

## On the Shoulders of Automation: A Worker's Inquiry into the Hybrid Nature of the Legal Managed Services Industry (LPO/ALSP)

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In this article, the author draws upon a 12-month ethnographic study of one of India's largest legal process outsourcing (LPO) firms to provide a workers' account of legal work. When LPOs came to Indian shores, they offered reasonable hours and fair pay and positioned themselves between the partnership tracks at law firms and private practice as litigators. The initial success of this model in attracting offshore projects threatened to end the monopoly of law firms—in terms of the social capital and client loyalty that law firm personnel enjoyed. While a substitution did not happen, several practices have become ubiquitous in law firms, which may have originated in the “best management practices” crucible of major LPOs. The workplace investigated was mediated by a hybrid of traditional Taylorist techniques and digital tools. The author establishes a pre-enquiry for studying legal sector labor. The author sheds light on LPO practices that may be bleeding into other parts of the legal sector so that workers across legal subsectors can observe and calibrate their organizational strategies accordingly.

*Keywords: automation, India, alternative legal services providers, digital labor, law, legal work, LPO, ALSP, IT, ITES, call center*

Since the economic liberalization of 1991, the world of white-collar workers in India has undergone dramatic changes. Modern office spaces emerged in the 1960s in the Global North, but some of their most pernicious effects were seen and felt in the Global South after a few decades. Nikhil Saval (2014), in his timely history of white-collar work, paints a lively picture of the environment in which this new labor class crystallized and works today: It is a world of cramped cubicle farms dotted with Herman Miller ergonomic chairs and hours spent hunched over screens in silent but intense mental labor. Here, he traces the origins of the office to lawyers' offices on Wall Street and their need for a professional group of clerks. As the hallmark of the service sector, white-collar work in offices began with this basic drive in the legal profession—to distinguish people who played by rules distinct from those in the traditional workplaces of the manufacturing sector (Saval, 2014). An analysis of newer forms of legal work production is thus a relevant entry point for the author, in his role as a legal professional, to investigate how worker power is exercised in these white-collar spaces today and how it may interface with technological control of the workplace by management in the future.

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In this article, the author draws upon an ethnographic enquiry across 12 months of employment as a legal analyst for one of India's leading alternative legal services to provide a workers' account of legal work. This workers' inquiry takes stock of the sector 30 years after economic liberalization, accompanied by a balance-of-payments crisis (Reserve Bank of India, 2018). These events rapidly altered commercial and transactional legal work. A steady source of both onshore and offshore legal work was beneficial to the growth of professional law firms, which were modernized to cater to the legal advice and documentation needed by foreign firms flowing their capital into Indian markets. Nearly ten years after the rise of the modern law firm came the Legal Process Outsourcing (LPOs) (or alternative legal services providers), with their gaze firmly fixed on outsourced or offshore legal work. Offering a better work-life balance and fair pay, these workplaces positioned themselves as a career option for corporate lawyers who did not want the pressures of the partnership track at law firms nor the initial instability and low pay associated with litigating lawyers of private practices. For a brief period, the success of LPOs threatened to upend the monopoly of law firms on both the supply and demand sides of legal work—in terms of social capital and access to critical clientele. While that promise of substitution remains unfulfilled, several practices have become ubiquitous in law firms, which may have originated in the "best management practices" crucible of major LPOs. A hybrid of traditional management personnel and digital tools has mediated the workplace under consideration. In this article, the pre-enquiry for studying white-collar work in the legal sector is laid down, followed by an ethnographic account of one year of the author being placed within a leading LPO.

### **Methodology**

The author combines a literature review of similar workplaces and auto-ethnography to accurately describe workers, their conditions of labor, and their forms of resistance (Ellis, Adams, & Bochner, 2011). The desk research focused primarily on the working conditions in the LPO industry and allied workspaces, broadly termed "outsourcing industries," such as information technology (IT), information technology-enabled services (ITES), and call center work. The author conducted autoethnography for 12 months by accepting a mid-level technical role, from 2018 to 2019, in a leading LPO that allowed access to rank-and-file workers and middle management. The author focused on (a) his direct experiences of the workflows, (b) how his identity was shaped (initially by organizational sense breaking and later by organizational sensemaking) to prepare for the work, and (c) the final work product itself. An ancillary source of corroborative information was unstructured workplace interviews with workers directly in the author's projects and former workers who were familiar with the projects that the author was undertaking.

