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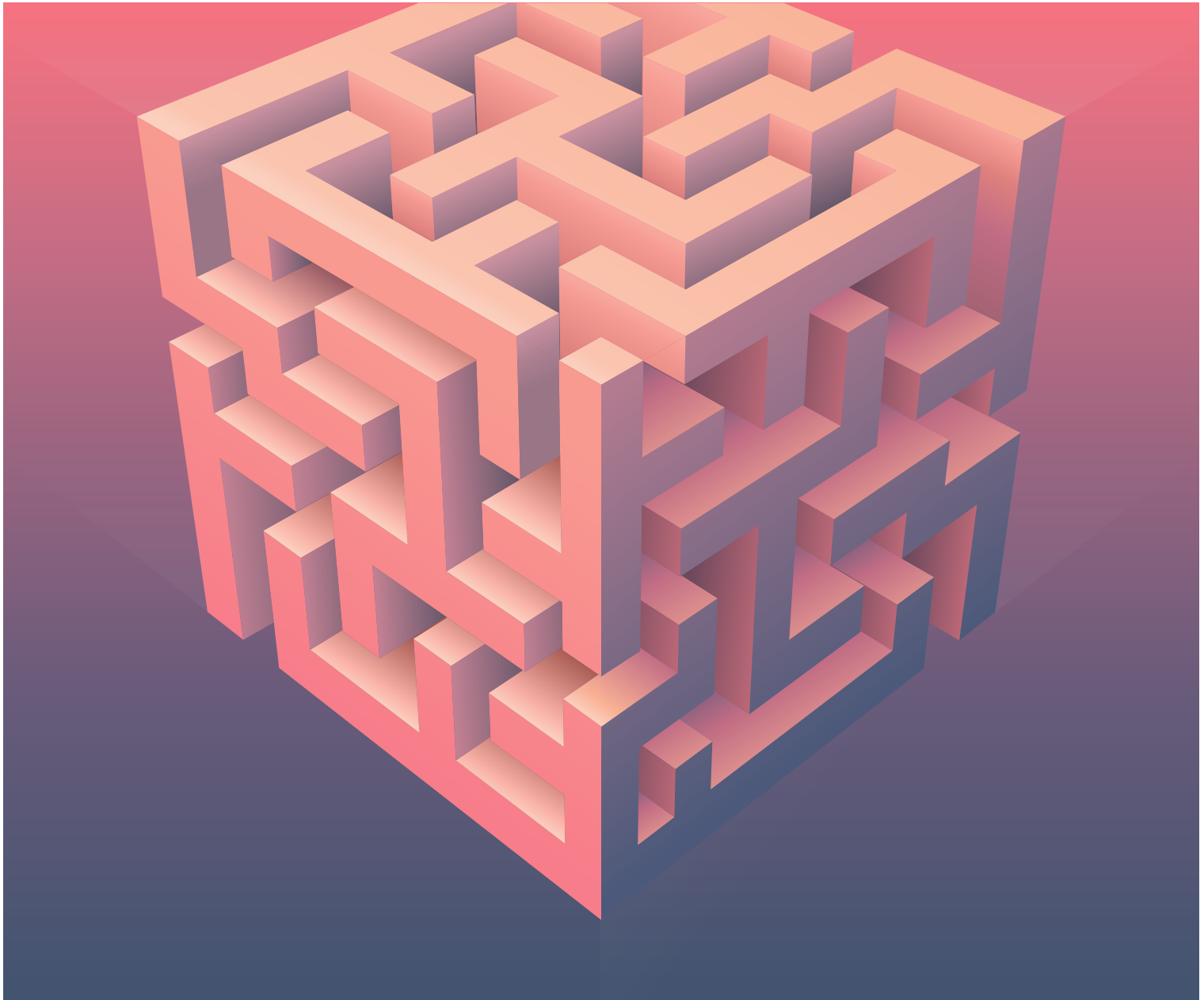
SMARTER LEGAL BUSINESS MANAGEMENT



VIEW FROM THE PACK
Our new Tiger Team take on the challenges of working from home

MANAGED POWER
Mark St John Qualter, CEO of Managed Services at DWF, on data-guided delivery

HOME IMPROVEMENT
Matthew Kay at Vario, Pinsent Masons, on helping with home work/life balance



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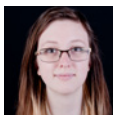
Editor's letter



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In June, the Black Solicitors Network (BSN) published an open letter, calling on law firms, other legal services providers and in-house departments to “walk the talk” in terms of redressing racial inequalities and creating a level playing field. Key points included a comprehensive race and ethnicity action plan, with data-driven targets for both recruitment and talent progression (reported on annually and externally); initiatives to ensure equality of assignments and other workplace opportunities to build the pipeline of talent for promotion; and in-house teams using their purchasing power to demand racially diverse representation.

But significantly, it also placed individual leaders and managers “at the centre”, arguing that they should be held to account for change, through objectives, appraisals and ultimately reward.

17 leading firms with a base in London have signed up to a new Race Fairness Commitment

Now, in July, 17 leading firms with a base in London have signed up to a new Race Fairness Commitment (RFC). As in the BSN's letter, retention and progression are highlighted as particular problems to tackle. For example, research by the initiative's organiser Rare has found that BAME lawyers spend an average 20% less time at firms than white colleagues

before they leave – and **Briefing** would, of course, be very interested in how the experience of professionals in the different areas of business management compares.

Alongside greater clarity about firms' zero tolerance of racism, on induction and annually (and asking about experiences in all exit interviews), there's also a strong emphasis on detailed data. Firms signing up commit to conducting ethnicity equal pay analysis by level, function, location and performance banding where it exists, and monitoring comparable rates of application to interview; interview to offer; promotion; and retention.

Segun Osuntokun, managing partner at signatory Bryan Cave Leighton Paisner, said: “The uncomfortable reality is that, despite great strides to improve diversity across the legal industry, we have failed to make enough progress on racial equality. If not now, when? If not us, who? If not this, what?”

RICHARD BRENT EDITOR-IN-CHIEF

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Data of disruption

"Once you have the data, you can set targets, and the steps to reach them."

Mark St John Qualter, CEO of Managed Services, DWF



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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Legal business leaders take on top challenges from different corners

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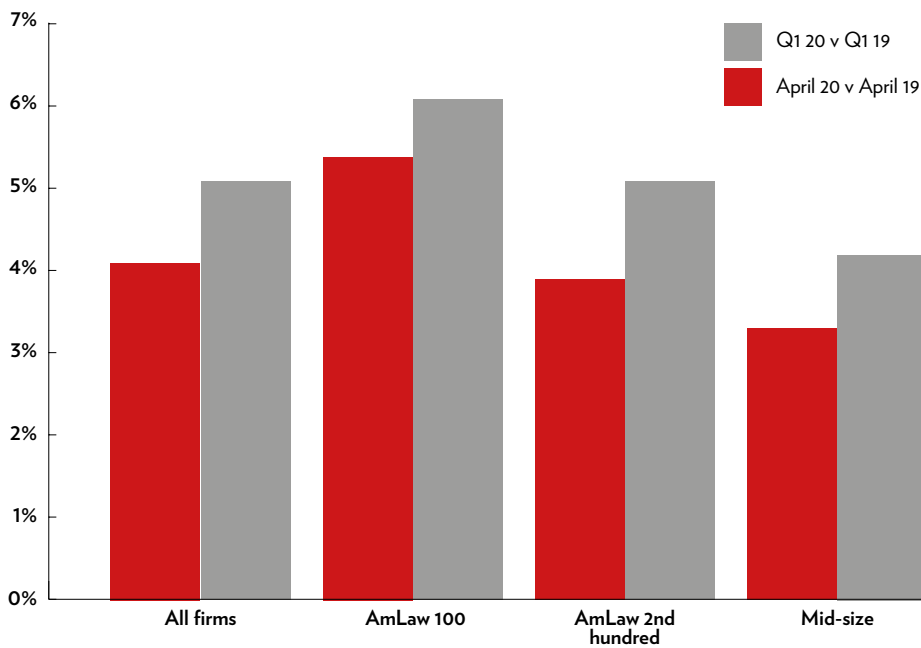
Database

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Peer Monitor from Thomson Reuters observes record rates growth across the US market in the first quarter, but what lies behind it?

GROWTH OF WORKED RATES



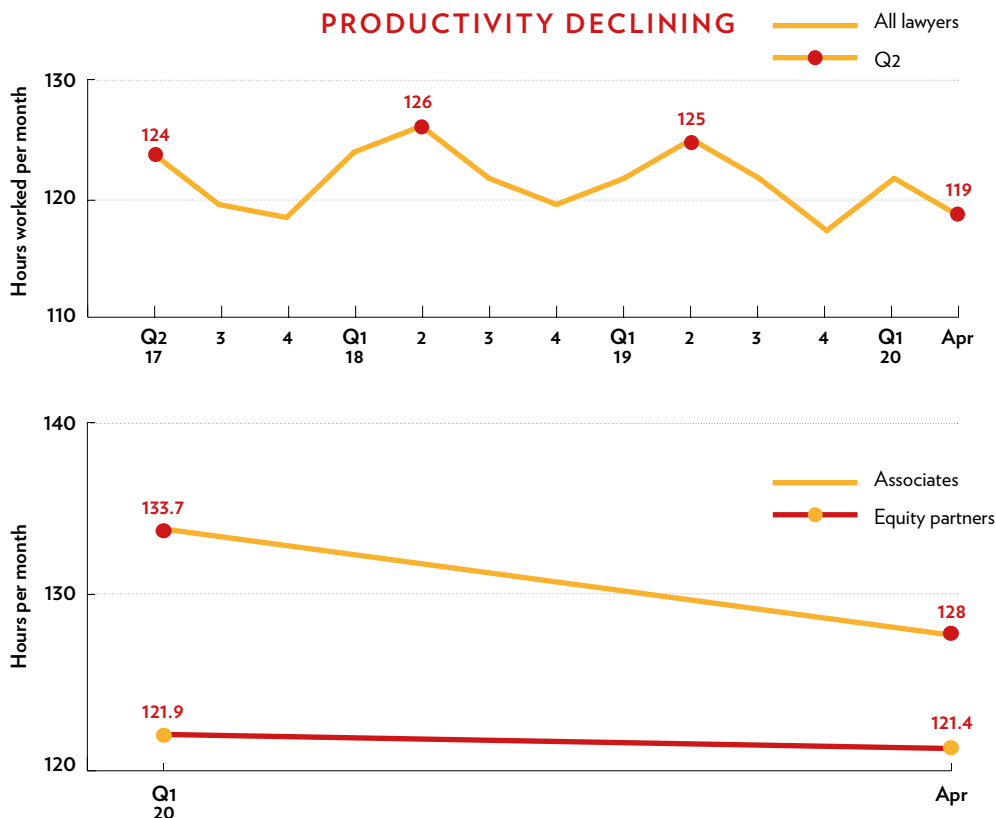
PEER MONITOR® PERSPECTIVE

Worked rates have reached all-time highs many times so far in 2020, but productivity has continued to contract. More specifically, rates ended the first quarter with average growth of 4.1% across all segments, and in April 2020 they increased by an average of 5.1% across the market.

