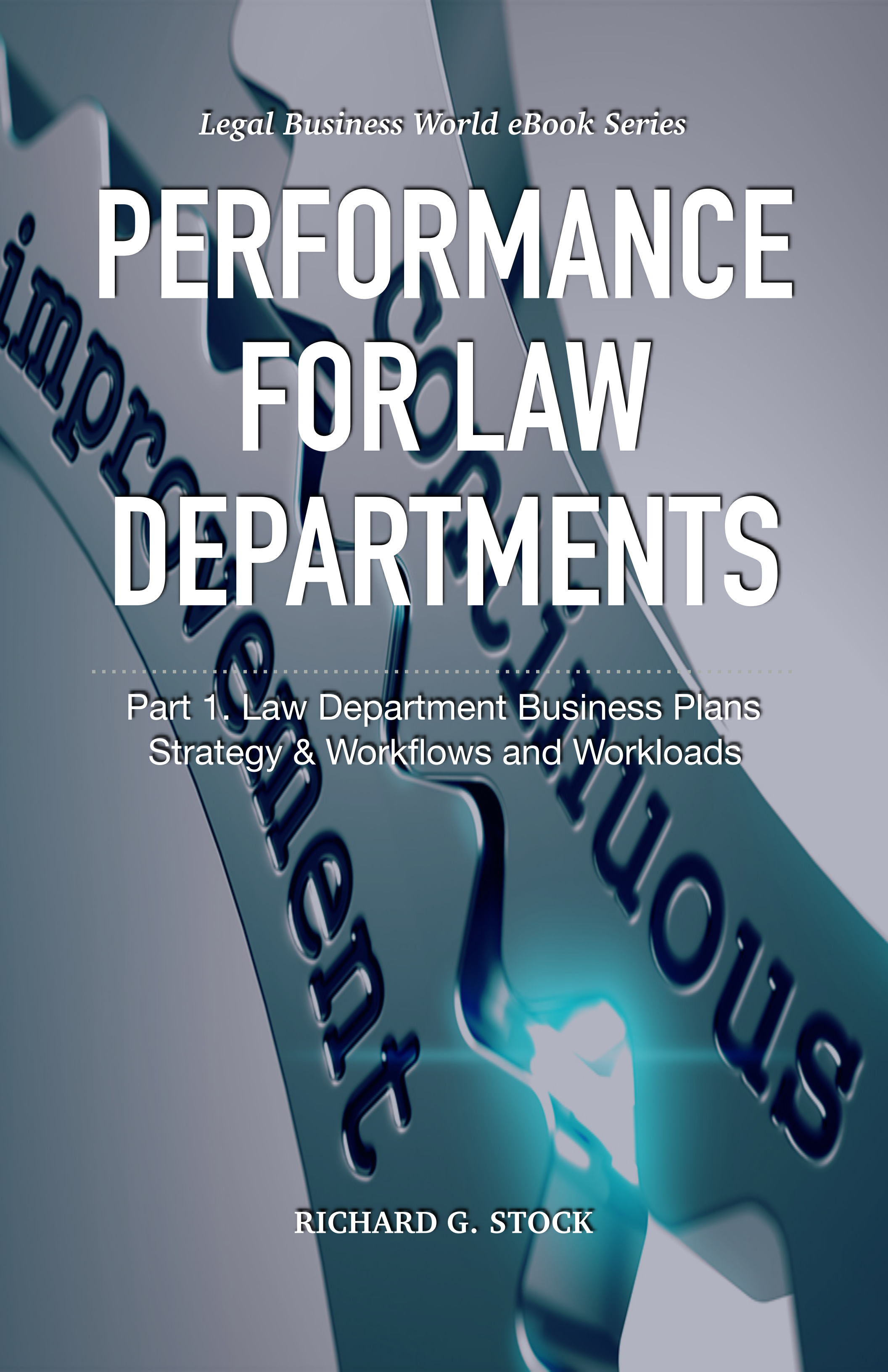

Legal Business World eBook Series

PERFORMANCE FOR LAW DEPARTMENTS

Part 1. Law Department Business Plans
Strategy & Workflows and Workloads

RICHARD G. STOCK

This is the first of 3 books based on the series ‘Performance for law departments’ by Richard G. Stock.

About the Author

Richard G. Stock, M.A., FCG, CMC is the founding partner of Catalyst Consulting. He has been working with lawyers for more than 35 years – first as a client representative, then as a legal executive with a national law firm, and now in his 29th year as a legal services management consultant. His practice is focused on corporate and government law departments. Consulting engagements cover the spectrum of business strategy, organizational issues, performance and the relationship with and the cost of working with law firms.

Richard is a frequent speaker at conferences and has published 500 articles. He has completed more than 500 consulting engagements for law departments, law firms and legal associations in Canada, the U.S., Australia and Europe since 1994.

Richard is a member of Canadian Association of Management Consultants, the Chartered Governance Institute of Canada, Buying Legal Council, and an associate member of the American Bar Association.

Richard is co-author of the “The Definitive Guide to Buying Legal Services“ and has created several videos about this book:

- What you need to know before buying legal services
- My favorite approach to pricing
- How to secure sponsorship when buying legal services
- This is the most effective approach to buying legal services

Richard is a serious cook. He combines this with a love of travel to the US, Europe, Australia and the Middle East.

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LAW DEPARTMENT BUSINESS PLANS STRATEGY

1. An Innovation Audit for the Law Department

It is never too late to innovate. Not every legal professional enthusiastically embraces “change management’ and corporate “transformation initiatives”. But “innovation” seems better aligned with the values and sub-culture of many law departments. In 2018, I wrote "Innovation as a Performance Indicator" [1] and in 2019 “Getting Traction for Innovation in the Legal Department” [2]

For ten years, the Association of Corporate Counsel has been recognizing dozens of law departments for all types of innovation with their Value Champions program. Other organizations have similar award programs. Still, like “excellence”, innovation can be elusive to define, time-consuming to isolate, and counter-intuitive in a risk-averse legal world. The practical benefits may not be readily apparent.

I believe that demonstrating the value of the law department depends on innovation. The General Counsel should be the "innovator-in-chief' of the department. Like Finance, HR and IT, law departments are enablers to get business done. Service to business units by law departments can be assessed with six factors:

1. understanding of objectives and expectations
2. responsiveness/communications
3. efficiency/process/management
4. predictable cost/budgeting skills
5. legal expertise at the correct levels
6. execution/results delivered

All of this resonates with corporate counsel and with professionals of all types. It is a good place to start thinking about innovation in the law department, but it does not quite pass the Specific, Measurable, Achievable, Results-Oriented, Time-limited test. Ehasoo & Sons (www.ehasoo.com), an Estonian consultancy focussed on innovation, conducts in-depth analyses of organizational blind spots and capabilities.