Theoretically, the workers' inquiry has a long history associated with the international trade union movements—by being a tradition of placing the research point of view firmly within the laboring class, it has been well placed to demonstrate hitherto unexplored perspectives. In simpler terms, this entails investigating workplaces from workers' perspectives to provide an empirical starting point for organizing. This tradition is rooted in the work of Karl Marx, who sought to understand working conditions in factories by circulating a survey to workers. Over time, debates within orthodox Trotskyism sharpened this Marxist research tradition when Fordist and Taylorist visions of workplace management began to dominate strategic thinking in the manufacturing sector (Woodcock, 2014).

Attitudes toward workers self-organizing themselves in digital labor spaces (specifically in the IT industry) have been viewed positively in the Indian space (Bisht, 2010) and globally (Tarnoff & Weigel, 2020) in the last couple of decades, although recognized or major unions have not always been visible. In recent years (2015–2020), a wave of pay cuts and layoffs from IT/ITES firms has ensured that IT-based unions are increasingly visible in workplaces, as well as asserting their visions in the policy space. Several recognized unions appear today on the IT and ITES horizon—the All India IT&ITeS Employees Union, Union of IT and ITES Employees, Karnataka IT Workers Union, and Tech Workers Coalition (India), among others. These unions have focused on wage and job insecurities, as well as resisting the deepening algorithmic management of IT and ITES work (John, 2021).

It is important to mention that, while the organizational activity in digital labor spaces is finding legal recognition and support, there may be technical-legal barriers to organization in LPOs. Lawyers in India are regulated as professional workers under the Advocates Act 1961, and a High Court judgment has ruled that this professional status would prevent them from getting registered as a trade union under the relevant trade union legislation, as they do not share employee-employer status (*I.A. Saiyed v. State of Maharashtra*, 2006). Although unions for lawyers are present, their legal recognition as trade unions remains difficult because of such roadblocks. LPO workers may need to find solutions for legally recognized worker representative organizations where their identity as lawyers is not paramount.

The effect of AI and digital technologies on the workplace is increasingly being seen as an augmentation of the labor process and not a binary of automated versus non-automated workflows (Moore & Woodcock, 2021). In our study, we note the trend of data on workers and the workplace being used not to automate the workflow directly but, in various ways, to atomize work and deskill individual workers to allow for greater managerial control before the eventual automation of the workflow. This is strikingly similar to how information about workflows allows management in the ITES and IT sectors to control staffing, knowledge about projects, and the identity-shaping narratives of each worker and manager (McMillin, 2006; Rathi & Hicock, 2019; Upadhya & Vasavi, 2020).

Furthermore, the author draws inspiration from co-researching, over an extended period, the works of Woodcock (2017, 2019) in his workers' inquiry of a call center in the UK and the video game production and consumption sector. Many of the findings in this article are corroborated through co-research, that is, reporting from fellow workers who were appraised of the author's objectives to map their workplace.

The company that the author chose to study ("LPO Tx") initially operated as an independent LPO but had, over time, been acquired by several bigger companies that operated it as a stand-alone business unit. This distance, in corporate governance terms, served to preserve work traditions, routines, and identities of the workplace as it transitioned under various managements but also led to contestations between newer top management and older middle management. One consistent fault line was a difference in narrative about the main function of the company—whether it was that of a product or that of a service. The author worked for the legal requirements of a global FMCG company for whom the LPO offered three main services—(a) drafting and negotiation of software contracts, (b) drafting and finalizing run-of-the mill vendor contracts of inputs of final products (such as chemicals or pellets) or services linked to production (such as installation of quality checking machines), and (c) unbundle routine legal work of low value

commercial contracts, establish an automated process with help of chat bots which could guide the clients' business managers to resolve documentation issues without the help of a human lawyer.

In Part 1 of this article, the author discusses the structure of the legal process outsourcing industry and the outline of the workers' inquiry methodology employed in this article. This section forms the first part—the pre-enquiry part—of the study, wherein the underlying context is described. In Part 2, the author delves into the narrative stage of the study, discussing work management and daily working conditions on the work floor. In Part 3, the author investigates worker resistance and its various manifestations in hostile environments designed to break down solidarities and modify the production process to serve the needs of the workers themselves. Part 3 concludes with a discussion of the main themes of working conditions outlined in this inquiry.

