

Tech Toolbox: Leadership and the Future of Work

Law Department Management

Technology, Privacy, and eCommerce



I have long believed that the nature of the modern workforce and of productivity itself is on the verge of a dramatic transformation. The COVID-19 pandemic has galvanized trends that have been building up for some time: the ability to create a more remote, more flexible, more distributed workforce, a more global and more finely tuned recruitment model, a more virtual and probably more effective collaboration model, and so forth. I expect this to result in a dramatic shift in the way that both companies and their law departments structure and relate to their workforces.

For law departments that embrace it, this paradigm shift could create enormous opportunities. They will have the chance to reimagine many of the underlying assumptions that have been the status quo for decades. In the future, even more workers will be remote. Employing part-time workers will become more available and attractive, and employing independent workers will become more common and advantageous. Technological advances will make remote collaboration and teamwork better and more efficient than in-person work has ever been. These changes create opportunities for making near and long-term transformations that could leave slower organizations in the dust.

Here are some of the actions in-house counsel might want to consider.

Develop a distributed workforce

Many of you allowed *some* of your employees to work remotely before the COVID-19 pandemic, but almost *all* of you have had to allow *most* of your employees to work remotely during the past year. I believe most law departments have learned that, while remote work does have some drawbacks, it has significant advantages that may outweigh those disadvantages, especially if you take this opportunity to fine-tune your operations to better adapt to it.

So, since you are smart, you have undoubtedly been asking yourself whether you may want to retain or even build upon these operational changes post-COVID, making some of the changes permanent to optimize the proportion of remote to on-site workers.

Think of it this way: in their supply chains, companies plan around having many of their supply resources available on a just-in-time basis. They are there when the companies need them, and they have made arrangements to ensure that they really *will* be there when they do.

Historically, the problem with managing human resources has been that in order to keep operations running smoothly we needed to take on a roster of full-time employees that we have been obligated to pay whether we needed them at every point in time or not. We have been managing this mostly by keeping our rosters as sparse as possible and hoping that our workers will be able to handle peak needs. However, despite our best efforts, there will inevitably be times when employees cannot handle peak needs and times when some part of our headcounts are superfluous.

Technology, globalization, and other factors are on the verge of changing all that. We now know that many of our staff can work remotely, which has some interesting implications.

Part-time workers

- Hiring qualified remote workers may be far less expensive than hiring geographically proximate ones. A skilled lawyer in South Dakota will likely be available for far less compensation (and wage tax expense) than one in NYC or San Francisco; and, needing to pay relocation costs will become far less customary.

The fact that remote work removes a commute for many workers can make a massive difference in the workday and may also allow companies to hire more workers on a part-time basis.

Workers who previously had to commute for several hours a day may not have been willing to do so for part-time work, especially if getting another part-time job to supplement their income required a commute to a completely different location. If workers no longer need to commute, they may be more flexible and willing to work for multiple employers part-time.

The ability to hire more part-time workers may allow you to provide your department with a more surgical and tactical approach to acquiring needed skills and experience.

Consider your department’s workforce needs as a changing mosaic made up of a multitude of necessary capabilities needed to accommodate changes in your business needs. If you have the flexibility to hire more part-time and focused workers, you might be able to accommodate your organization’s requirements in a way more agile, adaptable, and apt than ever before.

- Most departments have given only lip service to the idea of teamwork for the past 50 years, becoming more of a slogan than a working dynamic. But true teamwork, which is incredibly powerful, does not come naturally to most people — it needs to be taught. Once learned, it can enable the creation of both rapidly deployed, smaller agile teams and larger and more established project teams of distributed workers. If sufficiently reinforced and widespread, teamwork will become embedded in the organization and part of a culture of group productivity and mutual success.

Remote work also allows for “time shifting” via global remote teams in ways that were previously

not possible. For example, you may choose to hire lawyers working on one project in a variety of time zones so that work on the project will be continuous over a 24-hour period.

