

11th Annual Law Department Operations Survey

THE *END* OF THE DUOPOLY

Law Departments Are Taking Advantage of
#newlaw Options for Getting Work Done



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RETHINKING THE LAW FIRM/ LAW DEPARTMENT RELATIONSHIP

BY DAVID CAMBRIA



David Cambria is the Global Director of Legal Operations at Baker McKenzie & Chair of the Law Department Operations Survey Advisory Board

When we launched the Annual Law Department Operations Survey 11 years ago, it went out at the beginning of a convergence between corporate legal departments and the business units they served—a sort of meeting of the minds, where the two groups began working together in new and productive ways with a focus on common goals.

A similar convergence is now taking place between law departments and law firms, even as corporate law departments increasingly have options for managing legal work beyond bringing it in-house or sending it to their outside counsel. For law firms, this convergence has led to the next iteration and evolution in the legal services space.

The growing sophistication and maturation of law department operations have spurred law firms to develop new ways to align the proper value of their work with what clients think is the value of that work and partition it accordingly.

As the legal operations functions mature at their clients' organizations, the way that law firms deliver services must develop as well. This is nothing new, of course. But the levels of maturity have changed. Ten years ago, when law department operations were first becoming established, law firms were focused on this new function because it was being driven by a few important clients. But today, as the law department operations function has become more widely established, law firms are being

asked to respond to a number of important clients, not just a handful. And the range of what these clients are asking for has changed. In the early days of law department operations, LDO managers were focusing on specific problems. Now, instead of managing legal services operations on a case-by-case basis, law departments are looking for systemic, repeatable solutions from their law firms. And law firms are responding by developing their own internal legal operations approaches.

While law firm operations may find themselves in a similar position to their clients 10 years ago, they will be able to accelerate the maturity curve those clients experienced. Law firms will be able to catch up more quickly as they roll out new technologies, develop new business models and improve their operations.

These developments will also gain momentum among practicing attorneys at law firms, who increasingly recognize the need to remain competitive and partner with their clients. This is a situation that many corporate LDO managers can recognize and empathize with.

As this year's survey demonstrates, LDO managers have a growing number of tools and options at their disposal to manage legal work cost-effectively. Law firms can respond by improving their own legal operations in ways that benefit firms and clients alike.

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Easy Transitions

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[LDO professionals'] mission is to bring business discipline to the law department. That means finding new legal service delivery models.

– Brad Blickstein, Blickstein Group

01 INTRODUCTION

The modern corporate legal function has always operated under a duopoly. Corporate law departments could do work in-house, or they could send it to their law firms. There were really no other options.

That model has changed in recent years, and corporate law departments now have new ways to accomplish legal work, increase efficiencies and lower costs, as the 11th Annual Law Department Operations Survey demonstrates. These options include new technologies, alternative legal service providers (ALSPs) and legal process outsourcing (LPOs), alternative fee arrangements (AFAs), artificial intelligence (AI), leveraging automation or demanding automation from their providers and data mining and analytics.

“The legal services delivery model is now perceived as an ecosystem of providers,” said Robin Snasdell, managing director and group lead for law department management consulting at Consilio. “Now, who does the work is optimally the right resource at the right cost with the right credentials. It’s no longer necessarily about which law firm partner went to law school with in-house counsel. It’s a revolution of sorts.”

Law department operations professionals are the key to making these new advances possible. “Their mission is to bring business discipline to the law department,” said Brad Blickstein, principal at the Blickstein Group and publisher of the Annual Law Department Operations Survey. “That means finding new legal service delivery models. And LDO professionals understand the pressure they face to succeed in these often-uncharted areas is usually cost-related.”

Most corporations’ legal work is still handled by law firms, and that is a sacred relationship that will continue. Yet LDO professionals are exploring, and often embracing, new developments and opportunities. “As they improve processes and develop better tools, they will increasingly expect that all of their providers will become better at operations as well,” said David Cambria, global director of legal operations at Baker McKenzie and chair of the Law Department Operations Survey Advisory Board. “As this year’s survey demonstrates, many are adapting to these new and increasing client demands—but many still have a great deal of room for improvement.”



ARUP DAS

Chief Executive Officer at Alphaserve

INSIDE THE NUMBERS

THE GAP BETWEEN TECHNOLOGY AND EFFECTIVE TECHNOLOGY

In one of the more interesting dichotomies of this year's Law Department Operations Survey, 69 percent of law department operations professionals say they have the right technology to do their jobs.

However, most technology is not considered especially effective. Not a single technology is rated at more than a 7.5 on a 10-point scale, and two of the core technologies associated with legal ops – contract management and document management – trail the pack with ratings in the 5s.

This is no surprise when considering the lack of strategic technology planning that is taking place. According to the survey only about a third of law departments even have a law department technology strategy or road map. The good news, however, is that 43 percent more say they are planning to build such a strategy. Here are some tips for building a technology plan that will lead to effective technology use.

Start by thinking about this plan not as a technology road map, but instead as a process road map. It is tempting to build a plan as a wish list or by focusing on whatever today's "cool tech" is. But what's cool and what will help you achieve your goals are not necessarily the same thing. So it starts with key performance indicators.

Unfortunately, the legal function does not have a set of standard quantifiable KPIs like other functions do. The finance team focuses on EBITDA and free cash flow. The business development team focuses on revenue and new customer generation. LDO professionals, however, must develop their own and they should be both simple and measurable.

The process of developing KPIs starts with asking important questions. What are our goals? Are we trying to increase capacity by automating some work? Are we focusing on creating a better user experience? Can we better optimize how we get work done? Define the goals up front. With those questions answered, turn the responses into four or five KPIs that can be measured. (The ability to measure is critical. Otherwise, the entire project is at risk of becoming mostly about data gathering.) Here are a few examples worth considering:

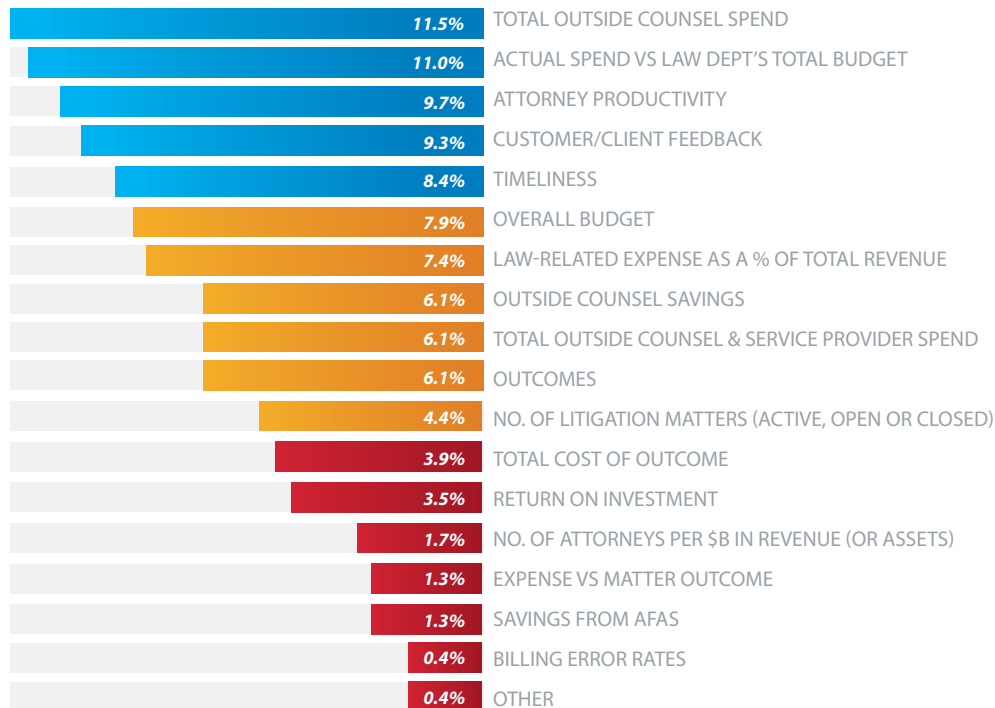
- Billable hours saved
- Percentage of work outsourced
- Effective rate of internal lawyers
- Client satisfaction, measured in time or scores
- Number of NDAs or contracts processed

With KPIs set, focus next on the processes that impact those KPIs. "Process" is a word that lawyers don't always appreciate, but all it means is identifying problems and solving them. How can the team work differently to solve those problems? How should talent be deployed? And then, finally, what technology can help?

While the biggest mistake that law departments make is not developing a technology plan or road map, it seems that more and more are committed to correcting that mistake. As they do, it is critical for them to start by setting appropriate—and measurable—goals and developing the process to support them before considering the technological solutions. Technology for the sake of technology is pointless and will not help LDO professionals achieve their goals.

According to respondents, the top KPIs they are measured by relate to managing costs: total outside counsel spend, actual spend vs. law department's total budget and, for the first time this year, attorney productivity.

