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INTRODUCTION

If the Greek philosopher Heraclitus thought change was the only constant in life in 500 BCE, what might he think of the pace of change today?

From a global pandemic to social unrest, climate change, political conflicts, wars, and fears of recession, legal organizations have not had a moment in the last few years to catch their breath. Meeting the challenges of these changes has required law firms and corporate law departments to undergo a sweeping transformation, looking for new ways to do more with less, whether that less represents a smaller headcount, lower budgets, or both.

Necessity has spurred legal professionals to find better, more efficient ways of doing things. But is this change sustainable? How can legal organization leaders build on this change to continue growth and still manage their critical work in lean times?

Just as importantly, what changes should legal organizations anticipate next? Legal leaders cannot focus solely on addressing today's realities; they must simultaneously prepare for future challenges and opportunities.

These are all questions that we wrestled with at our ninth annual Legal Lab. Leaders from the nation's top law departments, law firms, and law schools gathered in Washington, DC, to consider our past, present, and future from the lenses of Legal Lab's three pillars: talent, technology, and service delivery. One undercurrent that carried throughout Legal Lab is the need for a mindset reset, perhaps based in part on the value we saw in the collective approach we sometimes took to addressing the pandemic. As one in-house counsel put it, "Maybe we need a transformation from 'me' to 'we.' A lot of the positives over the past few years were very personalized to lawyers and departments, but that was not the organizational mindset; that was a personal mindset. There's an opportunity for the legal industry to pivot more than ever to reset to 'we.' How do 'we' collectively solve problems?"

From insightful group interactions to fruitful breakout sessions, many attendees commented that this was the best Legal Lab yet. Based on the richness of our discussions and ideas, many of which are highlighted in the following pages, we tend to agree.



KEY TAKEAWAYS INFOGRAPHIC

Balancing Tomorrow's Opportunities with Today's Realities

Legal organizations must sustain and build on recent years' positive changes while still managing their critical work in lean times, and simultaneously anticipate and prepare for future challenges and opportunities.

Legal Lab 2023 participants examined these issues and identified several experiments and potential solutions to explore.



TALENT

Maybe we need to reset from 'me' to 'we.'

QUESTIONS TO INVESTIGATE: How can law firms and law departments best continue their focus on developing and retaining the right talent in light of the current market?

SOLUTIONS/EXPERIMENTS:

- · Reimagined secondments (including legal operations) or exchange programs to deliver more consistent mutual wins and bridge the generational divide
- · More intentional career pathing to improve development, mentoring, collaboration, and retention or healthy attrition
- · Greater insights into the financial and economic perspective of a law firm through a "day in the life" experience for law department leaders
- A means for law departments to provide almost real-time feedback, similar to a net promoter score or Uber rating
- A move to a more collective mindset across the legal ecosystem, defining each other's success and collaborating actively on solutions



TECHNOLOGY

The key is not just what we can automate, but where we can create more time.

QUESTIONS TO INVESTIGATE: How can legal organizations best use emerging technology, including AI, to streamline talent-related decisions and legal service delivery? How can they ensure thoughtful, process-centric planning, as well as good data fit for the desired purpose?

SOLUTIONS/EXPERIMENTS:

- Frameworks for technology discussions and/or transparency between law firms and law departments to unlock efficiencies and facilitate implementation
- . A ChatGPT sandbox across the ecosystem to find a way to collaborate to solve difficult problems and improve user adoption
- Tools and process adoption powered by AI with a human-like interface
- · Dedicated external change management experts for technology implementations focusing on embedding behavioral change
- A top-down organizational task force to increase technology buy-in



SERVICE DELIVERY

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Value discussions need to go beyond just 'we stayed in budget.'

QUESTIONS TO INVESTIGATE: How can we overcome the apparent areas of disconnect that exist despite law firms' desire to better serve their law department clients, such as individual vs. enterprise relationships, unclear expectations, and a lack of proactivity when it comes to value-adds?

SOLUTIONS/EXPERIMENTS:

- A know-your-customer program, including a cross-functional internal team that leads to more deeply embedded client relationships
- A playbook for an annual knowledge exchange setting forth the law department's expectations from preferred firms, including a recommended framework for an annual kickoff and agenda templates to foster consistent engagement
- A client-centric dashboard for a law firm's annual recap, including proactive insights
- More comprehensive client and matter engagement teams
- An enterprise fixed-fee model to drive efficiencies and align incentives



INDUSTRY TRENDS

FACILITATOR

BOBBI BASILE

Executive Vice President, Strategy + Transformation HBR Consulting + LAC Group + Wilson Allen

"

Maybe we need a transformation from 'me' to 'we.' A lot of the positives over the past few years were very personalized to lawyers and departments, but that was not the organizational mindset; that was a personal mindset. There's an opportunity for the legal industry to pivot more than ever to reset to 'We.' How do 'We' collectively solve problems?

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A Recap and a Look Forward: Where Were We—and Where Are We Going?

To frame our substantive discussion, we began with a look back at what now seem like the salad days of 2021 and 2022. We then considered the realities facing us in 2023.

WHERE WE WERE

While we were living through 2021 and 2022, we never expected how soon they would seem, to some, like "the good ol' days." But in both years, we saw unprecedented growth in legal services, with increasing headcounts in law firms and law departments and declining expenses. As legal teams managed through the global crisis, in some ways we felt a deeper connectivity despite our isolation; we were all pitted together in our fight against the pandemic. And, recognizing the importance of human resources to meet the increased demand for legal services, law firms fought to win the best associates and lateral talent.

At our 2022 Legal Lab, participants proposed rethinking the "up or out" model, suggesting that firms and corporate law departments could best develop, engage, and retain legal talent by allowing lawyers to pivot into new roles—whether in the law or law-adjacent—with different opportunities and challenges. We noted that it was important to develop a transparent career path—or a more flexible career lattice—and communicate about lawyers' progress along that path. And we emphasized the importance of allowing lawyers to leave well, maintaining connections that could manifest into future opportunities as a returning employee or even a client.

The pandemic also accelerated the push for transformation in our industry. Lawyers in firms and corporate law departments were more open to change. We started recognizing the value of digital solutions, including automation. Legal Lab participants recommended enabling talent with technology, giving people the education and access necessary to drive adoption and engagement. We felt freed to discard long-held analog processes, enabling participants to reshape legal roles and take administrative work off lawyers' plates to redeploy them into higher-value roles. Perhaps most importantly, our collective struggle to solve urgent, unprecedented legal needs in the wake of the pandemic unleashed the creativity of legal minds.

