



The expanding role of technology in the law firm business model (338)

By Kenneth Jones on November 13, 2022



Legal technology is slowly becoming core to the legal business. It's time to commit to a cross-functional team approach.

In the legal profession, attorneys with specialized subject matter expertise (e.g., discovery, trial work, corporate transactions, appellate, regulatory, and many others) provide tremendous value to their clients. Similarly, technologists supporting the legal profession typically include accomplished programmers, skilled engineers, application experts, integration specialists, security ninjas, and the like. In both disciplines, specialized expertise is incredibly valuable.

The premise of this post is that individual capabilities and excellence (either legal or technical) standing alone are not enough to ensure long-term, sustainable success. No superstar technologist or lawyer is equipped to do it all, as there are too many specialties and functional roles which need to be filled. Rather, a better approach is to construct team-based, cross-functional units that offer greater operational efficiency while building in layers of redundancy that reduce the potential for surprises, errors, or disruption. Cf [Post 323](#) (Patrick McKenna's "rules of engagement" for high-performing legal teams).

When it comes to complex legal matters, lawyers readily accept the cross-functional team approach. This is because they know enough about the problem at hand to understand that different substantial legal experts are necessary to get the best possible results for clients. In this post, I make the case that legal technology is headed down the exact same road, thus requiring planning, strategy, and leadership that operates in parallel, and in support of, outstanding legal work performed by lawyers.

In this post, I'll start by answering the most important threshold question, "why is this important?" After that, additional topics include:

- Breaking down legal technology into its component areas (primarily people and roles)
- Getting the right technology to enable digital workflows
- Tip-building tips, including fractional resources and the use of non-IT talent, which is abundant in law firms.
- When the cross-functional approach doesn't apply
- Persuading the skeptic who is wedded to the superstar approach.

Why this is important?

Why does a post focused on technology belong in Legal Evolution? Increasingly, client value is dependent upon the integration of law with technology. Below are four reasons why legal organizations need to look at technology, and a cross-functional approach, as something integral to long-term success.

1. Expertise and innovation

Increasingly, law firms need to demonstrate expertise in technology, improving productivity, tightening client connections, and safeguarding data. There's also more requirements for lawyers to secure tech-related CLE, from which one should infer increased importance. See [Post 328](#) (Anusia Gillespie discussing evolution in this area).

Similarly, leveraging technology is one of the primary areas used by clients to evaluate their outside service providers. See, e.g., Cassandra Coyer, "[Legal Tech Knowledge Lags Despite Outside Counsel's Growing Expectations](#)," Legal Tech News, Sept 22, 2022 (quoting Wolters Kluwer VP of Legal & Regulatory, Ken Crutchfield, "technology has gone from a mere consideration to a major criterion when evaluating firms").

Perhaps most the compelling reason, however, is that the next generation of legal professionals is reframing the concept of legal teams. One is [Adam Curphey](#), a UK-trained solicitor who worked as an associate at White & Cases before embarking on a career in legal technology and innovation in legal education and other U.S.-based global law firms.

Curphy's recent book, [The Legal Team Of The Future](#) (2022), discusses a Law+ model for the future building competencies in four discrete segments: **Law+People**, **Law+Business**, **Law+Change** and **Law+Technology**. The mere presence of so many "pluses" communicates the increasing importance of cross-functional collaboration in our profession.



2. Team-based work

Yes, legal tech is pervasive in the legal profession, but the same is true for a team-based approach performed by lawyers and other adjacent professionals. Law firms increasingly require a wide variety of skills over and above outstanding client-facing legal practitioners (in functions such as business development, finance, and operational excellence) to maximize success. The level of sophistication in legal is on the uptick.

Throughout my career, I've seen how bringing together lawyers, legal assistants, and clients to develop functional requirements for systems managing large batches of matters that can provide data-based outcomes for clients, provide, as this is a core part of resolution counsel work in the mass torts and products liability space. This is not possible without collaboration, exchanges of disparate ideas, and the interaction of practitioners spanning functions to pull together for the common good.

3. Resisting the “go-to” mentality

Those in professional services understand the go-to mentality — one person who, like magic, handles a difficult, complex problem so the rest of us don't have to worry about it. That's not a bad thing. Superstars are paid well for a reason, and we rightly find comfort in knowing “the best” are working on our issues. That's completely understandable, great people are the lifeblood of organizational success.

