

BROKEN WORDS Peter Rogers at Bevan Brittan on the potential risk in communication choices GO PROPEL The drivers of a new litigation combo for clients of Eversheds Sutherland FORWARD MARCH Lucinda Case has Thomson Reuters' take on the future of legal technology





### Buying signals

What do law firms make of the latest signs coming from the business of legal service procurement?



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**Editor's** letter



Τ

ake a squizz at the news any day at the moment, and there seems to be a section with somebody trying to give you a masterclass in negotiation strategy. Never give away your 'tactics' - the other side will always 'run down the clock' to the final minute, so don't 'blink' first.

It all sounds rather hot-under-the-collar. to be honest. And kind of the exact opposite of what we hear in our sphere of business management here - that two sides should build up trust as they go back and forth to reach an eventual win-win, where value is relatively clear to all involved.

In this issue we focus on how firms are feeling about the buy-side of legal business - and it's an intriguing time to be doing so. A 2019 snapshot survey from the Buying Legal Council finds that total legal spend is on the rise again after several years of reductions. Accordingly, cost-conscious big

In this issue we focus on how firms are feeling about the buy-side of legal business – and it's an intriguing time to be doing so

legal spenders are seeing the value in going to the alternative legal provider group, which we know law firms are growing to recognise as compelling competition for their services.

But that's not quite the whole story. Respondents comprising the research still spent over 10 times more on so-called 'traditional' firms than the other options

available to them - a sharp rise in share.

Could there be an aspect of reassurance that these older. more established brands represent in especially difficult and uncertain times? And the value of that trumps the temptation to shop around and find a 'better deal' elsewhere? Either way, it should certainly be seen as an opportunity for firms to plough effort into keeping such a trend going. Of course, we know some are already exploring a certain ring-fencing of the alternatives they can make available for clients within their own walls. Others are investing in their own legal operations expertise, which may even represent a new revenue stream.

But at the very least, they should probably be taking a long, hard, honest look at whether that 'trusted' tag truly applies to communications and relationships in the round.

### **RICHARD BRENT EDITOR-IN-CHIEF**





### Only a select few understand the technology needs of law firms.

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"We're embedded with the lawyers - we're not seen as separate."

James Barrett, senior legal project manager, Propel, Eversheds Sutherland



Briefing is the only legal business management title, and is focused exclusively on improving the work and worlds of law firm management leaders. Every issue is packed with relevant insight and lessons from peers and pros.

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### Points of new

T hough it'll be well into autumn by the time this issue of **Briefing** reaches you, September's fading summer sun still gave law firms time to debut some fresh new moves around Transformation, Efficiency, and Innovation – happily in keeping with our **Briefing** TEI event on 10 October ...

First out of the gate, **Linklaters** has debuted a digitised training contract in collaboration with legal design agency **Observ**.

Shilpa Bhandarkar, head of innovation at the firm, said it has been increasingly applying design principles to legal documents: "The new offer letter showcases what is possible within the confines of legally binding contracts." The paperless document is also intended to reflect the firm's wider innovation goals, which include rethinking legal documents to increase access, usability and effectiveness for clients.

Then, legal behemoth **Dentons** has transformed its global network, concluding a previously announced merger with a firm in Honduras and announcing proposed mergers with firms in

Argentina and Uruguay. That brings the count of countries in the firm's Latin America and the Caribbean region up to 23.

In Africa, the firm has proposed to merge with legal businesses in Angola, Morocco, Mozambique, Uganda and Zambia, complementing its existing presence in Kenya, Mauritius and Zimbabwe.

Dentons' global CEO Elliott Portnoy said in a press release the latter move was part of the firm's "polycentric"



approach across the globe, and that it would enable Dentons to better service both local and global clients.

In quite a different growth story, NewLaw provider **Axiom Law** has announced that it has secured investment from private equity firm **Permira**. The news marks a shift away from the company's mooted plans to float, which were formally announced in February 2019.

In a statement, CEO Elena Donio said the firm had been exploring several growth possibilities. "Our conversations with Permira revealed what we believe is a superior option for meeting our short- and long-

term goals for growth and to transform the legal talent market, with many of the same advantages as an IPO, and some unique ones as well."

The number of countries in South America that now have a Dentons office

In a separate development, Axiom spin-off and contract analytics company **Knowable** announced a partnership with **LexisNexis Legal & Professional**. Formed in February 2019, Knowable will operate independently, but will benefit from LexisNexis resources and brand visibility. You may remember that in last month's

issue we mentioned **Eversheds Sutherland**'s alternative legal services arm, **Konexo**. The firm has pushed on with its plans, appointing a new managing director for the business – Brett Aubin, formerly of **Gordon Dadds**.

Eversheds also kicked off 'Techtember', a month-long, global programme of events intended to familiarise staff with existing tech at the firm and encourage tech-literacy. Much like a certain team looking to '**Propel**' technological cross-pollination ... read more about that on page 20.



or visit dxdelivery.com/exchange

### 65 SECONDS WITH ... CHRISTIAN FAHEY



Christian Fahey, vice president of legal affairs at Inmarsat – and **Briefing** TEI closing keynote – talks transformational technology in satellite communications and why efficiency and innovation alike are key

What's been your career highlight at Inmarsat? It was probably taking over as legal lead in supporting Inmarsat's Aviation Business Unit (ABU) at the end of 2017, although I didn't know it would be at the time. With a background as a technology and commercial lawyer, I had little experience in the aviation sector so I was on a steep learning curve. The ABU was also a relatively new division, formed to capitalise on the huge growth potential for connectivity services in this market, with the result it was, and still is, operating at pace, much like a startup in market capture stage. Fortunately, it was well worth the risk. I've had the opportunity to make a difference in helping shape the strategy, approach and processes for working more as a trusted business adviser than pure legal adviser.

And what's the business's most transformational change over the last five years? In 2015, Inmarsat launched its third Global Xpress (GX) satellite – a fourth was launched in 2017, with a fifth planned for later this year – and in doing so created the world's first and only globally available, high-speed broadband network, owned and managed by a single operator. This has been a service-delivery gamechanger, and in particular for new opportunities for customers. For instance, airlines are able to transform passengers' in-flight connectivity experience, and in doing so unlock huge new revenue opportunities, while shipping companies and operators have access to smart digital technologies, even in high-traffic areas.

What new tech is of most interest in your sector? Inmarsat's new satellites (named GX7, 8 and 9) are currently being built to feature a whole host of new technologies, forming part of an innovative, long-term vision to develop the most agile, flexible, diverse and cost-effective constellation ever conceived. These satellites will include thousands of dynamically formed beams that can direct capacity with laser-like precision over high-demand areas, such as busy airport hubs. The satellites are also modular in design, making them much quicker to assemble than previous platforms, so Inmarsat will be able to make more smaller, frequent orders to augment its network. They are also all electric; everything onboard is solar-powered, including their propulsion systems, and will use highly efficient ion engines to control the movement of the spacecraft. But more significant still is the adaptability of the design. Traditional large satellites are configured on the ground for specific tasks. This might mean, for example, transmitting only on certain radio frequencies with shaped antennas to carve out the

necessary ground 'footprint'. These smaller satellites can have their coverage, capacity and frequency all altered through software amendments. Their antennas can also be reshaped electronically.

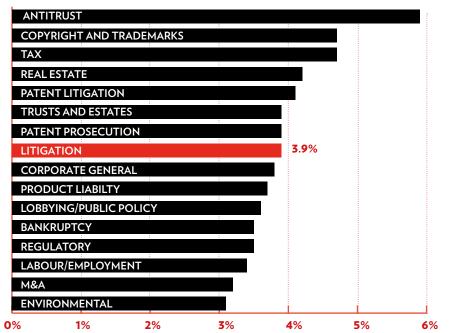
Efficiency or innovation – which is most important? For Inmarsat, they're equally important. Our ability to provide connectivity services to a customer is constrained by the spectrum it has secured (which is a finite resource), so using that as efficiently as possible is paramount. In terms of innovation, Inmarsat has stayed at the forefront of the market for the last 40 years by constantly innovating. In May 2019, for example, it announced a contract with Airbus to develop a pioneering new generation of satellites for its GX network, which will mark a further transformative step change.

What do you need in a legal business partner? A Inmarsat has a complex business and operates in a specialised industry, and our legal partners need to understand both in order to provide tailored advice. Achieving such a relationship and understanding of Inmarsat's business and needs requires time and effort to be invested by both parties. We no longer work with those law firms who have been unable or unwilling to make this effort.

# Database POWERED BY

This month, how did global demand for lawyers and their services look halfway through 2019?

### MARKING THE MID-YEAR: HOW HAVE WORKED RATES CHANGED BY PRACTICE AREA?



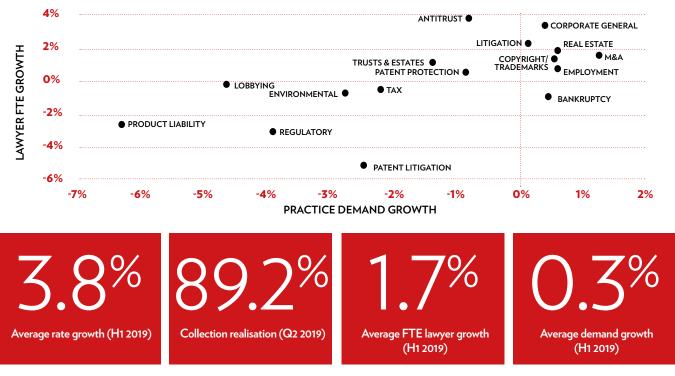
### BRIEFING DATA BASKET

### PEER MONITOR® PERSPECTIVE

"The first half of 2019 should be seen as steady and positive: demand has grown modestly, outpacing this point last year, and an average worked rate growth of 3.8% is higher than at any mid-year point yet this decade.

"Digging a little deeper – and comparing revenue growth to the pace of team growth – corporate, litigation, real estate, and antitrust practices have all seen lawyer growth rates exceed the overall average rate of lawyer growth in the market. This leaves many of these practice areas well out of balance compared to demand growth for the practice."

### BUT IN SOME CASES, THE NUMBER OF LAWYERS DOING THAT WORK IS ALSO SIGNIFICANTLY UP. TO WHAT EXTENT IS GROWTH IN PRACTICE DEMAND SUPPORTED BY LAWYER WORKFORCE GROWTH?



