Feedback from past clients is also helpful. Additionally, analysis of tender processes and pricing, e.g. by consultants, can be illuminating.

Data from this review can be used to categorise clients based on their favourability towards your firm. This will help clarify on which of the four strategies focus is needed to move them along the journey – recognition, reputation, relationships and revenue. In light of this insight, you can now begin to identify the resources required to deliver, and overlay a structure to effectively manage these. Before this is chosen, you should consider what skills are required for each selected strategy, to ensure your activities can cut through current noise in the market.

Identify Required Skills

Recognition. Raising awareness in today's digital focussed marketplace requires a strong online presence. This includes not only an

accessible website, but also one that is optimised for search engines, e.g. Google. Further, with the continuing importance of directories and league tables, it may be prudent to ensure you have capability to maximise your firm's profile in these important areas.

Reputation. Building visibility has traditionally required a mix of good content production skills, e.g. articles and blogs, and also public relations to proactively place material and gain media coverage. With the increased focus on thought leadership during the pandemic by many law firms, it is more important today than ever to ensure material produced is not only timely, but also that it is somehow differentiated and addresses your clients' critical issues, in the context of ongoing uncertainty.

Relationships. With the advent of lockdown, many traditional methods of building and sustaining client relationships have evaporated. Today most efforts are online, with a huge surge in Zoom meetings and webinars. Skills to effectively organise, publicise and implement such events are essential. Additionally, similar content development skills to those mentioned above are necessary to ensure your online events stand out and are not lost in the noise of a saturated market.

Revenue. The final set of skills required around winning revenue are often assumed to be focused in two traditional areas: CRM data, and pitch production. These are both essential, especially in a remote virtual world. Some firms are, however, increasingly considering broader sales skills, including client and market intelligence, to ensure that their approach

to targets around specific opportunities is ahead of the curve, not behind it.

Select Structure

With an understanding of where clients are on their journeys with your firm, as well as insight into what strategies and skills are needed, the next piece of the puzzle is structure. No two firms are the same in terms of client base, resources, and appetite, so there is no one size fits all prescription. The key in my experience is to check that resources are closely aligned to client touchpoints.

This could be your practices, or any number of cross-firm groups. But to ensure cost-effectiveness, it is often helpful to have certain shared functions centrally (e.g. events and PR), and others externally (consultants), allowing these specialist skills to be recruited or engaged and called on only when necessary.

Whatever the exact mix of skills required, and however you chose to configure these, it is of paramount importance that there are structural incentives to collaboration. One combined team with a single leader is in some situations, the most effective option. Ideally, the barriers of silos should be minimised as these can delay communication and create confusion, as the US military found in the 70s and 80s. In making these decisions, a focus on client favourability to your firm is critical, and this should be re-evaluated on a regular basis. Many firms will have done this as the pandemic unfolded. Some have uncovered a need to flex structures and change the mix of resources to cut through today's noise in order to drive client favourability. Others may yet

wish to consider doing this to take advantage of the potential upcoming economic upturn.

About the Author

Leor Franks leads the Business Development & Marketing and Knowledge & Information functions for London based Kingsley Napley and is a member of the firm's Board. He has spent over 20 years in the professional services and legal services industries including in

Marketing, Communications and Business Development Director roles at Deloitte, Ernst & Young (EY), and FTI Consulting, and most recently as Chief Marketing Officer (CMO) of legal services firm Augusta.

Leor sits on the Advisory Board of the University of London Queen Mary Business School and the Pro Bono Committee of the Commercial Litigators' Forum. He is Chair of the Managing Partners' Forum Marketing & Strategy Group and the Metropolitan Police Cannons Ward Panel.

Travelling, Commuting
or just some spare
time left?

Listen to one of the
Legal Podcasts from
our Partner



LEGAL
TALK
NETWORK

LEGAL PODCASTS

BUILDING

HIGH PERFORM



PERFORMANCE

DEPARTMENTS

By Catherine Kemnitz, Chief Legal Officer of Axiom

Today's GCs struggle with increased demands and smaller budgets. Facing an avalanche of legal matters, they need an ever-increasing range of in-house expertise to meet a highly variable workload, yet budget pressure renders hiring a wide and deep bench impractical. The COVID economy has only amplified these issues, escalating enterprise risk at a time when companies have grown increasingly cost-sensitive.

Innovative GCs are responding to this new normal by transforming the way legal resources are aligned to legal matters.

They are building agile legal departments with lean full-time teams to provide managerial scale and handle core competency work. This leaner team is supported, almost entirely, by a bench of trusted, on-demand lawyers for as-needed expertise, workload surges, and ongoing matters.

Many other GCs are just beginning their journey to flexibility. These in-house leaders are embracing the learnings from COVID and engaging on-demand lawyers for open positions, instead of investing in full-time hires, to better support the changing demands on their teams.

No matter where GCs reside on the spectrum of flexibility, they all share a recognition that a blended team of full-time and on-demand lawyers minimizes risk, maximizes the value of the in-house team, and optimizes spend. As the economy reboots for growth, these leaders understand that flexible talent is not only the modern approach to hiring, but is also the key to building high-performing legal departments.

Optimizing Spend

Let's pull up for a moment.

The very first step toward understanding where and how GCs all along the spectrum can inject their team with flexibility, is to better understand the cost structures of their various types of talent. To date, that has not been an easy comparison as salary alone is a woefully insufficient and incomplete measure.

There are a host of costs with any full-time lawyer, which include but are not limited to, equity-related costs, benefits and taxes, bar association fees, facilities and related overhead costs, training and development expenses, hiring and recruiting, exit spend, and more. Other factors such as geographic region, industry experience, tenure, and practice area specialty also substantively influence spend per lawyer.

In order to build a high-performing legal team, GCs must first understand and account for the hidden costs of legal hiring. Only then, once they have calculated for all the factors which contribute an internal hire, can they effectively and accurately compare the cost benefits of employing in-house lawyers versus engaging equivalent flexible resources.

Shining a light on hidden employment costs does more than just enable an accurate one-to-one comparison – it provides GCs with a better picture of the cost benefits of more directly mapping their talent to their needs. Indeed, every individual full-time hire needn't (and shouldn't) be compared to every individual flexible resource. Instead, the real cost of a full-time employee may be thought of as a bucket of additional budget. That budget can be used more efficiently on a single flexible lawyer, or it can be effectively divided and deployed across multiple on-demand lawyers to address numerous workstreams and sub-specialty needs.

Optimizing Risk and People Management

Cost alone, however, will never be the yardstick by which GCs measure departmental contribution, progress, or performance.

True legal value involves the optimization of spend (per above), but also risk, and people management. All three are equally important measures that reveal the benefits of transitioning from fixed to flexible talent:

Risk Management:

Unprecedented legal issues often emerge suddenly. Legal departments that rely on full-time employees alone do not possess the speed or flexibility required to address emerging issues in a fast-changing marketplace. For example, the legal talent the GC needed in March of 2019 looked very different from the expertise required in March of 2020, and that looks quite different from the expertise required in March of 2021 and beyond. As a result, any hiring decisions the GC makes outside of the

core competencies of their team would be based on previous expertise needs.

As events unfold, legal talent must change just as rapidly. GCs must be able to match the right in-house-ready talent to current legal matters in a real-time and reactive manner. Legal departments with access to an already-integrated, flexible bench have the muscle memory needed to seamlessly respond to an unexpected event at scale. The ability to sync resources to a fast-changing landscape significantly enhances risk management and measurably improves legal outcomes.

People Management:

GCs must also consider how to create value through the operational management of their talent. A blended team of full-time and flexible staff drives enhanced value creation.

The integration of flexible lawyers within the department ensures that the core team remains focused on the work that directly aligns to the strategic objectives of the enterprise. In addition, leaner permanent teams create more growth opportunities for talented lawyers within the internal structure.

Investing in flexible talent also mitigates the attrition issues with which many legal departments struggle. The costs of replacing internal hires and retaining external counsel in the interim can be steep. Moreover, it typically takes over six weeks to fill an open legal position, and 11 weeks to fill one at the managerial level.

A well-honed bench of flexible talent, composed of lawyers with institutional knowledge

of the legal department and the organization it serves, can immediately and seamlessly onboard to fill gaps while mitigating attrition issues.