Of course, any deep technologist (or lawyer) who combines functional excellence with “the complete player mentality” are exceptionally valuable. But those individuals are hard to find. Further, relying upon them to serve in multiple roles, and solve multiple types of problems, raises issues of sustainability. It may also be a sign that the organization is lacking in mentorship and failing to give opportunities to a wider range of employees who have the potential for excellence in specific niche areas. The latter approach offers a viable way to build crucial redundancy in any system.

Here's an example encompassing the many facets of our profession. On legal-oriented mass tort matter management projects (an area I've coordinated), the integration of those with financial and business backgrounds (in addition to lawyers and technologists) helps systems add bottom-line value; likewise, the inclusion of specialists in software testing and quality made technology more reliable. Everyone wins when diverse resources sit at the table.

Similarly, in most organizations, there are simply not enough FTEs to fill every role. As a result, those in technology may also be serving as project managers or customer success representatives. In legal, it's folks like attorneys who spend time

in their workday to address issues beyond purely legal (e.g. matter budgeting, timelines, teambuilding, mentoring). These are the hallmarks of strong team players.

4. A practical example: data security

To drive home the importance of a cross-functional team approach in legal technology, I offer the example of data security, which is mission-critical to every law firm. The truth is, no matter how impressive one's internal program is, an additional third-party review process adds value, not unlike how auditors benefit public corporations in preparing financial statements. Those additional sets of eyes and perspectives in reviewing security practices are a worthy investment of time and money. This is because any mistake on data security threatens the clients' interests and the reputation and viability of the firm.

Michael Argast, CEO of Kobalt.io and a technologist with a long and successful career in cybersecurity, recently noted that the perceived cybersecurity talent shortage is due to several misconceptions that result in overreliance on degrees and certification, giving too much weight to years of experience, and overvaluing formal (and impressive-sounding) titles. See Argast, "**The Cybersecurity Skills Gap: Dispelling Misconceptions**," *ISACA Now Blog*, Oct 17, 2022. Argast notes:



Michael Argast

The reality is that an organization-wide security culture and leverage of skillsets of a diverse team with diverse experiences is critical to addressing security in the modern organization. Any attempt to silo it off in IT, compliance or some small corner of the organization is doomed to failure, and the desire to be rescued by an uber-technical security savior is likewise doomed.

Fortunately, Argast's recommendations are within any organization's reach: (a) recognize everyone has something to contribute, (b) youth and diversity have value, and (c) coaching and mentoring are key. Perhaps this is obvious when applied to lawyers working in a law firm. But I am making the additional point that it applies with equal force to the legal technology functions.

In sum, the broadening of resource pools delivers multiple elements of value, and in turn, increases the overall effectiveness of legal teams.

Component areas

What are some ways we “tech people” (or those partners or law firm chief operating officers charged with managing these resources) can raise the bar on the service we deliver in the legal profession? Here’s some areas.

1. Project planning

Just like a legal matter, it’s important to understand the engagement and objectives. Strong practices includes:

- Defining scope
- Writing clear business requirements that stakeholders readily comprehend
- Setting solid budgets
- Monitoring against plan milestones
- Ensuring consistency with an organization’s tech stack and vision
- Retaining the flexibility to inject resources to avoid bottlenecks

In many ways, this is actually quite similar to strong practices managing legal matters (planning, budgeting, resource management). Doing all of this “takes a village,” but the benefits offered by the collective of talents providing these services (writing, financial, planning) include the ability to keep up with best-in-class clients and competitors.

2. Testing and quality assurance (QA)

This is a time-honored process in legal, as drafts written by associates are routinely reviewed by supervising partners. The same principle applies in technology, with the same goal of “getting it right the first time” (meaning, before others see the end product).

Not unlike legal, it takes workers with a certain mindset to work on quality assurance (e.g. some people like proofreading and wordsmithing, while others don’t). Similarly in tech, those skilled in programming or engineering aren’t usually terribly interested in executing detailed QA tests.