Independent contractors

You may be more able and willing to hire independent contractors in lieu of full or even part-time employees. The internet could enable you to develop or find a network of independent lawyers, compliance professionals, paraprofessionals, etc. with highly specialized skills. This would allow you to create agile teams on the fly to handle short or even long-term projects.

Furthermore, as more workers are able to develop their own, individual networks of other independent contractors they feel comfortable recommending and working with, they will likely develop dedicated marketing sites that will allow both them and you to locate the specific workers to handle your needs. The increased transparency of talent identification and job matching creates even more opportunities for fine-tuning employment relationships.

Imagine a database that includes all of your full and part-time employees, independent contractors as well as employees within consulting companies, specifying their particular skills and experience and the various costs involved in engaging them. Now imagine having a tool that would break down, for every short or long-term project or other company activity, the skills and experience necessary and then compare that to the workers in the database to optimize hiring the best workers at the necessary times at the most affordable price. Those tools should not be that difficult to develop and will be coming soon to a theater near you. This would be, effectively, a just-in-time workforce.

These are all elements of organizations of the future — distributed workforce organizations (DWOs). DWOs are just part of a trend toward new hybrid human resource models that may allow innovative companies to meet their JIT workforce goals. Consider recent trends toward hybrid:

- Outsourcing/insourcing arrangements
- Employee leasing
- Self-organizing, informal independent contractor arrangements
- Distributed consulting networks
- Employment coops

These and other innovative worker resource models should soon put enough pressure on governments and other players as to result in revolutionary changes in employment and workers compensation laws, employee benefit arrangements and other vestiges supporting a traditional employment model that is rapidly becoming outmoded and impractical.

Impact on law department leadership

The emergence of DWOs has the potential to reshape our traditional management models. Consequently, successful law departments may need to develop stronger competencies in certain areas including the following.

Futurism and strategic planning

We all know that business changes are rapidly accelerating, and that it is becoming more critical

to anticipate those changes rather than react to them. Now more than ever, companies need to skate to where the puck is going, not to where it's been. Leaders need to consciously focus on developing futurism as a skill set. If necessary, they will have to hire specialists to gain perspective on how changes in technology, politics, the environment, and other factors may influence their businesses. These factors must be incorporated in all short and long-term strategic plans for the law department and its company.

Accessing and utilizing big data and data analytics

This will become more critical for skillful company management. In brief, big data/data analytics relies upon computers to find correlations in apparently disparate and very large data collections that would not be visible to humans. These correlations will enable leaders to make certain strategic and tactical decisions that could have a dramatic impact on their businesses. This will affect things like staffing, litigation management, risk management, and other areas. In short, big data and data analytics will give law department leaders who understand and leverage it a huge advantage, giving them a better and broader comprehension of all the moving parts that may affect their businesses. Correlation will be king.

Data visualization

As noted above, humans generally are not capable of looking at dozens or hundreds of spreadsheets full of data and grasping their overall implications. We are, however, very good at understanding well-designed visual representations of that data. In the past several decades as data has become increasingly rich and complex, we have made enormous progress in developing charts, graphs, infographics, and similar tools that can aid in comprehension. Skillful leaders will understand the value of data visualization and know how to work with data information designers to create custom visualizations that can help those leaders comprehend their business environment in real time.

Technology sophistication

It nearly goes without saying that good leaders will understand the critical role of technology in managing their businesses, but great ones will develop a more sophisticated and even enthusiastic perspective. They will want to push technology as close as possible to the bleeding edge without going past it. Luddites are, for the moment, at a severe competitive disadvantage.

Don't wait

There are many other topics we could address, but these should be enough to begin to prime the pumps of your imaginations. Truly effective law departments will always seek opportunities for reevaluating, reimagining, and transforming their businesses. These changes in the future of work are arriving more quickly than most people have anticipated. Smart leaders will try to future-proof and future-design for the next quantum leap or revolution that disrupts our traditions. Don't wait for someone else to do it first.

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