

Briefing

DATA OF DELIVERY

The opportunities for firms to change their fortunes by making more of management information



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Richard Brent is the editor-in-chief of **Briefing**. He likes to get out and meet as many readers as possible, so contact him at richardb@briefing.co.uk



Kayli Olson is **Briefing's** assistant editor, in charge of gathering stories and data. Want to contribute? Contact: kaylio@briefing.co.uk



Jem Sandhu is **Briefing's** features writer. She interviews you and crafts crystal-clear copy from it. Contact: jems@briefing.co.uk



Josh Adcock is **Briefing's** staff writer. He pitches ideas and writes up the sensible ones. Contact him at: josha@briefing.co.uk



Rupert Collins-White is creative director at Burlington Media. Contact: rupertw@briefing.co.uk



Sarah Cox is Burlington Media's client services director. Contact her at sarahc@briefing.co.uk

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Burlington Media Group
20 Mortlake High St
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Staying well informed

There's really only one risk topic that could be called top-of-mind for management teams grappling with the world we're operating in right now. Nevertheless, before the coronavirus outbreak started to transform the daily life of all – and working arrangements of many – in earlier March 2020 a poll of law firm finance directors carried out by Thomson Reuters asked for those leaders' then perceptions of the biggest business risks to future profitability. Numbers one and two at the time concerned market forces being brought to bear on how much firms could charge for their work – downward pressure on their fees from cost-conscious clients (46%) and the competition from other firms seeking to convince those clients that another offering presents better value for money (39%).

But it didn't take long for a feeling of inadequacy concerning their technology to rear its head. The third highest-rated risk factor (given by 28%) was the firm falling behind as others went on to make a greater success of 'artificial intelligence' projects, and so driving a more efficient machine than theirs forwards. Of course, if the AI enables as developers argue it will, that should indeed help firms to strike a winning balance of smarter resourcing to maintain profit margin and punching harder in terms of client value.

Then, half said they'd use tech in general across the business to cut more costs, 56% said they'd channel more work through their less senior employees (presumably, as AI takes more of certain less-desirable tasks away), and over two-thirds (69%) said they'd even ditch entire service lines if they proved unprofitable.

But all of this, and more, depends on having reliable financial and management information (MI) sitting safely, but highly visibly, in systems so firms can make the right strategic decisions for the long-term health of the business – and never, clearly, has it been more important that this data can be got at exactly at the right time, remotely. Home-working or otherwise, how is the insight that both current and historic data can offer surfaced, served up to decision-makers in good time, and then turned into effective process transformation? And that's before we even start on the information they increasingly need to feed those hungry and eagle-eyed clients, wherever they happen to be.

RICHARD BRENT EDITOR-IN-CHIEF

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FEATURE

Numbers aim

How can management information about legal process be used to transform a law firm's operations and profitability? Richard Brent asks some of the experts

One conclusion to come out of a recent 2020 State of the legal market in the UK report – joint-produced by Thomson Reuters Peer Monitor, Acritas and the Legal Executive Institute – was that UK corporate legal departments are “spending less than their global counterparts on legal technology”. It suggests that law firms themselves therefore need to be “looking more closely at the opportunities offered by the new wave of technology that is becoming available” – most notably, as namechecked, in the fields of artificial intelligence (AI) and data analytics.

Of course, many firms have already invested in rolling out (perhaps in pilot) some form of machine learning/natural language processing tool to transform some aspect of process and improve the efficiency of service delivery in particular practice areas – most often, to reduce the time it takes to complete tasks such as search, review and due diligence on work involving ever-increasing volumes of documents and data. However, **Briefing** also knows from its own Legal IT landscapes 2020 research report that in under 18 months people at a few firms expect to be applying ‘AI’ to data parsing itself (7%), predictive financial analytics (7%), legal strategy planning and summarising (2%), and even matter pricing (1%).



Given the same research found more business leaders expressing a desire to tackle “pricing, scoping and budgeting” than any other single factor that might boost matter profitability (including, for example – but not limited to – culture, training, automation and resourcing), you may perhaps expect that figure for matter pricing to be somewhat higher. But is the technology available to effectively enable those key strategic priorities of greater process and cost certainty?