But that does not mean the function is not important. To tackle that, end users in testing can be a great idea. For example, when Legal Assistants who are actually going to use a system are asked to review functionality, they probably do so with more interest and engagement. In addition to operational failure, they are also interested in how the technology will add value to the workflow. This an excellent illustration of how diverse talents (in this instance non-IT legal workers) enhance work product.

3. Sustainability

In tech, this is often achieved via project documentation and teamwork. We all understand that sustainability is important—cities can't survive dumping chemicals into their rivers, small businesses can't work the staff seven days a week, and in a law firm, on both the tech and attorney fronts, client service is imperiled when essential knowledge is possessed by a scant few individuals.

Resource backfilling and succession planning, especially in high-demand professions like technology, are considerations leaders should keep top of mind. Additional sustainability practices include:

- Creating resource pools
- The use of code management systems for tech code (the legal tech analog to document management systems for legal documents)
- Integration of process and documentation as required components of the service model

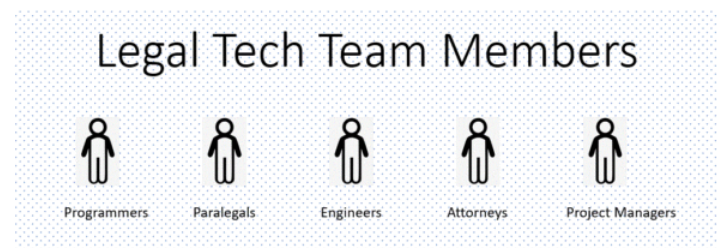
In addition to improving sustainability, these practices also make internal workflows more supportable. Thus, in the short to medium term, they also incrementally improve the experiences of everyone in the organizations.

4. Teamwork

I'm no organizational behavior specialist, but from what I gather from those who are, teams benefit from a diverse set of ideas, often in unanticipated ways. Cf [Post 238](#) (discussing and documenting the relationship between diversity and law firm profitability); [Post 110](#) (Randy Kiser presenting evidence that diverse trial teams achieve better results); [Post 074](#) (Evan Parker reviewing the literature on the performance of diverse teams and perspectives).

Following this line of thinking, deputizing members of the legal group (e.g. legal assistants, attorneys) into legal tech teams is an awesome strategy for building out diverse capabilities and tightening the connection between legal and tech also. We are all products of our individual life experiences, and our varying perspectives offer different, valuable viewpoints on topics. The

inclusion of more frames of reference both reduces risk and enhances delivered value. Moreover, these powerful benefits are available by utilizing homegrown talent. Cf [Post 335](#) (Husch Blackwell building world-class solution in toxic tort area by utilizing technology and business professionals with decades of experience in the firm).



5. Client-facing benefits of a cross-functional approach

Briefly pivoting back to the original premise of “why is this important,” IT practices:

- Help maintain client relationships
- Contribute to attracting clients.
- Is a significant risk factor for losing clients.



Clients are, of course, the lifeblood of professional services firms, so hopefully, the linkage back between technology and the client service model highlights the importance of creating highly efficient work teams.

What lessons are learned here? Individuals with a range of functional knowledge—and those with the vision and management skills who are capable of building such a consortium comprised of complementary professionals with broad-based skill sets—are setting a new (and high) bar for what legal teams can accomplish.

Getting the right technology to enable digital workflows

It's not all about the hiring and training of people. Sometimes new technology can assist in the creation of well-functioning work teams. Digital workflows are an obvious example of how tech can help on that front.

Let's begin by defining "digital workflows." To me, it is something like the following:

The automation of a company's processes and the internal steps needed to get its business done, and the routing of tasks to appropriate teams or individuals in support of existing and established workflows.

What are some examples of this in legal?

- Matter management platforms, which help legal operations groups to define optimal workflows for litigation tasks
- Document automation platforms, which shorten document assembly timelines
- Technology designed to more easily capture time entries
- Applications to automate and validate electronic billing.

Legal Technology Hub, the legal technology search engine and research tool created by industry experts **Nikki Shaver and Jeroen Plink**, is an outstanding resource for anyone wanting to learn more about these and many more legal technologies.

One function digital workflow tools have in common is the routing of tasks to the approved sets of workers (sometimes a group, sometimes an individual). What's a good example of this in the legal function?



Nikki Shaver and Jeroen Plink

Consider the automated processing of court notices. In the "olden days" (I hope), notices flowed to an individual, who would have the sole responsibility to act on and file them. Perhaps that process had oversight, perhaps not.

