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Getting to Yes: A GC's Checklist for Building a Business Case

By Steph Corey, CEO/Founder, UpLevel Ops, and Elizabeth Lugones, COO/Senior Advisor, UpLevel Ops

In addition to creating legal strategies and mitigating risk, General Counsels also serve as executive leaders and are expected to act as strategic business partners rather than just legal advisors. The operative word here is "business," meaning that they are responsible for managing the legal department with the same level of efficiency and effectiveness as any other business unit within the company.

To establish yourself as the strategic business partners your clients want and need, it's crucial to cultivate a highperforming team, which can be achieved by streamlining processes and leveraging technology. But that requires an investment of capital and time, which means developing a business case to justify that investment. This will provide an important counterargument to push-back, such as:

- "All this time you have been providing legal advice and negotiating contracts without a tool. Why do we need one now?"
- "How will this affect client service? This new process/ tool will get in the way of me talking to my attorney."
- "You don't need a solution designed for Legal. You can use one of these enterprise tools IT already has."
- "IT doesn't have the resources to implement another tool or integrate it into our systems. Can this get done without internal IT resources?"

A business case should start with the recognition of the need for optimization and is about much than simply funding. It's about value, and the earlier you engage others in your vision, the better. "A business case should start with the recognition of the need for optimization and is about much than simply funding. It's about value, and the earlier you engage others in your vision, the better."

Here are steps towards building a business case to get to **YES** on investment.

- 1. **Identify the problem.** What are the specific pain points or inefficiencies that the new technology or program would address? This could include time-consuming manual tasks, offline tracking and reporting, increased risk exposure, or missed opportunities.
- 2. **Build a coalition.** If these pain points involve stakeholders outside of legal, bring them along the journey. Help them to understand what benefits these process improvements or tools will have for them. They can be your strongest advocates if they buy into your vision. Let them strengthen your business case with their stories of how these new programs will help them. A simple example of this is that a client who is calling to ask about a status update can be told that they will be able to see the update themselves in the new workflow tool once it's implemented.
- 3. **Understand the problem to find the right solution.** Gather the requirements for the exact pain points you are trying to resolve. This will inform what solutions are best-suited for your needs. Also, be sure to conduct thorough research on available technology solutions, taking into account factors such as cost, compatibility

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with existing systems, and ease of implementation and use. Include systems currently available through the enterprise. It will be important to show that you've evaluated them along with external solutions as you're building support for your program.

- 4. **Don't forget about the other details.** Be sure to take into account any necessary training, data migration, support from third parties such as consultants, or other logistical considerations especially ones that affect other departments.
- 5. **Bring data to the dance.** Business leaders are driven by facts, numbers and impact to the bottom line, so speak in their language. Don't worry if you don't have systems in place to capture data for you. Leverage manual trackers (even temporarily) and anecdotes from your team to extract anything that will help build your justification. For example, how many NDAs are reviewed each month? How many legal resources are reviewing those NDAs, and how much can be saved by automating this process? You can calculate an estimated cost by multiplying the average number of hours by an estimated internal hourly cost per head.

By thinking strategically, and by having a business case grounded in solid research about how your program can impact the delivery of legal services across business lines, and how that translates to actual value for the company, will greatly increase the likelihood of approval.

Stephanie Corey is the CEO and Founder of UpLevel Ops and a widely respected veteran in Legal Operations with areas of expertise in Information Technology, System Implementations, Process Analysis and Improvements, Finance, Communications, and Administration. Steph co-founded <u>LINK (Legal Innovators Network)</u>, a legal operations organization exclusively for experienced, in-house professionals. She previously founded the legal operations trade organization CLOC (Corporate Legal Operations Consortium) and is a former executive member.

Elizabeth Lugones is COO & Senior Advisor with UpLevel Ops who has built and managed Legal Operations teams in various industries in both public and private companies over her 20+ year career. She excels in global project management and business reengineering, with particular expertise in process improvement, change management, cross functional collaboration and team building, but her true passion is helping others find their own strengths and talents and harness them for the value of all.

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Why Legal Ops is Critical During Times of Economic Uncertainty

From UpLevel Ops

In times of economy uncertainty or turbulence, the legal field can be significantly impacted. When faced with this challenge, the first thing many legal firms may be tempted to do is cut costs by reducing legal operations headcount, but this isn't always the smartest decision. By utilizing the principles of legal operations, organizations can work towards cost savings as a key priority using more strategic methods that can benefit the organization in the short term, while also avoiding long-term risk for the business.

Here are four ways leveraging legal operations can help organizations navigate tough times, while maintaining productivity and efficiency.

1. The importance of **establishing a core set of values and mission for the legal department** can't be understated, especially in times of economic volatility. According to a <u>2023 Axiom Survey Report</u>, GCs

agree that having these values in place makes it easier for them to navigate challenges. They recommend that a mission statement be thoughtfully crafted and codified, acting as an enduring "North Star" for the legal department.

By adhering to this structure, the entire organization is strengthened. And as the report indicates, in house surveys have also demonstrated that having a mission statement in place can actually reduce the negative impact of economic stressors on the mental health of legal team members. "When faced with this challenge, the first thing many legal firms may be tempted to do is cut costs by reducing legal operations headcount, but this isn't always the smartest decision."

2. **Having the right technology in place** can be helpful in ensuring your organization is running as smoothly as possible during difficult times. The explosion of generative AI is ushering in a new era of unprecedented technologies that will be not only more powerful than their predecessors, but also easier to use and implement.

