THE LEGAL TECHNOLOGIST

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Engaging with tech

Becky Baker interviews James Moore from Flex Legal about what lawyers should learn from the tech industry

INTERVIEW

In-house challenges

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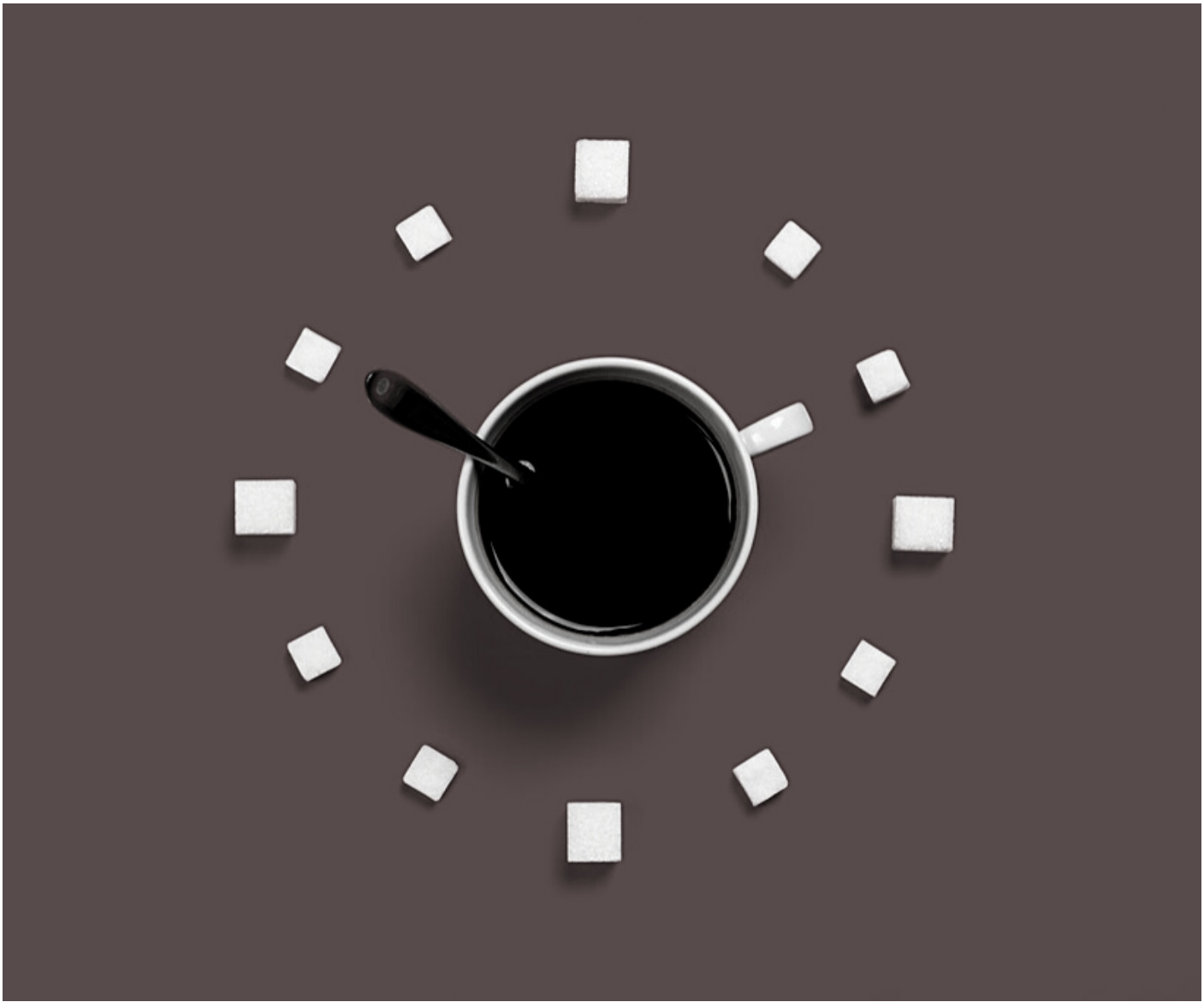

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Insight into the future of law

The Legal Technologist

A note from the editor

Dear Readers,

Please enjoy another jam-packed edition of the Legal Technologist. We have plenty of great quality content from all around the world - including a number of insightful interviews.

The last few months have seen the Legal Technologist continue to grow - with Marzia and Roslyn joining the team. We now have a great team of people passionate about legal tech, who are keen to push the magazine forward. We also recently unveiled our Advisory Board who will be there to mentor us and keep us on track.

Over the next couple of months we will continue to work on a legal tech dictionary, which will make our articles more accessible to all. We'll also be partnering with legal tech companies on events and increasing engagement across the board.

We'll also continue with the development of our SME legal tech comparison tool under the 'Legal Tech Toolkit' banner. Watch this space for further details!

I really enjoyed putting this issue together, and I hope you enjoy reading it - please do let us know what you think of it!

If you're interested in contributing to future issues please do get in touch with me or any of the team.

All the best

Marc May

Europe

The Flex Legal Series, Part 3: What lawyers should learn from the tech industry

Becky Baker
William White

All businesses are being forced to engage with new technology and use data to optimise their operations. Law firms are no exception. But how should law firms approach software development? And how can law firms engage with data science? Our Global Editor, Becky Baker, discusses these questions and more with James Moore in the third and final part of our Flex Legal series.

James is co-founder and Chief Technology Officer of Flex Legal, an on demand legal service for paralegals. Before this, he was Chief Technology Officer and a board member at a major software company.

Becky: Flex Legal aims to differentiate itself in the market by using technology behind the scenes to create a seamless experience for clients. How do you make sure that you're heading in the right direction as you develop your platform?

James: There are a few things that spring to mind. The first is that the developers have to be really close to the people who are actually using the software. It's really important to have end users involved very early. The earlier we can get people using the platform, the quicker we understand the differences between what's in my head as the developer and the reality of using the platform. As co-founder, I make sure I have visibility across the whole company because I want to understand what's going on and where we have problems.

The second is that computers are really good at repetitive tasks that you don't want to go wrong. We look for areas where we can use that capability. After spending a lot of time talking with clients, it was clear that compliance is something they really value. What I wanted to do was make it impossible for important tasks not to happen. Technology is great for that. Our invoicing, timesheets, and compliance are now totally automated. Take employee-related regulations for example. How do we know that everyone's got the right DBS checks? How do we know there's a right to work

check? When does someone fall under the Agency Worker Regulations? We have a system in place that flags if anyone's non-compliant, might become non-compliant, and if there's any action to be taken.

Becky: I think it's fair to say that law firms have been slower than other businesses to deploy technology in this way to improve their clients' experience. Why do you think this is, and what could lawyers learn from the technology industry?

James: Lawyers are trained not to give strong advice – they give the options. Only when they shift to in-house roles do they have to begin to actually take those decisions. There's a lot of trial and error in software development, and you have to get used to failure. I'm hesitant to generalise, but I think there is some truth to the stereotype that a proportion of lawyers' self worth can become tied up in the quality of the legal work they do.

By contrast, most developers have made enough mistakes that they learn to detach their self-worth from the ultimate outcome. Instead you have to ask whether the team is learning and making things better. If we're doing those things, then everything's good. That said, software engineering isn't a regulated profession. You probably don't want your probate lawyer or conveyancing lawyer trying something new!

Becky: When law firms do decide to adopt new technologies, there's a choice to be made between developing an in-house solution and licensing in an off-the-shelf product. Do you have a view on which route they should be taking?

James: As a general rule, where there is generic software to solve a problem they should use that. Software is really expensive to develop and the capital investment profile is very different from the normal work that lawyers do. If I do an hour's work, I've got a chargeable hour that I can bill out straight away. It's different with software. I did one project many many years ago where we must have spent £1m on developing the software, and we only ever sold £50,000 pounds worth of licences for it. It's a very different business from law, and there's definitely a learning curve for law firms.

Firms should be experimental, and will probably want to take some small bets initially and then build up after that. Bringing in experienced software and product people is a great idea, as is partnering with firms that have experience developing software. We spent three and a half years building our platform, and now it's brilliant at managing a flexible workforce. We kept having people knocking on our door at semi-regular intervals asking to use our software to run their workforce. That knocking has become more and more regular, and we're now working with a couple of firms and co-creating really good solutions.

Becky: As I understand it, many of those solutions rely on data to improve the running of the business. Our readers will be interested in how data science will impact the legal sector. Can you give an example of how you've been using data in practice?

James: Data science is a wide-ranging term that covers a lot of things. A key area for us is understanding our candidates, who's available when, and who might be a good fit for a role. In general, if someone has previously worked for a client and got good feedback, they will want them back. We capture this data and apply lots of heuristic rules to it to help guide who pops up in search results. Ultimately the matches are made by humans, but the process is enriched with data to help our people doing the bookings be incredible at their jobs.

It's not always complex. Most people can probably teach themselves to do a linear regression — think about a line of best fit. A lot of our data science is simple and can be done in Excel or another BI tool. A key question is how do you drive action from data. At Flex Legal for example, knowing who's coming to the end of their placement in the next 3 weeks and being able to act on that is very powerful.

Becky: It's clear that good use of data can drive business outcomes. Do you think there is anything holding the legal sector back from fully embracing the benefits of data science?

James: A major problem is that it's hard to collect information at the moment. There are lots of startups trying to extract data from contracts — many of them are doing a great job. I would encourage lawyers to think about how they can structure contracts to make it easier to find that data. Can you have a top sheet listing the relevant information rather than embedding it in the contract? The other thing is that I don't see lawyers using abstractions a lot. A lot of contracts have boilerplate clauses – why haven't we just standardised

them? Making legal data more machine readable will make it easier to drive insights and actions from it.

Becky Baker was talking to James, co-founder and CTO of Flex Legal. For more information, or if you have any comments or questions, please contact becky@legaltechnologist.co.uk and will@legaltechnologist.co.uk.

Read Part 1 and Part 2 of our Flex Legal series to find out about co-founder Mary Bonsor's vision for the future of the legal market, and her commercial awareness advice for aspiring solicitors.

Training from home - how can trainee lawyers use technology to make an impact remotely?

By Sophie Hannaway

Last year I was 30 minutes into a settlement call with a particularly difficult litigant in person on the other side. The client had given a ballpark figure for settlement and the claimant, one of the client's customers, was a couple of zeros away from what I could offer. It was going nowhere.

"I'm really sorry, but this conversation isn't productive for either of us. Let's end the call now and I'll set out my client's offer in an email so that you can consider it further." The claimant accepted the offer a few hours later.

One of the most valuable skills I have learnt during my training contract is how to refocus an unproductive call or meeting. This isn't something that can be taught via a legal textbook or on a professional skills course. In fact, I had heard one of my supervising associates say "this conversation isn't productive, let's end it here" on a call the previous week.