PLEASE SELECT YOUR TOP 3 KEY PERFORMANCE INDICATORS



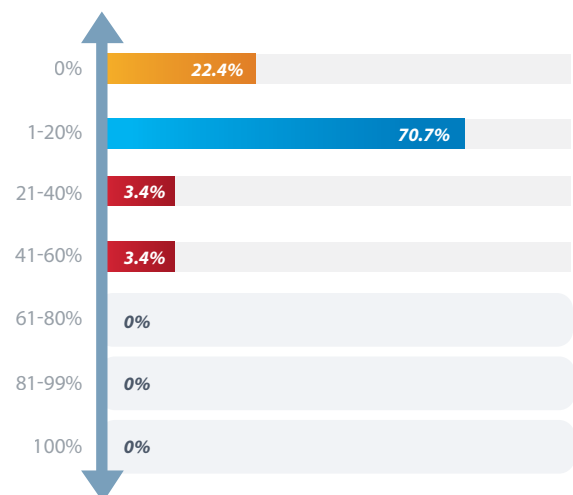
02 ALSPs & LPOs

Corporate law departments are increasing their use of alternative legal service providers (ALSPs) and legal process outsourcing (LPOs), including offshore providers.

This meaningful increase speaks to the openness of corporate law departments to explore different ways of getting their work done.

According to respondents, 77.2 percent use ALSPs. This is a highly significant development. Said Blickstein, "This is probably the single best evidence that the duopoly is breaking down."

WHAT PERCENTAGE OF YOUR TOTAL ANNUAL LEGAL SPEND IS ON ALTERNATIVE LEGAL SERVICE PROVIDERS?



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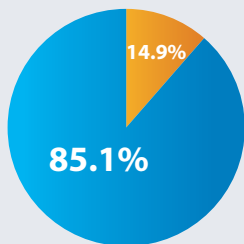
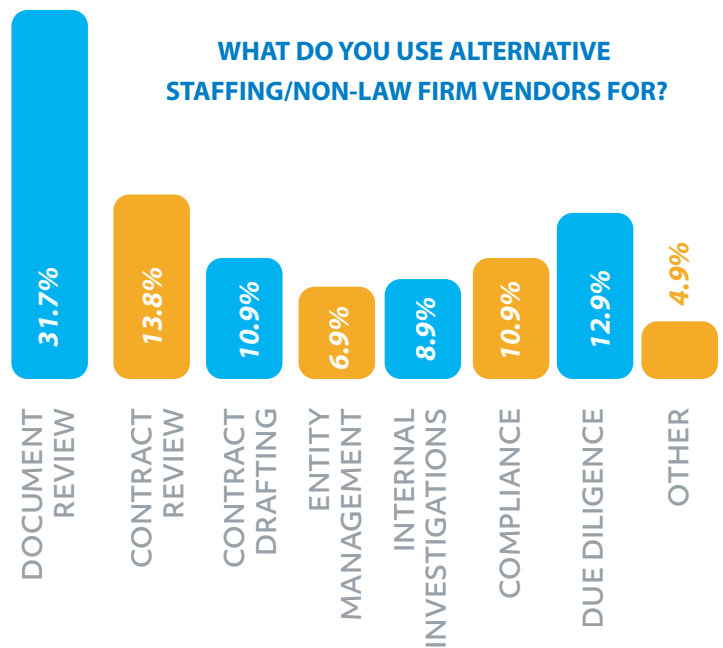
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Of those using ALSPs, respondents are most likely to use them for document review by a significant margin; next was contract review.

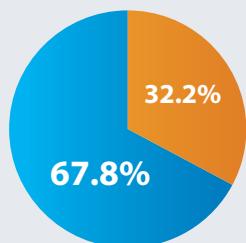
Respondents also report using ALSPs for due diligence, contract drafting, and compliance work, as well as internal investigations and entity management.

WHAT DO YOU USE ALTERNATIVE STAFFING/NON-LAW FIRM VENDORS FOR?



DO YOU USE OFFSHORE LEGAL PROCESS OUTSOURCING?

● YES
● NO



WOULD YOU CONSIDER USING OFFSHORE LEGAL PROCESS OUTSOURCING?

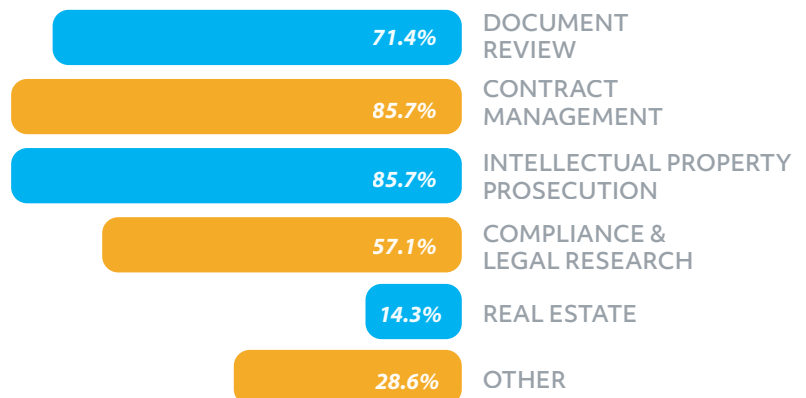
● YES
● NO

This year's results also reflected a sizable jump in the use of offshore legal process outsourcers. According to respondents, nearly 15 percent are using offshore LPOs, a jump of 40 percent from 10.6 percent last year.

Many of those who aren't using LPOs are intrigued by the concept. Nearly a third of respondents now say they would consider using offshore LPOs.

FOR WHICH OF THE FOLLOWING PROCESSES DO YOU USE LEGAL PROCESS OUTSOURCING?

(AMONG THOSE WHO USE OFFSHORE LEGAL PROCESS OUTSOURCING)



Those using LPOs are most likely to use them for contract management and intellectual property prosecution, followed by document review and compliance and legal research.



ROBIN SNASDELL

Managing Director at Consilio

INSIDE THE NUMBERS

MOVING WORK IN-HOUSE, OUTSOURCING TO ALTERNATIVE LEGAL SERVICE PROVIDERS AND INCREASING TECHNOLOGY USAGE TRENDS STAY STRONG

Law departments continue to grapple with balancing limited resources and budgets, an ever-increasing workload and a focus on cost containment and reduction. These pressures have resulted in the ongoing industrywide trend of moving more work in-house, expanding nonattorney headcounts, a growing reliance on alternative legal service providers and a revitalized focus on right-sourcing the workload.

Law departments are also becoming more sophisticated in evaluating legal service delivery models. In turn, they are also better able to assess resources and focus on the right people doing the right work to improve overall spend efficiency.

So how do you go about recalibrating internal resources and service models within a refreshed ecosystem of legal service providers? The following five options are a good start.

FOCUS ON LAW DEPARTMENT PRODUCTIVITY

With improved technology and processes, law departments are able to become more structured and optimize KPIs and metrics. The ability to identify and track efficiency opportunities and their impact through analytics and metrics can help law departments analyze and report on performance—and show value to stakeholders.

REDUCE EXTERNAL SPEND

There is a sustained, or even increased, amount of pressure on trimming or managing external spend and eliminating surprises. Law departments continue to optimize spend by focusing more on billing policies, AFAs, utilization of preferred provider programs, legal operations and maximizing the value and use of available legal technology.

INCREASE INSOURCING

We are seeing a growth trend for insourcing, especially of nonattorney headcount, in order to reduce overall cost. Consider as the first step an assessment of the cost of bringing more legal staff onboard versus buying outside counsel services. Then identify legal work that can be done in-house before outsourcing the rest.

TRY UTILIZING ALTERNATIVE LEGAL SERVICE PROVIDERS

Non-law firm legal service providers offer companies an opportunity to purchase services on a flexible, scalable basis from businesses focusing on specific areas. These service providers are especially valuable for those who do not need full-time equivalents or law firms for their less strategic or lower-risk legal work. We are finding an increase in the use of alternative legal service providers in lower-cost markets in the U.S. and countries such as Poland, Bulgaria and South Africa.

MAXIMIZE THE USE OF AVAILABLE LEGAL TECHNOLOGY

With a growing number of options on the market, there is a renewed emphasis on leveraging technology, even AI, with a focus on process optimization and user interface design to ensure increased adoption by internal resources. As legal technology applications become more user-friendly, their employment and value to the organization grow.

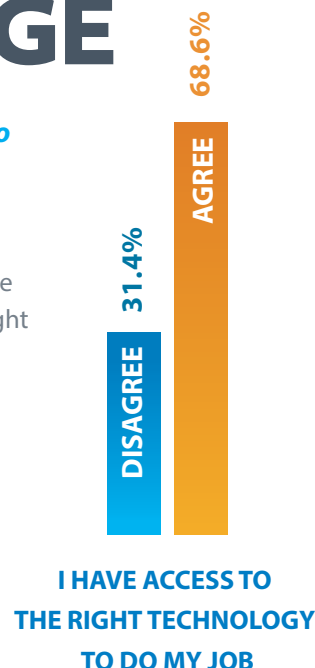
The increased overall focus on improving productivity and doing more with less will extend the trend of moving work in-house, utilizing alternative service providers and maximizing the value of technology. But bringing work in-house is no longer the be-all and end-all for reducing costs. LPOs and ALSPs, less expensive and more productive technology and automation through AI will inform legal service delivery models that may cost even less than insourcing.