### **Part 1: The LPO Industry**

#### ***Cost Cutting of Legal Budgets as the Primary Growth Drivers***

The state of the legal industry in India is described as a massive unbundling of its workstreams. Traditionally, elite lawyers in India enjoyed high social capital as litigators or business lawyers, owing to their perceived importance as genuine business partners or advisors in disputes or commercial transactions. At the apex of their profession, lawyers enjoy a high socioeconomic position combined with cultural standing. However, the traditional route to such economic independence and social mobility is through decades of painstaking legal practice for often initial low payouts. Legal Process Outsourcing ("LPO") companies promised a route to such social capital without the bottlenecks of elite gatekeeping that pervaded the legal sector. Prior studies noted that this substitution had not come to pass, although the industry provided a stable income for lawyers from non-elite backgrounds without the benefits of social capital accrued from commercial practice in a law firm or as a litigating lawyer (Noronha, D'Cruz, & Kuruvilla, 2016). Over a period, the professional trade-off for any lawyer entering this sector has become clear—LPO lawyers enjoy decent mobility within the industry itself, but they do not, on average, gain enough skill to become trusted business advisors or legal counsels. More worryingly, there is evidence that most employees progressively become deskilled to the extent that they are content to lock into a particular project and continue in a role for years without growth in wages or responsibilities. Hiring teams (particularly those dominated by lawyers) at companies and law firms recognize the threat that LPOs pose to traditional legal practice and harshly discriminate against workers who have spent more than a short stint in the industry. This is seen in reflections of workers during applications for non-LPO jobs, with many receiving rejections with one-line feedback—"we are not looking at low-cost solutions such as yourself," assuming that they have no experience and showing general disdain for any project successfully completed within an LPO setup. The walling off of the labor market into segments serves to increase the internal divide between legal workers as a class, but more importantly, it keeps low-cost, low-value outsourcing options in the market. By ensuring low mobility, the LPO employee base is caused to churn within the industry, with successful exits from traditional legal employment relatively rare.

Observers have predicted that the use of data analytics, custom products, and the cheap cost of data processing in India would provide a fillip to this industry and emerge as growth drivers (Noronha et

al., 2016). On the other hand, in the last decade, stagnating legal budgets have not kept pace with the rise in legal and paralegal work. To close this gap, techniques such as off-payroll solutions (such as the semi-permanent secondment of lawyers by legal recruiters to companies) and the use of several LPOs and boutique law firms to induce a race to the bottom in prices are becoming increasingly common. This spur in work for LPOs is not a result of businesses valuing legal work more but rather the result of a great unbundling of legal work, with companies now using the trend of smaller budgets to exercise far more control over day-to-day activities than in the earlier retainership model of external law firms or hiring of internal legal counsel.

Despite renewed pressure on costs brought on by the Big 4 firms entering this space, alongside independent LPOs, law firms have so far resisted large-scale loss of business. It is not clear whether this will continue, as Big 4 firms offer an ever-expanding slew of transaction facilitation services for ancillary nonlegal work and hire top talent for core legal work. LPOs remain structurally sandwiched between these interests as they compete for an ever-decreasing slice of outsourced legal work, their presence being an ominous threat to working conditions deteriorating across the sector. A recent report of a second-year law firm worker losing his life to exhaustion and organ failure has raised several questions in the legal community. The pressures on the legal sector as a whole to deliver increasing value for decreasing costs have taken a morbid toll on the workers on all rungs of the value chain ("RIP Khaitan 1st year NLIU," 2021).

Noronha and colleagues (2016) describe the structural reasons why the long-term core of offshore LPO work may remain entrenched in the LPO industry in India. First, India shares a common law system with the United Kingdom, the United States, Canada, and Australia (and much of the global North) because of the colonial legacy of legal systems. Second, India churns out many qualified lawyers (with varying levels of competence), establishing a steady supply of legal personnel who are available for approximately 20% of the cost of their counterparts onshore (Fischer, 2010). Finally, the time difference between many countries of the Global North and India syncs with available communication technologies such that legal support is offered around the clock for critical projects (Woffiden, 2007).

