

Got Data? Put it to Use!

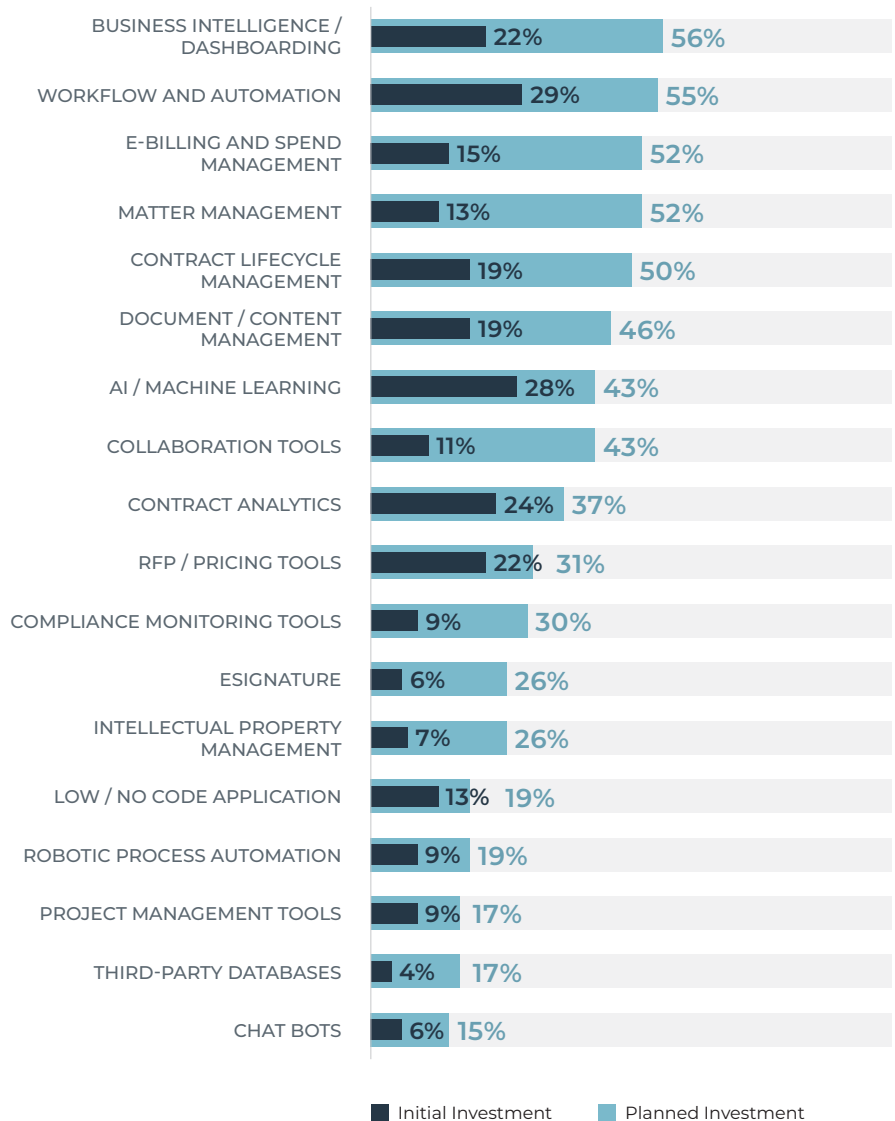
Got Data? Put it to Use!

If you're frustrated that you don't have the data you need at the right time with the right context to drive improvement, you're not alone.

Hyperion Research benchmarking data shows that 63% of corporate legal departments have formal Metrics & Analytics programs, but clearly those programs are not meeting departments' needs because analytics/dashboarding applications are at the top of the priority list for investments in the next 12 – 18 months.