Their "audit" maps out the innovation challenges and risks that prevent an organization from achieving its full potential. Ehasoo customizes a variety of audits that can be applied at the law department level: assets and resources, communications and organizational knowledge, talent management, culture and leadership, and organization and structure.

Quite a few years ago, based on the work of E&Y's Mary Campbell and Andrew Collins "In Search of Innovation", I customized 45 survey questions that can serve as predictors and indicators of innovation for law departments. Innovation neutralizes boredom. It appeals to the problem-solving and creative dimensions in professionals. The survey / audit also tests for attitude – traits which are particularly valuable in mature organizations, at mid-career, and when times are hard in the market.

The survey questions were answered using a Likert scale:

1 2	3 4	5 6	7 8	9 10
Not applicable / Insufficient Information	Disagree	Ambivalent	Agree with a few qualifications	Totally Agree

Five categories were covered. A sampling of survey questions follows, and each is answered on the scale.

Vision and Culture

- The department's vision is clearly defined
- Bureaucracy does not constrain the department's workings
- A learning-organization mentality is embedded throughout the department's culture
- People are encouraged to think creatively and challenge the status quo

Passion

- Individuals are excited about their work and their colleagues
- Individuals are fiercely competitive yet support one another
- Individuals in the department are
- constantly seeking to establish connections and relationships
- The department has a track record of sharing information, resources and processes
- The best practices are captured, evaluated, and made available to other teams

Resource Commitment

- The department recognizes the importance of human capital, leverages individuals' skills, and works to cross-fertilize teams to increase innovation

- The department's structures and processes are constantly improving to ensure congruence with key success factors

Measurement and Reward Systems

- The department's leadership is tuned in to key success factors and monitors their performance

Consolidating the Survey Results

Consider the following 15 propositions to anchor innovation in the law department.

Innovation with Strategic Projects

- Typically, these are business unit projects with significant impact on the company and significant involvement of inhouse counsel.
- The choice of strategic project (s) should be one that is in the corporate or business unit annual plan
- The contribution of the law department is evaluated by the business unit using exceeds/meets/does not meet

Innovation for Capacity and Speed

Projects can include efficiency targets, dealing with backlogs, and changing work intake protocols.

- There is a detailed forecast of the annual demand for internal and external counsel for other than budget purposes

- Performance against the forecast is shared with the members of the law department and corporate leadership quarterly

Innovation for Organization and Resources

Projects can include the elimination of silos and solo practices, a paperless environment, and a reduction in administration time.

- There is a commitment to legal project management (LPM) and budgets for all matters over 50 hours
- LPM includes phases, tasks, assumptions, percentage certainty, optimal staffing, hours, and schedule
- Firms and inside counsel are proficient in LPM
- Firms and the law department have a financial incentive to achieve LPM success

Innovation with External Counsel

These projects can include extreme convergence of the law firm supply chain, performance and metrics applied to legal fees, and finding ways to have external counsel invested in the success of the company and the law department.

- There is a formal plan to eliminate hourly-based fees within 2 years
- The law department is highly proficient in alternative fee arrangements (AFAs).

- There is a financial incentive for firms to embrace alternative fee arrangements
- There is a target to reduce external spend by 20% from projected levels over the next 2 years

Innovative Leadership

Projects can include a focus on results over process, the acquisition of business competencies by internal counsel, and ensuring that the GC is available enough to the law department to drive the innovation agenda.

- Innovation should be the primary key performance indicator of the law department
- Each lawyer should have annual objectives aligned with specific business unit objective(s)
- Each lawyer should have formal leadership training.

Innovation in the law department is the key to "staying ahead of the curve" and getting business done.

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2. Law Department Condition - Getting by or Critical?

Since March 2020, the global economy has been transformed not to say stressed. The nature continues to change. Companies are making structural, operating and financial adjustments in response to economic realities. Employees are feeling vulnerable.

Law departments in every setting must adjust their priorities, practices and resources. Better to do so in anticipation of change rather than as a defensive reaction to change. Law departments have come into their own over the last 25 years. Internal clients are used to having them around--as part of the fabric of the company. But are they nimble enough? Are they goaltenders or on the front line seeking out ways to add value? In too many cases, the law department is getting by and too “comfortable” with what it is doing and how it is doing it.

It has been nearly 20 years since two dozen GCs gathered in New York City to set out what they then considered to be the Critical Success Factors (CSFs) for a progressive law department. Their 17 CSFs were anchored by 52 constituent elements or statements. Although the factors and elements now need some updating, they are still relevant. Tough economic times and difficult working environments challenge the Chief Legal Officer to ensure that the business plan for the law department is up to the test.

There are 6 CSFs that I believe are particularly relevant to legal leadership. The factors are equally important and worth considering along with their supporting elements. Each CSF should be assessed for compliance on a 10-point scale by scoring its constituent elements. My report card follows all the while finding law departments that demonstrate exceptional performance on all factors.
CSF—A trusting and effective working relationship with the CEO, executive officers and clients.

There are five elements or statements in support of this CSF:

1. The CLO has frequent dialogue with the CEO Executive officers are briefed on the steps the law department is taking to align itself with company objectives and business.
2. The CLO creates opportunities for lawyers to work with executive officers
3. The CLO monitors the quality of the relationships between lawyers and executive clients
4. Client satisfaction surveys are conducted

5. The highest mark is awarded for monitoring working relationships with executive clients. Client surveys are conducted by fewer than half of law departments and this is done on an irregular basis. The other elements of this CSF are informal at best and rarely documented. In summary, law departments are much too passive in managing internal relationships. They must make the time to plan and do so. In general, I would not assign today's law departments a higher score than 4 for this critical success factor.

CSF—There exists an effective strategy for integrating lawyers with client/user management teams.

Four elements support this CSF:

1. Significant business unit management teams include a lawyer as a participating member
2. Lawyers have a formalized role in new product development processes
3. Lawyers review and contribute to annual business plans
4. Legal teams review major policy decisions before they are announced

Law departments score better on this factor than when I conducted a similar analysis nine years ago. Increasingly, business units have in-house counsel attend their meetings and review major policy decisions. However, law departments are seldom called upon to contribute to business unit annual plans on a systematic basis. The main barrier is the limited availability of in-house counsel for other than urgent legal work. Overall, law departments deserve no more than 6 out of 10.

CSF—The annual and long-range plans of the law department are closely aligned with corporate objectives.

Three elements anchor this CSF:

1. Written annual and long-range plans with objectives are explicitly linked to corporate objectives
2. Evidence exists that the legal team works with clients to identify a joint long-range plan
3. The assumptions about legal issues driving the business environment are identified in the plan

Most law departments have written annual plans. But fewer than 20% of departments have written long-range plans for the law department and only some of their objectives are closely aligned with corporate objectives. Planning assumptions are rarely documented and are not supported by multi-year forecasting of the demand for legal services expressed by volume, type and complexity.

Law departments do complete corporate planning forms but remain poorly aligned and reactive in deploying their resources---deserving only 5 out of 10.

