Technology and the Power of the Easily Overlooked

Technology, Privacy, and eCommerce

I’m speaking this week at the Alternative In-house Technology Summit in the United Kingdom. Consequently, I’ve been thinking about how technology can accelerate in-house performance.

Often, this is an area where simplicity gets overlooked in favour of complexity, resulting in tears. As Steve Jobs noted: “Simple can be harder than complex … but it’s worth it in the end because once you get there, you can move mountains.”

In that spirit, I believe there are three golden rules that you should follow when considering technology upgrades. They are as follows:

- Process before technology;
- Boring before sexy; and,
- Managed change.

Process before technology

To make intelligent technology decisions, you must first be clear about what the problem is. Too many GCs adopt the mantra “Ready, aim, fire!” when it comes to technology. Instead, thoroughly consider, and understand, the problem you are grappling with and only then consider technology solutions. To paraphrase Victoria Lockie, a past colleague and the former senior vice president and associate general counsel of strategy and special initiatives at Pearson, technology is not the solution; it is merely a tool that can help you implement the solution.

To understand the underlying problem, first focus on understanding your processes and then create a plan to correct the deficiencies that you find. If you have a highly inefficient contract management

process, for example, address the underlying roadblocks before you roll out expensive new contract management software. If you don't, you will not solve your problem because the processes that are causing it won't have changed.

Technology solutions also require their own inherent process adaptations to yield true benefits. Contract analytics, for example, require you to first put in place a process to enter the data, and create decision trees and escalation clauses into the tool. If you fail to do this, your analytics will be useless — garbage in, garbage out.

Therefore, start any technology transformation with a process improvement project. You might consider using of one of several systematic approaches or methodologies, such as benchmarking or lean manufacturing. The best approach will depend on your circumstances. You might, for instance, be experiencing problems with how incoming work is received, handled, and allocated. You may need to better define what work gets prioritized, how assignments get delegated, or how work more generally gets done. Different systems will be best-suited for different problems.

Legal operations can play an important role in looking at how to optimize processes. If you do not have, or can't afford, your own ops team, consider either renting one through an alternative legal services provider, or hiring a consultant.

Boring before sexy

Once you've figured out what your problem actually is, you can begin to consider technology solutions. Unfortunately, this is where many GCs yield to the siren song of the sexy.

Artificial intelligence, The Internet of Things, and blockchain technology are all tantalizing. Sometimes, however, the most impactful solutions are the mousy grey ones right under your nose.

Communications and productivity tools, including videoconferencing systems, email, mobile telephones, and cloud-based servers, for example, are easily overlooked. These will likely cost you nothing and will empower your people to work from anywhere, having a profound effect on everything from recruitment and retention to department cost.

Allowing people to work from home is also an overlooked benefit. A permissive attitude toward remote work will attract top millennial talent, in particular. A 2015 survey from job service company FlexJobs for example, revealed that 85 percent of millennials want to telecommute 100 percent of the time.

Of course, you must establish ground rules, including appropriate attire on video calls, and adequate office facilities and equipment at home locations. You also have to pay closer attention to productivity, and may need to ensure that lawyers can commute on a regular basis for meetings. There may be specific jobs that require people to be physically present in a location, and corporate culture may also discourage telecommuting. But if you are able to circumvent these limitations, remote working should be on your list of priorities.

The ability to deploy people from anywhere also presents an opportunity to re-deploy some work to lower cost parts of the country. The South and the Midwest of the United States, for example, are often cheaper areas to do business in than the coasts.

Finally, collaboration tools can allow you to better manage teams remotely across the globe, enabling

you to virtually bring a global team together, organizing them into networks that solve problems around the clock.

There are plenty of other essential tools to consider, including know-how, self-help, and best practice tools, as well as efficiency and transparency technologies, such as contract and matter management systems, e-billing solutions, and e-signature tools. Of course, there are other, far sexier, emerging tools out there, including artificial intelligence-enabled solutions. We will consider many of these another day, and you can read about them in detail in my book Building an *Outstanding Legal Team*, but the point is not to forget the simple and the obvious.

Manage change

Process optimisation and technology upgrades require changes in behavior. Often, there is a gap between the theoretical value of technology and your team's ability to leverage it.

That gap may exist because the people tasked with using the new tool will resist it. You need to focus on managing through that change, taking into account the emotions that come with changes in process, priorities, and behavior.

This is a vast subject, and one I will take up as a separate topic in a future column. Suffice to say that you overlook the need to manage change at your peril.

In sum, when it comes to legal technology, Leonardo da Vinci had it right: "Simplicity is the ultimate sophistication."

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