In contrast, productivity declined by 0.8% on average across all fee earners in the first quarter. This decline was only further exacerbated in April, with the average lawyer working 119 billable hours in the month, down six hours from Q2 2019. However, the decline of worked hours in April was not equally felt across all lawyer seniorities. The average associate worked 5.7 fewer billable hours in April than they did per month in Q1, but the decline among equity partners was only half an hour on average.

The significant growth in average worked rates in April 2020 appears to have been directly driven by the decrease in associate hours worked, rather than by across-the-board rate hikes.

PRODUCTIVITY DECLINING



Data comes from the Peer Monitor Index, comprised of 160 US-based law firms, including 52 firms from the AmLaw 100. For the full Q1 2020 report, please visit: <https://tmsnrt.rs/2WB9Mfc>

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SPEAK UP

Time to tackle systemic inequality in law



Trevor Sterling
Head of major trauma
Moore Barlow

@trevorsterl

We will be introducing leadership development training. The initiative supports senior members of the firm to understand how their beliefs shape judgments and the impact they have as leaders

I have worked in the legal profession for 35 years, and never have I felt so optimistic about our future. To many, the death of George Floyd in the USA and the ongoing demonstrations across the world may seem like an isolated incident and a very new issue. It is actually a result of decades of oppressive systems and policy decisions, which continue to discriminate against people of colour. The UK is not exempt from this – from discriminatory stop-and-search police powers, to the disproportionate number of coronavirus deaths in the BAME community, our systems are built on our country's own ingrained racism.

Over the past few weeks, I have witnessed, heard and been a part of numerous genuine conversations about racial inequality. Movements like Black Lives Matter have shone a light on the injustices people are facing across every British industry, including our own. In recent years, some of my peers in the legal profession have started to address these concerns, becoming more vocal on diversity and implementing initiatives to tackle the current lack of representation in law. It is now time for every single lawyer and law firm employee to address his or her own unconscious bias and put pressure on their firm to act.

The most successful diversity initiatives I have encountered tackle the root causes of systemic racism and look to improve the social mobility of ethnic groups. At Moore Barlow, having recently reviewed where we can further strengthen our work on these issues, we will be introducing leadership development training. The initiative supports senior members of the firm to understand how their beliefs shape judgments and the impact they have as leaders. The training is split into three

sections: 'leading myself', 'leading others' and 'leading the business'. These will help leaders to contextualise how they can ensure colleagues from all backgrounds are supported. For me, this involves remaining conscious of how my life experiences, as one of the few black full equity partners in the profession, can help shape the environment I create as a leader. The training will compel leaders to confront how they can both create business structures to improve social mobility and offer all employees the psychological safety to flourish at work.

One structure my firm has created is an 'Aspiring Lawyers' group to address the significant underrepresentation of black and minority ethnic candidates. In 2018, the Solicitors Regulation Authority found that just 3% of lawyers are black. The reasons for this can be traced back to the education system and lack of social mobility. Firms can counteract this – the group supports the professional development of trainee lawyers who have taken non-traditional routes into law. They are offered mentoring, advice and a forum to provide recommendations to leadership on the support they require. As a result, we've ensured a pipeline of diverse talent, full of new and innovative ideas. Results of initiatives like these could be tangibly measured. For example, the Law Society's Diversity and Inclusion Charter provides a welcome mechanism for the profession to self-audit, but it's telling that just 2% of firms completed the charter's self-assessment form for the last report in 2017. People from all backgrounds must feel truly comfortable and equal in the legal profession. This can only happen if an open conversation about how we tackle issues surrounding systemic racial inequality continues. ▀



Barbara Koenen-Geerdink
Global head of BD and marketing
Ince

🐦 @incegordondadds

► SPEAK UP

BD prepared?

Students go to law school to become a lawyer, not to learn how to run a business. The reality, however, is that some, at some point in their careers, need to be equipped to run one – a law firm. This means they may need to step away from fee earning completely and focus on management and run an entire practice – including staff – without the requisite experience or training.

This could mean bringing in clients, people management, analysing financial information and marketing. While bigger firms may have skilled people in place to lead on those parts of the business, some will not. More broadly, how can you expect your staff and fee earners to cooperate if you can't set the right example and support them?

That's why it's so important that, as soon as law school graduates become qualified lawyers, firms teach them those skills. If you start early, it will be beneficial – for both fee earner and the practice. An obvious example of this is marketing. How can we expect aspiring partners to present a full book of work if they've been too busy fee earning to focus on acquiring new business?

If junior lawyers aren't told to prioritise marketing and business development as integral parts of the job, they won't. It takes time to build strong relationships with people. The earlier young lawyers do this, the more successful they will inevitably be as a senior fee earner or partner.

If fee earners don't focus on building

a loyal online following or building their personal brand, others will no doubt take over. Clients no longer buy law firms' services because they just need the legal opinion of a brilliant lawyer: they also value building strong personal relationships. They want lawyers to show a genuine interest in the business and be true business partners, of whom they can ask a wide variety of questions.

Having a career plan and vision in place is important, never more so than in the challenging working circumstances brought about by coronavirus. Assessing strengths and areas of improvement is crucial to becoming a well-rounded lawyer. The ambition of a junior lawyer to become a partner rarely changes, but the way to get there might. If you have a plan with goals and objectives, it is easier to adjust to changing circumstances. It also increases ability to improve weaknesses and spot potential opportunities.

My book has a simple proposition – that to be a successful lawyer in the 21st century you need both world-class legal skills and the ability to be a successful business person and marketer. For young fee earners, knowing how to do both will be incredibly useful for both their firms and themselves personally.

Barbara Koenen-Geerdink is the author of the book Beyond Billable Hours: Your Guide to Career Success in Professional Services Firms, which addresses the issues described in this article. ►

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Moira Slape
HR director
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People need to be separated from laptops, to take a break and recharge. Habitual workaholics and over-workers are driving themselves and others too hard, risking burnout and impaired judgment

▲ SPEAK UP

Mentally aware, mentally strong

At the time of writing, it is over three months from when we were told to work from home. Little did I know when the **Briefing** team approached me about this subject in early March, mental health would become even more important for organisations to tackle.

What matters more than anything is that we do not take our foot off the pedal in demonstrating genuine practical support for people, regardless of where their mental health is on the continuum.

How can we realistically and practically encourage employees to prioritise their mental health and wellbeing while working at home? How do we equip line managers to spot potential issues in their teams? There are many questions. Here are some recommendations:

Communication. The importance of prioritising open and honest communication around mental health, and for this communication to be authentic, is greater than ever. Even the naturally upbeat are down. I have noticed people are becoming fractious, and much of the initial energy surge has dissipated. Consider how to revitalise people, deliberately breaking the routine and making personal supportive calls.

The importance of a non-negotiable. We have been encouraging people to be open and bold about their daily non-negotiable, be that walking the dog, a run, or lunch at a fixed time. It is important colleagues know that this is set in stone and visible in the diary.

Collaboration. People are missing the hustle and bustle of office life. Virtual collaboration somehow needs to replace what we had, but there is a danger that people position online

quizzes and bingo as collaboration. For some, these are negatively impacting mental health. It's crucial to create time for people to collaborate, without technology where possible, and for that to be as simple as 'hi, how are you?'

Role modelling. Leaders now need to be even more conscious of role modelling. Small things in lockdown, such as delaying when some emails are sent, can go a long way to reinforcing that it is not expected that you respond outside of 'normal' hours. Leaders sharing their stories of personal fallibility ("I'm struggling too, and this worked for me") also demonstrates empathy and resilience.

Social events. Reassure people that virtual social events aren't compulsory. I have spoken to people who feel conflicted and guilty ("I feel that I should attend"). Our mental health can be impacted by a sense of duty. Be mindful of people's needs and wants.

Nothing is hidden. Virtual working affords little privacy. Colleagues will be observing leadership behaviours, and how leaders handle pressure as well as domesticity. Health and wellbeing is just as crucial for leadership teams.

Time for a pit stop. People need to be separated from laptops, to take a break and recharge. Habitual workaholics and over-workers are driving themselves and others too hard, risking burnout and impaired judgment.

We all know these testing times will come to an end, but we should also strive to carry with us the lessons learned during this crisis. The importance of good mental health, resilience, and the development of healthy habits and good work-life structure, should stay with us. ▲



Andy Bevan
Cloud sales specialist
Pulsant

 @PulsantUK

For more information, visit:
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We need to undertake further analysis of the technology, processes and systems needed to support long-term remote working

COMMENT

Working well at home

The introduction of any new technology and working practices requires new security measures, but usually this risk is managed carefully and in timely manner. However, with Covid-19, many law firms were forced to make this transition almost overnight and may still be falling short on achieving security best practice as a result.

So, with the dust now settled from the transition to remote working, practices need to look at mid-term plans and moving beyond functionality to a focus on optimising security and productivity for a sustained period.

While, until now, minor lapses in compliance or security may have been accepted by managing partners and boards around the country, owing to the unexpected situation, the emphasis going forward must be on long-term remote working and ensuring systems, and employees, remain secure on a permanent basis.

The following steps can be implemented quickly to help law firms get back inside their risk comfort zone:

- Ensure complex passwords are set and biometric authentication is enabled for all mobile devices, and additionally at application level if needed.
- Develop Bring Your Own Device (BYOD) security policies and controls.
- Implement device management to allow tracking, remote wipe or lock in case of theft or loss.
- Use monitoring software for data leak prevention.
- Implement virtual desktops to help maintain the common operating environment and organisational security policies.
- Use encrypted connections to prevent data leakage over unsecured networks.

- Restrict access to removable media such as SD cards or USB sticks.
- Keep antivirus services, software and firmware up to date.
- Provide users with the right security education.

Think longer term

As more and more companies realise this imposed situation is a viable option, many will stop looking at remote working as a temporary measure and start thinking about the bigger and longer-term changes they may wish to implement. Clearly, the need for lawyers to be able to meet clients face-to-face in suitable environments will remain, but does everybody really need a desk in the office anymore?

For law firms this depends on several factors, but key is ensuring fee earners can work as effectively and efficiently as possible, regardless of their location. While employees may now be equipped with the necessary equipment and software to carry out their daily work remotely, there may be other factors outside of the company's control that have an impact on their performance. For example, if their home internet connection is slow or unreliable it will greatly reduce their productivity, so we need to undertake further analysis of the technology, processes and systems needed to support long-term remote working.