This is learning by immersion. Just from being around the lawyers at my firm, I have learnt how to network, how to pitch an idea, how to negotiate, how to collaborate, and how to solve a problem. Equally, a significant number of the ways I have made a positive impact at my firm have been in person: a suggestion at a team meeting, offering a hand after walking past someone drowning in documents, or pointing out an article that could be sent to a client.

So much of the traditional training experience is centred on sitting a few feet away from experienced supervisors. In 2020, firms have suddenly found themselves training their junior lawyers remotely. Trainees are at risk of becoming out of sight and out of mind.

Many junior lawyers have been asking for truly remote, agile working for years. It brings law firms in line with the way their clients work and the way juniors expect them to work. But with supervisors now at the end of a video call, potentially in another city altogether, technology is now one of the most meaningful ways trainees can make a difference at their firm. So how can trainees use technology to make an impact, and how can their firms support them to do so?

For trainee lawyers:

1. Become innovators, not bystanders.

Law firms are notoriously slow at introducing technology to better serve their clients. A few years ago, no one would raise an eyebrow at a trainee being asked to fax (yes, fax) something to the court. If you know a way your team could be doing something more efficiently, say so. Your supervisor asks you to collate documents on a USB drive? Suggest a secure document sharing site. Receive a document with handwritten amends from your supervisor? Suggest they use comments next time.

2. Don't be afraid to question the status quo.

I spent months at the start of my legal career silently watching a colleague print every email they received without exception (including diary invites) before questioning them as to why. "This is the way my supervisor did it." I am always amazed at how quickly junior lawyers accept inefficient working practices just because "this is the way it has always been done" and then adopt the inefficiencies themselves. Question outdated ways of working and encourage your team to follow suit.

Cont. on next page

3. Link up with the firm's IT team and stay in touch.

Get to know your firm's IT team and let them know that you are keen to be top of the list to hear about new tech products the firm is considering trialling. Volunteer yourself to be part of any trial group and give thorough feedback. Check in with the IT team on a regular basis so you know what projects are coming up and how you can be involved.

4. Become an expert in the systems your firm already has and share your knowledge.

While Microsoft Word has been the go-to word processing software for decades, huge numbers of lawyers (juniors included) do not know how to make full use of it. Don't let your M&A supervisor scroll back and forth between the definitions page and the body of the contract – teach them how to use split window view. If you see your litigation supervisor insert the same wording into a settlement agreement over and over again, show them how to use quick parts.

For law firms:

1. Talk about technology from the bottom up.

Question whether the email-printing and fax-sending supervisor should be the first to be consulted about innovation at your firm. A senior lawyer who is an expert in their legal field won't necessarily be an expert in legal innovation. Trainees are exposed to inefficient working practices and poor adoption of technology throughout their training. They also move around the firm through seat rotations so have an excellent picture of the working practices of the firm as a whole. They are best placed to know what you could be doing better when it comes to technology – so ask them.

2. Think about the demographic.

A large proportion of my trainee intake (me included) are members of "generation rent". Many of us are working from house shares – think six people trying to work from one kitchen table. We don't have home offices and we almost certainly do not have printers, so make sure you are having regular conversations with your trainees about how you can support them to work remotely.

3. Make face to face contact worthwhile.

Don't forget that many trainees will be relying on public transport to get to work. Not only is this a much greater health risk than it was at the start of the year, but it is also really expensive. There is nothing more disheartening than spending £20 on a train ticket only to find that all of your supervisors are in all day internal meetings and away from their desks. If you ask your trainee to come to the office, make sure it is for a specific purpose and make the time to have meaningful in person contact with them.

Sophie Hannaway

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Robot Litigation Lawyers Part 2: Access to Justice and Regulation

By William T. White

In the last edition I argued for the development of a justice API which allows robot lawyers to communicate directly with the court's computer systems. This would unlock the evolution of robot lawyers in litigation by enabling them to act for — rather than merely advise — their clients. In this part I explore how API-enabled robot lawyers could improve access to justice and how they might be regulated.

A robot lawyer is better than no lawyer

Changes to legal aid funding have limited the availability of legal advice, especially in civil cases. The result is that those who can afford legal representation often have much more effective access to justice than those who cannot.

Technology has so far failed to plug the gap. Even where legaltech products exist to advise individuals, they cannot file documents with the court and cannot give specific advice on court procedure. By contrast, robot lawyers linked to a justice API would be able to issue claims, make filings, and provide advice on procedure based on real-time directions from the court. In short, they could do much of what a human lawyer does.

This would benefit the court as well as the client. Robot lawyers can address many of the practical difficulties traditionally associated with litigants in person, including procedural failings and imbalances in knowledge. The robot could manage submissions and ensure that the litigant in person is well prepared to represent themselves at a hearing. Properly implemented, robot lawyers could even automate compliance with pre-action protocols and so reduce the court's caseload.

Crucially, robot lawyers are likely to be much cheaper for litigants than human lawyers. Although there would be significant development costs attached to building out a fully featured system, the marginal costs of advising each client would be very low. Law firms and clients could share the savings. The ultimate goal might be a mixed ecosystem of free, freemium, and paid robot lawyers targeting different areas of the legal landscape. This business model is already emerging through products like autom.io, which allows law firms to build revenue-generating robots which draw from the firm's legal expertise.

Robot lawyers can counter digital exclusion

Access to justice also requires that people are empowered to exercise their legal rights. As court buildings close in favour of online courts, people who are not tech-savvy enough to navigate online court systems risk being disenfranchised from access to legal services. For many in this group, it is a lack of confidence and skill which limits their use of online services rather than a lack of access to the internet.

Robot lawyers could help by offering legal advice and receiving instructions through familiar channels like Facebook Messenger or WhatsApp. Users could start and manage claims through their usual messaging app rather than engaging with a new and potentially daunting court system. This is not an edge case: 19% of internet users are unable to accomplish basic tasks online. It is these clients who would benefit from engaging with justice in a familiar online setting.

A Robot Regulation Authority

Benefits aside, the rise of robot lawyers will present a significant regulatory challenge. Common concerns include how to assign liability for a robot's actions, whether robots will adhere to professional ethics, and the transparency of decision-making processes. If robot lawyers are to become available to the public at large, they will need to be regulated to ensure that they give sound advice and achieve good outcomes for their clients.

One approach would be to make a robot's access to the justice API (and therefore its interaction with the court) subject to compliance with a set of minimum standards, such as:

- Registration of an entity which is responsible for the robot's advice and actions, and liable to clients in negligence
- Evidence that a litigant has properly authorised the robot to act on their behalf
- Certification that the robot's content has been regularly reviewed by its controlling entity
- Logging of all correspondence between the robot and client for audit purposes
- Recording the basis upon which any advice is given or action taken
- Monitoring and regular reporting of case outcomes

More ambitiously, a regulator could put in place an automated testing regime. For example, every robot could be presented with a set of common legal scenarios and the competence of its output would then be assessed against best practice.

Robot lawyers are already with us. A justice API would allow them to reach their full potential in enabling access to justice in litigation, but it must be done safely. Designing a comprehensive regulatory framework will ensure that robot lawyers evolve to best serve the public.

William T. White
Editor - Europe, The Legal Technologist

Trainee Coding Programme at Thrings

By Lauren Moore

Will Foulkes and Jermaine Smith are associates at a Top 100 UK law firm Thrings, which primarily act for clients from the South West. I had the pleasure of interviewing Will and Jermaine about their new initiative within the firm: the trainee coding programme.

Thrings' trainee coding programme is driven by the increasing availability of legal technology, the future adoption of smart contracts and from Jermaine's long-standing passion to start a coding initiative. The training programme kick-started last year, in which Will circulated a firm-wide questionnaire to gauge interest in blockchain technology and coding. When the questionnaire came back with overwhelmingly positive responses, Will and Jermaine knew there was pent up demand to learn more. Therefore, as Jermaine explains, the programme is intended to add value to the firm rather than being a stand-alone exercise, with a real connection to the firm's work that trainees can help to implement. Both have decided to provide the opportunity for trainees to learn Python as it is both logical and applicable to legal technology optimisation. Jermaine's background in JavaScript lent itself to the programme's design even though he had never used Python before this project. He appreciates that learning Python 'is not easy to do' which is why he thinks the project is going well as he 'is learning alongside the trainees'.

Trainees have managed to keep up with the programme even in lockdown, with Jermaine making sure that 'there is a team that you feel part of'. Through participating in this programme, the pair anticipate that trainees will 'have developed some real skills they will be able to use in their own teams and also have piqued their interest in allowing them to be more creative about their problem solving'. They hope trainees will gain a new lens to view the world from learning to code, improving their work in a significant way, or simply by attending webinars on innovation. The next steps for the programme will be to expand the team, with Jermaine mentioning the programme will 'commit more time to machine learning and AI as firms will need to start using this sort of technology more quickly'.

Another prominent area of legal technology lawyers need to be aware of is smart contracts. In order to use them effectively and mitigate new risks that are associated with smart contracts, lawyers will have to learn how they work. This is important as it allows trainees to gain an increased edge in their careers. As Jermaine puts it, 'Smart contract awareness is paramount as we move into the new paradigm'. The traditional career path for a lawyer normally involves having good technical ability and an 'ability to sell and leverage the relationships you have'. Networking is a staple in the lawyer's toolkit, not just to share knowledge with peers, but also to gain potential clients. Not all lawyers are good at networking and technology, but those 'who are able-minded enough to learn both will have an edge'.

Will highlighted that Thrings' management are 'hugely supportive of genuine innovation within the firm'. According to Will, COVID has given the firm the push they needed to put into practice what they had been planning without 'much investment or potential downside for the firm. It has brought many benefits, including a sense of togetherness amongst the trainees'. There will be less labour-intensive work in law firms in the future, with one example being the use of 'AI to improve clause recognition', Will added.

Only time will tell if more firms will follow suit, but for now, it is clear that Thrings is carving a coding path of its own.

Lauren Moore

The lawyer's dilemma: challenges for law firms adopting legaltech

By Daniel Acosta

Daniel is an experienced Banking Lawyer with an MSc in Innovation Management and Entrepreneurship from The University of Manchester. He participated as a researcher of The Manchester Law and Technology Initiative and worked in Bancolombia as In-house Counsel and Innovation Champion. Currently, he lives in Colombia where he co-founded "Derecho + Innovación". A digital startup that brings together law and innovation. He is a member of the Board of Directors of the Colombian Association of Legaltech (alt+co). He has written for The Legal Technologist, Business Year and The University of Los Andes and is a public speaker about digital transformation.

