NRF *Transform*

Demand management & work allocation

Efficiently allocating the right work to the right place

Introduction

75 percent of CEOs believe their legal functions do not deliver sufficient value to justify their time and money spent[1]. It is hardly surprising therefore, that in-house teams are feeling the pressure and that it translates often in an objective to do more, for less. The prospect seems gloomy, but there is good news: gone are the days where working harder equalled value, it's now time to work smarter.

Workflow automation refers to the end-to-end process of identifying what needs to be done (otherwise known as "demand" or "in-take"), who it will be done by, forecasting and prioritising work (or "triage") and creating workflows, all of which ultimately enable you to deliver valuable outputs. When done right, it can allow your lawyers to make the difference and be positioned as an efficient and strategic business partner.

Should I just implement a workflow automation tool?

Beginning your journey to workflow automation can be overwhelming. Just entering the term 'workflow automation' on a Google search brings you to pages upon pages of workflow tools. You would be forgiven for thinking it really is just as easy as implementing a workflow tool and, like the wave of a magic wand, you will be more productive and therefore more profitable. But, as with most things, starting with technology is never the answer. Rather, it is an enabler that allows you to deliver your legal services more efficiently. When it comes to workflow automation tools, it is important to consider the tool adjacent to its dependencies (discussed below). In other words, it is important to have your ducks in a row before implementing a workflow tool in order to reap its full benefits.

If not a tech tool, where should I start?

There are four key steps you should take before considering a workflow automation tool. By following these steps, you will have solid foundations that will help set you up for a successful roll-out of your chosen tech tool (if any at all).

1. Understanding your demand

Firstly, you need to understand the type of services your business needs from its legal team. It will of course be first and foremost driven by the strategy of your organisation. But you should also definitely consider speaking and listening to senior management and your key clients across the business to understand their expectations and needs from your department. This is the safest way to avoid making assumptions and ensure you are already aligned to deliver value.

Understanding this will enable you to agree, preferably jointly, what work legal ought to be doing. On the one hand (and quite fortunately), business clients on the whole have a thorough understanding of what triggers require the legal department's input. Even better yet, they tend to know and follow the correct procedures for engaging the department; to be precise, fewer than 30 percent of in-house teams said this was not the case[2].

However, this only forms half of the picture. The other half depends on how and what you prioritise, which can feel like a juggling act. How do you prioritise between the many 'urgent' business as usual work requests? How do you ensure the work you get gives you the opportunity to deliver valuable outputs for the business? How do you move away from repetitive and low-value work? Whilst there is no 'one-size-fits-all' answer to these questions, by understanding what work falls within your low and high priority work categories, you can consider alternative resourcing to help you manage your demand. For example, implementing self-help options for your low priority work could free your team to do the work that really matters.

1 General Counsel Roundtable & Plexus Thought Leaders research
2 Legal Operations Health Check: Benchmarking survey and practical tips, Xakia

2. Understanding your requests

We have already identified that business clients are relatively good at knowing when to seek help from the legal department. However, from there, the efficacy of this dips significantly without a standardised legal instruction/ intake form, which is the reality for around 50 percent of legal departments (sample taken from around 349 in-house teams). Ineffective briefing, coupled with manual triage, leads to ineffective intake – a key component of the anatomy of low legal productivity.

This represents a low hanging fruit opportunity that in-house teams should look to implement as a priority: this legal instruction form will ensure the business provides you with all of the required information for you to "work your magic". This will avoid the countless back and forth to seek clarification, shorten turnaround time and help dispel the myth that requests sent to legal disappear into black hole.

Beyond the immediate positive impact, adopting an intake form in a systematic way means your understanding of work types, where your legal team's time is spent and how to allocate it is no longer determined through anecdotal evidence, assumptions and limited data. The reality is that in order to make informed decisions, data is required.

Implementing a standardised in-take process or 'front-door protocol' gives you the opportunity to start collecting data, and ultimately ensures your decision-making process becomes data-led. It also means you can leverage a better understanding of your pipeline, which has the added benefits of improved relationships with business clients, and better visibility of work to help predict cost overruns, as well as inform your internal resource and recruitment strategy. This doesn't necessarily mean jumping straight to an intake tool; if you're just starting this process or lacking budget, a simple intake form on Excel will do the trick in the interim.

3. Understanding your options to resource the work

So now that you've ironed out your demand and intake, what do you do now?

The next (and perhaps most important) aspect when considering workflow automation is allocating the right work to the right place. Understanding this is not only important for ensuring work satisfaction internally, but also helps with identifying opportunities for efficiencies and increased control on external spend.

It is best practice to utilise a decision tree to support this process as it is a useful way to help you determine which work should be allocated to whom. The benefit is two-fold: it ensures consistency and credibility when reporting or seeking approval from stakeholders.

To guarantee you achieve a clear and well documented decision-making process, it is recommended that this should be complemented by an activity blue printing and skills mapping exercise. The intended output of this exercise is to understand what work your team does, how much time is spent on tasks and which practices may be diverting resources from your priorities. It also enables you to analyse the skills, expertise and behaviours across your team, in order to consider whether there are any gaps in key areas and take steps to close them.

Achieving this sets you up for success when replacing manual triage with an automated alternative, offering exciting opportunities for your team: consistent allocation of work, ability for your lawyers to manage their work more effectively and boost productivity, to name a few.

4. Understanding your tools

By successfully actioning the above steps, you should have a strong foundation to consider a workflow automation tool. Such tools can be leveraged to give a welcome transparency over your matters and how they are being managed. It can also help you begin to identity cracks in your current processes, enabling you to revisit how tasks are currently managed and improve these. Last but certainly not least, the insights you get from the tool can be repurposed to demonstrate the value the legal function is delivering to your business.

The good news is, you are spoiled for choice when it comes to selecting a tool, but sometimes too much choice makes it difficult to make the right decision for you and your legal department. The same rule of thumb applies to selecting a workflow automation tool as it does with any legal tech: always start by clearly mapping out your user requirements and consider whether you have anything in your existing tech stack that can support workflow management.

5. Last but not least: the non-negligible benefits of workflow automation

Not all is about efficiencies and value delivered to your organisation. As a leader and a manager, you care about your team's well-being, work life balance and mental health. Adopting such an approach will also provide you with greater visibility of the level of business of your team members , ensure a fair allocation and assist with development opportunities.

Similarly, diversity and inclusion are becoming central values and can be supported effectively by workflow automation and provide valuable insights.

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Stéphanie, Head of Legal Operations Consulting, was previously at Barclays where she headed up what would become the Legal operations team for over three years. Under her leadership the department won "Legal operations team of the year" at the 2019 UK Legal 500 Awards. When transforming your in-house legal function, Stéphanie is ideally placed to advise on improving the management of your legal department.

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NRF Transform is our global change and innovation programme. It aims to make how we deliver traditional services more effective and efficient, and to provide entirely new solutions to our client's most pressing business problems. It has over 150 staff in offices around the world, as well as 3 dedicated Hubs, and includes teams focusing on Applied Technology, Innovation, Legal Design, Legal Project Management, Legal Operations Consulting, Resource Management, and Commercial Management.

The Legal Operations Consulting Practice helps General Counsels and in-house legal teams optimise the delivery of legal services to their organisations, enabling them to go beyond managing legal risk and become a strategic business partner, supporting the wider objectives of the business.

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