When we transition out of this unique period, there will be large sections of the profession where remote working does become the new normal. By implementing the correct controls, systems and processes today, law firms can benefit from smarter, efficient, more effective ways of sustained remote working in future. ▀



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www.wilsonallen.com

One of the best ways to take advantage of any newfound downtime working from home is to repurpose your staff's time and mine their institutional knowledge. Refine what works and repair what doesn't

COMMENT

Renormalise risk during downtime

The impact of the global pandemic has made risk real to everyone. All of us are thinking about risk for our families, teams and businesses. And as the world faces this event together, and looks forward to recovery, we must build resilience to deal with uncertainty and risk. One way that law firms can do so is by taking steps now to make business process improvements – to prepare for the uptick in work that will inevitably occur by future-proofing business processes. Here's how:

Mine your institutional knowledge

One of the best ways to take advantage of any newfound downtime as a result of working from home is to repurpose your staff's time and mine their institutional knowledge. Refine what works and repair what doesn't. And for the most significant impact and risk-management benefits to the most constituents, target shared business processes.

To identify the best candidates for transformation, shine a spotlight on client and firm projects. Then aim for the processes linked to these project outcomes:

- Regularly recurring data-driven fire-drills
- Bottlenecks due to siloed data sharing or data availability across departments
- Client relationships, business development, or firm realisation issues due to process misalignment.

This exercise is sure to highlight the widely shared processes like conflicts and business intake, closing client matters, outside counsel guidelines, lateral onboarding and ethical walls. But

don't be daunted by scope. Tackling these processes is doable. The key is in task allocation and staffing to support ongoing, incremental improvements.

Sharpen your focus

Begin to zero in on the areas of greatest impact by breaking down your list of processes into three categories:

- Which need tweaking?
- Which need to be created or formalised?
- Which include subprocesses?

For instance, lateral onboarding requires erecting ethical walls when lawyers join the firm. Once your list is categorised, prioritise it by the breadth of efforts required and the overlapping opportunities subprocesses present.

Set small, attainable goals

Once you have selected priorities, break down the processes into bite-sized tasks. Use your staff's expertise to understand the task types and dependencies. Separate small tasks that can be done quickly from those that require more skill or research. And separate 'one-time' tasks from those that will be continuous. Finally, note which tasks depend upon the completion of others. The resulting breakdown will inform task allocation and define potential phases.

Doing these exercises provides clarity regarding the type of staffing best suited to tasks and phases. You can then connect the dots for staffing each task, for example matching task requirements with the optimal choices among temporary staffing, dedicated individuals, managers, and single or multi-department teams. ▴



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Processing change

How has the work of process improvement at law firms changed in the pandemic? Richard Brent reports

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Manage to disrupt

Mark St John Qualter, CEO of Managed Services at **DWF**, talks to Richard Brent about the keys to continuous improvement



THE BIG IDEA

Processing change

Investment in legal process improvement work was paying off for law firms before Covid-19, but doing things differently is certainly now having its day, hears Richard Brent

When we were covering the immediate response of law firms to lockdown back in April 2020, one IT leader anticipated two pretty distinct waves of change activity.

First, there was the clearly critical business of dishing out the necessary devices and enabling everyone to get on with essential tasks and duties from home. Second, regardless of when you may then have expected some ‘normal’ office life to resume, he predicted this would be followed

by a significant push for tackling some sustainable operational improvements for people (and, no doubt, profitability).

If that’s correct, you’d hope we’d be well into phase two by now, so what have firms’ process improvement teams found on the ground?

Kate Bassett, global head of legal project management and process improvement at Ashurst, says the challenges of remote working as standard are definitely also a moment for aspects of what might be collectively labelled ‘New Law’ to shine.

“People are embracing change, because they have had to – adapting to working with new tools, for example – so if we can’t get buy-in for change now, then when?”

However, as well as identifying and facilitating improvements, her part of the business has also had to keep at least half an eye on potential reversion back to some old ways. Take the hard work firms have put into shaping more even and efficient work allocation structures in recent years, for example. “A month on we did see a certain amount of retrenchment, perhaps through trying to protect individual workloads.” That needed red-flagging; this is no time for efficiency gains already won to be lost.

James Northin, head of legal service delivery at Irwin Mitchell, also highlights resourcing as a process area for attention at the moment. Indeed, improving the employee experience at a time of such general uncertainty, pressure and transformation should be another win here, he says. “Can we review the way we create opportunities for people, as well as the work they do?” That has been a key focus for him in former roles, he says, “centralising and standardising processes for certain work streams to give lawyers further up the food chain more space to breathe, think and frankly add the value they’re there for.”

David Huston, business process architect at DLA Piper, adds: “We developed a centralised tool for managing utilisation, which is even more important with everyone working from home and the fact that we need to account for time tightly for clients. There’s always a need to improve efficiency in general, but I think we can now really appreciate why some of these things have been so

important to do.” At the same time, the situation has also served to “accelerate the pace of change” in several respects, he adds.

Tool work

Inevitably, much is driven by client need. Bassett, for example, says that perceived obstacles to the use of e-signatures have fallen away as business internationally has had to find a way to keep going.

Document digitisation and automation projects have also benefited, she says. “Clients have needed to act, and to do that they need their documents available digitally rather than physically in a warehouse. Lawyers in some practice areas do still work with a lot of physical documents.” Ashurst has picked up tools to trial such as Bundledocs (the subject of a case study in our June 2020 issue) and ScribeStar (see p41 this month).

And Huston at DLA Piper highlights a focus on making the already paper-light office a more streamlined arrangement through “using intelligent metadata technology to codify the content hosted on different platforms and upload it automatically.

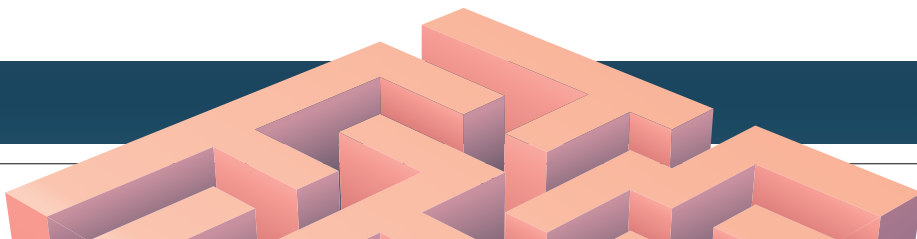
“Robotic process automation is also proving a game-changer. We’re now piloting it for some of our clients, as well as internally, such as for reporting key information to authorities more efficiently by way of a digital worker.”

With clients potentially handling so much

change themselves, the case for opening and widening collaboration channels is another one to watch. Bassett says Ashurst has changed its extranet arrangements to enable clients to request more specific steps, such as new

“Robotic process automation is proving a game-changer. We’re now piloting it for some of our clients, as well as internally.”

David Huston, business process architect, DLA Piper



management information or to provide an instruction, while the firm's "fee earners are more willing to sell it in."

Whatever the project or matter, says Huston, the economic situation understandably keeps bringing clients back to the bottom line. That means greater pressure in the relationship once again on the "win, win, win – high-value legal services at the right price point, while making incremental savings for both sides."

Resistance now futile?

Northin says every law firm he has worked for had been united in having some pockets of clear resistance to change because of the view that "it isn't applicable or useful to me". Suddenly, at Irwin Mitchell at least, it's a very different story: "I've had access and engagement opened up for me with cohorts who are the very last you'd expect to be brought along on the journey."

"Different parts of a legal business can still be very individually run, which makes a role like this very challenging – but we all need to access our digital files. Albeit through something you would never want to happen, this has brought everybody together to some space of shared need." For example, he says some areas of the firm are already more digitally advanced than others. But rather than pushing the less-paper agenda, conversations with people in the former camp are readily starting up about how the information stored in systems is now best used.

More streamlined process (and mindset) across a firm also has the power to transform "customer experience", he says. "It starts to become more consistent and cohesive. Again, every firm I've worked at could feel like a collection of organisations, whereas we want a client to feel they're genuinely being looked after by just the one."

Take it online

This challenging period has also meant

plenty of work for the various talents of law firms' 'legal operations' groups – which includes a significant process improvement element, of course. Bassett says: "The need for clients to complete projects both faster and cost-effectively has led to a spike in demand. For example, we've just delivered one in-house legal team's own management information suite. They found they suddenly needed to capture data much more quickly because of the spotlight on legal spend internally."

And Norton Rose Fulbright's NRF Transform team has overseen the creation of new legal framework and technology platform NRF Covid Resolve. Clients can access this in their own time to resolve certain commercial contract disputes faster, following a greatly truncated legal process for a fixed price. A documents-only one (unless parties choose to have a one-day virtual mediation hearing), mediators or arbitrators are selected from a pre-curated panel, but in-house do not need to instruct external counsel. They receive electronic updates, management reporting and eventual awards or settlements, all through the platform. It integrates with DocuSign, and the presentation of disputes portfolios can be tailored for different in-house roles.

Partner James Rogers says: "Conversations with clients had highlighted a wave of lower-value disputes of a similar type; not a scope where they'd necessarily want to instruct a law firm, but nevertheless where they needed help. A ready-made procedure agreed upfront is a great time saving for all parties." The firm provides a solution, and at the same time gets another route for talking to clients to better understand their challenges, he adds. "This may become a model for resolving smaller-value, less complex disputes beyond the current Covid situation."

NRF's global head of energy, Anne Lapierre, says: "We know that the courts are quite overwhelmed with coronavirus-related

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requests, and time-to-decision is likely to be much longer than usual in the coming months.”

Chief product officer David Carter explains that his NRF Transform group had already been prioritising building more scalable solutions for practice areas, rather than responding to individual client requests. “If problems are occurring across many clients, and the solutions are reusable, that shifts the economics a lot.” Product managers, analysts, developers and others within his team collaborated with Rogers and other lawyers over a couple of months, culminating in two development ‘sprints’ in the space of a fortnight. “People were doing it with children running between their legs while home-schooling and so on, but I think were quite energised by the genuine client need,” he says.

Lapierre adds: “I’m a user of what NRF Transform does to streamline working on deals all the time, but this is the first time I’ve been part of the solution-building team.”

But what of the collaborative process-mapping journey – the team huddles around crowded whiteboards, and waves of pieces of fluorescent paper that may already seem like artefacts of another age?

“Of course, we may all have lost some pieces of useful information sharing – the moments where you could just turn around to talk to someone,” says Bassett. However, Skype-based workshops with virtual equivalents of that humble Post-it note aren’t merely filling the void. “In fact, it’s easier to access clients now, so the interactions are more informal. We also get a better response in ‘the virtual room,’ whereas people can sometimes hide in a

physical one.” Whether clients will eventually want to return to face-to-face workshops is a question to be asked, she says.

Prior to lockdown, Huston ran a large process improvement workshop for around 15 clients as part of DLA Piper’s What In-house lawyers Need (WIN) programme – focused on giving clients the tools to conduct process improvement in-house. However, during lockdown his team had to spin up a virtual version for a FTSE 100 client within a week. In another example, turnaround on a 67 jurisdiction-spanning Covid-19 hub for a client took four weeks instead of the 10 that would have been typical for a project like that.