Finally, hiring is a significant commitment. Flexible talent provides a “try-before-you-buy” cushion, giving GCs the opportunity to assess the types of softer skills that are only appreciable once a lawyer is in-seat. Trialing talent before converting that lawyer to full-time employment is not only an overlooked benefit to flexible talent, but is also a risk-mitigating, pragmatic model for legal team hiring.

How to Start: Three Steps for Building a High-Performance Legal Team

Most legal departments leverage all three pillars of the larger legal ecosystem:

- Full-time employees: A GC and lean team of legal lieutenants hired around the core competencies and strategic requirements of the business
- Law firms: Retained for bet-the-company matters, including select deals and specific litigation scenarios
- Flexible talent: A network of vetted, curated, in-house-ready, on-demand lawyers to flexibly respond to real-time needs

The highest-performing departments are those that balance more weight on the most flexible pillar. While experiments with on-demand talent may seem antithetical to the conservative nature of traditional GCs, pilot programs help mitigate perceived risks. Building a flexible talent pilot involves three steps:

Step 1: Identify Positions Primed for Flexible Talent

- Review the internal legal organization chart
- Identify which open positions are core-critical, requiring embedded subject matter expertise and institutional knowledge
- Identify open positions that are well-suited for flexible talent:
 - A second-level need for a competency that already exists within the full-time team
 - Unexpected demand for critical, but not continuous, expertise
 - A new initiative, project, or transaction requiring a surge in support
 - Open positions that have not otherwise been labeled core-critical

Step 2: Design the Appropriate Pilot Program for Enterprise Success:

- Consider the best executive for pilot ownership, given the specific enterprise environment:
 - A pilot owned autonomously by the GC
 - A co-sponsored initiative with the CFO
 - A pilot in cooperation with the Legal Ops team
 Communicate the intent of the pilot to stakeholders so they become co-advocates of the initiative
- Carve out a budget dedicated to hiring flexible talent: If working with the CFO, ensure that the budget allocated to the pilot will be returned to the legal department for gener-

al spend, regardless of the outcome of the initiative. Design a pilot that does not fiscally penalize experimentation, but instead, rewards it with additional investment if successful

- Commit to a specific time, investment, and funding plan: Legal will invest in flexible talent for the next “X” non-core-critical open hires over an “X” period of time. Transfer a portion of law firm spend to help fund the pilot
- Calculate success: Develop and measure pilot outcomes against defined KPIs

Step 3: Engage the Right External Partner To Build Pilot. (That partner will help:)

- Identify positions and legal matters best primed for flexible talent success
- Scope and design the pilot program Create a budgetary framework to compare costs between flexible and full-time lawyers for specific open positions
- Establish benchmark KPIs, beyond cost, to measure pilot results
- Access the right flexible talent for specific pilot needs

About the Author

Catherine Kemnitz is the Chief Legal Officer of [Axiom](https://www.axiom.com), the global leader in high-caliber, on-demand legal talent

**NEXT
GENERATION
LEGAL
SOLUTIONS**

www.legadex.com



ie



LAW SCHOOL

PARTNER LEGAL BUSINESS WORLD TELEVISION





Reimagining legal: What If to What Next

By Eimear McCann, Head of Strategy at Summize, Writer and Visiting Lecturer at the University of Law, Manchester.

We aren't often asked to imagine in law. Our training focuses largely on perusing large amounts of information, extracting the salient and discarding the futile. From academia upwards, lawyers are trained to be accurate, exact and seldom encouraged to fail, even if it might be underpinned by creative thinking or experimentation.

The culture within legal often fosters insecurity, which drives lawyers to work longer hours, push harder and, all too often, abandon their own sense of wellbeing. Law students, particularly in the US, set out into the world of work, burdened by exorbitant student fees, which ultimately will dictate their training choices. Remuneration will supersede idealism, and the false hierarchy will perpetuate.

A recent report from the International Bar Association, which surveyed over 3,000 people across 186 legal organisations, confirmed that lawyer wellbeing is a cause for global concern. Per-

haps most alarming was the statistic that 10% of lawyers under the age of 30 alluded to suicidal ideation, as a direct result of their work.

If we start to delve into fabric of diversity, the stats do little to foster positivity. The gender pay divide is well documented, with a stark absence of women within firms' top ranks.

In the UK, Baroness Hale became the first female President of the Supreme Court just four years ago, in 2017; the Law Society appointed its first person of colour to the role of President in 2021... and the list goes on.

Instead though, imagine this; I am a lawyer, but I also think of myself as a storyteller, designer, collaborator and an innovator. Let's further imagine that I am part of a co-operative whose aim is to solve problems. My expertise and knowledge form part of a diverse tapestry of talent, encompassing engineers, artists and beyond. I brainstorm more than I write, I experiment

and ideate. I think of myself as part of a creative collective. I am not afraid to admit that I don't know. I am used to failing and trying again. I am lucky enough to work whenever and wherever I wish. The maximisation of profit is not my main focus. We don't focus on the narrow, but we take a holistic view. We have fun. We work hard. We communicate in clear, simple language. We keep all written documents short and visual. We use art as a way to explore ideas, with each other, and with clients. We are not restricted by targets, metrics or by constructs which are discordant with pragmatism and the best interests of our client (& partner). We regularly spend time in-house with our clients. Our clients see us as equals. We also spend time in other industries, learning and evolving. We embrace cross-pollination. Hierarchy is not a consideration. Creativity, innovation and diversity are all-pervasive. Law students join us daily for brainstorm sessions and feed into our ideas tank.

The same students study at an academy, where they can design and build their own study map. We know that everyone learns in different ways, so students can choose their preferred medium. At all times, students are encouraged to trial new software and tech tools. They provide feedback on new tech. They are looking always to the future, not the past. Students learn about the fundamentals of law, but they quickly migrate to expanded teachings on design thinking, resilience and creative thinking. The teaching is tailored to the student and not the other way round. They work with the collective to get a true sense of what their work life will be like. Students are also encouraged to join businesses in other sectors to understand where legal sits in the real world con-

text. As part of their learning, they are offered exchange passes, spending a month (or more) working for another sector, with students/interns from other businesses joining the academy to encourage diverse thinking and expertise. Diversity and inclusion underpin every aspect of the academy. Students leave feeling curious and excited about the future. Student fees are subsidised by the businesses who work with the collective. Training placements are guaranteed; students will never exceed the number of placements on offer.

Imagine too that "legal tech" is just tech. Imagine that lawyers and developers work together and build bespoke solutions. Lawyers do not feel alienated. They do not feel robbed of their autonomy. They feel immersed in the creative process of developing a tool that they know they will actually use.

Lawyers don't feel overwhelmed by choice and jargon. They feel comfortable, perfectly educated and at ease with new and emerging applications. The cohesion of study, practice and future proofing finds its home in technology. Legal Tech companies are a thing of the past; instead, these companies are an integral part of the collective. Students can learn to code if they wish, but they have enough knowledge to make that decision autonomously. Tech providers do not need to back track or re-route their roadmaps. They know exactly where they are going, because they are immersed in the very world they should inhabit.

Are you still with me? Can you imagine that this could truly be the future of law? This all sounds very conceptual and completely incongruous with our reality, doesn't it?

Ultimately, the only thing which separates this legal utopia from the reality is the power of our imagination and how we use this to make change.

Legal is a massive industry, chaotic and forever evolving. It is an industry built upon maximising profit. It is also built on narratives that are adhesive and stifling. How many times have you heard people say that lawyers are slow to change? How often have you fallen backwards into resigned acceptance of the billable hour, the entrenched relationships that impede progress and the “risk averse” platitudes? There are too many labels and a reticence to discard and move on; however, momentum is growing behind the desire to reimagine law. I don’t just mean a few tweaks here and there, but a proper reimagining.

There is therefore a tension between the status quo and those who quietly, or even silently, are campaigning (or hoping) for change. Out of this frustration though, there is opportunity and scope for reinvention.

