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Balthu, Krishna, Reid, Iain  and Clegg, Ben (2022) Improving legal service delivery: the approving role of legal technologies. In: 29th Euroma Conference, 01 July 2022 - 06 July 2022, Berlin. (Unpublished)

**Version:** Accepted Version

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# Improving Legal Service Delivery: the approving role of legal technologies

*Krishna Chaitanya Balthu* ([k.balthu1@aston.ac.uk](mailto:k.balthu1@aston.ac.uk))\*

*Aston University, UK*

*Iain Reid*

*Manchester Metropolitan University, UK*

*Ben Clegg*

*Aston University, UK*

## Abstract

This study investigates the scope of digitalisation in legal service delivery. It reflects on the diversity of new technologies, whilst deliberating on their value proposition to the customer. An exploratory research design, embracing an abductive approach was adopted to scope out the role of legal technologies, as well as their perceived performance. The study embraces a mixed methods approach consisting of an in-depth longitudinal case study followed by a survey of 250 legal practitioners that practice common law across the world. The findings include the identification of issues professional service firms face, particularly the scope of adopting new technologies driven by the need to enhance customer value proposition, within legal services sector.

**Keywords:** Law Firms, Professional Service Operations, Mixed Methods, Technology

## 1. Introduction

Legal services are considered as an exemplar for professional services (Nordenflycht, 2010), but even so are often criticised for being inefficient, ineffective, and uneconomical in an increasingly competitive UK legal market (Falconer, 2005). Nonetheless, the legal sector still makes a vital contribution to the worldwide economy, with the USA and UK legal sectors leading a dynamic global market with total annual revenues (per 2019) of \$330 bn and £26 bn respectively. The legal sector thus despite its problems remains competitive and has the capacity, if led and managed in a more efficient way, to prosper further. A path for achieving this is by taking actions for revitalising the sector that can optimise legal service operations, which nowadays may be dysfunctional, repetitive, or sometimes totally orthodox. It has also been widely acknowledged that legal firms have endured numerous pressures since deregulation (The Law Society, 2016). Law firms also face increasing pressures from clients for higher quality at less cost and better value. In response to these pressures, the legal profession is exploring the multiple offerings from the world of technology and digitalisation (Hongdao et al, 2019). For example, the UK's

legal services market is still in its infancy in terms of innovations in Legal technologies (Wilkins and Ferrer, 2018) with start-up firms, seed investors, small business ventures and venture capital firms dominating the value of investment in this sector. Of those technologies available, the most popular technologies consist of document management; IP management; e-billing; and online resources for research and precedents many of which mainly benefit mass transactions (Giannakis *et al*, 2018). Furthermore, with institutional change, such as the legal services act in 2007, the anticipated ‘big bang’ which instead became more of a sleeping giant with the evolution of the Alternative Business Structure (ABS). An ABS is a structure which allows non-lawyers to have a financial stake in a law firm. As such, in 2018 there were 12,000 legal firms, with 1,300 operating ABSs in England and Wales, (Law Society, 2018). These created various online legal offerings that promised faster and more cost-effective legal services. Even though the legal sector has grown steadily over the last 10 years, 3.3% year upon year, compared to 1.2% growth in the UK economy (Michalakopoulou, et al, 2021). In this article, we present the following questions: RQ1: *What is the scope of legal technologies in terms of innovation and future proofing the profession? More specifically, what are the incentives for legal service providers to adopt new technologies? and, To what extent the adoption of new technologies leads to better customer value propositions?*

Through a theory borrowing and blending approach (Oswick, Fleming, and Hanlon 2011) that combines on the one hand resource-based view with practice-based view, and on the other hand principles of operations management research and applied social research methods this paper attempts to generate a revelatory multiple lenses contribution (per Nicholson et al. 2018) that has a twin objective. It seeks to develop an in-depth understanding of the:

- I. Factors affecting technology adoption within law firms via investigating legal service operations;
- II. challenges and opportunities that may prevent or enable delivery of enhanced customer value propositions.

We argue, specifically, that a systematic service framework that maps legal technologies and legal services is absent. We propose to address this gap through the following. First, we throw light on the firm-level challenges and opportunities for adopting technological change. Second, we advance unified theory of service supply in a primarily research-based framework which incorporates additional elements of knowledge transfer and best practice exchange.