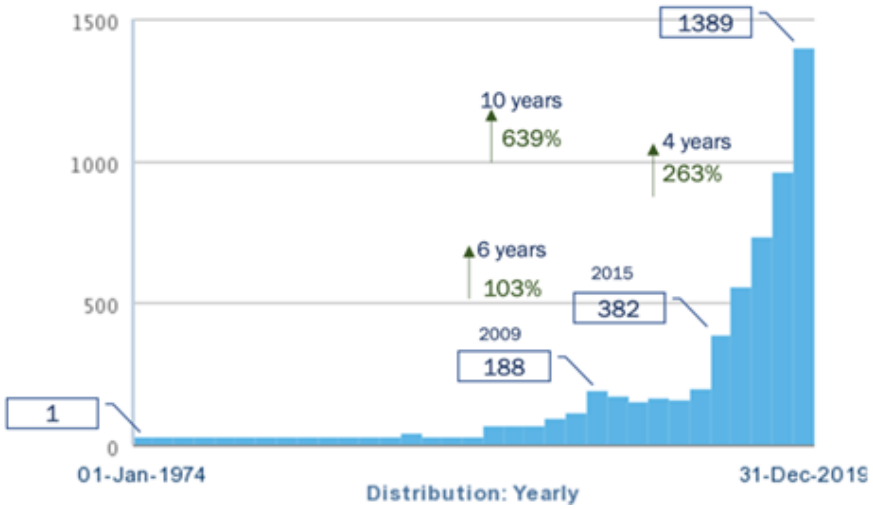
In 2019 I submitted my MSc dissertation on the factors that influence the allocation of resources on legaltech inside law firms. As part of the research process, I interviewed senior management personnel at three incumbents in the UK, collected comprehensive secondary data from sources including Deloitte, PwC, Thomson Reuters, Raconteur and The Law Society. Furthermore, Statista and Factiva databases were examined, and prominent magazines including the Financial Times and Forbes were reviewed as well.

Transformation in the Legal Industry

The study found a growing interest in technologies for the law industry. I identified more than 30 unique factors affecting investment decisions in legaltech. These were grouped into 13 themes.

Surprisingly, a pandemic was not mentioned as a driving force in any of my interviews or research. Today, there might be no greater incentive to adopt legaltech than the COVID-19 outbreak. The world has changed. Businesses around the world are realising the importance of digital transformation for surviving and thriving in these uncertain times. Any doubt about the benefits of technologies for improving the business model should now be resolved.

The legal industry has been characterised as conservative with a low tendency for reinvention and change. The legal business model remains practically the same as it was centuries ago. Similarly, the legal profession is taught and law is practised in roughly the same way as it always has been. In contrast to other industries, the legal sector has still not been significantly disrupted by the advent of new technologies. However, this situation may change dramatically in the upcoming years as innovation gains a higher priority in lawyers' agendas. The chart below illustrates this argument clearly. It shows the publications related to legaltech from 1974 to 2019. What stands out is the rapid growth of the rate of research about technologies and law over the last ten years — an increase of 639%. This rate is likely to increase in the upcoming years as legaltech gains prominence.



(Factiva, 2020)

Digital transformation of the legal profession is becoming more relevant. Yet, it's still far from being a game-changer of the industry. For instance, the number of fintech publications in Factiva was close to 115,000 in 2019, compared with just 1,389 found about legaltech. It is clear the digital journey is just beginning for law firms. With regard to the quality of the legal information provided, a wider and deeper pool does not necessarily.

The extent to which the digital transformation affects the legal industry remains unclear. Thus, this article attempts to resolve some questions that, as a lawyer, you might have regarding the future of our profession.

The Lawyer's Dilemma

At this point of my article, you might be thinking that lawyers must adopt legaltech as soon as possible. The answer isn't so straightforward. Business management literature has long recognised the difficulty of introducing substantial changes inside established organisations. A key study by Christensen (1997) introduced the concept of the Innovator's Dilemma. It is a paradox in which the manager must decide whether to pursue different markets with novel value propositions or to stay focused on mainstream customers. In other words, it is a decision about whether to maintain the existing business model or push to transform it.

There are plenty of examples of businesses that have come across this paradox. Kodak and Lego are two of them. The former failed to adapt and change and was outcompeted by new entrants offering innovative solutions to customers. The latter reinvented its business model. Among other pivots, Lego went digital and made strategic alliances with relevant partners such as Marvel and Warner Brothers. The rest is history.

While the Innovators' Dilemma isn't necessarily related to the adoption of tech, it might help us understand the resistance encountered by firms during this decision-making process. The legal services revenue results from previous years are remarkable. During 2019, growth records were achieved by lawyers in multiple countries, including the UK. Law firms are reaching a historic level of performance without legaltech. It is therefore worthwhile asking whether the legal sector actually needs to adopt new technologies.

It is reasonable to conclude that law firms are facing the Innovator's Dilemma. Start-ups around the world are introducing legaltech solutions. New players are creating different services from those that markets are used to. At the same time, the majority of incumbents do not seem to be bothered about transforming. I propose that we are facing a Lawyer's Dilemma which is inhibiting innovation.

How can law firms adopt new technologies?

A key step forward is to consider the features of different technologies, including the differences between sustaining and disruptive ones. Recognizing their likely impact on the legal market is critical to decisions on whether to adopt legaltech solutions. Lack

of in-depth knowledge about different technologies and the extent to which they operate may lead to rushed conclusions. For instance, there is a widely-held but questionable view that machines will fully replace lawyers.

Technologies should be adopted in light of a firm's business model. Law firms can invest in new technologies that improve their offering and customer service, transform a firm's value proposition, and increase profit margins.

Investment in legaltech is often limited by factors beyond the technology itself. For instance, the culture of the legal profession is a significant barrier. Lawyers' time-driven mindset and the billable hour model are two key contributors to the cultural block against legaltech. Furthermore, the lack of a sense of urgency makes leaders feel that technological leverage isn't necessary. Fear also might be a crucial impediment. Change is unlikely if leaders are afraid of the process or its consequences. Anxiety surrounding what technology may do to the industry is in turn fed by a lack of understanding of its real benefits and consequences.

The adoption of technologies is an innovation process in which an organisation reconfigures its assets to incorporate technologies according to customers' demands. Rogers (2003) defines the innovation-decision process as a sequence of consecutive steps in which a decision-maker moves from acquiring information about the new thing to the execution of the decision. There are five steps in Roger's model, shown in the figure below. Understanding the steps of this process aids in identifying which barriers must be overcome.

The persuasion stage is particularly relevant. Here, the leader forms a viewpoint of the new technology, considering five attributes of the innovation:

1. Relative advantage;
2. Compatibility;
3. Complexity;
4. Trialability; and
5. Observability.

The acceptance of the new technology will be faster if these five attributes are part of its features, according to Rogers.

A business strategy should encourage firms to invest in new technologies. When the venture's scope and legaltech are aligned, investment is more achievable. Market perception is another driver for innovation. The extent to which clients perceive the innovative capability of the firm and the pressure of competitors adopting tech may boost the adoption pace. Finally: knowledge. Law firms that comprehend new technology are keener to adopt it.

Lawyers will not escape the fourth industrial revolution. All businesses are adopting new technologies to improve processes, become more efficient, and produce superior services and products. There is no reason for us to fall behind. What matters is that lawyers remain updated about these trending topics, so that they can make informed decisions on adoption and to avoid falling prey to the lawyer's dilemma.

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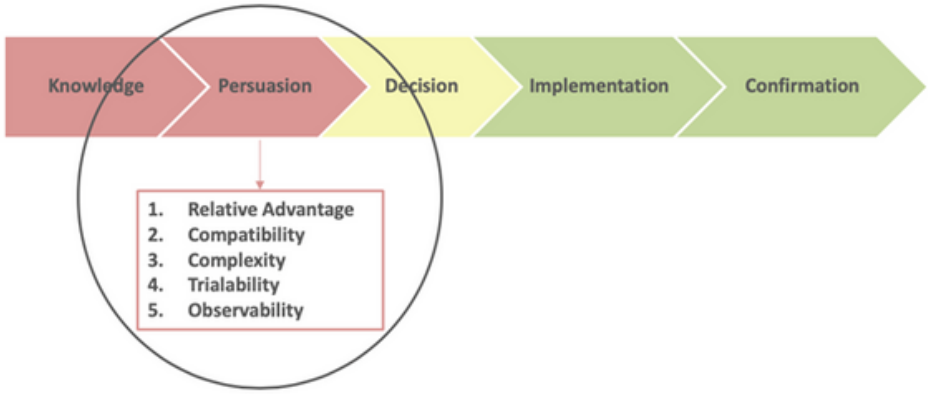


The Innovation-decision process. Rogers (2003)

Interview with Christina Blacklaws: Part 2

Christina Blacklaws' impressive career speaks for itself. Former President of the Law Society, she currently chairs both the LawTech Delivery Panel and Innovate UK's Next Generation Advisory Services, holds a number of non-executive directorships and is the CEO of her own consultancy firm. Importantly, she remains one of the foremost advocates of diversity and inclusion alongside the implementation of lawtech in the legal sphere.

In our previous issue, Steph sat down with Christina (virtually) to chat about discovering her passion for lawtech and being part of the panel that launched LawTech UK. We left the interview discussing one of the projects LawTech UK plans to launch: a lawtech R&D sandbox, designed for applicants to experiment with lawtech ideas in a safe environment before going to market.

Steph: What will your approach be to running the sandbox?

Christina: Well, it really is pretty fluid because it will depend on the applicants: who is selected, what their issues are in terms of their scale of development and sophistication, what they need, etc. So we don't have a boilerplate model for this. It really is there to provide all the elements of support to take a great idea, even if it is still in its very early stages, through that process of development. Or, it might be a scale-up business who has great products but are failing to penetrate the market where there are many facing regulatory challenges around their proposition. We're not too prescriptive about it; we're just excited to see what innovation and creativity comes to us. We've got so many great people who've kindly, voluntarily given their time to help support it so I think anybody will be helped through this process and they will gain value from being involved.

Steph: In the last part of our interview you mentioned you would be creating an online hub and training centre, what are your hopes for it and do you have a particular demographic in mind?

Christina: I think we're trying to cast the net as widely as we can. So right from the first year students who are interested in lawtech right up to the very senior echelons of the profession. And that includes cross-professions as well such as policymakers and academics, anybody who is interested and who is engaged in some way, no matter how tangential to the legal industry. What we're not trying to do is to develop the training ourselves. This is a curation of what is out and we will take it from there because there may be gaps in what is available. But, the idea is to start to build that community who is interested.

There are no clear, right answers at the moment and I don't think we've addressed the issues and come to any consensus about what training lawyers will need into the future. I think there is a consensus about multidisciplinarity, so it may be that there would be degrees of training, but there needs to be at least familiarisation and at least a comfort with technology and technological solutions. Otherwise, how would you evidence, as a lawyer, added value to your client if you're both looking at a dashboard from a data analytics process? If you can't add anything to the game, then your client is going to go straight to the source. So I think that will be really important to at least have that degree of comfort and familiarity. And that multidisciplinary approach will be vital and that's really what we're really trying to build with us. Indeed, this is another project I'm involved in: I'm a visiting fellow at Manchester University, and that project is quite similar. Sponsored by the business school, the computer science faculty and the law faculty, the purpose is to try and bring academia and industry together. There are a lot of challenges in working effectively and impactfully together, in getting lawyers to work on a peer-to-peer basis with data analysts, computer scientists and other people who are and will be part of that problem solving. Clients don't really want a legal answer, they want their problems resolved and ideally, they want those problems not to reoccur.