WHERE ARE WE NOW IN 2023

We agreed that the focuses of Legal Lab 2022 are equally, if not more, relevant today, albeit in different ways. Even though we are just a few months into 2023, already the legal climate feels different. For some, legal demand is waning as we face a wave of economic uncertainty driven by everything from global inflation and ongoing war to the lingering effects of COVID-19. But the impact of these forces is not felt equally; rather, it depends on



The reality for law departments was somewhat bleak.

More than a third are reprioritizing budgets to focus strictly on critical roles and initiatives, while a quarter are actively reducing their budgets and pausing or canceling planned activities.

a company's industry or a law firm's practice areas and size. In many organizations, legal budgets are flat or decreasing while expenses are rising. Some firms that indulged in a spate of hiring in 2022 are now laying off junior associates.

Meanwhile, the complexity of legal work continues to increase. Lawyers must grapple with the need to ensure compliance with a host of complex, rapidly changing global regulations. Organizations expect firms to deliver practical, business-savvy advice, proactive risk management, and litigation prevention strategies.

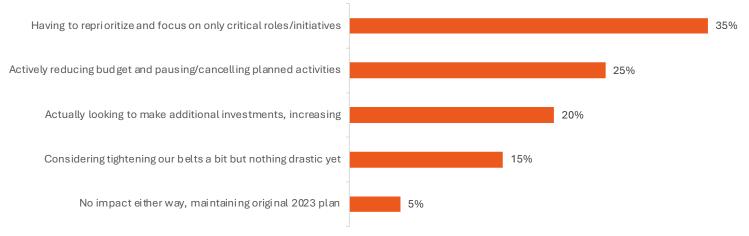
Amid all of this turmoil, law firms and corporate law departments are still reeling from the aftermath of the pandemic. They are still contending with how to manage talent in a hybrid work environment. How can they develop talent with physically separated lawyers? How can they retain talent in a volatile market? And how can they make smart investments to exploit the current culture of transformation? These questions weighed heavily on the minds of our participants.

THE LINE BETWEEN REALITY AND FUTURE PRIORITIES

In the last several months, we conducted surveys as part of our Sounding Board series to take the pulse of law department and law firm operations leaders. We asked both to explain their current realities and name their top priorities for the future.

LAW DEPARTMENT REALITY

When it comes to budget/spending for your law department (internal headcount, outside counsel spend, tech investments, etc.) what is today's reality for your law department?



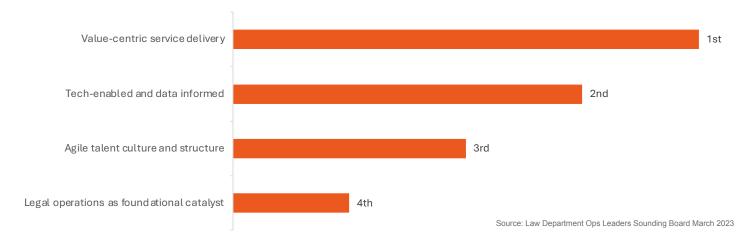
Source: Law Department Ops Leaders Sounding Board March 2023



The reality for law departments was somewhat bleak. More than a third are reprioritizing budgets to focus strictly on critical roles and initiatives, while a quarter are actively reducing their budgets and pausing or canceling planned activities. Fifteen percent have not taken action yet but are considering tightening their belts. Only a fifth are looking to make additional investments.

LAW DEPARTMENT PRIORITIES

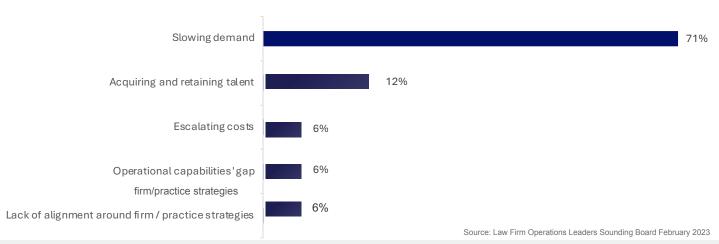
How would you rank your law department's needs and priorities to align with the ideal future (2024+)?



When looking toward the future late 2022, law departments were focused primarily on two clear goals: delivering value-centric services and becoming more tech-enabled and data-informed. Lower priorities included creating an agile talent structure and culture and positioning legal operations as a foundational catalyst.

LAW FIRM REALITY

What is the greatest pressure your firm is facing?

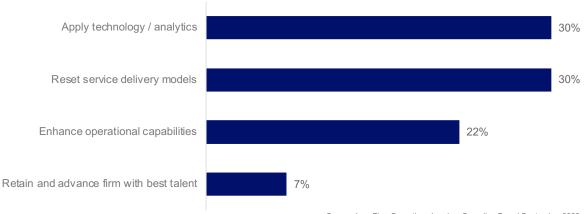




The overwhelming majority of law firm operations leaders (71 percent), when asked about their current reality, cited their greatest pressure as the slowing demand for legal services. The remainder noted the importance of acquiring and retaining talent (12 percent), followed by addressing escalating costs, closing their operational capabilities gap, and improving alignment around firm and practice strategies, all tied at six percent.

LAW FIRM PRIORITIES

What is the greatest opportunity for your firm?



Source: Law Firm Operations Leaders Sounding Board September 2022

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Looking toward the future, a third of law firm leaders, like their law department colleagues, cited resetting service delivery models as their top opportunity. Another third noted the need to apply technology and analytics to their work.

Looking toward the future, a third of law firm leaders, like their law department colleagues, cited resetting service delivery models as their top opportunity. Another third noted the need to apply technology and analytics to their work. Trailing close behind was enhancing operational capabilities, with retaining the best talent to advance the firm coming in as the lowest priority, chosen by just seven percent of respondents.

These findings and discussions underscore the importance of a holistic approach to transformation in the legal industry: ensuring strategic alignment, focusing on value, leveraging data and technology to inform decision-making, and building a more agile talent structure and culture.