## **2. Literature Review**

### **2.1 Practice Based View**

Practice-based view (PBV), a theory that considers practice as an activity or set of activities that a variety of firms might execute, emphasises on imitable activities or practices amenable to transfer across firms (Bromiley and Rau 2014). Michalakopoulou *et al.*, (2021) explored the legal service sector as a prime example and presented a thematic map of legal innovations and claimed that the legal profession had fallen behind other industries in terms of its operations management fundamentals, identifying the need for technology transfer to improve their service operations. Innovation is a well-researched area concerning product based organisations but less prominent in service based environments (Bitner, Ostrom, and Morgan 2008), in that the role of innovation in legal services or other knowledge-intensive and professional services has been sparsely researched with exceptions of few works published recently for example by

Michalakopoulou et al. (2021); Bourke, Roper, and Love (2020); Chichkanov, Miles and Belusova (2019); Desyllas et al. (2018); Moore and Haji (2017) and Fu et al. (2015). Whatever innovations are occurring in the profession, it is the customers' perspectives and opinion that is considered the most important element which can affect operations management strategies and decisions (such as service quality, value, customer satisfaction, price, firm image, and customer loyalty (Payne & Holt, 2001, Hong & Goo 2004; Lewis & Brown 2012, Balthu & Clegg, 2021). Furthermore, according to Martin, Gustafsson and Choi (2016), service innovation could comprise of new service development besides new or improved delivery processes, a view that indicates definitions of service innovation to be broad, reflecting novelty and commercialisation rather than just new technology.

## **2.2 Evolution of Legal Technologies**

The main operational challenge for law firms is that of enhancing legal service value propositions to their clients through technology, but inadequate technology adoption could also be a barrier. For example, resources such as technology and communication interventions are considered as innovative inputs elements (Fouad, Tourabi, and Lakhnati 2018) for creating innovative outputs (i.e. products and/or services). This simplified technology adoption is considered a key innovation element that can lead firms to a competitive advantage and can be seen as part of a wider organisational innovation (Bruce et al, 1996, Le Bas, Mothe, and Nguyen-Thi 2015). Firms opt for adopting more amplified innovations (Bruce et al, 1996) through newer technologies such as smart documents (Amato et al, 2021) to leverage over the competitive market but transition is not always easy for lawyers. Development in legal technology ('legal tech' or 'lawtech') adoption is still in its embryonic stages in the UK (The Law Society, 2019) and this research makes for an interesting investigation aimed at understanding the attitudes for adoption by both legal service providers and beneficiaries. Previously, Harvey *et al.*, (2016) and Lewis & Brown (2012) reported on the existence of significant amounts of standard work within professional service operations stimulating the deployment of process improvement interventions and new technologies. The adoption of innovation is required because firms integrate new approaches and technologies during the delivery of services, enhancing the services that they provide and satisfying their customers (Chen, Tsou & Ching, 2011; Skálén et al., 2015) but also developing a sustainable service ecosystem (Ostrom et al, 2021). This could be achieved through redefining firms' perception of professionalism and optimising value-added provision for client.

## **3. Methodology**

This study applies the mixed methods approach (Morse, 2003), using sequential exploratory method considered appropriate for the investigation, first using qualitative followed by quantitative methods. The sequential mixed methods approach (Creswell & Creswell, 2018) explores the relationships in the conceptual model, and lends rigour and validity to the findings. Our multiple methods adoption is advocated within business research (Bell et al., 2019), due to providing a richer approach to data collection, analysis, and interpretation (Saunders et al., 2019). Our rationale for using both methods is to ensure full coverage of exploration and ideas, and to integrate a deeper understanding of the social context. Our goal is to build and test the practice-based theory, using both methods to discover any new concepts. Using both methods can reduce bias (Miles et al., 2020), as well as explain relationships with variables emerging from another (Saunders et al, 2016). The foundation for present research was laid out in an in-depth longitudinal case study conducted within a medium-sized UK law firm conducted over 3 years using

action research approach to make sense of the complex legal service operations and thereby delivering improvement to practice (Balthu & Clegg, 2021; Susman & Evered, 1978). The follow-on study consisted of a survey instrument that consisted of 250 responses from common law legal practitioners across the world.

### 3.1 Data collection

The initial case study conducted within a law firm generated 300,000 words of rich data sourced from 15 focus groups, 40 interviews and 7 service improvement workshops. The present research complements the case study by gathering further evidence from a survey questionnaire involving participants outside the case study organisation to understand the need for adopting new technologies by law firms and its impact on clients.

