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Tech Toolbox: Futurism in Law Department Management

Law Department Management

Technology, Privacy, and eCommerce

For years now, law departments have been asked to participate more actively in their company's strategic planning exercises, either as a part of the overall strategic plan for the company or, increasingly, in order to evaluate the law department's own staffing and other expense models, the potential impact of litigation, and other items that may impact the company's overall business plan.

This can sometimes feel a bit like an empty exercise, just another administrative chore that interrupts the more essential, substantive work of the department. However, it is actually a valuable opportunity to try to anticipate the inevitable changes that will impact your department and company, as well as showing senior management how forward thinking you can be.

Strategic planning is not a precise term, but for present purposes let's describe it as developing a pragmatic business plan that articulates what you think your organization ought to look like at specific points of time in the future as well as the actions you think will be required to make it so.

And this is one of the reasons it can feel so empty — given the rapid pace of change in recent years, as well as things like the COVID-19 pandemic (which has demonstrated the capacity to toss many plans into the dust bin of history), it can feel difficult and even a little pointless to try to predict the future. Indeed, one of my own favorite sayings is that no battle plan survives first contact with the enemy.

That has been very true in my experience, but also somewhat irrelevant, because as another adage goes, unless you know where you are going, you may not get there.

Strategic planning is the essential preparation you need to become prepared for the things you conclude are *likely* to happen. Managers of a law department need to at least try to anticipate "where the puck is going," so they can get down to the very real business of skating there. And that is not as impossible as it may seem.

We can anticipate what the future is likely to become by breaking it down into certain key change

vectors.

Technological and related trends

In the absence of some unpredictable catastrophes, it is likely that the internet will continue to evolve and almost all computing will continue moving to the cloud. This means that all devices will develop the ability to act as thin clients, essentially allowing any employee in any location to connect with any information they need and do their work on any device.

Collaboration and process refinement tools will become easier to use, more customary and habitual, and more modular, allowing teams to work seamlessly wherever they are and, in most respects, better than our traditional systems ever allowed.

This will enable even more remote work than ever before, which will mean that legal departments and companies will become more creative and agile using various types of virtual collaboration methods and distributed work arrangements.

Law departments will be able to access the workers they need independent of their location, and be able to hire and manage that talent in a broad variety of ways, from flexible work arrangements, to independent consulting networks, to off-premise full time employees, etc.

Law departments will be able to systematize the work done in these distributed work arrangements using technology tools that serve as a combination of process controls, communications protocols, knowledge management systems, checklists and process guides, artificial intelligence systems, etc. This will provide an opportunity for forward thinking law department managers to make the work they do and the work products they create more efficient and effective than ever.

Staffing needs and models

So, how will progressive law departments determine staffing models? They will be able to go to a worldwide market. An ex-pat lawyer living in Costa Rica or an Indian lawyer trained in France may have the expertise law departments need at a fraction of the price it would cost to hire someone in New York or Chicago. And, with the plethora of information about backgrounds, education, and experience available on the internet via LinkedIn and other social media platforms, it should soon be a simple matter to locate the expertise you need at the most affordable price.

In addition, the future of a distributed work arrangement system implies that you may want to hire more permanent or temporary part-time employees, because those employees may find it easier to find other jobs to fill in the gaps, and they may prefer it because of the increased flexibility those may provide.

I anticipate that at least some law departments will begin using legal services networks or other distributed independent consulting arrangements to fill peak needs or provide specialized expertise at prices far below that of most outside law firms.

At least some outside counsel firms will begin fighting back and competing by eliminating expensive office buildings and large support staffs and competing directly against other lawyers operating from home offices — indeed, this is already occurring.

What all this implies is that future law departments will have a great deal more flexibility, adaptability, and agility in adopting distributed work arrangements that suit their needs over time. You may not be able to say right now what those arrangements will be, but as you go through the strategic planning exercise and predict what your workload will be like at points in time because of other factors, you may be able to tailor your staffing models to more closely meet your expected needs.

Regulatory changes

The business world is becoming ever more global, despite some pendular pressures toward insularity.

A more global business world means that most business regulations will become more homogeneous, while others, because of political or cultural considerations, will become even more parochial. For strategic planning purposes, you should attempt to predict the directionality of the latter because those are the ones likely to require more input from legal.

One way to capture this for strategic purposes is to create a table listing the main regulations you are likely to have to navigate and where current trends seem to be leading them. For this, you shouldn't bother with an event horizon longer than three to five years, because this area is probably a bit like the Berlin Wall or a glacier — it will look firm and unmoving until it suddenly collapses due to a variety of forces we could not see. The good news is that being over-prepared in this area is better than being under-prepared.

The business environment impacting your company

This is a hefty task, and your whole C-suite should be working on this one. You will, of course, provide feedback on the legal issues and participate in the brainstorming, research and other aspects of trying to determine how your customers, competitors, politics, climate change, cultural change, and other factors will influence your company's particular business environment and what that will mean for strategic initiatives and adjustments.

Once you've collectively arrived at your best guess, it is time for members of the law department to huddle and try to determine what that will mean for them in terms of staffing, expertise, technology platform changes, etc.

This too is a team effort. The more you involve your law department staff, the better the ideas that will come to light to clarify direction. *And*, you will be creating the bedrock of change management for any anticipated changes — engagement, understanding, and acceptance.

In fact, one of the best aspects of this kind of strategic planning and futurism exercises is that it will not only give you and your team an opportunity for creative thinking and a fresh perspective on the work you do every day, but it will also serve as a team building exercise.

It's not only a good opportunity — it is a great one. Enjoy the possibilities.

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