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DECEMBER 2021

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SURVEY

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ADDING VALUE ACROSS THE ENTERPRISE



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As the 14th Annual Law Department Operations Survey demonstrates, the legal operations function is no longer focused exclusively on providing efficiencies and strategic value to the corporate legal department itself. Rather, the law department operations (LDO) function at many companies is evolving toward assisting law departments to deliver more value to many different areas of their organization. As LDO teams and professionals have grown in depth and maturity, they are taking more of an outward-facing approach to enhance the value they provide to their corporations overall.

Perhaps the best evidence of this is in survey respondents' ranking of key performance indicators (KPIs). They ranked "Value provided to the corporation" as the second most important and "Customer/client feedback" as third, behind only "Actual spend vs. law department's total budget."

Further evidence of an outward-looking focus is that LDO professionals are having substantial interactions on matters that stretch beyond the legal department. When asked how often they are involved in crossfunctional objectives such as a contract management program that involves both procurement and legal, 73% of respondents reported frequently or very frequently, a small increase from 70% in 2020. And more than half of respondents—52.5%—are very frequently or frequently involved in enterprise-wide strategic initiatives, defined as those outside the legal department. That represents an increase from 44% last year.

These responses illustrate an LDO function that has grown beyond internal projects. Rather, these professionals are leading projects that transcend the legal department and are becoming a crucial point of contact within the legal department in relation to other functions. In fact, survey respondents were asked if they interface with the following functions at least weekly: 68% of respondents said they communicate with the executive suite; 98% with IT; 95% with finance; and 75% with HR.

THE BROADER INFLUENCE OF CONTRACT **MANAGEMENT**

This year's survey findings also highlight specific areas where LDO professionals have expanded their sphere of influence. Consider contract management, which is one of the most frequent processes in which law departments provide support and value to the rest of the corporation. In the pre-execution phase, in-house counsel review contracts, typically for sales or procurement deals that are in progress. And post-execution, contract management is one of the areas where the corporate legal department supports ongoing enterprise-wide risk mitigation by understanding the terms and conditions in the contracts or through major initiatives such as M&A activity. About 57% of survey respondents said they have or are planning to update, evaluate or implement both pre- and post-execution contract technology.

The LDO function is also carefully tracking contract management metrics in more strategic ways than simply working through clauses and other contract elements. When asked to rank the most valuable metrics they track around CLM, survey respondents listed turnaround time and contract value—both outward-facing—as two of the top four. (Tracking company and third-party paper tied for fourth.)

Close to half of law departments surveyed—41%—are choosing to outsource contract management work. It is significant that contract management now trails only e-discovery work, which has long been the area of the corporate legal department most closely associated with outsourcing.

PROVIDING DIRECT VALUE THROUGH EFFICIENCY AND COST SAVINGS

Another important way that corporate legal departments provide direct value to the organization is by reducing spend that can be leveraged into identifying and mitigating additional risk or returning shareholder value through careful outside counsel and vendor management. Here, the operations function also adds invaluable support and insights by maintaining a concentrated focus on cost savings. The LDO professionals surveyed spend 26% of their time on cost savings, cost efficiency, cost management, outside counsel management and vendor management. This is telling for a function with so many other responsibilities and tasks.

This focus of their time is another reason that so many in the LDO function are moving toward legal spend management tools. Slightly more than 28% of law departments surveyed are looking to update, evaluate or implement that type of technology, in addition to the 17% of respondents that reported already having these tools in their technology stack. In fact, 74% of corporate legal departments surveyed gather data from their e-billing systems. The LDO function may be leveraging this information in efforts to reduce cost.

TURNING DATA INTO VALUE

Survey respondents are also using their skills and knowledge in another emerging area: data mining. More than a third—39%—mine data for matter and department budgets, and another 21% said they plan to do more in this area. Twenty-nine percent said they also use data mining for selection of counsel, while another 29% said they plan to do more of this.

While the reach of the LDO profession is expanding beyond the corporate legal department, there is still work to do in order to deliver. For example, only 68% of survey respondents seek regular feedback from internal clients.

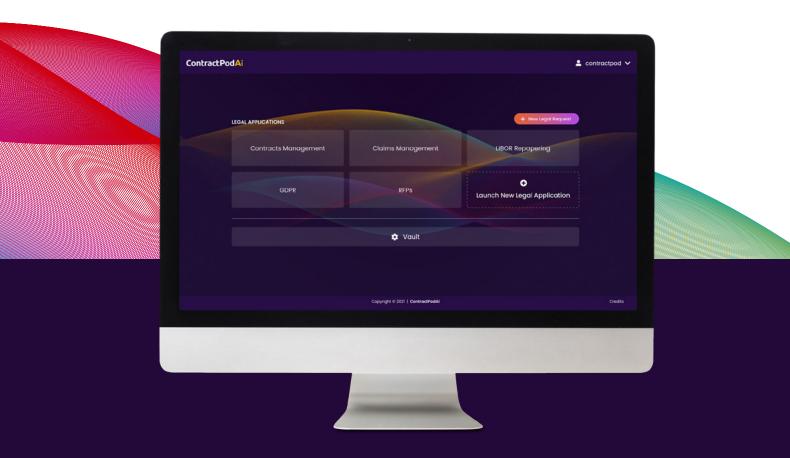
This year's results illustrate that sophisticated LDO professionals are no longer expected to simply add value within the corporate legal department. Instead, they are looking outward to add value enterprisewide. They are securing their position as key players in the law department and also playing a role in the corporate ecosystem that will ensure that their law department is not left behind.

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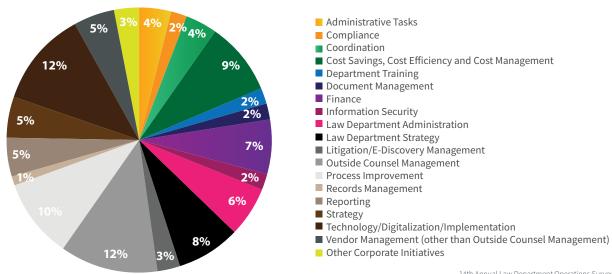
Navigating in the Era of **G MORE WITH LESS**

Corporate legal departments are often under pressure to do more with less. The good news is that this imperative fits clearly within the mandate and skill set of law department operations, which are charged with driving the corporate legal department to behave more like other business units within their organizations, as the 14th Annual Law Department Operations Survey demonstrates.

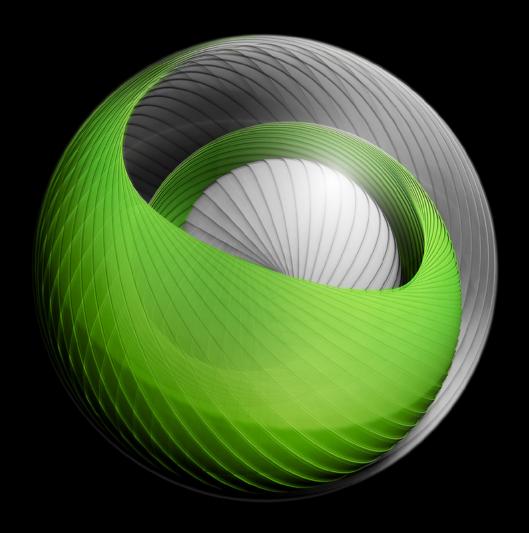
"In the last 10 years, legal operations has really grown. Controlling costs and doing more with less are now table stakes," says Reese Arrowsmith, vice president and head of legal operations with Campbell Soup Company. "Legal departments went from pushing back on cutting-edge, forward-thinking improvements to clamoring for more." According to Arrowsmith, departments that have successfully implemented these forward-thinking technology and processes have realized that improvements are not going to eliminate their jobs, as many once feared. "They now realize they are going to make their lives easier by automating the mundane portions of their job, freeing them to focus on move value-added work. These advancements are finally giving the department the tools they need to do more with less."

And as is the case with many other business units, law department operations, or "LDO" teams are laser-focused on doing more with less, as demonstrated in many of the areas that LDO professionals are responsible for. Some of their tasks are directly related to managing costs—the average survey respondent spends 26% of his or her time on cost savings, cost efficiency, cost management, outside counsel management and vendor management. Other tasks are related to efficiencies such as process improvement, where respondents spend 10% of their time, and technology, digitization and administration, which take 3% of their working time.

WHAT PERCENTAGE OF TIME DO YOU SPEND ON THE FOLLOWING?



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CONTRACTING CONUNDRUM: CHOOSING THE RIGHT CLM SYSTEM

Jerry Levine Chief Evangelist and General Counsel, ContractPodAi



At any given time, the average Fortune 1000 company deals with 20,000 to 40,000 contracts—meaning it is no longer humanly possible to optimally manage this volume of agreements. But where there are major pains, there are also brand-new opportunities for legal departments and operations to adopt advanced technology solutions—to overcome contracting challenges and, in turn, show their value to the enterprise.

