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Episode Title: Could government agencies benefit from a legal operations role?

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Hello everyone and thanks for joining us today. My name is Gina Jurva. I am one of your co-hosts here on the Market Insights podcast. So, today we're going to talk about legal operations, but not quite in the way that you would imagine. Legal operations is one of the hottest phrases in the legal industry today. Many of you know it's a vital function within corporate law departments and law firms that really helps the legal organization more effectively manage risks, monitor compliance, incorporate the right tech tools and just really deliver more value to the enterprise by accelerating the business. You know, a proactive legal operations team can plan for challenges before they arrive and you know it's important to note that those within legal operations roles aren't necessarily attorneys. In fact, most of many of them come from finance backgrounds and business backgrounds, so it's really a function that helps bolster the legal department in ways we wouldn't have imagined, you know, a decade ago. So as more and more corporate law departments and law firms add this role to their ranks we're also seeing it pop up in other places. Have you heard of legal operations in government? Well, neither had I until I met Kristin Hodgins. Kristin is the director of legal operations for the Government of British Columbia. Kristin, thank you so much for joining us today.

Kristin Hodgins: Thank you for having me.

Gina Jurva: So, you are the director of legal operations for the government of British Columbia. A title I haven't often heard before in connection with the public sector. I mean, we hear it in, you know, legal operations functions in law departments and corporate law departments and law firms, but tell me more about your role with the government.

Kristin Hodgins: So, this role is a new role for both me and my organization, and we're still defining what legal operations looks like and means in a government context, but at a high level, I'm largely responsible for what we'll call the business of law, which includes things like developing organizational performance measures. Ensuring our department is strategically aligned both internally and with broader government. Looking at the services we provide in a systems context as part of the larger organization, doing things like implementing process improvement and looking at the legal industry more broadly and how we can apply some of the innovations that are coming out of corporate legal departments and law firms internally. I'm also looking at ensuring that we get good value from outside law firms that we work with.

Gina Jurva: I mean, that's really like very fascinating and innovative idea, I think, to have that function within the government. Tell us, tell me how long you've had this position and are there. Are there others that you're aware of either in Canada or the US, or even globally that have a role so unique like this?

Kristin Hodgins: So, as I said, I'm very new to this role. I've only been in it for about 3 months. I did return to government after a stint in the private sector and I've worked with the government's legal department in other capacities such as a law librarian, research director, and project director. There are a few others who are at least doing some parts of my role, but I'm not aware of any other public sector

organizations who are intentionally calling it a legal operations department. For instance, the US Department of Justice does have a small innovation department and they have a senior legal counsel there who's doing a lot of the things that I'm doing right now and I know the Federal Department of Justice in Canada here, they're starting to implement some change management practices and some process improvement initiatives, but as far as I'm aware, and I hope there are others out there, we're the only ones who are being very deliberate about calling it legal operations.

Gina Jurva: I see and how many are in your specific department? There's you, but are there others also working with you?

Kristin Hodges: So, our department is structured a little bit differently than it would be in a corporate legal department. I don't have any direct staff reporting to me right now, like we have a separate IT department within our legal department we have an HR department. You know, we have a communications department. So, I would say there's probably about 10 or 15 people who are taking on some of those functions that we would see in legal operations, but our department as such is really just to me right now, and our chief of legal operations who is a senior legal counsel.

Gina Jurva: OK, so you're really forging this path here, which is really exciting and I wonder how hard was it, if it was hard at all, for you to create a role like this in the public sector? I mean, was it something that you had to convince the government or British Columbia that it would be a really, you know important and necessary change? Or is it something they were already looking for?

Kristin Hodges: So, I didn't create this role as such. It was created by our chief of legal operations and I was hired into it, but what I did do a few years ago is restructure our government legal department when I was working there before to adopt a much more client centered service delivery model and then restructured our organization to fit that and as I was doing that, I started looking at corporate legal operations departments and how they were running. So, I put some of those pieces in place before. So, in some ways, there's been, you know, a five-year change management process that has been undertaken. So, I think our organization is quite primed for change right now, is quite prime for doing things a little bit differently, whereas maybe another department that hasn't gone through that massive restructuring you know, wouldn't be so amenable to adopting legal operations model.

Gina Jurva: So, Kristin, how does the legal operations function in government differ qualitatively, quantitatively from legal operations in either the corporate law department space or law firms?