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LEGAL INDUSTRY TRANSFORMATION

STRATEGICALLY ALIGNED

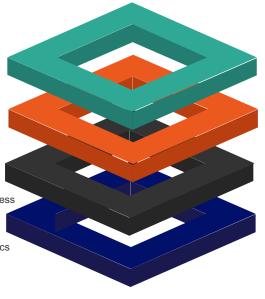
Organizational strategy (re)calibrated to support changing market dynamics:

- Practice Group + industry focused strategy
- Optimizing for shifts in volume + types of legal demand

TECH-ENABLED

Leveraging technology +/or data to inform business and legal decisions, such as:

- Resolution outcome analysis
- Intake / assignment process + demand metrics



VALUE-CENTRIC

Service delivery focused on value demonstrated through data:

- Alignment across partners + providers
- Focused investments to improving operational + legal service delivery

4 AGILE

Talent structure + culture that lends itself to supporting changing dynamics:

- Driving engagement
- Work allocation

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TALENT

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Engaging Lawyers and Legal Professionals and Meeting Market Demands

TAKING THE PULSE ON LAW DEPARTMENT AND LAW FIRM PRIORITIES

Shortly before Legal Lab, we surveyed law department and law firm leaders to determine their current and future talent-related priorities.

LAW DEPARTMENT TALENT PRIORITIES: TODAY AND 2024+

Today 2024+ Increasing team productivity via more strategic 1 1 work allocation **MANY** 2 2 Diversity, equity, and inclusion 3 3 Recruiting, developing, and retaining talent Rationalizing law department headcount to align 4 4 with enterprise constraints Revisiting attorney compensation; addressing 5 5 underperformance

Source: Law Department Ops Leaders Sounding Board March 2023

Law department operations leaders ranked their priorities the same today as in the near future (2024+). They are focused on finding ways to do more with less while preventing burnout. They are also concentrating on internal and external diversity, equity, and inclusion (DEI) initiatives. Given the heightened demand for legal services, reductions in headcount and compensation are on the back burner.



LAW FIRM TALENT PRIORITIES: TODAY AND 2024+

Today		2024+
1	Recruiting, developing, and retaining talent	1
2	Revisiting attorney compensation / underperforming partners	5
3	Diversity, equity, and inclusion	3
4	Increasing productivity via more strategic work allocation	4
5	Rationalizing headcount with the market	2

Source: Law Firm Leaders Sounding Board March 2023

Law firm leaders (general counsel, chief legal officers) reported slightly different priorities than law departments and ranked their priorities differently now versus in the future. Currently, firms have zeroed in on recruiting and retention and are evaluating how well specific lawyers and practices fit their models. They are also promoting DEI to meet the demands of both their clients and new lawyers. They are less focused on productivity and reducing headcount.

Moving forward, these priorities shift slightly. While law firms will still want to find and keep talent in the coming year, they predict that they will worry less about individual lawyer fit and focus more on aligning their overall headcount.

DEVELOPING AND RETAINING TALENT

With associate turnover remaining high and hybrid work still persistent, at least as of late last year, law firms and corporate law departments need to find new ways to engage lawyers and legal professionals. Discussions among Legal Lab attendees touched on the talent gap, retention, and burnout.

CLOSING TALENT GAPS

Participants first discussed the vacuum between what law firms offer and what in-house lawyers need. "Law firms think their job is to deliver good legal services. That was a fantastic mission in the past. But today, that is not enough," one participant observed. Law firms that want an enterprise relationship need to do more than just provide basic



To have more than just a transactional relationship, law firms need to be a strategic partner that solves client problems. If you can actually deliver valuable solutions, that changes how law departments view you.

"

legal services. "To have more than just a transactional relationship, law firms need to be a strategic partner that solves client problems. If you can actually deliver valuable solutions, that changes how law departments view you."

This topic triggered another discussion of roles. One participant pointed out that law firms are investing more in infrastructure to expand the breadth of roles. However, this expansion may not yet be visible to clients. An in-house lawyer expressed doubt about this new system, asking whether firms are changing compensation models to value the new roles. In her experience, law firms anchor fees in origination credit. She commented, "Origination credit is detrimental to a true team approach to serving a client." But the issues go beyond compensation, as one participant remarked. While the system needs to evolve to change firms' compensation models, the key is creating "stickiness" so there is less risk of competing firms poaching their talent.

MANAGING ATTRITION

For one company, attrition is an issue—just not in the traditional sense. Instead of wanting to fight attrition, this law department wants to enable a healthy amount of turnover to allow people to progress up the career ladder. When the majority of people stay in their jobs, it makes retaining talent harder because there is nowhere for developing lawyers to go. Another chimed in that performance management should factor in, noting that it has become more challenging to hold people accountable for meeting their objectives and delivering high-quality work in a remote work environment.

MEASURING ENGAGEMENT

Data and analytics are playing greater talent-related roles now in some law firms and law departments and are expected to become more important in the coming years. Specifically, we are starting to see growth in engagement analytics, focusing on developing junior attorneys and mitigating implicit bias.

One company represented at Legal Lab surveys its law department employees' engagement every month. Survey questions, which are anonymous, focus on capacity, inspiration, and burnout. Every quarter, the entire company sends out a pulse engagement survey that asks similar questions and seeks open-ended feedback. These surveys allow the company to see trends and opportunities where they need to improve and offer more support. They also give the law department a way to compare itself to other company departments.

Another company uses an expertise matrix to assess its team's performance and comfort in various areas. The challenge for that company is what to do with the resulting data. Still another participant commented on the difference between current and exiting employees. "If you really want to look in the mirror," he said, "you need to look at the people who left and why." Although exit interviews come too late to address issues for departing employees, they can be used to prevent future problems.



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MEETING THE MARKET

Our 2022 Law Department Survey showed an increased demand for legal services, with 85% anticipating an increase, 14% anticipating no change, and 1% anticipating a decrease. However, there is increasing evidence of a widespread drop in corporate legal budgets, leading to a paradox where law departments must "do more with less."

In response to that belt-tightening, law firms are seeing a softening in certain practices, leading to some realignment of associate classes. With a persistent tightness in the associate market and the cultural impact of major downsizing, many firms want to try to maintain their teams for the near term. As law firms look at partners in the near term and overall headcount in the future, they are likely to shift how their teams operate.

For law departments, the pressure to meet rising demands with the same or less staff may lead to burnout.

The natural solution to producing more legal work with fewer resources has traditionally been innovation, but that often requires immediate investment. Law firms that have already developed strong innovation teams are poised to support law departments if they are given the opportunity.