In the 2021 Annual Law Department Operations Survey, nearly 35% of legal professionals revealed they have plans to update, evaluate or implement contract management technology in the next 12 months. (This is significantly higher than any other software identified.) After all, in the eyes of respondents, pre- and post-execution contract management technology needs to become far more effective than it is at present.

Legal professionals need improved digital tools to better manage the creation, execution, storage and analysis of their legal documents. These tools track what respondents see as the most valuable data in their contract lifecycle management (CLM) processes: turnaround time and cycle time to signature, deviation of contract terms and contract value and obligations. But how do they begin to choose the right CLM solution for their legal team and organization?

DEFINING CONTRACT MANAGEMENT NEEDS

To start, identify what your company needs are. Assess the objectives and strategies of the legal team, accounting for the current state of your contract management and business profile. Determine what areas consume the most effort and resources, and consider how potential CLM software will impact those areas. Further, analyze your company's size, geographic footprint and industry, as well as the growth trajectory of the business.

ASSESSING CLM SOLUTIONS

With your needs completely defined, assess the various CLM solutions on the market. Think about your current use cases and the depth of the system you need today. Try to

envision future requirements, too. As you review vendors, employ a framework that includes these five <u>dimensions</u>:

- **Product functionality:** What breadth of functionality do they offer?
- Implementation support: How do they help with software deployment, legacy contract migration, legal Al engineering and enterprise software integration?
- Value delivery: What is their tactical plan to help you reach your ROI?
- **Customer retention:** How many customers have they retained and for how long?
- Funding level and business history: When were they founded and what have their funding rounds been like?

GETTING THE FULL VALUE OF AUTOMATION

Fortunately, adoption grows easier and provides increasingly higher returns as you progress through the four common stages of digital transformation. The first simply involves the use of a central digital repository that serves contract digitization efforts. The second is typically characterized by the adoption of legal automation that provides end-to-end operational support. At the third stage, artificial intelligence is incorporated with the system and leveraged for legal review, analysis and reporting. At the fourth and final stage, transformative technology permeates all legal functions—like IP portfolio and claims management—as digital tools extend across one legal platform. Choosing a platform that has this level of automation technology—and the ability to grow with you—will prevent another system search in the near future.

Ultimately, the most unified legal platform drastically enhances the capabilities and functionality of legal departments and operations. It provides complete control over agreements and a deeper understanding of commitments—and offers you the feeling of keeping a finger on the proverbial pulse of the business.

For more on how to view the CLM market and choose your contract management system, download this handy guide.

This also becomes apparent when respondents were asked to rank their top three key performance indicators. Three of the top four KPIs—actual spend versus law department's total budget, value provided to the corporation and total outside counsel spend—are all related to doing more with less. Other responses in the top 10 included total department spend, total outside counsel and service-provider spend, law-related expense as a percentage of total revenue and outside counsel savings.

WHAT DO YOU CONSIDER TO BE YOUR TOP THREE KEY PERFORMANCE INDICATORS?

42.6%	Actual spend vs. law department's total budget
36.1%	Value provided to the corporation
32.8%	Customer/client feedback
29.5%	Total outside counsel spend
24.6%	Outcomes
24.6%	Total department spend
19.7 %	Total outside counsel and service-provider spend
19.7%	Law-related expense as a percentage of total revenue
18.0%	Timeliness
11.5%	Outside counsel savings
9.8%	Attorney productivity
6.6%	Contracts closed
4.9%	AFA usage
0.0%	Panel usage
4.9%	Other

According to Kiran Mallavarapu, executive vice president and senior manager of Legal Strategic Services for Liberty Mutual Insurance, as the demand for legal services increases, so does the demand for law department operations. "Law departments and clients in the business groups are realizing the value of their investment in LDOs, and hence, it is natural to look for more sustainable efficiencies in the form of cost savings, automation and technology implementation."

Amy Yeung, general counsel and chief privacy officer of Lotame, echoes that observation. "The tumultuous industry continues to place pressure on companies, which in turn has increased the pressure on business margins. Regulatory pressures also continue to increase, which place additional emphasis on legal teams to maximize resources, financially and in time."

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Whenever we see events such as the Great Recession or various stock market crashes, the knee-jerkreaction in the legal community is to start predicting the demise of law firms as currently structured, with the resultant makeover of the entire legal industry. Most of these predictions have yet to occur. Maybe, however, the changes brought on by the COVID-19pandemic are different.

The pandemic altered how we work, where we work and even when we work. It spawned the "Great Resignation," led to the development of new technologies, changed buying behavior and created supply chain logiams. In other words, the COVID-19pandemicset in motion unique disruptions not seen in recent memory and thereby opened the door for innovation. As these changes have taken hold of the legal market, ALSPs are once again primed to drive those innovations.

These last 12 months saw a significant increase in the use of ALSPs by legal professionals and departments. Over the next 12 months, companies expect further use of alternative legal services, with a forecasted 43% increase in the usage of ALSPs in general and a 32% increase of law firms working proactively with ALSPs. Both of these measures are further increases from last year, when we were in the uncertain throes of the pandemic.

Given all of this, would it be unwise to think the legal business will go on as usual? I would say yes. I have been in this industry long enough and witnessed many false alarms. This time around, the interplay between companies, law firms and ALSPs has changed in many ways. Apart from the economic pressure felt

by companies during this pandemic, there has also been a generational shift in the legal leadership within companies. This new set of law department leaders are more open to trying new technology and incorporating process-drivenapproaches. Similarly, their counterparts in law firms are beginning to embrace technology and new ways of working. An aspect of this is the increased cooperation between law firms and ALSPs, whether their own captive ones or with other providers. ALSPs and law firms have concluded that it is better to work together in this new world rather than treat each other as competitors. "Cooperation, not competition" is the mantra I hear in the marketplace.

While making any predictions about the demise of the legal industry as we know it might be a foolish endeavor, I will take a shot. Law firms are already changing. Our parent company, DWF, is a company listed on the London Stock Exchangetransforming itself from a traditional law firm into an agile provider of integrated legal services. A few jurisdictions in the United States have or are seriously thinking of deregulating law firms. The Big Four are making serious dents into the traditional practice of law. As the survey indicates, law firms and ALSPs are cooperating with each other across a number of areas, and technology will only accelerate these trends.

Perhaps we will see the advent of a new type of company—a legal services company—that brings together the expertise of law firms with the technology and process savvy of an ALSP. Regardless, as we have done since the beginning, ALSPs are going to lead the charge of disruption and innovation.

THE MATURING RELATIONSHIP WITH PROVIDERS

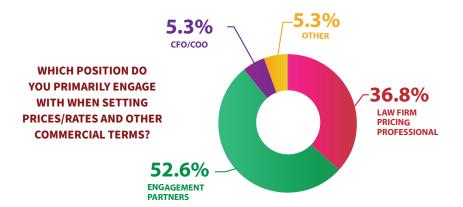
This ability to do more with less is apparent in many areas. Perhaps the most obvious place where LDO professionals provide this type of assistance to their corporate legal departments is through their relationships with law firms and other service providers.

MANAGING LAW FIRMS

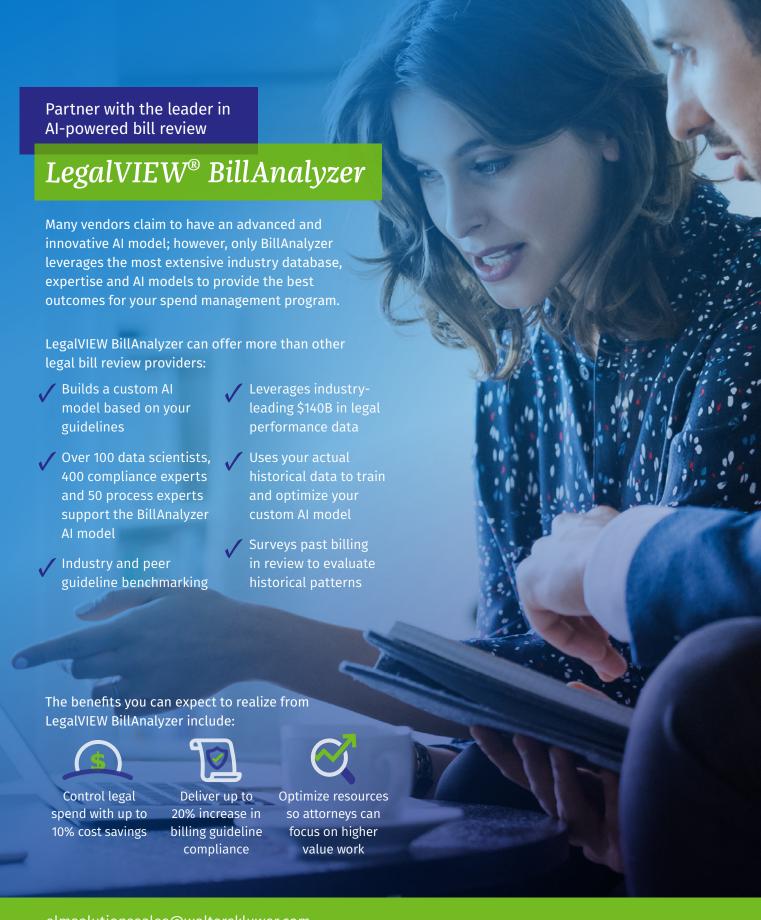
This year's survey presented clear indications that LDO professionals are taking control of the relationship with outside counsel. A majority of respondents are directly responsible for billing/audits, tracking legal spend and negotiating rates, discounts and alternative billing arrangements. A majority also directly oversee or manage responsibility for timekeeper data, metrics review and tracking the progress of diversity initiatives.