Source: Peer Monitor, which comprises the global data from over 200 law firms based in Australia, Canada, the UK and the US. For more information visit: ask.legalsolutions.thomsonreuters.info/2019-Peer-Monitor-Midyear-Report

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### SPEAK UP

# Take training seriously



Christine Young Partner and chair of women lawyers network Herbert Smith Freehills



Jemima Coleman Professional support lawyer Herbert Smith Freehills

Operate policies in a timely manner so staff can see those who raise concerns are treated with respect and their concerns are addressed T he International Bar Association report Us Too?, launched in May 2019, highlighted widespread bullying and sexual harassment in legal workplaces.

"For the first time at a global level, this research provides quantitative confirmation that bullying and sexual harassment are endemic in the legal profession," stated the IBA president. The report involved 6,980 respondents, from 135 countries, across law firms, in-house, barristers' chambers, judiciary and government. It reported that bullying is rife in legal workplaces, affecting one in two female respondents and one in three male respondents. Bullying and harassment also impact on retention rates: employees leave organisations following these negative experiences.

Surprisingly, the report found policies and training don't appear to be having the desired impact globally. Respondents at workplaces with policies and training are just as likely to be bullied or harassed as those at workplaces without. In the UK, however, this was not the case: "Legal workplaces in the UK have been early adopters of anti-bullying and sexual harassment policies, with 79% of respondents indicating their workplaces had these policies in place (53% globally)." In addition: "British legal professionals at workplaces with policies in place experience considerably less bullying. There is also a link between workplaces running training and less bullying and sexual harassment occurring." This is heartening, and chimes with our experience advising clients, from FTSE 100 companies to professional services firms, asset managers and more: those organisations

that put in place clear policies and invest in training, have more positive workplace cultures, supporting dignity at work.

The report sets out a number of recommendations in addition to revising and implementing policies and standards, including gathering data with an end to improving transparency, exploring flexible reporting models and offering regular, customised training.

But what do you need for effective training to prevent bullying and sexual harassment?

Senior leadership has an important role to play in setting the right tone and culture of the organisation, but commitment must flow down. Training is a powerful tool for engaging staff in the role they have to play in maintaining a company's values. Involving employees in the drafting process can heighten sense of shared ownership. Also, ensure good communications on the company intranet, or through management briefings, to make people aware of the ways they can raise issues. And use policies as a tool to educate staff and management about impacts to drive behavioural change in the workplace. It is important that people understand the seriousness, and for them to moderate their behaviour as necessary. It is well known that bullying and sexual harassment can impact mental health.

Finally, operate policies in a timely manner so staff can see those who raise concerns are treated with respect and their concerns are addressed. It's important that the policies are seen to be applied and appropriate action taken. Keep policies under review so they can evolve, and ensure tailored training is run regularly, championed by leadership.

### THE IN-HOUSE OUTLOOK

### Team workings



Marc Anderson, lead solicitor at Royal London Group, tells us what he believes law firms most need to know about the changing world of the inhouse legal function to fully grasp the opportunity it presents for them

### Changing faces – the business of legal operations

Not so many years ago, the notion of a paralegal sitting in an in-house legal team felt pretty revolutionary - how things have moved on! Of all the non-legal roles coming to the fore across in-house functions, legal operations managers are probably generating the most noise today. This group is fulfilling a core role across many and varied in-house functions. The role sits at the heart of the team and is indicative of an increasing desire to see the traditional role of the in-house legal team challenged and then improved - through business-minded change. While the ever-expanding legal tech market has perhaps helped to accelerate the growth and acceptance of legal operations as its own specialist field, what shouldn't be ignored is the greater focus legal operations managers are giving to the most important thing in the in-house legal function, namely the people.

### So, what's happening here?

More than ever, the powers-that-be now expect the in-house legal team to add as much value as it can, and most crucially to show that it's able to demonstrate and evidence this value. This will most likely be achieved through lawyers acting as indispensable business partners, as opposed to a distant support function that is only engaged as and when absolutely necessary. At Royal London, the last couple of years have seen us effectively redefine how we operate by virtue of a new target operating model. The team, led by our incredible legal operations manager Jenny Hacker, have taken forward GC Fergus Speight's vision and brought it to life through a focus both on how work is allocated and executed, and how the knowledge gained is shared across the team. Again, the development of individuals sits at the heart of this, and our external legal partners have a large part to play in that too.

### What's in it for you? Data for us

There are plenty of opportunities for external law firms to be part of this evolving story. An in-house focus on strategically important and higher-value and/or higherrisk work might, for example, see lowervalue, more regular business-as-usual activity needing to be packaged up and sent out to an external legal provider on a managedservices basis. Support on bigger-ticket work, meanwhile, is a chance for an external legal provider to really align itself with a business through a more strategically-driven mindset in terms of delivery and pricing model. However, the capturing and presentation of data is probably the most effective way an in-house function can evidence its value to the company – and legal providers, where engaged, are in an advantageous position to support this. Whether it's a breakdown of legal spend and/or resourcing, market knowledge, or insights surrounding other trends, provision of timely data is exactly the type of value-add service in-house functions most value.

The capturing and presentation of data is probably the most effective way an in-house function can evidence its value to the company – and legal providers, where engaged, are in an advantageous position to support this



Christopher Young Principal consultant and business development director Pinnacle

For more information, visit: www.pinnacle-oa.com

Detailed requirements are independent of the software: they are simply requirements. Some won't be met by the chosen technology – some are not even technologyrelated. However, it's possible to articulate them before the final product selection

### TO THE POINT

### Get what you want

S o, tell me what you want, what you really, really want ... Pinnacle has worked on hundreds of projects in legal, helping firms to make the most of their business applications. So, I speak with some experience when I say that, in spite of all the procurement procedures and MoSCoW lists (a prioritisation method) used during selection, all clients were underprepared to implement. They were unable to articulate their requirements, especially subtle elements such as "in this situation, it must do this, except when ...".

After selling their software, most vendors have a relatively simple process – design, build and test, and then deploy/ go live. When it comes to design, they assume that the client can quickly provide their requirements.

If it's evident in the sales process or at project kick-off that this is not the case, vendors will never say: "You're not ready. Go gather your requirements." Both client and vendor just want to launch into implementation. The clock is ticking; the client wants to realise the benefits of the investment and the vendor wants to schedule resources and execute deliverables. As a result, requirements can be inadequately documented – sometimes never signed off. That inevitably leads to problems down the line.

The point is that detailed requirements are independent of the software: they are simply requirements. Some won't be met by the chosen technology – some are not even technology-related. However, it's possible to articulate them before the final product selection is made – and it's a task that requires experienced business analysts, not selection consultants.

Some advantages to articulating detailed requirements early on are: • Implementation gets underway quicker: there's both less design time and less consulting.

- Development involves less reworking and fewer change requests.
- Firms can test the design against the requirements. This bakes in quality.Firms can know which requirements will and won't be met.

• Testers will know the requirements, rather than testing against a design that might not meet requirements.

• Often, the detailed requirements will illustrate that a percentage of the requirements could be delivered today – using the current toolset.

• Issues with data and firm policies will be highlighted earlier and remedied quicker.

I'm not saying that firms should delay the purchase of the software, but that, while procurement is underway, firms should gather and document the detailed requirements. It will cut cost and increase certainty around delivering the project.

To illustrate this point, let's look at two recent Pinnacle engagements.

In the first, a client had a preferred supplier in mind, but didn't procure the solution until we'd helped them workshop their requirements – invariably the optimum approach.

In the second, a firm had already procured software and cracked on with swathes of ultimately abortive solutiondesign workshops. To get it back on track, we worked with the firm to shape and capture its detailed requirements, articulating them in a coherent way before they were given to the vendor's implementation team. This was less than optimum, but it had many of the same positive outcomes. Testing proved easier, useful changes were made to current systems and working practices, and the firm realised immediate business benefits rather than deferring them until the new solution had been implemented.

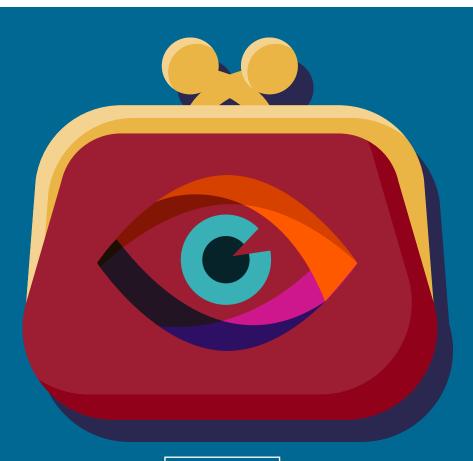


## Features

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**Spending patterns** Law firms discuss the latest responses to the challenges around legal procurement strategy. Richard Brent reports 20

**Propelling the envelope** Josh Adcock hears the rationale for combining technology and project management into a new team at **Eversheds Sutherland** 



► THE BIG IDEA

# Spending patterns

Much focus has latched onto the ascent of legal operations through 2019, but research suggests procurement is still steadily increasing its power base alongside. How do law firms feel about that? Richard Brent reports

t's often stated, but is the figure of the procurement professional really growing more prominent on the buy-side of the legal services deal?

After several years of spend reductions, an annual piece of research from the Buying Legal Council (BLC), published in June 2019, found overall corporate legal spend had in fact grown in the previous 12 months, matching an "increased amount and complexity of legal activity". However, with 'uncertainty' certainly back at work a decade on from the 'more for less' movement that followed the financial crisis, cost consideration within legal spending patterns only appear to be going in one direction. The BLC survey finds that having a legal procurement professional on board today saves the average organisation 17.1%, compared to 14.6% in 2018 and 11.4% in 2017. And those "most successful" – that is, the best embedded and typically longest-serving – could save as much as 23%, it said. Two-fifths of those surveyed said that the department influenced the purchase of every legal service category consumed.

The research then goes on to investigate the

extent of adoption of several "tools and tactics" – and all are certainly not viewed as equal. Indeed, while 88% say they negotiate discounts from providers (the most widely adopted tactic of all), this is seen as the second-least effective tool by the procurement professionals themselves.