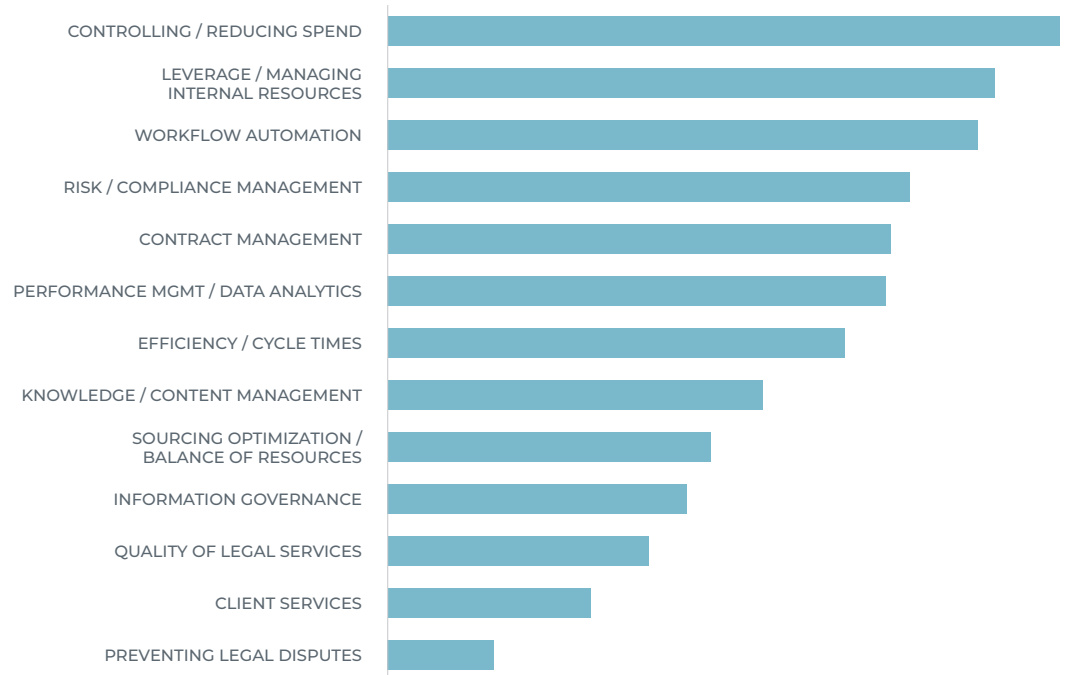
PLANNED AND INITIAL TECH INVESTMENTS



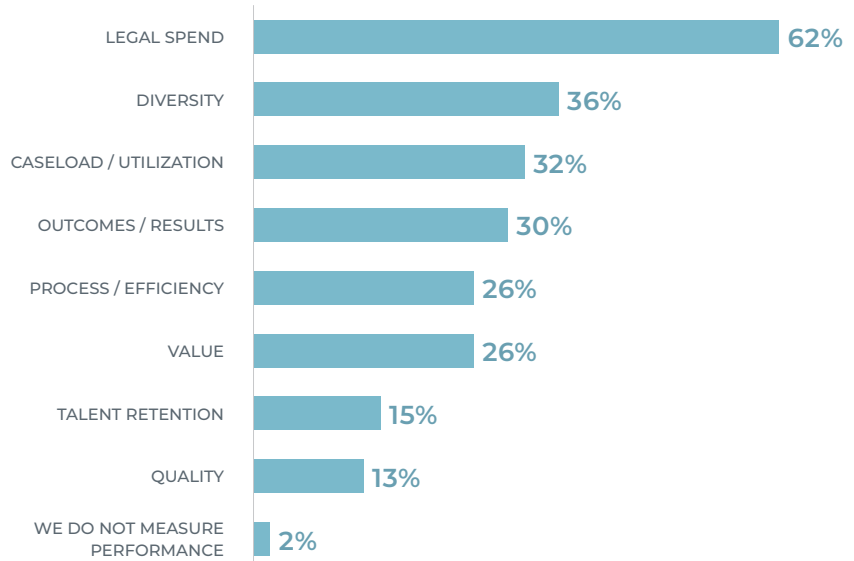
“Our study shows that only 9% strongly agree that their metrics are well-defined, curated and have audience-specific dashboards.”

While spend management is a perennial transformation priority and focus area for metrics, it is noteworthy that the second highest priority, leveraging internal resources (aka “getting the right work into the right hands”) is not well supported through metrics – less than a third of in-house legal executives are measuring caseload and staff utilization. More dispiriting is the low level of measurement of outcomes, value, and quality – critical for demonstrating the value of the legal department.