That's really where I think we will need to set our sights, but in order to do that we have to have the right skill set. And that's the purpose of the hub: to try and collate what is required for the success of the second quarter of the 21st century lawyer.

Steph: That, again, feeds really nicely into an old chestnut of a question: what skills do you think junior lawyers need? I have read and heard many of your interviews, and you've said these required skills boil down to emotional intelligence, independent thinking, and familiarity with algorithms and how they're utilised in industry. But, for someone at a junior level, how could these individuals go about gaining these skills and evidencing that they have them?

Christina: Yes, that's where I am a little worried because – and this is a generalisation – there are some universities which are really pushing the boat out in terms of offering to their current students some real experience and opportunity to learn and understand different disciplines like legal project management, data analytics, augmented lawyering if you like, so working with machine learning and AI technologies. But the vast majority are not – and that does worry me.

If I was advising an A-Level student, I would definitely look for universities that major in the future of legal services because you would have a much better opportunity to gain that insight, knowledge and understanding skill set that will be required for your role in a law firm or any legal business. And for those who have completed at least their undergraduate training, then there are some law firms that are looking to recruit people into some fairly interesting, hybrid, legal technologist type roles. But again, there aren't that many of them. You would have to look for future-focussed law firms who have already adapted to technological solutions and utilise them very well. But there are opportunities for people who are interested in that sort of role. And, I would think, for anyone coming out of university who wants to be able to increase their capital in this sense, the more you can do to educate yourself and understand the importance but also the value that technology can bring, the greater your added value to legal businesses.

It's an interesting time, when what was the received wisdom forever in law is now being turned on its head. Whereas the junior people learnt from the more senior people, there is that opportunity now, where law firms are looking to their more junior colleagues to teach them about how things could be substantively different in terms of the delivery of legal services. So there is that great opportunity now if you're willing to put in a bit of time and effort to equip yourself to face that in your firm.

Steph: Are you optimistic that the legal industry will change for the better in the post-lockdown world?

Christina: Yes I am! I am an optimistic person anyway; so I'm being true to form. I have some real hope that we will see change for the better in the legal industry once we get out of this response-to-crisis phase where we've been adapting – and I think as an industry pretty successfully – under very constrained circumstances. Someone was telling me they had a project to implement (Microsoft) Teams in their business and it was going to be a two-year project but ended up being a three-day project because of necessity. So I am really hopeful that a more dispersed working environment will actually be one that is liberating for everybody and gives us a much more even and flat playing field.

Problems that relate to things like presenteeism, particularly in relation to gender or bias in relation to any protected characteristic, are now being disrupted by not being in the same physical environment as other people, so I'm really hopeful that that will immediately be improved.

Secondly, because even the doubters have had to adapt to a much more technological world, that opens things up for technology. What we're using now in a Covid world are all the things that we've already had on our desks, so to speak, in large measure. But, actually, just being now much more open to those opportunities, technology can provide exciting solutions that will enable us to move to the next phase where we're using much more sophisticated technology in a way that wasn't possible before, and certainly not in a pre-Covid timeframe.

Stephenie Ong was talking to Christina Blacklaws. If you have any comments or questions, please contact steph@legaltechnologist.co.uk

Read Part 1 of the series, where Steph chatted with Christina about the start of her career and how the legal industry can strengthen and innovate.

Africa and Middle East

Evaluating the Potential Growth of Legal Tech in Nigeria

By Oluwaseye Kola-Ojo

As a result of Covid-19, it has become clear that there needs to be a more efficient way for lawyers to work around the globe. This calls for an innovative approach to work and the adoption of new technology. Global law firms have invested heavily in legal tech in recent years. For example, Linklaters launched an Artificial Intelligence (AI) technology system named Nakhoda, which uses AI to enhance the efficiency of legal processes. However, there still seems to be a question of how adopting technology in African legal systems might play out. This article will aim to examine the potential growth of the use of emerging technology in the Nigerian legal system.

Worldwide investment in technology for law firms hit a record high in 2019, with companies like Docusign, who specialise in electronic agreements and digital signatures, raking in over hundreds of millions of dollars from public shareholders. Despite that, investment in LegalTech in Africa, and Nigeria in particular is still relatively low. One notable investment is the $70,000 seed funding given to the award-winning DIYlaw, a start-up which offers online legal information, which came first in the Innovating Justice Award organised by the Hague Institute for the Internalisation of Law in 2016.

There is hope that, since the market for LegalTech is still largely open in Nigeria, the potential benefits will draw more investors in a way similar to that of the FinTech sector. Top-tier law firms which have significant financial resources are likely to adopt LegalTech first. We can already see some signs of this due to the Covid-19 induced lockdown. For example, Olaniwon Ajayi LP, a top national firm, became the first firm to offer a virtual internship to the public. The 2007 Rules of Professional Conduct for lawyers do not stop lawyers from practising at home, which has led to the virtual law firm, Infusion Lawyers, making inroads in the country. While these are still green shoots, all these point towards a growing acknowledgement for the need for the practice of law to be redefined in Nigeria.

The adoption of technology such as blockchain and Artificial Intelligence ('AI') may also lead to a culture change in dispute resolution in Nigeria. Their adoption would lead to faster and cheaper resolution of disputes which is key for a developing economy. Due to the cumbersome process of litigation and ADR in Nigeria, many citizens do not see dispute resolution as a worthwhile option. For example, in Lagos State it was found that it took the courts an average of 583 days to resolve a case. This alarming number does not even include further extensions due to the appealing of the verdict.

Given Nigeria's population has quadrupled to approximately 185 million since it gained independence in 1960, and is estimated to double by 2050, there is an urgent need for an agile response to enable access to justice for its citizens. Notably, the Supreme Court of Nigeria adopted an automated case management system in 2016 which shows a growing trend towards legal innovation even before Covid-19. There are also various start-up legal technology services that have sprung up offering DIY (Do it Yourself) solutions, legal information and reports such as DIYLaw, LawPavilion, Compulaw and Legalpedia. Interestingly there is also an unused online dispute resolution portal by the Lagos Chambers of Commerce. In August 2020, Lagos state launched E-laws in which laws of the state can be accessed by individuals through an application. When these systems are fully integrated, they will offer a good source of data for machine learning algorithms.

Implementation of technology such as blockchain and AI through smart contracts and integrated risk management platforms would help minimise the risk in commercial contracts that lawyers take on in the nation. For example, in a current case the Nigerian Government is liable for $9.6 billion in damages against a company named Process and Industrial Development (P&ID) after it breached terms agreed in a 2010 gas facility contract. A more thorough due diligence process with the use of AI technology could have allowed the Nigerian Government to decide if P&ID was a 'fit' company for the contract, which is the main argument in their appeal. The final outcome of the case could cost the nation about 2.5% of the country's annual GDP or a loss of valuable assets.

There are clearly benefits from the increased use of emerging technologies in the Nigerian legal sector. However, there are also major implementation challenges that need to be solved. For example, a single Bitcoin transaction can take 470 kilowatt-hours to complete, which is the equivalent of powering the average American home for two weeks. In a country where its power supply is still largely unstable, setting up blockchain technology seems unlikely in the near future. A viable option may rely on the use of other technology like AI to enhance legal processes, which depends largely on the use of data. However, to enable this to work Nigeria must develop a more sophisticated data culture to prevent its exploitation, which the country has already experienced in relation to oil. The creation of the Nigerian Data Protection Regulation offers substantial hope towards achieving this.

In conclusion, it is clear there is potential growth for the increased use of technology in the Nigerian legal system as there is a developing attitude and cultural shift towards the adoption of technology in the legal sector which will hopefully accelerate due to the impact of Covid-19. However, to make it work and bring its desired benefits there must be a clear willingness by all stakeholders such as the government, investors, major law firms and lawyers towards its implementation and regulation.

Oluwaseye Kola-Ojo

Are you based in Latin America, Africa or the Middle East?

As part of our global perspectives offering we are keen to get insights on legal tech from around the globe. Latin America, Africa and the Middle East have been underrepresented in the magazine so far, so we're keen to gather more content to show how legal tech is impacting legal practice in those areas.

If you're in one of these areas and are keen to write content about legal tech where you are then please do get in touch with Marc May at marc@legaltechnologist.co.uk.

North America

How to be a Modern Lawyer: Don't Start with Technology

By Romesh Hettiarachchi

After more than half a decade of practice, I decided to start my own law firm three years ago. Worried about my future in the legal profession, I committed myself to better understanding what makes a "modern lawyer" modern. I assumed being a modern lawyer simply meant having access to the latest technology possible to serve the needs of my clients.

The intervening years have largely dispelled this assumption. In fact, my experiences have led me to discover how little access to technology contributes to the development of the modern lawyer.

Today, there are two dominant models influencing the discussions on modern lawyering: the "T-Shaped Lawyer" and the "Delta Model of Lawyer Competence".

Amani Smathers proposed the T-Shaped Lawyer in 2014. This lawyer possesses deep legal expertise (long vertical bar of the T) in addition to knowledge of and appreciation for other disciplines (shallower horizontal bar of the T) such as technology, business, analytics, and data security. These additional skills enable T-Shaped lawyers to excel at problem solving and collaboration with professionals in related areas.

Building upon the T-Shaped model, Natalie Runyon and Alyson Carrell designed the Delta Model of Lawyer Competence – a triangle composed of three competency areas that are crucial to the success of today's legal professionals. The Delta Model lawyer starts with a base of deep legal knowledge and skills. This is complemented by an understanding of how technology impacts their client's business – as well as their own delivery of legal services – and is coupled with emotional intelligence and communication skills required to effectively work with clients.

While these models certainly capture important elements of what makes a modern lawyer, they are flawed. Firstly, they primarily cater to the needs of business lawyers. Lawyers providing personal legal services like criminal, estate-planning, family, or immigration advice will find these models less relevant to their practices.

Secondly, these models certainly don't capture my learning experiences as an immigrant first-generation lawyer of colour; they wrongly assume that 21st century lawyers can develop these competencies in self-isolation. This assumption is demonstrably false.

Lawyers will leverage technologies like artificial intelligence and e-discovery insofar as they are trained on these technologies and insofar as they and their clients can pay for them. Clients will only value their lawyers' ability to collaborate across disciplines to the extent that this ability helps solve their problems. From an internal perspective, are the benefits realised from an employer valuing technological prowess if they also demand the lawyer to prioritise the needs of clients over the lawyer's mental health and their family responsibilities, or fail to provide the support lawyers' need to advance in their career?

These are not theoretical flaws.

Female lawyers in Ontario continue to leave private practice in Ontario for the same reasons they did in 2008: the failure of the legal profession to adapt to the reality of women entering the legal profession. Female lawyers in America face similar challenges. According to the American Bar Association's Profile of the Legal Profession, women only accounted for 21% of equity partners and 31% of non-equity partners in 2019 despite being approximately half of law graduates from American law schools for more than two decades.