#### Strategic strength

Geraint Evans, head of clients and new business at CMS, says specific approaches depend on the project objectives or panel structures organisations are after, but also appear to fall in and out of favour. "For example, e-auctions can appear a bit like London buses. And although some clients swear by them, others won't use them at all." He believes decisions about such routes can be as much about culture as cost, and what most differentiates is where procurement sits on a "strategic to tactical spectrum". The more advanced end involves strategic relationship management as well as being business needs as much as savings driven, he says. "A strategic buyer engaged sufficiently early in the process can enjoy full mastery of the market." Strategic procurement also often sees the work phased into the increasingly influential sphere of "legal operations", he continues - and this, in turn, is leading law firms to rethink how they work, finding new advisory revenue streams around innovation, technology, talent development, spend and project management.

Pier D'Angelo, chief strategy officer and longtime head of pricing at Allens in Australia and Asia Pacific (which operates in association with Linklaters), agrees: "I see much higher, more sustainable impact where relationships continue long after the purchasing decision – where prcocurement stays close to the legal department and builds knowledge of the providers - to effectively manage consumption of services over time." At the same time, clients are moving on from rate negotiation to diversification and disaggregation, he says, "such that lowest-value work is going to firms at a lower price point and higher-value activity elsewhere - it's a more holistic view of spend management. There's a focus on matching price to the value delivered."

D'Angelo also makes the point that procurement approaches have had to evolve in order to keep



"If you go back 10 years, a firm like ours could probably count the number of RFPs to process on one hand. Now, if you take a broad view of what constitutes an RFP, it's possibly thousands."

### Pier D'Angelo, chief strategy officer, Allens

being successful. "You have to ask yourself how much value is actually being added in any process at the specific time. Yes, it's hard to argue with the fact of an initial value capture. There was a time when firms simply didn't discount – then procurement arrived and it became common to offer 10–15% off, or even more in some jurisdictions. But you can only give that money away once. The next 15% has to come from somewhere else."

He argues that some of procurement's activity may have added cost, and not only for law firms – there's a lot of time involved on both sides. For example, 85% of respondents to the BLC's survey said they issued requests for proposal (RFPs) – and indeed these are seen as the most effective of all routes to value, followed by pre-matter scoping.

D'Angelo says: "If you go back 10 years, a firm like ours could probably count the number of RFPs to process on one hand. Now, if you take a broad view of what constitutes an RFP, it's possibly thousands. That's a lot of both in-house and external firm hours diverted to the process, as well



"An AFA can only be good if it has been reached at the specific transaction level, because what constitutes value for one transaction will be different for the next."

Stéphanie Hamon, head of legal operations consulting, Norton Rose Fulbright

as pricing and BD people."

Evans empathises – pointing out that as well as taking time, some processes can fail to enable the "level playing field" needed to make the best decisions (for example, RFPs that don't provide the insight into core objectives of the client – so allowing a firm to develop a bespoke, tailored commercial proposal).

D'Angelo continues: "In addition, the rigidity of RFP processes can inhibit other forms of value creation, such as collaborating to put in place alternative fee arrangements (AFAs). A good AFA takes some negotiation and communication, and that's almost the polar opposite of an RFP, which simply states requirements. Without the dialogue there's little ability to explore the client need in depth to really craft the right arrangement."

Another barrier can be time and resources, he explains. "Clients are busier than ever, and the old 'more for less' agenda is still very real. Large multinationals may have dedicated resources, which can focus on AFAs, but many others need to make space on their plates, so may decide against looking for the perfect arrangement as a result." His own observation of the market is that "firms and clients get best results, where time and resources are dedicated to effective collaboration."

### Alternative approaches

AFAs are certainly one of the tools procurement perceives to be effective if it can get around to them; the 15% reporting they "plan to use the tactic" in future would see it placed joint-first for adoption. Enter perhaps, therefore, the new breed of legal operations support springing up in law firms to help get them over the line.

Stéphanie Hamon, formerly managing director and head of external engagement for legal at Barclays, moved to launch the new legal operations consulting practice at Norton Rose Fulbright in August 2019. As well as an appreciation of the growing demands on the in-house legal function to demonstrate forms of value, she says she had direct exposure to her new firm's level of engagement around AFAs – and she echoes D'Angelo at Allens in her view of their primary challenges.

"An AFA can only be good if it has been reached at the specific transaction level, because what constitutes value for one transaction will be different for the next. It could be the ability to close a deal very quickly, or perhaps to avoid a heavy fine – it isn't always overall price. On the other hand, sometimes clients working to a fixed fee can feel they've been cheated – and sometimes



it's the firm that feels they haven't pitched or resourced it quite right to make a reasonable profit.

"As with any relationship, you need good, honest communication to create trust. It's the client's responsibility as much as a provider's to create a relationship that welcomes open conversation. All too often it can progress rather like a game of poker – constantly second-guessing one another – and that doesn't lead to a happy compromise."

Firms could certainly take steps to foster that healthier relationship of course, perhaps by trying to get to know clients a bit better in the round. Hamon explains: "The procurement role in one organisation may be very different from the arrangement in the next. Who are the chief stakeholders, and who is doing what?

"One reason for creating new legal operations teams has been to help to find a middle ground between the priorities of legal and procurement. And I'd also urge firms to take steps to better understand their clients' financial dynamics – budgetary cycles, for example, can be very different in-house. Sometimes it's set for the following year in August."

#### Measuring up?

A further challenge when negotiating AFAs is having the data to both make the necessary calculations and demonstrate the value gained. This is also critical to some of the less embedded but growing-in-popularity procurement strategies – pre-matter scoping, data analytics and legal project management (just 38% currently claim to conduct the latter, whereas 49% say they plan to).

D'Angelo at Allens says: "An absence of metrics is a barrier – it's very hard to agree a contractual arrangement when you don't know what it is you're pricing. It's also very hard to justify an AFA 'up the line' if there's insufficient data to provide a baseline for comparison. In some organisations, money for legal bills can sometimes sit in budgets all over that organisation, so pulling the baseline together can also be time- and resource-intensive."

Hamon adds: "Emerging technology has a big part to play in the pricing and value of work, as you can address what's included in the scope – and indeed, perhaps highlight where you're using another piece of technology to perform part of a transaction more efficiently than when you used to



"It isn't even a question of data science, but rather of knowing exactly what data can be be used to effect change, as well as its limitations. Firms need to acknowledge there are risks associated with use of data in decision-making."

Geraint Evans, head of clients and new business, CMS

throw an army of people at it. Once you've defined and recorded it, you can report on the information and share it to increase transparency and trust."

Evans at CMS says the data capability to define value definitely comes at the "strategic" end of his buying spectrum – and should be an area for paction on both sides of the relationship. "It isn't even a question of data science, but rather of knowing exactly what data can be used to effect change, as well as its limitations," he says. "Firms need to acknowledge there are risks associated with the use of data in decision-making, including involving data for the sake of it," he cautions.

So, costs may be better controlled than a decade ago but, in times of heightened uncertainty once more, can reliably solid data help to build reliably trusting relationships? Either way, mindset will certainly be as instrumental as matrix in securing that elusive win-win deal.



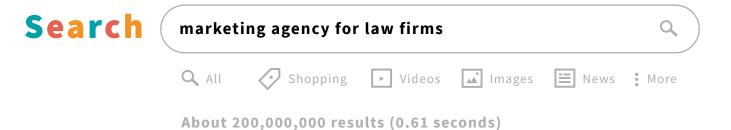
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# Propelling the envelope

The combined litigation technology and legal project management team at Eversheds Sutherland – dubbed Propel – got together to tell Josh Adcock about the benefits of building bridges between disciplines

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t's easy for technology to get overhyped – it happens so frequently in businesses, including legal ones, that there's an entire mythical creature that embodies

the idea (**Briefing**'s very own hype-unicorn). Of course, law firms would be utterly remiss to pass up the real opportunities that technological solutions can offer – but technology can often become siloed away from areas of a business that could really benefit from it, esoterically squirrelled away by those in the know.

What's more, clients are increasingly keen to make sure that their law firm partners 'get' technology and run it efficiently. Legal project management also has skin in that game – so, can you connect the two?

In May 2019, Eversheds Sutherland chose to take that leap. Rolling its existing litigation technology and legal project management teams together, it gave birth to Propel – an international team intended to join up its people and technology.

After many years of managing a large number of people and a lot of documents – many of which were highly confidential and geographically spread out – the team's Birmingham-based co-lead, Sarah Jones, wanted to do things differently. "When I came back from maternity leave, I thought, 'I can't keep doing things the way I have – we have to be more efficient'." She says that technology was pegged as a big part of that transformation: "It's about making us one of the most – if not the most – technologically-enabled litigation practices by 2020."

Nick Rundle, Jones's Cardiff-based counterpart and co-lead, was also encouraging a plan of attack which led the firm to launch a variety of in-house solutions, including document review platform ES Locate, built on top of OpenText's Axcelerate technology. In 2018, the firm also launched its own internal version of Opus 2's litigation collaboration technology, Magnum – CaseReady.

Along with other techy solutions, these have been built up into what Jones calls the firm's "litigation digital toolkit". But adoption then became the question. "We've used all this technology on a number of matters across the practice group, which is fantastic – but how do we now encourage further use of the tech that we have?" she says – maximising usage is therefore part of her remit.

### **Building your bridges**

Getting knowledge out of silos is an obvious way to tackle these issues, and Propel seems to have encouraged several of its team members to don multiple hats. Despite not having a tech background, Kurtis Windrow, based in Manchester, and an apprentice solicitor at the firm, has found his role evolve over the past year and a half into an official legal technologist for the litigation practice group. "I help bridge the gap between the lawyers and IT teams. The role didn't exist previously – it came out of a particular need for the practice group with the specific aim of helping all teams to embrace technology on

"We've used all this technology on a number of matters across the practice group, which is fantastic – but how do we now encourage further use of the tech that we have?"

Sarah Jones, Propel co-lead, Eversheds Sutherland



suitable instructions."

Rundle says that having access to the expertise of a specialist has been invaluable in realising the vision of certain projects. "Kurtis has gone away, been able to scope it, understand how the technology works and what exactly has to happen to make sure it works successfully.

"We were looking, for example, at how we might extract information from hard copy documents and use that to populate a case management system for a very large piece of work we were doing. We could see what the vision had to be and we wanted to do it because it was efficient, it reduced human error, and it meant that our lawyers could focus on doing the legal work rather than trying to organise teams of people to do data entry."