How changes in generative AI and other technologies will affect law department productivity and the demand for outside legal services remains one of the biggest challenges—and opportunities. While the public reaction to new technology has ranged from "robot lawyer" to "hype," the reality is likely to change over time. Organizations will need to consider the impact of right-sizing and training talent in the near to medium term as these technologies advance. In this time frame, advances in technology could significantly reduce the human effort required to meet the legal needs of organizations. While these changes may not be material to more senior professionals, they will impact younger lawyers and other legal professionals. Law firms and law departments need to start planning how they will manage teams in light of technological advancements.

BREAKOUT SESSIONS

At the end of our talent discussions, attendees broke into cohorts to consider solutions or experiments related to today's realities and tomorrow's opportunities that they could pursue. They were asked to identify what catalysts could accelerate their solutions or experiments and what inhibitors might slow them down.

Almost every cohort touched on the need for greater collaboration between law departments and law firms. Many ideas percolated around secondments or exchange programs to promote mutual understanding and develop feedback loops. These programs can also strengthen alignment between in-house and outside counsel teams and help promote greater transparency, particularly if more senior lawyers could be part of the exchange, so they could learn what drives in-house priorities and corporate



Origination credit
is detrimental to a
true team approach
to serving a client.



counsel could better understand law firm financials. The key to promoting these initiatives is finding champions strong enough to battle the cultural norms that might discourage these programs.

The breakout groups considered a range of options:

- Reimagining secondments to deliver more consistent wins for law departments and law firms
- Initiating secondments for legal operations, with the goal of improving productivity and leveraging the law firm's investment
- Bridging the generational divide to improve the retention of junior legal talent through associate exchange programs with clients
- Becoming more intentional in career pathing to improve development, mentoring, collaboration, retention, and healthy attrition
- Offering greater insights into the financial and economic perspective of a law firm through a "day in the life" experience for law department leaders
- Moving from "me" to "we" across the legal ecosystem, defining each other's success, and collaborating actively on solutions
- Developing a means for law departments to provide almost real-time feedback, similar to a net promoter score or Uber rating, potentially via a performance question embedded in the billing system



IDEAXCHANGE

SPEAKER

DAN LINNA

Senior Lecturer & Director of Law and Technology Initiatives

Northwestern Pritzker School of Law and McCormick School of Engineering

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lead with tech,
asking what
technology
can do, and not
starting with
problems and
asking whether
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solutions are

fit for purpose.

We too often

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Preparing for How AI Will Transform Legal Services

To lead into Legal Lab's discussion of technology trends affecting law departments and law firms, we invited Daniel W. Linna Jr., the Director of Law and Technology Initiatives and a Senior Lecturer at Northwestern University's Pritzker School of Law and McCormick School of Engineering and an affiliated faculty member of CodeX at the Stanford Center for Legal Informatics, to discuss his forecast for how artificial intelligence (AI) will transform legal services.

Linna began with an overview of ChatGPT, a large language model (LLM) trained on massive sets of text and human feedback. Within two months of its November 2022 launch, ChatGPT had more than 100 million users.

ChatGPT can already accomplish a number of tasks, including the following:

- · Generating text in response to a prompt
- · Revising writing
- · Summarizing text
- · Generating ideas
- · Answering questions in convincing and authoritative language
- Maintaining a conversation (and maintaining context in responses)
- · Writing and debugging code

However, there are some significant limitations to be aware of, according to Linna, including those that OpenAI, the AI research lab that created ChatGPT, has detailed on its blog:

- Hallucinations: "ChatGPT sometimes writes plausible sounding but incorrect or nonsensical answers."
- **Prompt engineering**: "ChatGPT is sensitive to tweaks to the input phrasing or attempting the same prompt multiple times."
- Accommodating: "Ideally, [ChatGPT] would ask clarifying questions when the user provided an ambiguous query. Instead, [ChatGPT] usually guesses what the user intended."
- **Bias**: OpenAl has added guardrails "to make [ChatGPT] refuse inappropriate requests," but "it will sometimes respond to harmful instructions or exhibit biased behavior."



Our legal service delivery model is broken. It lacks standards, best practices, and metrics.

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You cannot automate chaos. You cannot automate what we do not understand.

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Linna also questioned the assertions of some researchers and thought leaders who have suggested that ChatGPT exhibits artificial general intelligence (AGI), which denotes generalized human cognitive abilities. It is not reasonable to suggest that today's systems are capable of finding solutions to unfamiliar tasks. He remarked, "The rapid advances are impressive, and in some ways scary. But most agree that large language models have diminishing returns. There is only so much they can do. Most agree AGI will not emerge from LLMs."

That said, the key to safely using AI is for legal professionals to understand what these tools can and cannot do and how they can best be used. Linna recommended a number of valuable legal use cases for ChatGPT, LLMs, and other AI tools, with the appropriate systems and guardrails in place:

- · Summarizing laws, court opinions, contracts, and other documents
- · Drafting, reviewing, and revising contracts
- · Drafting complaints, answers, and briefs
- · Preparing patent applications and similar documents
- · Analyzing legal briefs and memos
- · Improving the writing of legal documents
- Generating deposition questions
- Drafting press releases and other communications
- · Conducting legal research
- · Improving chatbot dialogue

As we move forward, Linna cautioned that we need to take a measured approach to using AI. Using these technologies is challenging for lawyers because the law is not evidence-based; that means that we lack standards and data that help us measure quality and "good" outcomes. He drew a contrast between medicine, which has a history of evidence-based practice, randomized controlled trials, and error and outcome metrics, and law, which generally lacks such metrics and standards.

Furthermore, Linna noted, "We too often lead with tech, asking what technology can do, and not starting with problems and asking whether today's solutions are fit for purpose." For example, problems can emerge when legal professionals use AI to analyze contracts. Publicly available contracts are unrepresentative of most applications, and they are biased in a variety of ways, including because they represent the result of negotiation. Even with access to confidential contracts, it is difficult to identify high-quality training data that can be used to teach AI models. For example, contracts are also often misaligned with business objectives. Furthermore, business units and the law department may not agree on the metrics that should be used to measure quality and value. Linna repeated his optimism for what AI could do for legal services, while cautioning that significant foundational work must be done to capture the benefits of AI.



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To deliver legal services in the future, we need to think about what expertise we need beyond legal knowledge and skills: project management and analytics, business tools and technology, and design and eDiscovery, for example.