The situation is worse if you are a lawyer of colour. Over 40% of racialised licensees responding to the Law Society of Ontario's Challenges Faced by Racialized Licensees Working Group identified their physical appearance, socioeconomic status, place of birth, upbringing, age, manner of speaking English/French, and gender identity as barriers to legal practice. 43% of these licensees identified their ethnic/racial identity as a barrier to advancement.

These findings are manifested by the fact that just 35 out of around 4,000 partners of the largest law firms in Canada are black. The American Bar Association reports similar findings. While Hispanic, Black, and Asian populations comprise 15.3%, 13.4% and 5.9% of the total respective population in America, only 5% of lawyers across the United States are Hispanic, 5% are Black, and 2% are Asian.

These statistics and underlying realities reveal the dirty secret that law schools and leaders of the profession hide from law students: the practice of law is an experiential profession. While legal education may be a prerequisite to starting a legal career, the path of that career will be shaped by the knowledge, processes, and systems that aren't found in textbooks or professional development programs, but delivered and gained through community and experiences.

These experiences help answer the question, "what makes a modern lawyer modern?".

Cliché as it may seem, the modern lawyer is a lawyer who stays in the legal profession. And the historical experiences of female and BIPOC lawyers demonstrate that lawyers will only stay in the legal profession if their communities provide the experiences, resources, and support they need to advance their careers. Without these building blocks, these lawyers will leave.

The interviews I've conducted on the Lawtrepreneur Briefing podcast have reaffirmed what I've learnt through building a modern legal practice: lawyers are constructs of their experiences and their communities. Lawyers will modernise their practices only if their internal (colleagues, staff, mentors, and advisors) and external (suppliers, clients and referral sources) community members inform and incentivise their decision making.

I am not saying access to technology is not important for modern lawyering. Lawyers in the 21st century will obviously need to be technologically competent and successful law firms will be built on digital infrastructure. However, access to technology is only one element to being a modern lawyer. In the same way that having access to a pen does not mean you know how to be a lawyer, having access to technology does not make you a modern lawyer. Lawyers need a community to understand how to leverage technology to deliver modern legal services in the same way students need school to learn how to use a pen.

So, if you want to be a modern lawyer, start by discarding any suggestion that you can develop these critical skills in self-isolation. Build a network of lawyers and advisors who can inform your practice modernisation strategy. Be influenced by lawyers who reflect your approach to the practice of law. Invest in relationships that help you understand how to leverage technology most effectively in your practice. And, whenever possible, foster diverse communities. Not only is diversity critical to the identification of blindspots so critical to modern lawyering, you'd be surprised at how much you can learn from people who do not look or think like you.

Romesh Hettiarachchi is a commercial lawyer in Toronto and the host of the Lawtrepreneur Briefing, a podcast exploring what makes a modern lawyer modern with lawyers, entrepreneurs and other professionals committed to the transformation of the legal profession.

In(novating) with the old: Microsoft Word and the Legal Profession

By Jacob Field

Young associates would greatly benefit from being taught how to truly and fully use Microsoft Word—either by their law school or their firm.

My first introduction to the use of technology in the legal field was when my wife, then a first-year associate in a BigLaw firm, amusingly told me that the rainmaker partner from the office next door had asked her how to copy-paste something. Such stories about partners' lack of familiarity with supposedly ubiquitous modern technology came frequently from her and her friends. As these young lawyers navigated fuzzy camera-phone photos of handwritten edits, document-destroying formatting disasters, and briefs with such poor version control that even the partners couldn't remember what was actually supposed to be in them, one would assume that seasoned lawyers who spent large parts of their career dictating to their assistant were to blame for such errors.

However, the associates struggled with tech as well. By "tech" I do not mean cutting edge AI/ML, blockchain and smart contracts, or even complex e-discovery systems. For a profession that uses Microsoft Word day and night, lawyers generally know little about the software's off-the-shelf capabilities beyond its typewriter-replacing functions. For example, my wife's co-counsel once returned a draft with track changes indicating that a junior associate had spent a number of hours manually adding a second space after every single sentence. That is over a thousand dollars worth of extra spaces, but who's counting?

Inefficiencies and errors due to lack of familiarity with Word can even lead to court sanctions, like in the case of the law firm that did not understand the difference between double-space and Exactly 24, a line spacing option which is the equivalent of a 12-point space between lines, and was fined over $2000 for that confusion.

After hearing these stories, I was unsurprised to learn that US law schools do not teach basic technology skills at all. Even those who have added legal technology to their curricula focus on more sophisticated, future-facing tech. For example, Northwestern's Pritzker School of Law familiarises its students with "cloud storage, robotics, e-discovery software, machine learning, and other forms of artificial intelligence." If this much is being invested in understanding the potential future of complex digital programs, why is so little being invested in efficiently operating the ones that are already in constant use?

The lack of familiarity with the software most central to legal practice leads to an inefficient drafting process and robs lawyers of time and brain power that should be spent on substantive matters, as well as quality personal time, without good reason. Furthermore, because Word is a "what you see is what you get" software, attorneys' improvisation – making documents look right, but without using the right features – may require significant amounts of extra time when revising and finalising legal documents. This can be avoided in two ways: firstly, by teaching in-depth Word to law students and lawyers and secondly, by customising Word to address the needs of the legal professions.

Teaching Microsoft Word in Law Schools and Law Firms

The legal profession seems to hold a perfunctory understanding of Word. However, knowledge of advanced features of the software could lead to reduction of gross inefficiencies, for example:

- Using macros or advanced clipboard functions to streamline the never-ending copy-pasting associated with answering a complaint.
- Supras and infras can become less of a headache with the simple use of cross-references.
- The find and replace function can save a lot of time and trouble in cases like that of the junior associate adding extra spaces.

Beyond making sure that associates are armed with basic skills to make work more efficient and briefs look tidy and professional (think page breaks, keep with next, etc.), law schools and firms should explore Word's functionality in depth and teach associates to automate forms and mail merge. This will save hours in drafting, for example, the 20th deposition notice for a case without forgetting to change the location or date.

There is plenty of opportunity for law schools to help familiarise future lawyers with Microsoft Word. In Legal Research and Writing classes, which are mandatory during 1L year in most law schools, professors should focus on both substance and form, ensuring law students understand and can proficiently apply court formatting and redaction requirements. Rarely are young lawyers asked to "solve the case" or write an impressive piece of advocacy in first assignments. Instead, they are asked to check court rules, make sure a brief's font and formatting is correct, insert and edit citations, and redact sensitive information. Basic Word skills can make these tasks easier and more efficient.

Reinventing Microsoft Word for Lawyers

Word truly is a Swiss Army knife. Its functionality ranges from the banal to very sophisticated automation. However, being a general tool, its lack of focus on what lawyers need often mutes attorneys who advocate for a better firm-wide understanding of the software.

Identifying and pulling together the functionality necessary to the practice of law is a fantastic way to nudge less tech-savvy lawyers into efficiently using Word. For example, in one BigLaw firm, the IT department has created a short-cut for converting straight quotation marks to "smart" ones. This is a small solution that saves a lot of time and agony. To bring these sorts of solutions to law firms on a wider scale with more success, a firm or legal technology provider needs to understand:

1. The inefficiencies associated with a specific practice or law firm;
2. The most often-repeated drafting and formatting errors; and
3. The firm's requirements or styles.

By paying attention to these three issues, firms and legal tech leads can customise Word, or create additional software to declutter it. They will enable lawyers to draft documents more efficiently, delighting their clients, and protect themselves from formatting-related embarrassments. Prelimine interviewed a range of attorneys and found, for example, that botched redactions are a big source of embarrassment for law firms, and that hours are spent – sometimes at the associate level, minutes before a filing is due – on numbering and renumbering exhibits to motions.

Through Word automation and programming, these long-standing issues can be successfully addressed without the cost of specialised and daunting legal tech solutions. More than ever, firms should begin pushing for these changes and searching for the right solutions – especially as Microsoft moves towards Office 365, which features co-editing functions and cloud-based access that will likely only alienate non-technologist lawyers even further.

Jacob Field is the founder of Prelimine, a producer of litigation-oriented software that aims to automate repetitive tasks while minimizing errors, as well as overhead costs for law firms. Prior to founding Prelimine, Jacob worked as a consultant, helping federal and Fortune 500 clients with process improvement, cost reduction, and strategic sourcing initiatives.

Bridging the gap: How legal tech is democratising estate planning

By Arin Klug

The concept of estate planning is very broad. It can include financial planning, insurance planning, tax planning, and even funeral planning. But the most basic element of any estate plan is a Last Will and Testament (a "Will").

Ask someone under the age of 50, and they'll probably tell you they don't have a Will but know they *should* have one. Recent surveys reveal that about two-thirds of Canadian adults either have no Will or have a Will that is out of date. If we're talking about people in their twenties and thirties, that number is higher than 80%.

People list a variety of reasons for why they haven't completed a Will. But it comes down to the fact that most people procrastinate when faced with tasks that seem complicated and expensive, are uncomfortable to think about, or may not feel all that urgent. Unfortunately, traditional estate planning checks all these boxes. It typically involves meeting with a stranger who bills by the hour to talk about your mortality and draft a legal document that (at least in a best-case scenario) no one will look at for a long time.

The barriers to completing even a basic Will are so high that most people simply prefer to avoid it altogether. For people in rural or marginalized communities, issues of cost and access make it even more challenging to complete even the most basic planning. This is unfortunate considering the consequences that arise from dying intestate — that is, without a Will.

First and foremost, a Will lets someone choose how they want to distribute their assets upon death. When a person dies without a Will, the estate is subject to distribution under the "default" rules applicable where they live. Seldom do these rules reflect what the person would have actually wanted. For parents of young children, a Will also provides an opportunity to appoint a guardian for any children who may be under the age of majority. When no Will exists, this important decision is left exclusively to the courts.

Finally, a Will names the executor or trustee who will be in charge of administering the deceased's estate. Without a Will, a family member or friend must apply to the court to be granted this authority. This usually leads to significant delays and unnecessary costs.

Recounting her experience in dealing with the estate of her own mother, who died intestate, author Sharon Hartung writes, "*Nothing, however, is ever simple when someone dies without a will. It took nine months, the same amount of time it takes to conceive and bring a life into the world, just to get to the same starting point as the executor named in a will.*"

Everyone agrees that making a Will is essential, so why are so few people actually doing it? Enter legal tech.

In recent years, online Will-making platforms have given consumers another option for estate planning that's more approachable, accessible, and affordable. Lawyers often refer to these solutions as "DIY

services" and view them with skepticism. They are often quick to point out the pitfalls of taking lawyers out of the estate planning equation.

This perspective was a paramount consideration when Daniel Goldgut and I designed and built Epilogue. As tax and estate planning lawyers ourselves, we understood (and even shared) some of these concerns. That's why our approach had to be different.

Our experience as practitioners taught us that when family relationships are simple, planning tends to be relatively simple too. In fact, most people with non-complex situations usually want to achieve similar outcomes. Based on our experience, we also know that when someone's situation falls outside of the basic case, they probably should seek legal advice. Examples include when there are children from a prior relationship or a desire to make unequal distributions between children.

