

# The Rise of Specialist Career Paths in Law Firms



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## Chapter 10: **Legal operations – transforming the way legal services are delivered**

*By Tammy Heydenrych, managing consultant, and Tom Evans, legal operations consultant, Norton Rose Fulbright*

### **Solving the challenge of legal's value gap**

A staggering 75 percent of CEOs don't believe that their legal function delivers sufficient value to justify the time and money spent.<sup>1</sup> This clearly signals a stark gap between the value that in-house legal teams (and by extension the law firms that support them) think they deliver to their business customers, and what those business customers perceive that value to be. How then do GCs and law firms close this gap?

The first challenge is defining what value means to legal teams and their business customers. Shifting the perception of in-house legal as a cost center to a value provider requires strategic business partnering, relationship building, and the use of data to objectively measure performance and not simply activities.

In an increasingly uncertain and volatile environment where the risks posed to business are becoming more complex, and the potential impact more severe, many legal teams find themselves in “firefighting mode”, so busy dealing with day-to-day challenges that longer-term strategic planning and implementation becomes a side-of-desk task.

Notwithstanding that 98 percent of GCs acknowledge that transformation is critical to their success, less than a third are implementing strategies to achieve this transformation.<sup>2</sup>

Many lawyers therefore seek specialist legal operations support, suggesting that they lack these specialist skills, and/or have limited time, resources, or appetite to formulate appropriate strategies and, critically, to successfully implement those strategies and embed change within their teams.

Bridging this gap is the role of legal operations.

## **So, what is legal operations?**

If you asked ten GCs to define the meaning of legal operations, you would likely get ten different answers. To some, legal operations is synonymous with technology, data, or artificial intelligence. To others it means process improvement and standardization, or external resource management.

Broadly speaking, legal operations encompasses everything related to delivery of legal services that is outside of the legal advice itself. To put it another way, traditional legal services focus on the *what* – namely the advice itself. Legal operations looks at *how, why, when, where, and by whom* this legal advice is delivered.

In practice, this makes for an incredibly broad legal operations landscape. Legal professionals must navigate a myriad of sub-specialisms, from strategy, resourcing, and financial management to knowledge management, legal design, technology, and data analytics – to name a few!

This chapter explores the growth of legal operations, how this has influenced existing and emerging careers in law, and the skills required of those interested in a career in legal operations.

## **The growth of legal operations**

Although the concept of “*legal operations as a career*” is more prevalent today than it was even five years ago, it is still very much in its infancy relative to other disciplines. This is not surprising given that the legal profession has historically been slow to embrace change. However, events such as the financial crisis of 2008 and the COVID-19 pandemic have forced even the most reluctant lawyers to embrace new ways of working (and thinking!) to reduce costs, improve efficiencies and service delivery, support innovation, and enable remote working.

Additionally, trends have emerged that have influenced, and will continue to influence, the growth of legal operations and related career paths. Some of these key trends are explored in more detail below.

### **Running the legal function like a business – from cost center to strategic business partner and enabler**

Unlike a sales function, which looks to generate revenue and ultimately profit for the business, a legal function’s value has historically been seen as the mitigation of risk or “keeping the lights on” from a legal perspective, rather than as business enablers. Mounting financial pressures mean legal teams are increasingly asked to do more for less, placing the focus on costs rather than strategic value creation. The consequence of viewing legal teams through this lens is that it often limits the levers a GC can pull

to contribute to the financial success of the business. In practice, this means either headcount reduction or budget cuts, including for example seeking the lowest possible external counsel rates.

Whilst the commercial realities – particularly post-pandemic – cannot be ignored, strategic business partnering is more important than ever as legal teams and their external legal advisors navigate increasing levels of risk and guide their organizations and clients through uncharted territories. Ultimately, the challenge in-house legal departments face is that they don't control demand for legal services but are held accountable for the costs related to that demand. Simply cutting costs or reducing headcount without fully understanding the anticipated demand is a recipe for disaster. This is compounded by the fact that many lawyers are not trained or equipped to take on these multidisciplinary roles, raising the question: *“What is the role of the modern lawyer?”*

An attempt to answer this question has led to the development of models such as the T-Shaped Lawyer,<sup>3</sup> O-Shaped Lawyer,<sup>4</sup> the Delta Model,<sup>5</sup> and the Bionic Lawyer.<sup>6</sup> Each model offers a perspective of the skills the modern lawyer needs. Ultimately, what they all have in common is the proposition that lawyers today need to be multi-skilled business and strategic advisors, with capabilities beyond technical legal advice and risk management.

Pursuing this line of thinking, there is the potential for legal to be seen as a profit driver. This is in fact already occurring across functions with more mature legal operations capabilities and embedded data strategies. For example, providing horizon scanning for regulatory changes can offer a significant competitive advantage to the wider business, informing new product launches, or other strategic growth initiatives. On an operational level, being able to provide key insights into an organization's contracts can help inform strategic revenue generation as well as cost avoidance decisions.