WHICH TERM MOST CLOSELY DESCRIBES YOUR RELATIONSHIP TO THE FOLLOWING OUTSIDE COUNSEL MANAGEMENT TASK?

	DIRECT	MANAGE	ASSIST	NO RELATIONSHIP
Billing/audits	61.9%	19.0%	16.7%	2.4%
Negotiate rates	45.2%	19.0%	31.0%	4.8%
Negotiate discounts	54.8%	11.9%	28.6%	4.8%
Negotiate alternative billing arrangements	52.4%	16.7%	26.2%	4.8%
Matter-level budgeting	33.3%	11.9%	40.5%	14.3%
Conduct performance reviews	14.3%	23.8%	23.8%	35.7%
Track legal spend	64.3%	21.4%	11.9%	2.4%
Track diversity initiative progress	33.3%	26.2%	19.0%	19.0%
Select outside counsel for particular matters	19.0%	16.7%	50.0%	14.3%
Select outside counsel for panel (convergence)	21.4%	28.6%	28.6%	21.4%
Handle performance issues	14.3%	16.7%	38.1%	31.0%
Assume responsibility for timekeeper data	45.2%	23.8%	16.7%	14.3%
Diversity and inclusion	28.6%	21.4%	26.2%	21.4%
Metrics review	47.6%	23.8%	19.0%	9.5%



Things are changing on the law firm side, too. While LDO professionals may have primarily worked with engagement partners in the past, 42% now primarily engage for rates/other terms with professionals or CFO or COOs at firms.



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There's no getting around it: Change is tough, no matter your industry, your role or the size of your organization. Almost 50% of respondents in the 2021 Law Department Operations Survey reported that their move toward digital transformation has sped up substantially, which means new technologies, modified workflows and other associated changes. With so much in flux, it can be difficult to keep your team aligned and help them do their best work.

While it's natural for people to resist change, it doesn't have to be a struggle when implementing a new document management (DM) system—or any technology. With the right change management approach, you can drastically improve adoption, reduce disruption and get a jump on ROI.

Here are three key strategies to help you succeed on your next technology change initiative.

1. GET USER BUY-IN

When it comes to new software, getting buy-in from the approval committee is a top priority. But many organizations fail to recognize that getting buy-in from the end user can have an even bigger impact on your success.

According to this year's survey, more than 42% of you think your document management is somewhat ineffective, with almost 20% saying it is very ineffective. With those kinds of data points, a DMS change might be just what your users are waiting for.

Take the time to hear your users' pain points and get them on board before you close in on flipping the switch. You want to build awareness, educate people on the "why" and benefits of the new technology and ensure they have the knowledge to utilize it.

2. CHOOSE A PLATFORM THAT MAKES IT EASY

Let's be honest: there's only so much you can do to boost adoption if you pick a system that's not user-friendly or future-proof. It takes effort to identify a tool that will fit your team's way of working and solve problems without creating new—potentially worse—ones.

An astounding 26% of survey respondents are planning to update, evaluate or implement DM technology in the next 12 months. Start by getting a clear understanding of your team's current workflow and where it needs improvement. Make sure to ask the right questions as you begin evaluating potential solutions, and keep the future in mind.

3. DON'T GO IT ALONE

No one wants to feel like change is foisted on them. That's why supporting power users and nurturing champions during implementation is such a critical aspect of successful change management.

A fellow user often has far greater influence among their colleagues than leadership or external consulting services. If you really want to drive adoption, make sure vou have advocates on the front lines.

LEARN MORE IN THE SECRET TO CHANGE MANAGEMENT

As your digital transformation strategy continues to evolve and mature, change will be inevitable. When you have the right approach, you can overcome the challenges of change initiatives with confidence. To get a deeper look at how to apply these tips successfully, access NetDocuments' interactive white paper The Secret to Change Management.



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The Advisory Board would like to thank David Cambria for his years of inspiration, wisdom and service on the Annual Law Department Operations Survey.

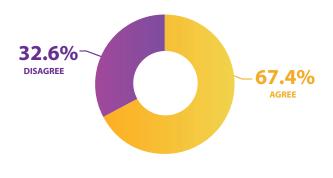
The LDO function is also bringing more innovation and new ways of thinking to cutting costs and leveraging efficiencies. Traditionally, the standard way to do more with less is to move work in-house. That was certainly true last year, when 75% of respondents said they were actively trying to cut costs by doing so. This year, that figure is down to 67%. However, this decrease may also be impacted by the labor shortage since it is difficult to find people to hire now, too.

Says Yeung, "Metrics within a legal department continue to shift, which means that we need to adjust our bottom line and strategy on how to align business goals with legal needs. This has meant a continuation of building a diversified set of strategies to achieve this in any given situation."

BUDGETING

Keeping an eye on the bottom line is one of the main focuses for LDO professionals. When asked about the top three challenges they currently face related to managing law department functions, respondents ranked cost containment and savings/managing the budget as the #2 challenge, second only to business process improvements.

WE ARE ACTIVELY TRYING TO CUT COSTS BY BRINGING MORE WORK IN-HOUSE



WHAT ARE THE TOP THREE CHALLENGES YOU FACE?

	CURRENT	EXPECTED
Business process improvements	59.7 %	47.9%
Cost containment and savings / managing the budget	49.3%	40.8%
Staying abreast of law department technology / managing and handling IT issues	35.8%	32.4%
Service providers (e.g., managing outside counsel, effective AFAs)	26.9%	22.5%
Intra-departmental relationships (e.g., gaining attorney buy-in, communicating with GC)	25.4%	23.9%
Obtaining funding for resources (e.g., funding for personnel / technology, personnel retention)	25.4%	26.8%
Performance (e.g., documenting ROI of the LDO position, reporting to stakeholders)	11.9%	15.5%
Handling global / international matters (e.g., Brexit, GDPR, cross-border discovery)	10.4%	9.9%
Employee retention/turnover	10.4%	7.0%
Data protection	9.0%	15.5%
Promoting diversity and inclusion / civil justice	6.0%	8.5%
COVID-19 and related budget cuts	6.0%	7.0%
Other	6.0%	1.4%
Compliance issues	4.5%	8.5%
Work from home / return to work / flexible working	4.5%	7.0%
Pandemic-related expense pressures	3.0%	1.4%
Regulatory affairs	0.0%	1.4%



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Last years' Law Department Operations Survey noted that nine out of 10 respondents "would appreciate law firms approaching them more frequently with new legal service delivery models."

The need to collaborate across disciplines, organizations and geographies has become more acute as counsel are tasked with solving increasingly complex legal and regulatory compliance risks. As Harvard Law School's Heidi Gardner notes in her best-selling book Smart Collaboration, it requires "bringing collective expertise to bear on problems that, increasingly, are so complicated and so sophisticated that no single expert . . . is in a position to solve" (HBR Press, 2016).

The 2021 survey demonstrates that LDOs are increasingly seeking legal services delivery expertise. (Use of outsourcing has increased from 16% in 2020 to 41% in 2021.) There is expanding recognition that effective collaboration between in-house counsel, outside counsel and alternative legal service providers (ALSPs) is paying dividends in terms of budget and the ability of lawyers to spend more time focused on high-value work solving clients's complex challenges. All of which leads to increased client satisfaction. These services expand a vast area of legal operations work from litigation to contract lifecycle management and regulatory compliance.

A LOT OF RAISED EYEBROWS

To add some color to the survey, our discussions with general counsel, law firm partners, LDO professionals and others are finding that many are surprised to discover the size and capabilities of leading ALSP organizations like

QuisLex. The deep bench of permanently and tenured staff lawyers and legal professionals provides focused expertise in areas like M&A due diligence, litigation analytics, contract support and legal spend management. They are surprised by just how long we have been providing these services to clients. We are getting a lot of raised eyebrows. A lot of "Oh my gosh, you understand the things that we're going through and why!"