If we really stop to think, isn’t our imagination what really makes us human; that ability to revisit the past, anticipate the future and to enter other peoples’ worlds? Our collective imagination is arguably one of the few boundaries that sets us apart as a species. Without it, we cannot function. Think of it this way – every, single material thing created by humans was first imagined. Simple, but powerful.

Looking at a different analogy, we know that play is central to brain development. Unstructured free play encourages children to take more risks, to be more resilient and adventurous.

Removing that freedom from children promotes risk aversion and reduces empathy levels. To quote Sir Ken Robinson, *“If you design a system to do something specific, don’t be surprised if it does it. If you run an education system based on standardisation and conformity that suppresses individuality, imagination and creativity, don’t be surprised if that’s what it does”*.

If we really want to encourage our future lawyers to be more entrepreneurial, adventurous and happier, we have to give them freedom. Equally, if we want to really begin to implode a culture that impacts so severely on mental wellbeing, that quashes diversity; then, we need to remove some of those structures and beliefs which impede that freedom in practice.

So, how on earth do we do that? I believe we do need to start small, but we need to start with intention. We need to create safe spaces for people to voice opinions, ideas and stories. Imagination is often viewed through a lens of suspicion in the legal world, perhaps because it is intangible, impossible to quantify and incredibly powerful. That sentiment needs to shift and we can really only do that by telling our stories, not just of the past but also stories that encapsulate our vision for the future.

Imagine if, this time, legal forged ahead of other sectors and, slowly, gradually, became known as the industry that completely turned itself around. Imagine if, in ten years’ time, the utopia described above (pitfalls and failures included) was perhaps not the norm, but at the very least, an occurrence. Clusters of academies and collectives popping up all over the

globe. My vision will be different from yours and will not appeal to everyone; in fact, it may only appeal to a handful, but that's fine.

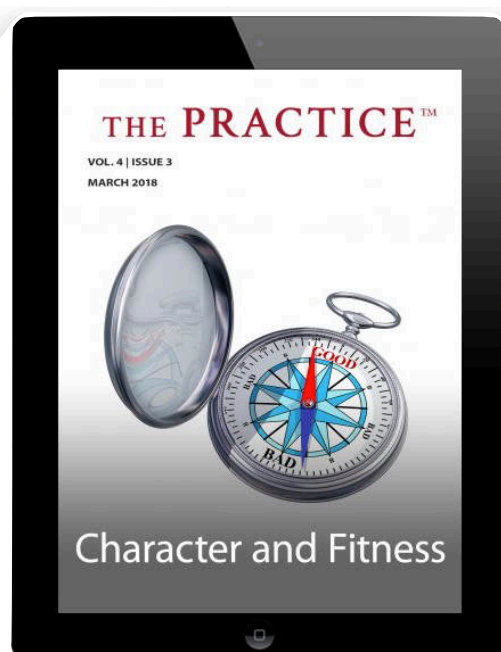
Imagination is, in a sense, about filling gaps in our knowledge, but it also enables us to empathise with others and to construct hypothetical future scenarios that do not yet exist. There are many aspects to our imagination; the intellectual, the emotional and the effectuative constitute 3 relevant segments of the documented 8 modes of imagination. In this instance though, it is our strategic imagination which we most need to explore, the vision of "what could be" and the ability to recognise and evaluate opportunities by turning them into mental scenarios.

If we start to move from "what if" to the "what next", just imagine where legal could be if any of this actually came into being.

About the Author

A former lawyer, Eimear is Head of Strategy at Summize, a contract creation and review platform. She is also a writer and a Visiting Lecturer at the University of Law, Manchester.





Bridging academic research and practical advice, **The Practice** offers thoughtful analysis on the legal profession for a global audience. [Read The Practice now >>](#)



**CENTER ON THE
LEGAL PROFESSION**
Harvard Law School



SUFFOLK UNIVERSITY

LAW SCHOOL



Top 20
Clinical Program



Top 3
Legal Writing



Top 15
Trial Advocacy



Top 25
Part-Time Law
Program

To program or not to program, what should a tech lawyer do?

By Elen Irazabal, CEO AdvocatusAI



Since I have been teaching Artificial Intelligence, I have the feeling that lawyers tend to misunderstand AI. I think one of the reasons is a lack of technical knowledge. In addition, AI can be very complex, as it is composed of

several areas of knowledge: business, mathematics and programming. In the following lines we will talk not only about the knowledge needed to understand AI, but about the technology in general.

Technology has brought us a new wave: from the adoption of technology solution initiatives, to technology-related regulations (Cybersecurity, AI, Blockchain...).

On several occasions I have been asked about



AI and programming. I have also met lawyers who have started programming, including lawyers who are working on fully technical jobs and lawyers who want to build their applications themselves. On the other hand, lawyers who want to pursue a technology-oriented career find themselves lost amidst the abundance of information.

Let's distinguish three areas of expertise:

- Cybersecurity and data protection

- Artificial Intelligence
- Legaltech and digital transformation

In all of them, technology is the means to an end. So, first of all, if a professional wants to do technology, the main observation should be: What do I get out of learning technology? Do I want to be a developer to build web applications? Do I want to study natural language processing to analyze legal texts? Do I want to improve my skills to provide better

legal advice? Depending on the answer, the topic and intensity will vary. Programming as a developer is not the same as being a digital transformation consultant.

Let's start with the most technological one: I want to be a developer. In this case, you will definitely need to learn programming. If you want to become a data scientist, you will not only need to learn programming, but you will also need some mathematics.

On the other hand, if you just want to be an AI or technology lawyer, I always recommend understanding the logic of programming. This means acquiring the technical knowledge necessary to understand how machines work, how they make decisions and why they make mistakes. This is key to understanding not only AI, but also innovation.

This logic can be taught with or without programming. However, my opinion is that to understand this logic, it is best done through the practice of programming, which gives the person performing it an understanding irreplaceable by any theoretical explanation. The goal is not to learn the syntax of programming, but to understand the logic behind the decision making process.

For advocates of AI and legal technology, understanding how machines work and how developers or data scientists instruct the machine provides a broader and more accurate understanding of the technology compared to a purely legal or conceptual background.

Let's take an example regarding AI transparency: how to advise on this matter if we

don't know why some algorithms are black boxes? Regarding digital transformation and legaltech: how to know which technology fits our problem if we do not know how to distinguish one solution from another? How to know if an AI can solve our problem and not another cheaper technology? how to differentiate an AI solution from an automation solution? Or in terms of innovation consulting, how do we know where innovation is going to come from? In short, combining technical and legal expertise to autonomously evaluate technological and legal projects.

Finally, when it comes to cybersecurity and data protection, I always recommend knowing how the Internet works through software fundamentals. Knowing this allows us to understand the technical security measures. Why we apply one measure or another, in what situations, etc. Understanding how data travels over the Internet is essential to understanding data protection issues in companies. Even when we understand how the internet works, we can better understand the blockchain revolution.

It should be noted that many technical courses are aimed at technical professionals. Precisely, one of the challenges we face is to adapt these technical aspects to a law-oriented audience. However, I believe that this is not complicated to do. In fact, we have an increase in AI-related applications to law, as well as legal advice on technology.

Going back to the beginning of the article, the best way to get an accurate and realistic approach to a technology like AI is to put yourself in the shoes of an engineer. It is my

opinion that the lawyer who understands the technical aspects of his or her practice will add value over those lawyers who do not have this competence.

About the Author

Elen Irazabal is lawyer by profession. She's co-organizer of R Ladies Madrid. She

learned to program in order to be able to do Natural Language Processing on legal texts. She runs her own course where she teaches lawyers how to program and how to learn technical things in Artificial Intelligence and Cybersecurity. You can follow her here: www.linkedin.com/in/elen-irazabal and check her website: <http://www.advocatusai.com/>



FALL 2021

BIENNIAL SUMMIT OVERVIEW

The World Legal Summit is a multi party initiative. It brings jurisdictions together in understanding and exploring the development of legislative frameworks for dealing with emerging technologies and related global systems.

We launched the World Legal Summit in 2019 with the #WLS2019 summit that took place in 33 cities across 25 countries its first year. Building on the success of its inaugural year, there will be a world wide WLS summit every two years and your organization is invited to get involved.