03 TECHNOLOGY USAGE

New technology is one of the critical factors allowing corporate law departments to change the way they get work done

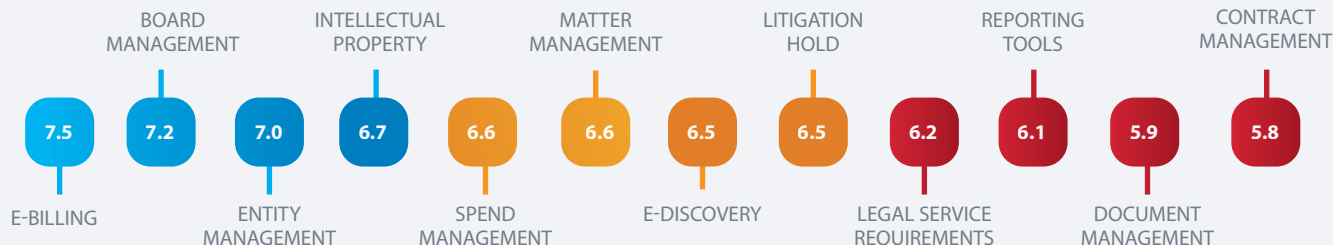
"More in-tune general counsel and younger lawyers understand that technology is an important cog in the service delivery machinery now and growing even more important in the future," said Consilio's Snasdell. Yet there is an ongoing, significant gap between having the right technology and using it.

Respondents generally agree that they have solid tools—69 percent said they have access to the right technology to do their jobs. But at the same time, they are only finding most technology moderately effective. When asked to rank the effectiveness of their technology on a scale of 1 to 10, respondents listed most technologies between 5.8 and 7.2. The mean is only 6.4.



HOW EFFECTIVE IS THE FOLLOWING TECHNOLOGY?

(1=NOT EFFECTIVE; 10=EXTREMELY EFFECTIVE)



Contract management is another area where LDOs are feeling a disconnect with their technology. While the legal industry is buzzing about contract management and some consider it representative of legal operations in general, respondents only rank it at 5.8 for effectiveness—the lowest score in the survey. Document management is only slightly more effective.

Some of the difficulties may lie in contract management's cross-functional nature. To work well, it requires inputs from other business units. Another problem may be that since contract management is often the starting point for many law departments, those using contract management tools often lack the experience with the legal processes and technology that will allow them to effectively implement and leverage it.

E-billing finished with the highest rating, at 7.5. However, fewer than half of respondents believe that their e-billing and matter management providers are keeping up with their needs. These represent the core technologies in law departments, so this disconnect is a serious problem. It will be much easier for corporate law departments to build better processes for getting their work done and understanding legal spend in order to reduce it, when these particular tools are working as effectively as they could.

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E-BILLING & MATTER MANAGEMENT PROVIDERS ARE KEEPING UP WITH OUR NEEDS

49.3%
AGREE



50.7%
DISAGREE

More effective software implementations are possible if LDO professionals focus on increasing adoption, customization opportunities around team workflow needs and ongoing change management.

Planning, communication and follow-up can help LDO professionals get the most from their technology, said Kimberly Bell, head of legal operations at Nissan North America and Law Department Operations Survey Advisory Board member. "Communication with stakeholders throughout the process is critical, and understanding the needs of users is an integral part of implementing new technology," explained Bell. "After the implementation, support, training and customization are critical towards adoption and ensuring success."

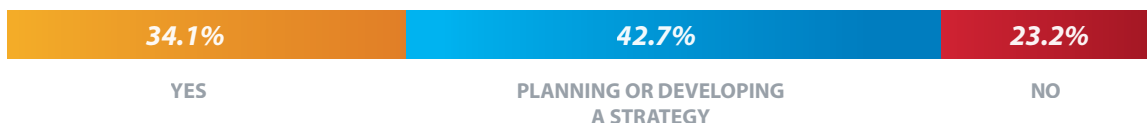
Along with a close working relationship with the IT department, someone in law department operations must remain deeply involved throughout the life cycle of the software, she added.

More effective, long-range planning could also help to solve many of these issues. According to this year's respondents, 34 percent have a technology strategy and 43 percent are planning or developing one. That compares favorably to last year's survey, when 33 percent said they have a strategy and 36 percent are planning or developing one. In fact, these responses have been quite consistent over the years that the survey has been conducted, which means this is an area where expectations fail to meet reality. After all, if respondents were actually implementing the three-year plans they say they have in the works each year, then the number saying they have a strategy would increase. In fact, few have actually implemented plans, despite their best intentions.

"For law department operations managers, intending to have a strategy isn't enough," said Blickstein. "They must develop an actual plan and see it through to completion if they want to reap all the benefits from their technology investments."

This may be part of the reason that LDO professionals face challenges when it comes to obtaining funding or resources, which respondents rank as the second-biggest challenge they face, behind driving/implementing change. And respondents don't expect those challenges to go away or evolve. When asked to rank the top three challenges they expect to face over the next three years, obtaining funding or resources also ranks as the second-greatest challenge, behind driving/implementing change.

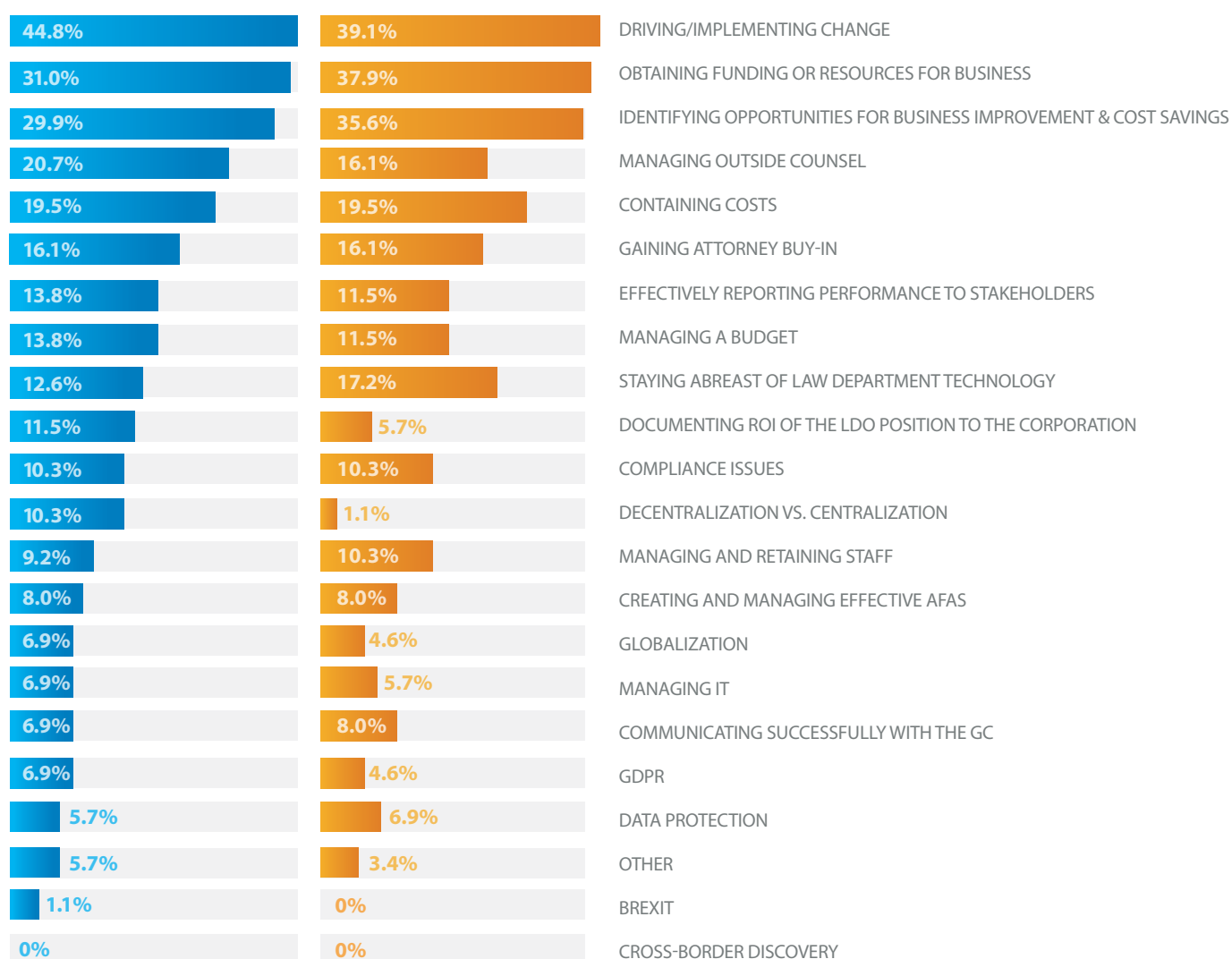
DO YOU HAVE OR PLAN TO DEVELOP A LEGAL DEPARTMENT TECHNOLOGY STRATEGY OR THREE-YEAR ROAD MAP WHICH ADDRESSES HOW YOU INTEGRATE, EVOLVE AND REPLACE YOUR SYSTEMS TO SUPPORT THE LEGAL DEPARTMENT'S PROCESSES AND NEEDS?