## **Part 2: The LPO Production Process**

### ***Workflows and Wages***

Digital labor can be defined as a "global network of various forms of labor that represent various interlinked modes of production and various levels of organization of the productive forces" (Fuchs & Sandoval, 2014, p. 512; Greenbaum, 1976). In this way, digital labor in an LPO under managerial control combines with clients' in-house legal input to produce various documents that can support intended legal transactions and outcomes for the client. The understanding of the sector and the processes through which alternative legal services ("ALS") or LPOs function as defined here and described previously in Part 1 does not always correspond to how LPO Tx projected itself to its clients, regulators, and the wider community. For example, the sales team consistently reported a demand from client businesses for an employee-light but technologically bespoke product to manage legal services. This pressure on LPO Tx at least culminated in projects being promised to be executed at prices that did not allow standard staffing. To make up the numbers, delivery teams for many projects spiraled into a cycle of seasonal hiring and firing of lawyers at depressed wages. Work satisfaction was low in these teams as the delivery-side and sales-side managers

engaged in bitter negotiations to shift the onus for unmet client expectations. While the sales team tended to view the LPO work as primarily about a product, delivery teams often contested that view by asserting that the work was primarily about services. Organizational identity scholars describe this contestation as inconsistent sensemaking between two layers of management (Ashforth & Schinoff, 2016; Ibarra, 1999; Ibarra & Barbulescu, 2010). This inconsistency was a persistent fault line because while the product logic emanated from top management (based on their experience of client expectations of finished products), middle managers were more comfortable projecting their work in the framework of service logic (based on their experience of executing previous projects).

### ***Segregation by Work Product***

Workers were segregated based on the projects they worked on or were hired for. Two main groups existed at the management level—the “corporate and compliance” and the “litigation support” verticals. The corporate function was a mixture of two different services: contract abstraction and review (“Abstraction Team”) and contract drafting and negotiation (“Drafting Team”). Contract abstraction helped companies with routine discovery and remediation in contracts, while contract drafting involved substituting the client’s legal team to perform the core legal work of drafting and negotiation. Contract drafting was supposed to be a skill higher than contract abstraction. General outsourcing studies have noted that integration of higher-value client work flows with the vendor has a negative impact on the motivation of the workers in the client entity (Davis-Blake & Broschak, 2009).

### ***Identity Formation Through Cultural Segregation***

Other than wage structure and formal rank, worker segregation into distinct labor aristocracy and rank-and-file categories was done through normative methods as well. By establishing a culture of overwork, staying beyond the stipulated eight hours for overtime pay, and encouraging substance dependencies, managers could select a group of their favored rank-and-file workers whom they were sure would comply with any new management policy or external project requirements. After office hours, these chosen few would be called to be part of project discussions in local restaurants frequented by most of the upper management. Those considered pliable were invited periodically, while most of the rank-and-file would perhaps be invited once a year, and for some workers, never at all.

### ***Digital Wage Cuts***

The utility of labor segregation for management becomes apparent when studying a change in company policy on overtime pay that occurred during the period of study. Tx paid overtime beyond eight hours on the floor, as determined by the daily biometric report that was circulated to all workers to notify them of the hours clocked. The company’s policy change on overtime was promised as a measure that would deliver more overtime pay to the best-performing workers. An insidious trick was hidden in the annexures to the notification that showed the applicable numbers behind the new overtime scheme. Upon close analysis, it became clear how a combination of neat accounting rejigs, biometric identification, and managerial discipline enabled the company to spend less on overtime while projecting a narrative of fairer pay. In the revised mechanism, the denominator of the number of working hours contracted was unilaterally

shifted to 30 days in the accounting and payroll software. Hence, under the revised scheme, the overtime rate would be calculated on a base of 30 days or 240 hours (as opposed to 24 days), representing a nearly 30% pay cut in overtime pay. Overtime payout was originally configured automatically by the billing platform through a simple cross-check of the biometric logs for each worker but in the revised policy was configured manually for the manager. Under the new scheme, managers would now be docked pay (from their yearly bonus payout) in proportion to the overtime paid out on projects. This redoubled the pressure on workers to deliver even more results in less time through perverse incentives for middle management.

Rank and file workers remained in confident denial that their wages could be curtailed in such a blatant manner, especially after being couched in the language of bettering overtime payouts. It became clear that the management process of sense breaking had a significant effect on the workers' cognitive ability to understand how the working conditions were changing. Scholars have commented on the Stockholm syndrome that is common in white-collar spaces in India—wherein victims of workplace bullying respond aggressively to suggestions that they may be of getting abused (Samanta & Singh, 2020). In this case, a steady stream of employee attrition continued, but any organization based on this issue was headed off because of management's changing policies (both traditional and digital forms) and the bulk of the workers being unable to process the mechanics of their abuse. In many cases, the author noted that the identity of workers as knowledge workers was perceived to be immune to adverse changes to working conditions by management. Research in the IT sector (Mukherjee, 2020) demonstrates how women workers frequently invoked their identities as knowledge workers and professionals to justify management inertia in inadequate working conditions. The first step of any organizing effort must provide an environment that allows the worker to heal from the assault on mental health from consistent managerial assertions of control.