TRANSFORMATION PRIORITIES



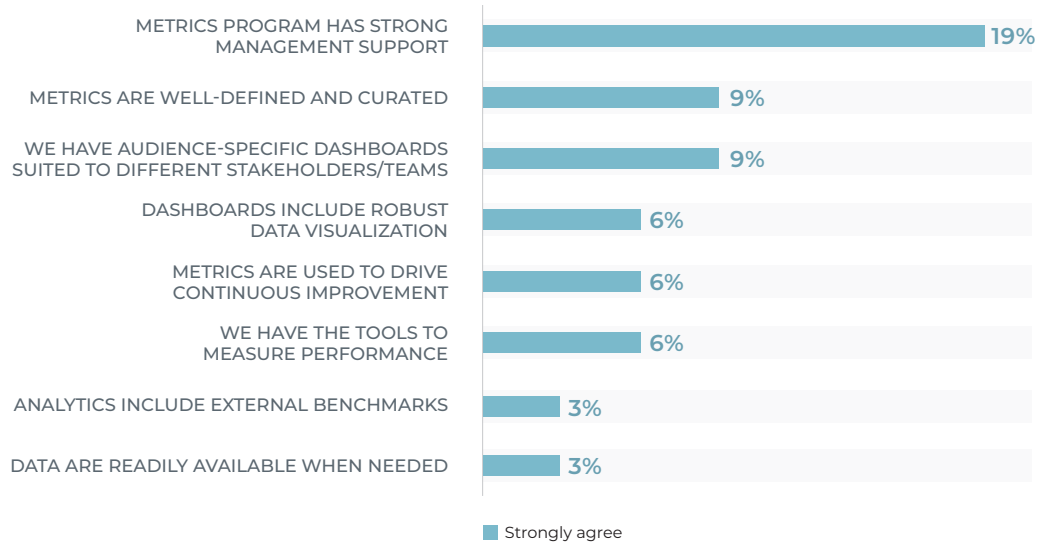
PERFORMANCE MANAGEMENT MEASURES



Further, while legal departments have made tremendous progress in generating and cleansing data in recent years, it’s not always the right data at the right time for the right people. Our study shows that only 9% strongly agree that their metrics are well-defined, curated and have audience-specific dashboards.

ATTITUDES ABOUT REPORTING & ANALYTICS PROGRAM

“As your metrics program evolves your team will move from being able to understand what has happened in the past, to being able to utilize data to course correct in real time, to eventually modeling possible outcomes.”

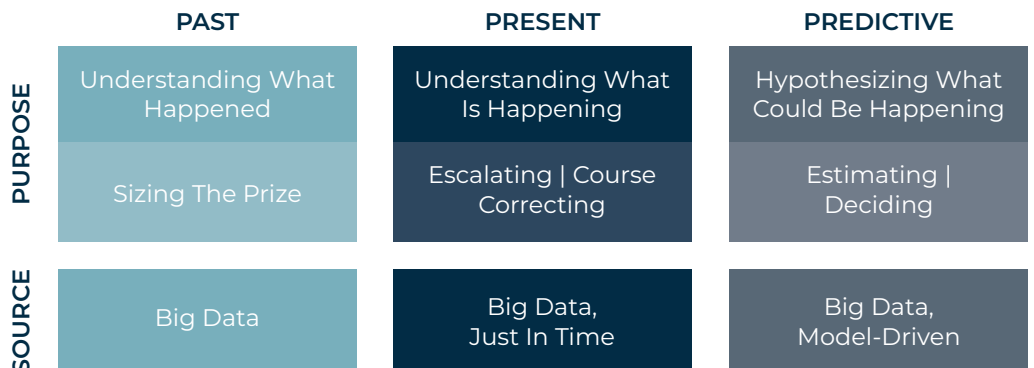


The pressures continue to mount for legal departments to shape their Metrics and Analytics programs to drive operational improvement so they can keep up with the pace of business. To shore up the abysmal management support shown above (fewer than one in five strongly agree that they have solid management support for their metrics program), we have some reminders about the benefits of an effective metrics program:

- ✓ Provide real-time insight into current activities
- ✓ Guide course-correction
- ✓ Suggest areas for process improvement
- ✓ Drive performance roadmaps
- ✓ Show good stewardship of corporate resources
- ✓ Offer internal indices to adjust strategy
- ✓ Demonstrate movement toward achieving organizational goals

ATTRIBUTES OF AN EFFECTIVE METRICS PROGRAM

When shaping your Metrics & Analytics program, it's important to keep the end of the journey in mind. The point is to put in place core metrics that include financial, operational, service performance, outcomes and risk management measures; and then keep innovating to add measures that are particularly important to your organization. As your metrics program evolves your team will move from being able to understand what has happened in the past, to being able to utilize data to course correct in real time, to eventually modeling possible outcomes.



“Get started with your program putting in place key performance indicators (KPIs) that align with your organizational objectives.”

Higher order metrics to strive for focus on quality, outcomes and returns on investment, and will include qualitative measures and external benchmarks.