"

The final point Linna touched on was the debate over whether AI would eventually replace lawyers. Linna suggested that this is the wrong question, but we must discuss how AI will become capable of automating many tasks and that will change significantly the role of lawyers and other legal professionals. Several studies predict that legal is the industry at most risk due to automation and other impacts of AI; Goldman Sachs, for instance, predicts that automation could take over 44 percent of legal tasks. In the past, it has been suggested that AI can only automate structured tasks, and many legal tasks are unstructured. But AI is proving more and more capable. Also, Linna questions why so many legal tasks are unstructured. "Our legal service delivery model is broken," Linna said. "It lacks standards, best practices, and metrics. You cannot automate chaos. You cannot automate what we do not understand."

That is why Linna advocates that the law needs to shift from considering all of legal services as an art to seeing it as a science. Linna suggested that many of the problems in the practice of law could be solved by adding structure. This can be accomplished through process improvement and project management, and the best technology projects recognize the need to improve processes before implementing technology. Linna also emphasized that these technologies will also help us improve processes and develop standards. "But it is not just the technology," he added. "There are people and processes involved, and your data is very important."

Legal Lab attendees suggested that the application of technology may not take away legal jobs. One law firm leader said that before their firm adopted AI, it had 650 attorneys. Today, AI does the work of 200 people, but the firm has expanded to a staff of 800 attorneys now, and the work it is doing is more sophisticated.

Linna concurred, "To deliver legal services in the future, we need to think about what expertise we need beyond legal knowledge and skills: project management and analytics, business tools and technology, and design and eDiscovery, for example."



TECHNOLOGY

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Implementing the Tools of the Future Today

ASSESSING LAW DEPARTMENT AND LAW FIRM PRIORITIES

As with our session on talent, we started our discussion of technology by outlining current tech-related priorities for law departments and law firms.

LAW DEPARTMENT TECHNOLOGY PRIORITIES: TODAY AND 2024+

Today		2024+
1	Workflow/productivity tools (new or enhanced)	2
2	User adoption of existing tech	3
3	Data visualization and reporting/BI	1
4	Internal/external collaboration platforms	5
5	AI, including ChatGPT et al	4

Source: Law Department Ops Leaders Sounding Board March 2023

Today, law departments are prioritizing workflow and productivity tools, followed by user adoption of existing tech, data visualization and reporting, internal and external collaboration programs, and AI, including ChatGPT. Advanced workflow maturity and interoperability are keys that can improve oversight and lead to greater user adoption. But some large tech investments fall short of ROI projections because staff fail to embrace the technology. Law departments must measure the work flowing to, through, and out of their teams to better manage their people and their technology. They must also ensure that their tech strategy aligns with the business.

In the future, law department operations leaders project a shift in these priorities. Data visualization and reporting move to the forefront, followed by workflow and productivity tools, user adoption of existing tech, AI including ChatGPT, and collaboration platforms. At this point, data-driven insights should flow from earlier investments in process, automation, and information governance. Workflow automation and orchestration tools present ongoing opportunities for continuous improvement. Meanwhile, some existing tech initiatives are likely to hit a crossroads, where law departments must decide whether to adopt or replace them.



LAW FIRM TECHNOLOGY PRIORITIES: TODAY AND 2024+

Today		2024+
1	Business operations workflow/productivity	4
2	Collaboration platforms	1
3	Data visualization and reporting	3
4	User adoption of existing tech	6
5	Cloud Strategy	5
6	AI, including ChatGPT	2

Source: Law Firm Leaders Sounding Board March 2023

Law firms cite similar priorities but order them slightly differently. Currently, firms are prioritizing business operations workflow and productivity tools, followed by collaboration platforms, data visualization and reporting, user adoption, cloud strategy, and AI. Firms are leveraging technology to improve talent utilization and strengthen the enablement of a mobile workforce. They are also focused on bettering the client experience. As for cloud technology, adoption is vendor-led, and its benefits can be hard to see. Advanced AI tools must be proven before law firm lawyers will start prioritizing them.

In 2024 and later, law firm leaders reported that their top priority would be collaboration platforms. All makes a big jump to second, followed by data visualization and reporting, business operations workflow and productivity tools, cloud strategy, and user adoption. Firms recognize that the ability to leverage technology can help attract and retain talent, which are firms' overall highest priorities. Data visualization remains a key priority to support business development and firm growth and profitability. Continued investments in other technology recognize the need to enable a remote workforce and deliver a seamless client experience.

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The key is not just what we can automate but where we can create more time.

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Are we automating, or are we augmenting?

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UNCOVERING THE WHY BEHIND THE PRIORITIES

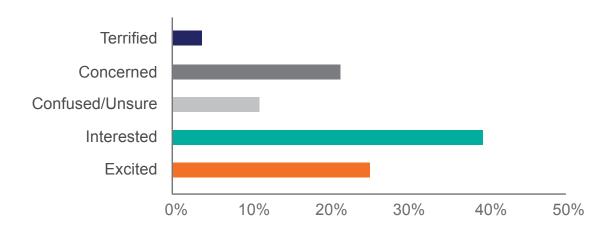
The group then considered the underlying factors driving technology priorities for law departments and law firms. We led off the discussion by noting the growth, speed, and scale of change, including the need to productize legal knowledge, build new practice areas, and serve new industry segments. We also discussed broader economic challenges, including cutting expenses. When losing headcount, technology can fill the gap and help teams do more with less. Compliance challenges were also mentioned, given the evolving regulatory landscape and the need to manage and mitigate risk, especially considering that technology may afford a competitive advantage.

The discussion also turned to the benefits of automation. As one participant remarked, "The key is not just what we can automate but where we can create more time. Are we automating, or are we augmenting? We need to think about where we are trying to get the highest-value input and focus there. We need to create more time for higher-level thinking at senior levels."

ARTIFICIAL INTELLIGENCE AND CHAT GPT

Al was a significant topic of the technology discussion—so much so that the group set a safe word ("cinnamon") to use in case cohort groups spent too much time debating it.

ARTIFICIAL INTELLIDENCE (AI)/MACHINE LEARNING (ML)



Source: AdvanceLaw General Counsel Survey, 2023 Summit Report



ChatGPT's rapid vertical adoption among consumers has led to mixed reactions among legal leaders. Our conversation revolved around what AI can help legal professionals deliver. Some attendees admitted that the technology had caught them flatfooted. Others questioned whether AI is an eDiscovery exercise or a priority because firms already know how to leverage it. Still others wondered how they could show lawyers that the technology is worthwhile and establish its ROI. The group consensus was that given the pace and churn around AI, we have to remember that ChatGPT is a tool, just like anything else, and we need to consider what we are trying to accomplish with it.