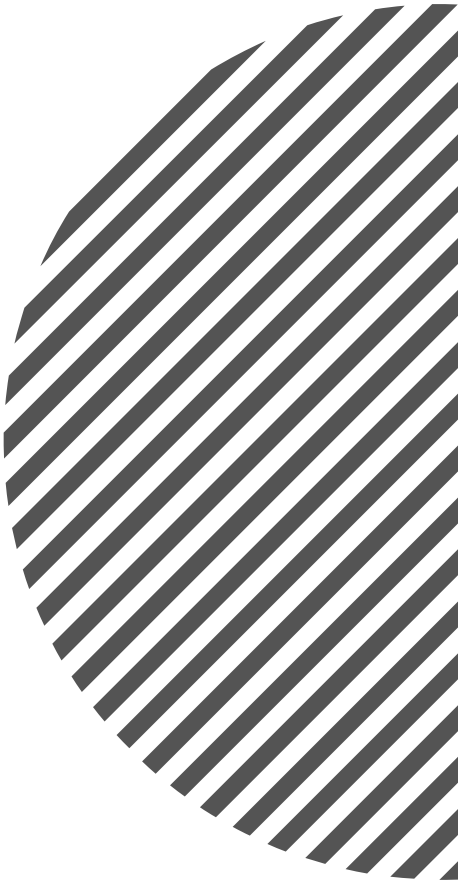
Rather than following the lead of others in the space by layering on new features and giving customers a multitude of options when it came to their own estate planning, we set course in the opposite direction. Our goal was to strip the Will-making process down to its most simple and straightforward elements, giving customers fewer – not more – options for handling their estates.

Epilogue's novel approach to online estate planning both simplifies the estate planning process for consumers and simultaneously reduces the likelihood that someone will unintentionally create documents that do not reflect their intentions or are liable to be challenged. There are multiple points in Epilogue's questionnaire when a prospective customer may be advised to seek legal advice because their circumstances fall outside the scope of what the platform will accommodate.

This is not to say that lawyers should be removed from the estate planning equation altogether. Far from it. Rather, we see Epilogue as one solution in an estate planning ecosystem that is designed to give everyone – regardless of their background, means, or access – the ability to create the basic estate planning documents they need to protect their loved ones.

Online estate platforms like Epilogue are not right for everyone — and they shouldn't try to be. And even if an online solution works for someone today, that may not be the case forever. But if designed and built properly, direct-to-consumer legal technology estate planning tools like Epilogue can be reliable and affordable alternatives for those who can't afford or may not wish to seek the services of a lawyer.

Arin Klug is a former tax and estate planning lawyer. He is the Co-Founder and Chief Operating Officer of Epilogue, a startup member of Legal Innovation Zone in Toronto, Canada.



Want to improve lawyer tech competency? Widen the hiring pool

By Peter Colin

I still hear some inconvenient truths in the legal tech industry on legal tech adoption, centred on the notion that lawyers are resistant to technology. Pre-pandemic, this notion was often cited by conference speakers and attorneys themselves—from the Gen-X (or older) partners distrusting technology's efficacy compared to a human being, to the young associate who chose law because it promised less "tech and math" than other white collar professions, to firm leadership who value efficiency in services delivery less than the value of production of billable hour after billable hour. Some of this sentiment can be traced to bad user experience (U/X). A lawyer could figure out their first iPhone in 10 minutes; they can figure out the basics of Westlaw or a legal research solution with similar ease. Yet some legal tech solutions and platforms take days of training. Time that equates to money leaving the lawyer's pocket.

But aside from these challenges, there's a bigger problem: law firms don't sufficiently value technical acumen, especially in associate hiring.

Most top law firms in the US hire entry level associates straight out of law school as summer interns who matriculate into an associate class. Elite firms often only recruit from elite schools, and occasionally (but decreasingly) from law schools located in the same city with good (but not top) rankings. In the interview processes, both on campus and at in-firm callbacks, hiring criteria often focuses on personality and how candidates fit preexisting moulds reflecting the firm's identity besides grades and potential connections to clients. Before my own on-campus interviews, an attorney at a white shoe law firm in New York told me that creative thinkers, tech innovators, and entrepreneurial resumes that buck tradition are not as valuable as the right school, the right grades, and the right personality that fits the cookie-cutter mould.

It's not a model that hurts law firm profitability. BigLaw KPIs such as demand, worked rates, fees worked, and profits per lawyer have risen consistently since the 2008 recession—even as the average number of billable hours have shrunk. And the replenishment rate for associates has outpaced that of equity and non-equity partners, according to the 2020 State of the Legal Market report presented by the Center on Ethics and the Legal Profession at the Georgetown University Law Center and Thomson Reuters Legal Executive Institute and Peer Monitor®.

So large law firms hire people that fit their convention and it's made them profitable. Many of these firms leave technology to innovation officers, and have large budgets to purchase products that cover attorney tech deficiencies. What's the problem?

Well, the recent global pandemic highlighted that this model may not be timeless or recession-proof. COVID lockdowns forced many American Law firms

(AmLaw) to take significant cost-cutting measures. Several AmLaw 100 and AmLaw 200 firms cut associate salaries, cut summer associate programs, or undertook other austerity measures. Anecdotes leaked about lawyers being slow to adapt to remote technology, causing lags in serving clients and loss of potential billables within the first two months of firm shutdowns. And pre-pandemic siphoning of longtime client business by ALSPs or reallocation to inside counsel are expected to increase as COVID-19 affects the legal market. Many reports authored, at least in part, by legal tech entities deduce law firm clients do want increased tech competency. Wolters Kluwer's 2020 "Future Ready Lawyer Survey: Performance Drivers" report noted that law firm leadership hears all these trade winds beckoning, but remain resistant despite clients calling for increased tech competency in their attorneys.

These are powerful forces to reconcile: the entrenched BigLaw conventional hiring model, compared to market trends looming in the future, now accelerated by the pandemic's effects. I suggest large law firms lose nothing by expanding their hiring models to value tech competency.

This notion is probably intuitive to readers of this publication—attorneys who know how to use technology to make different types of business profitable. BigLaw may offer the Rolls-Royce or Bentley-level of service, but that shouldn't stop BigLaw associates from using technology to also represent Chevrolet or Peugeot-tier clients in a manner that is still profitable for their BigLaw brands. Furthermore, BigLaw can also use tech to efficiently offer a truly Rolls-Royce experience to clients who value technology as the performance-enhancer it is to professionals. Even for entry level associates, who rarely interface with clients, these are the skills the clients ultimately value and ask for. And as law firms criticise law school courses for being less reflective of lawyer capabilities, why not value something that is?

The trouble is that few law schools prioritize tech skills in their curriculum. Isolated professors and clinical programs at some schools do exist, and American legal curricula has more technology offerings nationwide than even five years ago. But American law schools do not set out to train T-shaped attorneys. The delta model is not an aspiration imparted to all students. Models such as these champion tech competency and business skills alongside foundational legal training.

So if tech skills are not widely available in the traditional law school recruiting model, firms should widen the candidate pool. Before the pandemic, law students from even Top 50 law schools increasingly took jobs at smaller firm or non-traditional legal paths and this trend will likely increase with the classes of 2020 and 2021. Would recent graduates be willing to accept entry level BigLaw associate positions even a few years out of law school? Would it benefit firms to hire such associates who bring more skills, experiences and relationships?

The logical answer to both questions is yes, though it means reframing the presumed exclusivity of the law firm hiring model. If you want to hire the best, then hire attorneys with the demonstrated bona fides to back up their bio, who can maximize technology in their practice because they have postgraduate experience doing so. If nothing else, firms spend less time training and can bill them out faster. Even if firms reserve one or two slots of every entry associate class for someone with a year or two of postgrad experience, that brings more to the table for firm associate classes who can learn from more experienced associates.. And, if firms clearly demonstrate technology is truly valued, it will spur lawyers, law schools, and students to seriously up their tech ante before it impacts a paying client.

Arguably, this is a bigger problem in the United States than in Canada or the United Kingdom. The UK's Magic and Silver Circle firms have been more forward-thinking in valuing technology skills in individual lawyers and firmwide, with notable innovation projects at A&O, Mishcon de Reya, and Herbert Smith Freehills among others; Bay Street firms in Canada have similar examples. This is not to say the AmLaw are dinosaurs themselves. Shearman & Sterling, Perkins Coie, Cooley, Morgan Lewis, Baker Donelson and many others are blazing new trails in legal services delivery, maximizing data, and other enterprise tech initiatives impacting processes and practice.

But when it comes to something more fundamental, the law firm's people, AmLaw hiring partners and staff still prioritize prestige and personality over tenacity and technology. And as technology democratises much of that, elite firms will need to reflect technology's place in the candidate pool.

The AmLaw are easy targets on this issue and have been called out in numerous thinkpieces by disgruntled underemployed law grads and by midlevel associates overwhelmed with billables and burnout. But the underlying takeaway remains salient: top firms need to value technology skills more than they presently do to attract lawyers that can serve clients in a rapidly changing and digitising market. It will bolster their reputation as the best legal services providers. They need to rethink hiring criteria and candidate pools so they can live up to their best-in-class reputations.

Peter Colin is a legal technologist at Thomson Reuters, where he offers technology consulting and services to large and midsize US law firms and corporations. Peter serves the top law firms in the country, consulting on legal trends and customising Thomson Reuters legal technology solutions for enhanced workflows, custom research solutions, and increased efficiencies pertaining to both the practice of law and the business of law.

Latin America

Project Victor: The use of AI in the Brazilian Supreme Court

By Matheus Drummond and Matheus de Souza Depieri

The numbers within Brazil's judicial system are staggering. The Supreme Court of Brazil ('STF'), with its 93,100 new cases, another 96,800 cases shelved and a backlog of 31,200 pending cases as of 2019 alone, is one of the clearest illustrations of this volume and complexity. Astoundingly these were the STF's lowest numbers in the past 20 years.

Since 2017, the STF has devoted much of its attention to improving its internal technological resources in an effort to increase case management efficiency. However, of the many different initiatives launched by STF, Project Victor ('Victor') stands out thanks to its innovative approach of utilisingArtificial Intelligence ('AI') to tackle the Court's massive - albeit decreasing - backlog.

Before diving into Victor's structure and main features, we must first understand which bottlenecks it intends to address.

Procedure at a glance: extraordinary appeal and general repercussion in the STF

The STF has jurisdiction over two types of cases: those filed initially with the STF, and "extraordinary appeals" - the latter representing roughly 70% of cases filed in 2019 (approx. 72,000 cases). Typically, these appeals argue that the decisions made by the lower courts violate the Brazilian Constitution. The Constitution rules that an "extraordinary appeal" must prove the existence of "general repercussion(s)". In other words, the underlying case must have a relevant social, political, economic or legal aspect of public interest. If an appeal reaches the STF, the STF then rules that a "theme" does or does not demonstrate general repercussion, setting a precedent for the lower Courts to subsequently apply the STF's decision to similar cases.

