

EMERGING LEGAL TECHNOLOGIES AND WORKFLOW CHALLENGES FACING PUBLIC LAW OFFICES

WHITE PAPER



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BACKGROUND

What started as a trend is now a fact: public and nonprofit law offices and departments face greater workload challenges in an environment of diminished resources. The question that persists is not only one of how to successfully meet the demands, but how to do so more efficiently. This is a pervasive concern that affects legal departments in the private sector as well.

In search of an answer, Thomson Reuters recently completed in-depth research with more than 500 public sector legal department leaders, attorneys, and staff. A survey explored their key tasks and how they complete those tasks today, and detailed conversations were conducted to get a richer understanding of their daily challenges. Thomson Reuters also interviewed experienced managers in legal support programs whose mission is to deliver the technology systems and tools and the practice support that lawyers depend upon to manage their matters and related work.

The results of the survey and interviews provide an in-depth look at enhancing productivity in public sector legal departments – identifying specific bottlenecks and opportunities to leverage technology to improve workflows.

CURRENT SITUATION: INCREASING RESPONSIBILITIES WITH STAGNANT OR SHRINKING RESOURCES

Expectations for government and nonprofit legal departments are rising. The demands of a growing workload place new strains on departments struggling to control, if not reduce, costs in an era of fiscal restraint. They face more challenges than ever, with rising case complexity, document volume, and discovery rules. Investments in hardware or software upgrades that were postponed are reaching the critical point where delay is no longer an option as existing equipment and applications are inadequate to meet the practical needs of a 21st-century law office.

As a result, the current work processes environment in government legal departments has been described as “outdated,” “inefficient,” or “virtually total incompatibility.”

The situation is not uncommon. Busy lawyers need help to make the tools they have today work better and to be assured that new and upgraded tools will integrate seamlessly. As importantly, lawyers and other legal professionals want user-friendly programs that are easy to learn, intuitive, and easily solve problems.

MANAGING MULTIPLE PLATFORMS ACROSS THE WORKFLOW

Making sense of the lack of a cohesive and collaborative work environment and how it can be addressed begins with identifying key factors that erode efficiency every day. Our conversations identified major obstacles legal departments encounter across their workflow, regardless of matter type. Additionally, they identified characteristics a successful technology solution should include. As one legal professional in the public sector stated, there is “too much time wasted entering things into several different places.” Collaboration, accessibility and security are key concerns shared by many as well. In fact, one lawyer simply stated “we need systems that allow us to share information within the office and with our [client agencies] in a secure, remotely accessible manner.”

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Some public sector legal professionals describe their current system, pain points, and needs as follows:

- *“All ad hoc on my own”*
 - *“There should be a way to share information securely through an online document repository”*
 - *“We need user friendly programs and good documentation, easy to learn and easy to solve the problems”*
 - *“There’s a need for secure, remotely accessible document storage for documents that must be shared outside the office”*
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CRITICAL TASKS AND TECHNOLOGY ADOPTION

The research identified a growing appetite for applying technology solutions to address the lack of consistency, standards and procedures, improve efficiency, increase productivity, reduce costs, improve outcomes, manage risk, and more effectively demonstrate the benefits of the investment.

In addition to the overarching challenges detailed above, the survey identified critical task categories. We defined “critical” as: 1) core to the law department’s mission and role (as judged by respondents), and 2) having highly negative impact if errors are made (as judged by respondents). We focused on tasks that are widespread and performed by more than half of surveyed law departments.

The survey found that some critical tasks are currently being addressed through use of vendor-provided automated software tools. The majority of law departments in the public sector (67%) use vendor tools, such as Westlaw®, for legal research. Matter and case management tools, such as Case Notebook™, have been adopted by 35 percent of respondents.

However, the survey pinpointed four critical tasks (outside of pure legal research) that are widespread among government legal departments. These other critical tasks included the following: legal drafting (73%); managing document review and discovery (62%); collaborating with team members and client agencies (58%); and managing legal/litigation holds (61%).

AN EXPANDED VIEW OF ENTERPRISE LEGAL MANAGEMENT

Using stand-alone solutions for any one of these critical tasks is beneficial, but falls short of solving all of the day-to-day challenges presented above. Rather than applying discrete solutions to each problem, there is a need for a centralized, integrated solution.

Today, the term Enterprise Legal Management (ELM) is being used to describe systems that tackle multiple legal department operations. Though still an evolving term, solutions included in the definition of ELM include: matter management, document management, and process management. We believe that this limited definition excludes many of the tools that public lawyers and staff use on a daily basis.

Based on our findings, we believe that the full benefits currently ascribed to ELM cannot be achieved unless such a system includes tools for several, if not all, of the additional tasks listed above. Without that integration, law offices and legal departments will still have many of the nagging problems of multiple tools – such as duplicate data entry, ad hoc processes, multiple storage locations, and missed collaboration and sharing opportunities. They will still contend with the possibility of inconsistent positions on legal issues, security concerns, and redundant costs. They will still grapple with discovery compliance and litigation holds.

A more comprehensive definition of ELM, and a system that delivers it, would be transformative for law department management, lawyers, and staff. Managing lawyers and administrative staff get a comprehensive view of the department's activities. Lawyers and staff are made more effective and efficient by applying automated solutions within the matter. Data is surfaced in-context for decision making.

Collaboration with other counsel and client agencies goes beyond status updates and shared drives to full engagement in real time using the device available to each party, whether desktop, laptop, tablet, or devices not yet imagined. A centralized, integrated system – true ELM – would allow law offices and legal departments to gain more control over their workload and better meet the legal needs of their organizations and agency clients and stakeholders.

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