Examples of more advanced metrics include:

- Most and least litigated contracts and clauses to inform policies
- Litigation ROI (cost vs. exposure) to inform future litigation strategies
- Re-use of internal and external work product to assess knowledge management success
- Trends in disputes – ideally moving downward in concert with demonstrable prevention efforts
- Legal spend per billion in revenue relative to peer companies to justify resources

The journey is not as daunting as it sounds. Most departments start with (and learn from) retrospective data, progress into using timely data for operational insights/ actions, and then shift their view to the future, using predictions to inform strategies. Eventually, like driving a car, you switch views frequently from the rearview mirror, to the landscape and traffic around you, and look ahead to steer clear of obstacles – and at a map to choose the best route.

Type	Conditions Needed	Quick Examples
Hindsight to avoid repeating mistakes/or issues	<ul style="list-style-type: none"> • Clean, deep data across many variables • Comparisons or correlations 	<ul style="list-style-type: none"> • Discovering why a matter cost so much (e.g. far more depositions than similar matters) • Preventing disputes through systematic pattern analysis and actions
Insight for operational decision-making and performance management	<ul style="list-style-type: none"> • Well-organized • Contextualized • Timely 	<ul style="list-style-type: none"> • Using legal intake portal data about type and frequency of requests, to determine what should shifted into a self-serve model • Cutting cycle time by using data to pinpoint bottlenecks • Optimizing resource allocation by examining relative costs
Foresight for strategic decision-making	<ul style="list-style-type: none"> • Many examples of similar situations • Predictive algorithms • Human judgement/ consensus (e.g. assigning odds for decision-making) 	<ul style="list-style-type: none"> • Early case assessments examining likelihood of success based on patterns re. jurisdiction, bench, counterparties • Consensus-based risk analysis featuring assigned likelihood of potential outcomes

“Formalizing your Metrics & Analytics program is an exercise in change management that starts with an assessment, engages key players, results in goal-setting, and does not get mired because it is overwhelming.”

HOW TO GET STARTED (NOW, THE PRACTICAL ADVICE)

First, under the heading of “beginning with the end in mind,” the key performance indicators (KPIs) you put in place should be aligned to organizational objectives, actionable, well-balanced, carefully curated and above all, show progress.

EMPLOYING KEYS TO SUCCESS IN SETTING KPIS

- ✓ Clearly linked to organizational objectives
- ✓ Actionable (don't measure what you can't improve!)
- ✓ Well-balanced across four objectives:
 - financial control
 - outcomes and/or risk management
 - operational efficiency
 - service optimization and/or quality
- ✓ Include both leading and lagging indicators of performance
- ✓ Limited to a relatively small number of metrics for each area of focus
- ✓ Measured relative to a target or baseline (so you can show improvement or course correct)

Now we go back to the beginning and provide advice on getting started. Remember, like all legal operations initiatives, formalizing your Metrics & Analytics program is an exercise in change management that starts with an assessment, engages key players, results in goal-setting, and does not get mired because it is overwhelming.

GETTING STARTED

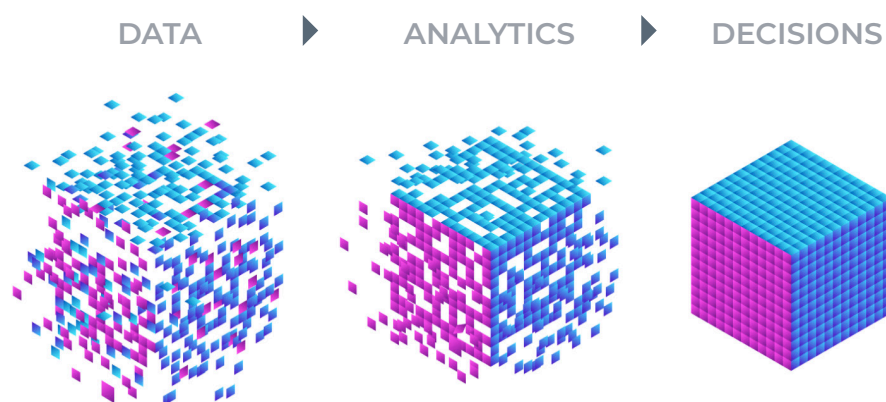
- ✓ **Understand your available data sources**
 - Accessibility, completeness, and accuracy of data are critical to reliable metrics
- ✓ **Engage Leadership early and often**
 - Central to building advocacy - lack of leadership engagement will lead to failure
 - Ensure understanding that metrics program is to facilitate (not replace) human decision-making
- ✓ **Establish goals and what you want to measure**
- ✓ **Pick 1 category and 3-5 metrics that you can easily gather data, especially:**
 - high impact/ low effort measures (aka “low hanging fruit”)
 - visibility to important stakeholders (e.g. to show value of Legal, make the case for resources, etc.)
 - scalability (if we do this first, we can replicate in similar areas)
- ✓ **Pilot the approach**
 - Start with one practice or stakeholder team
 - Expand and improve capabilities over time
- ✓ **Focus on actionable – not “interesting” – metrics**
 - Don't let noise distract and confuse your objectives

To round out the Practical Advice section, we have some suggestions to ensure your Metrics & Analytics program does not get blown off course.

