Operationalize Your Legal Department: Use Technology to Build Proactive, Scalable Legal Systems

Technology, Privacy, and eCommerce

Every night, instead of sleeping peacefully, corporate lawyers across the globe lie awake, tortured by Bad News Bingo, an anxiety-ridden, high-stakes merry-go-round of random worries such as:

- COVID-19 business complications,
- Increasing regulatory compliance concerns,
- Remote work worries,
- New data privacy challenges,
- The volatile economy, and
- On and on and on …

One factor keeps the Bad News Bingo announcer shouting stressors into the wee hours of the night: treating legal functions as a collection of one-off, individual assignments.

A critical mindset shift can shut down Bad News Bingo for good

The mindset shift centers on being proactive (i.e., identifying and progressing toward specific goals), rather than reactive (i.e., maintaining a single-minded focus on avoiding risks and preventing loss). It starts with realizing that technology can give you much greater visibility into how legal and business functions are connected and that you can use data to proactively optimize your actions and guidance to achieve desired business outcomes.

In short, by using technology and a data-driven approach, you gain big picture clarity and understanding that rids you of the random uncertainties that feed the Bad News Bingo terrors.

Use technology to support collaboration, transparency, and data analytics

When you work intentionally, technology is a tool you use to construct new legal systems that support the principles of collaboration and transparency and add measurable value for the organization. Technology provides data (i.e., facts) that help you assess the current status of legal and business functions and evaluate how various factors influence outcomes. Data analytics help you provide context for actions and engage with business leaders who also gain a more thorough grasp of how issues interrelate.

Empowered by shared data-driven insights, you can intentionally target specific outcomes that align with the company’s larger business goals. Other business units are already using technological systems this way. Marketing, sales, and product development teams do not operate on a single issue or single project basis. They build systems to measure and predict results, then adjust and act accordingly.

Marketing builds a funnel and tracks leads through each phase of the buyer’s journey. Conversion rates, A/B testing, and website analyses help the team develop increasingly successful marketing models that become levers for driving more business. The sales team creates and hones a sales pipeline.

With metrics on conversion rates, deal sizes, and time to close, sales executives can proactively manage the revenue function. Product development is based on the same type of quantifiable, iterative approach. Each team uses technology developed specifically for its function.

How can the legal department leverage technological systems?

You cannot intentionally manage what you don’t see and don’t measure. Legal technology tools

enable systems for operationalizing your legal department functions at scale and in ways that align with the strategic objectives of the business. Tech-driven legal systems can be used to:

- Create visibility by measuring legal department KPIs;
- Identify the root indicators that determine outcomes;
- Build models that make those indicators visible at scale; and
- Measure data, predict outcomes, and evaluate change.

Operationalize with Contract Lifecycle Management software

Here is an example of how it works with Contract Lifecycle Management (CLM) software.

Most legal teams have preferred contract provisions. For example, they will not accept an auto-renew provision in a software-as-a-service (SaaS) contract. Company lawyers apply that concept to every SaaS contract they review. Though the legal team applies specific rules across all contracts, they're still approaching contract review in a reactive manner.

A proactive approach would include using CLM software to automatically detect and replace undesirable contractual provisions with favored provisions. Because every draft contract uploaded to the CLM platform is automatically filtered and revised, contractual provisions become visible and manageable at scale.

CLM software automates contract review and proactively manages all your contracts using preset rules and processes. You can view all the contracts in your database at once to see any significant variations in primary legal provisions. Lawyers no longer need to manually review and react to each contract individually. Instead, they can opt to only manually review contracts that are above a certain value.

When contracts are centrally organized and continually evaluated, the CEO and executive team can also feel confident that every contract supports the business direction and risk appetite — at a glance and at scale.

Build your measurable legal systems

When you stop focusing on single issues and start guiding your legal operations intentionally using tech-enabled systems, your legal department becomes more accountable and more responsible for business outcomes.

More legal teams are now building the foundations of new systems that will serve their organizations far in the future. Collaborative technologies build bridges among legal and other business functions. Data reveals how each function is connected to and influenced by others, which helps you develop and implement more effective strategic initiatives. Finally, you can shut down the nightmare rounds of Bad News Bingo for good!

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She has authored numerous books, including Get on Board: Earning Your Ticket to a Corporate Board Seat, Fundamentals of Smart Contract Security and Blockchain Value: Transforming Business Models, Society, and Communities. She is working on her next books: Visual IQ for Lawyers (ABA 2024), The Rise of Product Lawyers: An Analytical Framework to Systematically Advise Your Clients Throughout the Product Lifecycle (Globe Law and Business 2024), and Legal Operations in the Age of AI and Data (Globe Law and Business 2024).