



Précis Paper

Efficient Administration of Law through Delegation to Non- Lawyers

Greg San Miguel and Alan Conolly discuss changes in the legal market and the innovative way Law of the Jungle is using technology to revolutionise compliance.

Discussion Includes

- Law of the Jungle and the changing market for legal services
- How clients use Law of the Jungle
- Delegation to non-lawyers
- Risks and High Reliability Organisations
- Cost calculations for clients
- Law of the Jungle's market focus and their operations
- Reflections on the legal market

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Efficient Administration of Law through Delegation to Non-Lawyers

1. In this edition of BenchTV, Greg San Miguel (CEO, Law of the Jungle) and Alan Conolly (Senior Partner, AR Conolly and Company Lawyers) discuss Law of the Jungle's work in marketing compliance. The presenters consider current disruptions to the legal market and the benefits of delegation to non-lawyers.

Law of the Jungle

2. Greg San Miguel founded Law of the Jungle as a solution for people, who, competing in business, were dealing with a jungle of laws, regulations, codes and cases. Law of the Jungle provides a tool that can be used by the business user on a day-to-day basis. It is a rules engine that directs a non-lawyer, a member in a business team, to the things they need to know to get the job done.
3. Law of the Jungle is a pioneering force in a market that is undergoing enormous change from developments in areas such as RegTech and Legal Tech.
4. Although Law of the Jungle did not start with data as the driver of value, it now has people resourcing data alone. Data adds enormous value to the business. The amount of data available to clients changes their ability to run legal in a very competitive business environment. The ability of client's to use data to adjust what they are doing in relation to very specific needs is being refined on a daily basis.

Example (1)

5. A client using the marketing program has been able to watch the patterns around risks for their business. Several years ago, every piece of external communication had to go through legal as the client operates in a highly regulated industry. Through Law of the Jungle they introduced a system of triage. Only jobs that involved a risk outside of their designated risk appetite went to legal for approval. They were able to see what sort of jobs these were, what sort of choices people were making, how often these risks came up and out of that, be able to adapt and fine tune the program so that now, only about 20% of jobs need to go to legal for approval and 80% of jobs go through about two- weeks faster.

6. Law of the Jungle has allowed them complete oversight to number and rate their risks and demonstrate this to the regulator, justifying their actions on the basis of a sharper view of the risks.

Example (2)

7. Law of the jungle provided an online learning solution to a client, which included a program on behaviour in the workplace. It was extended to a manufacturing facility whose workforce had a high non-English speaking background. The program was put out in different languages and presented through an auditorium format.
8. Through the program, 21 employees were able to recognise that the foreman was breaching workplace standards. When the company let the foreman go and were then subject to a reinstatement claim, they were able to rely on the data from the program, in which the foreman had participated, to justify their actions. The industrial commission found for the company and ordered costs against the union for bringing the claim.

Delegation to non-lawyers

9. Law of the Jungle puts legal know-how in the hands of non-lawyers. This shares the burden of complying with the law amongst the whole team. In the long term, a hand holding role is not great work for lawyers. Furthermore, lawyers are not removed, but are actually a critical stakeholder in the Law of the Jungle's process. The program moves the lawyer up the value chain into a more strategic role. They are able to be across the whole organisation and intervene when it matters. The system pulls out issues that require expert advice and then ensures that the advice is disseminated to where it needs to go. The program dramatically improves the quality of the intervention by the lawyer; it reduces the level of reactivity and lets them control their workflow. It puts the lawyer in a driving role in terms of supporting the whole business initiative.
10. Elevating the lawyer to a professional level in the system enables them to be respected for their work as a lawyer. At the same time, the system moves authority downwards (devolution) as demanded by the logistics. The expert lawyer cannot be everywhere he is needed, as that would be an impossibly expensive model. Instead, the true value of the lawyer is leveraged, their know-how is embedded in the day-to-day systems, which are then supported and overseen by the lawyer.

Risks and High Reliability Organisations

11. The science around high reliability organisations and the research into what makes some organisations produce consistent quality outcomes with minimal risk is very interesting.
12. In particular there is an impossibly low failure rate on aircraft carriers. Notably, at the moment of risk, autonomy shifts from the bridge of the aircraft carrier to the flight deck. The approach of Law of the Jungle is similar as it arms the team at the coalface to make good prudent decisions. This underlying philosophy with which Law of the Jungle approaches its work, is supported by the HRO (High Reliability Organisation) theory.