World Legal Summit Copyright ©2021

No/Low Code Le

Anyone who follows the legal tech industry surely has noticed the emergence of “no/low code” offerings in the vertical. It’s easy to understand why, there are many forward-thinking professionals eager to develop applications optimizing legal ops which are cheaper and easier to build. Empowering non-programmers who possess a keen understanding of the salient business issues is one way to accomplish that objective.

That last point alone sounds appealing to many -- it’s somewhat akin to using self-checkout to bypass the checkout line at your

local superstore, managing your 401K without a broker, or arranging a vacation absent the assistance of a travel agent. It’s an approach many lean towards in today’s do-it-yourself world.

But what exactly is the “no/low code” approach? Perhaps it helps to start with a formal definition. The website TechTarget.com offers the following on that front:

“Low-code/no-code development platforms are types of visual software development environments that allow enterprise developers and

Legal Operations Trends

By Kenneth E. Jones, Chief Technologist at Tanenbaum Keale LLP, Chief Operating Officer of TK-owned SaaS company Xerdict Group LLC

citizen developers to drag and drop application components, connect them together and create mobile or web apps.”

How do we translate this to something meaningful to the typical legal operations professional? Here’s a few points:

The no/low approach allows legal professionals, attorneys, or paralegals alike, to become builders of legal applications once they develop familiarity with each platform.

You do not need to be a programmer to construct useful, functional applications.

However, there is a ceiling to what a non-programmer can accomplish. You’ll continue to require advanced programming assistance to incorporate sophisticated functionality (e.g. interfaces to other applications, customized software beyond what a core no/low code platform provides).

This foundation laid; what options are available in the legal market? Next, let’s identify key use cases related to the processing of matter data and legal workflows, the creation of documents and close with some benefits related to the integration of legal data between

applications. But we'll first begin by taking a quick look back in history to learn a bit about how the no/low code approach came to fruition.

History

No/low code may seem new to many, but the concept is decades old. Some trace the origins back to James Martin's book, *Application Development Without Programmers*, published in, believe it or not, 1982.

In my career, development groups where I was a team member, both at Bristol-Myers Squibb and my current role (Chief Operating Officer of the Xerdict Group, a wholly owned subsidiary of Tanenbaum Keale LLP), used a philosophy known as Model View Controller (MVC) to construct modules allowing non-programmers to build systems. These allowed configuration experts to do things like create system entities (e.g. matter, law firm, task, calendar item), add fields to the entities and develop menus and reports without programmers.

Progress has accelerated at the approximate rate of Lewis Hamilton's Mercedes springing to life from the starting grid of an F1 Grand Prix during the past few years. Full featured development platforms like Salesforce Lightning, Microsoft Power Apps and Oracle APEX offering these services to law firms and institutional legal departments are increasingly common. Leading I.T. research company Forrester suggests more than 50% of developers will be using or planning to use no/low code approaches in 2020. And the corresponding emergence of tools focusing on the legal industry is quite noteworthy.

Now, you may be thinking this is all somewhat interesting, but how does it relate to me and my role within legal operations? Although there are many diverse answers to that question, here's a quick look of a few leading examples in legal tech today.

Matter Data / Legal Workflows

To state the obvious, within corporate legal departments there are needs to track many types of complex matters. Litigation, intellectual property, labor and employment, marketing and licensing are but a few. Each area has their own unique needs (different fields, reports, workflows, etc.). Likewise, just about every legal department deals with its fair share of issues that require application of complex, multi-jurisdictional rules to facts that vary from one incident to the next.

Building sophisticated case management systems can be challenging. Technical resources and funding are often difficult to secure. That's where no/low approaches can help. Tools allowing attorneys or paralegals to construct, using plug-and-play like components, empower legal operations professionals to track and manage matters with the tracking fields unique to each matter type. Those same tools can be used to build automated advisors that ask questions, apply rules, and provide answers—and even legal advice—to common questions. (Think what Turbo Tax does with the Internal Revenue Code.)

One industry expert, Jeffrey Sharer of LexShift, uses these tools to develop legal operations applications. A representative example might be the LexShift Data Breach Advisor, an application built on a low-code platform that

automates the interview, analysis, legal advice, and documentation for millions of potential data-breach fact patterns under more than 50 state and federal laws. These add value within legal operations in many ways, Sharer explains:

By empowering legal professionals to build process and subject-matter expertise into software, various platforms make it possible to deliver automated analysis and legal advice simultaneously to any number of clients, or for one client to run through any number of scenarios at no incremental cost.

Often in law, facts are straightforward and all a client needs is someone—or something—that knows the rules and can apply them to those facts. Building the rules into applications enables clients to self-serve on routine issues and allows them to address a broader range of incidents, including some that wouldn't warrant the time and cost of bespoke analysis and advice, all in the same reliable, consistent manner.

Applications like these have tremendous appeal to legal operations professionals because when they're well executed, they result in better, faster, and less-costly legal services—in other words, sizeable gains on all three sides of the so-called “impossible triangle.”

One final quick thought in this area. There are many providers in this space. Each shifts the paradigm much closer to the “legal tech built by lawyers” end state, one which is very much in vogue throughout the industry.

Document Creation

A second use case surrounds the creation of

documents for a specific legal purpose. One great example all of us lay people can relate to is estate planning. In this area, the “end goal” is to create documents sets with artifacts like a last will and testament, living wills and advanced directives or creations of trusts.

Products to automate legal workflows, with the goal of converting template documents into intelligent workflows which provide users with user-friendly questions and prompts, can dramatically slash drafting time.

“Dorna Moini, CEO of Documate, one of the impressive start-ups in this space, is one of the thought leaders in this emerging area. To help explain the essence of the value proposition in this area, Moini offers the following comments:

“For lawyers, automating legal documents allows them not only to save time, but also to engage in new legal service delivery models. Where the billable hour was previously a cap on revenue, creating client-facing automated workflows to generate documents means that lawyers can offer flat fees, subscriptions, and unbundled legal services. Or, they can create document-generating tools that serve as lead-generators for their law firms.

Automating template-based work also doesn't mean the end of junior associate training. In fact, it can be used to raise the bar on junior associate skill enhancement. For example, last summer, Documate worked with Wilson Sonsini summer associates ([link to Bloomberg article here](#)) to build out automated “bots” to help lawyers answer legal questions and generate documents. Partners and associates in

different practice groups organized the templates and rules. Then, summer associates built out the tools on Documate over the course of the summer, helping them learn the law, embrace technology, and provide immediate value to the firm. These tools and others the firm is building are being used by WSGR attorneys and clients.”

All in all, the key takeaway of this section is that no/low code methodologies are not constrained only to what some might refer to as “computer systems”. Automating and streamlining the generation of client-oriented documents sets in various legal practice areas is another awesome use-case for this technology within legal operations.

Integration

There are other plays in this area adding built-in integration to common legal software tools as part of the value play in the no/low arena. For example, the Thomson Reuters no/low offering, HighQ, offers some benefits.

More specifically, in addition to offering their self-build set of tools with a decidedly legal slant, the HighQ platform also provides connectors to leading legal software products like IMANAGE, NetDocuments, Docusign, Microsoft Office, Elite, etc... To cite a mainstream example in our field, it’s highly beneficial for a matter management system to transfer, in an automated seamless manner, any document updates back to the document management system of record (e.g. IMANAGE or NetDocuments), and vice versa of course.

Imran Aziz, London based Thomson Reuters Manager Product Management for HighQ, is an

expert in the various connectors offered within their platform. To further explain the value clients enjoy with these benefits, Ariz offers the following perspective.

“HighQ’s integration strategy is to facilitate clients in achieving their end-to-end digital journey with little or no effort. This is accomplished with in-application features, or by partnering with integrators to provide the capability.

Our thought process is that we’re delivering a switchboard where HighQ makes connections to existing client applications to create and complete a circuit. And as we do that, we strive to build in a manner where connectivity can be ported to all clients.

One example is the SeeUnity based integration to document management systems. Via this connector, HighQ triggers functions to allow users to choose which documents which sync back to the DMS system, all within the HighQ interface. Similar functionality is delivered in the eSign area.”