Today, the infusion of workflow automation offers functionality to electronically route notices to track the status of each notice and ultimately electronically inject the notice into the appropriate repository (such as a document management system). Easy to understand how technology like this adds more depth and transactional documentation to a process, thus creating cost-effective redundancy and sustainability for an entire organization.

To sum up, as it relates to the basic premise of this post, digital workflow systems integrate multiple workers and functional groups into a task, versus reliance on total ownership by a single, superstar legal professional. Hopefully, the days of one person owning a process from soup to nuts is a thing of the past, as the stakes are getting too high and matter too complex to ignore.

Team building tips

Shifting back to human dynamics, what are some tips on building strong teams?

Let's consider an example in the legal field with a technology slant, building out litigation groups. As most readers know, this generally involves hiring e-discovery experts, reviewing attorneys, and securing the services of subject matter experts for trial presentation or war room support.

1. Fractional resources

Fractional resource strategies with an eye on continuity—meaning using specialists in these roles but striving for repetitive engagements to build institutional knowledge vis-s-vis pure transitory, temporary engagements—help build layers of expertise and human knowledge redundancy into key processes.

In “my world” of legal tech, good examples purely within tech include hiring an external Help Desk or technology support group to support the firm outside of working hours.

A final, and very important word, on this topic: I use the term “fractional resources,” but these professionals are, of course, actual humans also. Taking the time to treat these individuals as you should everyone else—with warmth, collegiality, and a personal touch—pays huge dividends in terms of commitment and productivity. It is not much of a cost to allocate 30 seconds a call for a touch of empathy and light banter, which sometimes can make all the difference in the world.

In addition to building a broader support base, fractional support strategies are often cost-effective and an excellent way to gain access to specific expertise difficult to attract within organizations (especially medium and smaller-sized law firms that, for obvious reasons, need to hire generalists).

2. Leveraging other employees outside of IT

Another idea: reach out to organization members outside of IT. Virtually every legal service organization has employees interested in technology and interested in learning. Integrating traditional legal professionals into technology functions like testing, documentation, support, vendor management, or gathering business requirements are win-win both for your projects and organization.

To support this effort, consider engaging with your HR group to help to broaden the set of competencies all team members have. One actionable item on this front might be a **DISC Assessment** program, or other activities designed to help employees understand their strengths and weaknesses, such that they may work to maximize their strengths and work on their areas of opportunity, all of which will strengthen teams in the long run.

Taking time to focus on human capital—in addition to pure IT technical skill and teamwork concepts—will also help with the sustainability and overall effectiveness of legal technology/operations initiatives.

Counterpoint: when the cross-functional approach doesn't apply

Of course, any good argument deserves a counterpoint. Here is mine.

In instances when projects are mission-critical in nature, I believe going “all in” with your best people makes good business sense. For example, in my career, there was a time we worked to open an office in weeks rather than months and an all-hands-on-deck approach was the only way to accomplish that. Other times, the goal line was defined as the completion of a new software release on a particular date. When the ask is tough, that's a good time to shorten your bench. But that should be the exception rather than the norm.

For the skeptical high performers

To those who are used to working independently, be they a technologist or a lawyer, it's understandable for them to conclude that they are existing—*heck, they're actually even thriving*—in an environment where total ownership with limited institutional sharing is the norm. Thus, it's reasonable to ask, “why change?”

The answer is somewhat self-serving but also very true. Even if one does not believe that teamwork protects the enterprise, I believe “total owners” often, probably inadvertently, are actually constructing a fairly low ceiling above their own heads. Traits like teamwork, collaboration, and communication are crucial elements to gaining trust and access to roles in executive technology management. Succession is also an important consideration—it’s less likely for an excellent performer to move up the proverbial food chain when management is quivering in fear at the thought of that individual exiting their hands-on responsibilities.

From a career management perspective, often times those who think they are winning the battle with respect to “total ownership” often are, in actuality, losing the war relating to upward mobility. It is fairly clear that both for the organization and the individual, the assembly of solid project teams is vastly more important than actually completing said projects, however counter-intuitive that might sound. This is because great enterprises are much more than the sum of their individual pieces.

Legal Evolution