Annabelle Smith, promoted from head of



pricing to the new role of pricing director at Eversheds Sutherland in December 2019, says that, although there doesn't yet appear to be a 'pricing tool' that can transform all the scoping effort that goes into her firm's work on its multi-jurisdictional matters, for example, the part played by timely analytics in the process of calculating matter profitability is clear.

Large or small, corporate or consumer, clients today are of course likely to see value in as much cost certainty as possible – even though, says

Smith, the hourly rate typically continues to dominate proceedings in the corporate sphere. However, she adds: "We can apply AI technology to understanding how much specific phases of a job ought to cost – or the volume of data involved in scanning an estimated quantity of documents, for example – to reach the right fixed price.

"As firms increasingly bundle up more services into packages that involve different elements of technology, we also need to be able to interrogate the data sitting behind that quite carefully."



“We need people who can mine our data by variables such as work type and jurisdiction – and present it in a way that the firm’s partners can readily digest.”

*Annabelle Smith, pricing director,
Eversheds Sutherland*

And as Smith continues to build out the firm’s “standalone” pricing function – there are four people now in the UK collaborating closely with the firm’s pitching experts, and six working out of the US – analytics is a skillset in growing demand. “We need people who can mine our data by variables such as work type and jurisdiction – and importantly present it in a way that the firm’s partners can readily digest to make good decisions,” she says.

Case pointers

Of course, tech is also available that supports the manner in which such information gets presented to people – at a time of competitive pressure where decisions about next steps in many a process are needed both faster and more frequently.

John O’Donoghue, head of legal operations – disputes, at Herbert Smith Freehills, says that his firm has been on a significant data-enrichment project as part of a work stream that encourages more lawyers to ‘self-serve’ their legal project management needs (LPM) for clients where that’s an appropriate course. “By amassing more data points than we’ve had historically, we can manage more sophisticated scenario forecasting, understanding the likely outcomes of new cases based on historic ones, and the impact of variables such as checking the compliance of certain types of fee arrangements based on their country of



“Understanding exactly what you’re spending on a case – keeping within the parameters – is critical to not running a cost that you can never recover.”

*David Fazakerley, chief information officer,
McMillan Williams*

origin.” And one result of this work is lawyers now have a tool they can access from anywhere in the network, he says. “Click on a country’s flag, and it effectively breaks down if and how a success fee would work in that jurisdiction, and whether the firm or client should use a form of funding or insurance, and also the process for executing it.”

A member of the pricing team within legal operations can become involved either to validate, if the lawyers can’t find a way to the solution they need, or if the opportunity to enhance profitability means more resource should be invested.

Demand here is ultimately driven by client appetite for an increasing array of fee options, he adds. “We have more opportunities for clients to risk share, and a growing area of interest is where they want to take something off the balance sheet altogether. Taking advantage of our strong relationships with litigation funders, they could defer their risk in exchange for some of the potential reward.” And echoing Smith at Eversheds’ comments about the role AI could increasingly play in support of a pricing department, O’Donoghue is also piloting machine learning applied to case components such as the number of witnesses, experts or documents involved in order to construct a phase-based breakdown of who should do what and when, and the likely shape of the effort curve to complete a task.

Although operating in a very different market, protecting profitability with clean, insightful data is just as important to David Fazakerley, chief information officer at consumer-focused McMillan Williams. “Many a firm is no longer doing legal aid work because they can’t manage to do it at all profitably.” And that’s with a very small ‘p’ indeed, he says. “The structures only allow you to claim certain amounts for certain types of work, and understanding exactly what you’re spending on a case – keeping within the parameters – is critical to not running a cost that you can never recover.”

Powers of prediction

For Dene Rowe, partner and innovation director at insurance-focused firm Keoghs, the most interesting recent development in the management information (MI) space is the shift of emphasis from reporting what is ongoing for clients now to predictive analytics – helping those clients to make the right decisions based on likelihoods in future.

