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Implementing Legal Technology – Time for a New Mindset?

Would legal teams be better served by leaning on sources of expertise around them rather than taking a DIY approach to tech implementation?

I read an interesting article recently by Simon Black of Lexical Labs which started with the line "Contract playbooks are now more important and easier to create than ever, but are unfortunately still underused [by in-house lawyers]". This chimed with the findings of last year's ECLA/Wolters Kluwer "Legal Departments in a Digital Era" survey of 387 in-house teams which found that over 50% had experienced significant problems redefining processes to meet the needs of technology implementations. It also struck a chord with various recent experiences of being asked to advise in-house clients whose implementation of legal technologies had not delivered the anticipated benefits. So why do such a significant proportion of in-house legal technology implementations fail to meet expectations?

It might strike some as odd that in-house lawyers should apparently suffer more than their fair share of problems implementing IT solutions. After all, these days legal counsel usually have significant exposure to their company's change management programme with all its in-built *Prince II* project management rigour. Furthermore, in-house lawyers have usually played a meaningful role in helping their management colleagues to engage with their own technical revolutions over the past 20 years through the acquisition of newly digitised finance systems, CRM, ERP and other corporate technologies. Lawyers have often also helped to pick up the pieces and examine the evidence when these projects have failed.

So with the legal industry being one of the last sectors to go through the digital revolution, surely we've learned something from the technology experiences of our Finance, HR, Commercial and Operations teams. Why then are in-house lawyers still falling flat on our faces when implementing new technologies intended to make our lives easier? And it's not just about failing to adapt our processes such as creating playbooks to properly exploit new contracting technology; legal teams suffer a full panoply of disasters familiar to most project managers, from buying a new tool without fully understanding the problem through failing to engage key stakeholders at the outset and neglecting to properly plan and resource the implementation etcetera.

As lawyers, our training and practice encourages us to be analytical and to identify potential problems before they arise. Many of us also play the role of sounding-board for our colleagues – being purveyors of objective common sense as much as legal advice. And yet our ability to be forensic, to analyse and to problem-spot doesn't seem to help us to look forwards and plan, nor do we seem good at helping ourselves when our natural inclination is to help others. Added to this, the legal department is commonly one of the smallest support teams and, with our desire to retain some objective independence, can also be one of the more detached. Our budget has historically been small and very focused on sourcing

human capital, not on technology. In addition, while commonly we may have worked alongside IT team members and the Change Management team, we are not used to reaching out to ask for support for our own team.

So maybe we need a change of mindset: rather than neglecting both budget and support/resource hurdles and believing (or hoping?) in a DIY approach to technology implementation, it's time to recognise that if we are to successfully engage with the legal technology revolution we need to be a little less selfless and a little more prepared to ask our colleagues for their expert help. That's help with IT/change management expertise to plan and execute effectively and help from the FD with the budget. In a time-pressured world where the legal team is always being asked to do more, it pays to remember the old proverb: *if you don't have time to do it right, how are you going to find time to do it over again*?

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If you'd like to know more about how 3Kites can assist your team, then please contact Danielle.Leacock@3Kites.com