This lack of strategy implementation may be part of the reason that LDO professionals face challenges when it comes to obtaining funding or resources, which respondents rank as the second-biggest challenge they face, behind driving/implementing change. And respondents don't expect those challenges to go away or evolve. When asked to rank the top three challenges they expect to face over the next three years, obtaining funding or resources also ranks as the second-greatest challenge, behind driving/implementing change.

WHAT ARE THE TOP 3 CHALLENGES YOU CURRENTLY FACE RELATED TO MANAGING NEW LAW DEPARTMENT FUNCTIONS?

WHAT ARE THE TOP 3 CHALLENGES YOU EXPECT TO FACE OVER THE NEXT 3 YEARS?





JONAH PARANSKY

Executive Vice President and General Manager,
ELM Solutions at Wolters Kluwer

INSIDE THE NUMBERS

HOW TO FIND A LEGAL OPERATIONS SOFTWARE VENDOR THAT IS A TRUE TECHNOLOGY PARTNER

Executives are demanding more from their corporate legal departments, expecting true business value and help achieving organizational performance goals. This newfound responsibility calls for careful selection of technology vendors who can be true partners that leverage market-specific experience and a deep understanding of best practices.

How do you find those true partners? Here are five things to look for when embarking on legal operations technology searches.

AN ONGOING COMMITMENT TO TECH & SUPPORT

Enterprise software is a long-term investment that should evolve over time with your needs. So, choose vendors that demonstrate a significant investment in their own technologies with road maps and scheduled releases over an extended period. And strong investment in customer support is just as important as great technology. Dedicated client success managers for each client and global support teams that respond quickly to your needs are good signs of commitment to customer support.

PROACTIVE INSIGHTS

Strong partners really shine when they raise issues and opportunities, proactively and early, that you may not have considered. This could include providing insight on evolving data security parameters, government mandates such as GDPR, and rapidly changing threat vectors from bad actors. A valued partner will have a deep bench of experienced team members who can bring a unique, educated perspective that helps you make great business decisions.

STRONG SECURITY

Look for partners that are ISO-27001-certified and have been Service Organization Control (SOC) audited. The

former is a framework of policies and procedures relating to an organization's information risk management processes; the latter evaluates how well a company manages information security, availability, processing integrity, and privacy. A vendor focused on security will also be able to help you understand and provide feedback on the security postures of your law firms, who often have access to extremely sensitive data.

A GREAT USER EXPERIENCE

Traditionally, easy-to-use enterprise legal software has been hard to find. As you evaluate solutions, focus on the usability of the software and ability to integrate seamlessly with other systems. Seek out partners that invest in developing a highly intuitive user experience, ideally including the ability to plug into tools that users are already accustomed to, such as Microsoft Office.

INVESTMENT IN INNOVATION

Finally, partners should display an ongoing commitment to innovation and be willing to invest in new technologies that will move you forward. Technologies like artificial intelligence and machine learning now have the capacity to fundamentally change the way you work – consider partnering with organizations that understand and are ready to harness their innovative capabilities.

Certainly, no single vendor will be able to successfully address all of your legal department's needs with a particular product. You are likely to need a number of companies and products to meet your demands. Once you identify the traits of a viable, long-term partner, you can move forward, armed with another asset to drive better value for your organizations.



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04 AI & ANALYTICS

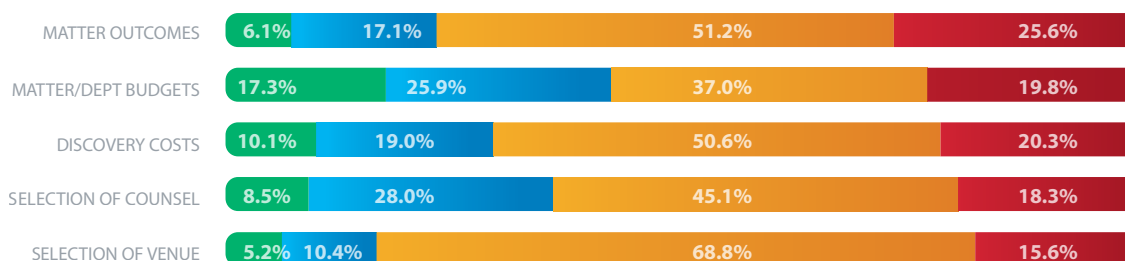
Law departments' need to demonstrate value and their employment of technology and ALSPs have given rise to the tracking and monitoring of data that can be used for reporting, analytics and utilizing artificial intelligence tools.

"Law department operations are now collecting data on the volume of legal matters handled, cycle time to handle matters, client feedback and outcomes," said Kiran Mallavarapu, senior vice president and manager of legal strategic services for Liberty Mutual Insurance and Law Department Operations Survey Advisory Board member.

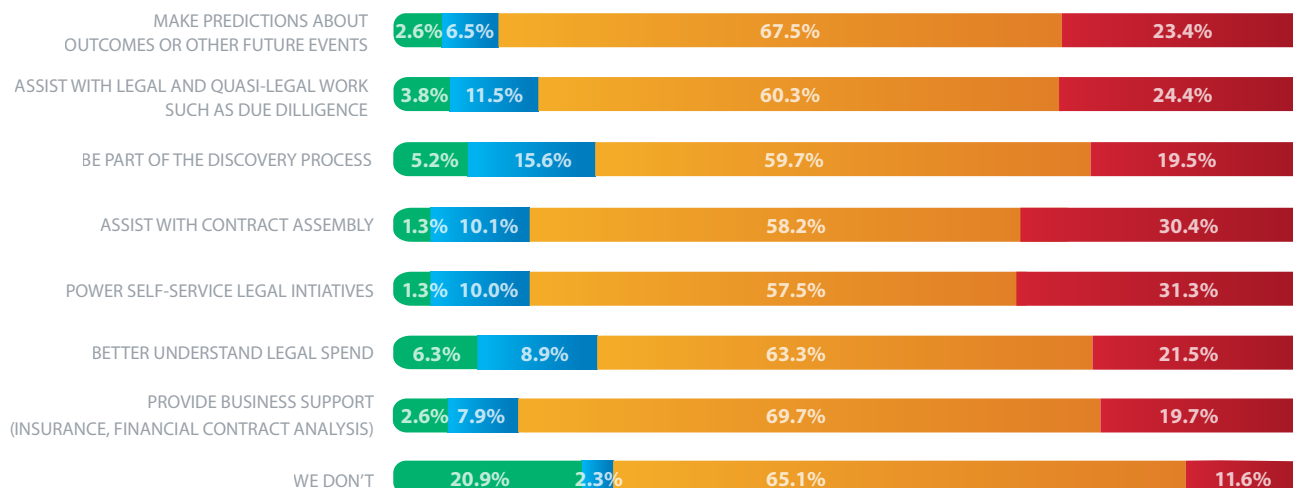
AI and data mining and analytics represent two of the most significant developments to challenge the duopoly. Law departments can use AI in two major ways: as a productivity tool to get work done better, faster and more accurately and as a predictive tool for outcomes, selection of counsel and venue and more.

Many law departments are intrigued by the possibilities of AI as a productivity tool. More than 10 percent are using AI to power self-service legal initiatives and contract assembly and to assist with legal and quasi-legal work such as due diligence, and more than a quarter (31.3, 30.4 and 24.4 percent, respectively) plan to in the future.

TO WHAT EXTENT DO YOU USE DATA MINING & ANALYTICS TO PREDICT THE FOLLOWING?



TO WHAT EXTENT DO YOU USE ARTIFICIAL INTELLIGENCE TO:



● ALWAYS ● SOMETIMES ● NEVER ● WE PLAN TO DO MORE OF THIS



CHASE D'AGOSTINO
Executive Director of Corporate Solutions at QuisLex

AN EASY WAY TO MEET YOUR LEGAL TECH GOALS

According to the 2018 Law Department Operations Survey, almost 90 percent of LDO professionals agree that corporate law departments are the primary drivers of innovation and change in the legal sector. Many of them are looking to drive change by adopting technology to automate processes. There is certainly no shortage of legal technology on the market for them to evaluate and implement, including artificial intelligence-based tools. But do in-house teams have the resources they need to get the job done effectively and meet expectations?

For starters, internal IT resources at companies are not available at will to support legal IT projects. Only 3 percent of LDO professionals say they have dedicated IT headcount that reports to legal. Instead legal has to compete for resources with other departments at the company that are not thought of as a cost center the way legal often is. Even where an IT resource is staffed, they will not have the legal subject matter expertise to step in and own the project. Instead, the same lawyers that the company relies on for its most sensitive legal analysis are called upon to support the implementation, drive adoption and train others. On many projects this can require up to half of the legal SME's time. Yet finding an in-house lawyer with this much free time is rare in today's "do more with less" world.