In addition, legal operations professionals are positioned to be an important resource for AI prompt within legal departments. Those educated on effective use of conversational AI will provide help with document review and analysis, basic content generation and other routine administrative tasks. Utilizing these emerging technologies will allow legal departments to handle a larger volume of work without needing to add additional headcount, which can be difficult to get approval for during economic downswings.

- 3. The field of legal operations was built on streamlining processes and maximizing resources, which is especially valuable when resources are scarce. By **automating repetitive tasks and enabling smoother, faster workflows**, a company can spend less while speeding up the process of closing deals and in turn generating revenue more quickly.
- 4. **Strong vendor management** is also key during these uncertain times. By building beneficial relationships with legal service providers, organizations can maximize efficiencies and minimize costs. Negotiating favorable contract terms, consolidating vendors, and using strategic partners can help streamline processes and improve outcomes.

Overall, it is recommended that leaders in the legal field understand that seeking short term gains by implementing easy cost cutting measures can undermine a more effective long-term strategies that provide the organization with strength and stability. By leveraging and enabling legal operations, legal firms can remain resilient even in tough times.

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Going Above and Beyond:

What Other Services Should Law Firms Be Providing to their Corporate Clients?

From UpLevel Ops

Law firms can and should provide a variety of secondary benefits to their corporate clients beyond legal advice and representation. In the ACC Article, <u>What to Request from Law Firms</u>, General Counsel Stephen Mar and Senior Client Advisor Mark Roellig suggest that many law firms can provide best practices on:

Summaries on legal and regulatory trends. Law firms must stay up to day on legal and regulatory trends. There is no reason they shouldn't proactively write a brief summary or alert to share with their clients that their clients can in turn share with their C-suite and internal clients.

Education on new areas of law. Likewise, firms are current on new areas of law, and can help their clients get up to speed quickly on these topics. They can provide concise, targeted walkthroughs, which can save inhouse counsel time and effort.

Talent. Clients should be asking law firms for assistance in building their legal teams, as they may know talented attorneys who are interested in new opportunities. They should also consider secondments, which not only provide temporary coverage as needed, but could build the firm-client relationship as well.

Knowledge management and legal operations. Law firms are good at knowledge management, and some have actual legal operations experts on staff, who would be more than willing to share common best practices in operating efficiently and scaling.

Benchmarking. Many law firms have shareable data on market norms and results, based on their experience with a large client pool.

"As clients continue to demand more value from their legal service providers, it is important for law firms to expand their offerings and help their clients succeed in all aspects of their business operations."

Social programs. Thanks to pressure from clients, many firms have implemented diversity, equity and inclusion (DE&I), pro bono, and environmental, social and governance (ESG) programs, and are eager to share information about their practices as well as partner on opportunities.

Networking. Firms can facilitate introductions to other industry leaders and counterparts for networking and idea sharing.

Personal growth and career development. Law firms are the perfect partner to help clients advance in their careers. Most firms produce thought leadership pieces and host events – all opportunities for their clients to get involved in speaking and writing.

Training. We know that law firms offer CLEs, but they also will often offer bootcamp-type programs for general counsel, and other subject matter expertise as well.

<u>UpLevelOps</u> would like to add the following value-added services for consideration:

Templates. Whether it's an approval matrix, an internal policy, a generic contract template, a checklist, or a standard operating procedure that you're in need of, it's worth asking the firm if they've got a template for it that they'd be willing to share.

Training and information sharing 2.0. Yes, law firms can provide CLEs, and as mentioned above, boot camps and specific subject matter expertise training. But another thing they may be willing to do is to help build your training library. This may be access to on-demand webinars and training programs, as well as their library of case law, precedents and white papers to support research and knowledge building. They may even be willing to assist in designing internal training programs to ensure that the in-house legal team is kept up to date and well-informed on key developments and changes in the law.

Technology recommendations. There is some crossover (and not enough, in our opinions) of the technology in-house teams and law firms use. While selecting the right technology is a complex process that should not be attempted without the help of experts, law firms can provide recommendations for the types of tools that improve efficiency such as document management, matter management, intake and workflow.

Recommendations on complementary service providers. Law firms may be able to provide feedback on other types of service providers such as eDiscovery vendors and alternative legal service providers (ALSPs).

Offer office space for meetings and offsite events. Law firms with physical office space can offer meeting spaces to their clients. Small conference rooms can be valuable as 'touch down' rooms while traveling, and larger areas with catering are perfect for offsite events, particularly after-hours when these spaces often go underutilized.

Legal project management. Thanks to in-house teams pushing for alternative fee arrangements and more efficient matter staffing, many firms have improved their project managements skills. And much of how they do this is transferrable to the processes inside corporate legal departments.

Change management. Effecting change inside law firms isn't easy. After all, there's no General Counsel to give the orders. Therefore, firms who have done this well are true change management experts, and their insights and methodologies could prove invaluable to clients who are implementing new programs and technologies.

Law firms have the potential to provide a wide range of additional services to their corporate clients beyond legal advice and representation. From knowledge management to social programs, talent acquisition to technology recommendations, law firms can be valuable partners in a variety of areas, and as clients continue to demand more value from their legal service providers, it is important for law firms to expand their offerings and help their clients succeed in all aspects of their business operations. When they do, law firms can foster stronger, long-lasting relationships with their clients and differentiate themselves in an increasingly competitive market.

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