“With a dashboarding tool you can integrate critical information to produce meaningful metrics and provide a holistic view of legal department performance and impact.”

AVOIDING COMMON PITFALLS

- ✓ Ensure you have **adequate systems** in place to provide measurable data
 - Move beyond point solutions
 - Integration is key to get the data into one place
- ✓ Ensure you have the **expertise** available to support your metrics program
 - Key to transformative KPIs is the subject matter expertise to analyze and communicate the meaning of the data
 - Dashboarding and data visualization expertise are hallmarks of more advanced programs
- ✓ Ensure you have a user-friendly platform to drive analytics and the presentation of results
 - The platform is important to both delivering the metrics as well as supporting **digestible KPIs**



PUTTING A BOW ON THE DATA

Enabling stakeholders to interact directly with the data empowers them to use the data for performance management – and using data to take actions is the holy grail. That is where dashboards come in. Every legal department has a plethora of systems that provide reports – e-billing, matter, contract, IP and document management, workflow automation tools and more. With a dashboarding tool you can integrate critical information – including enterprise data - to produce meaningful metrics and provide a holistic view of legal department performance and impact.

Dashboarding tools enable:

- ✓ Holistic view
- ✓ Audience-specific views for focus
- ✓ Drill-down capabilities for analysis
- ✓ Pre-built calculations for efficiency
- ✓ Timely, real-time information for decision-making
- ✓ Demonstrating the value of Legal (what is being accomplished)

However, don't turn create the dashboard and walk away. Be the legal department evangelist! Use data visualization and storytelling to ensure understanding – and appreciation – of the nuance and meaning of the metrics.

THE ROLE OF STORYTELLING WITH METRICS

“Be the legal department evangelist! Use data visualization and storytelling to ensure understanding – and appreciation – of the nuance and meaning of the metrics.”



Proving and Improving the Value of the Legal Department

Others in your business often measure the law department as an expense to the organization



Improving the Value

Act on metrics to course-correct and maintain a departmental roadmap of key improvement initiatives



Proving the Value

Show how the department is **efficient**, **saves** the company money, **minimizes exposure** and **enables** the business

To help you get started, we provide here a catalogue of metrics. And we'd be remiss if we didn't mention that Epiq's Legal Business Advisory services include Metrics That Matter, a managed service to build custom dashboards for our clients. Get in touch – we'd be happy to help you get set up.

	Metric	Type	Segment	Complexity
<p>OPS & ADMIN</p>	Average time to respond to company request for legal advice/work product	Cycle Time	Advanced	Medium
	Time to resolve/conclude matter - transactions	Cycle Time	Foundational	Medium
	Time to resolve/conclude matter - disputes	Cycle Time	Foundational	Medium
	Client satisfaction ratings (5 point scale, very satisfied to very unsatisfied)	Cycle Time	Advanced	Medium
	Law department's total budget	Cost	Foundational	Low
	Law-related expense as percentage of total revenue	Cost	Foundational	Low
	Cost to resolve matters (excluding liability)	Cost	Advanced	High
	Total liability of matters handled by law department	Cost	Advanced	Low
	Percentage of matters for which budget is prepared	Cost	Foundational	Low
	Percentage of budgeted matters resolved within budget	Cost	Foundational	Low
	Budget to actual spend	Cost	Foundational	Low
	Percentage of disputed matters resolved by ADR	Cost	Advanced	Low
	Law department's total external spend by resource category (law firms, ALSPs, temp staffing, consultants, other)	Cost	Foundational	Low
	Total external spending on litigation matters	Cost	Advanced	Low
	Total external spending on Intellectual property matters	Cost	Advanced	Low
Total external spending on non-litigation matters (other than intellectual property)	Cost	Advanced	Low	