CSF—The law department has effective budgeting processes and financial reporting systems in place.

There are three elements:

1. There is agreement on a comprehensive reporting format for financial reporting by the law department to its clients
2. Procedures and systems are in place for the law department and external counsel to collaborate on budget management
3. Clients monitor legal spending and provide input Few law departments record time by matter and clients, and I do not suggest that they begin to do so.

Even without this law firm type of tracking, quarterly reporting to business units about the level and type of activity and the legal resources to support them seldom occurs. Fifteen years on, and legal project management and budgeting with external counsel remain in their infancy. Overall, law departments deserve a score of only 3 out of 10 for failing to apply budgeting methodologies to complex matters and for not moving beyond discounted hourly rates with external counsel.

CSF—There is a strategic sourcing approach to external counsel retention and management.

Two elements are sufficient for this factor, given the hard-wired and relationship-based nature of law departments with external counsel:

1. The law department retains external counsel based on strategic alliances, competitive bidding and performance evaluations aligned with core competencies used to evaluate inside counsel
2. Billing data is used to identify and reinforce use of best practices

CLOs prefer to avoid competitive processes to retain external counsel. Despite new competencies available in some procurement departments for sourcing professional services, they are not at ease with preparing specifications, drafting RFPs, introducing non-hourly fees as the dominant form of billing, promoting project management, and negotiating with preferred counsel. This is in part because they fail to examine billing data, to intervene in law firm business practices, and to make the time to do so. There is now more rigor when sourcing professional services in banking, most levels of government, and for some corporations. However, even with these, there is precious little innovation and risk/reward sharing with multi-year partnering agreements. On the average, law departments receive 5 points for this factor.

CSF—Professional development initiatives are focused on current and future core competency requirements.

Four elements are in play:

1. Development is focused on core competencies for lawyers and paralegals
2. Future talent requirements are forecast
3. Career path plans and management/leadership skills development tracks exist
4. There is multi-source feedback on individual performance

Public companies and most levels of government benefit from strong HR support for this factor. This is less true in other settings. Core competencies for counsel are not identified by experience level. Law department demographics are poorly aligned with work type and complexity. Multi-source feedback, especially client feedback, tends to be of the "walk-about" variety. Best practices warranting a perfect score of 10 can be found in some law departments.

But most CLOs do not invest enough time to develop their own competencies and those of the law department team, defaulting instead to a "survival of the fittest" form of professional development. The score is 5 for this factor.

With scores like these, the condition of many law departments is unremarkable if not "critical". There is much work to be done in 2022 and beyond.

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3. UK Expert Perspectives

From time to time, I find it useful and interesting to stand back and have a look at what others are doing to improve the effectiveness, efficiency, and pricing of legal services. I invited five UK-based professionals to send along a few thoughts about their "state of the art".

Mark Ford (mark.ford@uk.ey.com) is an Associate Partner and Global Law Knowledge Leader for E&Y based in London. He recently joined the firm from Echo Legal, a document automation specialist, to lead the legal knowledge management function and support the organization in its goal to create the world's leading enterprise legal services business. With more than 3,500 legal professionals in 94 countries, there is much for Mark and the team to do. At a strategic level, his focus is on three primary areas:

1. content – to create, collect and curate market-leading content for legal professionals to use in serving clients
2. systems – to build powerful yet user-friendly repositories to put this knowhow at users' fingertips as and when they need it, and

3. culture – to create a strong knowledge culture to ensure that every member of the organization is participating in the program.

Although knowledge management has existed in the legal space for decades, the explosion in technology in recent years has transformed the discipline – from its origins as a paper-based library function into one that can leverage the expertise of hundreds of professionals and is helping transform the delivery of legal services. An effective knowledge management from the "big data" that they hold. One day, even law firms may finally "know what they know".

Nick Williams (www.proximagroup/com) as until recently a Principal Consultant with Proxima in London and will soon move to Santander UK as its Director of Procurement for Professional Services. Nick has observed that the way in which procurement departments support in-house legal teams has really improved over the past 10 years and that this is very encouraging. Different factors will continue to influence the degree of success when buying of legal services. Competitiveness means that law firms bidding for legal work are more confident about their offerings and bring forth new ideas with more collaboration on projects.

Openness is becoming fashionable – and the willingness of both lawyer and buyer to operate together to build better solutions. This work is vital for all parties to the discussion. Overcoming long-established obstacles between the two professions allows each to contribute to joint objectives so that results can be achieved.

Technology has gotten better, and automation is now helping lawyers to become more efficient and buyers to reduce cost. A solid understanding of the different types of work done by internal and external legal teams is now supporting more robust design/build/operate/maintain models, in many ways heightened by the pandemic-enforced lockdowns that have shown the art of the possible in remote working.

Greater complexity in law and commerce is driving a need for simplification and there is greater desire to understand how things work and how they can deliver better joint value, with more measures given to areas apart from pricing and rates.

Procurement tools, techniques, tenders, databases, and assessment criteria are becoming more refined and more sophisticated, helping drive legal teams' and law firms' thinking and contracting approaches. More go-ahead General Counsel are taking better internal business advice and are at last contributing real numbers to tougher savings and cost reduction targets.

By acting as facilitators, procurement specialists can bring change when lawyers find it too challenging to separate the risk from the readies.

Ian Gray (ian.Gray@eversheds-sutherland.com) is an Executive Partner at Eversheds Sutherland, responsible for client relationships across 34 countries, a member of the Global Executive and also Chairman of Eversheds Sutherland Europe.

Over the last 10 years, Ian has seen a great deal of innovation in the establishment of new external counsel arrangements. Going back even further, the firm worked alongside Tyco as it reduced from 260 firms around the world to one. A number of high-profile organisations followed a similar direction, with Avis Budget winning awards for transformation which included reducing law firms around the world from 700 to seven; and Turkish Airlines entering into an innovative arrangement with a fixed fee for all work globally spread out over a number of years.

Ian thinks that such arrangements were designed to change the way in which corporate counsel and their law firms worked in the past. Many other large companies have followed suit, significantly decreasing the number of law firms with which they engage, striving for efficiencies, administrative ease and value for money. Things continue to evolve, with increasing emphasis now on trust in the law firm and its values, behaviours and culture says Ian.

Stuart Dodds (www.positivepricing.com) co-founded Positive Pricing 5 years ago. Positive Pricing has advised many leading law firms across the globe. Encouragingly, one of the key themes it has witnessed and supported over the last few years has been a greater focus on how law firms can more clearly create, demonstrate, and communicate their value to their clients.

A clear benefit of providing law firm clients with more choice to determine the right solution for them at that point in time – for example whether the focus should be on immediate solution, cost efficiency, or an opportunity to mitigate future cost down the line. Although the focus of these efforts has been primarily on partners within the firms they work for, many are also now beginning to extend this type of thinking and training to senior associates and other key professional staff as part of more structured training programs or other pricing-related initiatives. Each will help law firms serve their clients better.