However, issues arise when the bulk of appeals are not resolved: the Managing Director of the STF reportedly stated that half of the appeals in 2019, roughly 36,000 cases, were handed back to the lower Courts. Of these, a further half were handed back due to general repercussion issues.

It goes without saying that the task of identifying and managing general repercussion decisions is repetitive, labour-intensive and time-consuming. According to the President of the STF, clerks take an average of 44 minutes just to find the legal documents pertinent to a general repercussion analysis; they then take many more hours to determine the status of the general repercussion theme applicable to the appeal. Even after this process, the system is not bulletproof: it is not uncommon for the STF to receive cases that have already been assigned theme and merit, and that therefore should be restricted to the lower Courts.

Project Victor and its 2 main features

Project Victor aims to contribute to reducing the Court's

backlog on "extraordinary appeals" by automating as many processes of the workflow as possible, thus allowing civil servants to allocate time to more complex tasks. At time of writing, Victor has 2 main features – both use AI.

1. Classification of Documents

The first feature automates the segregation and classification of legal documents pertinent to the general repercussion analysis via pattern recognition within the case files. The selection of legal documents not only saves time, it also forms part of the structuring of relevant data for training the algorithms for the second feature (see below).

When it came to developing Victor, researchers of the University of Brasilia (UnB) used different document analysis and natural language processing tools. In one approach, they proposed a Bidirectional Long Short-Term Memory Network ('Bi-LSTM') which processes the first 1,000 tokens (i.e. the first page) of a document , having achieved a mean precision of 85% and a F1 Score of 84% at a rate of 1.47ms per document (see definitions of accuracy, precision and F1 here at p. 37). In another approach, the researchers proposed a convolutional neural network ('CNN') architecture in a dataset created by the legal team which contained 6,814 manually classified documents. The dataset contained at least 500 samples for each document it intended to classify. For machine learning purposes, the dataset was split in training (70%), validation (20%) and test set (10%). The results obtained 90.35% accuracy and F1 score of 91% at a rate of 5.87ms per document plus the time to run the OCR (optical character recognition) when applicable. This meant longer processing times but higher accuracy rates. As some of the documents in both datasets were images, a byproduct of this first feature was the massive conversion of images to searchable PDF texts, which also has the additional benefit of helping with daily tasks such as writing drafts of votes.

Regardless of the approach, preliminary results indicated that the same task humans took at least 44 minutes to complete, Victor reduced to 5 seconds – with similar levels of precision.

2. Identifying recurring themes

The second feature (still pre-operational) will comprise automation of identifying the most recurrent themes of general repercussion(s) in extraordinary appeals.The development of this AI tool has been divided into the following phases:

(i) Structuring and preparing the dataset of general repercussions (using technology developed in the first feature above);
(ii) Evaluation of the best algorithms and machine learning techniques to develop the AI tool;
(iii) Prototyping, training and evaluating the algorithms; and
(iv) Real-time classification of general repercussion issues.

The dataset has been prepared (as of July 2019) with more than 200,000 cases of raw data and around 14,000 labelled and verified cases. The researchers, having restricted the scope of the dataset to identify the most recurrent themes, found that 27 themes had sufficient data to be trained by the algorithm. With each theme having at least 500 decisions related to it and covering a time span of at least two years, this represents roughly half of all the general repercussion discussions in the STF (9,000 out of 18,000) according to the IT Secretary of the STF.

Victor intends to apply natural language processing techniques (NLP) and machine learning methods to improve the recognition of text patterns and thereby automatically assign cases to one of the 27 general repercussion themes, if applicable. The STF states Victor's algorithms go beyond searching for keywords. Rather, it learns and then analyses the context in which the expressions are used when it reads all the case files of relevant decisions of the President of the STF on a searched topic. Although it is not yet clear which algorithms Victor uses, the results in the pre-operational phase seem promising. As of July 2019, studies published by the researchers assert the parameters of Victor using the dataset mentioned above indicated an average precision of 95.68%, an average recall of 87.37% and a F1 score of 91.1%.

Conclusion

Considering the importance of using AI to enhance productivity in Courts, the STF's acceptance of new technologies and promising results inspire confidencethat Victor could lead to a breakthrough in the Brazilian Judicial System. However, since this technology might have a direct impact on the outcome of judicial decisions, it is crucial that the development team and the STF ensure that the use of the algorithm complies with basic ethical standards, mainly the OECD principles on AI, regarding transparency, accuracy, reliability, security and accountability.

Matheus Drummond
Matheus de Souza Depieri

Asia and Pacific

Legal Tech in South Korea

By Sara Moon

In this article, Sara Moon takes a look at legal tech growth in South Korea and discusses the hurdles to greater adoption.

While Europe and the US are seeing a rapid expansion in the legal tech industry, South Korea has just jumped on this tech bandwagon. There are just a handful of legal tech startups and only a few law firms that have explored the possibility of incorporating legal tech into their services. Some of the companies that are paving the road to innovation in South Korea's legal industry include:

- Intellicon, which created smart search software for finding precedents and laws;
- Lawform, which provides legal document automation service; and
- LawTalk, which allows real-time consultation between a client and a lawyer.

With South Korea having just passed the starting line in the global legal tech race, it's a good time to examine the current state of South Korea's legal tech industry, and take a glimpse at what the future may hold.

The rise of Legal Tech in South Korea

Legal tech startups in South Korea first appeared around 2015. Since then, legal tech has diversified into various areas of legal services, from document automation to smart searching of legal information. This newly found legal tech industry has been constantly growing since. Some of the leading law firms in the country have adopted legal tech into their services. Kim & Chang, South Korea's biggest law firm, used its in-house e-discovery software when analysing over 100,000 pages of documents for an international arbitration case, and law firm D'Light created a piece of software called "Comake", a blockchain-based contract drafting service.

The South Korean government has also started investing in legal tech, although investment has been limited to technologies that could be used in criminal cases, such as criminal profiling systems and algorithms that could predict an offender's crime.

There are several reasons why legal tech has become a trend in South Korea:

1. Development of information and communications technology (ICT)

South Korea ranked second in the 2017 global ICT Development Index (IDI), published by the United Nations, and the current President Moon Jae-in has been promoting AI as a core national industry to turn South Korea into an "AI powerhouse". Last year, the Ministry of Science and ICT launched $441.8 million worth of R&D projects on data technology and AI. Recent developments in ICT facilitated the integration of legal services and technology and enabled the creation of big data and AI-based legal tech products and services.

2. Increased competition in the legal industry

Internally, there has been a significant rise in the number of lawyers in South Korea after replacing the bar exam with law schools; the pass rate rose hugely following the introduction of the new law school route to becoming a lawyer. Externally, after opening up the legal market to foreign countries in 2012, many foreign law

firms have opened up Korean offices, bringing further competition. It has become more important than ever for lawyers to provide competitive services by increasing efficiency in the legal workplace and expanding their customer base by making it easier for the public to access legal services. The use of legal tech is making these goals possible.

The Obstacles

Despite a strong technological base and growing interest in legal tech, there are reasons why South Korea has not yet seen a boom in this new industry.

The biggest obstacle to innovation is uncertainty in the law. South Korean law only permits lawyers to provide legal services. There are currently ongoing debates as to whether legal tech products amount to providing a legal service, and would therefore be a breach of the law if provided by non-lawyers. Also, the law prohibits partnerships between lawyers and non-lawyers. This causes difficulty when legal tech startups consisting of non-lawyers who try to partner with lawyers to provide legal tech services. There are criticisms that these restrictions are unnecessarily blocking non-lawyers from engaging with the development of legal tech and that it is too restrictive from the perspective of IT companies if only lawyers or law firms are allowed to provide technology-based legal services. Due to this strict law, currently many of the founders of legal tech startups in South Korea are lawyers.

Another obstacle is lack of access to precedents. South Korea does not publish precedents except in a very few cases. Since the quality of AI-based software depends on analysing large amounts of data, if the public cannot access precedents, it is difficult to develop high-quality AI-based legal tech such as legal research technologies or prediction technologies that help lawyers predict the outcome of proceedings. In the current situation, it is only big law firms that have their own databases of precedents that could successfully develop high-quality AI-based legal tech. Since legal tech has the potential to drive down the cost of legal services by bringing efficiencies to the day-to-day work of lawyers, limiting the development and use of legal tech products to a few big law firms will not be beneficial to the legal industry as a whole or to its clients.

The Future

The future of legal tech in South Korea depends on the willingness of the legislator to respond to the changing legal market and development of technology. Although the National Assembly—the legislative body of South Korea—seems reluctant to amend the law to allow more people to engage in legal tech, the ICT industry, lawyers and some of the members of the National Assembly are constantly urging the Assembly to reform the outdated law.

The application of legal tech in countries like the UK and the US has shown how legal tech can bring about greater efficiency in the legal industry and improve access to justice for the public. The benefits of legal tech are clear and South Korea has advanced technology to realise those benefits. However, they will not be realised unless there is a supportive legal landscape approving the development of the legal tech industry in South Korea. The world constantly changes and so should the law. Whether South Korea will catch up to others in the legal tech race or lag behind remains to be seen.

Sara Moon

Legal Darwinism - The future for in-house teams is agility

By Shashank Bijapur, CEO, SpotDraft

Since its inception in 2001, 'business agility' snugly fit into a list of cool catchphrases deployed by management teams to establish thought leadership. Simply put - the agile methodology plays on the idea of unit mechanics. Imploring teams to be lean, prioritise process evolution over documentation, and increase collaboration for better, faster results.

So far, it has worked invariably across businesses, with most individual functions customising agility towards what works best for them. Unfortunately, in-house legal teams weren't given the memo. For long, they have managed the gigantic quantum of hyper-sensitive operations through their own resourcefulness, overwrought with longer work hours that sometimes leaked onto weekends.

All this, without the help of technology or workflow improvements.

Incidentally, legal teams are also the most leveraged with their hours stretched thin since every business dollar can be immutably tied back to a contract executed before it. Therefore, they also have pronounced implications on the business they serve. A November 2018 survey by global analytics firm - RELX, found that among 1,000 U.S. senior executives surveyed across a diverse spectrum of industries, legal executives were among ones least touched by technological progress.

It is natural, that the people employed to mitigate risks, will be the ones most unwelcoming of the uncertainties that come with leaving decades of proven modus operandi to adopt or experiment with new processes or technology.

Deal-closing has never been a handshake and manually liaising with multiple stakeholders (both internal and external) generates tremendous noise and workflow inconsistency. It is natural therefore, that a pandemic that has upended our idea of office has only compounded these already pertinent problems. Technology and process innovation will not only de-risk workflow, or achieve faster handovers now, but will also help them cope with the change, achieve work-life equilibrium and decrease individual tolls - hence, agility. There's no reason why in-house legal professionals shouldn't therefore enjoy the same liberty their friends in other departments do. Here we discuss how.

