

Forget the new normal, let's make do and mend...

"Don't let a good crisis go to waste!"

How many times have I heard that phrase recited while Zooming, House-partying or Teams-ing with fellow members of the legal profession over the past couple of months? Is every in-house lawyer and Legal Ops Manager invoking the Churchillian spirit, or perhaps Rahm Emanuel if you're on the left side of the Pond, to stir the winds of change and prepare their teams for "the new normal" (is that expression jarring with you too now)?

So what exactly do all the GCs and legal C-Suiters mean by their collective call to action? Our team leaders clearly have more integrity than to try suggesting that these crisis-ridden times might be used to "bury bad news" and few are likely to consider that the current circumstances present an ideal opportunity for in-house teams to launch major change projects or new technology initiatives. Many staff are furloughed, and maintaining contact with those employees who are still working is harder just as it is inevitably more intermittent. Most lawyers are having to adjust to changing business priorities and demands arising from the Covid-19 crisis (is everyone a force majeure expert now?) and there has quite rightly been significantly more time spent checking in with individual team members about their ongoing health and welfare.

Few are likely to consider that the current circumstances present an ideal opportunity for in-house teams to launch major change projects

That said, while some in-house lawyers have found themselves unexpectedly thrust into the limelight to solve new Covid-related business challenges, others find themselves with time on their hands as the business functions they support are slowed or suspended. There is therefore some opportunity to reflect and plan for that "new normal" – a 'normal' that is surely going to involve a world of severely squeezed budgets; a 'normal' in which the oft-used concept of "doing more for less" will have real meaning for the in-house legal community (and as we know the legal function is not traditionally one for which CFOs like to open their purse-strings even at the best of times).

So where might our time best be spent as we look for lockdown exit and a return to 'normal' (new, or old)?

1. Use what you've got...

Top of my hit-list (calling on a cliché from days gone by) would be a "make-do-and-mend makeover" – specifically a review of all the technology already available to the in-house team, whether legal team-specific or wider enterprise technology, that could be used to greater effect (or even used at all).

During the past year of my new role at 3Kites (helping legal teams with their technology needs, roadmaps and strategies) I've been struck by the extent to which in-house teams either fail to extract the optimum benefits from technology they have purchased or fail to appreciate the benefits and efficiencies that their basic enterprise technology avails them. I've also been surprised at how IT suppliers fail to devote the equivalent effort to implementation that they give to selling their clever technology (often coupled with a commensurate lack of attention to implementation and adoption by the legal team itself).

When it comes to understanding how the basic building blocks of their wider enterprise technology can help them, legal teams are often reticent at asking questions or just experimenting. While 3Kites is completely independent of any technology supplier, we regularly suggest that clients look

Simple actions can make remote working for the whole team more efficient with little or no expenditure

more deeply into their Office 365 toolbox to see how the ever-growing array of Microsoft applications could benefit some of their simple regular tasks. Document management is another aspect of in-house life that can usually offer significant benefits via a simple clean-up of libraries and folders (and that applies whether you're using the latest version of document management such as iManage or

NetDocuments, or relying on your old K: drive network folders). These simple actions can make remote working for the whole team more efficient with little or no expenditure.

2. ... review what you do...

The second aspect on which I would focus my time right now would be my legal team's core objectives and focus. Every business support function should review itself regularly to ensure that it is staying in step with the wider business that it serves. However, we all know how easy it is to let our focus lapse on this sort of issue. I recall hearing earlier in the year of a large, international corporate whose legal operations group undertook a detailed survey of the legal team's internal clients to identify where these clients saw the team adding value. They were apparently more than a little surprised when the survey results showed that their business colleagues attributed almost no value to much of the contracting work, especially drafting standard contracts (NDAs, etc) that had been the bread and butter of the team's procurement support lawyers for many years. The subsequent changes to the team's service offering have not only brought the team more into step with the business but have enriched the work experience of some of the lawyers there too and contract automation combined with a business self-service tool has played a major part in those changes.

Identify and focus on where the business sees the value of the legal function

Another organisational aspect worth reviewing at this point is knowledge management. This is one of those topics that lawyers moving from private practice over to 'the dark side' often find most surprising (and concerning) – in particular the lack of sophistication (and substance!) behind many in-house teams' knowledge management resources and processes. And yet, with a little thought about optimising the people, processes and systems available, an in-house team's KM element can become as useful a tool for the team as that of any law firm. You don't have to bite off more than you can chew on this issue either. The key is to start somewhere - if you don't have any formal KM resources at present then why not agree with the team (ideally at your next meeting) on where to store resources and how to share them... and then be topical and start by gathering all your Covid-19 related know-how together!

3. ... and get your techie-cheerleaders engaged!

Of course, the right resource needs to be committed to any review process to ensure that the output is captured and followed through effectively. In the last few years many legal teams have started to unlock the potential of their available technology by appointing into legal operations roles people

Find an enthusiast to drive the initiative to get the best from your systems and processes

who understand (and usually are enthusiastic about) how the various technologies can benefit in-house teams. If the current crisis has highlighted the need for your team to plan for a 'new normal' then consider the benefits of appointing someone within the team who is dedicated to helping it get the best from its systems and processes. Failing that, make a friend out of anyone in your firm's IT team who is prepared to

talk to you and perhaps demonstrate to the team the capabilities of some of the enterprise technology available to all employees.

Going back to the history lesson, we should remember that rationing lasted in Britain for eleven more years after WWII, only ending in July 1954. I suspect that we will all have to make do and mend in our corporate environments for many years after the current lockdown has ended, so we should start now by planning and acting accordingly.

Giles Pemberton, 3Kites Consulting

June 2020

At 3Kites, we use our extensive legal-sector experience (including a former GC, former law firm partners and IT Directors) to help in-house legal teams maximise the use of their current technology and introduce new processes and legal tech to help them support their internal clients as effectively and efficiently as possible.

www.3kites.com

Fresh thinking since 2006

3Kites Consulting is a limited company registered in England and Wales. Registered number: 5644909. Registered office: Chancery House, 30 St Johns Road, Woking, Surrey, GU21 7SA.