Any pricing-related initiative within a law firm, or indeed arguably any firm, must ensure that the initiative clearly aligns to the culture of the organisation. Firm culture is often not fully considered when implementing such programs, yet cultural considerations are critical. Firm culture affects the approach taken to developing pricing policy, pricing governance and the associated approvals, metrics and financial indicators adopted and communicated, the level of entrepreneurialism or flexibility permitted within the firm itself, and even the method, audience and frequency of training delivered. Cultural considerations have become even more apparent during the last 12 to 18 months during the pandemic where firms have had to consider how to serve their clients more consistently and appropriately, and what latitude or otherwise to allow their partners when determining commercial agreements.

Stuart’s experience with Positive Pricing, and as a pricing specialist for Linklaters and Baker McKenzie, is at the heart of his firm’s approach to its work. He believes that what ultimately drives successful pricing initiatives, regardless of firm, is aligning the initiative to firm culture, recognising that there are many different paths to pricing success, and doing so in a clearly structured yet incremental fashion allowing the 'new behaviours' to be consolidated, refined, and more easily adopted.

One clear example of this in the last 12 to 18 months has been the rise of retainer or subscription-based arrangements, these often being instigated by law firms but also importantly and encouragingly by their clients as a means of improving predictability of legal spend, improving service delivery outcomes, and providing an opportunity to develop and create more value to both organisations. For a number of law firms and their clients, these types of arrangements are already well in place and on the second or even third iteration, as is a trend that Stuart is sure many will follow.

Deborah Watson (www.cooteogrady.com) is a Partner and Head of Marketing with UK-based Coote O'Grady. This firm provides legal spend management solutions that include invoice review, legal panel management, and consulting on the full range of legal spend management issues. Coote O’Grady provides a unique human-led service that is supervised by qualified lawyers capturing real cost savings that could be missed by automated systems. The firm enables its clients to continuously save money while allowing in-house lawyers to focus on high-value, strategic tasks rather than administration. And most importantly, the Coote O’Grady team is always mindful to support the relationship between in-house legal teams and their law firms.

There has been much debate on the true solutions to reducing external counsel spend and whether reducing law firm numbers is the solution. Coote O’Grady suggests that the best approach is the more complex one of finding the right law firms, in the right locations, with the right expertise even if this means increasing the number of law firms. With the right expertise, increased visibility of legal spend, and access to legal spend analytics, the value of the law firms can be truly assessed, and real choices can be made about the results to be delivered.

Coote O'Grady's co-founder, Stacey Coote, suggests that he often encounters a range of problems with organisations concentrating spend with too few firms. These have included hefty price increases, less flexibility on cost reduction, reluctance to follow billing guidelines, speed of response, and deviations in quality.

As a legal services management consultant for close to 30 years, I encourage and applaud the fresh thinking and work that Mark, Nick, Ian, Stuart, and Deborah have shared with me. I look forward to chronicling developments again and sharing progressive business practices in future articles.


EXPERT
PERSPECTIVES

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4. Adaptable and Resilient Law Departments Add Value

In October, I had the opportunity to interview six Chief Legal Officers about the current state of their law departments and about the outlook for the next six months. Approximately 70% of non-government law departments in Canada have 5 or fewer lawyers. So, I chose from this cross-section while tapping into six different industries - pipelines, office and business supplies, publishing, food, architectural/engineering design, and a currency foreign exchange company.

My usual categories of inquiry covered workflows and workloads, the relationship of the law department with business units, law department resources, performance, and the relative use of external counsel.

Rob Van Walleghem is Vice-President and General Counsel with Calgary's Trans Mountain, the company now twinning the pipeline from Edmonton to the Pacific coast. Not without controversy, the project should be completed by the end of 2022. The relationships between the law department and the business units are strong. As a member of the company's executive team, as well as its

Corporate Secretary, Rob has been going into the office since July. The remainder of the workforce has been at 30 % capacity (Phase 1) and is now moving to Phase 2 – always subject to developments in public health.

Workflows are constant and the legal team has managed well. But Rob remarked that there is a lack of distinction between the office and home when working remotely. It is a challenge to ensure that the amount of work done at home is not excessive. While there has been no need to refer overflow work to external counsel, there is no reduction in the assignment of the usual matters to firms. Finally, there have been no metrics applied specifically to the law department this year. Instead, health and safety for members of the law department has been a primary focus.

Shari Hosaki is Vice-President, General Counsel and Corporate Secretary with Toronto-based Harper Collins-Harlequin Canada, a publishing house owned by NewsCorp. Her team of lawyers and contract administrators supports transactions for the editorial groups, oversees copyrights and trademarks, and manages libel cases when they arise - Mary Trump's book with another publisher being a case in point. Shari explained how the COVID-19 environment greatly accelerated the use of technology in the law department, in dealing with both business units and authors and entirely replacing paper and couriers. Legal will continue working from home until the end of October. Like the Trans Mountain team, the law department needs to be more disciplined about managing its work volumes and its practice habits to better ensure everyone's well-being. Reliance on external counsel continues to be selective and specialized.

Harper Collins-Harlequin's publishing business is also changing because of the pandemic. Of note, there are more audio books, e-books, and direct on-line sales. Privacy and data security have also made a call on the company's legal resources.

Joel Levesque is McDonalds Canada's Vice-President and General Counsel. The legal team is collegial and focuses on real estate, franchising, commercial contracts, advertising, relationships with suppliers, and the full range of human resource issues affecting its almost 10 000 employees in Canada. Joel explained that being part of a global company allows McDonalds Canada to learn from its other markets during the pandemic and customize its 2020 business plan for Canada. It then seemed practical to move to a recovery mode after three months. Business planning for 2021 is now well underway.

Webex and other communication technologies have been used extensively. IT and digital technologies are playing a greater role. It is expected that there will be more work for the law department in the new business model, all the while respecting the principles of safety for employees and clients. External counsel will see more work in certain categories, such as leased sites.

The IBI Group is a Toronto-based global architectural, engineering, planning, design and technology firm focused on the cities of tomorrow. Steven Kresak is General Counsel and Corporate Secretary. There has been an increase in the legal work to support contract negotiations and it is anticipated that the new level of work will continue for the foreseeable future.

Steve explained that the initiatives making up its 2020 business plan were paused from April to July, when business as usual resumed. Relationships with business units around the world have been very positive. The IBI Group plans on being more selective in assigning claims-related work to external counsel. Like many other companies, the pandemic has created a host of employment law issues.

Alice Abbott is Global General Counsel with Associated Foreign Exchange (AFEX), a Toronto-based provider of global payment and risk management solutions for currency drafts, wire transfers and risk management tools – for its corporate clients. Fleetcor is listed on the S&P 500 and recently announced its acquisition of AFEX, a transaction that should close in early 2021.