## **Part 2A: Surveillance at Work: From Cubicle to Screen**

### ***Recruitment***

The author had to participate in a two-level aptitude assessment process followed by two interviews to be accepted in a role described as a senior resource in a contract review role. The aptitude test comprised reviewing and suggesting edits (from the perspective of the buyer of services) to an older services contract describing the obligations of a vendor company providing engineering services to a multinational corporation. 24 hours were provided to revert with the mark-up (a process that is described in the legal industry as red lining), after which follow-up questions were asked about the legal nature of the commercial transaction as deduced from the documentation provided. The final stage of the process involved travelling to the relevant facility and participating in the interview process. The process took approximately three weeks to complete, after which the author started working in the facility.

### ***Physical Spaces***

The facility was a maze of biometric-enabled doors and partitions that divided up the entire office floor into zones—(a) the main workspace for the delivery teams, which was called the "floor," (b) ancillary work spaces for specialized delivery teams with opaque separations and biometric controls called the "fish-bowls," (c) cabins for key management personnel, (d) open lobby area for personnel of the third-party office

administration services vendor, (e) separate spaces for support staff, such as sales teams and human resources, (f) conference halls, (g) food machine, canteen area, and medical room, (h) smoking area, and (i) washroom areas. It was explained in an introductory briefing that labor laws were strictly adhered to, which meant that a worker would need to spend a minimum of eight hours in the designated workspaces. Spaces (g)–(i) were labeled non-workspaces (off-floor time), which meant that one would not be paid for the time spent in these areas anytime during the shift. Thus, breaks, even for emergency phone calls, parcel deliveries, and health checkups, had to be accurately timed, and no accounting was made for personal emergencies or other contingencies. On a typical workday, it was not unusual to see approximately 20% of the working strength of the delivery teams working late nights to make up for the hours lost earlier during the shift.

### ***Biometric Timekeeping***

During the author's period of research, it was noted that the use of biometric identification through fingerprints (initially reserved for critical infrastructure spaces, such as server rooms) had slowly transitioned over 12 months into facial recognition systems in the entire facility. An earlier card-based and fingerprint-based system was seamlessly implemented during the period of study. However, the facial recognition solution proved to be glitchy for early testers. Each project or team leader was asked to nominate a team member to sign up for a trial of the facial recognition system. The new system was slower to operate and caused resentment among the workers who were the unpaid subjects of the facial recognition software pilot. No privacy policy was discussed about the collection of such critical personal data, nor were any assurances made to limit the data collected.

### ***External Certifications and Internal Control***

Workers in marketing roles observed that the company's narrative to potential clients was to emphasize its certifications as an ISO 70001-compliant office space. Research in the IT industry (Prasad, 1998) has demonstrated that ISO certification activities provide an active opportunity to enhance managerial control over workflow rather than to improve the final product. Similar tendencies were observed in Tx. A visible ISO 70001 feature was a service offered to offshore clients with sensitive data work that involved cordoning relevant project members for their functional work day into a physically walled-off space dubbed internally as the "fishbowl." Employees deputed to these projects were not allowed to take their phones into the workspace nor talk with non-project personnel during office hours. Similar project requirements have been frequently reported in the ITES industry (Remesh, 2020, p. 246). This has the effect of alienating employees deputed to such projects, as project staffing for these projects is reserved as a disciplinary measure. The threat of being transferred to such a project would alienate fellow employees as a source of support because of the almost complete physical separation. There was also a steady stream of lawyers who were hired directly into such projects. Other workers speculated that such workers had to be in a dire financial need to accept such strenuous work conditions. For those workers who had never been in the fishbowl, the disembodied voices that drifted at regular intervals in the spaces of the "floor" were not enough to humanize the workers in the fishbowl—dismissing their fellow coworkers' plight as irrelevant was surprisingly easy for many to do, although a few workers with whom the author interacted were friends with or sympathized with those who had to spend stints in the fishbowl. Almost all of these outliers on the floor



reported that the design of the cubicle space contributed to dehumanizing the workers in the fishbowl. Concomitantly, the company's internal narrative of it being mandated by client policy was accepted by most workers. Few questioned the effects on the mental health of workers who had to undergo physical and mental cordoning for most of their working hours.