The true beauty of this approach is that configuration parameters, within a host platform, provide end users with end-to-end integration to core legal apps without having to commission any custom code to accomplish this objective. switch which can be templated using our strong solution templating capabilities and the end user gets a coherent experience without having to write any code to achieve their goal. That’s the key benefit of built-in platform integration.

Where Does This Leave Us

Looking back in time, we note how Microsoft

Office empowered legal folks to build functional data tracking tools (e.g. case lists in Excel or Word, for example), not unlike how tools such as WordPress or Google Sites empower non-programmers to build attractive websites. In my world, I've seen firsthand how internally developed versions of no/low tech helps Tanenbaum Keale track client litigation data, documents and improve legal workflows. And today, many legal software providers continue to further streamline legal processes via the no/low code approach in many functional areas.

There's no doubt no/low code is a critical element of the cresting wave of automation driving improvement within legal function. Of course, it is not the final answer to these issues, but a notable step forward for sure.

Perhaps the most valuable benefit is this closing thought. As more members of the legal operations community take up the laboring oar on more sophisticated application builds, this frees up the legal tech development community to tackle even more challenging areas, benefiting our field in heretofore unimaginable ways.

Although these opportunities are too numerous to note, some high-potential areas surely are the use of artificial intelligence, process automation, further migration to the cloud, improved enterprise search, use of net neural, blockchain and of course the critically important task of ensuring cyber security plans are constantly adjusted to meet ever-changing needs in this area.

About the Author

Kenneth E. Jones oversees various aspects of technology at Tanenbaum Keale LLP in the role of Chief Technologist. He leads efforts to support TK's computing environment and infrastructure, one that features a strategy of professionally protecting and processing client data in the Cloud with highly skilled and respected leading-edge business partners in the technology space. Additionally, Mr. Jones helps lead and support various TK programs in the areas of security, compliance, business continuity and firm administration. Mr. Jones also serves as Chief Operating Officer of TK-owned SaaS company Xerdict Group LLC. Xerdict Group LLC is a software company which provides a wide variety of internet-based technologies to TK clients including case management systems, discovery applications and document repositories.



International Academy of Financial Crime Litigators: Third Anniversary

In celebration of the third anniversary of the *International Academy of Financial Crime Litigators*, a few of its trailblazing Fellows and allies explain in a Q&A the mission of this high-powered group. Uniting some of the world's top academic and litigation professionals in the field of financial crime, The Academy was established in 2018 by *Stéphane Bonifassi* of Bonifassi Avocats (Paris), *Lincoln Caylor* of Bennett Jones (Toronto) and *Elizabeth Ortega* of ECO Strategic Communications (Miami).

International Academy of Financial Crime Litigators, 34 Boulevard Haussmann, 75009 Paris, France



**Basel Institute's Managing Director
Gretta Fenner:**



If you could characterize The Academy in just a few words, what would they be?

A group of outstanding practitioners and academics leading the evolution of financial crime litigation worldwide. A group where friendship and shared goals mean that differences of opinion are not only valued but stimulate candid discussions with the power to change thought and practice.

Why do you think the discussions and dialogues that occur within The Academy are necessary?

Although we all think we are speaking about the same things and are in the same community, the discussions we have enjoyed through The Academy reveal how many different approaches there still are. Bringing these together – across geographical borders and perceived boundaries of sector and specialisation – widens our individual perspectives and

helps to drive the entire field of financial crime litigation into the future. The diversity of The Academy, and its courage to address the crucial polemics of the age, are two of its great strengths.

NYU Professor Jennifer Arlen:



Why were you drawn to The Academy, what captured your interest?

I am honored to be a member of The Academy. I was drawn to the Academy by the opportunity to benefit from the expertise and insights of lawyers and other litigation professionals who are intellectual leaders in the area of financial crime. I leave each meeting enriched by the discussion.

Litigator Dorothy Siron:

What skills and knowledge do you take from your participation in The Academy and apply to other areas of your career?

Being a Fellow of The International Academy of Financial Crime Litigators has certainly



crime/cyber crime litigator, my awareness of current risks and exposures enables me to support my colleagues in the business and transactional areas of legal practice.

Academy Co-Founder and Communicator Elizabeth Ortega:



made me up my game and has introduced me to stellar professionals at the top of their game. It is this pursuit of excellence that I value and have come to enjoy. I have met and made many friends at The Academy who have inspired me to continue to do good work, to keep abreast of changing times and uphold the pursuit of progress that The Academy treasures.

How does collaborating with professionals in different areas of the legal field strengthen your professionalism?

I feel that the practice of law is a living and breathing regimen that responds to the ever changing landscape of the world we live in. The cross-pollination of the many different legal fields gives firsthand insight into what makes the business world tick, and hence what the current climate and needs of the legal world are.

It has enhanced my practice to make me more aware and more fluid in responding to client needs and the courts' direction for change, progress or development. As a white-collar

What role do you think diversity plays in The Academy and the legal field in general?

The Academy unites academics and litigation service professionals and was created in direct response to a gap in the market. Our mission is to be part of a community that consumes ideas, and while these ideas do not have to align with our own views, we grasp the importance of having a dedicated platform to engage in eloquent dialogue that drives respectful resolution.

This melding of forensics, funders, lawyers, communicators and educators raises and tests ideas to better serve the financial crime sphere. Recently, we virtually engaged in open

talks and strong views when considering and ultimately filing an amicus brief in an important case. Our shared interest and particular approach to interpreting the rule of law can only amplify the litigation playing field.

Where do you see The Academy going in the next year and beyond?

Looking forward, we maintain a fellowship that is keen to bond over litigation strategies and best practices. We're just scratching the

surface of online communication, mentoring and learning. In this quest for knowledge, we pay our dues and strive to earn our stripes. Fellow Ben Gruenstein coined **#TheAcademy-Brass** hashtag and we're up for the challenge. Our mission to sharpen our axes and contribute pros and cons to litigation and leadership results in daily actions, from thought-leadership projects to honoring the late Justice Ruth Bader Ginsburg to celebrating International Women's Day.



THE INTERNATIONAL ACADEMY OF FINANCIAL CRIME LITIGATORS

The International Academy of Financial Crime Litigators is a collaboration between public- and private-sector litigation professionals and the renowned Basel Institute on Governance. Members of The Academy aim to promote worldwide access to solutions in cases of economic crime by sharpening litigation skills and sharing research, experiences and best practices. Members have been handpicked for their extensive experience in the area of financial crime litigation or for their interest in research, data collection and analysis of corruption and other economic crimes.

BUYING LEGAL
COUNCIL

BUYING LEGAL
COUNCIL

THE
DEFINITIVE
GUIDE TO
BUYING
LEGAL
SERVICES

Order now at

[amazon.com](https://www.amazon.com) >

Digitalisation, Technology and the Legal Fraternity in India

By Priyanka, COO, Manupatra Information Solutions P Ltd, India

Introduction

Technology today is pervading each and every industry. From AI based HR solutions, to block chains in the banking sector, from fin-tech to underwriting in Insurance, technology has significantly changed the way we work and deliver services. The Legal sector has not remained untouched by these technological disruptions. In the past two decades, the way legal services are delivered has changed tremendously. Way back in 2000, no one

could have even imagined that one day courts would be held virtually, or one would be able to create a contract using technology. But the way disruptive technologies have increasingly been adopted and used by legal professionals, one cannot deny that legal-tech is here to stay.

Legal technology first came into picture in and around 2000, with the advent of websites which offered a digital searchable library of case laws and legislations. As time progressed,



legal technology evolved and forayed into more complex legal domains such as contract management and automation, document automation, e-billing software, legal analytics etc. In the recent years technology has also been used to revolutionise the way legal education is imparted to students.

In 2017, the Supreme Court digitised one crore and five lakh pages of civil appeal and the government launched an Integrated Case

Management System (ICMS), aimed at the digitisation of services being provided to the Indian judiciary.

With the onset of COVID-19, we have seen how technology has come to the rescue of every sector and industry including the legal sector. E-signatures, online contracts, virtual courts, online meetings and e-billing software solutions have ensured that the legal services continue seamlessly even during the pandemic

times. This article traces the evolution of technology in the legal sector beginning from the year 2000 and how it has taken the legal industry by storm.

