

Why Process Management Is Critical To Legal Tech Adoption

By **Nadine Ezzie, Kenneth Jones and Kathy Zhu** (June 22, 2023)

A common misconception regarding the rollout of legal technology is that the process begins with the selection of a solution followed by its implementation and rollout. This omits the essential step of either defining the underlying process to be automated — if a process does not yet exist — or refining it, specifically, defining its business problems and desired opportunities.

When this element of a project is skipped, the potential for a disconnect between what is actually needed and what is purchased is very high, with teams set up for implementations laden with friction, delays and a decreased likelihood of successful user adoption.

This article will highlight specifically for corporate legal departments how a strong foundation of process management, one that includes a proper "requirements" definition, should be laid before any legal tech implementation to ensure intended goals are achieved on time and within budget.

Let's begin with some core elements of defining business problems and process improvement opportunities — which apply both to legal and other functional business areas.

Involve All Stakeholders

Generally speaking, this means discussing needs and pain points with all levels of the legal work team — including members of legal operations, both junior and senior attorneys, paralegals and the internal clients they serve, helping to add efficiency to the function.

For example, those designing the technology system must be concerned with issues such as collecting, entering and working with data from legal ops, an internal group designed to improve the productivity of the internal legal function. The development of workflow reminders and the creation of management reports are probably more the domain of attorneys.

Opportunities to streamline or eliminate work steps — with ideas likely best generated by legal assistants or paralegals — should also be identified. And compliance and regulatory issues should also be in play.

All that being said, identifying a broad set of stakeholders to interview is an essential element in process improvement projects.

Create an Open Culture

Legal team members need to understand that without candid responses to questions suggesting process improvements, gains will be hard to achieve. Communication from the general counsel or other senior members of the legal team with respect to the project and the goals of the effort, encouraging participation, goes a long way toward developing an



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environment supporting forthright communications.

Ask Probing Questions

Try to focus on the actual steps needed to accomplish the objective at hand, and not the automation that is aimed at driving efficiencies with the process itself.

Maybe a legal process is frequently stalled because one and only one individual can move something forward. Or, maybe it's challenging to get the input of a key member of the team on a timely basis. Or, perhaps those deeply involved in a legal process just have ideas on how to do it better.

Similar to a focus group, ask both probing and open-ended questions to try and get various elements of feedback.

Define Business Imperatives

In the legal world, there are many definitions of success. Often, it is prevailing at trial or reducing the overall negative impact of a litigation.

Sometimes the goals are budgetary, to deliver administrative efficiency or cost savings. This might mean measuring the average settlement cost of like matters over time before and after technology is deployed.

But, regardless of the metrics, it's essential to understand the definition of a "win," measure for progress and report back on findings to ensure technology projects deliver the bang for their buck.

Define and Present the Requirements

It's really important to get the project steps, goals and functionality down on paper, and to secure some type of formal signoff from the business community, specifically, members of the corporate legal department, the internal clients they serve, the company's business partners, and its outside law firms.

While this seems like an arduous task, it is essential to ensure there is no disconnect between what legal professionals are expecting and what legal technologists will build, or which solution will be bought, on a particular project.

To avoid a lengthy list of goals that will be near impossible to achieve, the project owner should direct stakeholders to differentiate between their must-haves and things that would be nice to have. One way to achieve this is to have stakeholders rank their desired goals from 1 to 5, with say the top two to three selected for the project.

Once these steps are completed, the legal tech building or selection process typically is ready to begin. But, since first defining process improvements is the focus of this article, let's now turn to three case studies of legal business imperatives to specifically illustrate these strategies.

A Look at Three Legal Business Imperatives and How Strong Process Management Supports Them

1. *Helping Legal Departments Streamline Processes Prior to Onboarding Them to*

Legal Platforms

You can't automate what's not already standardized. Sounds simple enough, right? With legal tech adoption, that's not always the case.

We hear so much about the advantages of leveraging legal technology to drive efficiencies, scalability and productivity within the legal industry that it's only natural for legal teams to go straight to tech selection and adoption.

What we don't hear about enough though, is the absolutely critical step of legal process definition or refinement before launching a legal tech implementation. Think of it as laying the foundation for any successful legal digital transformation.

One of us saw this in play repeatedly when leading customer success for a legal tech company that focused on automating the drafting and negotiation of commercial lease agreements.