The survey comprised of an initial pool of 461 participants of English speaking common law practitioners from the United Kingdom, United States, Canada, Australia, and New Zealand were recruited through a research specialized crowd-sourcing platform (Prolific Academic, <http://www.prolific.co/>) was recruited through Prolific Academic to participate in an online study in exchange for payment. About 123 respondents were removed from the experiment after failing attention gauge points, and 27 did not complete their participation, leaving a final sample of 311 individual respondents. Additional manipulation check points were provided after the main questions, asking participants if the company was stated to have contributed to remain working in legal services, and a further 68 responses were removed from the sample for not having correctly identified their respectively assigned variation scenario, thus configuring 250 valid individual responses. Figure 1 describes respondents' profile position, but we also scoped out the level of operation: locally 23.6%; regionally 24.4%; nationally: 30.0% and internationally 22.0% as well as scope of Legal services (see figure 2). From 18 areas of legal practice: litigation consisted of 15% (66/250) respondents, whilst personal injury was the second highest with 9.9% (43/250) of the total sample.

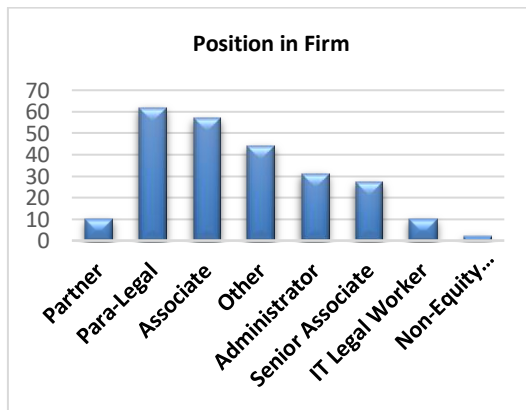


Figure 1: Position in Law Firm

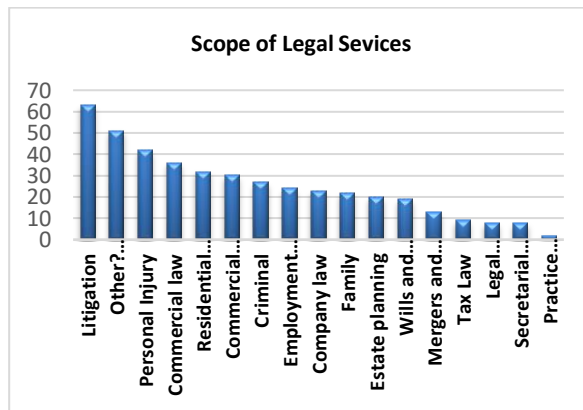


Figure 2: Scope of Legal Service

## 4. Results: Case study and Survey

Data gathered from the survey has been juxtaposed with the themes identified from earlier case research which explained the exogenous and endogenous factors forcing adoption of new operational practices within law firms (Balthu & Clegg, 2021).