Advent of Legal Tech - The beginning of the Millennium

Over the past two decades, legal technology has transformed from providing simple solutions to complex solutions. In and around 2000, the legal research was confined to books and other paper-based resources. The dot com boom in 2000 saw a slew of websites and portals across industries and verticals. Amidst this boom, Manupatra pioneered online legal research in India with the launch of its online database. Helping lawyers to access case laws from across the courts in India, central & state legislations, government notifications etc. unified on a single online platform, with a mere click of a mouse. Travel time to libraries, sitting late in chambers to access books, and the cumbersome efforts of sifting through thousands of pages to find that one case law or precedence was eliminated.

The dedicated legal research databases were equipped with search interfaces. This enabled ease of searching for relevant documents and information by using keywords and relevant search terms, year of judgment, and in some cases even by the name of the judge who delivered the decision. Such specificity and the customisation of search was a luxury unknown to lawyers at the beginning of the millennium. Such ease in conducting legal research, for the first time, made lawyers cognizant of the power and importance of technology in their field. The Information Technology Act, 2000 gave impetus to e-signatures, which opened up the

pathway for digitisation of documents.

This initial phase when technology was just beginning to make its mark in the legal sector is important, as it opened an otherwise closed legal sector, to the potential possibility of transforming into a sector powered by technology.

2005-2010: The Internalisation of Legal Tech

From 2005 to 2010, the Indian legal sector for the very first time experienced the wonders of legal tech.

The success of legal-tech companies such as Manupatra and its widespread usage and acceptance of the legal research platform developed by them leveraging technology, placed the legal industry in the category of an untapped market for legal-tech products.

Within a few years, a number of other players saw the potential of providing tools for legal research along with access to books and journals thereby making legal research more nuanced. This period also saw the interest of the International legal publishing companies in India, further followed by their entry in the country.

Google Scholar was launched in 2004, but it took a few years for it to be accepted as a valid tool of legal research in India. Getting free access to limited pages of a book or articles of international journals was nothing short of boon, for those lawyers who could not afford the heavily priced law books and publications.

The years 2005-2010 led to the internalisation

of legal-tech solutions. Online legal news verticals like Legally India, Bar and Bench emerged.

Lawyers of this era, in a significant departure from their seniors, began to depend upon legal tech tools for their research and new feed. A beginning had been made and lawyers had understood that technology is not here to replace them but to assist them.

2010-2015: Legal Tech Solutions Beyond Legal Research

Between 2010-2015, legal-tech started expanding in diverse areas. From online ed-tech platforms aimed at imparting practical skills to students to online platforms for connecting consumers directly with lawyers, technology was now increasingly being used to make legal services more accessible.

This marked the boom phase for legal-tech solutions in India. Technological solutions unheard of in the Indian market began emerging using the latest legal technology tools like AI, NLP, Smart Search and more.

Having technology take care of the routine rote operations, lawyers freed up their time to concentrate on other complex legal issues. Post 2010, AI/ML based features in legal research like Analytics, Visualisation, Nested Search (search within results), Backward and Forward referencing, Citing details on click and more were introduced by Manupatra.

Over time, these features now have become indispensable for fast and relevant legal research, enabling the lawyers and students to become more efficient and productive.

Legal jobs went online increasingly, with both verticals (focusing only on legal industry) and the horizontal players (Law / Legal as a segment saw growing listings and responses). Another interesting trend which was witnessed during this phase was the gradual rise of online legal recruitment firms which used the internet to advertise vacancies in the legal sector and connecting the job aspirants with potential employers in the industry.

This phase of evolution of legal-tech solutions showed that it is not just legal research, but number of legal services can be enabled or made more efficient using legal-tech.

2015-2020: Legal Tech is here to Stay!

Last five years have seen a sprint in the number of legal-tech start-ups. The importance of legal-tech solutions was further reinforced during the recent pandemic. From e-signature solutions to automation of contracts, legal technology solutions are fast changing the way legal services are conceptualised and delivered.

Novel legal-tech solutions such as Compliance management and legal practice management solutions are gradually gaining popularity. SaaS products like Case Watch- a personalized case tracker to receive alerts on all developments in your case in real-time, and myKase-Law Practice Management software designed exclusively for the legal industry have been launched by Manupatra in this domain. Lawyers can now use online solutions to track legal updates and compliance calendars. Billing software solutions, tracking payments, managing clients, maintaining attendance etc. can all now be done with a mere click.

Artificial Intelligence solutions are just surfacing and have the potential of further revolutionizing the legal industry, including AI based e-discovery solutions, document review, contract management etc. help in making the lives of lawyers easier and simpler.

The importance of legal-tech is undeniable. The way virtual functioning of courts manifested access to justice during pandemic has been recognised by the judiciary as well. The Supreme Court is mulling over creation of e-courts and has recently also issued a draft vision document relating to the same. For further ease, we might see the advent of neutral citations that would change the way law reports function in the industry.

Legal-tech incubators such as Prarambh have come up to encourage innovation in the legal field. Agami finds purpose in unleashing the potential of people from all walks of life to act as change makers and create systems of law and justice that enable all citizens to thrive. Awards for creating a disruptive technology in the legal field are also given to incentivise legaltech entrepreneurs.

Legal-tech is the future and the way start-ups in this field have burgeoned in the past five years standstestimony to this fact. Technology is increasingly exploring new areas, where lawyers can be assisted. It stands complementary to human resources and in the future would play a nodal role in the expansion and accessibility of legal services.

Conclusion

With the sudden onset of the pandemic, we normalised many working arrangements which

were unthinkable in a pre-COVID world. Many law firms went fully remote, hearings were conducted through Virtual Conferencing, client meetings were held on Zoom and Webex, filings went online. Many lawyers feel that the way they work has truly been transformed by technology in the past one year.

The question which emerges is that how would technology affect working in a post-COVID world? A world which has already seen the benefits of [#WEA](#) [Work from Anywhere] by adoption of technology will not shy away from it. The acceptance is hence clear, that technology is here as a complement rather than a substitute. And now with people readily accepting tech-solutions, legal-tech is on the way to become the norm rather an exception.

About the Author:

Priyanka is COO, [Manupatra](#) Information Solutions P Ltd, India. Her 26 year's experience, spans Legal Technology, SAAS, Online Legal Publishing, E-Learning, Events, BPO spaces.