One alternative way to help meet innovation goals and bring more technology into your process is looking to legal process outsourcing companies (also called alternative legal service providers) and other similar legal service providers (collectively referred to as ALSPs). The leading ones have already made investments in integrating, developing and customizing technologies

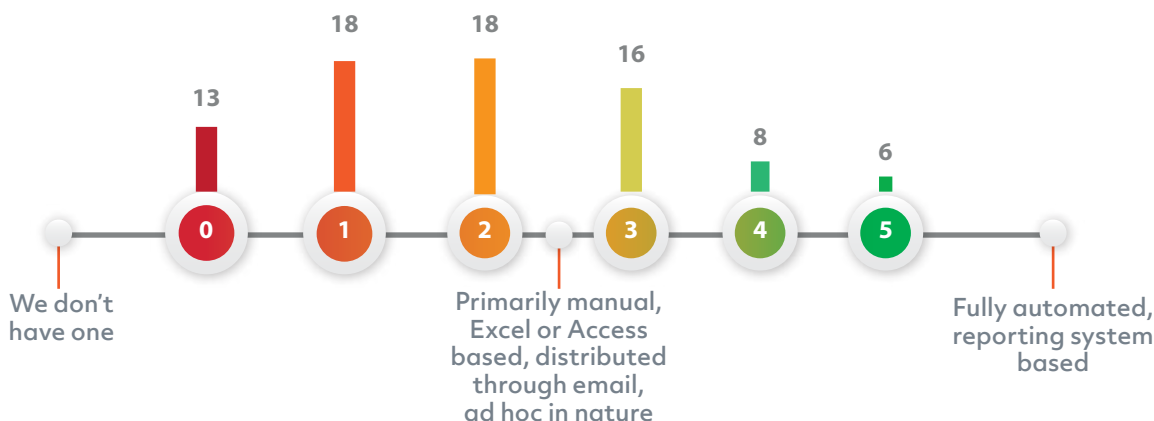
into their own service offerings to fit the needs of their clients. They do not have to spend time comparing and selecting tools or modifying your requirements to suit a technology. Instead they have already hired and trained a workforce that can expertly manage, employ and customize these technologies for you.

Where a technology tool is so "bleeding edge" that it has not been adequately tested in the market, ALSPs and their technologists can serve as innovation labs for clients, finding, testing and comparing these new tools. Doing so helps provide structure to a technology selection process, validating functionality and return on investment (ROI) to ensure the right tool is selected and implemented based on a client's specific requirements.

Bringing an ALSP into the discussion also can help make a business case for getting funding for your project. While many projects are "innovative," cost savings remain the LDO professional's top key performance indicator. Breaking out pieces of a post-go live process that can be managed by more cost-efficient resources at an ALSP can go a long way. For example, if you are looking to gain more insight into legal processes through your technology implementation, an ALSP can take over responsibility for tracking, collecting and reporting on a wide variety of metrics, ensuring the data is accurate and properly populated in your system.

Using ALSPs to meet technology goals and manage a post-go live process means the in-house team spends less time dealing with technology and process issues and more time completing legal analysis and working on strategic projects.

HOW MATURE WOULD YOU RATE YOUR REPORTING & METRICS PROGRAM?

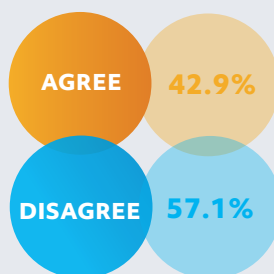


However, when participants were asked to rank the maturity of their reporting and analytics programs, responses covered a significant range. On a scale of 1-5, with 5 being the most mature, more than half ranked themselves as a 2 or less. Fewer than 10 percent ranked themselves as mature, with fully automated, reporting system-based, automated distribution, distribution schedule and stakeholders defined.

"When any operations department starts on the reporting journey, they mature from a foundational state to an established and automated platform" said Mallavarapu. "The first step is to manually collect and report data, using any tools available." As law department operations mature in their efforts to collect data and produce reports for stakeholders, each step brings them closer to automation. "What is surprising is that 16 percent of respondents still do not focus on capturing metrics and utilizing data to make decisions, which is key to enabling AI and analytics," he said. "These require an investment in collecting good-quality data and appropriately managing it. If you don't have good data, AI won't be that helpful."

Despite where many rank themselves on the maturity scale, respondents expect that the use of AI and analytics as predictive tools will rise. Almost 10 percent employ them to make predictions about outcomes or other future events (and 23.4 percent plan to in the future). More than 15 percent apply them to better understand legal spend (and 21.5 percent plan to in the future). Perhaps most importantly, 36.5 percent use analytics to help them select counsel, and 18.3 percent plan to do more of this.

Overall nearly 53 percent of respondents said they believe most law departments will be using AI for legal-type work in the next three years, an increase from 50 percent in last year's survey. However, when asked if most law departments will be using AI to predict future outcomes and events in the next three years, only 42.9 percent agree.



I BELIEVE MOST LAW DEPARTMENTS WILL BE USING ARTIFICIAL INTELLIGENCE TO PREDICT FUTURE OUTCOMES & EVENTS IN THE NEXT 3 YEARS

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Leader in legal consulting & services and trusted by global corporations & law firms to reduce client risk

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Employees Worldwide

100K+

Matters Completed to Date

8,000+

Matters Currently Hosted Globally

31+

Languages covered in Review Projects Globally

70+

Offices, Data Centers & Review Facilities around the world

3,000+

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Consilio is the global leader in legal consulting and services. Our worldwide team of professionals brings their expertise and a commitment to serve to every engagement, partnering with our clients to develop creative solutions for their most pressing challenges. Discover how together we can overcome the obstacles that hinder your team's success and strengthen your business.

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- **Data Forensics & Investigations** – Consilio's team of full-time, certified forensics advisors and investigators are experts in data acquisition, analysis and recovery, as well as collection and preservation of evidence—across all of the most widely used data types, sources, platforms, and devices.
- **Law Department Management** – General Counsel and legal operations executives face increasing pressure to streamline operations and cut costs. Consilio's team of experts works with law department leaders to develop solutions that maximize cost efficiencies, optimize operations and position the law department as a strategic, valuable business partner.



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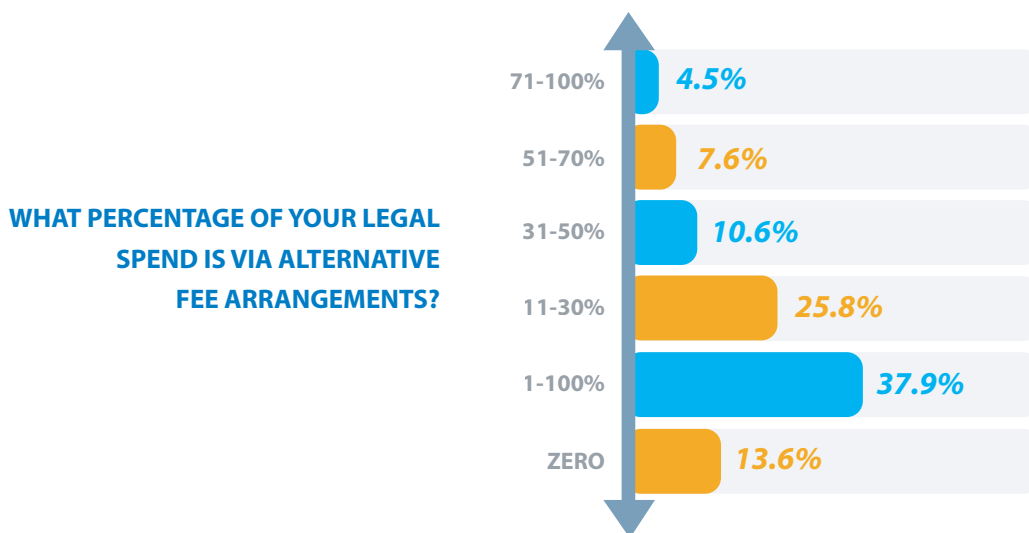
05 ALTERNATIVE FEE ARRANGEMENTS

As many respondents are looking beyond law firms for options, they are also still working closely with their trusted outside counsel. And while the hourly bill is not dead or even sick, more of the work done by traditional law firms is carried out under alternative fee arrangements.

More than 70 percent of respondents believe that work done under their AFAs is more cost-efficient than work billed hourly.



When asked what percentage of legal spend is via AFAs, 37.9 percent said 1-10 percent, and another 25.8 percent said 11-30 percent. Significantly, 4.5 percent of respondents said that more than 70 percent of their matters are handled through AFAs, up from only 1.9 percent of respondents in last year's survey.





ERIC ELFMAN
CEO & Co-Founder at Onit, Inc.

CONTRACT MANAGEMENT TECHNOLOGY DOESN'T HAVE TO BE INEFFECTIVE

One of the key areas where law department operations professionals are seeking operational wins is in their companies' contract management function. Many companies have unwieldy contract management processes, often paper-based, which can increase risk from inconsistent contract language and tracking while also slowing the time it takes to close deals and recognize revenue.

So it is no surprise that so many LDO professionals are turning to contract management technology to add value. What is surprising, however, is that they are not finding these systems to be effective. Respondents to the 2018 Law Department Operations Survey rated the effectiveness of their contract management technology only a 5.8 on a 10-point scale, the lowest score given to any technology.

ZS Associates, Inc., a management consulting firm with more than 5,000 employees in 22 offices worldwide and a legal team of 23 attorneys and support staff, feels this is not good enough. It has successfully redesigned its paper-based contract process to one that has reduced cycle time, increased collaboration and met the growing needs of its business.