There is an assumption by some that ALSPs are "just contract temps," reviewing contracts or managing document reviews for litigation. We are finding both amazement and great interest in the value we bring in vital areas like change management, workflow improvement and implementation, quality control and performance metrics and automation. We perform all this in close collaboration with in-house and outside counsel, a crucial partnership for improving legal services delivery. ALSPs provide both expertise and years of success that reduce risk, improve deliverables and create better work product.

LOOKING TO THE FUTURE

Abraham Lincoln once said that the best way to predict the future is to create it. This is what ALSPs are doing for the future of law. Smart collaboration is what ALSPs specialize in. None of this is new. It's always been there, and the acceptance is growing dramatically. The necessities of the pandemic dissolved one of the last remaining barriers—a dispersed workforce. It has driven home the point that expertise and knowledge are not bound by geography.

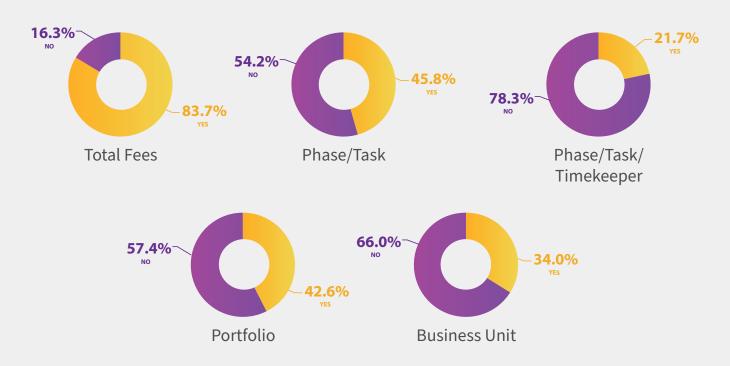
Richard Brzakala, global director of external legal services at the Canadian Imperial Bank of Commerce, has been a strong advocate of utilizing budgets or cost estimates when it comes to a matter or specific milestones or tasks on a matter throughout his 20year career in legal operations. "I think over the years budgeting has fallen by the wayside, replaced by legal process management (LPM) or alternative fee arrangements (AFAs). But I think a lot of corporate legal departments are returning to the basics and realize that through the utilization of budgeting clients not only gain greater transparency into how their legal services are being priced by a firm, but also a mutual understanding between both the buyer and seller of what exactly is expected in the delivery of legal services."

Budgeting has become the road map for a matter in identifying and agreeing on how value will be delivered. "Without the utilization of budgets, clients and service providers can make risky and costly assumptions. Budgets keep everyone on the same page and help mitigate against surprises—something that corporate legal departments dislike profusely," he says.

At TE Connectivity, where she serves as manager of legal operations, Carol Simcox' team builds and manages the global budget for all law department internal and external spend. She shares, "Operations equip the general counsel and senior team to respond to any and all cost inquiries of management, the business segments and the functions. The department's thorough understanding of our spend makes us a valuable partner to all sectors of the enterprise."

It is an area that LDO professionals are becoming increasingly comfortable with, as budgeting is becoming commonplace. More than three-quarters of respondents—84%—now budget for total fees, and more than 40% matter budget for portfolio and by phase/task. However, matter budgeting by phase/task/timekeeper is lagging behind, at only 22%.

DO YOU BUDGET AT ANY OF THE FOLLOWING MATTER LEVELS?



According to Michael Haysley, director of operations at Occidental Petroleum, matter budgeting is commonly recognized by attorneys and legal operations professionals as valuable data in managing individual cases and portfolios. "Unfortunately, the task of gathering and using matter budgets is often viewed as overly burdensome," he explains. "Modern enterprise legal management solutions are adding collaborative budgeting, workflow automation and focused reports to their offerings, which I think will drive more adoption in this area in the near term."

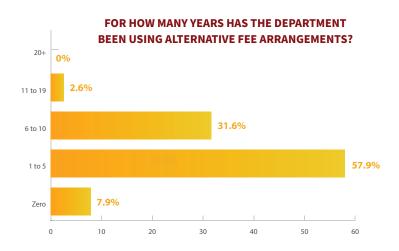
Haysley says matter budgets are sometimes confused with caps on spending, which can lead to padding. "I believe the value in matter budgets comes from getting an honest assessment of the anticipated cost so effective business decisions can be made. In my view, an estimate that is 5% over budget is equally as useful as one that comes in 5% under budget. That's what we need to make decisions."

The drive behind budgeting goes back to a fundamental concept: You can't manage what you can't measure, according to Campbell's Arrowsmith. "If a legal department isn't setting budgets and reforecasting throughout the year, they are leaving money on the table. When it comes to outside spend, lawyers and paralegals should actively set matter strategy with outside counsel and agree to a budget to support that strategy. Matter budgets should roll up to practice area, business unit and department-level budgets," he says. "Legal departments should be reforecasting throughout the year and holding parties accountable to those budgets. Savings can often be redeployed to strategic initiatives to move the department forward, further supporting doing more with less."

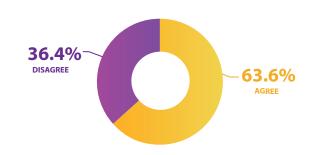
AFAs

Another area to keep an eye on in the future is whether the growth in alternative fee arrangements will continue.

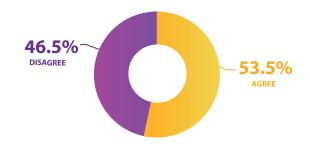
Arrowsmith believes that the use of AFAs has become more nuanced. "When companies started using AFAs, the measure was simply, 'Do you use AFAs or not?' Now we are maturing," he explains. "We are finally learning which types of AFAs are advantageous for which types of matters and/or for which practice areas. Considering the long cycle time of many matters under AFAs, it is going to take time to further experiment, modify our approach, learn, share, collaborate and optimize."



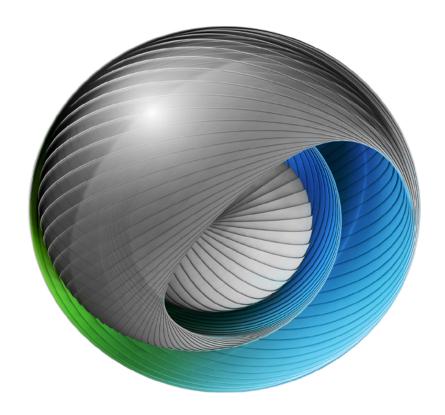
I BELIEVE THAT WORK DONE UNDER OUR AFAS IS MORE **COST-EFFICIENT THAN WORK DONE HOURLY**



I BELIEVE THAT WORK DONE HOURLY WITH A BUDGET WITH SOLID LPM IS MORE COST-EFFICIENT THAN WORK DONE **UNDER AN AFA**



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Says CIBC's Brzakala, "For corporate legal departments, AFAs have become a panacea for those looking to find new and better ways to control and manage their legal costs and an alternative to the infamous hourly rate billing model." But clients and corporate legal departments need to be aware that despite the allure and promise that AFAs are a supposed more reliable alternative to hourly rates, they may not always be the best option for a client's work. "I think a lot of mature corporate legal departments are relying more on their data analysis and less on AFAs to find savings." In fact, fewer respondents this year said that they believe that AFAs are more cost-efficient than hourly billing, and more than half—54%—now believe that work done with a budget and LPM is more cost-efficient than work done under AFAs.

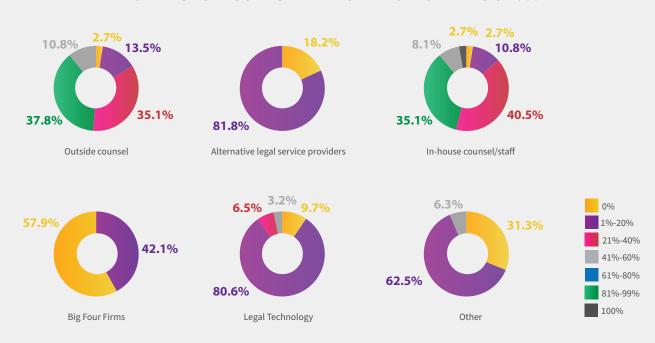
Another developing trend involves different types of AFAs. For the first time, this year's survey asked respondents about the use of time-based AFAs vs. valuebased AFAs. Time-based AFAs are not hourly, but they are still underpinned by a rate-and-hours calculation. Value-based AFAs are decoupled from hours and built on outcomes, such as contingencies or proactive problemsolving. The extent to which value-based AFAs are in use is notable, with 75% of respondents using them AFAs for at least some matters, while 68% use time-based AFAs at least some of the time.

One of the current challenges of AFAs is that they are largely utilized in particular circumstances, but not across the board, according to Lotame's Yeung. "Consequently, while there is additional pressure to increase the use of AFAs, there continues to be some limits in implementing them. Ultimately, what we are looking for is a fair value on both sides, for firms and in-house—in time and as adjusted for outcome. AFAs are one way to achieve that goal. Notably, this year there is a premium on time, both with law firms and in-house counsel, in that there is an excess of work and not enough people to do it." Yeung predicts that this pressure may continue in 2022 and diminish the ability to fully implement AFAs.