**Table 1:** Key themes identifying the need for deploying new technology in legal services

Aggregate Dimensions	2 <sup>nd</sup> Order Themes	1 <sup>st</sup> Order Concepts
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<b>Technology for improving Client engagement</b>	System for understanding clients' needs	Need for a system to conduct structured initial inquiry to understand the expectations and strategic objectives of the client (first meeting).
		Need for screening the client at the outset through a due diligence system (funds, pending judgments etc).
		Need for a system to agree the service delivery style/ approach at the outset.
	System for capturing case specific and client specific requirements	Need to create a case typology (e.g., complexity scale) to customise service accordingly.
		Need to factor in client's knowledge of the legal process.
		Need for electronic file opening process that integrates with other systems such as CRM.
		Need for a protocol to transfer clients from one department to other and one fee earner to the other.
<b>Technology for improving scoping and pricing legal transactions</b>	System for communicating price and variation to client	Need for a system to enable fee earners keep track of agreed fee versus fee billed to date.
		Need for a system to communicate variance in scope, enable visibility in the matter, keep billing transparent.
	System for better Scoping and Pricing	Need a system to agree initial scope, communicate variance and ensuring fee recovery.
		Need a system to capture assumptions at the outset and factor in variations that occur during the course.
<b>Technology for improving time recording and file management process</b>	System for recording time	Need a protocol for time recording while reusing precedents and templates on new matters.
		Need a system to align matter typology with time recording practices.
		Need a robust time recording system that takes into account the departmental differences and allows both contemporaneous and re-constructivist styles.
		Need for objective metrics on time spent doing various activities (provide the fee earners and the firm with more intelligence on where the time is spent most/least.
		Need for a policy on recording all time spent on a client regardless of work type (activity) – managing relationship, informal enquiries etc.
	System for flexing charge out rates	Need a system that allows to apply variable charge out rates depending on the type of activity being performed by the fee earner.
		Need to introduce a policy / best practice on discounts to suit certain types of clients.
<b>Technology for improving billing process and post completion</b>	System for enabling Write offs and differential rates	Need for dynamically allocating differential rates to particular clients/matters.
		Need for the mechanism to distinguish and split trainees time between learning and actually contributing to the file.
	System for generating bills	Need for making billing practice streamlined and take away administrative burden from fee earners allowing them to focus on core legal work (Auto billing)
		Need for Policy / practice on contacting clients before sending a bill.
		Need for boosting up the use of electronic payment options by fee earners as often as possible.
	System for ensuring Cash flow	Need to synchronise with client's billing cycle / agree definitive billing dates
		Need for a protocol for collecting cash on account.

## 4.2 Descriptive Statistics

Survey results made it apparent that legal technologies need to focus on those more established and proven technologies, such as: (i) document management (47%); (ii) e-billing and practice management (64%); and (iii) online resources for research and precedents (34%) (many of which fall into high volume, low variety cases, replicating the same line of enquiry of designing and delivering modular services (Giannakis *et al* (2018)). The one core legal technology that has been predicted to grow significantly by

the respondents is the provision of ‘online dispute resolution’ predicted at 48% of the 243 surveyed respondents, suggesting the impact of covid pandemic has opened on the virtual / remote world of legal services (Susskind, 2021). Broadly, our findings indicate that clients preferred face to face consultation (28%) whereas (33%) an online service. In terms of technology drivers:(i) the demands of document automation 47% of respondents, specifically as generating smart contracts, (ii) the second being the concern from legal practices for moving into data driven cloud capabilities in terms of data security capabilities reported by 66% of the 243 respondents (see figure 3).

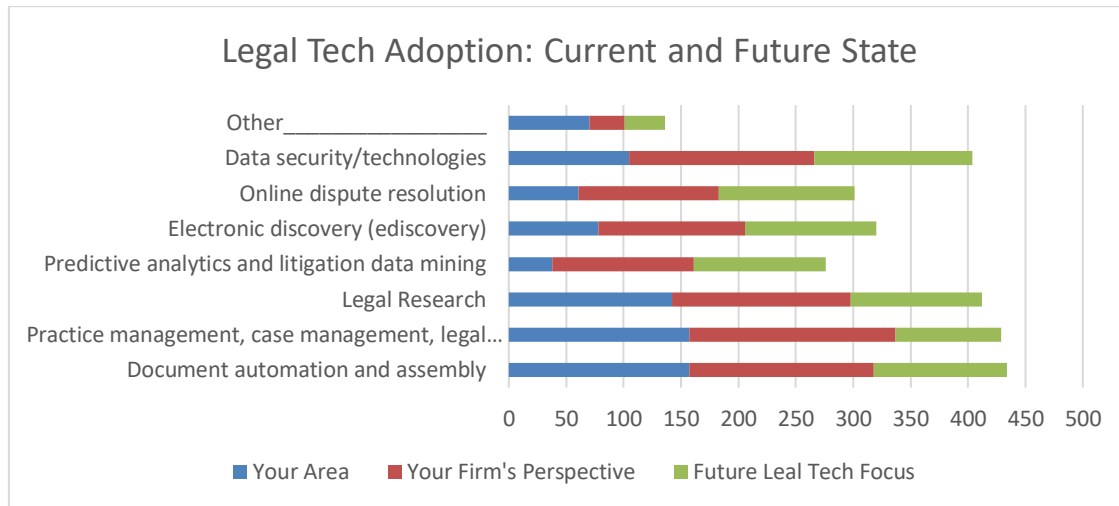


Figure 3: Scope of Technology adoption

## 5. Discussion of Findings

The outcomes of action research conducted within the law firm included elicitation of operational issues in providing legal services. Client engagement, pricing, time recording and file management, and billing, stood out to be the four key operational aspects of delivering legal service within the firm. For reasons of brevity, below discussed are two of the four key themes presented in Table 1 in the light of consolidated case study and survey findings.