Cost benefits for clients

13. Law of the Jungle always helps the client to do a business case. The cost analysis relates to risk and the cost of current systems of compliance. The cost of the lawyer is usually low. The true cost is the extent to which the processes as a whole are twisted around a perceived compliance requirement. They are often not efficient or correct.
14. An example is the perception in financial systems that more people make the signing off process more effective and reliable. Evidence demonstrates, that instead, no one takes responsibility and the super structure created in the interest of compliance is actually corrupt. Ideas like ownership and devolution are much more powerful. Empowering business teams and enabling them to get involved in the decision making process is more effective and efficient.

Law of the Jungle's market focus

15. Law of the Jungle is focused on the enterprise market. Large corporations are willing to expend significant energy protecting their brand. The market for compliance solutions is however extending into mid-enterprise and SME therefore Law of the Jungle now has a mid-enterprise and SME offering. Furthermore, any development in the larger end of the market, with appropriate price adaption, will benefit or be of interest to smaller organisations.
16. Law of the Jungle is looking for clients that have high transactional volumes and heavily regulated environments. Particularly, clients that have a high recurrent transaction or business practice that needs the team as a whole to address the relevant, impacting regulations or laws.
17. Law of the Jungle is very focused on the space of marketing, packaging, labelling, and external communications. They are working towards a certain level of concentration, and penetration before they expand out.

18. In the work of Law of the Jungle, there are two important questions. The first is, what is the problem we are trying to solve? To answer this, identifying the risks, systematising the risk management and having the data to support it on the protection side are all very important. The latter is particularly under-recognised. Secondly, Law of the Jungle looks at the cost of compliance which, due to reiteration, is often monumental. It is necessary to expose the unnecessary pantomime in some areas of the business to give the client a clearer idea of how much pain is involved, and can be removed, from some of their operations.
19. Law of the Jungle offers two products. The first is a smart rules engine that takes laws, codes, and cases and delivers them to a businessperson. It assists them to work out how the law impacts on what they are doing, and how to deal to that. This significantly brings down reiteration rates. Intelligent elements are also being introduced into the programme. These enable greater anticipation of the issues to be addressed, with higher and higher precision. The Law of the Jungle's marketing solution has now been taken to a global level.
20. Furthermore, this offering will define the issues that clients must deal with and seamlessly record a log of how they are addressed. This will expose the decision-making process. This will help new business people who have not been trained, and conversely, prevent long-term employees from becoming complacent. The risk management benefits are critically important. A real time audit trail is created, without anyone doing anything.
21. The second product is an online learning, training and assessment program. This program is about impacting on behaviour, whilst the first offering is about impacting on process or procedure, these are the twin challenges of compliance. The program assists issue recognition. It uses contextually relevant and entertaining stories to achieve a certain learning and behavioural outcome. Typically, it will be automatically linked to a client's own HR or learning management system and will generate the relevant updates and notifications. Employees will automatically receive an invitation to go through the program and their participation will be recorded. The programme self-enforces very neatly.

Working for Law of the Jungle

22. Law of the jungle offers an opportunity to gain soft skills and exposure to clients early on. It is a real meritocracy and engages a diverse range of young lawyers and researchers. It provides an exciting opportunity to engage with technology and commercial and legal content and achieve career progression.

Reflections on the Legal Market

23. There is an inherent value in a legal education however, the market for external legal services has diminished. Law is one of the last industries to be disrupted. Law of the Jungle is successful because it understands that in the legal market, particularly for clients, the compelling issue is always value:
- what are we getting?
 - how much are we paying ?
 - how is it justified?
24. The delivery of legal services and the management of disputes are constantly evolving; the success of mediation is an example of this. It is interesting and important to consider how technology will revolutionise all aspects of the legal process, such as in relation to greater access to evidence, records and the potential to prevent delay. There is much room for the legal system to respond to the opportunities technology presents, and it is important for the machinery of law and the courts to adapt to ensure efficiency,

BIOGRAPHY

Greg San Miguel

CEO – Law of the Jungle, Sydney

Greg is a thought leader a prominent speaker and writer on corporate regulatory compliance. He has 20 years' experience as a lawyer and commercial litigator, specialising in trade practices and intellectual property. Prior to forming Law of the Jungle, Greg was a partner at the Sydney law firm, Middletons Moore & Bevins, where he led the 'Strategy & Prevention' practice group, pioneering techniques for using law as a management tool. He was a founding member of the firm's executive management committee and is a former member of the Management Committee of the Association of Compliance Professionals in Australia. Greg has degrees in law and economics. In addition to his legal career he worked for a period in Chile in human rights and a correspondent for the Sydney Morning Herald and London Times.

Alan Conolly

Senior Partner, AR Conolly and Company Lawyers

Alan Conolly founded the legal firm AR Conolly and Company in 1968 where he remains a partner in full-time practice. He has chaired companies in diverse industries including oil, IT, dance, agrochemicals and film. Life Member of the Law Society of New South Wales, publisher of Benchmark.

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