### **Growing places**

Thus far you may have noticed a careful cataloguing of team members' usual geographies. This diaspora is neither unusual nor a hindrance for the Propel team, as London-based senior legal project manager James Barrett explains. "I think it's brilliant. I was in Cardiff yesterday; I work in Birmingham quite a lot; I'm going to Dubai to work with Kat [Storrar, fellow senior legal project manager] – it doesn't matter where people are, in reality."

While the rest of the team convened for our conversation in Eversheds Sutherland's London office, Storrar, permanently based in the Middle East, called in from Abu Dhabi.

Having previously worked as an M&A lawyer, she explains that a sojourn in sales and management for a big tech provider proved difficult to juggle with the responsibilities of being a new parent. "I decided to go back into private practice – and joining Eversheds Sutherland to help form the LPM function for the corporate and commercial team was the perfect opportunity, because it drew on the skills I'd gained as a lawyer as well as my strategy and business management experience from sales."

When her husband's job took him to the UAE, Storrar, alongside Barrett, was happy to help build and grow the global LPM offering for the litigation and dispute management team from there. The last eight months have been positive, she says, and have seen the start of many successful

### FROM LEFT TO

RIGHT: James Barrett, senior legal project manager; Sarah Jones, co-lead; Nick Rundle, co-lead; Georgina Edwards, senior e-discovery analyst; Kurtis Windrow, legal technologist; Propel team, Eversheds Sutherland

#### FIRM FACTS

Eversheds Sutherland Offices: 69 Countries: 34 Revenue: \$1.175bn (£944m) Headcount: 5,000+ Ratio, total fee earners to business services employees: Approx 3:2

conversations in the Middle East.

Perhaps a little unusually in the legal project management world, Eversheds Sutherland explicitly only employs legal project managers who have also been lawyers – like Storrar or Barrett. Jones, who holds a PRINCE2 project management qualification herself, believes that fluency across both disciplines delivers the real benefits. "Ultimately, there's nothing legal-specific about PRINCE2. It's much more beneficial to have someone who understands both court deadlines and project management."

Still, qualifications are not in short supply. "Do you have any project management qualifications?" Rundle asks Barrett, to general laughter. Barrett further explains the benefits the firm sees in having both sets of expertise: "As a lawyer, you understand the pressures – for example, you know what an injunction is and how time-sensitive the implications are for the legal team and the client. We're embedded with the lawyers – we're not seen as technologists and legal project managers that are separate, sitting in the basement."

#### Meeting of minds

From Jones's point of view, Propel came together quite organically, but the availability of skilled legal project managers and seasoned technologists made it easier: "The ignition point was really the roll out of CaseReady across all our offices. It was a big internal project, so it seemed sensible to use James, as one of our legal project managers, to organise it. He then became more and more involved in CaseReady, and that's when the idea of merging the teams crystallised."

It quickly became apparent that the legal project managers' position made them perfectly placed to help drive usage of the technology, says Storrar. "Because we're at the coalface with lawyers, discussing how to meet their internal needs, as well as client needs, we ended up 'selling' the tech we were using elsewhere to the lawyers, without even realising we were doing it."

They were also able to enhance the utility of the tech, she says, by finding the most opportune points in a project to apply solutions. "Operating in silos will always limit scope, but the two teams were naturally spotting mutual opportunities."

"It was almost a no-brainer," Storrar says, to ultimately join up the two teams more formally.

Now that the teams are working together, Jones and Barrett say that Propel can also become a conduit for winning over the "hearts and minds" of Eversheds Sutherland's litigation lawyers, encouraging them to use technology as a matter of course on their most valuable matters. Barrett explains: "If I'm sitting in the room with a legal team, I can say to the associates, 'Why not skill up on CaseReady or ES Locate now, because we've got a plan for where a given challenge is going to be – you can learn these skills now and get used to the platform.' That's the gentle 'nudge' theory – keep chipping away and eventually everyone will be technologists."

But the internal benefits work in the other direction too. Having a joined-up, communicative team not only pleases increasingly data-hungry clients, as Rundle puts it – it offers technologists like London-based senior e-discovery analyst Georgina Edwards forewarning around lawyers' data needs. "It's all about communication – that's what I want at the end of the day, but so do clients. They want to know everyone is communicating and collaborating together," says Edwards.

Capitalising on opportunities derived from communication, collaboration and ramping up tech is exactly what Propel will keep doing, Barrett says – with the team looking to expand project management tools across the firm in future.

And the team will grow too. Just before **Briefing** went to press, Eversheds Sutherland appointed Melina Efstathiou as head of litigation technology to replace Enzo Lisciotto, who has returned to his native Australia. She brings the team to a round 10 members – and the aim is to add several more people in the near future.

Of course, the goal of the team remains to pass the benefits on. Or, as Jones puts it: "Show me a client that doesn't want to save some money on its legal bill. If you can use technology and LPM in tandem, then we're driving the best efficiencies we can for our clients."



### 24

**Communications breakdown** Peter Rogers, director of risk at **Bevan Brittan**, considers the potential for messaging mishaps



HANDS ON

# Communications breakdown

Peter Rogers, director of risk at Bevan Brittan, considers the challenges posed by different methods of sending messages for all law firm employees – internally and externally. Which risks in the written word may need addressing as a priority? ith ava bev nu to

ith the availability of a bewildering number of ways to communicate

with clients and colleagues, have you ever stopped to consider why you choose a particular method in any given situation? Has your firm ever provided any guidance on when a particular method may, or may not, be appropriate? What are the risks of choosing it? Is it always right to respond to clients and colleagues using the same method they've used for you?

I am old enough to recall working in the back office of a London law firm with a telex machine that periodically chattered into life, then ripping off the sheets and taking them to a partner in the offices upstairs (I was an outdoor clerk on a summer job). At some time in the late 1980s, telex gave way to faxes (initially using paper on which the text often faded, much to the concern of law firm insurers). Email followed initially perhaps limited to internal communications, but soon opening up to clients, other solicitors, experts and barristers (although many counsel held out against being directly emailed by an instructing solicitor. Some still do).

When I began my first graduate job in a law firm in 1993, the firm had a networked IT system with desktop PCs for all staff, including me as a lowly trainee. I don't recall getting many emails - perhaps 10 a day? And there were none from clients or other law firms, either because the system wasn't configured to allow this, or perhaps because no such emails were even being received. External communications were exclusively by letter, with a fax copy preceding it where there was some urgency. Internal communications were a mixture of emails and hard copy memos. Most senior partners preferred the latter (one was in the habit of sending a bundle of paper files with a memo that said simply 'Herewith files. Please deal').

Firms should get ahead of the game – understand what the trends are, and which risks attach to the use of different communication tools, and provide their staff with clear guidance. This should involve a comprehensive review

### From zero to infinity

Moving to a much bigger firm in the later 1990s, I was surprised to find that I had no PC, just a dictating machine. I recall feeling as if someone had removed my right arm - so by then I had obviously come to rely on the PC (and not just to play solitaire and minesweeper). Within six months, a shiny new PC had arrived and normality was restored. Faxes and letters continued, but internal communications quickly shifted to email. Inboxes were still manageable, and there was no need for strategies to cope with email volumes - 'inbox zero' was a few clicks away (or so I recall). Over time, email volumes grew exponentially. Had I been told that 20 years later, I would be receiving up to 100 emails a day, internal and external. I'd have been astonished - and concerned. Today, it is all too easy to allow your inbox to become your de facto 'to-do list'. As US venture capitalist Chris

Sacca has said, "Email is a task list that's created for you by someone else." Inbox zero is a goal achieved by few (unless you're brave or senior enough to regularly press Ctrl+A+Del).

Indeed, a new concept has emerged – 'inbox infinity' – the ability to surf it, psychologically liberated from the expectation of 'inbox zero'. Sounds great if you have nerves of steel. On that note I once heard a story - possibly apocryphal - about the head of IT at a major UK law firm who one day announced to the firm that he was declaring 'email bankruptcy', and would be deleting his entire inbox cache. He added that if anyone was expecting a reply to an existing email, they should contact him. Supposedly not one person did.

### And beyond – emoji whizz

Like the telex, email is perhaps now destined to be relegated as the primary tool of communication. A CISO at one firm recently predicted that law firms would stop using email within five years, pointing to the widespread adoption by Chinese firms of WeChat, an encrypted messaging service similar to WhatsApp, due mainly to concerns around email interception and cybercrime. Certainly, text and WhatsApp messages, instant messaging (IM), online collaboration tools and file-sharing sites are growing in law firm use, mainly for internal (intra-team) communications and management, but increasingly to project management, but increasingly to communicate with clients and third parties. Anecdotally, I heard that when a room full of lawyers was asked whether any of them had ever received instructions from a client by text or WhatsApp, the partners all shook their heads emphatically, muttering that it would 'never happen'. The millennials present begged to differ - much to the partners' surprise. Another story - which I am assured is true - concerned a lawyer who was instructed by emoji (presumably  $\downarrow$ ). Perhaps the reaction to that is best captured by another emoji – 😡.

What this certainly emphasises is that firms should get ahead of the game understand what the trends are, and which risks attach to the use of different communication tools, and provide staff with clear guidance. This should involve a comprehensive review of communication methods, involving the risk, HR and marketing and comms teams as well as IT. A good starting point is to undertake a staff survey to understand the current state of play. This also provides an opportunity to understand both the volumes of emails people are dealing with on a day-to-day basis, and how they feel this affects their efficiency (and mental health). This could perhaps be combined with a time-and-motion study of a representative group of staff. For my part, I think there is a real prize out there for firms to increase productivity and staff

wellbeing. It could also address other risks - for example, does your firm have an integration tool allowing SMS or WhatsApp message chains to be dropped onto the electronic file? What guidance do you have to ensure this is done, and what steps should be taken to capture existing message chains before they get deleted? What about capturing messages exchanged via online collaboration tools and file-sharing sites? As the EU proposes a 'right to disconnect' as a new human right, and some companies such as VW, Daimler and Porsche move to ban out-ofhours emails for employees, should this be considered as an alternative to an 'always on' culture leading to staff burnout? Might clients actually be quite amenable to this, and consider doing the same?