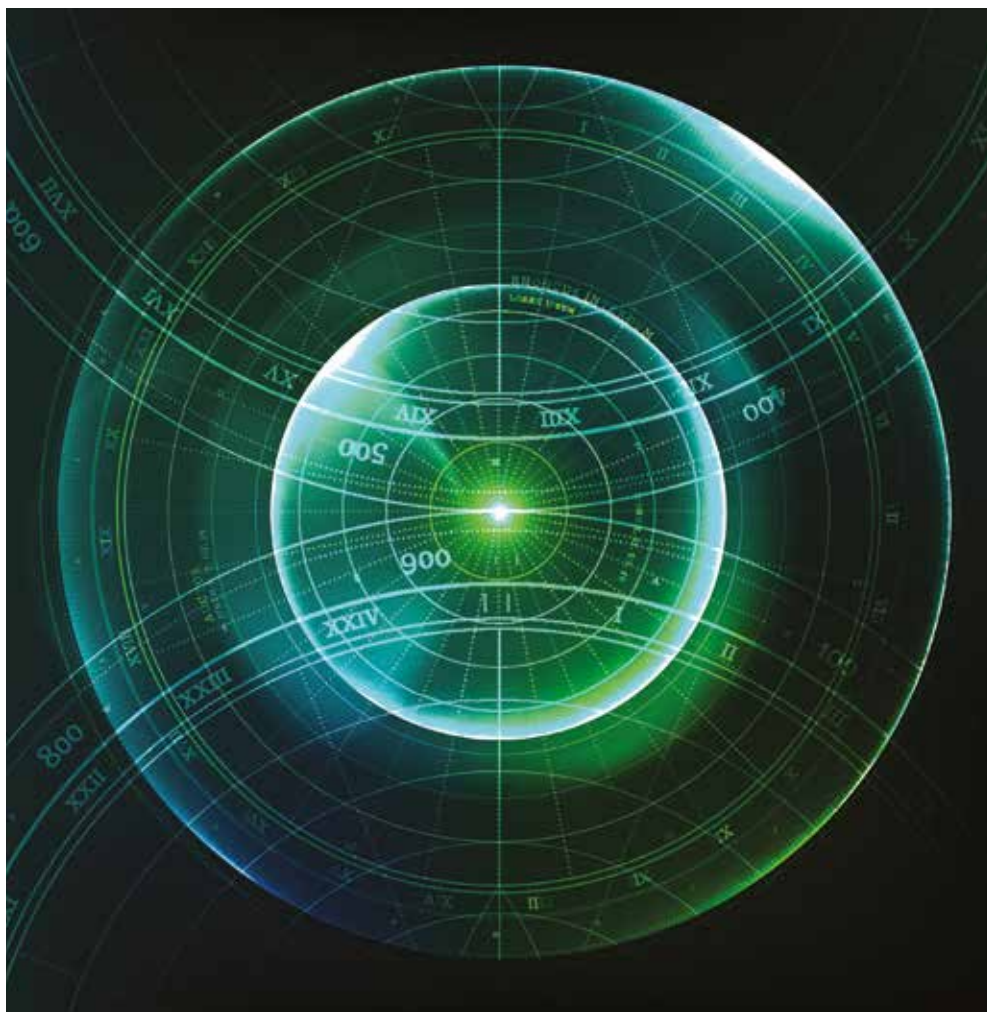
He explains: “As advanced case management users, Keoghs has long issued monthly reports using secure extranets so clients have that full transparency as and when they see fit – they can log on whenever they want to see how far something has progressed, the financial situation, and so on.” Today, the trend more to watch is how analytics gets applied to use data more strategically, he says. “The transactional data is still important, but the action is around what the data can tell you about how to improve.”

At Keoghs, for example, he says clients can be helped not only to reduce the cost of litigation but potentially to avoid that litigation altogether; taking a certain step “earlier in the cycle, before the lawyers need to be involved”. Indeed, investment in this area is such that the firm can “almost be thought of as clients’ analytics and legal advisers combined”, he says. Clients are also invited

to provide anonymised data, which the firm can use to benchmark trends across industry, before sending that back with additional context that may serve to change a strategic choice. “They might see, for example, where an occurrence falls outside of the norm for their market.”