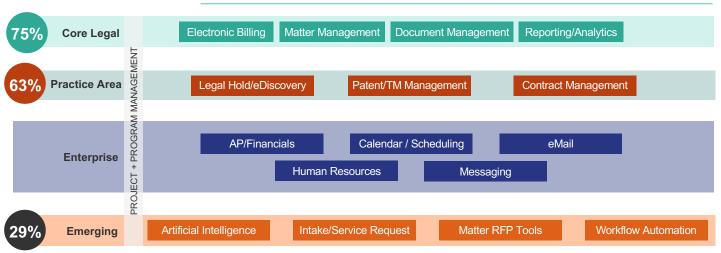
TECH PLANNING AND INVESTMENTS

In our 2022 Law Department Survey, we asked respondents about the types of tech in their legal technology stack. For that survey, we divided technology into four categories:

- Core legal: Electronic billing, matter management, document management, and reporting/analytics
- **Practice area-related**: Legal hold/eDiscovery, patent/trademark management, and contract management
- **Enterprise**: AP/financials, calendar/scheduling, email, human resources, and messaging
- **Emerging**: Artificial intelligence, intake/service requests, matter RFP tools, and workflow automation

Three quarters of respondents had adopted core legal technologies, while nearly two thirds (63 percent) had adopted practice area solutions. Almost a third (29 percent) of law departments had embraced emerging technology.

LEGAL TECH PORTFOLIO AND PERCENT ADOPTION



Source: 2022 Law Department Survey



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The group noted that the key to implementing new technology is integrating that tech with business needs. Several also observed that platforms are not in and of themselves an answer. The discussion circled around to the perennial problem of user adoption, with the comment that it really needs to be the top priority for both firms and law departments. One participant noted, "Part of the adoption issue is that we are, in some ways, victims of a patchwork of tech to support the processes of delivering legal services. Because of entrepreneurial systems, we have confused platforms with features."

As an example, the group discussed document management systems (DMSs). "Why do we have to have attorneys interact in a DMS?," one participant asked. "Technologies are not necessarily shaped around how attorneys actually practice. There is a disconnect between technology and needs. But who is the right type of professional to bridge that gap?" One law firm participant responded that a functional DMS was a lifesaver for her firm and serves as its collaboration platform. A general counsel agreed, citing that it is very helpful to know who created what. But another participant commented that it is hard to get lawyers to agree to use the same platform, because some believe it hinders their ability to do the work. "They just do what they want," he said, even if their preferred method is less efficient, such as emailing documents back and forth.

The group concurred that technology has to be widely used for it to become a knowledge management tool. Achieving that widespread use is a problem, they noted, because of the number of options for technology. One participant mentioned, "People are struggling with choices because there are too many. Our DMS was fine, but then Teams came around and people said, 'Cool!'"

BREAKOUT SESSIONS

As with our talent discussion, the full group broke into cohorts to discuss technology-related solutions and experiments that address today's realities and tomorrow's opportunities.

Collaboration was again a popular theme, particularly in discussing how law firms and law departments can work together to share information and solve mutual challenges, especially with the lack of overlap among firm and in-house technology platforms. Yet technology adoption was a prevalent topic too, with several solutions proposed on how to better embed tools in the practice. Many of the cohorts focused on potential change management solutions, with the debate centering around whether it was more important to worry about user adoption first or reduce the friction by changing the processes that will pave the way for the implementation of new technology.

The cohorts proposed a series of potential solutions, including the following:

- Creating a framework for law firms and law departments to discuss technology to facilitate its implementation
- Building a technology transparency framework so law firms and law departments can understand what the other has in place in order to better unlock efficiencies



- Finding a way to collaborate to solve difficult problems and improve user adoption, such as experimenting across the ecosystem to develop a ChatGPT sandbox
- Developing an adoption tool for tools and processes that is a communication platform powered by Al with a human-like interface
- Hiring dedicated change management experts for technology implementations focusing on embedding behavioral change
- Forming a top-down organizational task force to increase technology buy-in



IDEAXCHANGE

SPEAKER

LANE DILG

Senior Advisory, DOE / Former City Manager (Interim) and City Attorney, City of Santa Monica

Historic Moments—How the Public Sector Is Rising to Meet New Challenges

Lane Dilg, currently Senior Advisor at the U.S. Department of Energy and the former Interim City Manager and City Attorney for the City of Santa Monica, joined us to discuss the challenges of her work in the public sector and how they reflect many of the challenges being discussed at Legal Lab.

She began by sharing an excerpt from Global Trends 2040: A More Contested World, a 2021 report from the National Intelligence Council. It predicted that the global challenges facing the world in the next few years and decades will be "more intense and cascading," including disease, climate change, disruptions from new technologies, and financial crises. The report warned, "These challenges will repeatedly test the resilience and adaptability of communities, states, and the international system, often exceeding the capacity of existing systems and models. This looming disequilibrium between existing and future challenges and the ability of institutions and systems to respond is likely to grow and produce greater contestation at every level."

That was 2020 for Dilg. That year, the Santa Monica City Council asked whether she wanted to become the City Manager, governing operations that involve 1,600 employees and a \$17 million budget, in the middle of the pandemic. Of the experience, Dilg commented, "I learned why lawyers get paid so much. When we had a problem, we used the City Attorney to frame the decision-making process, to address tough questions. I learned the value of that piece and also that the other side is really hard. In the work we do in management and operations, we're not looking for perfection. Lawyers are trying to get to a particular decision and goal. Management faces different goals and different kinds of risk."

At the time, she faced a host of challenges, first and foremost among them the pandemic. When she took the reins, there were no vaccines. There was little clarity about how to provide essential services. The science that came in 2021 did not come fast enough, she observed, and that delay hampered public officials' credibility.

Economic viability and political strife also posed challenges. Despite being one of the leading tech cities in the country, Santa Monica's government infrastructure needed improvement. The city set up a 311 system "essentially overnight," she said. She and her team also faced the need to manage crises when protests and looting broke out after the murder of George Floyd.

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I learned why lawyers get paid so much.



¹ The comments and perspectives shared in this chapter are Lane Dilg's personal reflections. She did not speak to Legal Lab in her official capacity.



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Maybe what is valuable about the practice of law are its ethics, judgment, relationshipbuilding, and trust. If so, the question becomes, how do we use other tools to double down and accelerate those?