Alice has one member of her legal team based in Sydney, Australia while the rest are in Toronto. There has been no change in the regular workflow or workloads for the law department but Alice's personal focus has been on the closing the deal with Fleetcor. Managing expectations with business units has been especially demanding, with workdays regularly exceeding 12 hours. Part of this is explained by the need to support clients on five continents and 24 time zones.

As General Counsel of Staples Canada, Terrie-Lynne Devonish's law department has been active 7 days a week. With 10,000 employees across the country, activity since March has extended from how best to open up safely to managing supply chains, special projects, and the development of new business.

Terrie explained that access to remote technologies was already in place across the company, allowing the legal team to easily work from home.

It even made a secondment based in Edmonton for the Toronto-headquartered law department entirely practical. There has not been much change in the amount and type of use of external counsel.

The six GCs and their legal teams have been resilient and adaptable with an increased focus on getting business done in an unprecedented work environment. It is easier to appreciate the value of each law department, regardless of its size and industry sector.

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5. *The Effective Law Department*

General Counsel and their Directors of Legal Operations should spend more of their time managing legal services than they do today. Doing so is a pre-requisite for law departments that are more effective and are strategic contributors. Productivity, efficiency and the cost of counsel are important, but invariably trap legal services in a no-win conversation about being "part of the overhead". On the other hand, innovation, delivering results, and being a strategic contributor to the organization are hallmarks of leading law departments. There are six basic ingredients in the recipe for success.

The first is to have a comprehensive business plan in place for the law department. Every department has a mission statement, roles and responsibilities, and an annual budget – the equivalent of a constitution and a budget for a country. Moreover, inhouse counsel typically have specific objectives in their annual personal development plans. However, fewer than 25 % of the law departments develop and maintain comprehensive annual business plans today that connect personal objectives to corporate plans.

The best ones itemize major projects for the year, are based on a forecast of the demand from business units, feature some innovation in legal services delivery, and explain how the costs of internal and external counsel will be managed. Corporate leadership should approve the business plan. Members of the law department should know the details and receive quarterly performance reports against the plan. Balanced scorecard formats are useful templates for law department business plans.

Secondly, leading law departments assemble a reliable forecast of the demand for legal services that is based on corporate and business unit plans. It should detail the type, complexity level, volume (hours) and timing of legal work for one and possibly three years. It should be clear what part of this demand will be met by the law department and by law firms. Legal leadership can then adjust work intake and allocation practices to minimize the usual “you should have called me earlier” complaints about business units. Adaptability and stamina in handling legal work as it comes in the door are not enough to make the law department a strategic business contributor. The demand forecast should be embedded in the law department’s business plan.

Over the years, dozens of in-house counsel have explained that they are less stressed by heavy workloads than they are about the lack of control over when the work comes in.

Workflow issues are more disruptive and stressful than workloads. Paradoxically, not having enough to do is more stressful than having too much on the table. Still, a good measure of predictability for work takes the improvisation out of the equation for transactions, regulatory matters, and disputes. Law departments need clear guidelines about when business units “should” call legal, when they ”may” call legal and when they “need not” call legal. Far too many companies say that anyone in the company can call the legal department Some guidelines and legal resource management plans agreed by business units identify and restrict who can call legal. Our studies reveal that as many as 70 % of the individuals contacting the law department are very occasional consumers of legal services and often poorly prepared to ask for and receive legal services. The business plan should include a program on how to reduce business unit dependency on the law department.

The nature and pace of business changes faster than the static resources of law departments can anticipate and adjust. The organization and resources of a good many departments seem like a collection of solo practitioners or perhaps a captive law firm within the company. Because work intake protocols tend to be weak, one often finds that experienced in-house counsel spend up to 60 % of their time on routine or non-complex work with the average duration of a matter less than 2 hours over several days. This makes it difficult to take on team-based, strategically valuable matters and projects for the company. Few law departments have “junior” lawyers to whom they can delegate. Legal services technology is the new leverage that has begun to make legal assistants, paralegals, and entry-level lawyers redundant in some law departments and law firms. Legal leadership needs to re-think its legal organization and resources. Law firms committed to “getting off the clock” should provide advice to General Counsel and Directors of Legal Operations on how best to do this.

The choice of a company’s primary law firms should be reviewed every five years. People, technology and business requirements change. Unsurprisingly, the cost of external counsel is important but still a secondary consideration when retaining a law firm. Expertise, service delivery, knowledge of the industry sector and relationships matter more. Law firms are not early adopters of technology to improve efficiency and service delivery, regardless of the number of innovation awards available. Progressive law departments look for innovation in service delivery and predictable costs of counsel. Companies can go much further in using non-hourly fee arrangements to share risks and rewards and to stimulate innovation and efficiency in the law firm. More than 80 % of legal work is still paid with some variation of an hourly fee. Companies should look for firms that have the capacity to manage supply chains of other law firms and legal service providers on a national and global basis. The savings of time, money and systems are substantial.

Few in-house counsel like metrics. They rarely seem to fit well. However, the right metrics will drive behaviours, priorities and the allocation of resources. Four key performance indicators are sufficient and should be embedded in the law department's business plan. These are strategic impact on the company and its business units, results for the legal team and external counsel, knowledge transfer from legal counsel to business units as one way to reduce dependency on the law department, and cost reduction for internal and external legal services as a ratio of the company's revenues. It is worth adding that innovation is essential for strategic impact, business results, knowledge transfer and cost reduction. In the end, legal leadership is responsible for the law department's business plan, demand forecasting, workflows and workloads, organization and resources, the cost-effective use of external counsel, and performance that matters to the company and the people in it

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6. Getting Traction for Innovation in the Legal Department

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

I recently attended the National Conference of the Canadian Corporate Counsel Association. Unsurprisingly, there were several sessions that dealt with some aspect of innovation in legal services. Titles like “Innovation Reality Check: Measuring What is Real and Important to Your Organization”, “Innovation and Efficiency: Tales from the In-House Counsel Trenches”, and “Managing Uncertainty: Tools to Implement Your Innovation Idea”. It is often the case with panels that some presentations are better than others.

Mark Leblanc, the General Counsel of TV Ontario, described the transition of his organization from broadcaster to digital company. While other speakers focused on the technology aspects of innovation, Leblanc was quick to point out that most of the innovation was in processes rather than technology. It becomes important to engage employees in the change and transformation processes. Freidrich Blase, the Executive-in-Residence at Ryerson University's Legal Innovation Zone, agreed, first by observing that Requests for Proposals for the application of technology to legal services are usually too broad and need to be simpler. Like Leblanc, he believes that processes and the resources to run the technology are pre-requisites.

Corporate law departments will wait a long time for their IT departments or their Strategic Sourcing departments to write technology specifications that fit the bill. Yet, there are few lawyers with the skills, let alone the time, to contribute to the acquisition of technologies like matter management systems or artificial intelligence applications that lighten the load of individual lawyers for document analysis and drafting. A few years ago, then Boston-based Casey Flaherty developed a 10-part technology literacy test for law firms and lawyers. Law departments were then able to compare the scores of their preferred law firms and then decide where to allocate work cost-effectively.