Recent work for Rowe’s team has also been focused on continuous improvement of information internally; with a series of validation rules laid over the case management system to flag anomalies for potential correction. He explains: “Much data collection happens in the course of case management, but there’s also some manual collection through data fields, and the rules compare and query the data. Many people express concerns about data quality, and this technique and technology means we can highlight discrepancies to fee earners before an error in any data leads to a bigger mistake.”

As more law firms bring forms of additional consultancy into the fold, Smith at Eversheds





Operational advancement

Moreover, accurate and accessible MI has an important role to play in the collaborative chain of effort that produces the **Briefing 5P** concept – from the performance of pricing to that of a pitch team, project management and process improvement functions, to support and grow overall firm profitability. And since we started down that road, a number of firms have restructured certain areas into a ‘legal operations’ function. In March 2020, Linklaters became the latest to do so, bringing four teams together – alternative resourcing (which includes LPM and its Re:link contract lawyer offering), innovation, knowledge and learning and matter pricing. The latter element is described as using “innovative tools to support

Sutherland also points to the potential for analytics to be part of that client service package. For example, they can be in a position to provide global clients with better information about their spend broken down into the amounts of an activity that’s occurring in each of their jurisdictions.

And while having the right base data for pricing depends on certain behaviours – consistent and accurate time recording, for example – she says having it can also help to influence other ones. “There’s less room for people to hide from the impacts of some of their decisions, and lawyers are encouraged to take greater responsibility.” One of her key initiatives has also been a client-partner education programme, with a focus on commercial skills and best practice that can help to protect profitability at various points in a negotiation and ensuing matter.

At McMillan Williams, Fazakerley has been on a recent mission to empower users with data “at their fingertips”, but at the same time to ensure that the picture of finances, for example, is consistent no matter who calls it up. From the board to department heads, partners and down, all should have the same confidence to act in the knowledge “the figures are right”.

pricing decisions for clients on both individual matters and fee deal arrangements”. At the same time, underlining the need to attract future talent into these disciplines, the firm announced a two-year legal operations graduate scheme.

Herbert Smith Freehills was one of the first to put a new structure like this in place in 2018, and O’Donoghue says that one advantage is the thinking (and no doubt data) used in both scoping and execution can be more ‘joined up’ in the interests of a more cost-efficient and profitable outcome.

And that’s just the tip of the iceberg, he says. “The wider legal operations model at HSF means it can provide a whole toolkit of services, such as automation, innovation and legal process improvement, through one team to help improve efficiency and client service.

“Where pricing and LPM are kept separate, feedback from clients is that there can sometimes be a disconnect. One person prices a matter in a certain way, but it’s then passed to another department for a project manager to manage, which can potentially lead to the pricing and delivery strategy getting slightly lost in translation. In our legal operations team the pricing and LPM

may be the same person, which can help a case to be delivered in a more transparent and well-communicated way.”

As well as new self-serve-centric dashboards, he says, communication with and among lawyers is also supported by a collaborative case management platform and monthly ‘ask LPM’ emails with top tips to reference when opening a new case, for example. “It’s not a bid to turn lawyers into expert project managers, but to upskill so we can create continuous smaller gains in efficiency and avoid the process or behavioural silos that can prevent them,” he explains.

In touch with transparency

Finally, as several have referenced, of course the need to deliver clients the information about work in progress they most want to see in timely fashion remains. “Ultimately, transparency is now a fairly standard request from a client, and rightly so,” says O’Donoghue. But that isn’t to say technology isn’t capable of evolving to support that objective in new ways as well – Herbert Smith Freehills, for example, has developed a case management dashboard for larger matters that its clients can access for live updates, and recent work has focused on tailoring the experience for smartphone so partners can more readily call up

specific details conveniently at the relevant point during a client meeting.