Such a review could lead to other useful management insights. Insurers report seeing more missed time limits, for example – could email volumes

> A good starting point is to undertake a staff survey to understand the current state of play ... This could perhaps be combined with a time-and-motion study of a representative group of staff



and multiple competing channels of communication be contributing to this, as people struggle to keep on top of incoming messages and end up missing things, or doing things at the last minute? Could client instructions and third-party messages be coming later for the same reason, requiring us to react faster? It won't be easy to remedy every risk area, but the first stage in addressing a risk (or indeed, an opportunity) is to recognise it in the first place.

None of this is to suggest we should communicate less with colleagues or clients. Rather, it is about taking a step back to understand how we have got to this position, and challenging ourselves about the right 'mix' of tools. It could also open up a discussion within firms (preferably face to face) about what 'good' use of tools really looks like. Technology should after all be our servant, not our master – at least for now.

	Common written communication tools and associated risks		
TOOL	BENEFITS	RISKS	PROS AND CONS
Email	• Ubiquity • Flexibility • Record-keeping	<ul> <li>Excessive volumes and long email chains/ poor subject descriptions, leading to things getting missed, staff burnout</li> <li>Data breaches due to sending errors (including using cc, not bcc, for multiple recipients, and autofill incorrect addressees)</li> <li>Failure to save emails to DMS, or inconsistent filing practices leading to incomplete files</li> <li>Interception of emails, giving rise to risks around data security and cybercrime/phishing, especially where emails are unencrypted</li> <li>Spam/junk email</li> </ul>	GOOD FOR: Most uses, especially where a written record is needed BAD FOR: Some urgent messages requiring an immediate response, or projects involving multiple stakeholders where online collaboration tools may be more efficient
Text message /SMS	• Immediacy	<ul> <li>Informality or brevity of messages leading to misunderstandings or brand damage.</li> <li>Loss of file data (where no integration with DMS)</li> </ul>	GOOD FOR: Instant communication of short internal messages, such as meeting arrangements with one individual BAD FOR: Communication of substantive message content such as instructions to team members or advice to clients
WhatsApp	<ul> <li>Immediacy</li> <li>Enhanced security</li> <li>compared to SMS</li> </ul>	• As with SMS, risks are enhanced where there's a multiplicity of message groups each with multiple recipients	GOOD FOR: Communication of short internal messages with groups of individuals PBAD FOR: As for SMS (above)
Instant messaging (IM) such as Skype for Business	<ul> <li>Immediacy</li> <li>Security</li> <li>Ease of use, ubiquity (for market-leading tools)</li> </ul>	<ul> <li>Depend on settings/policy</li> <li>Poor initial assessment and implementation may give rise to security or other problems</li> <li>Can give rise to risks similar to SMS above</li> </ul>	<ul> <li>GOOD FOR: Flexible tool, as part of a wider toolset for internal and external collaboration</li> <li>BAD FOR: Depends on how set up. Gives rise to issues as for SMS above</li> </ul>
Online collaboration tools/file - sharing sites	<ul> <li>Flexibility</li> <li>Security</li> <li>Catalyst for improved working practices, with efficiency savings leading to competitive advantage</li> <li>Single location for project-related data (for file-sharing sites)</li> </ul>	<ul> <li>Security risks due to poor product selection or errors in site administration</li> <li>Product doesn't suit organisation, leading to wasted expenditure and inefficiency</li> <li>Competing source of data, where combined with continuing use of DMS/email</li> <li>Network or equipment failure, leading to data availability issues</li> <li>Challenges around managing multiple passwords</li> </ul>	GOOD FOR: Collaborative team working on projects, especially where teams are based in different offices/overseas, at home or travelling BAD FOR: Depends on the nature of the tool selected. Projects can fail owing to inability of online tools to replicate the quality of face-to-face interactions, or because of technical failures and language/cultural barriers
Intranet	• Efficient delivery of firm-wide (non-targeted) messages	• News items may not be read promptly, if at all	GOOD FOR: Raising awareness of firm-wide news, achievements, legal or client/ sector developments, and so on BAD FOR: Delivering messages that require specific or quick action

### Check the balance: Policy options

### NEW COMMUNICATION TOOLS:

- Just because a new tool becomes available, it doesn't mean a firm has to adopt it.
- Decisions around adoption of new tools should be led by the firm's business objectives.
- All new tools should be the subject of a risk assessment, looking not just at the tool but also risks attaching to the fact it's being added to a multiplicity of existing media.
- With the dissolving boundary between home and work, this includes 'off grid' communications, including personal texts and emails, FaceTime, and social media platforms, so any wider review of tools and subsequent policy needs to include these.

#### WELLBEING AT WORK:

- Client expectations. A few years ago, an email would arrive and the sender would generally be happy to wait for a response for a day or two. Nowadays fee earners find themselves chased for substantive responses after hours, or even minutes. The pressure to act and advise in haste (including during weekends) is increasing.
- This combines with increasing expectations around turnaround times for internal emails.
- Failure to adopt a policy around the 'right to disconnect' (as part of a wider communications policy) could lead to claims being made by employees, possibly years later, when such policies may be the norm.
- Management of client expectations is key, but some clients may also regard a wellbeing-focused initiative as a positive 'sell', especially where they operate such a policy themselves.
- Enforcement may be a challenge, but internal audit and regular reminders can help.

#### BEST PRACTICE:

- Consider running workshops in which all the issues are discussed openly, to inform any subsequent communication policy. The sessions could share best-practice tips and quick wins for inbox management. For teams that sit together, agree rules about when to email as opposed to having a face-to-face discussion, and also on use of flags to indicate urgency, and when to preface an urgent message with a call or voice message.
- Having a principles-based communications policy may make more sense than an overly prescriptive policy, given the fast-evolving communications landscape we live in. Such a policy can be accompanied by some more

specific guidance, as appropriate.

• Both policy and guidance can be audited for compliance, with the audit findings (and any day-to-day incidents/ issues) used to refine best practice over time.

### OTHER RISK ISSUES:

- The need for a file record has undoubtedly driven the use of email, arguably at the expense of phone or face-toface communication, but the use of multiple communication channels poses increasing practical challenges for firms. Poor email filing practices have long been recognised as a problem by risk teams and insurers. Clear filing and retention policies (covering all types of communication) and regular audits can help, together with protocols for leavers.
- Client requests for the file, and data subject access requests, can prove especially time-consuming and expensive to deal with where the 'file' is made up of multiple record types, and long, duplicated email chains.
- There are issues around email autoreplies for leavers, which in some cases are ignored by external parties – for example, the Land Registry and employment tribunals – leading to incoming messages being missed. Consider having a central mailbox address for incoming and outgoing messages (for example, landregistryfiling@ [firmname].com).
- When lawyers use communication tools that are 'off grid' (including in response to clients' use of such tools), they find themselves outside the safety net of a firm's procedures, IT security and well-structured filing systems, so in essence are doing the opposite of risk management.
- SMS, WhatsApp, and online collaboration tools, can lend themselves to informality or indiscretion, which can be a problem when messages later come under scrutiny, for example in the context of a claim or client complaint, data subject access request, or regulatory action by the SRA. What may have been intended as light-hearted banter can prove embarrassing and damage a firm's brand.

### EFFICIENCY SAVINGS AND FINANCIAL IMPACTS:

• Finally, productivity gains could pay for an in-depth review many times over, with benefits to the bottom line both in terms of profitability and reduced staff sickness (mental health being the leading cause of sickness absence in the UK, and the 'always on' culture a prime contributor to poor mental health).



# industry views

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### *Changing gains* Lucinda Case at **Thomson Reuters** on leading internal change to help firms make the most of their technology

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INDUSTRY INTERVIEW

### Changing gains

Lucinda Case, lead for legal professionals, Europe, at Thomson Reuters, says some substantial changes for teams in the business like hers are focused on helping firms to see their strategic technology choices go that much further in future t's often said that law firms are rather slow to embrace change as

organisations. This may or may not be deeply frustrating for their clients, but in the current age of 'disruption' even the very largest of them need to consider how they too could be doing things differently to steal a march on the ever-shifting shapes of new forms of competition.

The propositions of the many and varied products that make up Thomson Reuters' offering for the legal sector are to put technology to work to help firms manage precisely that evolutionary change process - and in recent months it has shown itself more than willing to lead by example. A significant restructure has seen its service for legal professionals, tax professionals and corporates (including work for general counsel) split out. The 'legal' segment is headed up by Brian Peccarelli, below whom responsibilities are split along specific customer segment lines. Fortunately, you can count them on one hand. There is mid-size law, small law, global large law and Canada, with the US government having a segment of its own. And completing the set is the Europe region.

#### Supplier demands

The lead for the latter is Lucinda Case, previously managing director of the Thomson Reuters Legal UK & Ireland business, who explains the rationale for the move. "There have been some big changes to steer behind the scenes, but the driver for all of them is a simplified relationship for our customers, and ultimately a smoother journey toward their benefiting faster from investment in technology. We believe we can drive significantly more value aligned this way, and customer feedback so far suggests that's certainly the case."

The advantage centres on greater clarity about

who within Thomson Reuters should be approached (or do the approaching) about what - with Case now assuming overall responsibility for the Thomson Reuters Legal brand, including Elite, in her region. This encompasses 3E Enterprise Business Management and eBillingHub, alongside knowledge tools Practical Law and WestLaw, and the document automation capabilities of Contract Express, among others. She explains: "Customers won't need to have as many separate conversations with the many people in different pockets of the business, and of course the largest firms may well buy the whole product set. But regardless of their specific strategic needs, we've changed to make the customer experience that much simpler for all."

She points out that this is also happening at a time when "the client side is increasingly influencing exactly which technologies are brought into law firms", and that, unsurprisingly, they too favour as straightforward an arrangement as possible. From portals to pricing, collaboration between law firms and in-house teams on all sorts of matters is on the increase, and clients expect the technology that firms are extending toward them in support of these endeavours to be user-friendly in the round. All of this quite possibly points to a desire for fewer product supplier relationships to manage overall, but most certainly to serious effort

"There have been some big changes to steer behind the scenes, but the driver for all of them is a simplified relationship for our customers, and ultimately a smoother journey toward their benefiting faster."



"Market fragmentation and system interoperability are significant challenges, and we're very mindful of how we can best help firms to manage their businesses efficiently in this respect."

in terms of effective integration. "Market fragmentation and system interoperability are significant challenges for buyers of legal technology, and we're very mindful of how we can best help firms to manage their businesses efficiently in this respect as well."