In the spirit of "what gets measured gets done," I asked one conference participant whether changing the compensation architecture of in-house counsel would focus and accelerate innovation in legal services. As an example, I inquired whether it would be possible to allocate 15 % of earnable compensation to successful innovation. Thinking that innovation meant technology, the response was "certainly not more than 1% or 2%."

Approaching innovation more broadly, in the sense that it could include new processes or increased proficiency in certain skills or in making clients more self-sufficient and less dependent on the law department, then yes – compensation of in-house counsel for successful innovation begins to make sense. No doubt, lawyers do substantively excellent legal work and are under continuous pressure to turn around advice and documents. Yesterday is never soon enough. Hard to innovate with work backlogs and interruptions from all quarters. Better to start with three or four changes that have immediate impact and that do not rely on technology to implement.

As part of regular interviews of in-house counsel, I ask:

- What percentage of your files in a year require 5 or fewer hours, 6 – 25 hours or more than 25 hours to complete?
- Who is allowed to contact the law department? Are there restrictions?
- How many individuals in the company, as opposed to business units, account for 80 % of your work each year?

- Is there a written policy in the company that stipulates "When to Call Your Lawyer"?
- How many hours do you work each week?
- How long is your backlog of work?

After reviewing workflow and workload data with more than 40 law departments in recent years, I have found that senior in-house counsel can spend up to 70 % of their time on matters (read non-complex) that require less than 25 hours, that most law departments have no restrictions on who can call Legal, and no written guidance on when to call and not call, Legal. Our studies reveal that work weeks average 50 hours, especially in smaller law departments, but that the backlog of work that can be achieved without further client or other input averages 3 days.

Imagine if more clients were more self-sufficient, that guidance on when to call Legal was explicit, and that counsel would not spend more than 25 % of their time on matters requiring fewer than 25 hours. There would be more time to innovate, to help clients with business solutions, and to be faced with professional challenges throughout a 30-year career. Innovation in legal services can take many forms and does not have to be complicated.

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WORKFLOWS AND WORKLOADS

1. Priorities and Backlogs?

Inside counsel always have more than enough work to do. In contrast to how law firms arrange the distribution of work to associates and paralegals, corporate counsel usually do more than 90 % of the work on a given matter, regardless of its complexity and regardless of the experience level of the lawyer doing the work. There are rarely any “juniors” to whom matters and tasks can be assigned. In addition, law departments underuse their legal assistants and do not have enough experienced paralegals.

One can characterize this type of law department as a collection of “solo practitioners”. There is invariably a poor alignment of lawyer knowledge and skill levels with the relative complexity of the legal work. Otherwise put, lawyers with 10 years of experience will too often find themselves more than half of the time doing work that could be done by a third-year lawyer or a paralegal. There is no one to delegate to, a problem made worse in recent years as the average experience level of the law department increases.

While the cost of doing legal work by a law department is less than 45% of what it would be if referred to a law firm, this is still no justification for a law department practice profile that would never be viable in a law firm. Moreover, once the novelty of diverse work wears off – think five years - boredom sets in and inside counsel never reach their full potential. All of this happens while clients say that their work is “stuck in legal”. What can and should be done?

Most law departments do not keep time. So, trying to find out how many individual clients there are, what type and how many matters are worked on in a year, and how many hours are required for each type of work requires a two-step approach. It is essential to develop an accurate picture of how and where legal resources are deployed by the law department. Some basic data needs to be assembled. Without it, changing work intake and allocation practices, dealing with backlogs, and improving the cost-effectiveness of the legal department in a measurable fashion is no better than “moving the deck chairs around”.

The first step is to uncover how the legal department’s legal resources are really deployed. Each lawyer and paralegal is asked to complete a spreadsheet showing each major client group on the horizontal axis and the areas of law or type of legal work on the vertical axis. The allocation of time for the last 12 months is expressed as a percentage rather than in hours so that the total, including administration and practice management time, adds up to 100%. By compiling all the responses, the General Counsel can see, for example, how much commercial work is required by the sales department.

The second step is to determine the number and relative complexity of matters handled by the department. Again, department members are asked to look back over 12 months and allocate their client time in two ways. First, they estimate the number of matters that they worked on, based on a common definition of "legal matter" - similar to what is used in a law firm

A large project lasting for months may be only one matter, while a series of one-off inquiries from clients may reflect a just-in-time advisory practice. Examining e-mail traffic for a one-month period helps to paint the picture.

The next part of this step is to classify matters according to the amount of time spent on them. Three choices are typically offered: '0 – 5 hours' per matter, '6 – 25 hours', and 'over 25 hours'. Once that is done, the total time worked in each category is calculated for the 12-month reference period. One result for a lawyer might show that 65% of the year is spent on 100 matters in the 6 – 25-hour category. With 1 900 hours available for legal work in a year, matters in this range would require an average of 12.3 hours to complete.

Some surveys have shown a 5-member department spending 30% of its time on 2000 matters per year averaging less than 1.5 hours each. This type of practice profile, while useful as a form of operational support for clients, is not a cost-effective use of experienced counsel.

The third step in data-gathering is to understand the amount of interaction with client representatives in the company. Lawyers and paralegals are asked to provide the number of occasional and regular clients according to the amount of legal support needed: 0 – 25 hours per year, 26 – 50 hours, 51 – 150 hours, 151 – 500 hours and more than 500 hours. Keeping in mind that a client using 3 hours per week is using 150 hours per year or 6% of a lawyer's available time, one understands why many legal departments will have 75 – 100 clients using 20 % of the resources, an average of 1 to 1.5 hours per client per month, while the remaining 80 % of practice time is spent with a handful of clients. Occasional users of the law department are the majority. They are not really experienced on how to properly use a limited resource. Inside counsel are reluctant to limit access, saying it is the cost of doing business. Again, this is not a cost-effective allocation of legal resources. Open-door policies disguised as a risk management practices are gradually being replaced by explicit protocols for work intake and allocation.

With data in hand, General Counsel can shift resources away from one client department to another, limit the number and types of routine matters worked on by each lawyer and paralegal, and eliminate access for most occasional users of the law department. Priorities become much clearer at the individual lawyer and department levels while backlogs are held to an acceptable service standard.

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2. Allocate Time Strategically in 2021

Six years ago, the December 20th issue of The Economist featured a piece that asked the question "Why is Everyone So Busy?", sub-titled in search of lost time. The article was thoughtful yet frustrating because it did not offer any real solution. There is no path to balance, it seemed. This is doubly so now that so many in-house counsel are working from home.

