

Riding the legal op(portunitie)s wave

It's a strange paradox to consider that Australia as a whole might not be entirely sure what legal operations can do, but as a profession, we are seeing plenty of ways in which the function is being used successfully. For those who fully immerse themselves in the possibilities, it appears that there has never been a better time to jump on board

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/ by Grace Ormsby /

For several years now, experts and forecasters alike have been heralding the growth of the legal operations units within companies and organisations.

A multidisciplinary function that optimises legal services delivery to a business or government entity by focusing on following 12 core competencies, legal operations divisions can be enablers of change in the organisations that they exist in, according to the US-founded and led Corporate Legal Operations Consortium

CLOC lists those 12 competencies as the following: litigation support and IP management; knowledge management; information governance and records management; strategic planning; financial management; vendor management; cross-functional alignment; technology and process support; service delivery and

alternative support models; organisational design, support and management; communications; and data analytics.

According to Andrew Dey, a London-based independent legal technology adviser to corporate legal departments, the rise of legal operations in businesses stems from the example set by law firms, which he said "generally have teams of non-fee earning business support professionals".

While their origin is loosely firm-based, "in-house lawyers have been carrying out legal operations functions since before the term existed", he explained. As a result, he said, legal operations teams may encompass a wide range of existing roles within a business.

The Australian Broadcasting Corporation's (ABC) legal team knew this functional feeling all too well. General counsel Connie Carnabuci, who started

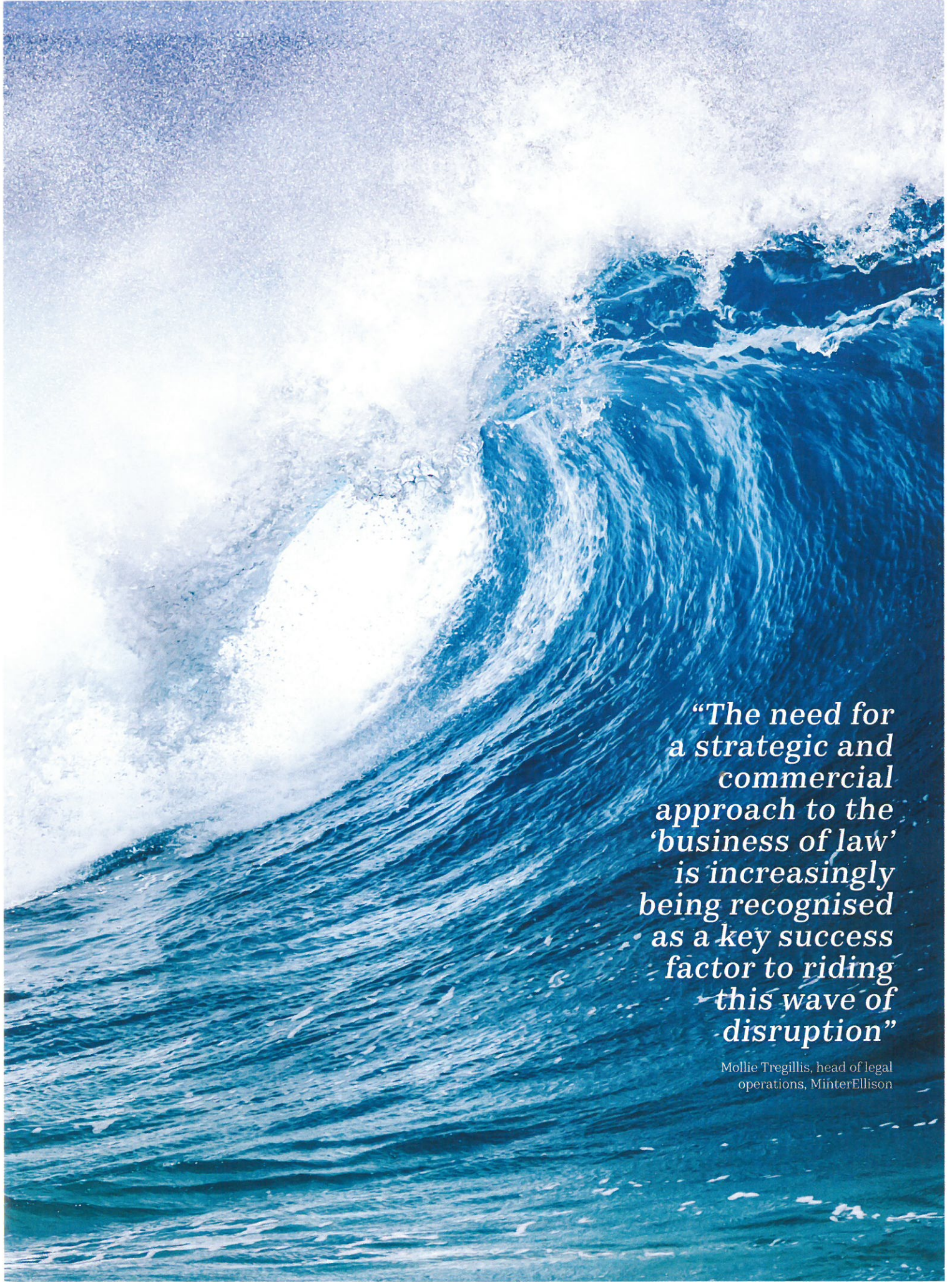
at the ABC in July 2017, working with a finite budget and ever-increasing demand from the business for legal services, quickly identified a need to start looking at how the legal function could work more efficiently.