### **Platforms empowered**

At the same time, Thomson Reuters is busy introducing customers to a plethora of potential new technology experiences within its own ecosystem to facilitate firms' process improvement. For example, in February 2019 the new cloud-based legal workflow solution Panoramic arrived on the scene, which indeed neatly mirrors one of the significant changes to Case's own role – bringing the wealth of knowledge experience and resources contained within Practical Law together with the management data granularity of 3E to create a new range of 'Matter Maps' that promise more reliable and profitable budgeting and pricing of work respectively.

Once such a matter is initially planned and mapped out from both legal and financial perspectives, Panoramic can also enable the allocation, and subsequent adjustment, of specific tasks required to reach the outcome. And it's easy to see the likely synergy here with arguably the biggest piece of news from Thomson Reuters this year – the acquisition of leading project management and collaboration technology toolset HighQ.

The latter's capabilities are already well embedded – forming the basis of much client extranet, data room and document-sharing work – right across Case's region of responsibility. Accordingly, the decision to progress with this deal was reached "fast", she says, and it's another step in "creating a more open platform and user-friendly, seamless experience for customers as they invest to scale and grow". HighQ has itself long invested in integration with other third-party tools – already doing so with Contract Express, for example, as well as artificial intelligence from Kira Systems to generate new layers of working efficiency based on document analysis. However, Case says the overall integration journey to produce the intended productivity gains from this union won't be rushed, requiring substantial dedicated resourcing.

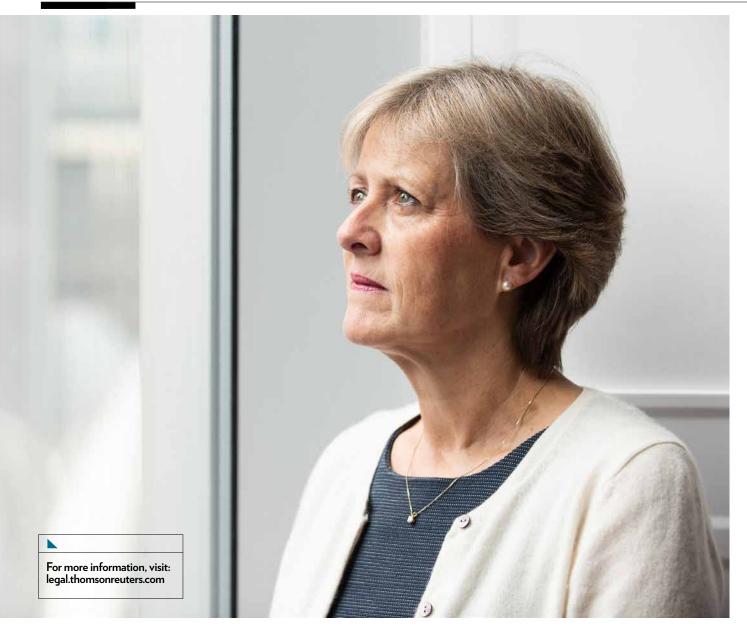
The transformative move also comes at a time of significant enhancements within several existing product areas, including a new unifying interface across the 3E portfolio, and the launch of 3E 2.9 in July 2019, which now can draw in data about the e-billing status of clients. The total number of firms on eBillingHub broke the 500 mark in 2018, with a 29% year-on-year increase in invoices processed using the solution in the UK, and over 100,000 invoices streamlined for more efficient process (and faster payment) across the EMEA region as a whole. 2019 has also seen the launch of an eBillingHub API platform, to enable integration and collaboration with other platforms.

Another area seeing plenty of action is data analytics, with new '3E Profitability' enabling cost calculations and reporting by practice, client or fee earner, and a set of five 3E Data Insights dashboards that tailor metric visualisation by role – executive manager, practice group leader, and fee earner (including either billing or originating).

And of course, the tortuous path toward Brexit continues to keep law firms busy on their clients' behalf, Case says: a prime consideration in the design of new "forward-looking legislation" enhancements in the Thomson Reuters knowledge space. As with financial information, this is about surfacing the necessary information at the right time (about "prorogation", say, to take just one example of a phrase that has remarkably shot up in interest, Case says) to reduce exposure to a risk or make a more informed decision.

### **Development of diversity**

One management challenge technology alone certainly can't solve is the cause of strengthening



### "More than anything, women in the profession need to be able to see relatable leadership role models who are truly within touching distance."

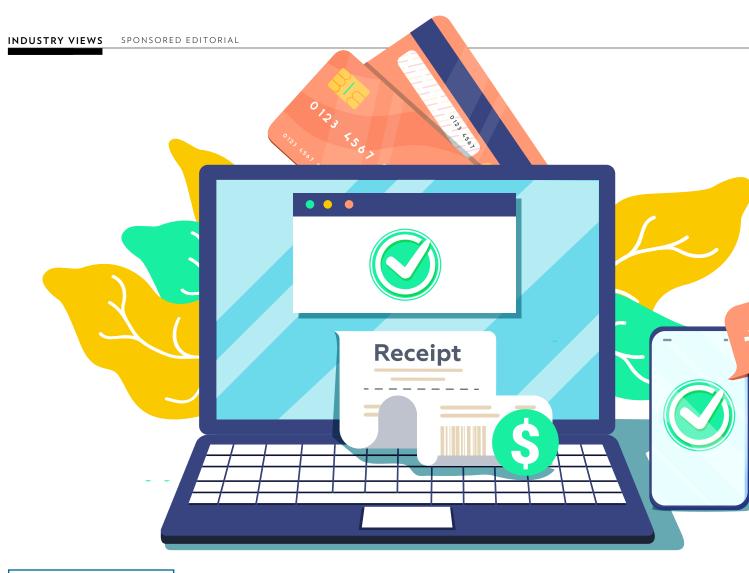
leadership diversity throughout the legal profession. But Case is no less passionate about making progress on this front through her role as sponsor of the company's Transforming Women's Leadership in the Law programme.

For all of the work across the industry on targets for progression to particular career levels (often partnership), new career paths for talent, more flexible working models and many other management initiatives, she says long-overdue change at the top is still too slow. The Thomson Reuters programme aims to keep the pressure building behind the momentum for change that exists as we head into 2020, using both in-person roundtables and social media activity to stimulate continuous conversation and questioning of how things are currently run and decided.

"It's important to manage to clearly understand and articulate the real barriers, and to implement some practical solutions to change female leadership pipelines, the success of which can be measured," says Case. "More than anything, women in the profession need to be able to see relatable leadership role models who are truly within touching distance."

Whether it's tackling software solutions or systemic challenges, Case is an excellent example of Thomson Reuters' commitment to programmes of strategically transformational change.

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L INDUSTRY ANALYSIS

### Fit for the bill?

Christine Smith, senior SaaS software consultant at Aderant, explains how the right e-billing solution can result in efficiency, fewer rejected bills and happier clients

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ith growing law firm competition, it's more important than ever to ensure that efficiencies are maximised, and this includes billing. Billing is more

than a simple submission process: it's a form of communication with clients, and directly impacts on firm profitability. Therefore, more firms are looking to streamline the current process.

But will an e-billing solution truly add value, not only for the billing experts but also for the firm? From a quantitative and qualitative standpoint, e-billing must clearly demonstrate improvements in efficiency and profitability in order to make the transition worthwhile.

### The cost of inefficiency

Many firms process hundreds, or even thousands,

of bills each month. Fee earners are busy with multiple different matters and accurate time entry can often be forgotten. Once time is entered and vetted by either fee earners or billers, the invoice is finally sent.

However, the client's bill might not meet agreed client guidelines – resulting in the bill being rejected. With an overwhelming number of bills, appeals are delayed because of lack of notification of rejection, deadlines are missed, and the firm does not receive payment.

This is the reality for many billing departments. Complex billing rules and guidelines, from both clients and firms, can result in delays and rejected bills – impacting on partner profits and client relations. Billing departments manually check on matters, and many managers have to help billers For more information, visit: www.aderant.com

stay current, or hire more billers. For firms searching for an answer, some key challenges can be met with a complete e-billing solution.

In the 2019 Aderant business of law and legal technology survey (www.aderant.com/research), one respondent said: "There are too many e-billing platforms and they all put law firms at a disadvantage. The legal industry should develop an e-billing platform that meets its needs and the client's needs, so the exchange of data and the management thereof is balanced." An e-billing solution must bridge the gap between a firm's process and a client's software system to ensure that complexities and expectations are met in a timely manner. Thankfully, solutions to these challenges are not as beyond reach as firms think.

#### **Collaboration and analytics**

Delayed or inaccurate time entry produces bills that don't meet client standards, whereas catching these inaccuracies before submitting the bill to the client can prevent rejections. However, addressing these issues and others with an e-billing solution is not the responsibility of the billing department alone. It should also fall to fee earners, and it depends on the communication among them.

So, with a high volume of bills, how can billers realistically address the challenges?

This is where efficient collaboration and centralised comprehensive analytics come in. A solution that clearly visualises current billing data, and minimises the manual process, reduces the need to hire additional billers just to stay up-todate. Managers who previously needed to help the team with the manual process can work on developing faster strategies to fix gaps - whether uncovering the reasons for consistent rejections, or identifying that fee earners are unknowingly making mistakes that could be remedied with training. Visibility of the billers' process allows for better understanding among fee earners and the firm as a whole. Accurate analytics and notification of rejections allow the team to collaborate on addressing challenges proactively. And acclimatising the team to an e-billing solution now, as it grows more popular as an innovation, will allow for successful adoption in the long run.

#### Happier clients

Client relationships can also be improved with an efficient billing process. Every client contact is an opportunity to make an impression that solidifies the relationship – bills are no exception. Prepare an invoice as if it were a client email, phone call, or in-person meeting.

When the billing process is streamlined with transparent analytics and effective collaboration, the client receives the bill agreed upon and it isn't rejected by a client's spend-management solution. Meanwhile, as innovative solutions and trends continue to roll out, client expectations will only increase.

Aderant's 2019 business of law and legal technology survey also found that the majority of those firms taking an average of a week or more to send out a client invoice see other law firms as the main source of their competition. One of the best ways that a firm with a similar outlook can stay ahead of the competition is to ensure that its clients receive the best possible experience – from first contact to receiving the final invoice. Investing in innovation that meets such expectations will result in greater client satisfaction.