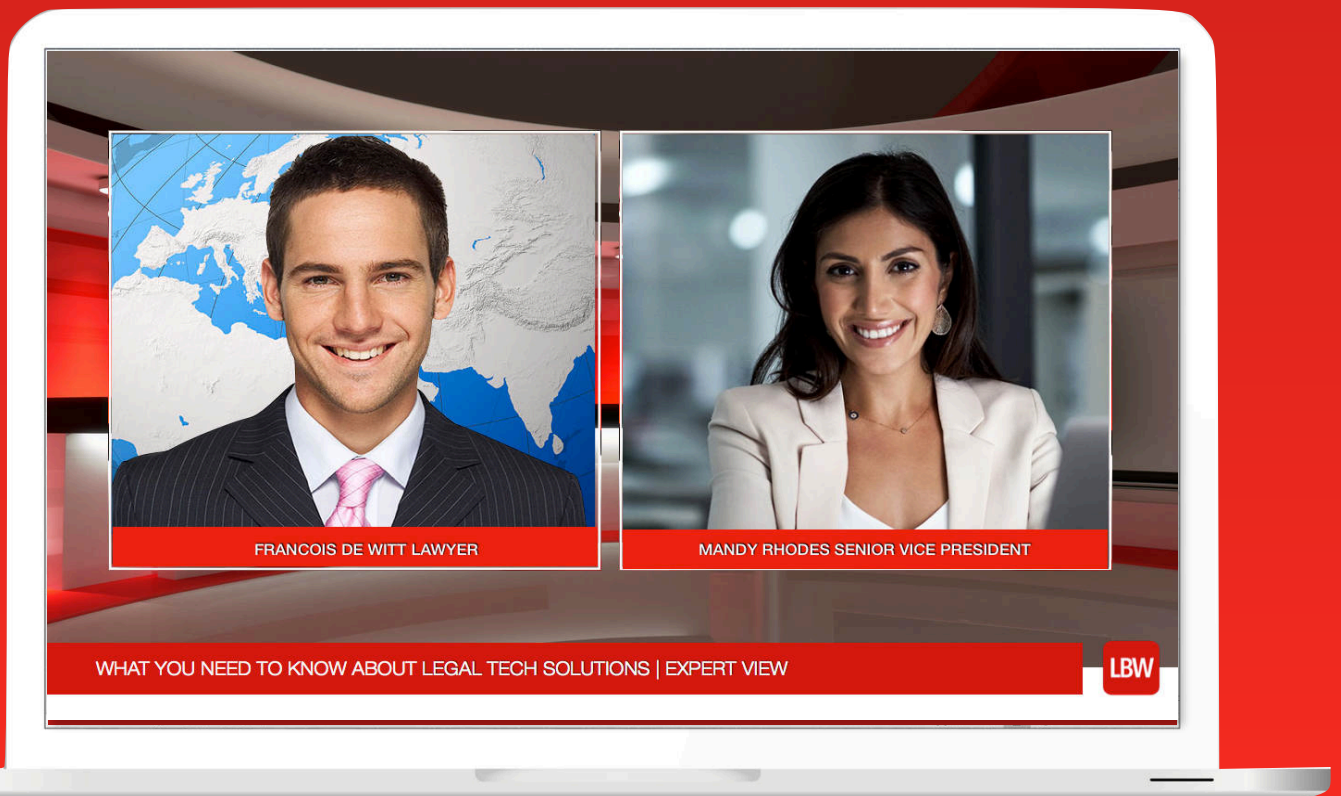


GET WELL KNOWN AND BUILD YOUR PERSONAL BRAND

LEGAL BUSINESS WORLD TV IS LOOKING FOR

CORRESPONDENTS

CLAIM LEADERSHIP AND EXPOSURE BY SHARING
LEGAL BUSINESS INSIGHTS AND INFORMATION FROM
YOUR COUNTRY OR REGION, AND CONNECT WITH THE
GLOBAL LEGAL COMMUNITY



This can be You - Sharing information with 500K viewers

Expert Correspondent is a Free (non-commercial) activity | info@legalbusinessworld.com

How to choose the best ERP system for your law firm?

By Maverick Jones.

Enterprise resource planning (ERP) system uses technology seamlessly to merge the company's various departments like logistics, inventory, accounting, and HR. And as ERP goes on becoming more and more advanced with time, not only manufacturing companies but professional service providers and law firms have started using it. The ERP system helps law firms to plan, share, and make legal decisions with ease. Besides, it also helps in boosting the employees' productivity. Therefore, nowadays, most law firms have started adopting ERP solutions. To learn more about the integration of ERP systems within a law firm, let's go through this blog.



Why is the ERP System needed for Law Firms?

ERP is a system that is typically used by companies to help the employees from their business understand and centralize the planning process, decision-making, and valuable information sharing. By implementing cloud-based ERP in the company, one can increase productivity and effective communication between colleagues. And as clear and transparent communication is very important in the law firm, they use the ERP system more than to have improved workflow. Besides this, there are a lot of other reasons behind a law firm implementing the ERP system, and they are as follow -

1. Workflow

When law firms use a cloud-based legal ERP system, they can streamline and automate all the business aspects from planning to management. ERP provides efficient resources and helps in boosting the productivity level. Besides, the cloud-based ERP system can also offer centralization and automation in the work.

2. Storage

The ERP system helps the law firms in storing all the necessary and important documents in the cloud. This eliminates the need of having a personal server system. Because of this, all the law firms around the globe, be it small or big, use ERP solutions. Besides, there is no need for a large technical team.

3. Collaboration

All the law firms tend to work under the same standard of collaboration. Therefore, they can make use of cloud-based ERP for integrating the entire legal industry. This can help in increasing productivity and also offers great efficiency & a superior understanding of legal practice.

4. Security

The cloud-based ERP system comes with enhanced security levels that can help law firms to protect their data and documents. It also creates a backup of all the files and encrypts the important data. Besides, the data recovery system of the ERP protects the data from any disaster.

5. Business Intelligence

The ERP system can access the real-time data and analyze it to create reports. This is the main reason behind law firms using it. They can easily access the critical data and by analyzing it, they can come to a conclusion in any case. So, basically, the business intelligence of ERP systems makes it easier for law firms to conclude things.

Steps for Selecting the Best ERP System for Law Firms

Here are the steps that one can follow while choosing the best ERP system for his or her law firm -

1. Define the Need

When it comes to choosing the ERP software for law firms, determining the needs of the firm is the first thing to do. The system will be more valuable, therefore, analyzing the business process of the law firm in a correct way and revealing the incomplete areas in the process is very important. Besides, you must be clear with the idea that which part of the business process must be improved after the implementation of the ERP system. Once all these things are clear, the selection process becomes much easier and it also helps in choosing the right ERP system.

2. Analyze the Technical Fit and Plan

Though ERP is a solution for handling business requirements, while integrating it with your organization you must be aware of how potential the ERP software is for your firm's infrastructure.

3. Plan the Budget

When you decide to have ERP as your legal software, planning the budget is one of the most important things as this software is a huge investment. Generally, firms feel that the most expensive ERP system is the best but that's not completely true. Therefore, you must make the choice by looking at the features the system offers and not at its price.

4. Check Scalability of ERP System in Relation with your Law Firm Needs

When you invest in the ERP system, you will want the solution to increase the productivity of your employees and save a lot of your time. But if you have a working system that cannot accept the

change in the process or adapt a fast working system, then you will first have to acknowledge the ERP solution in the current structure. The reason behind this is that your working process needs to efficiently grow with the ERP solution. Therefore, before choosing an ERP system for your legal firm, check the scalability and flexibility, then go with enterprise software development.

5. Choosing the ERP System: Cloud-Based Or On-Premise

While choosing the ERP system for your law firm, you must be aware of the types of ERP solutions and should choose the right one from cloud-based and on-premise options. The cloud-based ERP software is popularly known as software-as-a-service. It is hosted by server providers and you can access it with the use of web browsers. On the other hand, on-premise ERP software can be installed locally on your firm's computer system or server. So choose the ERP system according to its type and your flexibility.

6. Verifying Your ERP Software Partner

When any law firm chooses the ERP system, they are taking their first step towards digital transformation, and to go along with this choice without any hassle, selecting the right ERP system partner is the best thing to do. This can solve a lot of your obstacles at the initial stage and you also get feedback for your system from the experts of your partner company.

7. Determine ROI

Every firm opts for something new to get good returns out of it. The same goes with ERP. The right choice and usage of the ERP solution can take any law firm to the next level by making their work easy and collaborating the work process between the employees.

How Does the ERP System Remain Helpful to Law Firms?

When the selected ERP system is used in a professional framework to fasten the information sharing, planning, decision making, and plan to execute, it can be proved to be the most effective approach. The cloud-based ERP solution offers powerful tools to law firms that can help them enhance their communication level and boost their productivity. Besides this, the ERP system can provide great transparency between the employees and clients.

Conclusion

As seen in this blog, planning and choosing the right ERP system for a law firm is very crucial as if the organization chooses the wrong system that cannot make their working process easy, then they will have to face a huge loss. Therefore, if you are a law firm owner who wants to digitalize the working process in your organization, do not forget to consider the above-listed selection tips.

About the Author

Maverick Jones is a full-time geek and tech enthusiast. He likes to share his bylines and loves to gain audience attention.

LawFlex Ranked As Global ALSP Leader by Chambers & Partners



by Shany Raitsin | Jun 9, 2021

Chambers and Partners are known as a prestigious authority on global rankings for the legal industry. In its operational team, over 200 editors based in London conduct research into various facets of the legal industry, including dozens of practice fields, and unique niches such as ALSPs, Litigation Support, FinTech and so forth.

This year in 2021, LawFlex landed itself a coveted tier 2 position in Chambers and Partners' global ranking of ALSPs, specifically within their research regarding flexible legal staffing providers. The guide highlights LawFlex's global expansion, proudly displaying its growing network of offices in France, Chile and other locations. The guide also acknowledges LawFlex's impressive and ever-expanding pool of contract lawyers "with over 600 available for projects around the world, with particularly strong representation in tech, privacy regulation, litigation and e-discovery, as well as corporate M&A."