“Obviously it’s ideal to share a space for the full personal connection, but sharing screens using Microsoft Teams has proved very effective, and you can create a virtual wall.

“Clients are also working faster themselves – we’re finding there’s greater clarity at the beginning of a piece of work, as well as less time lost between meetings.”

Northin agrees there are significant efficiencies in the new way of working, and he’d like that flexibility to stay: “Sending two or three people out of the office for a day or two, travelling, sitting in some other offices with coffee, then perhaps out for dinner, travelling back – aside from the time it takes to do all of that, it’s also quite time-

consuming to diarise.”

When you put it like that, the case probably could be made that some curtailing there would constitute a process improvement in itself. ▴

“It’s easier to access clients now, so the interactions are more informal. We also get a better response in ‘the virtual room’.”

Kate Bassett, global head of legal project management and process improvement, Ashurst



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Manage to disrupt

Mark St John Qualter tells Richard Brent about the mission of DWF Managed Services

The CEO of the Managed Services division of DWF was the last person **Briefing** was able to interview in person before lockdown – and the first words exchanged were about significant business disruption waiting in the wings.

This was not referring to the disruption of so much so-called ‘normal’ for everyone over the past quarter, of course – but rather something very far from unprecedented. Mark St John Qualter says: “Legal is probably one of the last professions to be disrupted, as people have generally left the lawyers to get on with things.” And that goes for both law firms and the in-house clients they want to help. No less than legal partnerships, the legal departments of large corporates are also grappling with a “new set of challenges, forcing them to think differently about what they do,” he says.

“They’re expected to behave and operate like other areas of their organisation. They have to think harder about the level of service produced for internal clients, and justify the cost of that delivery – the relative value created.”

This is the backdrop to Qualter’s vision of the role of managed services in the legal delivery mix – enabling arrangements such as the five-year contract with BT, won a year ago in July 2019, and which saw several BT lawyers transfer across to desks at DWF later in the year.

The combination of pressures on both buy and sell side are a “classic situation for disruption”, Qualter says – and that’s before you throw the truly unprecedented present into the mix.

Banking on simplicity

Before DWF, Qualter was for 18 years leading strategic transformation projects at RBS, latterly as head of artificial intelligence for commercial and private banking. That period drove home a further observation about the dynamics of sector disruption – and it’s another that’s certainly underlined in the circumstances of a global pandemic. “Post-2008, the banks came to realise that they really had to make it easy for clients to choose to do business with them. Disruptors make it very easy for customers to access the services they need, so I’m always reminding my team that

“Part of our operational structure is a triage engine, so we always know where work is, how long it has taken, what’s outstanding. It enables better decisions, based on statistics rather than opinion.”

*Mark St John Qualter, CEO
of Managed Services, DWF*



we need to continually look at things from our clients’ point of view.

“The old value proposition was legal expertise. That’s it. The new proposition is about much more – including managing transformation, benchmarking performance and process improvement.” And in all its complexity, it’s for legal businesses to serve that in a way that’s reasonably straightforward for clients to consume.

Absolutely key to any legal services disruption, he explains, is reliable and useful data. After all, that’s what shows you’re doing a better job for a client, whether internally over time, or compared to the competition. “The traditional advisory relationship can often be transactional and episodic,” Qualter says – which is data-limiting. But something like the BT deal offers lots of opportunity for data to create action and change. “Part of our operational structure is a triage engine, so we always know where work is, how long it has taken, what’s outstanding, and so on. It enables better decisions, based on statistics rather than opinion, but also – very new in law – continuous improvement. Once you have the data, you can set targets, and the steps to reach them – and the ideal situation is the client sees us as completely integrated into its own infrastructure.” There’s effectively a managed services spectrum from the outsourcing of some processes, through applying data and analytics to seed and nurture improvement, to a “lift and shift”, or “whole portfolio outsource”, he says. This latter is what’s happening in the case of BT.

If appropriate to a client’s need for change, one or more of the many areas under the DWF Connected Services umbrella – launched in 2017 – may also be introduced.

You’ve got scale

In early March 2020, DWF completed its acquisition of the company Mindcrest, bringing around 360 new employees to the work of Managed Services, the majority based in Pune, India (but with offices also in the US and UK).

“The operations are very, very complementary, and, in short, it massively accelerates what we’re trying to do,” Qualter says – including increasing opportunities in Australia and the Middle East, and adding expertise in the aforementioned legal analytics space in particular.

There’s also a “brute force” advantage, he adds, which has increased what DWF can take on for clients. “For some work, such as document review and repapering – for Brexit and GDPR, for example – you need that critical mass, and indeed the high operational discipline.” The deal plugged nicely into a new e-discovery platform that was already under construction, and the firm “can pitch for some work far more confidently with the increased ability to flex resourcing if needed.” Clients that had worked with Mindcrest independently before the acquisition have already approached what is now DWF Mindcrest with interest in larger projects, he says.

The achievable economies of scale are not to underestimate the individuals involved in delivery, of course. Qualter produced an assessment of the two companies’ cultural fit for the DWF board, which found values that were “almost identical”, he says – eagerness to disrupt included.

Another beneficiary of the combination’s compatibility is the DWF Mindcrest University, a learning and development initiative Mindcrest has developed that has since been explored for application across the wider firm. From basic

business management and cost control at one end of the spectrum, to data science at the other, the business wants to both broaden individuals' skills and ensure it has the right overall blend of talent across all aspects of modern service delivery. "Our requirements are broader, and we can potentially give people a more varied training programme to meet them," says Qualter. "Even those who want to be traditional advisory lawyers will need some understanding of aspects of project management, transformation principles and legal technology."

Watch your processes

Another central piece in the strategy now, he says, is to apply technology expertise such as in artificial intelligence (also in plentiful supply in the vicinity of the firm's new presence in India) to make resourcing models incrementally more efficient over time. "Once you start doing things like that, of course it also creates a new data set you otherwise wouldn't have and which, in some cases, can add more value when advising clients. You don't just have a highly experienced lawyer saying what they think; the highly experienced lawyer comes with data and statistics about what has happened following decisions about similar documents or

phrases, for example, in the past."

However, it's the underlying process that has to come first, he says. "In my experience, you can't deploy technology like automation and AI until the processes themselves are running like a Swiss watch." Traditional law firms can really struggle with optimised and consistent process, and therefore with the technology being brought in to improve it – and indeed managed services is helping other parts of the firm on that front, as well as their clients. "The first way is to process map," he says. "You know all the hand-offs between people, and you performance-manage rigorously, driven by the data."

"The second is what I'd call 'right-levelling' the work. In most law firms, you'll find people doing certain work they shouldn't really be doing for the whole to be as efficient as possible. Those are the key ways Managed Services can drive significant value for DWF itself."

Whether it's packaged with a more traditional advisory element or otherwise, DWF Managed Services, after all, "goes out as DWF" when it comes to all business development. So, in the most challenging of times, continuous improvement continues to be a top priority. ▴

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Brain training

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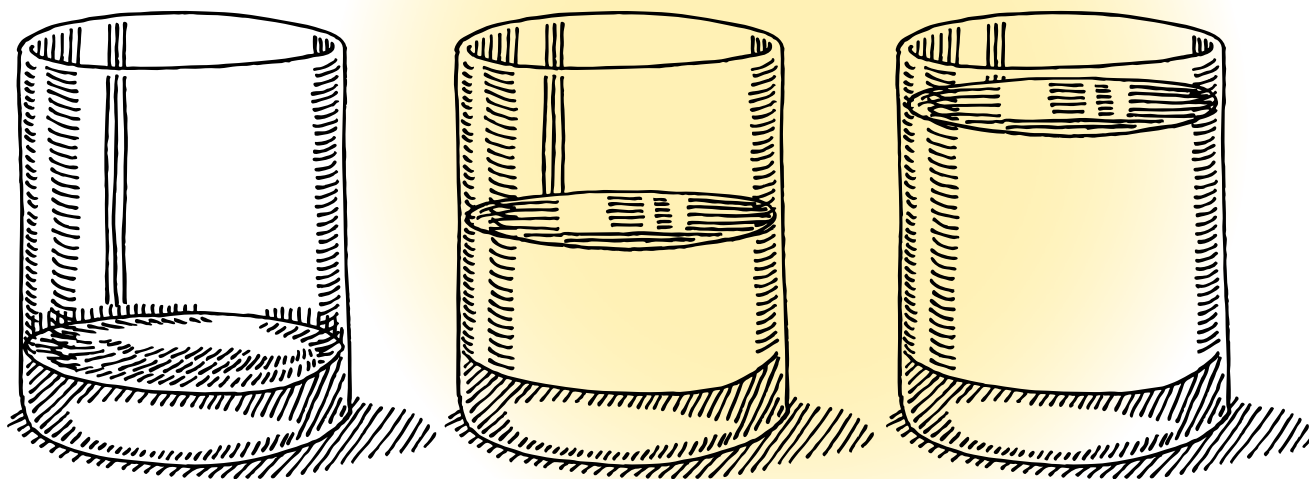
*Homework
health check*

Support people not to
be forever e-present
during the pandemic,
says Matthew Kay at
Vario, Pinsent Masons

HANDS ON

Homework health check

Matthew Kay, managing director of Vario from Pinsent Masons, says management should prioritise some simple but important actions that can help people feel more supported



Remote working during the lockdown has allowed many of us to take a step back from our daily routines and reassess our career goals and working life. For some, remote working has meant more time with loved ones at home, with no need for the daily commute to the office. For others, it's been a productive time to learn a new skill or hobby, or make home improvements. However, despite these positive outcomes, that doesn't mean that remote working coupled with isolation hasn't taken a toll on people's mental health and wellbeing.

According to a new LinkedIn survey run in conjunction with

the Mental Health Foundation, a majority of HR managers believe that remote working during lockdown has caused 'e-presenteeism' – whereby employees believe they need to be visible online and easily contactable at nearly all times. Three-quarters of the respondents felt this could possibly cause burnout, and give rise to, or exacerbate, mental health conditions such as anxiety. And LawCare, the legal mental health charity, has also revealed that many legal professionals have contacted its service for help during the lockdown.

Amid the pandemic, some individuals may have been unable to access the same

support they had pre-Covid 19, whether that's social or psychological. Having to juggle childcare and work has also been taxing for parents, and the lack of physical transition from work to home life can become blurred. Although the rules around outdoor recreation and social distancing have relaxed in recent weeks, the personal shock of adapting to a completely different way of living shouldn't be underestimated either.