### ***Physical and Digital Surveillance***

The workspaces meant for the delivery teams—the “floor” and the “fishbowl” were designed to be in the center of the office space, where cameras could have a clear view of the workers' screens. Certain workstations were in blind spots of the cameras overlooking the space, particularly around structural beams or behind printers that dotted every alternate row. These spots were coveted by the rank-and-file workers because a lack of oversight on screen time was perceived to denote a modicum of privacy. It is unclear how effective this was in practice because management also tracked screen activity through several widgets running on all workstations. IT systems did not specifically hide these widgets for the most part, regularly showing up as processes in the task manager of the operating system, as managers were content to allow a feeling of constant surveillance to pervade their workers' consciousness. A common coping mechanism was to use phones and other personal devices to take mental breaks from the monotony, although this was verbally discouraged. A ban on phone usage in the workplace was reported by the workers, although not directly experienced by the author.

### ***Trust and Workplace Identity***

It is relevant to note the physical dangers to workers that surveillance sensors, privacy protocols, and organizational culture fail to protect against. After the administration of office utilities was outsourced to a vendor company, workers mentioned that routine fire drills had stopped. During the author's period of investigation, a fire broke out in a different office in the same building in the middle of the day. As the alarms went off, most workers refused to leave their desks. The client-first attitude that both workers and middle management identified with was on display, as most had to be cajoled to leave for the emergency assembly area with assurances that clients would be told of the emergency and that the day's wages would not be deducted. Many lives were put at risk (although no one was harmed) because, ultimately, despite many hours of trust-building exercises, employees had (a) refused to drop client calls without direct instruction and (b) had little expectation in the automated system of biometric attendance and payment systems to be fair. It is relevant to note that scholars have shown that identities in the workplace can be consistent, even in the face of management distrust, and this was amply demonstrated in this case (Brown, 2014; Bunderson & Thompson, 2009).

## **Part 2B: Hybrid Management—Deskilling and Proletarianization**

### ***Unbundling of Legal Work***

The company that the author had chosen was a leading LPO, one of the pioneers in the industry and an attractive acquisition target. It was valued by both workers and managers in the industry as well as by competitors and investors operating in this space. It was an underlying fault line that investor interest was always more focused on attempts to build products from legal work, as opposed to the service-based

approach adopted by middle managers and workers. The author discusses some general trends seen in the industry about the management of this type of work with appropriate context-specific inputs for Tx.

Law firms and companies are currently habituated to unbundling and outsourcing a number of legal tasks. These have been described as follows:

discrete tasks such as document review for responsiveness, relevance, significance and privilege; preparation of deposition questions and digests of deposition testimony; briefings with experts; preparation of motions and pleadings; arguments at trial; patent research and application drafting and numerous other tasks to the cheapest person, who could be either a lawyer or a non-lawyer in the supply chain. (Noronha et al., 2016, p. 616)

Thus, the element of deskilling is hard baked into the system at the time of unbundling—"a project that holistically may require the expertise of a lawyer but when broken into component parts it may take on non-legal characteristics devoid of the jurisdictional context" (Noronha et al., 2016, p. 616).

Workers at LPOs have described their work experience in previous studies as "clerical and paralegal," as well as "a-copy-and-paste-job" designed for people with non-legal skills (comments received in the ethnographic leg of the research for Tx). Instead of knowledge of the law, familiarity with e-discovery software, the English language, and soft skills was generally considered a better marker of performance by workers. Empirical studies of other LPO workers showed that

trained legal professionals found LPO work inconsistent with their traditional job portfolios. Instead of meaningful, challenging and socially useful work driven by autonomy and performed in collegial contexts with significant client interaction, LPO lawyers are deprived of task identity and significance and have little control over work conditions, pace, or content. (Noronha et al., 2016, p. 626)

There were reports that "tedious, regimented, and unrewarding jobs split off from the larger case are the norm," and workers "(. . .) had to blindly follow client instructions, with any change in work processes requiring client approval" (Noronha et al., 2016, p. 626).

### ***Low Preference for High Value Work***

The characteristics of unbundled legal work were certainly present in most of the tasks that the author performed during his investigation. However, the quality of the work also varied, particularly in the drafting team. There was indeed a project that involved drafting and negotiating software contracts for a global FMCG company—a role that required legal nous and intellectual rigor. The author's experience was that this project represented a significant deviation from the deskilling that was happening in other parts of the team's work. However, this was not appreciated by most workers and, indeed, by management. Hostility to skilling was displayed by the managers who made it a point to oppose any employee from building a specific expertise. One might think that this would be encouraged or discussed as a carrot to specialize and do higher-value work, but it was not so. The management narrative that the high-value aspects of the project, such as the intellectual

challenge of interacting on equal terms with information security and vendor legal teams and negotiating with counterparties on high-value deals, were described as a high effort, low return assignment. This assessment was only partly correct, as the project brought in relatively much lower revenue than comparable projects but provided a platform for lawyers to skill up under adequate guidance. The project was not taken seriously by the sales teams, and no effort was made to retain, renegotiate, or expand it. Until the quality of work in LPOs moves from routine to more advanced legal work, the lack of work satisfaction experienced by Indian lawyers in LPOs will continue (Noronha et al., 2016).