The extended profile on LawFlex featured in the guide goes further into detail on why LawFlex is one of the leading global providers in the flexible legal staffing industry.

It is the very DNA of LawFlex and its unique business model that allows other businesses to "access top lawyers from across the globe with the large over-heads of traditional law firms, providing solutions in 26 jurisdictions around the world".

LawFlex has established itself as a competitive entity in terms of the qualifications behind every lawyer in its arsenal, behind its pricing, and behind the general experience of opting for an innovative company like LawFlex for your legal needs.

CEO & Co-Founder Jackie Donner

The attainment of this prestigious honour of being recognized as a global ALSP leader did not go unnoticed by its team of founders, with CEO Jackie Donner writing about her initial mission to

“deliver legal services flexibly”, and how thrilled she is to witness LawFlex be ranked as a key 2021 player in the industry.

Donner also gave a grateful nod to LawFlex’s HQ team, and a “loud shout out” to the company’s “loyal FlexLawyers world-wide who deliver quality work time and time again, with a smile.” LawFlex’s dedicated pool of talented attorneys are, after all, behind what the company has been built up to be today; a solid and irreplaceable part of so many global in-house legal teams and firms.

Zohar Fisher, LawFlex’s co-founder, wrote about what it was like seeing his “vision” for a company revolutionizing legal services come to fruition, and how surreal it was to see LawFlex now “walking shoulder-to-shoulder with the world’s largest entities.” Some of those entities include the likes of Axiom, Elevate, Peerpoint (Allen & Overy), and Lawyers on Demand.

Fisher went on to underscore how big of an achievement this was, with LawFlex managing to navigate and even thrive under the “changing winds of the legal profession”, an Israeli company establishing itself amongst the upper-echelon of the modern-legal-elite. It is an accomplishment worthy of celebrating, but as Fisher himself noted, the work is far from complete – and the room for growth is seemingly exponential. But for now, LawFlex has its sights set on Chambers & Partners’ esteemed tier one position

Legal Business World Congratulates LawFlex with this great achievement!

Check out our Download section



**never
run out
of
talent**

lawflex.

lawflex.





Legal Business World partners with Legal Operators & Legal Newswire by law.com

The Hague | New York | San Francisco

Legal Business World (LBW) is proud to announce two new partnerships. A strategic partnership with Legal Operators, and a partnership with Legal Newswire by law.com

Taking the lead in the Business of Law

LBW and Legal Operators are pleased to announce they have entered into a strategic partnership, combining Legal Business World's leading global business platform with Legal Operators premium community for legal operations.

One of the new joint initiatives is a [monthly newsletter on the Business and Operations of Law](#) that will reach over 500K Legal minds globally. Each month we will be tackling the 6

areas of legal operations head-on! Diversity and Empowerment | Legal Technology | Process | Spend Optimization | Data Analytics | Coaching and Human Development. We will present cases in technology, spotlighting featured legal technology, offering webinars, articles, and driving meaningful industry-wide initiatives and benchmarks.

LBW Newswire powered by law.com's leading Legal Newswire

We're honored to announce a partnership with Legal Newswire by Law.com. Together with Legal Newswire we offer unique (local) exposure on the global legal market. Legal Newswire is the only legal press release newswire that guarantees publication on the 18 leading legal websites along with super-premium digital news services including Yahoo Finance, MarketWatch, Bloomberg, The Wall Street Journal, Dow Jones, and much more.

The combination of LBW's global reach (+500K) with a curated distribution to +11,000 legal journalists, bloggers, and publications, including Westlaw and Lexis Nexis, 5 comprehensive research databases and 28 newswires and aggregators results in a leading news and press-release service for the Legal Industry.

About Legal Operators (US)

Legal Operators connect legal operations professionals globally with their peers and industry experts, educating you on key topics through content and collaboration so that you are empowered to execute with sound, tested

solutions. Our community is inclusive. We empower members to understand the complete legal department ecosystem and break down the silos that sometimes exist around legal operations. We do that through community, collaboration, and providing unique and insightful content.

About Legal Newswire (US)

Legal Newswire POWERED BY LAW.COM is the press release newswire of ALM, an information and intelligence company that provides customers with critical news, data, analysis, marketing solutions and events. ALM serves a community of over 6 million business professionals seeking to discover, connect and compete in highly complex industries with over 30 national and regional publications. Legal Newswire POWERED BY LAW.COM provides top tier press release distribution with an intuitive state-of-the-art SaaS platform. Press releases are posted on legal research databases, media web sites and distributed on the iCrowdNewswire network built in partnership with Google. Releases will be emailed to journalists around the globe, and published on Apple News making them available on millions of iPhones, iPads and other mobile devices.

This Press Release is published in the Legal Newswire, on the 18 leading legal websites along with super-premium digital news services including Yahoo Finance, MarketWatch, Bloomberg, The Wall Street Journal, Lexis Nexis, Westlaw, Dow Jones and distributed to +11,000 journalists, and websites.

DJIA 34659.92 0.24% ▲ Nasdaq 13750.16 0.10% ▲ U.S. 10 Yr 1/32 Yield 1.600% ▲ Crude Oil 68.21 0.72% ▲ Euro 1.2202 0.11% ▼

THE WALL STREET JOURNAL

English Edition | Print Edition | Video | Podcasts | Latest Headlines

Home World U.S. Politics Economy Business Tech Markets Opinion Life & Arts Real Estate WSJ Magazine Search

Legal Newswire
powered by LAW.COM

Legal Business World partners with Legal Operators & Legal Newswire by law.com and strengthen its position in the Global Legal Market

LBW LEGAL BUSINESS WORLD

[Read More](#)

Advertising Driven Press Release Distribution

www.lcnews.com

Dogecoin Rallies on ... US EUROPE ASIA FX RATES FUTURES

Legal Newswire
powered by LAW.COM

Legal Business World partners with Legal Operators & Legal Newswire by law.com and strengthen its position in the Global Legal Market

LBW LEGAL BUSINESS WORLD

[Read More](#)

Advertising Driven Press Release Distribution

www.lcnews.com

U.S. INTERNATIONAL CHINA ESPAÑOL 中文

[SUBSCRIBE NOW](#) [LOG IN](#)

Wednesday, June 2, 2021
Today's Paper

The New York Times

World U.S. Politics N.Y. Business Opinion Tech Science Health Sports Arts Books Style Food Travel Magazine T Magazine Real Estate Video

Get a Confidential News Tip?

Bloomberg the Company & Its Products | Bloomberg Terminal Demo Request | [Bloomberg Anywhere Remote Login](#) | Bloomberg Customer Support

Menu Search **Bloomberg** Asia Edition Sign In [Subscribe](#)

Quick Links: Commodities Stocks Rates & Bonds Currencies Futures Economics Fixed Income ETFs Sectors Watchlist

▲ +6.11% DAX INDEX 15588.82 ▲ +21.480 +0.14% NIKKEI 225 28945.14 ▲ +131.800 +0.46% SHANGHAI SE COMPOSITE 3597.14 ▼ -27.576 -0.76% S&P 500

LATEST

Politics
Iranian Poll Predicts Worst Turnout on Record in June Election
17m ago

Politics
Japan Leads Pledges to Bridge \$1.7 Billion Covax Vaccine Gap

Legal Newswire
powered by LAW.COM


Legal Business World partners with Legal Operators & Legal Newswire by law.com and strengthen its position in the Global Legal Market

LBW LEGAL BUSINESS WORLD

[Read More](#)

Advertising Driven Press Release Distribution

www.lcnews.com



SHARE YOUR NEWS & PRESS RELEASES

WITH

+11.000 LEGAL JOURNALISTS, BLOGGER & PUBLICATIONS

5 COMPREHENSIVE RESEARCH DATABASES

28 NEWSWIRES & AGGREGATORS

AND MORE...

Get 45,000 targeted views through geographic, demographic, keyword & interest-based targeting and incl. your news and press release as an article in Legal Business World's eMagazine on the Business of Law, the newsletter and on the Legal Business World website.

STAY TUNED FOR OUR SUMMER DEALS