OPS & ADMIN


Metric	Type	Segment	Complexity
Distribution of external spend by fee type (standard hourly, discounted hourly, blended hourly, flat, capped, etc.)	Cost	Advanced	Medium
Percentage of matters and/or spend handled under alternative fee arrangements (non-hourly)	Cost	Advanced	Low
Total internal spend by category (staff comp/benefits, technology, training, subscriptions, conferences, travel, and other G&A)	Cost	Foundational	Medium
Law department's total spend for fully loaded compensation costs (including benefits & bonuses)	Cost	Advanced	High
Technology spending per law department FTE	Cost	Advanced	Low
Training spending per law department FTE	Cost	Advanced	Low
Total spending for legal research	Cost	Advanced	High
Percentage of legal research/writing assigned to outside counsel vs. inside counsel	Cost	Advanced	Medium
Percentage of total legal spend attributable to legal research/writing (subscriptions - direct expense)	Cost	Advanced	Medium
Number of matters handled per in-house lawyer	Productivity	Advanced	Medium
Number of matters handled per paralegal/legal assistant	Productivity	Advanced	Medium
Inside and external expense as percentages of total	Cost	Foundational	Low
Percent of law firms that have agreed to billing guidelines without compromise/exceptions	Cost	Advanced	Low
Number of legal invoices processed per FTE year over year	Productivity	Foundational	Low
Amount billed/reviewed per FTE per year	Cost	Foundational	Low
Average time to process each legal invoice	Process Efficiency	Advanced	Medium
Distribution of Legal Dept staff by position (lawyer, paralegal, legal ops, admin, other)	Talent	Foundational	Low
Distribution of matter staff by position	Talent	Advanced	Medium
Staff retention rate overall and by position (e.g. lawyer, paralegal, legal ops, admin, other)	Talent	Advanced	Medium
Legal staff as percentage of company employees	Process Efficiency	Foundational	Low
Lawyer to other legal staff ratios	Talent	Foundational	Low
Ratio of non-management to management lawyers	Talent	Foundational	Low
Lawyers and legal staff per billion in revenue	Cost	Foundational	Low
Number of law firms and ALSPs engaged	Productivity	Foundational	Low




DIVERSITY

Metric	Type	Segment	Complexity
Demographic distribution of new hires (e.g. race, LGBTQ, veteran, disability status, etc.)	Talent	Advanced	Medium
Demographic distribution of promoted internal staff	Talent	Advanced	Medium
Demographic distribution of departed internal staff (staff turnover)	Talent	Advanced	Medium
Demographic distribution of department staff by level and/or function	Talent	Advanced	Medium
Demographic distribution of internal matter staff	Talent	Advanced	Medium
Percent of training units by demographic category	Talent	Advanced	Medium
Demographic distribution of external matter staff	Talent	Advanced	High

	Metric	Type	Segment	Complexity
 <p>DIVERSITY</p>	Demographic distribution of lawyers in each engaged/panel firm	Talent	Advanced	High
	Demographic distribution of partners in each engaged/panel firm	Talent	Advanced	High
	Demographic distribution of relationship/responsible partners	Talent	Advanced	High
	Demographic distribution of firm leadership in each engaged/panel firm	Talent	Advanced	High
	Demographic distribution of promotions to partner in each engaged/panel firm	Talent	Advanced	High
	Demographic distribution of associate classes in each engaged/panel firm	Talent	Advanced	High

	Metric	Type	Segment	Complexity
 <p>LITIGATION</p>	Number of active litigation matters	Productivity	Foundational	Low
	Number of new litigation matters	Productivity	Foundational	Low
	Average internal cost to litigate each lawsuit (median)	Cost	Advanced	Medium
	Average external cost to litigate each lawsuit	Cost	Advanced	Medium
	Average external cost to litigate each lawsuit using alternative fee arrangement	Cost	Advanced	High
	Average cost to resolve disputes using alternative dispute resolution	Cost	Advanced	Medium
	Average cycle time to resolve matters	Cycle Time	Advanced	High
	Average cycle time for each lawsuit handled internally	Cycle Time	Advanced	Medium
	Average cycle time for each lawsuit handled by outside counsel	Cycle Time	Advanced	Medium
	Average cycle time to resolve disputes using alternative dispute resolution	Cycle Time	Advanced	Medium
	Average number of internal hours billed for each lawsuit	Productivity	Foundational	Low
	Average number of outside counsel hours billed for each lawsuit	Productivity	Foundational	Medium
	Average number of cases handled by each law department attorney	Productivity	Foundational	Low
	Ratio of hours spent per lawsuit by outside law firm attorneys compared to outside law firm legal assistants	Talent	Foundational	Medium
	Pre-discovery resolution rate of lawsuits handled internally	Outcomes	Advanced	Medium
	Pre-trial resolution rate of lawsuits handled internally	Outcomes	Advanced	Medium
	Pre-discovery resolution rate of lawsuits handled by outside counsel	Outcomes	Advanced	Medium
	Pre-trial resolution rate of lawsuits handled by outside counsel	Outcomes	Advanced	Medium
	Average budget to actual legal expense ratio per lawsuit handled by outside counsel	Cost	Foundational	Medium
	Average cost of legal research for each lawsuit (for matters handled internally)	Cost	Advanced	High
	Average cost of discovery for each lawsuit (for matters handled internally)	Cost	Advanced	Medium
	Average cost of trial for each lawsuit (matter handled internally)	Cost	Advanced	High