### ***Performance Reviews***

Appraisal and performance management systems were gamified through a “rewards and appreciation” platform where ratings and reviews were nameless and faceless. Managers could provide a rating out of 5.0 and write brief notes justifying the same; however, it would not be clear to the workers from which manager the particular review had come in. The average rating would be in a small range of 3.1 to 3.9, with only those chosen for promotions crossing the 4.0 mark. Disputing these notes and ratings was a clickable option—this meant that the platform would put the review of the manager for seven days in abeyance and display it as a “contested review.” The platform was not clear about what would happen at this point, and upon requesting more information, the author was informed by colleagues that this was the time to request a meeting with one’s supervisor. The only way the rating or review could change at this point was if the worker managed to convince the manager to change his or her mind. From the ethnographic research, it was notable that only one senior worker could recount an incident of any of these meetings having a proworker outcome. Any question asked during these meetings, which would involve the manager being accountable for the rating, would result in diversionary answers involving statements such as “the platform considers all factors of performance,” and “we would not know but it is possible that your high error rate as noted by the platform has led to a lower score.” In summary, it should be noted that a small portion of the decision making was purported to be automated, but even so, the automated decision making was not explained or used to obfuscate and reflect existing manager biases.

### ***Breakdown of Organizational Sensemaking***

Ashforth and Scinhoff (2016) explain that new recruits in an organization have a period of sense-breaking where they lose their previous work identities, followed by a period of sense-making where they understand and pick up desirable work identities that fit in the new workplace. Incomplete and inconsistent sense-making was revealed in the ethnographic research by the deep distrust with which the delivery team management regarded the sales teams. Frequently, the sales team overcommitted in terms of technical capacity and volume to the client, which soured the relationship between them and the delivery teams. Over time, the author noted that middle management, who handled projects, often considered their legal counterparts in the client companies as their actual supervisors and not the managers with whom the higher management forced them to work. This left workers in a quandary, often having to soothe disagreements between the clients’ business teams (who were the *de jure* client representatives) and the clients’ legal teams (who were the *de facto* client representatives). The root cause of this disconnect can be traced to the difference in training and background between the delivery and sales teams—sensemaking around the overall nature of work (“what do we do here?” versus “what do we need to sell” narrative) had become

markedly different through the various ownership transitions; hence, a unified narrative was absent during the period of study.

In summary, what emerges from the production process is a deeply disturbing picture for workers. LPO work is structurally deskilling and eroding social capital for workers both internally and externally. Traditional Fordist methods of unbundling and atomizing tasks and Taylorist methods of standardization of workflows are routinely applied to proletarianize the workforce. Simultaneously, digital tool-led management is observed at critical junctures, such as performance appraisal, but full-scale *algorithmic management* of the workers is not observed. It is also relevant to note that changes in service-level agreements with client corporations have a significant effect on working conditions and performance parameters, as it was observed that new projects usually trigger changes in work conditions.

### **Part 3: Paths of Labor Control**

#### ***Worker Resistance on the Floor***

During the author's research, there was no evidence of a formal or informal trade union being present or acknowledged, even with Tx's self-proclaimed high levels of labor law compliance. No statutory committees handling workplace issues were noted. There was no broad organizational power center among the workers that could be easily identified even after one year, which could serve as a starting point to organize. Having said that, individual acts of resistance could be observed at various points in the production process, and the following were encountered during the period of study:

#### ***Go Slow Strikes***

The beginning of every workday in the drafting team was kicked off by an all-team internal call referred to internally as the workflow call. One junior team member was assigned to vet all emails and client requests on the query platform and prepare a row of "tickets" corresponding to each legal request, a process referred to as "workflow preparation." During the workflow call, a few managers would call on workers to "volunteer" their time for specific requests and mention a time estimate. The risk of a non-optimal estimate was largely on the worker—budget too much time and be rebuked for being slow, budget too little and risk being rebuked for not getting the estimate right in the first place. The author observed that disgruntled workers, when assigned the duty of "workflow preparation," would go slow in their work and thus ensure that the workflow call would not take place on time. Because of the parameters mentioned in the service level agreement between the client and Tx, as long as tickets (marked for completion during the day) remained unresolved, managers and workers could not close for work and return home. Consequently, by working slowly during preparation time, workers could disrupt the typical production day by pushing timelines back for the entire team. Managers recognized this bottleneck of worker control and, as a response, included specific training for workflow preparation and standardized it using algorithms. Both systems failed to take off, and workflow remained a manual exercise of making a list, which was arduous but system critical to the production process at the LPO.