Kristin Hodges: Yeah, so government legal departments are in many ways a hybrid between a law firm and corporate legal department. With that government layer on top, at least for larger jurisdictions, there are like law firms in that you might see a staffing complement of anywhere to from 600 to 1,000 people, which is the size of some of Canada's larger law firms. And my government legal department deals with many different practice areas. Everything from child protection to tax to forestry law to constitutional law and those practice areas are structured similarly to how they would be in a law firm with practice area leads. You can feel like we have different clients because we deal with so many diverse issues and sometimes disparate issues and we have so many different client representatives that we work with. Government legal departments are also similar to corporate legal departments in that at the end of the day, we have one client and because of that, everyone in our legal operation, sorry, everyone in our legal department needs to be aware of the key issues across the broader organization to ensure that our advice is consistent and aligned and takes into consideration those other factors that

you wouldn't have to roll off from context. Like corporate legal departments were also subject to corporate policies and procedures that are outside of our control. For instance, technology purchasing and recruitment and we very much have to figure out how to get what we need as a department while working within that larger policy framework. But like corporate legal departments, we're also very mindful of our budget and our broader organization. As you can imagine in the time of COVID is very cost conscious, so we want to make sure that we are actually delivering value at the end of the day.

Gina Jurva: Absolutely, and I think and that's really where it sounds like you are very similar to your function and the government is very similar to law firms or corporate law departments like are you delivering value? And I think we often see corporate legal operations functions doing some of the following and I'm curious, you know, you talked a little bit about it before, but I'm curious if but it's the same here. So, you know, we often see legal operations functions, you know, looking to optimize outdated processes, streamlining operations. How can we automate certain tasks right? How do we increase efficiencies within the department and across teams in general? I mean, are those also your primary goals here, and I know again, you're operating within that policy framework. But can you talk a little bit about that?

Kristin Hodgins: Sure, so yeah, those are exactly our goals and we are similar to a corporate legal operations department or any organization in that sense. So, in a government legal operations department you have people who are responsible for overseeing those functions and looking for those efficiencies. And they're not the same people who are responsible for actually providing legal services, and I think that's very important. Lawyers are very busy people and they don't often have time to think about processes in a systematic way, and they aren't necessarily the best suited people in the organization to do that. They might not have a bird's eye view of the entire organization. But if you actually have people whose job and responsibility it is to make those connections across the organization to look for efficiencies to get different departments aligned and working together for issues that have a legal element, I think that there is a lot of service improvement that can happen that we haven't maybe traditionally looked at in government.

Gina Jurva: So, in terms of what the benefit is of having a legal operations role within government legal, I mean, if you could identify what the biggest value driver here is, what would that be? And I ask that question because I think there's a stigma often around, but the government processes, whether it's real or not, that the government is rather behind in the times, that they're resistant to change. Having been a government attorney myself, I can, I think, I can speak to that a little bit, so would you say that you know, tell us what the biggest benefit of having a government legal operations role is.

Kristin Hodgins: So, there's a lot of benefits. I think that there is benefit just calling it a legal operations department because it gives staff something to align themselves to. There's a whole professional community around legal operations. There's an association. There are resources. There are conferences and I think in government were often insular and we tend to look inward or to governments and other jurisdictions for how to do things, but we're reticent to look at the broader industry and including ourselves in that conversation, I think is a big first step, but you're right, there is at least a perception that both government departments and law firms and lawyers are very resistant to change. And I don't think that's necessarily true. I don't think they're more resistant to change than any other organization. If you think of government like a very large corporation, you know there are a lot of policies and procedures at play, and if you're trying to do something that really shifts the dial there's a lot of

engagement and consultation that has to happen that maybe wouldn't happen in a small organization. But at the end of the day, I think it really comes down to knowing the culture of your organization. Whether you can actually create a legal operations department or do you need to focus on some of those prerequisites like collaboration and communication, you know, is there good project management skills in your department and whether you're looking at legal operations formally or just implementing some of the processes of legal operations and is to not only be supported by leadership but championed by it.

Gina Jurva: Sure, and I think that what you're saying like should more government, you know my next question was going to be, should more government agencies consider adding that legal operations role? And it's really about, I think what you're saying is you have to first take stock of where you're at, in whatever government organization you're in and decide is this a formal role I need? Our department needs? Or is it starting more back to the basics like the prerequisites, right? And deciding do we need a project management function? Would you agree with that?