As the article explains, "Once hours are financially quantified, people worry more about wasting, saving or using them profitably." Indeed, University of Toronto researchers found those who are paid by the hour tend to feel more "antsy" when they are not working. Of course, lawyers are not paid by the hour, but they do bill by the hour, and that culture influences how in-house counsel value their own time (since most have spent a few years at a firm).

And then there is the matter of overall compensation. Research has found that when people are paid more to work, they tend to work longer hours. Well, aside from the most recent recession, hourly rates and compensation for lawyers in private practice have continued to rise. So that should tell you something about a lawyer's work/life balance.

Time-management practices in the legal industry do vary from place to place, however. Over the past 18 months, I have spent 80 per cent of my time working for US and European clients, and I have observed significant differences. Even within the United States – from Seattle to Nashville to mid-town Manhattan – I detected important variations in work volumes and habits.

The overall number of hours worked, for instance, is higher in the US than in Canada. A Harvard Business School survey of 1,000 professionals found that 94 per cent worked at least 50 hours per week, and that almost half worked more than 65 hours. The Economist noted that "60% of those who use smartphones are connected to work for 13.5 or more hours per day." The Altman Weil 2020 Chief Legal Officer Flash Survey (contact info@altmanweil.com for reprint) reported that the pandemic has increased the length of the workday by an average of 10%.

To some extent, this can be explained by vacation entitlement and statutory holidays, which are more generous in Canada. The Glass Door Consultancy reported that the average US professional or manager "takes only half of what is allocated, and 15% don't take any holidays at all."

We have conducted at least ten studies on workloads and workflows for clients over the past decade. The data show that the length of the workweek had indeed increased by 10 per cent during this pre-covid period. But the real story emerges in the interviews with in-house counsel and their clients.

Work-related stress is driven by work flows and not workloads. Most departments have no protocol for who can call on the law department, and when they should do so. Access is unrestricted and available 24/7. Responses are expected within one business day or less, regardless of the significance of the matter.

An analysis of the type of work and the source of the requests shows that many departments will dedicate 80 per cent of their resources to 20 per cent of their clients. The remaining 80 per cent of clients can become much more self-sufficient with increased training, standard form documentation and more explicit protocols for access to the law department. Productivity gains approaching 10 per cent can be achieved for most law departments using this multi-faceted approach.

Further analysis reveals that 40 per cent of the work done for core clients is still routine, and typically takes less than five hours per matter to complete. The average is 1.5 hours per matter. Indeed, one is hard-pressed to find a law department with more than 30 per cent of its resources allocated to complex work. That makes it hard for a corporate law department to make a significant and strategic contribution.

GCs cannot hold back the tides of demand for services from the law department. However, there are three things they must do to improve the productivity and value of their limited resources.

First, they should have an accurate and current picture of the demand for services. The type, complexity, frequency and source of work should be detailed for each lawyer and paralegal.

Second, they should introduce client training and work intake protocols designed to reduce the amount of routine work by 50 per cent and the number of occasional users by 75 per cent, with a view to generating 10 per cent more capacity in the law department. And third, the practice-management habits of each department member should be examined, with particular attention to an over-reliance on paper and to poor email management habits. Three GCs recently told me that the pandemic has greatly accelerated the move away from paper-based systems in their law departments. Only then can a law department ensure that it is both efficient and effective. The challenge is to increase its strategic impact not its stamina in 2021 so that "business gets done".

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3. Three Principles for Work Intake Post Covid-19

Some years ago, I attended a series of conferences to meet individually with US chief legal officers. As a legal management consultant, my goal was to identify the primary management challenges faced by each CLO. My last set of meetings in Tucson covered a broad range of industry sectors: renewable energy, insurance, auto manufacturing, cement producers, pet food, national restaurant chains, cloud hosting and camping equipment. All of the companies, however, drew annual revenue in excess of $1 billion.

Of my 15 meetings, six were with foreign-owned companies. At least eight had business plans for significant expansion in Asia-Pacific. Before Covid-19, many economies were doing well overall, but this was not the case for every region and industry sector. It is time to conduct another assessment and perhaps revise my observations 5 years on.

Our conversations at the time focused on four sets of challenges: business plans and metrics; workflows and workloads; the organization and resources of the law department; and the costs of and relationships with external counsel. Three-quarters of the CLOs faced “internal” challenges. Aside from the demand for legal services, there was increasing pressure to measure and demonstrate the value of the law department. Typically, either the law department was overwhelmed, or it was on the defensive failing to meet expectations. Only four of the 15 companies saw a priority to reduce the cost of external counsel in the next year. My revised forecast for 2020-2021 is that law departments will experience less pressure to demonstrate their value but much more pressure to reduce internal and external legal spend over the next 18 months.

I also observed that the law departments which seemed stressed about workloads and inadequate resources had little hard evidence – aside from a 55- to 60-hour work week – to support this contention. They had no data about the number of matters, the level of complexity of the work, cycle times and backlogs, and the practice-management habits of individual lawyers. Typically, most law departments were staffed with 80 per cent of the lawyers with at least 10 years of experience. Lawyers personally worked 95 per cent of the hours on matters with no opportunity for delegation. There were very few entry-level lawyers and only the occasional paralegal. Otherwise put, departments were poorly leveraged.

The demographics in 2020 show that the average experience levels in law departments have increased compared to 2015. This translates to at least 50 per cent of the work requiring significantly less than the experience level applied to it. This continues to be a common affliction in law departments everywhere.

In such cases, CLOs too quickly look for more resources. But most are unable to present a credible business case for additional resources. They do not have the data or the experience to prepare and argue the case. Added to this is the pressure for coverage in new jurisdictions — mostly in China, Mexico and South America.

Too often, the default solution – a very expensive one – is to retain external counsel to cover the outfield for the company. The post-covid business environment will require compelling arguments for additional legal resources. This will prove doubly difficult for litigation and other forms of dispute.

None of the companies I met had introduced a program to reduce the amount of routine legal work that they did as well as the dependency of internal clients on the law department. Over time, the layers of work piled on and interruptions multiplied. For some CLOs, it is a real stretch to capture and communicate the value of the legal team in non-financial terms. While CLOs are appreciated by the company's leadership, they fall short of making a compelling argument to change workflows, workloads, and resources. My sense is that law departments will tighten their work intake criteria significantly over the next 18 months.

There are three principles to keep in mind when designing intake criteria. The first is to demonstrate that productivity improvements have been made in the law department. These should take the form of radically reducing the demand for routine work, introducing protocols to qualify who can call the law department, and making sure that individual lawyers have strong time-management skills.

The second principle is to consider coverage – to achieve increased specialization, for new jurisdictions, or for special and strategic projects. And the third intake design principle, also a good argument for in-sourcing work from external counsel, is to calculate the savings to be derived from additional resources compared to referring work to external counsel. Law departments typically aim for a fully loaded hourly rate that is no more than 45 per cent of the rate that would be paid to a law firm for the same work. Pleas for resources to deal with backlogs and tapped-out law departments will fall on deaf ears if they are not supported by a three-point business plan. CLOs must ensure that their law departments introduce and enforce more explicit work intake criteria to be properly leveraged in the next 18 months.