ZS Associates' contract process was based on paper. "We needed a better way to share information and collaborate more efficiently," says Rachel Kempler, associate director of legal, commercial transactions and business legal support, ZS Associates.

Excel-based tools were originally used to track information from the paper files, with legal team assistants providing data entry. But the spreadsheet was not cloud-based so only one person could look at contracts-in-progress at a time.

For executed contracts, the team was using a "homemade" Lotus Notes database, but additional part-time employees were needed to upload agreements to the database and there was no connection between matter-tracking tools and the executed contracts database with executed agreements sent to a central email box.

ZS Associates designed and implemented a My Legal Requests solution, accessible to all employees, where matters needing legal review are uploaded by any user. Workflow is determined by the type of request and other fields collected through the tool. Based on the responses, the request is routed to appropriate members of the legal team who are charged with reviewing the agreement.

There was an immediate decrease in turnaround time as soon as the new solution went online; NDAs are typically reviewed in hours. "Reminding people of this type of efficiency definitely encourages them to use the tool more," says Kempler.

A second Executed Contracts solution was developed to manage executed agreements, and it keeps the emails and redlines of previous versions linkable and searchable for future reference. "It really becomes an electronic file to see how the negotiations went and what the origins were," explains Kempler.

These tools have enabled easier collaboration across legal teams, simplified the creation of daily reports and supported continuous improvements in their process.

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JOSEPH TIANO

Chief Executive Officer at Legal Decoder

INSIDE THE NUMBERS

GETTING THE MOST FROM A LEGAL ANALYTICS INITIATIVE

Getting started with legal analytics often is the hardest step. After helping dozens of legal departments and law firms with data analytics initiatives, here are the Legal Decoder “lessons learned” on getting the most from legal analytics:

VIEW LEGAL ANALYTICS AS AN INVESTMENT, NOT A COST.

For clients, the return on investment is improved quality and efficiency, more strategic resource management and greater value from “legal spend.” For law firms, legal analytics improve client attraction and retention and firm profitability.

MANAGE CHANGE MANAGEMENT.

Unlike yesterday’s change averse attorneys, today’s legal industry leaders know change aversion is a recipe for extinction. Overlaying legal analytics onto the practice of law should be incremental. Messaging how legal analytics improve results eases change.

ALIGN THE MINDSETS OF LAWYERS AND DATA ANALYSTS.

Although both groups are analytical and process-oriented, their differences make it important to understand the others’ idiosyncrasies. Aligning mentalities, speaking the same language, and embracing the same principles lead to legal analytics success.

SHOW SKEPTICS HOW THEY BENEFIT FROM A LAW FIRM’S EFFICIENCY.

Non-attorneys don’t believe matters billed on an hourly basis are managed efficiently. Legal analytics allow legal professionals to self-monitor, proactively show efficiency and fine-tune for optimal value.

START A LEGAL ANALYTICS INITIATIVE IN THE RIGHT PRACTICE AREA.

Certain areas of law follow a normal, repeatable pattern of activities and are well-suited for legal analytics (e.g., M&A, bankruptcy cases and patent litigation). If legal analytics are employed in the right practice areas, the value of legal analytics increases exponentially.

SELECT LEGAL ANALYTICS TOOLS THAT MIMIC LEGAL WORKFLOW PROCESS.

A team of legal professionals’ value is highest when the lowest-cost, competent professionals handle skill set-appropriate tasks in the right time without waste, redundancy, or friction. When legal analytics tools measure these principles, it is easy to capitalize on the output.

USE THE RIGHT DATA POOL(S).

Dollar volume of data does not, by itself, translate to accurate insights. A large volume of inapposite data skews results and leads to the wrong answer.

USE LEGAL PROCESS OUTSOURCING COMPANIES FOR HIGH VOLUME, LOW RISK/VALUE WORK.

Once low-risk/low-value work has been identified by legal analytics tools, that legal work can be deployed to LPOs or lower-cost alternative legal services providers.

COMMIT TO TAKE ACTION.

Legal analytics data doesn’t lie. There’s nothing wrong with making strategic, data-driven changes that fall short of the desired result because tactical adjustments can be made later. There’s everything wrong with seeing a data-driven path to accomplish a goal and doing nothing to traverse that path.

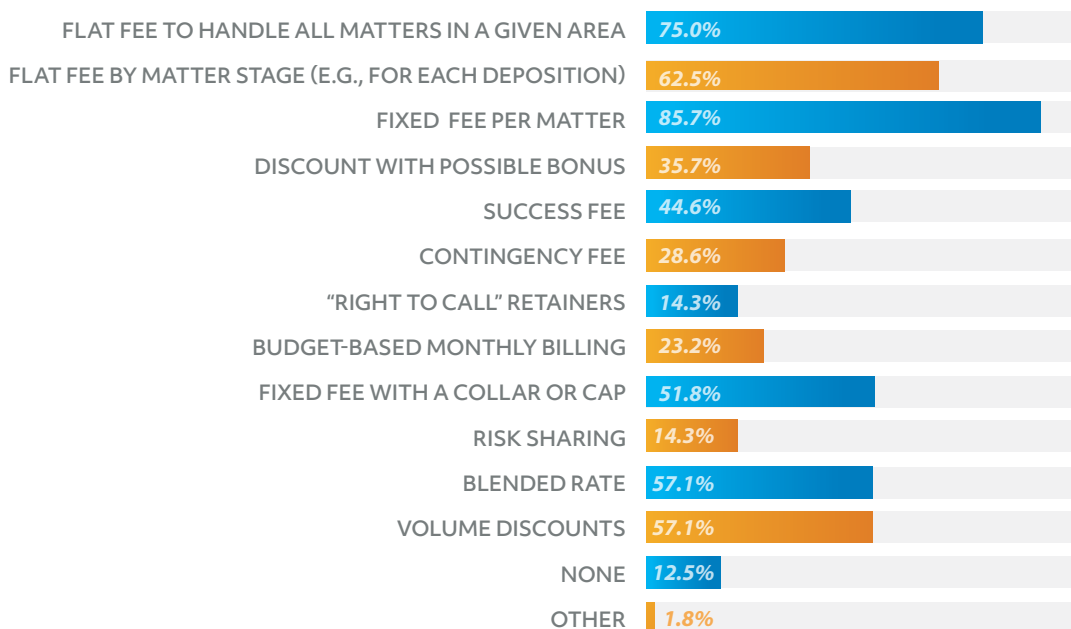
MONITOR RESULTS.

The same legal analytics tools that surfaced pre-initiative mission-critical legal trends and KPIs can assess post-initiative results. It is critical to monitor whether the actions taken are driving the desired results.

The paramount component of superior legal service still is a legal team. Those who embrace legal analytics technology to augment their legal practice will enjoy a competitive advantage.

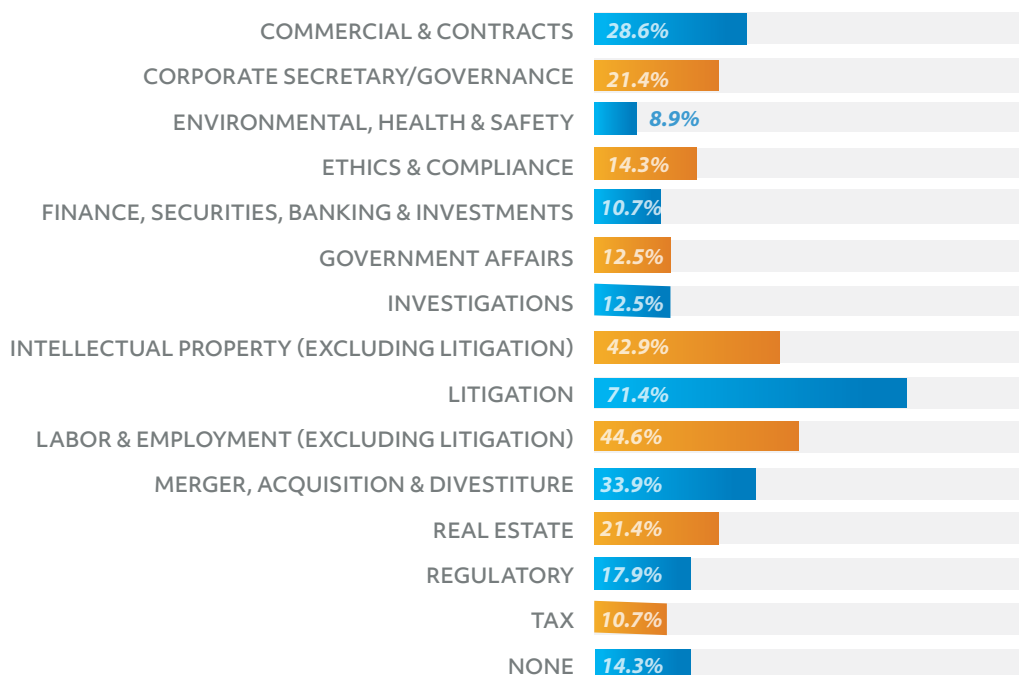
Most law department operations professionals have used AFAs—only 12.5 percent of respondents said they have not tried any type of AFA at all. The most common kind is fixed fee per matter, which 85.7 percent have used. Another three-quarters of respondents said they have employed flat fees to handle all matters in a given area. Nearly two-thirds, 62.5 percent, have utilized flat fees by matter stage.