ALSPs

This year's survey also identified a trend toward alternative legal service providers and outsourcing use. The majority—82%—now say they allocate at least some of their spend on ALSPs. And that number is still increasing, as 36% said their ALSP usage increased over the past 12 months. And 43% expect it will increase more over the next 12 months.

WHAT PERCENTAGE OF YOUR TOTAL ANNUAL LEGAL SPEND IS ON . . .







Latitude specializes in providing attorneys with Fortune 500 and Big Law experience in numerous practice areas – as well as paralegals, compliance officers and legal operations professionals – for contract and permanent roles. We serve legal departments and law firms nationwide. Clients seek our help when they need proven talent who can immediately step into sophisticated, often niche, legal roles.

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The pandemic has impacted us all in many ways. For some, it has meant pausing, reassessing priorities and charting a course for the future. The same can be said of businesses and the legal departments within them.

As various studies were completed over the last 12 months, including reports from the Blickstein Group, CLOC, ACC and Gartner, automation and technology modernization have consistently remained atop the corporate legal self-assessment priority list. All indications point to departments seeking transformation, greater control of legal spend and self-sufficiency through technology modernization. In fact, according to the 2020 Blickstein Group Law Department Operations Survey, 68% reported that the COVID-19 pandemic had accelerated moves in this area. In this year's report, we see the demand for technology modernization slightly accelerate to 72%, showing a steady appetite to improve upon technologydriven efficiencies in the corporate legal department.

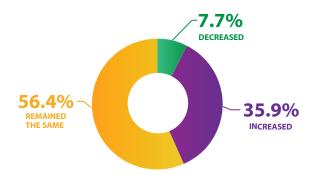
While the goal for corporate legal appears to be solidifying as "do more with less," the path to get there, what is needed and who should be involved may not be as clear. If you, like the majority of legal operations leaders, are experiencing increased demand for technology modernization and transformation, there are three core areas of focus when embarking on a modernization journey. These are:

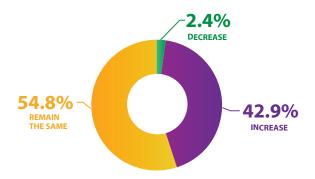
1. PREPARE: Where do legal departments want to go, and what tools are needed to get there? Develop a keen understanding of what your needs are as a department—currently and in the future. Is your perception of the department's needs representative of the larger organization and key stakeholders? How do your organization's priorities align with other

departments? Leveraging reports like the Blickstein Group LDO Survey can provide an unbiased sanity check for you and your organization to ensure nothing has been overlooked and you have not become stuck in analysis paralysis.

- 2. CONNECT: Who needs to come along for the ride? Aligning with stakeholders is critical to the success of any modernization or transformation program. Engaging and receiving buy-in from a diverse group of internal and tangential department stakeholders will be essential in supporting and driving change management. It lays the foundation for activating a plan for the future.
- 3. ACTIVATE: What actions need to be taken to effect change and ensure safe arrival at the proposed destination? While much of the focus of technology modernization is placed on the technology and tools used to empower the broader legal team, perhaps the most critical aspect of activating modernization is navigating change management. In a recent Blickstein Group and FTI Technology report, legal operations leaders identified training and adoption as the biggest challenge when pursuing technology modernization, with 77.8% identifying it as their most significant hurdle. Intuitively it makes sense—no efficiencies can be realized unless technologies and workflows are successfully implemented and adopted.

There are many variables to consider in pursuing modernization. This report and its findings highlight how the broader landscape of corporate legal teams surveyed is approaching unique modernization and transformation journeys, with the hope it offers guideposts for your organization.





OUR SPEND ON ALTERNATIVE LEGAL SERVICE PROVIDERS, INCLUDING LPOS AND THE BIG 4 HAS INCREASED/DECREASED/REMAINED THE SAME OVER THE PAST 12 MONTHS.

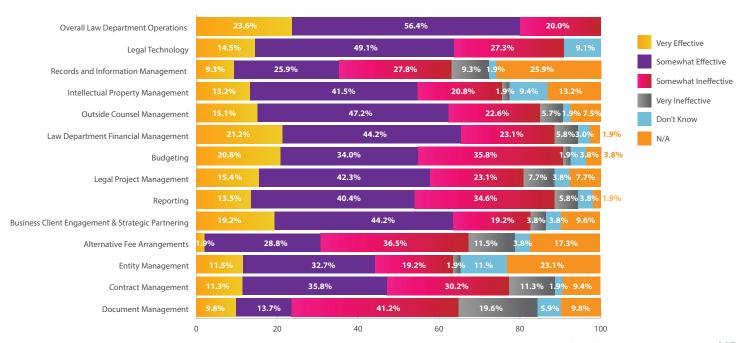
WE EXPECT OUR SPEND ON ALTERNATIVE LEGAL SERVICE PROVIDERS, INCLUDING LPOS AND THE BIG 4 TO INCREASE/DECREASE/REMAIN THE SAME OVER THE NEXT 12 MONTHS.

Given the customization of legal workflows for each client, LDOs are still trying to understand the various ALSP options in the marketplace and fit them in, according to Liberty Mutual's Mallavarapu. "ALSPs are increasingly focused on niche workflows, providing reductions of cost, time and effort, hugely benefiting law departments."

However, onboarding an ALSP can be effort-intensive if law departments do not have standard work and good knowledge management practices. "ALSPs have to customize their initial offerings to fit into existing processes and, over time, work with LDOs to improve both process and technology, allowing the clients to benefit in the long run," he says.

And survey respondents agree there is still room for improvement. Only slightly more than a third—35% said they are very or somewhat effective in managing ALSPs. That is significantly less than the 62% of respondents who feel they are very or somewhat effective with managing their outside counsel. Similarly, respondents to the survey feel their operations are much more mature in dealing with outside counsel than ALSPs. When asked to rank the maturity of their operations on a scale of 1 to 5, with 5 being the most mature, 35% of respondents rated themselves at 4 or 5 for managing outside counsel, while only 19% rated themselves at 4 or 5 for managing ALSPs.

HOW WOULD YOU RATE YOUR LAW DEPARTMENT'S EFFECTIVENESS IN EACH OF THE FOLLOWING AREAS?

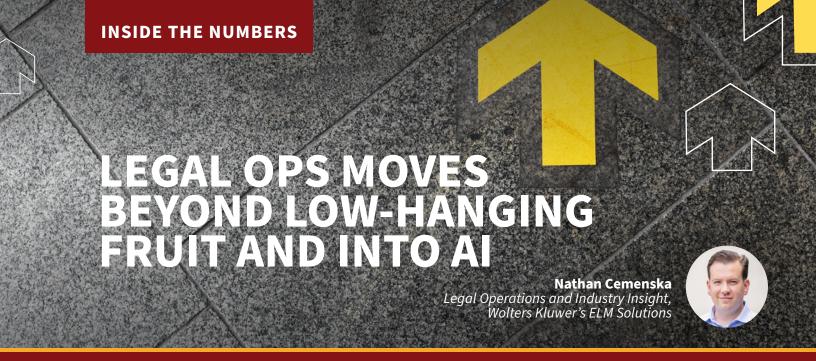






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The legal operations function has grown a great deal since the 2008 financial crisis, which exposed the fact that most corporate law departments (CLDs) lacked the people, process and technology necessary to run like a business, improve responsiveness and control costs. The survey you are holding illustrates that growth is ongoing—but it also shows that progress is a tale of two cities.

Despite the improvements of the last 10 years, the first "city" continues to struggle with the basic nuts and bolts of running a CLD. Ten percent of CLDs are without any form of legal ops in place, while 28% don't employ fulltime legal ops professionals. Many departments also lack provider panels and neglect to negotiate rate discounts or even track outside counsel costs.

Mature CLDs, however, have implemented all those things and more. Now they are taking progress further still, especially in the vein of AI. Consider the following contrast between the results of the 2021 and 2018 Blickstein Group Annual Law Department Operations Surveys:

- 20.4% of CLDs now use AI to optimize billing and spend management, compared to 15.2% in 2018.
- 16.1% use AI to make predictions about legal work, up from 8.1% in 2018.
- 33.4% use AI for e-discovery, compared to 20.8% in 2018.