	Metric	Type	Segment	Complexity
 <p>LITIGATION</p>	Average cost of legal research for each lawsuit (for matters through outside counsel)	Cost	Advanced	High
	Average cost of discovery for each lawsuit (for matters handled through outside counsel)	Cost	Advanced	High
	Average cost of trial for each lawsuit (matter handled through outside counsel)	Cost	Advanced	High
	Originally estimated exposure vs. amount paid (settlements, fines, damages, etc.)	Outcomes	Advanced	High
	Distribution of dispositions (settled pre/post discovery, dismissed, trial -won/lost)	Outcomes	Advanced	High

	Metric	Type	Segment	Complexity
 <p>COMMERCIAL</p>	Number of active matters, by matter type	Productivity	Foundational	Low
	Number of new matters, by matter type, time period	Productivity	Foundational	Low
	Source of new matters	Productivity	Foundational	Low
	Avg number of matters per attorney	Productivity	Foundational	Low
	Avg Number of matters per legal assistant/staff	Productivity	Foundational	Low
	Avg number of matters by matter type	Productivity	Foundational	Low
	Ratio of amount budgeted for matters versus actual costs, by matter type	Cost	Foundational	Medium


	Metric	Type	Segment	Complexity
 <p>CONTRACTING</p>	Number of new contract requests per time period (month, quarter, year)	Productivity	Foundational	Low
	Number of contracts completed per time period	Productivity	Foundational	Low
	Average number of days to complete contracts (total and by contract category)	Cycle Time	Foundational	Low
	Number/trends by contract category (e.g. type, customer, vendor, geography)	Process Efficiency	Foundational	Low
	Contract renewals processed/upcoming, by time period	Process Efficiency	Foundational	Low
	Total and average contract value	Process Efficiency	Foundational	Low
	Cost of contract administration (staff, expenses, etc.)	Cost	Foundational	Low
	Average time to process, per contract	Cost	Foundational	Low
	Breakdown of number of contracts by department, category and user	Process Efficiency	Advanced	Medium
	Time spent (hours, days) drafting, reviewing, negotiating contracts	Productivity	Advanced	Medium
	Number/percent of contracts abandoned (pre-execution)	Process Efficiency	Advanced	Medium
	Percent of terms &/or of contracts with terms outside of standards	Process Efficiency	Advanced	Medium
	Percent of contract requests fulfilled using templates	Process Efficiency	Advanced	Medium
	Percent of contracts executed on self-serve basis	Process Efficiency	Foundational	Medium
	Percent of executed contracts that are disputed	Outcomes	Advanced	Low
	Most often disputed terms/clauses (executed contracts)	Process Efficiency	Advanced	High
Most often negotiated terms/clauses (pre-signature)	Process Efficiency	Advanced	High	