### 5.1 Firm Perspective: Client engagement

Based on data gathered from action research, it has become evident that there needs to be a better structure to the initial client engagement so as to capture the client requirements correctly and also to scope the matter accurately. Both these aspects are interconnected, as accurate capturing of requirements leads to fewer assumptions and subsequently better scoping and pricing. A lawyer indicated: “...The Corporate team have gone on a complete rollercoaster, we looked at our transactional client care letters and engagement letters and got stung on deals where we had agreed fixed fee. As a result of scope changes during the transaction, we ended up with an engagement letter with a schedule of the summary of transactions, then we had a schedule of assumptions we’ve made, then a schedule of exclusions, things we’re not dealing with, then we had a schedule of visual documents we’re anticipating dealing with and it got to the point where our engagement letter was about 20 pages”. This notion was common across various departments dealing with low-volume, high-variety matters such as Dispute Resolution and Corporate transactions. This emphasises on the need for a new tool to quantify the impact of scope

changes and communicate to client diligently in order to manage the client expectations throughout the course of the transaction, besides helping recovery of time and fee.

### 5.1.1 Firm Perspective: *Time recording and file management process*

Solicitors are obliged by the Solicitors Regulation Authority (Chapter 1 SRA Code of Conduct 2011) to provide the client with regular fee estimates and regular understanding of the cost of disbursements involved in their file. This is especially significant in respect of matters where time recorded is concentrated within an intensive period, a critical part of a matter, or where fees are not fixed. Not only is accurate time recording driven by regulatory needs but also fundamentally by factors such as fee earner Utilisation (actual hours billed/total hours available) and firm's profitability. It is evident from case study data that there is a need for accurate time capture on files and the overall management of files. A lawyer said: "...I was purposefully going back over my e-mails and telephone calls as it is dead easy to lose some of those [time spent], you go backwards and forwards, print them off and making sure that they were on there".

### 5.2 Market Perspective: *Exogenous factors driving technological change*

Whilst the legal profession itself is responding to the demand of innovation and new methods of working. Resistance to change was apparent, such as the implementation of AI capabilities in legal service provision (Armour & Sako (2020), specifically, in the realms of Legal advisory, Legal operations, Legal technology, and Consulting. The game-changing technological innovations promise benefits from the monetary, social, and psychological costs. The benefits of these enabling legal technologies in traditional firms from both market and firm's perspective (Hongdao et al, 2019), are depicted in Table 2, taking these observations (case study) and findings from the survey.

### 5.3 Enabling Tech Perspective: *Endogenous factors driving technological change*

Results indicate the need for advancing digitisation of the client/customer interface with back-office legal processes providing more affordable sophisticated legal service, with relatively simple legal actions and resources at the client facing side of the firm, such as live chat (chatbots), but clients' preferences vary from the traditional face to face consultation (28%), over online customer contact (16%). In terms of cloud capability and ID checks through semi automation, there is the opportunity to advance the internal network through rules driven analytics. With the future focus centred around the financial constraints, specifically setup costs (30%), and the non-financial constraint of security concerns (33%), the main challenge relating to the human factor of technology change (23.4%), confidence (22.5%) and lack of legal technology know-how (21%) amongst practicing lawyers raises questions about the level of technology acceptance.

**Table 2: Enabling Perspectives from a Firms and Market Perspective**

Key themes	Firm Perspective (Supplier determined value in exchange)	Market Perspective (Transitional recognition of customer experience)	Enabling Technologies
<b>Improving Client engagement</b> Balthu, and Clegg (2021), Michalakopoulou, et al. (2021)	Amplified Innovation, Customisation Bruce et al (1996) Hengstler et al (2016)	Client relationship, Client confidentiality and data protection Balthu, and Clegg (2021), (Singh et al. 2017),	Chatbots, Predictive Analytics, Cyber security. Practice Management Bruce et al (1996) Hengstler et al (2016) Pemer, 2020)
<b>Improving scoping and pricing legal transactions</b>	Document Management, Precedent management, Knowledge management.	Data driven scoping and pricing (fee predictability), Variance management,	Electronic discovery, Predictive Analytics. Pemer, 2020)