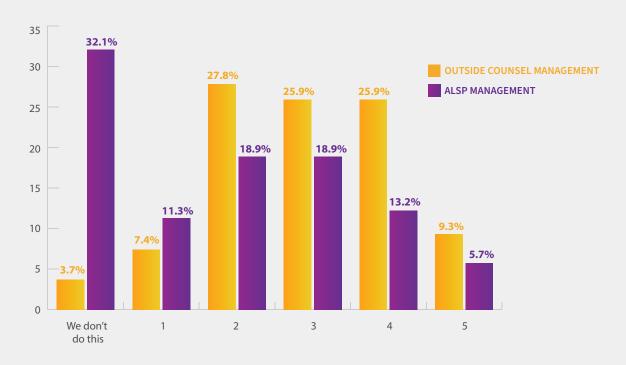
According to the Roberts Diffusion Curve, the business school model that ranks organizations on how quickly they adopt new technologies, AI is now prevalent enough that CLDs just beginning to leverage those solutions

would no longer be considered "early adopters" but "early majority." The early majority is the middle 15% to 50% of organizations that adopt technology faster than average—but only after they have observed their more adventurous peers use it successfully.

Indeed, the demands of this early majority are pushing the industry into a "golden age" of legal AI. This era is typified by the development of products like Wolters Kluwer ELM Solutions' LegalVIEW BillAnalyzer, the world's first Al-assisted invoice review offering. Users can save up to 10% on outside counsel costs, improve data quality and drive insights into how they might continue enhancing performance moving forward. Other Al products, like our Predictive Insights offering, take the guesswork out of estimating litigation settlements, cycle times and outside counsel costs, allowing legal teams to create more accurate matter budgets and case strategies. These products aren't just "cool ideas" you should try because they sound fun or interesting; they are practical tools that justify themselves today strictly in dollar terms.

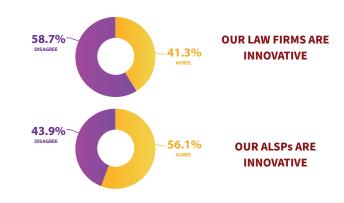
If your legal ops department has already picked most of its low-hanging fruit, maybe it is time to be part of the early majority. By choosing established partners and AI products with real momentum, you avoid the experimentation phase associated with untried solutions and skip right to the part where you save time and money. Integrating AI technology into your processes now will place you in a strong position to reap even greater benefits as existing products deepen and grow. There is no telling how far it could develop.

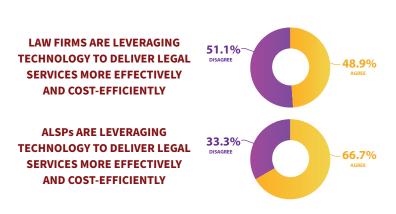




Rebecca Benavides, director of legal business and strategy for Microsoft's Corporate, External and Legal Affairs group, says her organization continues to invest in technology that makes effective use of data around outside counsel engagement. "This enables us not only to provide insights to our legal teams so they can be informed consumers of legal services, but also helps us collect data to support new initiatives and opportunities in this area."

Survey respondents believe that their law firms are becoming more innovative, but outside counsel still trail behind ALSPs in terms of innovation. Last year, only 37% of survey respondents said their law firms are innovative—a figure that increased to 41% this year. That's much lower than the 56% who consider their ALSPs innovative. Two-thirds of respondents also believe that their ALSPs leverage technology to deliver legal services more effectively and efficiently, while slightly less than half say the same for their law firms.





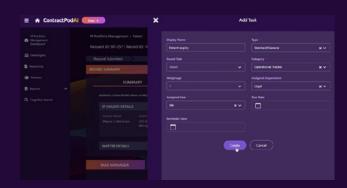
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READY TO TRANSFORM?

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For quite a few years, legal departments have focused on technology that solves their most immediate challenges, including solutions for matter management, e-billing and spend management. As with everything during current times, that focus is quickly changing. Many legal operations professionals and GCs have realized that wellchosen technology such as platforms, automation and AI can contribute more aggressively to the company's bottom line. They also help better serve the enterprise as a whole all while freeing up valuable time for legal professionals.

According to Blickstein Group's 2021 Law Department Operations Survey, legal operations professionals spend 26% of their time on cost savings, outside counsel management and vendor management. Leveraging stateof-the-art capabilities like automation and AI streamlines work and makes it more efficient, saving time for lawyers without adding risk.

For companies looking to implement legal technology projects, here are the top five ideas to keep in mind as you pursue legal transformation at your organization.

- 1. Remember that legal digital transformation is a journey. No matter how prepared or dedicated you are, that transformation won't happen overnight.
- 2. The primary transformation goals are to protect the company, engage the legal professionals and increase efficiency.
- 3. Know the main reasons why you're transforming in the first place. An intentionally designed legal department and optimizing legal spend are good places to start.

4. Understand why data is essential for legal digital transformation. A data-driven staffing model is the best way to fully grasp how many and what type of resources you'll need to make your transformation initiative succeed.

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5. Finally, foster a process-based mindset. The spectrum between art and process is "practice." It's a good way to communicate process to a lawyer.

In addition to those five considerations, what other actions can you take to drive transformation in your legal department?

Including legal operations projects in the regular corporate budget and the road map of transformation programs is a standard. However, self-funding by optimizing legal spend is another path to financing. Also, building a network of trusted partners such as your law firms or ALSPs can give you "talent on tap" capacity flexibility.

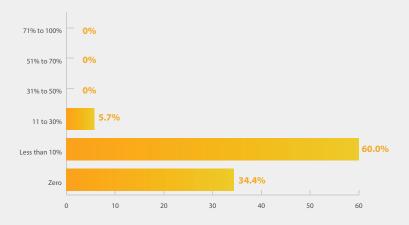
Technology will increasingly play a prominent role in transforming legal departments, as more legal operations professionals are fulfilling their mission by leveraging well-chosen technology solutions to streamline practices and deliver data-rich insights. The robust alliance of legal operations and technology is now driving the future of intentionally designed, high-value legal departments that could not have been implemented a decade ago.

One way to combine all the advantages of ALSPs may be by using a law firm's captive ALSP. Nearly two-thirds of respondents—66%—now use captive ALSPs or other law firm innovations such as self-service models. That is nearly double the number who did so last year. And 46% of respondents now think captive ALSPs can be a better choice than either traditional ALSPs or law firms, up from only 32% last year.

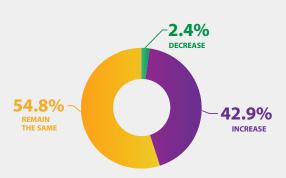
FOR THE RIGHT TYPE OF WORK, LAW FIRM "CAPTIVE ALSPS" ARE OFTEN A BETTER CHOICE THAN EITHER TRADITIONAL **ALSPS OR TRADITIONAL LAW FIRM PRACTICES**



WHAT PERCENTAGE OF YOUR LAW FIRM SPENDING IS WITH THEIR CAPTIVE ALSP, **SERVICE CENTERS OR SUBSCRIPTION/ SELF-SERVICE OPERATIONS?**

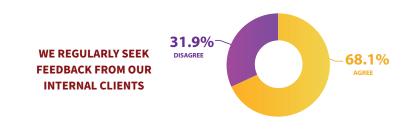


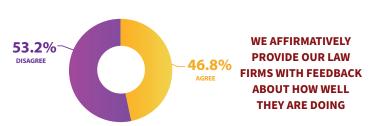
WE EXPECT INSTANCES OF OUR **OUTSIDE COUNSEL PROACTIVELY** PARTNERING WITH ALSPS TO **INCREASE/DECREASE/REMAIN THE** SAME OVER THE NEXT 12 MONTHS.

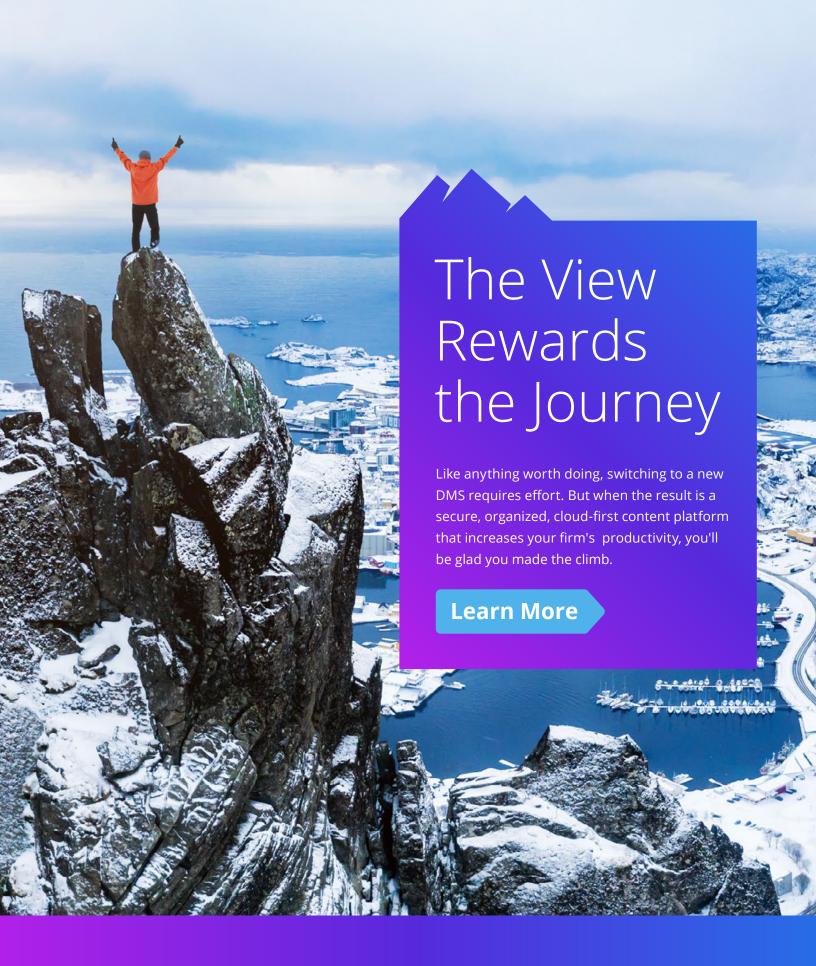


For corporate legal departments that aren't quite ready to consider captive ALSPs, 32% are expecting their outside counsel to increase proactive partnering with ALSPs over the next 12 months.