Fazakerley at McMillan Williams says: “Information has to be at individuals’ fingertips – there’s no other way. It’s just a world now where people need to make quick decisions based on real things happening, at the time they’re happening.” But he also gives a very good example of why accurate numbers alone are not enough in that oh-so-data-driven world. A new conveyancing portal co-developed internally and launched in the last year has enabled clients both to see the progress of a case against a timeline and interact with the firm in real-time. “They can see the current stage, the next stages, and also commentary, so there isn’t necessarily a need to call up,” he says.

“But the trick is displaying and writing that in such a way that people don’t feel even greater need to call than they would otherwise – with something like ‘well, why are you not at the next stage yet?’” As in any project, the progress through the different stages to completion needs to be carefully set out with likely timelines and clear communication. In short, there is more to managing increasing appetite for management information than technology alone has the power to transform. ▲



“Transactional data is still important, but the action is around what the data can tell you about how to improve.”

Dene Rowe, partner and innovation director, Keoghs



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John O’Donoghue, head of legal operations – disputes, Herbert Smith Freehills

INDUSTRY INTERVIEW

The knowledge of next steps

David Rawson, director of portfolio solutions for the financial and practice management product group, Thomson Reuters Legal Europe, explains how Panoramic was designed to help lawyers find the correct path each day

In February 2019, Thomson Reuters finally unveiled to the market its new cloud-based workflow solution Panoramic – bringing the world of continually updating legal content available within the Practical Law repositories, together with the financial analytics power of the 3E enterprise business management solution; all in the interests of more efficient, transparent, and ultimately profitable, matter and legal project management.

David Rawson, director of portfolio solutions for the financial and practice management product group at Thomson Reuters Legal Europe, was one of the main brains behind the product formerly known as ‘Project X’. And as a practising solicitor himself for eight years before joining Practical Law in 2009, it is perhaps unsurprising that he speaks passionately about how it has been designed to transform the life of the lawyer him or herself, no less than that of the clients they serve.

“When near enough any lawyer walks into the office in the morning, it’s a matter of ‘what do I do next?’” Rawson says. “Do I do that email, that phone call, or continue with that document? Do I make a coffee, or run out of the building screaming?” he laughs. “All have their attractions, so it becomes a question of what needs to happen

first.” Then next. And so on.

That, in a nutshell, is what the team designed Panoramic to enable – building a series of task-based ‘matter maps’ that integrate the content of Practical Law, and which can continually and automatically refine as lessons are learned about the different circumstances of each matter, as they play out in reality. Becoming ever more ‘accurate’ in terms of activity sequence, the associated budget can of course be shaped to match, helping firms to price the work they plan to do more precisely. “Fundamentally, it helps you to do what you said you would do, at the time you said you’d do it, for the price that you communicated,” explains Rawson.

“Unlike a more classic workflow, it’s all about contextual information – the plan can automatically adapt to something that has suddenly just happened, and the system surfaces the information you need to react at the point you need to do that.”

Simplicity on the surface

Choices about the visualisation of the different datasets that may play their part in a journey through such a matter map have been made with this driver of rapid responsiveness front and



centre. Rawson says: “One potential starting screen is the matter directory, for example – every live matter with a red, amber or green indication for work done against budget consumed. It’s a case of ‘what’s on fire today’, and you can quickly dig into the red ones.

“There aren’t as many donut diagrams as you can sometimes see around – very much ‘the new black’ in analytics,” he laughs. “The team’s choice was to be hyper-focused on the possibilities of information, and making that straightforwardly available on mobile devices with adaptive design.”

With that contextual sweep, however, Panoramic has been designed to analyse, identify and highlight specific sets of circumstances that

“The plan can automatically adapt to something that has suddenly just happened, and the system surfaces the information you need to react at the point you need to do that.”



“The idea was always that people would tell us what they wanted from the solution, and we would try to include it if we could validate and market it.”