Kristin Hodgins: Yeah I would and I think if government legal departments looked internally, they probably already have someone who does much of this work, but we just don't call it that and so many organizations have someone fairly senior in a project management role in a business operations role, in a policy or strategic initiatives role, and they might be a very good fit for legal law operations. What you're really looking for is roles within the organization that have a bird's eye view and have a good sense of what's going on in all the different departments and can actually start to make those connections and really understand how to leverage different roles within the organization and different skill sets to deliver better services at the end of the day.

Gina Jurva: And if you're a government agency looking to start this program, just getting into it, thinking about doing this, having this function, what would be the optimal type of person? I think you just mentioned here that you know somebody who has a kind of a broad understanding and of the organization and also has the project management skills, do they have to be an attorney?

Kristin Hodgins: No, so I'm not a lawyer. I've never practiced law in my life and I think I'm looking at who are head of legal operations at many of the large corporations in North America, and they tend to come from paralegal backgrounds, project management backgrounds, and finance backgrounds. So, not that a lawyer can't do this, but it's a very different skill set than being a lawyer. You know, lawyers are trained very much to, you know, look at problems in-depth and aren't necessarily used to taking a, you know, a high level "Blue Sky" approach to thinking, so I think you're really looking for a type of person who can drive change, who has good ideas, but can also implement them and someone who is very good at building trust and relationships both internally and externally, especially if you're not a lawyer. It is really challenging to come into a legal operations role because there is that skepticism or trust with lawyers you know they're the ones who practiced law. They're the ones who directly serve their clients, and you know they're hesitant to have someone who maybe doesn't have that direct experience looking at the process of how services are delivered.

Gina Jurva: Right that that the lawyers are the experts and so that can be a challenge. I could imagine you know, having someone come in and say, hey, we're going to change some of these processes because this will really streamline the way you do something or this will help create efficiencies and free up time in your day or we can automate a certain thing you're doing now, let me show you. I imagine

that would be sometimes that could be a tough sell with lawyers and just knowing the personality of lawyers. I imagine it's tough. I have a question here though. Would you recommend against having a person take, be an attorney, will be an attorney and try to also be an attorney and serve partially in a legal operations function. Would that be very difficult in your opinion?

Kristin Hodgins: I would say yes. It probably depends on the size of your legal department. If you're, you know, a small municipal government or a small state government, you know you might just not have the staff to have someone who's dedicated to that role but lawyers are very expensive and they go to school for a long time and have many years of experience delivering a specific service and I don't necessarily think it's the best use of their time to look at process, but if they're the only ones who can do it just simply because of staffing or there's no their expertise. Then there probably is value in doing that.

Gina Jurva: Sure, sure, and I think, just you know, it seemed kind of closing what advice do you offer if you could just kind of give us, you know, what are your words of wisdom to any government agencies out there listening to this podcast who want to explore creating that legal operations function or department? Any closing words or words of wisdom or advice you could offer to them.

Kristin Hodgins: Yeah, I think the first thing that any organization who's looking at implementing legal operations is to ask why they're doing it and I would suggest looking very closely at those strategic plans or vision of the broader government or agency and ensuring that you can actually get your legal department to align with that because that's really what legal operations does at the end of the day. It's strategic alignment and then figuring out how to do that most efficiently. I always say look at culture first. You know, there's a saying that culture eats strategy. Well, culture eats everything, and if you don't have a culture that can support legal operations, I would really work on that collaboration piece first and I would also say that legal operations doesn't actually have to cost your organization anything, especially in the beginning, and I think that's key for government departments who many are probably under hiring freezes for the next few years because of COVID. You'll find those people with those skill sets, so skill sets like project management, skill sets like communication, stakeholder engagement, bring in someone from finance, bring in someone from HR and if you can't develop a standalone role then pull those people together create a team or a working group that is going to learn about legal operations in the industry and start to identify some pieces internally that where they can apply it and start small. You know, look at one practice area or one process. Or you know, look at one type of litigation and, you know, systematically map that out as a process and start to identify, you know, where there is opportunities for say automation or improvement, or even simply removing steps from the process. So, start small, do a pilot and build from there.

Gina Jurva: Excellent, excellent, excellent words of advice. Kristin Hodgins, thank you so much for being a part of this today and look forward to talking to you again in the future after you've been in this role a little longer to see how things go, so we'd love to have you back on the show at some point.

Kristin Hodgins: Sounds great, thank you so much for having me today.

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