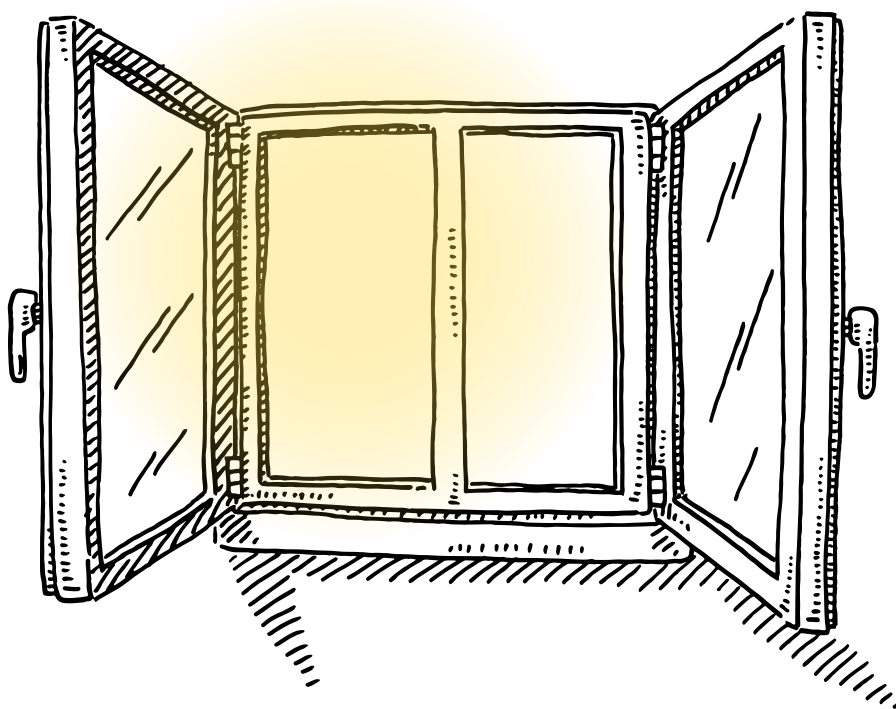
But that doesn't mean that remote working is a bad thing. It really is quite the opposite. People who never worked flexibly before have now realised the benefits of working in such an agile way. Many have a newfound confidence that they

can work productively, and service clients effectively, all while enjoying more time in the day without the commute.

However, working from afar also means that mental health and wellbeing issues can be even less ‘visible’ to others. In 2018, Pinsent Masons, along with Barclays and Addleshaw Goddard, founded the Mindful Business Charter (MBC), committing to better working practices for mental health and wellbeing. On top of existing initiatives that Pinsent Masons has been enforcing as part of the code of conduct of the charter – openness and respect, respecting rest periods, smart meetings and emails, and mindful delegation – the firm has introduced further measures to support its lawyers and all employees.

This includes creating a ‘Mind Matters’ portal, which provides resources and advice for employees, emotional and wellbeing support and guided meditations. The firm also hosts a number of webinars for employees, which so far have covered how to talk to your children about coronavirus, tips for homeworking, worries about looking after vulnerable relatives, and domestic harmony.

One size doesn’t fit all. But it’s important that those at a senior level understand what their teams are juggling at home – for example, looking after small children or elderly relatives, or where they are living in a crowded houseshare, all vying for working space at the kitchen table. Here are some useful tips:



Encourage people to assess their daily routine

We are creatures of habit, and even during the lockdown we will have our own new routine, but if a member of staff is feeling regularly stressed it may be important to ‘virtually’ sit down with them and assess their working day. Are they switching off for lunch breaks, rest periods, and at the end of the working day? Now the current social distancing guidelines have been relaxed somewhat, are they able to spend time outside, whether in their garden or in a local park to make sure they’re taking time away from the screen? Are they able to exercise and eat healthily? Physically transitioning away from work with self-care practices are important – it allows time to recharge and can boost productivity. Clearly encouraging these behaviours from a senior level will also help to make employees feel secure they don’t have to be e-present and reassure them that they are being trusted to get on with their work.

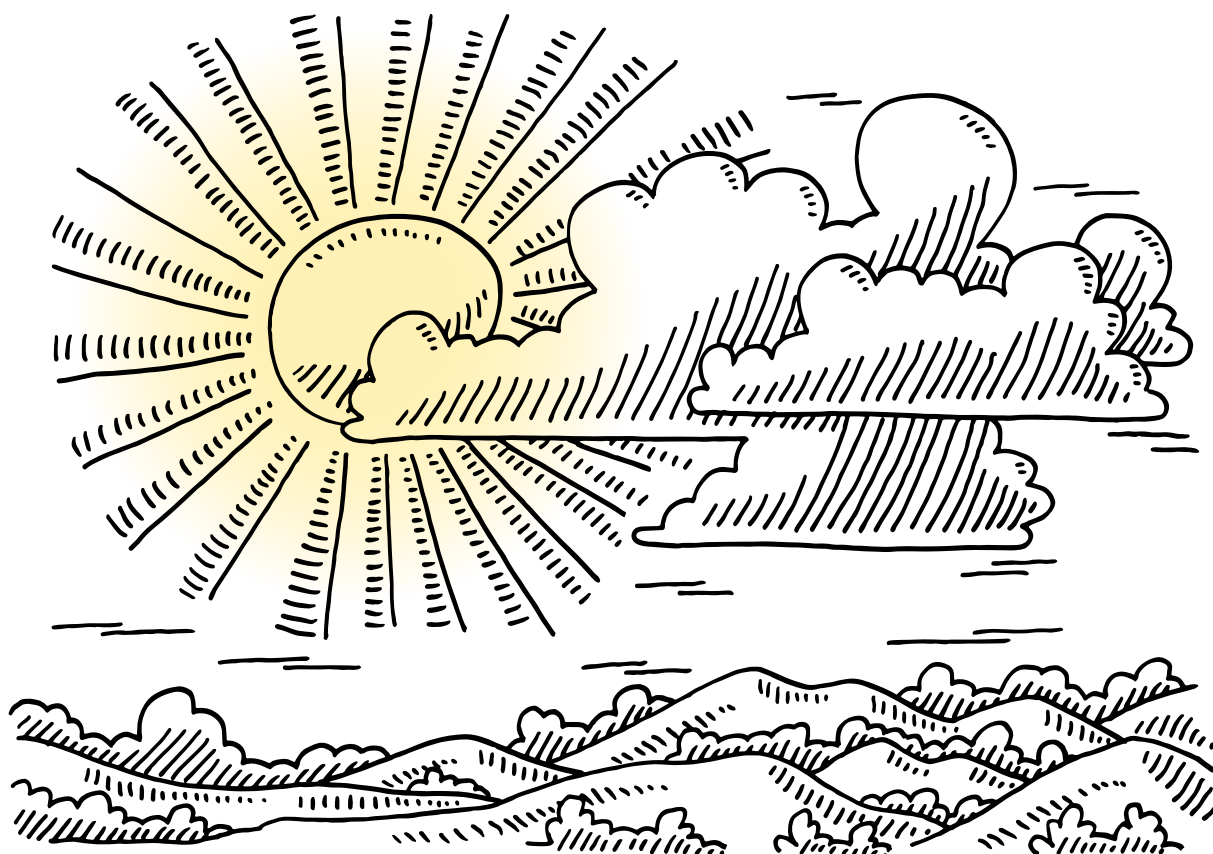
Clearly encouraging behaviours from a senior level will help to make employees feel secure they don’t have to be e-present, and reassure them they are trusted to get on with their work

Keep communicating

Senior leaders and lawyers in law firms should continue to push regular communication with the team. This is still an uncertain time – many will be concerned about the future of their client base, and the status of their positions, as well as their own day-to-day challenges. Checking in regularly for wellbeing chats to find out how each member of a team is doing is important for reassurance, to overcome any problems, as well as for identifying any extra support if needed.

Source external support

For those individuals struggling with their mental



health, knowing that the firm offers virtual and external psychotherapy/counselling support may be a source of some comfort. During this time some individuals may feel especially uncomfortable going into their local GP to find out about their options. Providers who have expertise to run sessions around wellbeing and activities such as mindfulness may be worth looking into.

Praise

When working from afar, people will be concerned that their efforts are not being noticed. Being praised and congratulated on their achievements will encourage people to feel valued, while also boosting confidence and morale. Hold extracurricular sessions throughout the day if possible too – for example, a virtual meditation session or exercise class – which can make the day more motivating.

Be open to different team members' choices of communication – for some, videoconferences may be overwhelming. This can also encourage some much-needed screen-free time

Push flexibility around technology and working practices

Some lawyers may have been working from home regularly before the lockdown. Respect and encourage understanding of different team members' daily priorities, such as those who may be juggling other needs with work – for example trying to home school and care for their children. It may be helpful for them to put time in their diaries when they're unavailable and encourage them to be open about when

time is tight to avoid overworking.

Be open to different team members' choices of communication as well – for some, videoconferences may be overwhelming. This can also encourage some much-needed screen-free time.

Making sure all employees' mental health and wellbeing is looked after during this unusual time will reap rewards for productivity. A workforce that feels trusted, supported and encouraged to take time for themselves will feel encouraged to work hard for the firm.

However, these initiatives shouldn't stop once we 'go back to normal'. Some law firms are expecting their workforces to be more agile long after the pandemic is over, and getting into a good habit with such practices will help to retain talent, as well as kickstarting the business if needed again in the future. ▴



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► BRIEFING TIGER TEAM

In pursuit of new process

Briefing's inaugural Tiger Team exercise, a collaboration with technology consultancy Pinnacle, asks how law firm leaders have tackled the process transformations needed to respond to pressure much more rapidly in a remote-working world

Inspired by a problem-solving method used by NASA, **Briefing** recently began a new programme of bringing diverse teams of law firm operational experts together to address some of their common, but most critical, challenges. This is a Tiger Team – a group that can circle a particular problem with greater perspective thanks to their combined

experience.

As lockdown was only just beginning to ease, our first scenario was perhaps inevitable – how were firms keeping productivity, projects and cash flowing as smoothly as possible in a global crisis?

All firms represented said they'd needed to act much faster than usual in several key respects, and in fact it was suggested this had had something of a

“It has been necessary to be clearer about how people will work together, about who owns what, roles and responsibilities.”

Kate Bassett, global head of legal project management and process improvement, Ashurst



galvanising effect for the business of change management.

A lot of “questioning behaviour” that had often accompanied transformation projects in the past was no longer in evidence, said Ashurst’s global head of legal project management and process improvement Kate Bassett; perhaps as people could clearly see there was little alternative but to embrace several new ways of working.

Mike Giles, finance director at Fieldfisher, added: “The firm collectively knuckled down with huge goodwill to make things work, and there wasn’t as much pushback as you can experience when trying to introduce change in the office.”

Hogan Lovells chief operating officer Darren Mitchell agreed. However, he said process also needed to change for this to materialise. “The firm would usually have taken longer to engage around such big projects. It’s not a matter of cutting corners, but we’ve needed to be a lot more tactical in getting rapid engagement.”