Moving forward, LDO professionals recognize that they need to improve their communications. It may be frustrating that only 40% of firms ask for feedback, but it's a two-way street as only 47% of LDOs said they affirmatively provide their firms with it.







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The last two years have taught us that legal teams must be able to adapt quickly to changing conditions. So it is not surprising that this year's survey shows that 74% of law departments rely on contractors/third-party staff or flexible legal talent, a 19% increase over 2020. When it comes to staffing for legally complex or sophisticated roles, the alternative to flexible legal talent—and often the primary go-to solution—is usually costly big law spend or increasing fixed costs by adding law department headcount.

But today there are a number of highly qualified and experienced attorneys, paralegals, compliance officers and legal operations professionals choosing to work outside these traditional "permanent" roles, giving companies access to high-end contract legal talent, which helps many companies better contain costs and, therefore, manage their budget. Here are three ways to leverage the highend flexible legal talent that is available to law firms and corporate law departments now:

RETHINK SECONDMENTS (YOUR LAW FIRM WILL LIKELY THANK YOU)

While some law departments still ask their law firms for seconded associates and paralegals, this is becoming increasingly less common. Traditional secondments are often suboptimal for law firms, law firm secondees and law departments. In fact, many firms increasingly decline secondment requests because they often cause staffing shortages and lost profits, and can negatively impact associates' careers. Likewise, law departments often now prefer ALSP contract attorneys and paralegals because they usually have both big law and in-house experience, and they are typically less expensive than a seconded law firm paralegal.

Many top-tier attorneys with in-demand big law and inhouse experience practice with flexible talent ALSPs and routinely serve throughout Fortune 500 law departments as well as in associate-, counsel-, and partner-level interim roles within big law firms.

EXPAND YOUR TALENT POOL WITH REMOTE PROFESSIONALS

Not surprisingly, there are a ton of fantastic legal professionals who would prefer to spend their time doing legal work rather than commuting three hours each day. The good news is that 91% of this year's survey respondents said their team's ability to deliver work product was not diminished due to COVID-19 and work from home. If you are open to attorneys, paralegals and other contract legal talent working remotely, you will increase the pool of candidates available to you, and it often will allow you to take advantage of cost savings based upon the lower market rates in various areas of the country.

USE FLEXIBLE TALENT TO VALIDATE THE NEED FOR FTES

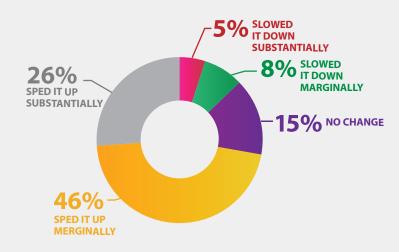
Many law departments already use high-end contract attorneys during hiring freezes when they do not have approval to fill a vacancy. But flexible talent also may be used to test and verify the need for creating a new full-time position. For example, perhaps your company has recently acquired a business. Before you add permanent headcount to your existing team, utilize flexible talent to service that new business. You then will be able to determine whether another FTE is necessary and cost-effective. You may be able to save money by continuing to use flexible talent on a full-time or reduced-hour basis.

PROCESS AND AUTOMATION

As they continue to attempt to do more with less, the greatest challenge LDO professionals face today and in the future is business process improvements.

Says Yeung, "In-house legal departments continue to prioritize the implementation of technology and process improvements, which is a common theme in the legal industry broadly. Although it can take some time to implement, we see a clear ROI and recognition of business value, particularly in transactional and commercial matters."

WHAT IMPACT HAS THE PANDEMIC HAD ON YOUR DEPARTMENT'S MOVE TOWARD AUTOMATION AND/OR DIGITAL TRANSFORMATION?



According to Mallavarapu, the pandemic's sustained impact on working remotely has fueled previous efforts already in flight. And survey respondents agreed. Nearly three-quarters—72%—now say the pandemic has accelerated automation/digital transformation, up from 68% last year.

"The ever-permanent use of paper and printers, the need for wet signatures and face-to-face client meetings are suddenly from a bygone era," asserts Mallavarapu. "Instead, the clients and law departments are working together to help ease friction in the delivery of legal services by focusing on standardizing of the process, then digitizing and ultimately automating parts of the process, in order to deliver consistent high-quality yet efficient legal services."



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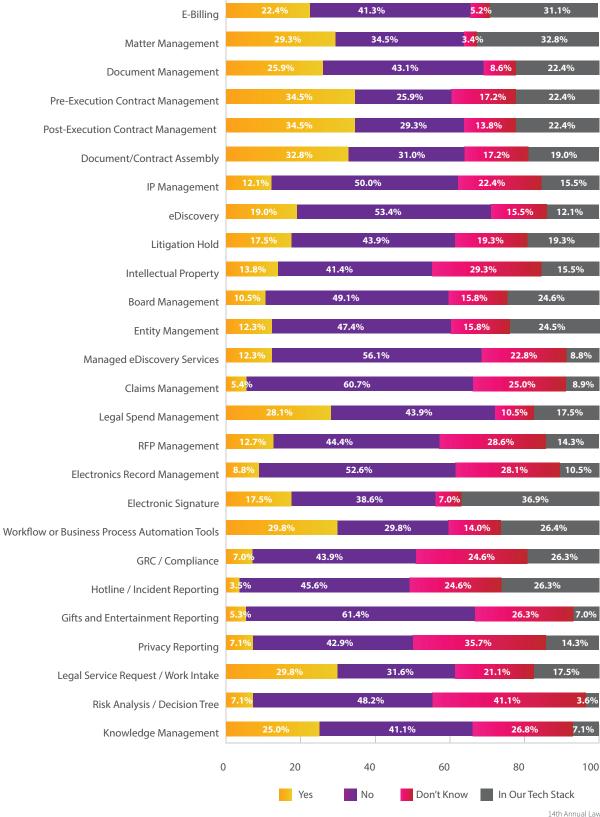
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In fact, every single respondent said they had at least some plans for automation. As the survey found, 30% are looking to add workflow or business automation tools, in addition to the 29% that already have them.

ARE THERE PLANS TO EVALUATE OR IMPLEMENT ANY OF THE FOLLOWING TECHNOLOGIES IN THE NEXT 12 MONTHS?



According to this year's Law Department Operations Survey, only a bare majority of law departments (51%) track their internal spend—despite such information being essential for resource allocation/optimization decisions. Not a single CLM metric is utilized by even half of law departments—despite contracts being the most straightforward area to demonstrate business impact while linking departmental KPIs to enterprise KPIs. Seventy-two percent of departments lack consistent metrics for evaluating outside counsel and ALSPs. Fifteen percent of law departments still have not introduced e-billing, and 38% still lack e-signature—two technologies that have been around for decades and are often assumed to have near-universal adoption, even absent formal legal ops. And the list goes on.

That so many are still so early in their journey is less surprising when you recognize the relatively recent vintage of legal operations in most law departments. But that only makes the positive self-assessments of maturity the more incongruous.

The truth is that even the most cutting-edge departments are playing catch-up in some areas while running the Red Queen's Race of moving faster and faster simply to keep pace with the evolving needs of the business everywhere else. It probably could not be any other way. Legal operations development is a rational response to the ever-increasing demand for legal support and the corresponding decrease in appetite to absorb the exploding costs typically associated therewith. It is inherently reactive, in practice if not in theory. Almost every legal ops lead inherits both annual deficits (the growing delta between demand and resources) and

compounding debts (process, technical, cultural)—plus, sometimes, a burning platform or two—that deeply complicate the already challenging mission of sustaining the operational excellence required for the department to support better business outcomes at scale and pace.

And that's OK. These are vitally important roles. Vital roles are supposed to be hard, especially when they are relatively new—new to the department, new to the business, often new to the person in the seat. Indeed, while legal operations roles are exploding for the right reasons, the math dictates that net new roles can only be filled by welcoming those with no direct prior experience into the community.