Legal teams would come to their implementation prepared to automate their leasing process; however, the underlying process itself was not well defined. This often led to delayed implementations, increased friction throughout the process, increased costs, or all three.

Long-term project success and ongoing positive long-term relationships between legal tech professionals and attorneys require a proactive, intentional and collaborative, as opposed to reactive and rushed, approach.

Legal teams can do their part to ensure a successful legal tech implementation by following the guiding principles within this article to manage their legal processes.

In the leasing scenario above, agreeing to what the process looks like pre-automation — i.e., standardizing each step of the process, people and tools involved — will ensure a successful tech implementation. The benefits of doing so could also extend to informing which legal tech solution is actually needed.

Once standardized, a process will already start to deliver efficiency returns, therefore reducing the scope of what might actually be needed from a legal tech solution.

2. Helping Corporate Litigation Clients Achieve Better Outcomes on Large Litigations

Large, national mass tort or product liability litigations are very complex in nature, with voluminous data sets to match. There are tens or hundreds of thousands of plaintiffs, and thousands of data points one might potentially collect for each matter — e.g., plaintiff name, alleged injuries, products involved, venue, related products, defense fees, settlement negotiations, attorney case evaluations, and all the dates, documents and tasks related to a matter.

Imagine that the goal is to implement a large-scale case management system with the following components: matter tracking, settlement and legal fee and cost tracking, calendaring and deadline management, and reporting or projecting future exposure and litigation. We are thinking of a ground-up software deployment, but the concepts can also easily apply to any commercially available off-the-shelf product.

But in a world where efficient litigation case management is mandatory, it's simply not feasible nor cost-effective to collect and maintain these myriad data points. Triage is necessary.

Asking all stakeholders — both outside counsel and corporate legal department members — which data points are most helpful to facilitate matter processing is a key first step. This supports collecting only those data types that are of value, avoiding excessive costs and uncontrolled growth in the project's scope.

Discussions focused on the size and scope of the litigation — both current and expected — are also beneficial. This ensures that scalability and flexibility — important elements of any tech implementation — are integrated to support additional data or data points should they be required.

Identifying workflows that are good candidates for automation is also useful. Reporting requirements — e.g., for insurance claims, audit requirements, etc. — and compliance and security are also key considerations.

In the legal function, reporting can mean many things — information needed by key internal clients like the finance function, status reports, documents generated by systems supporting matter management, reports required for compliance purposes, etc. — so drilling down with users on specifics is very important.

In conclusion, properly framed requirements gathering in large litigations optimizes spending, ensuring only those data points required for strong case management and cost containment are collected and maintained.

3. Helping Corporate Legal Achieve Greater Operational Efficiencies

Legal teams often handle high-volume requests from business stakeholders. Examples include transactional workflows such as vendor onboarding or sales contracting requests, compliance processes, marketing collateral reviews, privacy questions, trust and safety escalations, and processing subpoenas, to name just a few.

Managing the crush of intake from different internal customers is another daunting task for in-house counsel. Streamlining this process results in significant time savings for the legal team that can then be spent on substantive legal work.

To do so, legal teams can determine upfront what information they need the business teams to provide each time when a request is submitted, rather than going through a time-consuming back-and-forth each time with the business requestor to obtain this information.

Criteria can also be established to bring in approvers upon meeting certain conditions. For instance, when onboarding a vendor, if the vendor will access personally identifiable information or integrate with the company's systems, then the information security team will be brought in as an approver and a security questionnaire will be sent out to the vendor.

Involving the necessary stakeholders and ensuring alignment is critical to success. It is necessary to establish which individuals will be responsible for approvals in each functional team and their criteria for being brought into the conversation.

Sometimes the universe of participants who need to be in the process is wider than one

might imagine, and certainly expanding outside the friendly confines of the legal department.

Members of financial, insurance and other business departments are frequent players in such processes. For certain types of companies, one might easily add members from research and development or human resources teams also.

The key is to ensure everyone who has some skin in the game has a say in the process.

After this groundwork is complete and the process is delineated, technology can then be introduced to efficiently handle the intake and request management process.

Conclusion

It's clear that legal process management is a critical, foundational step to any legal digital transformation project. Even on its own, when there is no legal tech adoption, the stand-alone benefits are enough to warrant making this the first step in any legal journey to drive efficiencies, capture critical data, and divert valuable legal resources to more strategic initiatives.

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