Bassett also found a need for speed within her department: “It has been necessary to be clearer about how people will work together, about who owns what, and roles and responsibilities.” Processes that previously tended to be “assumed” based on “natural hierarchies”, or were allowed to grow organically, now really needed mapping to mobilise teams quickly.

Process priorities

But things can rarely happen as fast as you’d like if they all have to happen at once. Have firms also needed to re-evaluate their project priorities at speed?

Mike Bailey, managing director at Pinnacle, said he’d seen both IT projects suspended and deliverables brought significantly forward in the past 15 weeks, but cautioned: “Putting things down

and picking them up again can ultimately prove more costly. When you have the momentum, it can often be more efficient to complete then.”

However, Allison Scanlan, director of business intelligence and finance and practice management systems at Herbert Smith Freehills, said priorities can also change within a project. “We’ve had to work very closely with those at the coalface to understand which functionality they most need elevating up the roadmap. Do the legal ops and LPM teams have the data they most need right now? Listen, understand the blockers, and then juggle the priorities.”

Giles said many firms will have found they still relied on some “pieces of paper” for a process or two. In his case, it was straightforward cheque signing: “However sophisticated your process, someone will be scribbling something somewhere. We’d been gradually eliminating instances of that, and this has brought some efficiencies to a head very quickly.”

And at Ashurst, Bassett says some areas of legal work have had more process improvement focus than others – dispute resolution, for example, getting ready to operate in a world of virtual courts. The pricing balance of efficient delivery for clients and firm profitability can also expect more scrutiny. “Pressure on the model to provide a mutually-beneficial outcome will become even greater in the next 12 months,” she predicted.

The data today

The way data is delivered to people across the organisation – to help deliver those outcomes – has also needed thought, and some swift action.

Giles said Fieldfisher accelerated a stream of work on its dashboard-based business intelligence: “We’ve needed greater emphasis on the very short term, such as value-of-work and cash collection



“We’ve needed greater emphasis on the very short term, such as value-of-work and cash collection numbers on a daily basis.”

Mike Giles, finance director, Fieldfisher

numbers on a daily basis.”

However, more frequent updates needn’t mean more information overall: “Business information can get lost in the data. You need it to highlight the things that are going to make a difference if people do them today.” He said more pictorial visualisation wherever possible can help to build “clearer, concise messages and get rid of the clutter.”

Bassett agrees, and recommends a parallel focus on upskilling people in data interpretation. And although the moment of action is precious, don’t forget to “link it back to process” for continuous improvement over time, she said. Overseeing a similar move at HSF, Scanlan added: “We need to help people to make the best use of their own time every day, including the executive.”

Firms could also consider the breadth of data that feeds reporting. Bailey said Pinnacle is seeing high demand for its expertise in expanding sources of business intelligence: “Basing insight solely on the finance or practice management system is only looking through one lens.” Bassett said linking data use for more innovative pricing and longer-term scenario planning is a particular challenge with systems as they stand.

And Mitchell at Hogan Lovells said striving for more real-time and meaningful data also helped with that ‘all in it together’ mindset we’ve seen: “If people follow some basic process disciplines, we can offer news – good or bad – in 24 hours. There’s a duty on the business to be transparent with people, and when they’re informed people also feel more responsible for being part of the business solution.”

For further information,
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What is a Tiger Team?

The Tiger Team is a problem-solving approach used by NASA to investigate, and hopefully solve, highly critical and complex issues. Most famously, it was adopted to bring the astronauts safely back to Earth when a module malfunctioned during the Apollo 13 mission. Experts in a range of areas, such as engineers and scientists, are brought together from different centres as required by a specific work project or programme.

Briefing decided to try the concept out on our hunting-ground of law firm strategy. Could the perspectives of multiple functions, all operating in different firms, perhaps make greater sense of a given business management challenge? ▶

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INDUSTRY ANALYSIS

BPI on the agile prize

James Gilding, managing director, business services, at Mitie Document Management, says make it part of your strategy to review business processes and manage incremental change to identify the positive opportunities in an even more agile work environment

We are all having to adapt to becoming part of the Covid-19 generation. Every single person, at all levels and in all types of organisation, is being impacted by the global pandemic.

We have quickly had to embrace remote working and the tools (Teams, Zoom, Skype) and management interaction (virtual meetings, new trust models) that come with it. And our acceptance of change, and the ability of our teams to be flexible, have played a part in all our journeys so far.

When do we get back to business as usual (BAU)? Well, my firm view is that once we have been doing something for longer than a month, that then becomes the new BAU.

So here we are, our teams are spread far and wide. Some organisations have now decided to resume access to some workplaces and collaborative areas, but with a vastly reduced capacity. In the new BAU, how can we implement process improvements and what does that look like? First, let's define what we mean by process improvement. There are several possible entry

points:

- Continuous improvement
- Business process re-engineering
- Lean and Six Sigma
- Operational excellence
- Business process improvement.

All include a lot of common ideas and language, and I will refer to a number of their simple strategies and tools as we develop our approach.

When reviewing the needs of the legal sector, I believe the most relevant entry point is business process improvement (BPI), as this is where I feel the biggest wins are in terms of impact on both costs and service output/quality.

BPI is both a formal, methodical approach and a more organic ground-up ethos that can be given traction by the day-to-day teams working within the department or sector being reviewed.

To deliver successful process improvement, I would recommend the following as a minimum:

- A clear strategic direction and expected outcome
- Management commitment and an executive-level sponsor

Business process improvement is both a formal, methodical approach and a more organic ground-up ethos that can be given traction by the day-to-day teams working within the department or sector being reviewed

- A defined and agreed timeline, with milestones in place
- A project budget with a reasonable contingency fund
- Centre it around a simple continuous improvement model: Plan, Do, Check, Act (PDCA)
- An agreed project team with clearly defined roles, such as workflow leader, process holder, operations supervisor and the process operative
- Alignment of business processes with overall business objectives.

At Mitie we look to set ourselves a clear and concise business plan on a page (very challenging) for the start of each financial year. We use the Objective-Goal-Strategy-Plan (OGSP) model to try to balance this. Each year we set out our overall objective, a set of clear time-specific goals aligned to our strategy, and then highlight our plans against each goal.

Using this methodology allows me to identify where we need to challenge processes quickly and reasonably, and which areas will deliver the best return on that investment.

BPI at a distance

Now, how can we deploy this in the new working model? In many ways, remote working has made it

easier for us to focus on process improvement and given an insight into how some processes can become more agile. By necessity, many organisations have been able to adapt their business service models, and this has produced a realisation that remote working can, and does, lead to efficiency gains and higher quality output.

The current state of affairs has many large-scale law firms reviewing how they provide secretarial support, document production, print and digital services, help desk, post room and distribution services. These are all great candidates for a full BPI review.

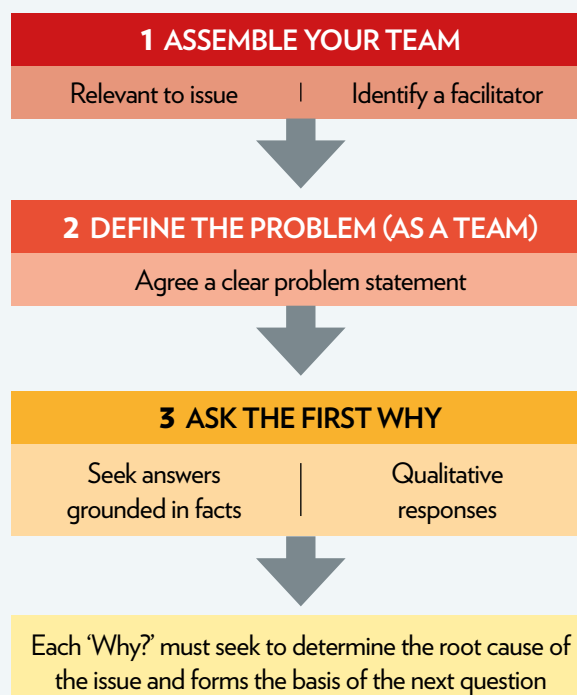
As we start a phased return to work, should you take this opportunity to consider which services are really needed back onsite in a full-time capacity? Are the services still fit-for-purpose with the new ways of working? Is there a more cost-effective solution available?

Evaluation and analysis tools

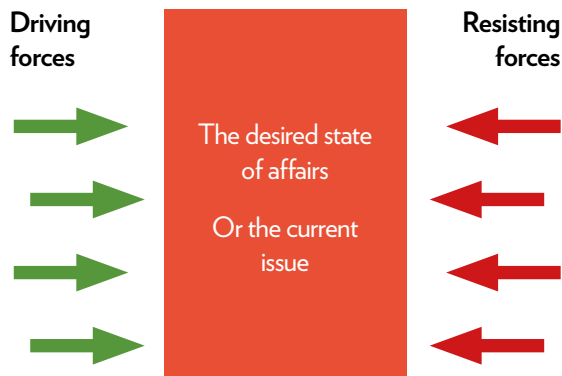
We can conduct some simple reviews (using some of the tools I mentioned earlier) to help us to quickly evaluate which services may benefit from a formal BPI overhaul and investment.

1 The 'Five Whys' technique is a simple tool for solving issues.

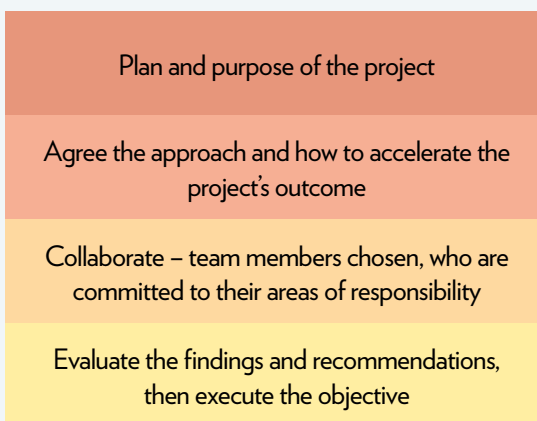
The main objective is to find the exact reason that causes an issue by asking a sequence of 'Why?' questions. This technique can help your team to focus on identifying potential areas for improvement, and can be conducted quickly when applied with intent and focus.



