



Legal Ops Corner: The Misnaming of Legal Ops

Law Department Management

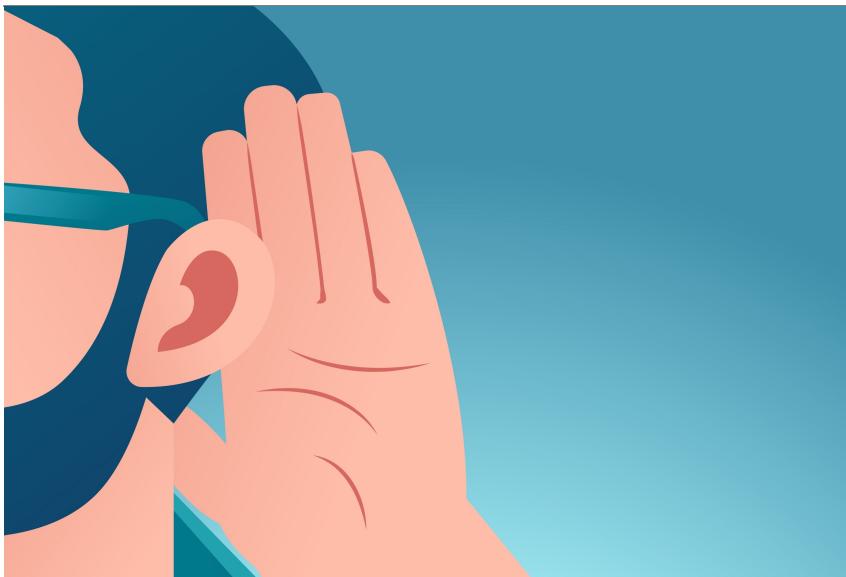


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Legal ops professionals — if they want to be of the greatest value to a general counsel or a business — must always remember that *legal ops is not fundamentally about the operations of a law department*. Rather, it is about advancing the overarching goals of the enterprise. Making things easier for law department lawyers, while nice, should never be the ultimate purpose of legal ops. Optimizing legal operations must not be an objective in and of itself, because, like every other department within a business, legal ops exists for the benefit of the overall business.

How then should a legal operations professional think about and pursue that objective? Three concepts provide a framework for an answer: listening, values, and business case. Each is a critical component of legal ops done well.

Listening



Legal ops professionals can best support a GC by paying close attention and listening to those in key business roles. *lifGC / Shutterstock.com*

[As noted in an earlier column in this series](#), the role of GC extends beyond legal matters. Ideally, a GC serves as a valued business partner and trusted advisor of company leadership. Legal ops professionals best support a GC in those roles by learning the business. This includes much more than the basics (industry sector, offerings, competitors, and competitive landscape, etc.). It also encompasses issues that span the entire enterprise. Identifying those issues requires listening carefully to those in key business roles — the CEO, CFO, members of the board, business unit leaders, and others — to spot common themes and shared concerns. Legal ops must advance the business relative to those considerations.

For some in a law department (including some in legal ops), this requires a shift in mindset. Not everything is a legal matter, and the point isn't to "win" (in a legal sense) but rather to resolve matters in business-friendly ways. The implication for legal ops is that optimizing operations relative to a particular type of legal work is not necessarily the right goal. But, what then is the correct objective?

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Values

We have yet to use terms like "maximizing profits," "boosting share price," or other quantitative, economic measures in discussing the ultimate purpose of legal ops. This is because the fundamental goals of a business are rarely, if ever, strictly economic. Instead, businesses act in pursuit of a set of values. A business typically employs numeric metrics as proxies for progress toward various values, but the values, not the metric, reign supreme.

For example, risk-taking is a *sine qua non* of business. As the saying goes, "If you take no risks, you earn no money." This puts the function of a law department in a much different light than many (perhaps most) lawyers view it. Law school socializes lawyers to view risk as a "bad" to be minimized. Lawyers are trained to focus on the potential "parade of horribles" presented by a particular set of facts. The goal — so widely accepted as to rarely be discussed — is to get as close to

zero risk as possible and achieve as close to 100 percent of a legal victory as achievable. But the former is antithetical to business success and the latter is beside the point, business-wise.

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Listen to this audio excerpt of Steve Harmon and Beth O'Callahan of NetApp. Steve and Beth discuss the appropriate focus of in-house lawyers, the necessity of giving legal professionals space to take risks and fail, and O'Callahan's experiences with executing change in a law department.

For legal ops, this means that prioritizing a law department's risk-minimizing activity may not be (and often is not) the correct approach. In some instances — for example, eliminating any possibility of noncompliance with all applicable regulations — the folly of a zero-risk mindset is obvious. But other times, legal ops professionals and their law department colleagues should think holistically about risk.



It is imperative for legal ops professionals to think holistically and assess risks in the context of the overall business. Diki Prayogo / Shutterstock.com

There are other values to consider, related to diversity and inclusion, environmental impact, company culture, and other areas. In each of these realms, a law department (including its legal ops function) delivers the greatest value to the enterprise by assessing how the department's activities advance the value in question. The key question should always be, "What is best for the business?"

Business impact

The question posed at the end of the previous section leads to the issue of business impact. In one sense, all business activity comes down to the issue of resource allocation. In the context of a law department with finite resources, this translates into decisions about who to hire, what expertise to acquire, what work to perform, and whether to have work done in-house or by outside counsel.



Resource allocation for legal ops includes what technology to adopt, what admin functions to offload from lawyers, and what processes to revise. Aleutie / *Shutterstock.com*

For legal ops, those decisions frame another set of decisions about, for example, what technology to adopt, what administrative functions to offload from lawyers (e.g., reviewing bills from the company's law firms), what processes (e.g., contracts-related work) to revise, and more. A legal ops leader must resist the impulse (and, in some cases, the pressure of law department leaders) to focus exclusively or even primarily on the impact of a project on the law department's legal professionals.

Creating and deploying an AI-powered system to identify contractual provisions that raise potential issues under foreign regulatory regimes might be a godsend to lawyers who presently have to do that work, but if a company has limited international operations, who cares?

Legal ops is not an island

The concepts of listening, values, and business impact are intertwined. None of them exist in isolation. Understanding a business's values requires listening to what those in the business voice as priorities and concerns (and, just as crucial, what they do not mention as being important). Understanding the business impact of an activity requires knowing the business's values. In a similar way, legal ops does not exist in a vacuum. It achieves its greatest impact and fulfils its purpose when its activities reflect a business's values and deliver maximum business impact.

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Elevate General Counsel and Chief Operating Officer Steve Harmon is an internationally recognized leader in the genesis of and continuing evolution of legal operations and the professionalization of the field. He co-founded CLOC (the Corporate Legal Operations Consortium) and his 20-plus years of experience includes business development and in-house legal organizations. He was vice president and deputy general counsel at Cisco. His responsibilities included technology licensing, oversight for the legal development of product lines, Global Export Compliance, Trademarks, and Cisco's award-winning legal operations function.

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