### ***Control Over Documentation***

Service-level agreements mandated that Tx should keep track of legal positions in the various contracts that it helped negotiate and draft. These would be tracked in documents as deviations from standard format contracts. In a long-term project, these documents become quite voluminous as succeeding teams leave comments and helpful tips from the deals. They would close out contract negotiations using deviations from these documents. This was tribal knowledge of the workers on the project, which management tried to standardize and control through training sessions and demanding summaries of positions from workers. Separately, for the IT and ITES sectors, it has been noted that documentation, particularly from skilled workers, was a point of control that management was keen to impose, as it allowed them to quickly add and remove workers from projects without being dependent on any individual's skills (Ilavarasan, 2020; Prasad, 1998).

### ***Biometric Identification Gaps***

Ensuring maximum time on the floor while having time to destress in short bursts was a recurrent problem for most workers on the floor. A simple solution to this was found, albeit temporarily, as workers went in twos and threes and ensured that one person could leave the workspace and take a reasonably small break without losing their pay. This was resisted strongly by management through setting up more security cameras and companywide emails to discourage what was termed "tailgating," the practice of moving through without identifying at any access point. The author noted that while this messaging reduced the practice, it was not completely removed from the workers' practice. It is unclear whether this practice would survive the use of facial recognition technology at all access points.

### ***Reputation and Goodwill***

Workers were collectively made aware of an incident as an example of how not to handle internal data security. This involved a worker in a different facility of the same company who had worked closely with a client and had gained their trust as a reliable vendor representative. During a protracted dispute over wages, this worker brought up instances of willful overbilling as an example of bad faith being displayed by management. When this did not achieve the desired results, the worker sent this information to the client company before resigning. The fallout from this incident was severe: a loss of face in the industry, a massive reduction in the contract scope, and significant damages paid to the client to settle allegations of fraudulent accounting.

### ***Discussion***

This article is meant to be the first of a series exploring the production processes of legal work, its susceptibility to technological disruption, and opportunities for worker control over the production process. To track how management practices draw from each other, reinforce each other, and reproduce continually in the wider legal industry, several worker inquiries are required from law firms, litigation chambers, legal departments of companies, and other workplaces that employ digital legal labor. This article seeks to be part of this pre-enquiry. It is only when personnel in this industry acknowledge that working conditions in

the sector have continually spiraled downward that they will recognize collective action as the only route to transform the industry. The author intends this article to be the base of this sector-wide investigation and organization based on common interests.

It is relevant to note here the trajectories that outsourced legal work shares with contemporary microwork. Microwork in India is typically performed by women in India on platforms, such as Amazon Mechanical Turk, for which work is generated based on global labor arbitrage. Microwork platforms have been demonstrated to exploit racial and gender fault lines to deliver value to shareholders (Gurumurthy, Zainab, & Sanjay, 2021). This is quite similar to the legal labor arbitrage that birthed the LPO sector and the continual exploitation of fault lines within the legal labor market to sustain a poorly paid workforce.

During this study of LPOs, three main themes of hybrid management were noted: deskilling through control over the labor process, establishing a digital panopticon, and segmenting labor. First, control over the labor process and attendant deskilling operated on a normative, soft management approach through persistent narrative building and algorithmic management levers of differential bonus and overtime payouts. Second, the digital panopticon at the LPO workplace closely mirrors that of the well-documented ITES sector; it maintains hybrid control through physical walling, and biometric gatekeeping, as well as through widgets that track screen activity. Third, labor segmentation was observed through different positions in the value chain and different payouts, even for the same position. Overall, the LPO industry closely matches many issues of the outsourcing industries (such as IT and ITES) but remains relatively unorganized because of a few possible reasons: the legal complexity for lawyers to unionize, the expected social capital as lawyers, and the narrative of not being traditional labor but rather specialized knowledge workers. Further research needs to focus on these reasons and possible routes to secure better working conditions.

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