Fortunately, it truly is a community. The good news is none of us needs to be alone. Through formal and informal networks, we are all in this together—and so many are willing to share.

At LexFusion, we're here to help no matter where you are on the journey. From assisting friends write the business case to establish their first legal operations team to supporting long-tenured teams engage in blue-sky thinking for the first time in a decade, we are available to be an informational resource, a sounding board, a guide and a point of connection to your peers.

Contract lifecycle management, managed services, outside counsel management, staffing, information governance, training—we're open (and free!) to discuss whatever is top of mind and to help you move quickly, with confidence, toward finding problem/solution fit.

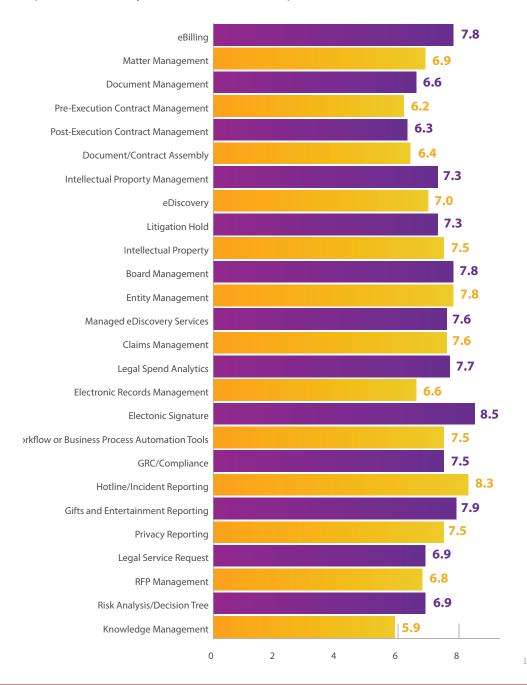
At Campbell Soup, proving the success of automating one type of process has encouraged growth and expansion into other areas. Says Arrowsmith, "We implemented a series of bots to automate the NDA process. There was some skepticism at first, but once the team saw how well it worked, they started talking about it across the broader department. That led other groups to ask to see it to better understand the technology, functionality and capabilities."

The buzz about [Campbell's automated NDA] project led to others asking what can be deployed to help their teams. Now we are left waiting for the next big technology advancement to move the needle even further and do even more with less."

When these workflow or business process automation tools are implemented, LDO professionals report that they tend to be relatively successfully, rating them 7.5 on a 10-point scale. And nearly 30% are looking to update, evaluate or implement legal service request/work intake, which is further evidence that LDO professionals are focusing on process improvements.

HOW EFFECTIVE IS THE FOLLOWING TECHNOLOGY?

(1 = NOT EFFECTIVE, 10 = EXTREMELY EFFECTIVE)



TECHNOLOGY EFFECTIVENESS

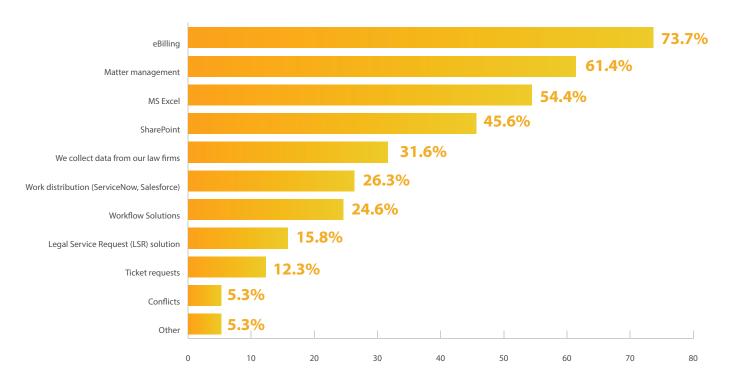
While workflow tools are considered relatively effective, survey respondents report that some of the "core" tools are even more effective. The most effective technology remains e-signature, the same as last year. Respondents also ranked their e-billing software as highly, at 7.8 on a scale of one to 10virtually the same as last year. Legal spend analytics has also emerged: it ranked at 7.7 this year, up from 7.3 last year. Other effective technologies include board and entity management, managed e-discovery and claims management.

Contract management-related technologies are remain less effective: document/contract assembly (6.4), post-execution contract management (6.3) and pre-execution contract management (6.2). Still, respondents are planning to target these areas to update, evaluate or implement in the next 12 months: 35% have plans for both pre- and post-execution contract management, and 33% are looking at document/contract assembly.

Survey respondents are also planning to update, evaluate or implement some of the basics, with 29% considering matter management, 26% document management and 22% e-billing. These core technologies are also often used to collect data, with matter management and e-billing being far and away the most common tools for this.

According to Oxy's Haysley, legal technology vendors have recognized the importance of data and metrics and are aggressively incorporating advanced reports, analytics and benchmarking into their products. "This is sometimes overwhelming when viewing product capabilities, but I think this will become increasingly important in system selections and design. Few business decisions in legal occur today without some type of supporting data."

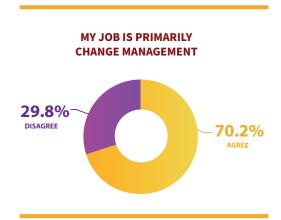
WHAT CORE TECHNOLOGY DO YOU USE TO GATHER DATA?



LOOKING AHEAD – BETTER NAVIGATION THROUGH METRICS

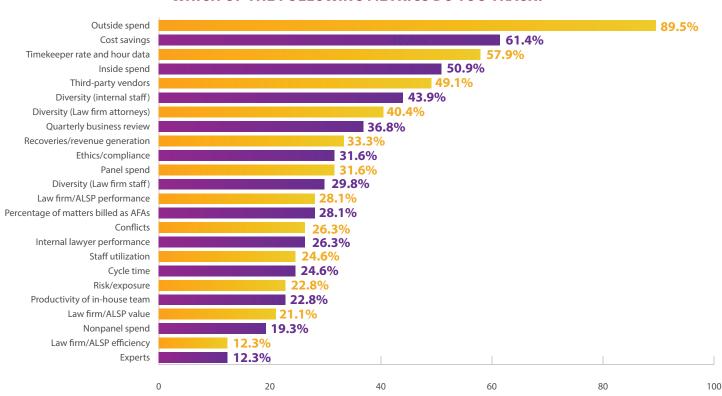
Even as they navigate doing more with less, most LDO professionals—70%—still see their primary job to be change management. So how will they drive this change? Like other functions, it is often through metrics.

Data and metrics have become the new language that many decisionmakers in legal ops rely on, says CIBC's Brzakala. "Data has become an empowerment tool. It speaks to how we source our legal work, measure and evaluate our service providers, tier work in order to save money, measure effectiveness and efficiencies in our cost-saving initiatives, etc. Good, reliable metrics are a fundamental necessity if corporate legal departments are to mature and deliver results."

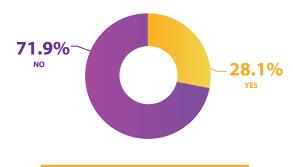


There are some promising signs that other LDO professionals are embracing this. Of course, 90% track outside spend and 61% track cost savings, but 58% go a step deeper and track timekeeper rate and hour data.

WHICH OF THE FOLLOWING METRICS DO YOU TRACK?



DO YOU HAVE CONSISTENT METRICS THAT YOU USE TO EVALUATE YOUR OUTSIDE COUNSEL AND ALSPs?



DO YOU FEEL YOUR LAW DEPARTMENT MAKES EFFECTIVE USE OF THE INFORMATION THAT METRICS PROVIDES?



There is still room for improvement, however. Only 23% track the productivity of their in-house team, and only 25% track cycle time, which can provide a great deal of information about so many areas in a very simple way. And only 28% said they have consistent metrics to evaluate outside counsel and ALSPs.

And even with the metrics they do track, only 56% of respondents believe their corporate legal departments make good use of the information provided by those metrics, which is actually down a bit from 2020.

"It's hard to navigate through what you can't see," says Brad Blickstein, principal at Blickstein Group and editor-in-chief of the Annual Law Department Operations Survey. "If law department operations professionals want to navigate their departments to behave more like other business units and deliver more value to their corporations, they will need to do a better job of collecting the right data and turning it into actionable information."

METHODOLOGY

The analysis in the 14th Annual Law Department Operations Survey Report is based on answers to an online survey conducted by Blickstein Group from September 9 to November 2, 2021, among a national sample of more than 81 law department operations professionals, representing 81 different companies. The survey consisted of 127 questions - many of them multi-part in nature. More than 300 data points were collected from each respondent.



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WANT MORE INFORMATION?

For more information about the survey or to purchase the full LDO survey results package for 2021, please contact Sam Moon at sam@blicksteingroup.com or call 773.470.8381.

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