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How do public institutions move at a pace fast enough to address these rising challenges? Dilg compared this work to the work being done at Legal Lab:

- · Recruiting and retaining the best talent you can
- · Bringing in the best technology to augment staff capabilities
- · Trying to break through bureaucracy to find the decision makers
- Finding ways to use technologies and surmount challenges involving user adoption, ethics, and public trust
- · Aligning the organization to use resources as well as possible
- Collaborating, both internally and externally, with people outside your decisionmaking structures

The key, she said, is communication. Without it, we cannot align our actions and identify shared objectives.

Now that Dilg is in D.C., the challenges are even bigger and broader. One example is the federal government's strategic industrial strategy, where government entities invest in industries, such as semiconductors and clean energy, to encourage them to locate in the US. The government is using analytics to decide how to spend taxpayer money in the right places in the market to create a competitive edge, foster regional economic development, and lift up the community.

Another debate is whether the right people are involved in the government. Currently, Dilg finds herself surrounded by engineers and a cadre of consultants who are asking critical questions: Are there too many lawyers in the government? Do we need more MBAs instead? Are there too many people from the Ivy League?

Dilg reflected that the questions being raised in Legal Lab about how the legal profession operates and trains people to become the future of the profession apply to both the private and public sectors. Are skills around collaboration and technology adoption the core skills lawyers need in both sectors? What will we do about AI if it gets to the point where it can mimic the analytical prowess of lawyers? What are the ethics around the use of these tools? How do we create global ethical structures? How do we build trust?

As the National Intelligence Counsel said, "These dynamics are not fixed in perpetuity . . . and we envision a variety of plausible scenarios for the world of 2040 from a democratic renaissance to a transformation in global cooperation spurred by shared tragedy depending on how these dynamics interact and human choices along the way."

Dilg posited, "Maybe what is valuable about the practice of law are its ethics, judgment, relationship-building, and trust. If so, the question becomes, how do we use other tools to double down and accelerate those?"



SERVICE DELIVERY

SPEAKER

BOBBI BASILE

Executive Vice President, Strategy + Transformation HBR Consulting + LAC Group + Wilson Allen

CHRIS RYAN

+ Wilson Allen

Executive Vice President, Client Engagement HBR Consulting + LAC Group

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Value discussions need to go beyond just 'we stayed in budget.'



Transforming and Optimizing Legal Services

To address the rising complexity of practicing law and serving business clients, law firms and law departments have prioritized initiatives to enhance the delivery of services.

LAW DEPARTMENT AND LAW FIRM PRIORITIES: TODAY AND 2024+

Today			2024+
1	e <	Allocating/distributing work to the appropriate resource(s)	2
2		Providing ongoing tracking of matter status and spend	4
3		Capturing demand metrics via intake process/tool	3
4	血	Preparing resolution and outcome analysis	1

Source: Law Department Ops Leaders Sounding Board March 2023

Our Sounding Board survey results showed that law departments are focused on expanding their capacity to meet demand within their budget, enhancing attorney development and retention, and capturing and leveraging metrics. Currently, the top priority for law department operations leaders is getting the right work to the right resources. They are also closely tracking and reporting on the status of work and legal spend and using metrics to inform business and case strategy. Looking ahead, their focus will recalibrate slightly, shifting to data-driven decision-making.

LAW FIRM SERVICE DELIVERY PRIORITIES: TODAY AND 2024+

Today		2024+
1	Improving end-to-end client experience	1
2	Increasing practice profitability	3
3	Data-enabled practice solutions	2
4	Revenue cycle optimization	5
5	Data-enabled business services	4

Source: Law Firm Leaders Sounding Board March 2023



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There is a continual tension of law firms trying to show their value by imposing more obligations on the in-house legal team to do things that will help them reframe their value.



Meanwhile, law firm Sounding Board respondents ranked service delivery imperatives as improving the client experience, strengthening attorney development and retention, and demonstrating or creating a competitive distinction. Variability in demand across areas of practice and unique economic factors have firms looking for ways to improve in areas of suboptimal performance to increase profitability. Firms are investing in developing dataenabled solutions that equip attorneys to deliver legal services in novel ways.

Looking ahead, law firm leaders anticipate continued emphasis on investing in dataenabled solutions. While profitability will remain a focus, improving client experience and enhancing the way legal work is delivered will be the top priorities beyond 2023.

UNPACKING THE PRIORITIES

For both law departments and law firms, the group agreed that demonstrating value is important. Law firms need to be able to show the business impact of their work, which legal can then take back to the business.

Not all participants agreed that the data was realistic, however. One law department participant suggested that the data is reactive to demand. In the early days of the pandemic, his company's cases languished. Then he saw an uptick toward the end of 2021. In 2022, he had a banner year with multiple jury trials as he worked through the backlog. He said, "Both demand and complexity are increasing, and legal demand is not decreasing any time soon. So maybe the law firm data is a 'holy s***' reaction." Other participants posited that firms may not be seeing a commensurate increase in demand because law departments are either doing the work internally or sending it to others, including alternative legal service providers.

A DISCONNECT ON VALUE

The group also discussed the ways that law firms can show value. One in-house lawyer said, "There is a continual tension of law firms trying to show their value by imposing more obligations on the in-house legal team to do things that will help them reframe their value. Asking me to tell the firm things is not the way to do it. If you are looking for a way to bring value, it has to be a bit more homegrown than asking for secondments or requesting more data."

A law firm participant challenged, "Why would law firms be asking for that? In our client conversations, we are tracking data on the time that we have invested, our outcomes, and the ways we believe we have assisted your team. It is on the law firms to show value from cases. Value discussions need to go beyond just 'we stayed in budget."

Another in-house counsel noted that "there is a huge disconnect. Junior [law firm] lawyers are asking questions about training, value, and more." She is constantly asked about how to use eDiscovery tools and run searches. Another participant remarked that a law firm that wants to get more work may pitch for work where they lack expertise. He got a call



Discuss what
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"

from a lawyer who asked him to teach them how to do a regulatory filing. "That was their value proposition. Maybe we would want to do that with a long-term relationship, but not otherwise," he said.

The key, one law firm operations leader said, is closing the disconnect between relationship heads and the junior lawyers doing the work. Conversations about what is happening at the lower levels in the day-to-day work need to happen at the partner level if the firm-client relationship is to move from transactional to strategic. "When you can have an informed conversation, the relationship will get better because there is an opportunity to react and improve. If you cannot have that conversation, then you probably have the wrong firm."