IP

Metric	Type	Segment	Complexity
Number of invention disclosures	Productivity	Foundational	Low
Ratio of invention disclosures to filed priority patent applications	Process Efficiency	Foundational	Low
Percent of products protected by at least one patent	Process Efficiency	Foundational	High
Number of patent families (global) with breakdowns by granted and active	Productivity	Foundational	Low
Number of new priority and secondary (foreign) patent applications year over year	Productivity	Foundational	Low
Total cost to prepare priority patent applications	Cost	Foundational	Low
Total/Average cost to prepare and file patent application with internal/external & category breakdowns (e.g. priority, secondary)	Cost	Foundational	Medium
Total cost to manage global patent assets with internal and external breakdowns	Cost	Foundational	Medium
Ratio of internal vs. external cost - priority patent applications	Cost	Foundational	Medium
Total cost of external patent counsel with geographic breakdowns (e.g. US vs. non-US)	Cost	Foundational	Low
Total/average patent services fees by category (e.g. annuity payments, translations, searches, filing, etc.)	Cost	Foundational	Low
Total/average patenting costs with component cost breakdowns (annuities, translations, foreign filings, searches, service fees)	Cost	Foundational	Medium
Total/average cost per patent family	Cost	Advanced	Medium
Total and average cost to handle patent filings externally by fee arrangements (e.g. fixed vs. hourly)	Cost	Advanced	Medium
Total number of priority patent applications handled internally vs. externally	Productivity	Foundational	Medium
Budgeted vs. actual costs for patent preparation and filings	Process Efficiency	Foundational	Medium
Ratio of patent filings versus issued	Outcomes	Foundational	Medium
Total/average hours per patent filing internally and externally with breakdown by role (attorney, legal assistant)	Process Efficiency	Advanced	Medium
Total number of patents filed/issued year over year	Productivity	Foundational	Medium
Number of Patent Oppositions filed year over year	Outcomes	Foundational	Low
Total number of Patent Oppositions	Outcomes	Foundational	Low
Average hours to prepare and file patent application for each law firm	Productivity	Advanced	High
Average patent application cycle time for each law firm end-to-end by stage (prepare, file, issue)	Productivity	Advanced	High
Number of Office Actions per patent application	Outcomes	Advanced	High
Number of trademark (TM) families and TMs granted and active (globally)	Productivity	Foundational	Low
Number of new priority and secondary (foreign) TM applications year over year	Productivity	Foundational	Low
Number of classes per TM application	Productivity	Foundational	Low
Total/average cost to prepare/file TM applications with external/external and category breakdowns	Cost	Foundational	Low
Total cost to manage global TM assets externally	Cost	Foundational	Low
Total cost of external TM counsel with geographic breakdowns (e.g. US vs. non-US)	Cost	Foundational	Low

	Metric	Type	Segment	Complexity
 <p>IP</p>	Total/average trademarks services fees with breakdowns by category (renewals, translations, filing, searches, etc.)	Cost	Foundational	Low
	Total/average trademark costs with component cost breakdowns (renewals, translations, foreign filings, searches, service fees)	Cost	Foundational	Low
	Total/average TM and TM Family Cost	Cost	Foundational	Low
	Total/Average cost to handle TM filings externally by fee arrangements (e.g. fixed vs. hourly)	Cost	Foundational	Low
	Total number of priority TM applications handled internally vs externally	Productivity	Foundational	Medium
	Budgeted vs. actual costs for TM preparation and filings	Process Efficiency	Foundational	Medium
	Ratio of TM filings versus issued	Outcomes	Foundational	Medium
	Total/average hours per TM filing internally and externally with breakdown by role (attorney, legal assistant)	Cycle Time	Foundational	Medium
	Total number of TM applications filed / issued year over year	Productivity	Foundational	Low
	Average hours to prepare and file TM application for each law firm	Productivity	Advanced	Medium
	Average TM application cycle time for each law firm end-to-end by stage (prepare, file, issue)	Productivity	Advanced	Medium
	Number of Office Actions per trademark application	Productivity	Advanced	Medium
	Number of TM oppositions filed year over year	Productivity	Foundational	Low
	Total number of TM Oppositions	Productivity	Foundational	Low
	Number of License Agreements	Outcomes	Foundational	Low
	Revenue generated by License Agreements	Outcomes	Foundational	Medium
	Licensing return on investment (ROI) – prosecution costs subtracted from revenue generated via licensing	Outcomes	Foundational	High

	Metric	Type	Segment	Complexity
 <p>COMPLIANCE</p>	Percentage of workforce that is tested to confirm understanding of Code of Conduct	Process Efficiency	Foundational	Medium
	Spend per employee for compliance/ethics training (by subject area, geography, department, job family, and level of employee)	Cost	Advanced	Medium
	Percentage of workforce trained regarding compliance/ethics responsibilities (by geography, department, job family, and level of employee)	Process Efficiency	Foundational	Medium
	Percentage of workforce that have performance evaluation incentives aligned with compliance/ethics objectives	Process Efficiency	Advanced	Medium
	Number of ethics line/hotline calls	Process Efficiency	Foundational	Medium
	Cycle time to resolve ethics Line/hotline reports	Cycle Time	Foundational	Medium
	Costs due to business interruption (including debarment)	Cost	Advanced	Medium
	Costs due to reputational damage (including lost sales, market capitalization affected)	Cost	Advanced	Medium
	Compliance Program	Productivity	Foundational	Medium
	Percentage of employees to whom code of conduct/ethics distributed	Process Efficiency	Foundational	Medium