### **Expanding dedicated legal operations roles**

In 2021, 40 percent of organizations registered an increase in the number of dedicated legal operations staff employed, building on the same percentage increase reported in 2020.<sup>7</sup> Looking forward, Gartner predicts that by 2024, legal departments will replace 20 percent of generalist lawyers with non-lawyer staff.<sup>8</sup> This view is shared by KPMG, which predicts that a legal chief operations officer will be just as important as a GC by 2025.<sup>9</sup>

This presents an exciting opportunity for those looking to move from a traditional legal role or other industry into legal operations. We are already

seeing evidence of this expansion of legal operations capabilities, with 40 percent of legal functions reporting having a non-lawyer in the role of legal operations manager (or equivalent) in 2020, compared to only 20 percent in 2018.<sup>10</sup>

### **The focus on how legal services are delivered and the use of technology as an enabler**

In the introduction to this chapter, we spoke about the way that legal services are delivered – the *how*. This is reflective of a much broader focus across the legal industry on service delivery, both from the perspective of law firms serving their external clients as well as in-house legal teams delivering to their internal clients. It is no longer sufficient to simply deliver technically correct legal advice (everyone professes to do this!). The way in which it is delivered is now a key focus area for any forward-looking legal services provider seeking to differentiate themselves in a competitive market.

In 2005, Bain & Co highlighted a “delivery gap” between companies and their customers. Whilst 80 percent of companies believed they delivered outstanding value and superior customer service, only eight percent of their customers agreed.<sup>11</sup> Much has changed since 2005, but in a legal industry that can often be slow to adapt, it is difficult to argue that a such a delivery gap is not still present to some extent today.

A spotlight on this has resulted in a slow but clear shift in the way we look at many aspects of legal work. Advice can now be delivered via interactive portals rather than via email. Law firm services are increasingly delivered through alternative fee arrangements or using value-based billing, rather than hourly rates. Sales teams that value speed to market can use questionnaires to generate contracts and eSignature software to facilitate what was previously a cumbersome closing process, enabling self-service and freeing up lawyers to focus on higher value tasks. Legal departments can manage their workloads using specialized legal front doors and matter-management technology, rather than their email inbox.

You will note that much of this focuses on the *experience* of delivering legal services, rather than the services themselves, whilst using technology as an enabler to support people and processes. In fact, Gartner predicts legal technology spending will increase to approximately 12 percent of in-house budgets by 2025, a threefold increase from 2020 levels.<sup>12</sup> Legal teams will need to think carefully about how to develop their technology roadmaps and manage the implementation of new technology tools.

These new ways of working are no doubt a step-change from the way

things have been traditionally done by most in-house teams and law firms. With lawyers rightly devoting a great deal of their energy and expertise to the *what* (providing expert legal and risk management advice), there is a growing need for both generalist and specialist legal operations professionals to drive the change in the way services are delivered.

**Legal operations taxonomy**

Influenced by these trends, the legal operations landscape, and, by extension, the scope of legal operations roles will continue to evolve to meet market demand.

There exist various models designed to capture this landscape and reflect the various processes, specialties, and interdependencies that characterize legal operations today. One such example is depicted below.



This legal operations taxonomy attempts to codify the framework, language, and concepts used to categorize key legal operations processes and can be a useful starting point to identify the legal operations roles and skills that are emerging in the industry. It is not static, however, and will continue to evolve as will the role of legal operations professionals.

Each of the dimensions or spokes of the wheel comprises strategic elements (planning and prioritization) and operational elements (analysis, design, and implementation). These are underpinned by the use of data that should inform the design of effective strategies, frameworks, and processes, whilst ensuring the right people are in place with the right skills. The outer ring of the wheel reflects the use of technology as an enabler to improve or support those strategies, processes, and people.

So, what opportunities does this provide for a legal operations professional?

As is evident from the above taxonomy, there are several specialties to be explored. We discuss some of these below.

This extract from the chapter ‘Legal operations – transforming the way legal services are delivered’ by Tammy Heydenrych is from the title *The Rise of Specialist Career Paths in Law Firms*, published by Globe Law and Business.

Law firms have evolved exponentially over the last few decades, and today it requires far more than legal skills for firms to operate efficiently, fulfil client demands, give back to their communities, and, ultimately, succeed. As a result, specialist roles beyond fee earning have been created and more continue to emerge as technology advances and competition intensifies. They are a crucial part of future-proofing law firms and there is growing recognition of the respect and value they deserve with increasing numbers gaining positions in senior management. These roles range from working with legal tech to bringing in new business, from managing the firm's risk and compliance function to collaborating with clients to develop new products. For a lawyer looking to take the next steps in their career, or a law firm wanting to implement the career paths required for future success, it can be difficult to know where to begin.

*The Rise of Specialist Career Paths in Law Firms* is the essential guide to the plethora of career opportunities available in law firms. It covers more established roles such as the professional support lawyer and pro bono professional, and new, emerging career paths, including in innovation and legal operations, as well as roles that will become available in the future. Written by experts with lived experience performing these roles, chapters provide information and insights into the different opportunities available, the skills needed to thrive in these positions, the responsibilities they entail, and how to build careers in these spaces.

With increasing client demands and the 'talent war' raging, this title demonstrates how implementing these specialist career paths will enable law firms to continue to provide stellar client service and develop and retain top legal talent, who are increasingly looking for more tailored and flexible career options. It also provides individual lawyers with the resource to identify and pursue the career that suits them best, allowing them to thrive to the benefit of both the individuals and their firms.



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