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4. Influencing the Demand for Legal Services

Gone are the days when conference programs featured sessions on the value of the law department. General counsel explained why business units should be encouraged to call on their lawyers more regularly, and definitely earlier, in the conduct of business. Law departments have expanded in size over the last 15 years even though they are under permanent pressure to reduce costs. Few are regarded as the “business prevention police”, many invest too much time in operational support work of low complexity, while some are regarded as strategic business contributors.

Our close analyses of law department activity since 2010 has persuaded us that many law departments “feel swamped.” Yet it is the same departments that claim they are never late and will do what it takes for strategic and critical projects. It is the other non-strategic work that gets backed up – or so it seems. When lawyers are asked, “how many days could you work uninterrupted with no further input, meetings, and documents from your key internal and external stakeholders”, the backlog averages less than 3 days.

Probing further, we find that the lack of predictability of workflows is much more stressful for lawyers than the actual amount of work on the desk at any one time. Simply put, managing workflows is much more of a challenge than managing workloads for law departments.

Managing a law department and individual professional practices with an “open door” business model is not sustainable. The “captive law firm” law department may work for larger law departments in government but makes no sense for one that is primarily corporate, commercial or regulatory. Even mid-sized departments are increasingly specialized and must be selective about the work they take in. A “managed legal service” business model depends on anticipating the demand for each business unit and then servicing it appropriately.

Having an accurate enough understanding of how inside counsel spend their time is a pre-requisite for predicting and managing demand for legal services. Since very few law departments track time – it is a 4 % productivity loss to do so – then it is sufficient to ask the members of the law department to complete a work distribution worksheet that allocates time, in percentage terms, for the last 12 months by legal specialty for each client group. Allowance is made for practice management, professional development, and administrative time.

The next step is for the General Counsel to share the resource consumption patterns that emerge from the internal survey. When meeting with each primary business unit, it is a good idea to also discuss the relative complexity and number of matters. This gives the statistics a reality check. Some business units discover that they have a large number of matters that are routine in nature. They may also appreciate for the first time that many individual users of legal services are occasional at best. An overview of company-wide patterns of workflows and work volumes will often reveal that 300 individuals call on a smaller law department each year, but that only 20 of these account for 85% of the available legal resources. This profile can represent a lot of churn and is an inefficient use of senior counsel time - a bit like going to a hospital emergency room for a head cold.

I recently interviewed senior and first-line management of a financial institution to learn how they planned their use of legal services on an annual basis. None planned for their use of the department as such since there were no budgeting expectations. It was much easier for them to estimate demand after providing them with their volumes and patterns of use for the previous 12 months and then asking whether these would likely increase or decrease by 10%, 20%, etc. in the next year. Business units were able to sketch out the primary projects, disputes, and significant contracts that were likely in the future.

Everyone likes to have their own lawyer on call in the law department. Business units will not voluntarily embrace rigorous intake criteria or rules limiting their use of the law department. But almost all will accept protocols that give clear guidance on when to call the lawyers, who should call, and what documents are needed in exchange for effective turnaround response times. Predictability will win out every time, but the trade-offs are well work intake criteria for legal services.

Once again it is the responsibility of the General Counsel to influence the demand for legal counsel if the law department is to reach its full potential every year.

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5. The Hummingbird Lawyer

Managing time efficiently can generate an additional hour of availability each day

Two years ago, Adam Gazzaley and Larry D. Rosen published The Distracted Mind: Ancient Brains in a High-Tech World. The book examined our ability to cope with the full range of technologies in our daily lives, explaining why our brains are not built for multitasking; however, the authors say, we regularly switch rapidly from task to task. Interruptions interfere with the ability to achieve our objectives; many of these interruptions are technology-related, with the chief offenders in the office being email and, more recently, texting.

Gazzaley and Rosen are not alone in this observation. There exists a very significant body of work on the effects of "email addiction" and interruptions of work. One study found that 41% responded to email immediately and 71% responded to an instant message immediately.

Two other findings are noteworthy – and disturbing – regarding their effects on professional productivity. The first, a Loughborough University (UK) study, found that "after dealing with an email, which itself took an average of just under two minutes, it took the studied workers an average of 68 seconds to return to their work and remember what they were doing."

There is no stopping the waves of information available 24 hours a day, seven days a week; and there is no suppressing the human appetite for the information, a phenomenon some refer to as FOMO, or "fear of missing out." The second finding, reached by Gazzaley and Rosen, was that employees are self-interrupting in order to check email and other media, fully diverting attention from their work and raising their levels of anxiety and stress.

I regularly conduct workflow and workload studies for law departments. The categories examined included the number of matters handled and their relative complexity, the number of internal clients and their frequency of communication, communication traffic patterns of all types, and work backlogs.

General counsel can address productivity challenges first by being aware of the basic issues regarding workflows and workloads. Because stamina is not an alternative for strategy at work, it is necessary to have a plan starting with the number of available hours for professional work each year. While there is some elasticity to the available hours, legal leadership can still estimate the average work week for everyone in the law department. This is a simple calculation that subtracts paid time away from work as well as administrative and practice management time, leaving what law firms call "billable time" ranging from 1,750 to 2,100 hours per year. Trade literature suggests that interruptions caused by email, other media, calls and visitors consume 28% of each day. It can take up to 15 minutes to fully resume a task because of distractions. Alarmingly, functioning IQ drops 10% when distracted by calls and emails. Managing time with more discipline can generate about one hour of additional availability each day, or some 200 hours per year. But without an advanced level of awareness, self-discipline and a number of operating protocols for the law department, every professional will still say "I wonder where my day went."

Tracey Parks, a productivity consultant to lawyers, suggests eight best practices for email. Two of these stand out. The first is to process email only three to four times per day and do one of four things with each email message immediately: file for future reference; act on the message within two minutes; create an action item if more than two minutes is required to respond; and "toss the rest." The second strategy is to send less in order to receive less.

Parks observed that eliminating one out of five potential sent email messages reduces incoming mail by 10%. Also, reduce the use of “Reply All” and cc’s, turn off the sound or screen notifications, and minimize the email window.

Every law department can be more focused in identifying “when to call Legal” and restricting who can call Legal. Few law departments are comfortable with such restrictions, preferring an open-door policy in the name of risk management and FOMO. Over the past five years, some legal departments have introduced programs, technology and training in legal project planning and budgeting as a way to manage large-scale projects and matters with limited resources and tight deadlines. The price for law departments that fail to act is higher stress and anxiety, less time available for interesting work, and being less strategic than they could be in utilizing their intellectual capital.

Adapted from an article of the same name to be published in the January/February 2019 issue of Lexpert magazine.

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Richard's continuing series on
'Performance for Law Departments' gives
valuable insights and analyses on how
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