In the long run, happier clients not only continue to give their business to the firm, they also help to maintain the firm's positive reputation among potential clients and competition.

#### Who decides?

Billers and managers might see the need for change in the current billing process, but convincing decision-makers to invest in an e-billing solution can be a challenge in itself. The key is to focus on how the value, both monetary and qualitative, outweighs the financial investment. Discuss the current inefficiencies and how an e-billing solution effectively addresses them - to benefit the entire firm, including in terms of partners' profits. An e-billing solution goes beyond streamlining the billing department's daily challenges - it decreases a number of risks and strengthens the firm as a whole. The value of transparent analytics, leading to increased profits and better client billing interactions, is worth the firm's innovation investment.

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NDUSTRY CASE STUDY

### Grow faster

Leading residential remortgaging law firm O'Neill Patient Solicitors is investing heavily in technology to introduce a set of process changes that translate into improved client experience. Legal cloud specialist CTS helps to ensure any risk that accompanies strategic transformation is always rigorously managed, says group chief technology officer Andrew Taylor

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rocessing as many as 88,000 conveyancing transactions a year, O'Neill Patient Solicitors (ONP) has long held investment in the right

supporting technology to be a central pillar of its growth strategy. For example, the firm's 'online case tracker' enables customers to update details, maintain regular contact and follow the progress of the work they're paying for online.

However, the Cheshire-based firm has recently embarked on a new strategic phase. In July 2019, it secured private equity backing from Inflexion, which immediately allowed it to acquire another leading conveyancing specialist, Grindeys – consolidating market share in this notoriously competitive, margin-pressured slice of the market. Now Inflexion's dedicated digital team is working with ONP management to develop technology that takes the client experience to another level.

Driving this effort is group chief technology officer Andrew Taylor, who says the firm's mission has been to drag the rather persistently "oldfashioned" image of conveyancing into the modern age of meeting consumer expectations in terms of service convenience and communication. That means less hard-copy paperwork to wade through of course, but also less of a requirement for clients to take as many hours out of their time-poor days to keep on top of the particulars of a case.

As ONP moves into this period of transformation, the firm has also expanded a relationship with its long-term managed IT and cloud partner CTS to ensure the existing technology infrastructure facilitates this change, centralising its IT operations, keeping pace with the transformation work to maintain process efficiency, anticipating issues before they impact on day-to-day operations, and underpinning the role of business-continuity planning.

### Invest to impress

"The firm has already embarked on a digitalpostroom project to move on from what was a highly manual internal process," says Taylor. Paperwork arriving is automatically scanned into its digital equivalent, which of course has the efficiency gain of needing less storage space in addition to reliably capturing data that may be used for continuous service improvement as well as day-to-day delivery.

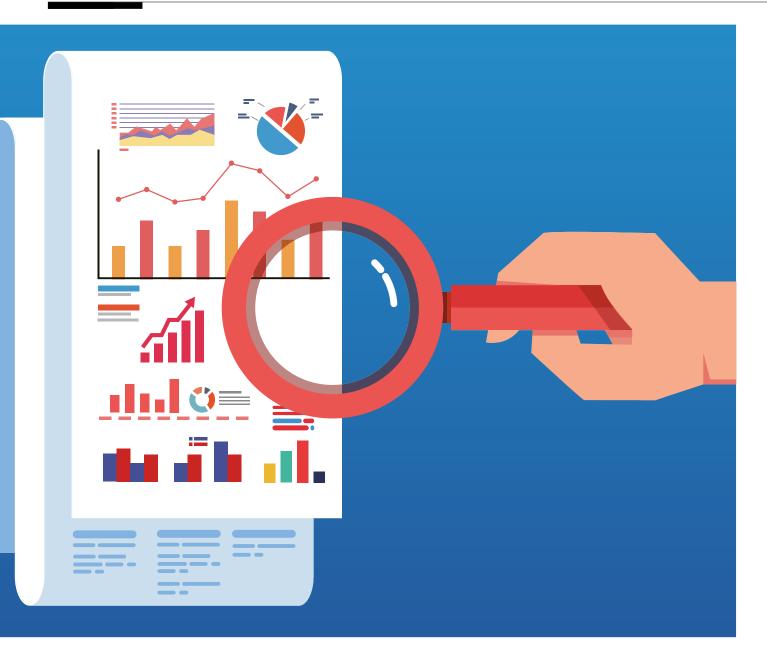
O'Neill Patient has also been rolling out Kofax robotic process automation (RPA) software to streamline some of the more repetitive, information-intensive actions, such as downloading key details from other sources and sites into relevant fields.

"We've initiated a lot of integration with HM Land Registry over the years, which has been really good for business efficiency," Taylor adds. "Now we want to apply the same principle at the front end of improving clients' user experience."

For example, he says, customers won't need to do as much manual posting of signed documents, with the ability to upload to a portal instead. 'Know your client' (KYC) regulatory compliance and onboarding work also has strong potential to be streamlined, while the possibilities of mobile access to such "associated services" is another area to benefit from the recent investment, he explains.

#### **Cloud and continuous improvement**

All of this builds on O'Neill Patient's long relationship with the Lexis Visualfiles case management system – supported by CTS – both of which have enabled optimisation of workflows to pave the way for the firm's strong growth trajectory to date. CTS helps with the fine-tuning of individual applications within the estate and scopes the overall environment in line with



business efficiency objectives.

Taylor says the firm also sees significant value in the latter's own "very long-term relationship with – and therefore detailed knowledge of – the Visualfiles system, but also deep experience and expertise partnering with suppliers to the legal sector across the board". Specifically, the pair have worked together on ONP's managed cloud strategy, backed up by managed support and business continuity, with managed security for advanced threat protection.

"With an average of 10,000 completions a month, system downtime simply is not an option," Taylor continues. He has been managing the

For more information, visit: www.cts.co.uk process of regularly testing the firm's resilience for eight years, with CTS taking backups and ensuring file and application recovery to mitigate that business-critical risk effectively. He's very pleased with progress in achieving the firm's recovery point objectives (RPOs) and recovery time objections (RTOs) respectively, he says.

More generally, ONP can rely on the fact that CTS is always there behind the scenes, rigorously "measuring and monitoring systems, so ONP's own technology experts can focus on more strategic changes", says Taylor – such as those centring on the client journey.

But it also played a part in one recent example of ONP's strategic tech transformation – namely, moving from a multi-cloud environment for applications to "ring-fence absolutely everything within the one private cloud – with just the one way in and out." O'Neill Patient is a firm that clearly sees the value in radically simplifying some of the business of management for itself, just as it does for its valued customers.

INDUSTRY ANALYSIS

### **Right on message**

Ben Mitchell, vice president, global commercial operations at DocsCorp, says the business cost of simply sending the wrong email to the wrong individual should not be underestimated



he data breaches that make headlines often follow a formula: network attacks perpetrated by cybercriminals, who target massive companies with

millions of users, for financial gain. The endgame is to try to sell the stolen information on the dark web or use it to blackmail innocent victims.

The kind of breach that is far more common, but less likely to be the subject of a gripping Netflix documentary, is one that involves human error. After all, there's nothing thrilling about a plotline that climaxes when a secretary attaches the wrong spreadsheet to an email.

However, with over 124 billion business emails sent every day, there's a real risk to organisations if a simple mistake in an email suddenly leads to regulatory scrutiny.

Of the more than 3,000 complaints reported to the Information Commissioner's Office (ICO) in the 2017–18 financial year, nearly 500 – or about 16% – were caused by sending an email to the wrong person. In the post-GDPR era, selecting the wrong 'Jane' or 'John' from Outlook's autofill menu is all it takes to end up on the wrong side of a multimillion-pound fine.

### The skyrocketing cost of data breaches

When massive penalties were introduced as part of stricter data-protection laws, many people doubted that regulators would follow through. They believed that only the biggest and most public of companies would be subjected to fines.

However, in 2018 and 2019, when Equifax, Marriott and Uber were stung with fines, regulators made it clear that it wouldn't only be the likes of Google and Facebook that could face their ire.

### More than money – reputation hit too

A headline-making data breach will also impact on your professional standing. Clients will quickly take their business elsewhere if they learn, or even suspect, their data isn't adequately protected. It's not uncommon to have to demonstrate a privacyby-design security model now in order to win a client's business in the first place. Sophisticated, state-of-the-art security measures have become just another necessary cost of doing business.

### Reducing the likelihood of a data breach

Unfortunately, in spite of even best efforts, not every data breach will be prevented. However, you can reduce the chance of a breach happening in the first place, and also make sure that the damage is contained if one does occur.

In its 2018 Insider Threat report, Verizon listed over 20 steps that an organisation could take to minimise risk. The number one recommendation was to integrate security strategies and policies. This means taking a unified approach to data protection, so that no sensitive information can slip through the cracks.

This integration is baked into the new combined DocsCorp and iManage solution, a unique security platform that can extend your internal document controls – for example, setting who can or can't see a specific folder or document set – to all email comms. It reduces both the likelihood of a breach, and the volume of data that's affected if a breach does occur.



### Security when and where you need it

With iManage Security Policy Manager and cleanDocs from DocsCorp working together, you can also directly address the risk of human error leading to accidental data loss. This empowers the user to protect content and communication through corporate information policies and ethical walls. Policies set out who can view, edit and alter documents for specific clients, projects or matters.

In the cleanDocs panel inside iManage Security Policy Manager, users can specify the email addresses that may be communicated with for each client, matter, or project – ensuring information is only sent to those who are authorised to see it.

### The right information to the right person

When a user attempts to send an email, cleanDocs immediately determines the client, project or matter the communication relates to, and enforces the relevant policy from iManage Security Policy Manager. Those emails that breach policy – by including an unauthorised recipient, for example – are immediately stopped and flagged as noncompliant. Users can then correct the noncompliant component and send the email as they intended. Compliant emails, however, will be sent without delay. Importantly, cleanDocs takes action regardless of whether an email has attachments. Sensitive information isn't always in an attached document – often it's in the email body itself.

Many data breaches happen because of human error, and this has become a significant area of risk to mitigate. That's why DocsCorp and iManage developed this combined solution for minimising the likelihood of a breach. So, sleep better knowing that your data-loss prevention and user-access policies are aligned, and sensitive information is protected against both fraudulent criminal activity and simple human error.

