



My Take: The Legal Department of the Future Begins Today

Community

Law Department Management



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We are now roughly three years into the global pandemic. While many countries have “opened-up,” and restrictions around travel and indoor activities have lightened significantly, life after COVID has changed. It’s hard to think of an area where that change is starker than in the way we organize our workplaces. For many of us, our homes became our offices — we stayed home to protect ourselves, our families, coworkers, and communities. The research tells us that most of us don’t want to go back to the office in the way we did pre-pandemic.

Now that some of the immediate danger has passed, in-house teams are returning to the office, some full-time but most on a [hybrid schedule](#). There’s much talk around what this means for employees who want to continue working from home and employers who want people in offices, often pointing to the need for in-person collaboration. We’ve heard terms like “[the Great Resignation](#)” and “[quiet quitting](#)” and seen increased use of tools that allow us to communicate and collaborate not only from our homes but from anywhere across the globe. There’s also a renewed focus on priorities and values, which makes sense following such a turbulent period.

What does this mean for us? As knowledge workers, in-house lawyers can work from anywhere (unless we need to be in a courtroom, and even then, allowances can be made), but the need to collaborate is great, especially among in-house teams whose work extends across business units. What’s the happy medium? How do we advise our organizations on the future of in-house teams and the way we work, while also remaining compliant [with legal requirements and the implications](#) associated with having employees literally working from anywhere in the world?

ACC has a role in fostering discussion around what the future work environment looks like in a post-COVID world, particularly in the context of in-house collaboration. As I’ve previously noted, there’s much to consider as we look at these issues’ impact on employee retention and changing work

priorities. And while there are challenges, it seems that the disruption caused by COVID has created an opportunity to design better in-house workplace environments (both in the physical and non-physical sense) that are more aligned with the preferences of modern corporate counsel.

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According to the [2022 ACC Law Department Compensation Survey](#), 63 percent of respondents currently work on a hybrid schedule, with 57 percent of those who reported being eligible to [work remotely](#) doing so two to three days a week. Only 11 percent reported working from the office full time. These findings are echoed by the [2022 Future Ready Lawyer](#) report by Wolters Kluwer, which states that 69 percent of corporate lawyers expect to work remotely full- or part-time going forward.

Further, in response to changing priorities, the same report found that 86 percent of legal departments have experienced a "very" or "somewhat significant" impact from the Great Resignation, with 70 percent of in-house lawyers surveyed indicating they're likely to leave in the coming year. Of ACC's compensation survey respondents, 33 percent reported that they have changed jobs in the last two years, with 18 percent noting that they are "likely" or "very likely" to change jobs in the next year.

This data reflects that greater flexibility relating to the in-house legal department and overall work environment is not a luxury but a necessity. Retaining our teams is critical, as is recruiting new team members. In fact, [ACC's 2022 Trends in Legal Transformation and Technology Report](#) found that 76 percent of departments surveyed state that getting the right mix of talent is the area that legal departments must get right to serve the growing demands of the business.

The above also indicates that more companies are offering flexible work environments and schedules to remain attractive in a highly competitive market (no matter the industry). As leaders, we need to not only advise on the [many legal issues](#) that can arise from remote work and aligning policy with expectation but also on how this "new" way of work can benefit the organization as whole.

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In response to the trend toward hybrid arrangements, the physical workplace is also changing. We know, anecdotally, that flexible in-office attendance is leading to more flexible work environments, including more open plan arrangements, "hot-desking," and a greater focus on collaborative spaces. That makes sense — it's hard to justify a traditional office for someone who is only using it a couple of days a week. However, there are real questions around whether less traditional workspaces serve the needs of the in-house teams.

In recent ACC Networks Forums chats, I've seen strong views expressed about the importance of a physical office, with reasons like confidentiality and the need to do focused work sited. Throughout my career, I've worked in offices from pokey to palatial, to open plan environments. Currently, I'm in an entirely open plan, hot-desking environment, working next to my colleagues, including the CEO.

My observation is that an in-house team can make any of those arrangements work effectively, but there are certainly pros and cons.

Of course, for our teams to stay actively connected and engaged, technology must be a priority. Investing in technology is a major focus of ACC's new strategic plan, and according to [ACC's 2022 Trends in Legal Transformation and Technology Report](#) — which found that having integrated technology and solution providers is the most important next generation investment for legal departments — this is true for many of us. Again, the Wolters Kluwer report echoes this as well, with 87 percent of in-house lawyers noting that it's "extremely" or "very important" to "work for a legal department that fully leverages technology."

Whether you work in the legal department or not, we expect the technology to work, and we want to work for companies that invest in it. These reports make it evident that in-house legal departments are best advised to not only invest in new technology but to find innovative ways to use it — including process automation and artificial intelligence solutions, which can "decrease the impact of increased demand on the well-being of in-house counsel." A good example of this is the way in which the hugely increased reliance on video conferencing — initially a response to remote working as a result of COVID — has enabled much better collaboration among geographically dispersed teams and partly addresses proximity bias issues.

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Therefore, legal department leaders are advised to continue keeping an open mind when it comes to change within our company cultures. We need to continue this trend when it comes to [remote work policies](#) and our recruiting and retention practices. The legal department of the future, and the practice of in-house law, will only continue to grow and change.

As always, ACC is here to support you through it all. Check out our many resources and programming to help you advise your organization in this area and beyond. For example, download this [Global Remote Work Chart](#) checklist or access this on demand program, [The New Frontier of Cross-Border Remote Work](#) to start (you'll also find a few more linked in the body of this column). Further, I encourage you to dig deeper into the research highlighted here for even more insight into the changing legal department and in-house related trends.

I'd also love to hear from you — what are your thoughts on how our work environments have changed post-COVID, and what lies ahead? Send your messages to chair@acc.com. Let's continue the discussion.

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authors, its authors' employers, its sponsors, and/or ACC. These resources are not intended as a definitive statement on the subject addressed. Rather, they are intended to serve as a tool providing practical guidance and references for the busy in-house practitioner and other readers.

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Adrian Goss is General Counsel of Bauer Media, Australia's largest magazine and digital publisher. Goss was previously legal counsel for listed Australian film and television production company, Beyond International, and, prior to that, worked in law firms in Australia and the United States. During his 20 years of practice as a lawyer, Adrian has focused on corporate and commercial matters as they affect the media and entertainment industries.

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