WHAT TYPES OF ALTERNATIVE FEE ARRANGEMENTS HAVE YOU TRIED?



By a significant amount, respondents said they are most likely to use AFAs for litigation—71.4 percent. The next most common area for AFAs was labor and employment work, excluding litigation, at 44.6 percent. This was followed by intellectual property, excluding litigation, at 42.9 percent.

IN WHAT PRACTICE AREAS DO YOU USE ALTERNATIVE FEE ARRANGEMENTS?





DAN CARMEL

Chief Marketing Officer at iManage

INSIDE THE NUMBERS

FOUR TENETS OF MODERN DOCUMENT MANAGEMENT

Document Management plays an important role in helping legal departments manage large volumes of information and work effectively. Used well, document management acts as a “single source of truth” avoiding confusion and costly mistakes.

However, organizations using traditional document management find it lacking: it does not manage emails, leaving content and communications in separate, disjointed systems. Limited by poor search, poor collaboration and old user interfaces, traditional document management systems are also unable to leverage information within documents for better decisions and to deliver great client work.

Given the limitations of traditional document management systems, it is not surprising that, in the 2018 LDO survey, document management ranked among the least effective of 12 technologies, yet it is the number one technology legal departments plan to update, evaluate or implement in the next year. Clearly, organizations tired of old systems want change and are looking for a new approach to document management.

Modern document management systems have evolved into emerging killer apps for lawyers and legal staff. They incorporate principles used by consumer web leaders like Google while delivering world-class functionality and security for managing corporate information. Modern document management systems do this by focusing on four important tenets:

WORKS THE WAY USERS WANT TO WORK

Modern document management delivers an intuitive user experience that works like Google or Amazon without the need for extensive training. Emails and documents are merged in unified project files and search delivers relevant personalized search results

It is fully integrated with tools that legal departments use like MS Office, Outlook and Gmail and available on PCs, Macs, or mobile devices so professionals stay productive anywhere, anytime. Professionals can collaborate securely, sharing their work with business managers and counsel with just a few mouse clicks.

ADDS VALUE TO INFORMATION

Modern document management uses analytics and AI to work smarter. Smart Facebook-style document timelines and dashboards give professionals insights at a glance, without having to open documents. Integrated AI classifies content, extracts data from documents and automates basic tasks like diligence and contract analysis, eliminating tedious work.

KEEPS INFORMATION SECURE

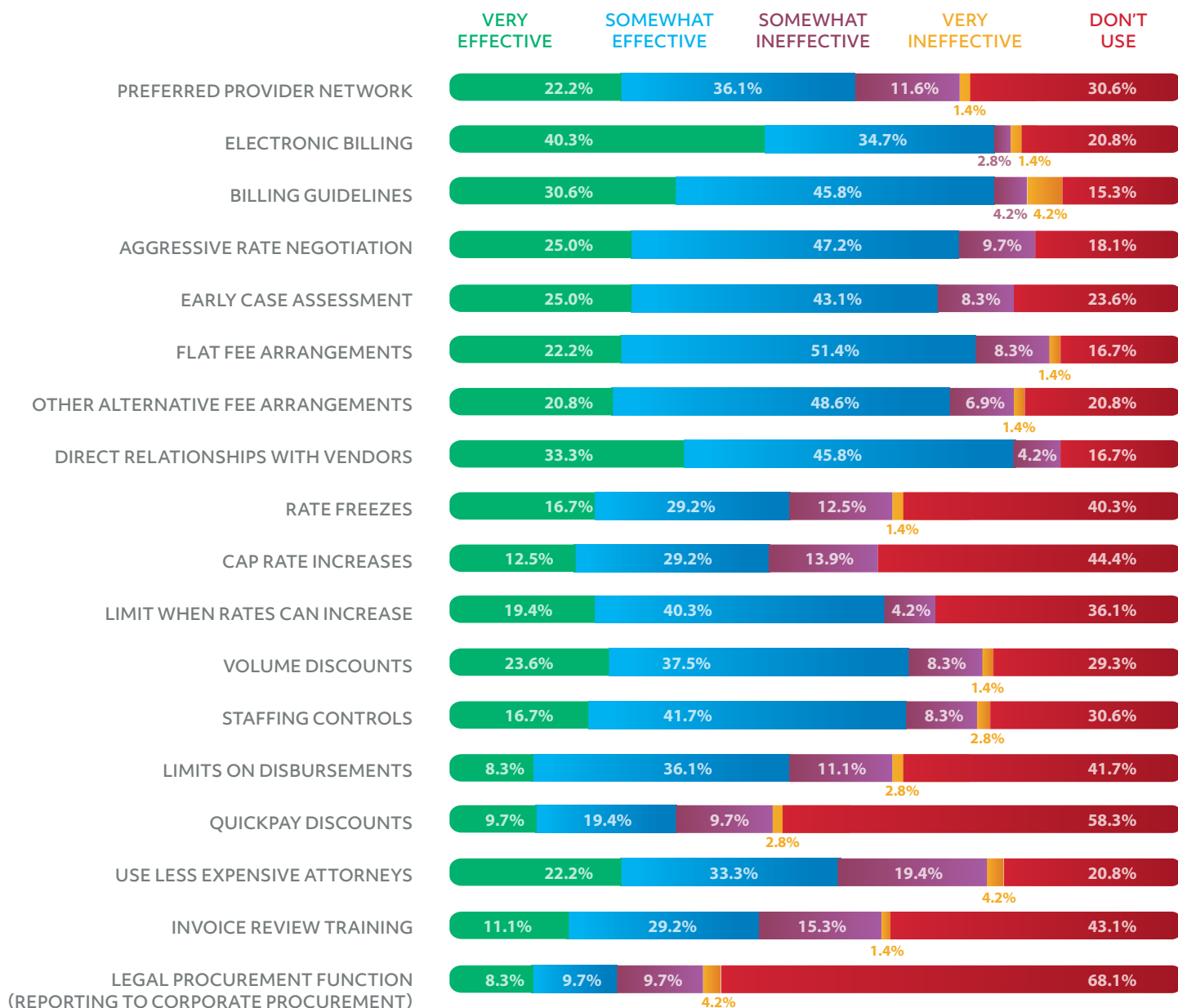
Modern document management excels in protecting sensitive corporate data. Data encryption and granular permission management protect data, and AI analyzes user actions to identify external and internal threats. Security and ethical wall policies are easy to enforce and the entire information life cycle from inception through collaboration to defensible disposition can be managed under a unified set of policies.

ENHANCES ORGANIZATIONAL AGILITY

Modern document management enables organizations to adapt to changing business needs and seize opportunities faster. Automatic updates allow users to quickly access latest product features without delays. Seamless integration with other systems ensures that information can be searched, managed and governed in a unified way. Often implemented in the cloud, modern document management increases agility through faster, easier deployments, scalability, and best in class security and disaster recovery.

Success with modern document management requires an innovative approach and one-size-fits-all strategy does not work. Take the time to carefully evaluate your options against the four tenets and you will discover systems that delight your users and transform how your legal department operates.

PLEASE RATE THE FOLLOWING INITIATIVES IN TERMS OF THEIR EFFECTIVENESS IN CONTROLLING EXTERNAL COSTS



However, when asked how effective AFAs were in controlling external legal costs, most respondents only listed flat fee arrangements and other AFAs as “somewhat effective.” Respondents also seem dissatisfied with how their law firms take the lead on suggesting AFAs. Only 32.9 percent said their law firms do a good job on this.

One reason for the dissatisfaction may be the increasing pressure for LDO professionals to get a “good deal,” as measured only by savings compared to potential billable hours. Half of all respondents now believe that shadow billing is an effective way to measure the value of fixed fees, up from only 34.5 percent a year ago. “The reliance on shadow billing is indicative of a value proposition that is out of whack,” saidBlickstein.



“The goal of a fixed fee is to get work done that is of commensurate value with the fee, without risk of overage. Paying a fee that is fair for the work done and appropriate considering the competitive environment should be the goal. Comparing the deal to ‘how well we would have done’ is what causes misaligned incentives.”