"The digital transformation of the ABC and the increasing demands from journalists who need to deliver news and analysis around the clock on multiple platforms has increased the demand for ABC Legal's services," Ms Carnabuci said.

This was the reason that, last year, her team began an ambitious program of practice improvements that freed up lawyers, allowing them to focus on the most interesting and strategic work.

"The cornerstone of this program was creating a head of legal operations position," she explains.

With so much talent and experience in



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the legal team already, Ms Carnabuci said her organisation's own people were best placed to drive the improvements, as well as professing it as "a great development opportunity for our senior lawyers".

Doing more for less

"Doing more for less" is a common catch cry amongst legal teams," according to the head of legal operations for MinterEllison, Mollie Tregillis.

Ms Tregillis is part of the firm's risk, regulatory, insurance and controversy team. She said that the legal industry is in the midst of significant disruption.

As a result, "the need for a strategic and commercial approach to the 'business of law' is increasingly being recognised as a key success factor to riding this wave of disruption".

"Whether it is called 'legal operations' or something else down the track, we are talking about a fundamentally useful skill set required by legal operations roles," she said.

Some of these [skills], she noted, included digital dexterity, leadership, stakeholder engagement, project management, business acumen and a deep understanding of the legal industry, which she described as necessary for organisations in this day and age.

Ms Tregillis used to be a lawyer. She moved into the legal operations space when she recognised her preference for working on management around matters as opposed to working on the details themselves.

"Being a people person, spending my time talking to teams, problem solving and acting as a conduit between legal and digital teams is ideal," she admitted.

She followed a slightly different path to her career choice when compared with Jenny Rees, the lead consultant for designed solutions at Lawyers On Demand.

Having been Optus' general counsel for 16 years, Ms Rees clearly and definitively understood the challenges associated with meeting business demands to deliver efficient and effective legal support in a corporate setting.

In her legal operations role, she enjoys being able to help other general counsel and teams think about how they might do things differently and leveraging her own experience for support purposes.

Ms Rees said that "there's lots to be gained by lifting your head out of the day-to-day work in a legal team and thinking about how you might do things differently".

The placing of value on executive level strategic involvement by in-house teams

was acknowledged by the former general counsel. She understood that they too see strategic benefit as a driving factor behind their implementation of legal operations.

Day-to-day

There are no hard and fast rules around how legal operations roles work nor how they should be implemented from a business perspective.

Ms Rees wasn't sure there was a typical day for someone in legal operations, because "while many teams face similar generic problems, the solution will not always be the same".

"One of the great aspects [of legal operations] is that it is an evolving area seeking to solve problems," she explained.

The sentiment also rang true for Ms Tregillis, who said that no two days ever look the same.

Calling it "a great thing about her job", she acknowledged that this does mean every day "inevitably involves talking to a lot of stakeholders, problem solving and prioritising many competing demands".

"There is a tendency for people in these roles to become a 'trusted advisor' to the legal teams more broadly, assisting to identify... and resolve a range of challenges much broader than what might traditionally be considered legal operations," she continued.

Problem solving

When the ABC implemented legal operations into its own legal function, Ms Carnabuci said she decided to rotate her most senior lawyers through the role, having already recognised the development opportunities legal operations could offer.

So far, two of her lawyers have experienced the position.

The first, Kelly McDonald, said her start in the role coincided with a move to open plan.

Her first task? To make sure the team had the right tools to move towards being paperless (or, as she says, "as paperless as lawyers can be") and mobile.

