Legal Ops Brief: Dedicated Legal Operations Staff

Law Department Management

In last month's Legal Ops Brief, I asked, "Does legal operations need a department?" The answer is yes. This month, I elaborate on this point, considering whether it is helpful or even necessary to have a dedicated legal operations staff.

In-house counsel are often "lawyers first" and consider operational tasks secondary in importance. Ultimately, ops projects are neglected or put off until downtime occurs. If such activity is being relegated in this way, and the volume or demand for operational support increases, who will handle it?

Depending on the scale of demand, your department could consider dedicated staff to provide legal ops support. Operational support drives efficiency through standardization of case or matter processes.

Conceivably, an argument could be made that in-house counsel can and should do this work. The answer depends on their skillset and the priorities of the legal department. For example, a small organization with limited in-house counsel (i.e., one or two lawyers) may only require a small amount of support to leverage work and support operations.

In this case, the in-house lawyers assume operations for their area with or without internal resources or leverage outside counsel or alternative legal services providers to effectively manage operations.

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In contrast, medium to large organizations that have diverse legal departments and a host of matters or initiatives require support in operations for technology management or governance, or to maintain the organizations' cost management or growth strategies. Whether the support needs to be from non-lawyers or lawyers depends on the skills involved. However, given the nature of the demand, it may be easier for an organization to turn to those best qualified to maintain the service level of experience — legal ops staff.

One final point on an organization's demand and need for efficiency: In the absence of legal operations, or the necessary skillset to manage legal operations within a legal department, the legal department (even at the smallest level) will be at risk of hindered growth or cost maturity.

Many organizations have improved legal operations utilizing in-house counsel. However, a lack of dedicated staff managing legal operations results in less attention to critical internal elements such as cost management or organization of information — large costs that accrue over time to the in-house legal department.

Additionally, organizational initiatives, such as technology implementations or corporate governance changes are not addressed and are imposed on the non-legal portions of an organization, which do not have specific knowledge of the legal function. The worst-case scenario is software companies or consultants not familiar with the legal dynamic running operations for in-house counsel and making risky decisions with consequential impacts.

The best way forward for a self-sustaining legal department is understanding the organization's priorities as well as the legal department's long-term objectives. Develop and leverage internal business management skills and staff to enhance operational management.

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