#### INDUSTRY INTERVIEW

### Doing the data job

Law firms should analyse as much of their management data as possible to improve the experience and value of work for all, say John Cheal and Vincenzo Rapio at RRD

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peaking to RRD's managing director,
 Helen Starling, before the summer,
 Briefing heard how organisations
 serious about competing for top

younger talent today need to view the business of employee engagement and retention through the prism of customer experience. That meant, for example, by offering greater choice at work, supporting flexibility with user-friendly technology, and demonstrating commitment to social concerns and their corporate responsibility.

Just as consumers now evaluate much more than an item's price, the workforce of 2020 won't be sold on their remuneration package alone (even in the legal profession).

However, law firms can go even further in the transformation of management practices to enhance employee satisfaction – analysing and tackling the myriad smaller daily frustrations that can hamper performance, productivity and positivity at work.

### Lightening touch

That was the thinking behind RRD's new data initiative, which interrogates its clients' operational data – often sitting in firms, underused – to pave the way for process transformation and optimisation.

John Cheal, RRD head of UK consulting, says: "Management might be very surprised at the true number of typical steps and people touchpoints in the fulfilment of a task as seemingly simple as arranging a courier in professional services." And when that complexity can also involve the time of highly paid support staff, the case for change is inarguable.

That's before you even begin on the legal work itself – and serving clients. RRD transformation director Vincenzo Rapio adds: "Many lawyers aren't very content at work, either because they're doing too much lower-value work for themselves, or because that work isn't passed on to the appropriate other teams correctly, causing them to lose control of both individual documents and the clarity of who's doing what." The ultimate fear, of course, is that this feeds through into noticeably subpar client service and outcomes.

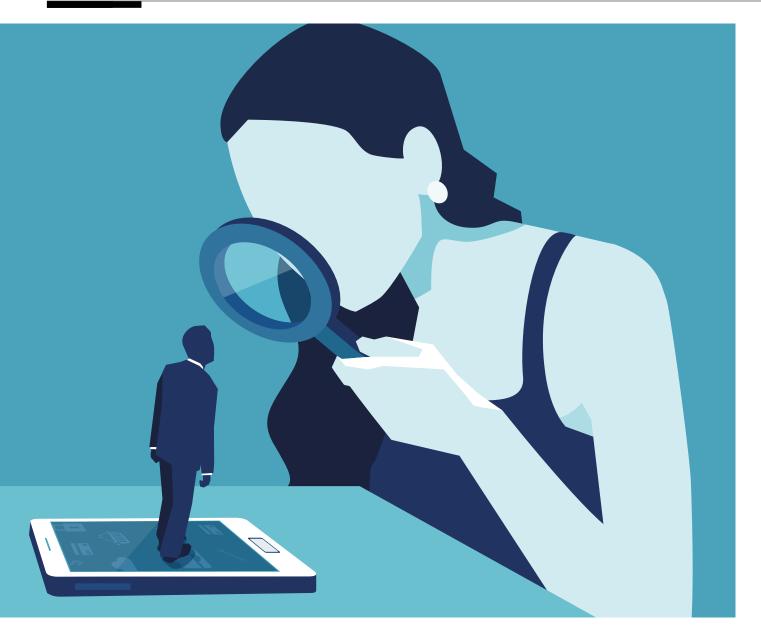
In an ideal world, everyone at work would only be carrying out the work appropriate to their level of expertise and value – and at the correct time to match that task's current priority status. "The reality, though," says Rapio, "is firms often don't even understand exactly what a particular support group is doing in detail. In some cases, there's a quantity of work which is entirely unknown as it just isn't tracked at all."

RRD's data offer is to make sense of what information there is to help bring about changes that relieve such sources of stress. Rapio continues: "We clean and organise it, do some statistical analysis to flush out the key areas of inefficiency, and present those findings alongside our ideas for improvement."

A case in point for one firm has indeed been digging into secretarial document production data. "We compared factors such as the time of day against type of request, and the duration of tasks against practice area. We usually don't have a prediction of what we'll find, but patterns emerge from the exercise.

"For example, sometimes a very small number of people are using a very large amount of the total resource pool, causing delays for everyone else. Sometimes that may be justified by the nature of the work, but sometimes we can recommend changes to how people are working.

"At other times, it can be the opposite problem – that groups aren't using the available resources



as they really should. It's in nobody's interests for a lawyer to be spending a lot of time fiddling with a presentation format!"

The total transformation effort needed on a workplace could take several months. However, there may also be quicker wins, such as re-routing one or two core tasks to a specific team (perhaps in another location), or trialling a new piece of technology for automation or collaboration advantages, he says.

### Awareness of environment

With its new data initiative, RRD takes this model it has deployed on data such as the aforementioned resourcing work, marketing and customer segmentation activity, and helps firms with more holistic change work.

"As people use more systems for managing and evaluating more processes, the quantity of data available for this kind of analysis will keep growing," explains Cheal. And, he believes, the appetite for the insight will increase alongside.

"We can have a closer look not only at work processes, but also the working environment and nature of people's collaboration and engagement with their colleagues. All of that can be better understood, and therefore improved, with sources of data.

"For example, firms can make moves to reduce daily distraction and inconvenience to help people to improve focus and so improve satisfaction – streamlining the flow of interaction with facilities such as post, or even the arrangement of dry cleaning."

Allocating and managing workload fairly, and the technological support for more decentralised collaborative work styles, are also hot topics on the future-proofed law firm's agenda, he says – although a world of connected sensors under desks to track individuals' every office movement is still a little way off at least.



#### READING LIST

### Food forethought

Kirsty Green-Mann, head of corporate responsibility at Burges Salmon, finds The Battle to Do Good an enlightening tale of conviction, and one that contains lessons for those facing public scrutiny and who want to drive positive change



hen you think of CSR and sustainability, McDonald's doesn't necessarily spring to mind as an exemplary

organisation for learning about the dos and don'ts. Love them or loathe them, however, it is clear McDonald's has achieved extraordinary global success, with a brand and products selling to tens of millions of customers worldwide, every year. This means that the decisions it makes around its CSR and sustainability agenda have many and far-reaching implications and can clearly make a difference.

In this book, Bob Langert, who led the company's CSR and sustainability efforts for over two decades, gives great insight into a wide range of issues, from environmental waste, animal welfare, pesticide reduction, consumer health and obesity, to sustainable sourcing.

Having worked in a global CSR role in an industry that is subject to high levels of scrutiny, NGO action, regulation and shareholder expectations myself, I could directly relate to the experiences and learnings shared.

In a storytelling, American style, Langert explains some of the drivers and challenges for the function, including incidences of litigation, libel cases, NGO demonstrations, negative media, shareholder action and the setting of standards in the absence of legislation. He also explains how consumer and societal perceptions can become immovable even in the face of scientific fact, and how important it is for the company to act.

Langert also makes important points around the need for collaboration – for example, working with NGOs to reach shared understanding to facilitate positive change – as well as among the key players in the organisation itself: in leadership, PR, communications, corporate affairs and procurement. The book explains the challenges of winning over suppliers and building a sound business case that will deliver for the long term.

I particularly liked the move to become more proactive in issue management described in chapters three and four. Langert discusses taking a more assertive stance when unable to positively engage with extremist NGOs, and getting ahead of the curve before issues get out of hand.

Further on, in chapter nine – the battle for the Amazon rainforest – there is also shared learning about the need for transparency about the good and bad in business practices, and how this drives continuous improvement. What comes through is an underlying respect, even when there is disagreement. Langert says of the activist organisation People for the Ethical Treatment of Animals: "Without the noise PETA was making and without the media spreading the word about the issue, I have no doubt that the momentum for change in laying hen conditions would have been slower."

Finally, Langert brings it all together in chapter 12, with the development of a sustainability framework, something I've found invaluable myself whether working for a global multinational or an SME.

Whether you are looking to build a stronger CSR/sustainability strategy within your own firm, want to understand some of the potential issues facing your commercial clients, or want to broaden your own understanding in general, this book is a digestible and insightful read about the mainstreaming of CSR with a clear business perspective.



Publisher: Emerald Publishing Ltd Publication date: January 2019 Price: £16.99 (hardback)

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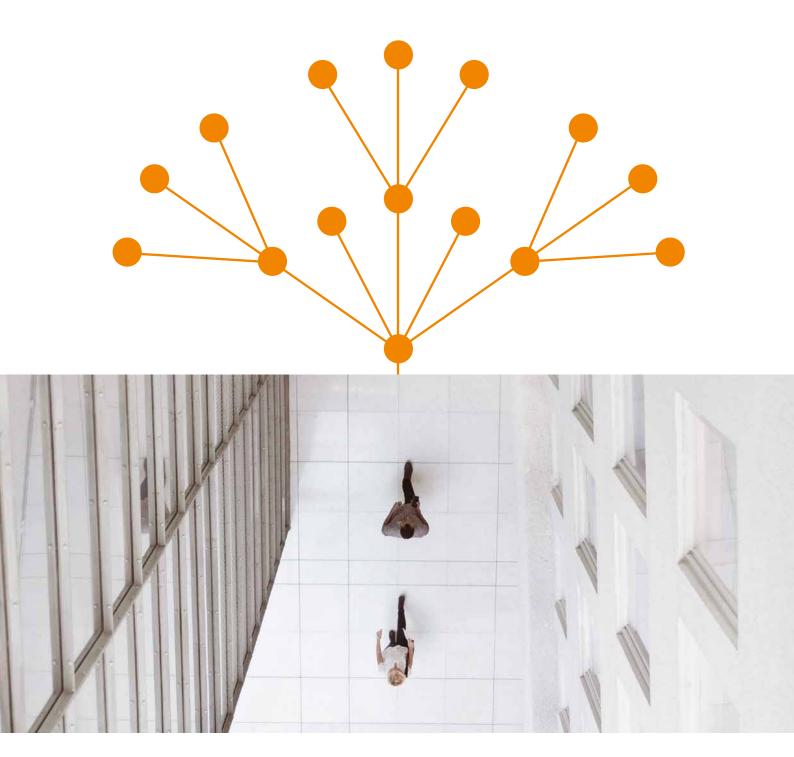
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