"One of the challenges for in-house legal teams as opposed to lawyers working in law firms is that our IT department's sole focus is not lawyers."

Now, with digital access to files from anywhere, Ms McDonald happily highlighted that "instead of taking two lever arch files, a laptop, notepad and paper to meetings, now I just take a tablet and stylus," she explained.

While the ABC's legal team may have different needs and challenges to other organisations, it echoed Ms Tregillis' law firm experience of the opportunities legal operations can provide.



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"There is a major piece involved in upskilling legal teams in legal operations so they can be self-sufficient for a range of legal operations areas – with legal operations experts taking more client-facing/consulting roles – and increasingly being involved in developing new products and services," she says.

Internal obstacles

Considering the need to understand up to 12 different competencies, legal operations is not always an easy task.

For Ms Tregillis, legal operations is "in essence, a change management role as much as anything else," which, she points out, could be "very confronting to some people."

"There will always be a broad range of engagement levels and we have to accept that some people aren't quite ready to 'get on board'."

Ms Rees also admitted that "it takes courage for teams to challenge the status quo" and that alone can be challenging.

"This takes time and headspace, both of which are often scarce resources when you are buried in day-to-day issues."

Jackie Foord worked alongside Kelly McDonald and general counsel Connie Barnabuci at the ABC. She is the second lawyer to have rotated into the legal

operations role, and is set to work on developing consistent protocols.

"With limited resources we decided the best thing we could do was look at making sure we were optimising our existing technology stack," she explained.

"We've got a great document management system, so we just needed to make sure we had some consistent protocols on naming conventions for files, creation of subfolders and storage of draft and executed documents."

Ms Foord is set on improving knowledge management protocols – "making sure all our key advices are catalogued and readily accessible so we don't have to reinvent the wheel and we have consistency of approach".

Hopping on the bandwagon

Ms Rees has seen the growth of legal operations in Australia firsthand, saying that: "[Lawyers on Demand is] seeing a material growth in opportunities across a number of our territories, but primarily in the UK and Australia."

She noted how corporates are increasingly interested in what legal ops can deliver to them in terms of not only efficiency and impact, but also the quality of work for lawyers.

Meanwhile, MinterEllison's Ms Tregillis

used the word "unique" to describe the agility and energy she is witnessing around legal operations in Australia.

"The Australian market's concept of what is encompassed by legal operations appears to be broader and more dynamic," Ms Tregillis elaborated. This was in comparison with places like the US where centralised bodies such as CLOC have existed for much longer.

She said there is a need for legal operations to develop in credibility, suggesting that it is important for legal operations to be seen as a fundamental aspect of the 'business of law', with its true scope and value – delivering well beyond administrative operational matters – being recognised.

"Legal operations leaders are highly qualified in a range of disciplines (including ex-lawyers) and should rightly be seen in leadership roles within the legal industry," she emphasised.

Moving forward

As the legal profession gains a greater understanding of legal operations and its material benefits, Ms Rees thought of the positioning of the function as an important lesson to be learned.

With no real "one-size-fits-all" definition of a legal operations role, Ms Rees recognised

that some operate at a strategic level in partnership with the general counsel, while others "are more focused on the administrative operations of a team".

While she saw value in both, she also considered that "those with a strategic focus will have the most transformational impact".

It's not just a single-minded or subjective sentiment, with the annual 'Law Department Operations Survey' by the Blickstein Group published late last year considering that "law departments will find the highest value by having their top legal ops professional report directly to the general counsel".

"Companies with direct reporting and full support from the general counsel see their operations functions driving strategic initiatives," it continued.

In a similar vein, Ms Tregillis thinks legal operations experts will continue to take on more pivotal roles as their value and importance is increasingly realised.

For her, the industry is moving very quickly; she warned that there are likely to be more changes ahead in terms of how legal operations teams deliver back into the business, and what this would look like from a structural point of view.

A growing profession

Traditionally, law students saw their career path as working at a law firm with the goal of becoming a partner one day. What many realise, once in the work force, is that in-house roles, in a general sense, can offer another career path.

Ms Rees said that "legal operations involves broader business and technology skills, providing more career options for people with skills like project management, change management and [the] technology to use those skills in the legal industry".

Whether you want to dip your toes in and enjoy the cutting-edge feeling, stay afloat in a demanding corporate setting, or ride the wave of commercial possibilities, diving into legal operations seems to be a worthy way to go. ♦