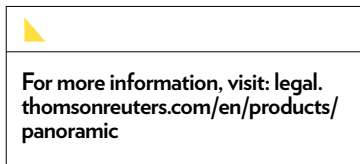
may “make firms more or less money”, supporting their process-improvement initiatives. Would it be better for a particular piece of work to be led from a different city, for example? Where a matter is for a particular type of client, and it involves a certain sequence of tasks and sub-tasks, does it risk losing money? Would that be an opportunity to add some more automation during a phase to make the difference?

The right persona for the job

Connected to this is the idea of user “personas”, which embody the core activities that a lawyer undertakes in a day – which drove the design of the system – and where again, flexibility is key. Although the idea is that the solution can provide context for functions such as pricing and project management, these personas aren’t fixed job titles like ‘partner’ or ‘associate’, Rawson says. “We quickly verified that an individual can be managing the overall matter one moment, and

then doing a very specific task the next. Sometimes a partner is necessarily behaving more like an associate, and vice versa.” Indeed, the personas in Panoramic are simply given normal names such as Mary and Paul.

“The same associate may equally be involved in pricing a matter – and one objective was that we wanted fee earners to be able to run up a budget for a fairly straightforward matter in under 10 minutes,” Rawson continues. But then, if necessary, they can follow that up through conversations with people at the firm where areas of expertise such as pricing run deeper. For example, one member of the team alone interviewed 50 or 60 experts to feed into the pricing side of the tool in particular. “Teams that need to are able to navigate exclusively using the screens for pricing analytics and budgeting, and extract only financial lessons to pass on in an actionable way to others. Similarly, there are legal project management groups that have picked it up



to use for their own particular ends. Some firms are building specific structures for tracking volume cases and others see a good foundation for KM systems.”

The question of ‘who does what’ is of course central to the legal process improvement world, and going further on that front was one of the first big pieces of feedback the Panoramic team is now in the process of incorporating after launch. “It’s preliminary, but resourcing is a big thing coming down the track,” says Rawson. In short, firms want to know more about who is completing particular tasks and sub-tasks to assign them with more confidence. “How many times has a particular individual done this task? Or, what percentage of times has a fee earner of this level done that task?”

Learning from the lawyers

Another modification, earlier in 2019, was to the templating, such that more data is pre-populated in terms of budget, for example, when a new mapping commences. “You never need to start from a completely blank piece of paper,” says Rawson.

“But the idea was always that people would tell us what they wanted from the solution, and we would try to include it if we could validate and market it.” Although phrases along the lines of “holy grail” and “nirvana” have cropped up when people see the potential for their roles (“genuine quotes”, he says), it’s only natural that firms would want something new to address their own specific pain points. And as the fundamental point is to guide the fee earner through their entire to-do list, it’s likely that there may be quite a few of those.

Panoramic was designed in the first place in especially close collaboration with those who would become its users – two firms were ‘co-design partners’ and hundreds of people involved as innovation advisers and testers.

Rawson explains: “A firm like K&L Gates wanted to be involved in every aspect – the first designs and iterations of code, and they were testing them – and we were really delighted with

that. Others were innovation partners, who’d expressed interest in particular aspects that we sought to address. One London firm had a corporate practice with a really specific issue – typically managing its pricing structure by taking a pile of paper out of the financial management system and going on retreat every quarter! So we worked with them to look at how their costing could be done differently with a system like this that breaks it down.

“There were also specific individuals managing each firm relationship, and two representatives reaching across all of them to track the issues, and keep a consistency of interpretation, to ensure we were really maximising the value of the feedback. There can be a risk that you create a really good solution to just one firm’s problem – and we wanted something that could help everyone.”

None more so than the lawyer doing the job, however. “A compliment that perhaps didn’t exactly sound like it at the time came when we showed it to one team of legal project managers. They said, ‘we really like it, but are worried it’s really designed for the fee-earners’. I replied ‘yes, yes it is’,” Rawson laughs. “In fact, one objective is to get lawyers to do more LPM without making them feel that they’re being pushed into it.”

“The whole Panoramic landscape is designed to be very familiar. The words are familiar – they’re the words you use – which we know because they are the words that our editorial team would use. And in the context of the matter map, they follow terminology and a structure that you recognise. There is no lexicon to learn.