BEING PROACTIVE WITHOUT CREATING BURDEN

The problem with that from the law department perspective is that in-house counsel lack the time for that call. One in-house lawyer asserted, "Law firms bring massive value to me, but there is a bias toward them expecting us to let them know if we have a problem or if we want a fixed fee. The default is not to come with creative service offerings. It is 'Tell us what you want. We will do anything you want.' Instead, it should be, 'We have done some thinking about this, and here is a proposal for you to react to."

Another attendee suggested proactive messaging to get ahead of problems. "Have an initial, proactive education session before you engage the law firm," he suggested. "Discuss what you want the relationship to be and what you want to talk about. Then, when things happen, it is not as big a deal. It just reflects a general lack of understanding of what that relationship is about."

UNDERSTANDING THE CLIENT EXPERIENCE: WHAT REALLY MATTERS?

The group next turned to the issue of client experience. Questions asked revolved around what law departments are doing to improve the experience of their business clients, how law firms can enable or support law departments' efforts, what is missing from law firms' priorities, and what firm investments matter from the law department perspective.

One attendee noted, "It is all about the strength of relationships. There is a dimension of power dynamics in these relationships: partners and individual buyers versus enterprise to enterprise. From the law department perspective, if you want to strengthen the enterprise-to-enterprise relationship, anything a firm can do to provide enterprise-level value and dislodge that power dynamic matters. What has worked in my experience are firms that have real programs that are process- and metrics-oriented. I expect a trained account team that does not have to make up its own way of working and communicating."



For every client above a certain dollar threshold, maybe an associate should have the responsibility to run a background. They need to read theirnews alerts, attend their earning calls, and give periodic briefings. That associate should get billing credit for that work.

"

But those relationships take work, according to the group. One general counsel remarked, "When I stepped into my role, none of the company's law firms called me. Firms should know when there is a new general counsel at a client that they should call to welcome them and ask them what they can do to help them get on board. That should be super easy, at least with public companies."

For years, this has been a constant theme: law departments desperately want law firms to be proactive in their relationship, whether it is regarding fee arrangements or introductions to new staff. So, we asked the group, "What is the challenge for law firms? How can law departments help make that alignment more effective?"

One law firm attendee said that law firms might not make the effort because of territorialism. He added, "The additional value the law department is looking for may be impacted by the cultural relationship dynamics: lawyers may think 'that is my relationship' and not want others in the firm to reach out."

CREATING PROCESSES THAT STRENGTHEN RELATIONSHIPS

That is where law firms need to create a formal process. At one firm, a relationship partner failed to reach out to a new general counsel, another law firm attendee continued. So, the law firm is now going through training exercises that clarify the purpose of each role and explain what it means to be a relationship partner.

Having a process is very important, agreed one corporate legal operations leader. "We have a conversation every month with the point of contact at our outside counsel. We talk about the work, experience, and diversity without me prompting it." There is also an opportunity for outside counsel to share insights with clients that bring value, by leveraging their internal data, for example.

For major relationships, law department leaders said it was imperative to work together. One law department leader said, "For every client above a certain dollar threshold, maybe an associate should have the responsibility to run a background. They need to read their news alerts, attend their earning calls, and give periodic briefings. That associate should get billing credit for that work."

The key for law firms is to figure out how to strengthen relationships—how to form what one attendee called a "zipper" relationship—by fostering an impermeable bond.

BREAKOUT SESSIONS

As our final small group activity, the team broke into its cohorts and brainstormed service delivery solutions and experiments that address today's realities and tomorrow's opportunities.

Client engagement dominated every service delivery discussion among the cohorts. The consensus was that law firms need to spend more time understanding their clients'



business strategies and priorities. The key is bringing the right people to the table and sharing the right information. Ideas ranged from setting up matter engagement teams to a yearly knowledge exchange that deepens the relationship year over year and a know-your-customer program that builds an internal network between law departments and law firms at multiple levels. One key challenge to implementing these types of playbooks and initiatives is that firms have multiple clients, so firms might need to set a threshold for which clients get this kind of investment. They may also need to involve multiple point people to run these initiatives, which could create friction with partners who "own" client relationships (arguably a root of some of the challenges).

Here are the ideas that each cohort shared:

- Developing a know-your-customer program that builds a cross-functional internal network and leads to more deeply embedded client relationships
- Defining a playbook for an annual knowledge exchange with preferred firms that sets forth what the law department expects, including a recommended framework for an annual kickoff and agenda templates to foster consistent engagement
- Creating a client-centric dashboard for a law firm's annual recap—something clients would actually read that includes proactive insights
- Building more comprehensive client and matter engagement teams
- · Using an enterprise fixed-fee model to drive efficiencies and align incentives



CONCLUSION

From start to finish, this year's Legal Lab conversations were provocative and engaging. When the day's conversations about law firm and law department alignment spill over into a dinner debate over which of the five love languages make for the most effective legal teams, you know you have created a catalyst for productive conversations among a highly engaged group.

This year's ideation sessions generated a host of meaningful, actionable ideas about ways to move the practice of law forward, from structuring secondments and exchange programs to building new frameworks to increase technology adoption. Not only did we hear from participants that they plan to take these ideas back to their organizations, but we are also stepping into the sandbox. We plan to sponsor and work with participants on some of the most promising ideas we collectively generated. We will share the fruits of our labor with you as we continue developing these ideas.

As we reflect on the past year and what is to come, we are confident that we have collectively formed a foundation for transforming our work in the law from me-focused to we-focused. We at HBR take that mandate seriously, as we too undergo change. HBR has joined with LAC Group and Wilson Allen to form a single company to serve the legal industry. Matt Sunderman, CEO of the combined business, offered Legal Lab attendees a preview of the new organization, which you can read more about here. Together, we bring more to the table, with more talent, deeper expertise, and bolder ideas to deliver quality outcomes that help you achieve your business goals. Our combined company truly is more than the sum of our parts, reflecting the message underpinning this Legal Lab: that we all need to move toward focusing on our collective good.

With that, we are optimistic that the conversations we started will continue until we meet again at Legal Lab 2024.



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 $^{^{\}rm 2}$ Titles and organization names held at the time of Legal Lab 2023.

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 $^{^{\}rm 2}$ Titles and organization names held at the time of Legal Lab 2023.

 $^{^{\}rm 3}$ 2023 Legal Lab Advisory Board member.