Sheppard, B. (2015) (Singh et al. 2017), (Nelson and Irwin 2014)	(Pemer, 2020), Goto, 2022)	Cyber Security (Armour & Sako (2020), Valetti and Wu, (2020)	Hongdao et al, 2019)
<b>Improving time recording and file management process</b> (Armour & Sako (2020) (Pemer, 2020), Goto, (2022	Transparency, Flexible charge out rates, Complex cross-departmental matters Complex cross departmental matters Esteban & Klotz, (2017) (Armour & Sako (2020)	Transparency, Flexible charge out rates, Rules Driven- Computation Law- Analytics Esteban & Klotz, (2017), Valetti and Wu, (2020) (Armour & Sako (2020)	Contemporaneous time capture, Time recording apps facilitating Bring Your Own Device (BYOD) initiatives.
<b>Improving billing process and post completion</b> Huang and Rust (2018), (Pemer, 2020)	Synchronous billing cycles, Disbursements management Valetti and Wu, (2020)	Data Driven Practice Management & legal billing Document Management Valetti and Wu, (2020)	Electronic billing, Robotic process automation.

We offer a Legal Services Customer Value Proposition based on the three Customer Value Proposition (CVP) perspectives proposed by Payne et al. (2017) (supplier determined; transitional; mutually determined) and Rintamaki and Saarijarvi, (2021). Figure 4 presents the proposed model Values Proposition: Legal Service Delivery.

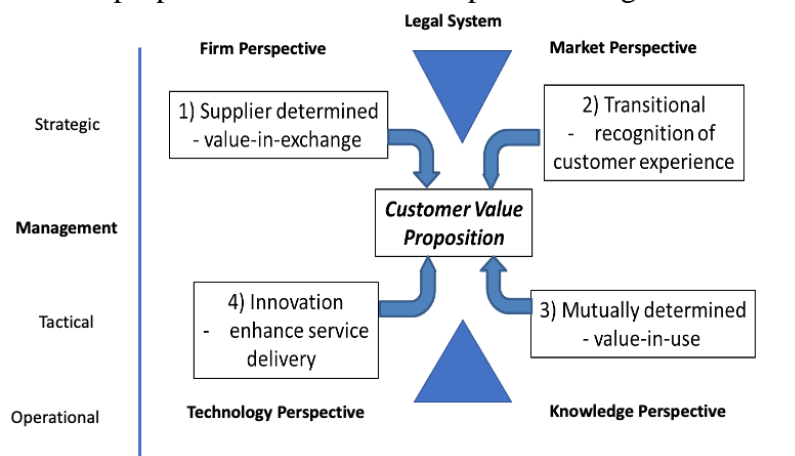


Figure 4 –Values Proposition: Legal Service Delivery (Adapted Payne et al. (2017); Rintamaki and Saarijarvi, 2021)

## 6. Conclusion

The objective of this research was to identify a range of key factors driving technological change in legal services industry. The combination of case study and survey findings allude to the long-term value proposition. For example, Law firms are adopting a broad scope of legal tech, and lawyer's knowledge perspective. The study identifies the potential shortfalls in the knowledge gaps within legal services delivery conceptualised in Figure 4. Whilst Law firms were both clearly aware of the kinds of tools and techniques being offered to clients, the lawyers experience was somewhat lacking. In addition, it is important to note that most legal tech tools and techniques were compatible across the scope of legal adoption, but the drivers for change require additional leadership and training. The combination of the firm and survey findings also considers the long-term impact on future legal technologies. For example, 'urgency' was the key factor for cybersecurity and e-discovery, as well as the knowledge limitations, capability, and resource constraints of developing more amplified innovation through chatbots. Future research could be undertaken to understand if the applicability of the tools across multiple legal services through Structural Equation Modelling (SEM) to determine the statistical

significance of the technological adoption from affordance perspective and service quality perspective. By contrast, large law firms utilised external consultants to develop their ‘credibility’, and impact on profitability within the billable hour model. The research could be important in defining the performance measures for client value and service delivery. The findings of this paper illustrate the tensions and frustrations that exist in achieving customer satisfaction and added value. Legal technologies are considered successful in term of enhancing service quality through better client engagement (exogenous) and improving operational performance through automated processes (endogenous).

\* For reasons of brevity, only a selected list of references cited in the text has been provided here, but the full list can be furnished by authors upon request

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