“Then, if you drag and drop something, it does what you expect. Nothing on the screen at any point is irrelevant to the mode you’re operating in – and the screen fits the persona. The guidance is all actionable, you know where to find it, so you’ve got what you need, when you need it.”

In short, the thinking goes, nothing extraneous gets in the way of making the next correction decision about what to do with the next very valuable minute of your day. ▴

INDUSTRY ANALYSIS

Moving on from uncertainty

Lisa Hart Shepherd, vice president of research and advisory services at Thomson Reuters, unpicks some macro trends for the UK legal market and highlights challenges on the horizon

When considering the broad market landscape in early 2020, it's clear that the UK legal market remains strong, and is dominated by some of the world's largest law firms. From the point of view of the UK's legal businesses on a global field, its largest law firms, including the magic circle, are also among the most dominant players on the world stage, enjoying excellent brand awareness that puts them on a par with professional services brands in the areas of consulting, finance and accounting.

However, despite the UK legal market's growth, with revenues up again in 2018-2019, uncertainties lie ahead. The future of the post-Brexit economy and intensifying competition from US law firms and alternative legal service providers, including the Big Four consulting firms, are among the biggest issues – to say nothing of the as-yet unclear ramifications for the legal market of the recent Covid-19 outbreak.

These potentially dark clouds gathering on the horizon are such that UK law firms would be wise to recognise them. A new report, *State of the legal market in the UK: challenges to growth and sustainability*, published by Thomson Reuters Peer Monitor and Acritas, takes a look at this legal landscape, including the opportunities for growth, and conversely, the challenges that may be emerging.

Compete story

With coronavirus and Brexit, the future of the UK



economy may be entering a period of uncertainty with many expert commentators making gloomy predictions. Firms with a global presence and strong reputations may be likely to have a more positive outlook, as they could be better positioned to balance growth in other markets against a potential contraction in the UK.

In the short term, Brexit will also undoubtedly bring an inflow of work for law firms, as clients will need lots of legal work done to prepare for possible new operating models. In the longer term, however, law firms are likely to need to win market share from rivals, rather than rely on the size of the market increasing as a source of growth.

Worse yet, competition has intensified as the



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UK has experienced a surge of eager legal entrants in the form of alternative legal service providers (ALSPs), following the introduction of alternative business structures by the Solicitors Regulation Authority. The market has also seen a renewed focus on legal coming from the large accounting firms, and has watched on as some US law firms take market share through aggressive lateral hiring. Taken with the efficiency gains that more nimble firms are achieving by leveraging technology across the industry, the next decade clearly won't be plain sailing for UK law firms.

Proactive measures

As talent becomes increasingly mobile, firms also

need to be mindful of how lateral moves can mean not only loss of talent but also a negative impact the employer brand. When a firm loses a top-performing lawyer, it loses both their expertise and their client relationships; two of the top drivers in terms of how a law firm's brand is favourably viewed by clients.

The competitive landscape is shifting rapidly, and firms need to take a more proactive approach toward retaining both talent and clients. More than ever, competitors stand ready to acquire market share at every opportunity.

A closer look at the numbers featured in the report indicates that there is no room for complacency in legal business boardrooms. Partners should be asking themselves, and their colleagues, where the next growth area will arise, and how their business model will have to change to position the firm for achieving growth – if not mere survival. Key trends highlighted by the report include:

- The largest clients are cutting their legal costs in a drive for efficiency.
- US firms are aggressively moving into the UK market, taking market share in specific areas, even where the market is not growing.
- ALSPs, although representing a small portion of the legal ecosystem at present, are increasing their revenues quickly.
- Talent is becoming increasingly mobile.
- Underinvestment in technology carries the risk that UK law firms are falling behind new competitors – and even their own clients.

As the report notes, the UK legal market is not immune to the disruptions and changes taking place across the business world. There will always be a demand for legal expertise of course, but those firms that ignore the forces of change may find themselves pushed to the margins as other competitors respond better and faster to market and client demands. ▀



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