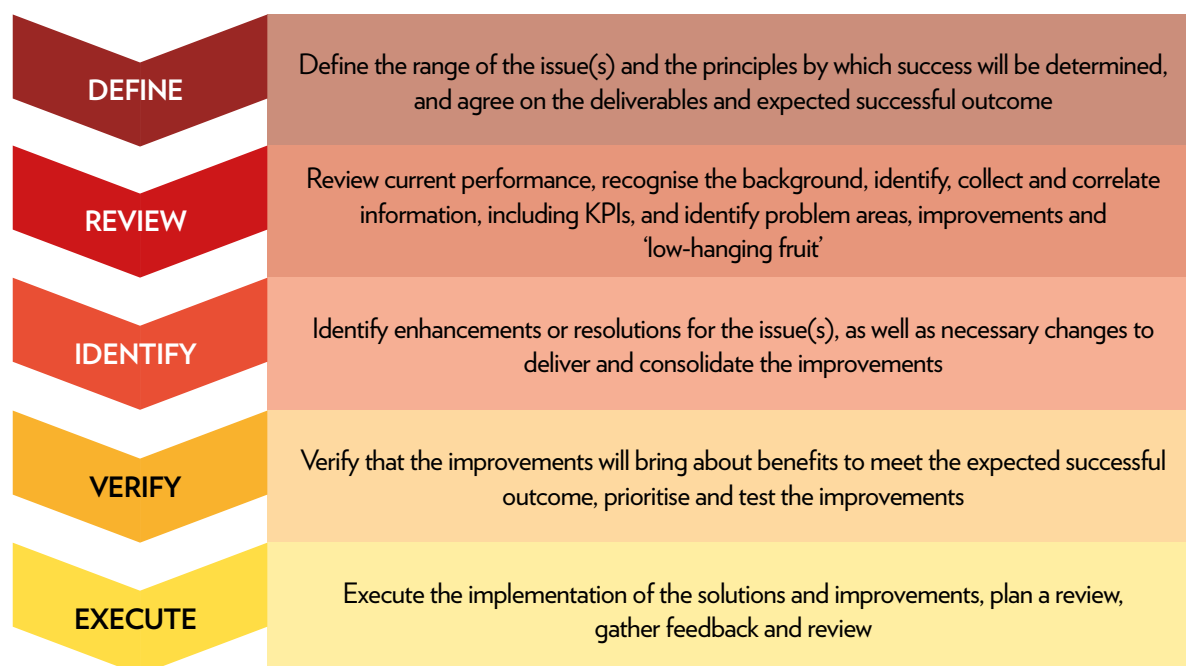
- 2 Force field analysis originally comes from a social science background.** It is widely recognised and used when considering large change management projects, and can be a powerful tool to help inform teams of potential challenges ahead of making a strategic decision. It creates an agenda for looking at the factors (forces) that impact a situation. It considers forces that are either driving movement towards a goal (driving forces) or stopping movement towards a goal (resisting forces).



- 3 PACE is a Mitie-developed set of principles for managing projects, which came from the delivery team, and act as an aide to keep projects time-focused and ensure successful delivery.** This is a great way of breaking down a potential BPI project into a one-page plan, combined with a set of SMART goals: specific, measurable, achievable, realistic and timely.



- 4 DRIVE is a widely used tool to help process improvement programmes.** It's a simple method for problem-solving and analysis that can be used to boost process improvement.



The current situation has proved the capacity for law firms to consider functioning as a more hybrid model. This is where some parts of the process can be outsourced to an offsite facility, allowing for a reduced, more streamlined service within the core building

Once you have completed your review and identified the key areas for the BPI process, you can begin the project in earnest.

Process possibilities

With so many teams now proving they can work remotely, we can use process improvement projects to review the systems we use for areas such as document production – for example, increase the use of automation in creating documents (there are several well-established automation tools for the legal sector).

Through investment in software, perhaps some hardware, and with some remote working health and safety support for our staff, could we make the change to a permanent remote solution for document production?

I believe we can see clear opportunities in this area to reduce real estate, increase efficiency and apply new thinking, such as an operational excellence model, to bring it all together.

A more challenging area could be process improvement in our post rooms or print-production areas. Again, the current situation has proved the capacity for law firms to consider functioning as a more hybrid model. This is where some parts of the process can be outsourced to an offsite facility, allowing for a reduced, more streamlined, service within the core building. By applying approaches such as Six Sigma, we can simplify process flows and make best use of services such as overflow print hubs and hybrid and digital mail services.

This hybrid approach not only helps to optimise a service and reduce costs, it is actually better aligned to the post-Covid 19 agile working environment. Partners and lawyers can still access print services and post services (incoming and outgoing) regardless of where they are based in the world.

A final area that has been highlighted during the pandemic is that of secretarial services. This is a very emotive conversation, but the opportunity to explore a remote/agile service has never been more clear.

There are a number of solutions you could review by following a BPI framework, and both the service benefit and potential cost savings are significant. Mitie has supported several such projects, covering many areas of business services and support services for the legal sector. Our experience of the application of BPI and the other tools mentioned is that there are always areas of opportunity and improvements to explore. A cost saving isn't always necessarily the driving factor, but it is often one positive part of the outcome.

BPI should be part of your annual business review schedule. With clear leadership and direction it will become a cornerstone of your efficiency and budget management toolbox. ▲



For more information, visit:
[www.mitie.com/services/
document-management](https://www.mitie.com/services/document-management)



INDUSTRY INTERVIEW

New normal ... rules apply?

Gareth Ash, chief information officer at Hogan Lovells, talks to Richard Brent about the place of technology in helping to define how legal business professionals may work in a pandemic-altered future

Predictions about the ‘law firm of the future’ were perhaps always a somewhat nebulous business. And now, in 2020 – that emblematic, milestone year for many a forward-looking strategy – they’ve been thrown another great dollop of uncertainty, with shaping forces potentially changing course even in the time it takes to write this article.

The truth, says Gareth Ash, chief information officer of Hogan Lovells, is international law firms have been no more able to follow one ‘playbook’ for handling Covid-19 than a vulnerable high-street business: “We’d used the remote-working framework for ‘snow days’, and now we suddenly had to hold up the entire firm, from Sydney to Silicon Valley.”

However, once all extra laptops, licences and bandwidth were secured, several strategic decisions of the past five years would of course now be viewed and tested through the prism of what’s happening today.

“In the event, it was almost a matter of flipping a switch overnight – 6,000 people now working from home – but recent investments to mature our infrastructure and how we operate did stand us in

good stead,” Ash says.

Perhaps more taxing than getting the tech out there was showing – or reminding – people how to use and make the most of it. “The training and support teams were just incredibly busy, whether it was deploying new software, onboarding new joiners, or dealing with questions like ‘how can I sign a document electronically?’” he says. “Now it’s about finding ways to keep progressing where we most need to without relying on a physical office environment and infrastructure.”

Back to workplace?

The future of those spaces is, of course, very much up for debate itself. “It has highlighted an aspect of human behaviour for me – we have short memories!” says Ash. Some of the firm’s offices around the world have now been open again for some time “with an element of returning to ‘normal’” – and for all the integration of the network, different locations inevitably have different needs, considering things like commuting distances. He continues: “With a more digitally aware and driven workforce, we can imagine things working differently in future. On the other hand, I don’t think we’ll see a shift to the extent



For more information, visit:
www.netdocuments.com

being reported at the peak of this particular hype curve, with everyone staying at home all the time. But it throws up questions certainly – about agile working and the working proposition, which will inevitably differ by location, culture and so on, based on a variety of circumstances. When looking for a new building for one of our offices, what should it look like? How much space should we take? What happens to collaboration? Will an architect claim the first anti-pandemic-designed office layout?”

And of course, there will be considerations of what the firm’s clients will want, and how the firm can best service them – more face time or technology factored into the building of long-term relationships?

Ash continues: “We’re exploring where we will need to digitalise some of the things we’ve traditionally relied on paper and offices for – so at least you don’t rely on people touching bits of paper for the end-to-end process, whether that’s financial or client interaction.”

And in terms of core management systems, in 2018 Hogan Lovells selected NetDocuments as its document management system. “It’s cloud-based, device-agnostic and obviously supportive of the remote-working environment,” he says, where simple and intuitive access to work is so fundamental to driving productive and collaborative working practices. The solution is still in implementation – it’s replacing two systems, so a lot of testing and current state analysis was underway when coronavirus showed up – but it is “the final piece in that puzzle,” Ash says.

“I see plenty of opportunity to build up a slicker electronic experience, where you don’t need to go in and out of different systems as we do today.”

*Gareth Ash, chief information officer,
Hogan Lovells*

“I see plenty of opportunity to build up a slicker electronic experience, where you don’t need to go in and out of different systems as we do today. It also provides the ability to collaborate with clients on matters directly in a more seamless way – the entire transaction passing through one platform.”


Change on the risk radar

Effective remote working is one thing; remote system implementation is another. “Traditionally there is a lot of reliance on the IT department to hand-hold major deployments, and a big concern would be to deploy something that breaks and means a lawyer is unable to work,” Ash explains.

Of course, there are quite a few risk factors when it comes to protecting people’s productivity – challenges that could well be exacerbated in a time of crisis. One is wellbeing – avoiding burnout, or worse. He says: “It’s easy to forget to talk, as the weeks go by. As a leader you have a responsibility to introduce conversation that is not work-related, as well as being sincere that wellbeing comes first and proactively telling people to take time out.” In fact, with Hogan Lovells riding the Zoom wave at the right time – following good due diligence, he says – he recently led his first call with the firm-wide IT department across all time zones.

Another important area is security, and the focus during the pandemic has been most about reminding people. “Somebody could ring up pretending to be the service desk, or pretending to need the service desk,” he says. “The key is to reinforce awareness, so people don’t just take things that happen at face value.

“More generally, people have been happy to gravitate toward the IT department rather than go off to find some shadow IT. But we had to respond quickly to provide the things they needed to work effectively with our clients.”

The year 2020 has clearly been a time for technology expertise to act decisively to support firms on something with neither precedent nor bullet-proof plan. Now it’s hoped that strategic investment decisions like NetDocuments will lead to plenty of process improvement, whatever the future – and whether necessarily quick or more considered, there will almost certainly be more big decisions to come. 



INDUSTRY CASE STUDY

Checklist please

Alasdair Steele, partner and head of equity capital markets at CMS, says drafting key documents in ScribeStar improves the efficiency of the painstaking process behind a prospectus, and also benefits the working lives of the lawyers overseeing it

Law firm process efficiency and productivity are being tested like never before by the working arrangements that have necessarily followed the Covid-19 lockdown. Dispersed employees will have needed to pick up skills that feed into working as project teams in new ways; priorities are doubtless under regular review; and everyone is exploring the quickest way to complete key tasks, avoiding duplication without compromising on risk, and so freeing time to focus on higher-value activities.

Now more than ever, efficiency-boosting technology is coming to the fore to really prove itself – for example, platforms such as cloud-based ScribeStar, which facilitates collaborative working toward the completion of intense capital markets transaction documents.

ScribeStar was founded in 2010 to make the process of IPO prospectus-drafting more efficient. Law firm CMS recently saw an appealing use case

in the London Stock Exchange-listed Sequoia Economic Infrastructure Income Fund, which was issuing new shares.

Partner Alasdair Steele explains: “The fund is what you’d call a frequent issuer, and we knew that with ScribeStar the latest version of the document is stored on the system, so when the next raise comes, you can effectively pick up where you left off. We also had a very tight timeframe for completion and knew that it’s the latter stages of production where the benefits of ScribeStar are really seen.”