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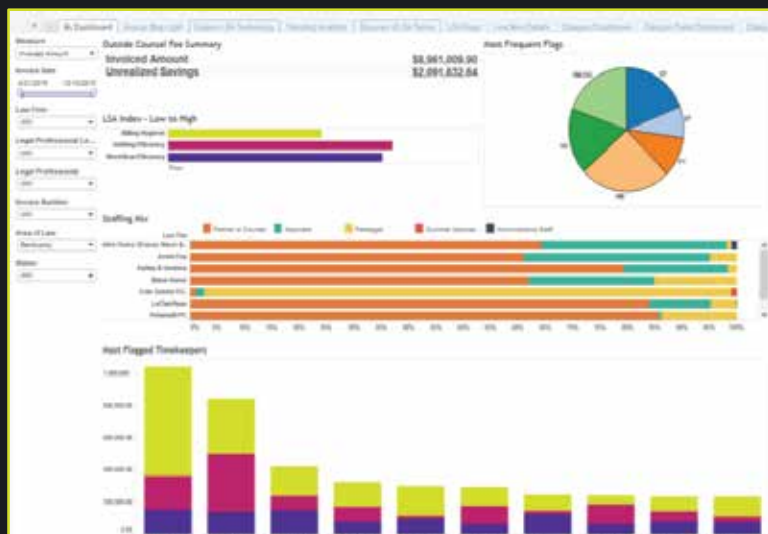
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*Tracey Gallegos, Legal Operations Manager
Argonne National Laboratory*

For more information contact us at 703.237.1313 or explore www.legaldecoder.com/law-departments



JEROME RAGUIN

Chief Strategy & Growth Officer at Yerra Solutions

INSIDE THE NUMBERS

OUTCOME, SOLUTIONS & TECHNOLOGY

There is a huge amount of discussion around innovation in the legal world and an unbelievable interest in technology. But, there is relatively little mention of the outcomes driven by all this innovation and technology, especially as it relates to legal departments.

MANAGING TO OUTCOMES

We at Yerra are often invited to meet legal departments that have worked to define a “legal innovation roadmap” but are not too sure how and where to start implementing it. We also meet with many that have started implementation but get stalled after a few months.

Invariably, it's for the same reason: they have defined a “technology road map”, laying out ambitious goals of implementing things like “chatbot, automation, self-service, etc.” without clearly defining the outcomes all this technology should deliver.

Tongue in cheek, I often refer to these legal innovation road maps as “marketing road maps”: they look great, use all the right words and make complete sense at a macro level but don't actually support a clear plan of action. So when we are called to these situations, we go back to the basics and start by defining the desired outcome for the legal department in very specific terms.

We do this by focusing on two major angles:

- Ground-up: What are the pain points and issues currently faced by the team? This is the detailed, micro analysis of work carried out.
- Top-down: What is the vision of the legal department? Where does it need to be in one to two years (maybe three years, max) That's the big picture, strategic aspect. It is critical as it defines the main direction and framework in which any activity must take place.

Getting an accurate reading of both aspects (pain points and vision) seems straightforward, but it is often not that easy.

When we do the pain point analysis, we collect exhaustive feedback from department lawyers and staff. We then need to apply “filters” to identify true signal from the noise (“I liked it better when I didn't have to speak to the business”) and vice versa. In some cases, we identify a signal from very weak noise. In one situation, for example, we had a number of lawyers tell us “it's a small thing but...”. Actually, that “small thing” turned out to be a small friction at an individual level but created a major issue when compounded across the entire legal department. Similarly, most legal departments have a mission statement but very few have a true vision.

The vision needs to be clear, unambiguous, reflect the reality and be meaningful. I always ask general counsels to explain to me their current mission statement. That usually takes about 10 minutes and I am usually left more puzzled than at the start. I also ask lawyers “on the ground” what the mission statement means and that is usually a 10 second response like “something about being more business focused or more agile, I'm not sure.” Invariably, we find it doesn't resonate. A true vision is hard to create, it takes time, serious discussions and often arguments (not just an “ideation” workshop with cute drawings). But the process is worthwhile. Finally, we combine the two aspects to define the way forward, the road map:

- Pain points and issues: What do we need to do to move away from these?
- Vision: What do we need to do to move towards that vision?

The challenge, and our specialty, is to weave these two aspects into a meaningful road map for change to deliver on the desired outcomes.

"As they improve processes and develop better tools, [LDO professionals] will increasingly expect that all of their providers will become better at operations as well."

– David Cambria
Global Director of Legal Operations
Baker McKenzie

THE BOTTOM LINE

"Planning, communication and follow-up can help LDO professionals get the most from their technology. Communication with stakeholders throughout the process is critical, and understanding the needs of users is an integral part of [the implementation process]."

– Kimberly Bell
Head of Legal Operations
Nissan North America

"For law department operations professionals, intending to have a strategy isn't enough. They must develop an actual plan and see it through to completion if they want to reap all the benefits from their investments"

– Brad Blickstein
Principal
Blickstein Group

"Ten years ago, law department operations was a little bit of a novelty. Now, general counsel that don't have law department operations managers need explain why they don't."

– Robin Snasdell
Managing Director and Group Lead for Law Department
Management Consulting
Consilio

"Law department operations are now collecting data on the volume of legal matters handled, cycle time to handle matters, client feedback and outcomes....When any operations department starts on the reporting journey, they mature from a foundational state to an established and automated platform."

– Kiran Mallavarapu
Senior Vice President and Manager of Legal Strategic Services
Liberty Mutual Insurance



NISHAD SHEVDE

Managing Director Client Operations at Exterro

INSIDE THE NUMBERS

LAW DEPARTMENT E-DISCOVERY OPERATIONS: IS “GOOD” GOOD ENOUGH?

Looking at the results of the Blickstein Group’s 2018 Law Department Operations Survey, respondents are largely content with the status of their e-discovery operations.

More than 67 percent of respondents feel “in control” of their e-discovery processes, up a modest 4 percent from 2017. A solid majority of the respondents are not planning initiatives to improve their e-discovery processes in the next year (69 percent). An even greater proportion (89 percent) expect their budgets to stay flat or increase in the next 12 months. After all, as the saying goes, “no news is good news.”

Unsurprisingly, LDO survey respondents handle more activities on the left-hand side of the E-Discovery Reference Model (EDRM) in-house than on the right-hand side. Over 80 percent manage legal holds and preservation activities in-house entirely or sometimes; almost 70 percent collect in-house; and over 60 percent entirely or sometimes perform early case assessments in-house. These data points are consistent with results Exterro has seen in its surveys in recent years.

When looking at opportunities to bring more e-discovery operations in-house, though, legal departments see an opening for additional gains in efficiency and transparency later in the EDRM. In particular, analysis and document review (both with 46 percent in the “sometimes,” are “planning,” or “would like to bring in-house” categories) are targets that show potential for growth. Recognizing the advances in e-discovery artificial intelligence occurring in these areas, the opportunities here are no longer speculative.

These figures line up well with the results of Exterro’s and ACEDS 2018 In-House Legal Benchmarking Report, which saw almost 70 percent of in-house teams conducting a majority of their litigation services in-house. The 110 respondents to this survey came largely (85 percent) from smaller organizations, implementing legal project management (LPM) best practices and technology tools to increase their effectiveness.

If smaller, nimbler organizations are seeing gains from insourcing more of their litigation services, and are leveraging project management to do so, can we reasonably expect their bigger brethren to follow suit?

There is reason to think the answer is “yes.” With 84 percent of the respondents to Exterro’s and ACEDS’s survey saying they were “very” or “somewhat” satisfied with their in-house legal teams’ performance, it is apparent that in-house teams can perform e-discovery efficiently with the right tools and processes.

So while this good report card on law department e-discovery operations is a solid starting point, we expect to see more and more organizations embrace LPM principles and e-discovery technology as a way to increase both their efficiency and their effectiveness in this area.

“Law department operations managers are significant influencers and drivers of these types of changes. They allow the lawyers to be lawyers, and let the businesspeople be businesspeople.”

-Robin Snasdell, Consilio

06 CONCLUSION

Over the years, the Law Department Operations Survey has tracked the growth of the profession and those who oversee the function. “Ten years ago, law department operations was a little bit of a novelty,” said Snasdell of Consilio. “Now, general counsel that don’t have law department operations managers need explain why they don’t.”

For many organizations, this mission to reduce costs and improve productivity was reinforced by the Great Recession, which required law departments to seek different ways of doing things beyond bringing work in-house or sending it to outside counsel. It also encouraged them to explore new possibilities and move beyond traditional methods. The Great Recession has had a long tail, and many of these strategies are just starting to have an impact now.

As LDO professionals have become more sophisticated, so have the tools and processes they use. While outside counsel will continue to be key partners for law departments, LDO professionals are exploring new, increasingly effective ways to do their jobs.

“Law department operations professionals are demanding more from outside providers, including law firms,” said Cambria of Baker McKenzie. “Corporate law departments increasingly expect that their providers will be part of the solution with regard to creating and providing better ways to do their jobs.”

LDO professionals will continue to shape the future of the legal profession. “Law department operations managers are significant influencers and drivers of these types of changes,” said Snasdell. “They allow the lawyers to be lawyers, and let the businesspeople be businesspeople.”

THE 11TH ANNUAL LAW DEPARTMENT OPERATIONS SURVEY REPORT: THE END OF THE DUOPOLY IS PRODUCED BY THE BLICKSTEIN GROUP IN COOPERATION WITH CONSILIO

We would especially like to thank Consilio, and whose advice and assistance have helped us enormously every year.



DAVID CAMBRIA

Editor-in-Chief

ASHLEY BENNING

Copy Editor

AMY STICKEL

Editor

KELSEY BROWN

Design

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WANT MORE INFORMATION?

For more information about the survey or to purchase the full LDO survey results package for 2018, please contact Brad Blickstein at brad@blicksteingroup.com or call 847.256.5298.

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