Although the firm first used the platform for drafting back in 2018, Steele was impressed by product enhancements made over the past 18 months. He says: “Ease of use had greatly improved – the layout and logic is much more intuitive. Previously I might have needed to call the team to find a command, but this time I’ve been able to work everything out for myself.”

“Different teams can be completing different tasks at the same time, all on one ‘master’ version of the document. There’s no risk of losing something entered earlier.”

Alasdair Steele, head of equity capital markets, CMS

Many hands making lighter work

From an organisational standpoint, Steele says the biggest advantage the platform offers is the ability to “have different people doing different things for the same document at the same time, and in different locations.” As there are several time-consuming processes to pass through, you can resource the combined workload across people and offices (or homes indeed) more effectively.

For example, after basic drafting and editing, there’s the mandatory checklisting required by regulator the Financial Conduct Authority. This used to mean a separate document being prepared, with regulatory annotations in the document, and updated at the same time as the main version. With ScribeStar, however, all the work happens on a single version of the document, with the team doing the checklisting working on the same document as the drafting team in real time. “ScribeStar also automates the regulatory output. A lawyer working on the checklisting can flag points on pages, and ScribeStar produces a fully completed checklist, with the annotated and blacklined document, at the touch of a button,” says Steele. “If a section is later moved, the checklist and annotation updates automatically, so you don’t need to recheck page references and build a new one every time.”

Another is verification – tracking statements of fact back to their source. He continues: “ScribeStar can pick up where something hasn’t been verified following any change, and again update automatically. If information is moved around, it keeps the evidence linked to it. At the end, it produces a full set of verification notes, including the verification materials. Without that, it’s a case of somebody updating notes and cross-references

manually every time there’s a new draft.

“One key enhancement from 2018 is the ability to access multiple views of the verification bundle, an example being collating all directors’ assertion statements into a single report.”

But perhaps the biggest boost for the individual lawyer working in this field is the fact the documents are fully typeset using the platform; removing what can be multiple mark-ups to and from the printer in the final stage of production. Control of the process is entirely with the firm. Steele explains: “Typically, you might sit around for two hours for a new version, only to spot a couple more mistakes or amendments. That can run into the small hours, if not right through the night. The ability to make these amendments directly, without involving a printer, means that our work-life balance is an obvious beneficiary.”

Critically, with all these changes flowing around, and the different teams inputting on verification and checklists, ScribeStar only ever has one version of the document to ensure safeguarding of accuracy of the finished product. Steele says: “Different teams can be completing different tasks at the same time, all on one ‘master’ version of the document. There’s no risk of losing something entered in an earlier version, as the system is fully auditable so you can go back to any previous version to get something back if needed, or to see who made which changes.”

Although not the case in the Sequoia transaction, a client could also collaborate on documents produced for them, and Steele expects to see more choosing to do that in the months ahead. It’s early days, but with potential time savings, and the ability to enter what they want straight into the document – and without the risk of inputting errors if others input content – he says they would no doubt consider playing their own part in this push for process improvement.

It’s the lawyers in his team who will be the heaviest users, however – and those who will achieve most from the efficiencies created: “Feedback from them has all been very positive, and they’re very keen to use it again.” ▲



For further information, visit: www.scribestar.com



Sail the Cs of client success

Marie Burgess, senior director, product management, at Aderant, outlines key opportunities for turning operational efficiency in law firm business process into greater law firm revenue and growth

In every business there occurs a never-ending cycle: you build a product or service, market it, get buyers, service the buyers, learn what improvements buyers want, then refine your product or service. And the cycle starts again.

In the legal industry, we often hear it is becoming more difficult to grow both business and profit. But is it really getting harder, or have the buyers of legal services made improvements to their processes to be more efficient and to grow their business and overall profits?

We see that this hinges on operational efficiency. The hard part for law firms is prioritising areas where improved process, technology and use of resources can have the greatest impact.

Let's look at areas where we see successful firms making most headway; these focus on three 'Cs' – choice, compliance and collaboration. Each encompasses an end-to-end approach for firms,

where every aspect of how they operate has a significant impact on revenue growth and profitability.

Customers of legal services make a choice by selecting firms that not only have the right experience for their matters, but also those that are easiest to work with – both from a legal service and a business relationship standpoint. A law firm with internal operations that are geared towards efficiency, and able to support client requirements, is in the best position to win and retain clients.

Actively influencing client choice is imperative for firm growth, whether obtaining new clients or increasing services provided to existing customers. Ensuring clients are adequately informed as to how your firm will work not only for them, but with them, is key to success. So, while a client's choice is ultimately out of the firm's hands, they can certainly set themselves up to win new business by ensuring the next two Cs are ingrained into every aspect of their business model.

Compliance control

One of the most impactful areas firms can address to improve their working relationships with clients, while also improving revenue, is compliance. The most successful firms build an efficient end-to-end operation to manage outside counsel guidelines (OCGs) successfully, ensuring all terms are adhered to across the firm, most importantly from a billing compliance perspective. Accurate bills will minimise rejections, which in turn maximises revenue and improves client relationships. Law firms sometimes think their clients use OCGs as a means of putting the squeeze on firms; however, there's a different consideration when trying to improve both client service and revenue.

From Aderant's annual Law firm leader survey on outside counsel guidelines, we know that inefficient firms struggle with compliance with OCGs, causing collection cycles to increase, invoices to be rejected, and line items met with refusal to pay, written off or, in some cases, whole firms sued or fired for non-compliance.

In fact, billing compliance is so complex that, rather than improving processes and efficiencies to eliminate complexities, some firms simply accept write-offs, fee reductions and so on, as a cost of doing business. For many, this cost can translate to upwards of £12,000 a day, or more than £3 million annually. The survey supports this, finding that over a third of firms experienced over 20% of e-bills rejected or reduced.

Firms can have meaningful impact on compliance improvement by emphasising processes which reduce the number of steps in the e-billing process, where human error can impact the outcome. They can also focus on technology improvements that incorporate powerful analytics to provide insight into errors at the start of the process rather than the end.

Secure collaboration

Shifting to the third C, we have collaboration, which requires the firm to manage large amounts of data related to clients and matters. Firms must share this information and collaboratively work with relevant people internally, clients and multiple third parties.

Firms often address collaboration in several ways, plying solutions like document

management, data rooms, intranets/extranets and other communications portals. This can result in a spaghetti pile of tools that are inefficient to use and don't communicate well with one another. In addition, these solutions often don't have the ability to draw from all of a firm's data streams, making them costly and inefficient. These drawbacks mean firms are often forced to be selective as to which clients they provide a service for, leaving many out, which can have a negative impact on the client experience. But it doesn't have to be that way. Focusing on key elements will help to provide efficient and positive collaboration experiences and generate more overall business.

First, a firm needs to recognise the data and information sources that are available and understand how the information contained helps staff meet client needs. These go beyond basic transparency. Clients want access to everything related to their relationship with a firm – the matter, billing and all related information – but they have other requirements.

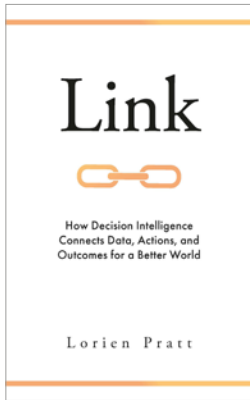
Information security is the highest, but in the course of exchanging information, is often overlooked. Think about the number of times a document, financials or other matter-related content is passed between a firm and client by email. There's no need to discuss the number of ways sharing documents can go terribly wrong. Addressing collaboration means selecting the right technology solution. One that will enable a firm to provide collaboration to every client needs to include:

- Secure distribution of content and knowledge
- External sharing and real-time collaboration and content updates
- Full integration with base solutions like Microsoft Office 365
- Being easy to set up and maintain, without requiring major investment or specialised resources
- Customisation based on client needs.

As the legal industry shifts at an ever-increasing pace, law firms focusing on the three Cs of choice, compliance and collaboration, will

have most impact on their own processes and efficiencies, create the best client experience and positively impact client growth – and ultimately, firm profitability. ▀

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READING LIST

Decisions, decisions

Stuart Whittle, business services and innovation director, Weightmans, considers the case of Link – How Decision Intelligence Connects Data, Actions, and Outcomes for a Better World, by Lorien Pratt

I like a good, factual book that makes me think and look at the world differently – like Freakonomics or Thinking Fast and Slow. I like a framework and a structured approach to thinking and analysis – 20 years ago I was one of a small number of solicitors in England and Wales to use decision tree analysis, as taught by Mark Victor, to analyse litigation to help clients visualise my thought process. With my lean six sigma background, I'm very keen on managing using data rather than what people think, feel and believe. So, I was quite looking forward to learning something new about how to make better decisions using data.

Admittedly, I didn't approach this book in the best frame of mind. And before I'd even opened it, the Oxford comma in the title was slightly irritating me. The book was a page turner, but sadly only in the sense that I kept turning the pages to see how many were left before the end of the chapter so I could put it down. I could only manage one at a time. It's quite difficult to write a book review of a book that, frankly, I just didn't get. I figure that there are, broadly, two reasons I don't understand something. The first is that whatever it is simply doesn't make sense. The other is that I just don't understand it. It is, of course, sometimes quite difficult to work out which category we're in – and that applies to this book. It's littered with examples of where decision intelligence is being used in real-world companies, so it may well be that I simply don't have the intellect to understand the point (not least given the author's impressive academic credentials, and the fact she has a successful consultancy built on decision

intelligence). But frankly, there was no way I was going to reread it and try harder.

As with the foreword, the book is somewhat messianic in tone, which as a rule doesn't sit well with my typically British need for understatement. So, the best I can make out is that the problem decision intelligence sets out to solve is that the world is complex, there are multiple causes and effects, and we aren't always very good at understanding the interrelationships between the causes and effects of decisions that we make, so we end up making poor decisions. That doesn't seem controversial. But at no point was I able to understand how decision intelligence as a framework for decision-making helped to solve the problem. There was a brief point where I thought, "Oh, I think I get it, it's like decision tree analysis" (which is why I mention it above), only for the next sentence to say: "It isn't decision tree analysis." Sigh. It isn't even until p117 that I discover what the model is and how to apply it (although that didn't help much). In all that I read, this sentence represented my frustration with the book and particularly irked: "She conducted a series of workshops, mock decisioning scenarios, and reviews, which resulted in an AI-enabled decision support system that keeps humans in the loop."

I assume something miraculous must have happened between workshop and AI-enabled decision support system, but the book does not elucidate – which, in essence, summed it up for me. I just didn't get it. Sorry Lorien. I leave with the thought that, knowing what I now know, I would have made a different decision when asked to review this book. ▀

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I'm very keen on managing using data rather than what people think, feel and believe. So, I was quite looking forward to learning something new about how to make better decisions