In-house legal 2.0

The legal profession is labour-intensive, commands enormous decision-capital and demands acute attention to detail. This means, an in-house legal is typically reviewing and negotiating critical contracts, incorporating stakeholder feedback, and strategizing for cost efficiency while maintaining in-house matter management - all at the same time. The fact that there must be no compromises in the quality of output, is implicitly agreed upon.

One of the most efficient methods to defrictionalize the process is to integrate deep human ability to strategize with the ability of data to analyse and provide insights. Even for contract analysis, data can significantly reduce turnaround time to minutes, highlight inconsistencies and minimize human errors, giving lawyers the ability to then look at the actionables required to execute the contract. For sensitive functions like legal ops, the data set to be analysed are also best understood when read with their underlying context. Today's tech landscape provides emerging solutions that address the 'content+context' problem. Tools thus developed are increasingly being tailored to fit the contextual analysis of legal operations.

To make it better, technological improvements facilitate today's legal teams with a 'second brain' through artificial intelligence. AI can dictate historical inconsistencies across voluminous contracts - something that has for so long been a time consuming ordeal, and can save the organisation thousands of dollars in research and time.

With technology as a weapon, today's meta-lawyer is truly agile, can overshoot their performance indicators, minimise errors, and make their direct implications on organisational revenue much more visible, without employing the same Herculean efforts.

Collaborative counsel

Modern dynamic workplaces and their shifting expectations begs the question - "how independent should the roles of in-house legals be of everyone else around them?"

This has also been a persistent problem for in-house legals across industries. Their true potentials have not been materialised since there does not exist as many process/technology innovations to help them communicate with other client-facing functions in the business. This means in the age of the internet, lawyers are largely still restricted to setting appointments, paper pushing, and awaiting lengthy reverts, and in the worst cases- miscommunication. A lot of time is therefore spent on 'due diligence' than generating faster outcomes.

Since legal communications are pragmatically different than most other forms of communication, today's conversations solutions need to be customized and contextualised for legal teams and their specific tasks. It is exactly these challenges that technologies like SpotDraft's in-line legal editor help eliminate, by allowing legal teams to collaborate with multiple stakeholders at warp-speed.

Most of our clients, irrespective of company sizes, believe that the power to manage conversations can directly impact compliance assessment and reduce client-business friction. This can be the gamechanger for legal teams. Seamless communication produces faster, more contextualized and accurate handovers and reduces conversion time. Not only does that mean more efficient collaboration, it also means better relations with the associated functions. Win-win.

People prioritisation

It is important to note that despite all process innovations, true agility is unachievable without a stable, operational team culture that is bred out of an ethos of support and consideration. Legal professionals have long been working in an environment that has historically rewarded labour and not output. They should also be encouraged to robotise low-complexity work and take more control of activities that need considerable cognition and can make their value more visible to the organisation.

For legal teams to be able to directly grow businesses, management units must actively aid in removing this notion and its associated hubris. Manual review of documentation and contracts running into hundreds of pages in an attempt to find risks and non-compliance to standards. Using AI tools will bring down these hours giving lawyers time to focus on their core functions.

The difference between good and great teams is not just in tool upgradation, it is in truly evolving the people within the unit. In-house legal teams therefore must be ordained with acute training around legal evolution, adoption to approach and process changes, and the significant bearings of changes in law enforcement in local and global markets. They must also be given greater involvement in the procedure of developing AI and tech-focused solutions instead of being driven by manual operations.

In addition, there should also be pedagogical intervention to improve the softer, emotive aspects of their occupation through work prioritisation, skill-building and the promotion of work-life equilibrium.

An unforeseen pandemic and its equally unprecedented implications on healthcare, business, and economy are nature's way of driving realisation that the no pre-established strategy holds mettle in the face of a crisis, and hence most durable teams must always learn to modify themselves frequently. It is now time that legal teams do it too.

Shashank Bijapur
CEO, SpotDraft

An Ideal Legal Technologist

By Nabiha Khwaja

"Embarking on a road less travelled is hurdled with apprehensions, but those willing to risk it, often emerge victorious."

Legal technology: an area which is still in its early stages but has started to spread its wings in the light of new and innovative uses of technology and the growing application of artificial intelligence.

Lawyers and judges are being encouraged to adapt to the changing times by adopting the use of technology in their legal practice. Law students and young lawyers are looking up to the new roles which have evolved as a result of this. Namely, legal engineers, legal technologists, legal designers and legal data scientists. While these roles are relatively recent, they have thrived in the face of COVID-19 as the pandemic has led to many changes and transformations in the world recently, including the shift online and embrace of the digital agenda (namely through the need to electronically execute contracts).

With legal technology prospering, it is clear that related roles are attracting a young generation of lawyers and law students, but it is not only limited to them. A lot of computer science students and engineers have also been attracted to legal technology as software and applications such as DoNotPay, matters.cloud and ROSS Intelligence have enticed them to explore this arena. However, when someone aspires to become a legal engineer/legal technologist, the first question which pops into their mind is: "How can I become a legal technologist?" The next step leads them to browse courses and certifications which can help them pursue this career. One can come across courses like LL.M. in Legal Technology offered by Swansea University and University of Portsmouth in the UK and I.E. Law School in Spain. Besides these courses, some related programmes are offered by Stanford University (USA), University of Edinburgh (UK), Hertfordshire University (UK), National University of Singapore and the University of Kebangsaan in Malaysia, etc. Furthermore, Bucerius Law School in Germany also offers a summer programme titled "Legal Technology and Operations" which is a very reputable and widely known programme, attended by law students from all over the world.

Gathering information about such programmes, researching, analysing and comparing to find out which is the best course to pursue is a hassle. After this is resolved, another issue which lies ahead before one can embark on their journey to become a legal technologist is that of eligibility, as well as capability. This issue arises due to the amalgamation of law and technology, which is new and has emerged along with the evolution of legal tech. This is confusing because law had remained very distinct and unrelated to engineering up until now, unlike medicine, where forensics has always been connected and linked with law since its very inception.

When the term legal technologist is mentioned, it leads one to wonder whether they are lawyers, engineers, or both? The book, '*End of Lawyers?*' by Richard Susskind reveals that legal engineers/technologists are those engineers or tech experts, who, after gaining experience of working in tech-related roles in law firms, become acquainted with the legal process. Legal engineers can be and are also lawyers or former lawyers who are adept with technology and use their skills and ideas to improve legal processes by employing technology to achieve the same. This causes fears and confusion; creating apprehensions in the mind of aspiring legal technologists about whether they are capable of this role or not. A similar query was asked in a recent webinar, "*Artificial Intelligence, Law and Evolution of Legal Engineering*" organised by the BeABP Foundation, in which an insightful talk on such roles was thoroughly provided by Mr. Akber Datoo, the Founder and CEO of D2 Legal Technology, who is also the author of the Wiley practitioner text, '*Legal Data for Banking*'. When asked who would make an ideal legal technologist, he shared his personal experience by saying that there was currently a chasm between the technology and legal industries which needed to be addressed. In his initial professional life as a technologist, he witnessed the legal profession's dismissiveness of suggestions as to how to automate and utilise technology to unlock business value through technological change. Accordingly, he decided to go back to law school and qualify and work as a Solicitor in England and Wales, before merging the two skillsets - he is now a pioneer of legal technology and very successful in this field.

Several legal tech professionals and academics have revealed that if a person belongs to the tech background, they should enrol in a law school to get a law degree and then step in the field of legal tech, whereas, if the person is a lawyer or a law student with no background or experience in technology, they can still enrol for masters in legal technology as well as pursue a career as a legal technologist without the requirement of any advanced degree in tech. However, if one really aspires to explore this arena and join this field, one should learn a coding language. Although any language would suffice, Python is recommended by legal tech academicians as it is platform-independent, which means it can be used on any platform and is relatively easy to learn in comparison with other languages.

Eligibility to become a legal engineer is explained by an example found on the website of Simmons Wavelength (the legal tech-specific arm of global law firm Simmons & Simmons), which is working at the intersection of law and technology. It provides the example of a person; Sam, who is an undergraduate student and has studied particular legal tech modules or has worked on a thesis about the impact of technology or related topics on law. This example suggests that even a lawyer who has written a thesis on a legal tech related topic or has taken some modules of legal tech, is eligible to become a legal engineer.

In my opinion, the ideal legal technologist would be one who is a lawyer and has either learned some coding language or has taken modules of legal tech, or has written a thesis on a related topic. They may also be lawyers who possess skills and knowledge of technology, or one who has gained experience of technology by working in tech related roles in law firms (which may include working on spreadsheet automation or the use of document automation products). Nonetheless, it can be anyone aspiring to explore this arena backed with the passion for legal technology.

"Technologising law is a revolutionary feat and its pioneers are no less than revolutionaries."

Nabiha Khwaja,
CEO & Co-founder
N & T's Legal Tech

Interviews

Interview: Tom Hambrett on Revolut's Legal Tech Journey

Tom Hambrett, General Counsel at Revolut, tells Elizabeth Denny about the challenges in-house legal teams face when using legal technology and why he believes legal tech provides powerful insights that help in-house teams work closely with the rest of the business.

Tom Hambrett started his career at Herbert Smith Freehills and qualified into their corporate team. At the firm, he felt more energised when working closely with senior management on strategic corporate projects. "I thought, logically I need to go in-house. I was interviewing and looking at tech firms because it was definitely an area of interest to me. I started researching Fintech, particularly in London, as it really is the central hub of the European scene."

Tom described how he came across Revolut's products: "At the time I was trying to do something very similar to Revolut. I was using a number of local banks in Australia to essentially get the best exchange rate possible whilst also tracking my FX exposure and savings on a very simple budget travel app. It came to my attention that this was Nik's (Nikolay Storonsky – Revolut's founder) vision - to try and create one app that could house everything – and I was trying to patch together four or five apps essentially to do the same thing! That's what lead me to Revolut."

When asked if he believes an appreciation of the company's product is important for working in-house, he emphatically replies that it is fundamental to anyone wanting to join a tech company. "You have to become almost evangelical about its benefits to stay motivated!".

This is what Tom had to say in full:

Lizzy: Your legal team at Revolut has grown rapidly over the last few years, what legal tech do you use and how has this changed over time?

We began our legal tech journey within the department by using very simple tools. We no longer use these tools

> "Tech gives you the data and the insights to be transparent with your business partners about what you're doing and why you're doing it."

but it was just the beginning of us getting use to new processes. In the early days, we just used a Google form and a project planning tool called Trello. Originally there were three lawyers, sitting in open plan floor and the business would either walk up to our desks or Slack us with a legal problem.

However, there was no way to triage the requests coming in and allocate priority bands against what was "mission critical" and what was a "nice to have". There was also no way to track back and report to the business what I was spending my time on, which I think is the fundamental point of tech. It gives you the data and the insights to be transparent with your business partners about what you're doing and why you're doing it. So, we used a Google form for all legal requests which automatically created a ticket on Trello and from there we would manually allocate those tasks to a specific legal counsel.

Over time, the team grew and the business itself changed. Our team began to use Jira, which allowed our department to manage multi-functional projects, set clear timelines connected to transparent roadmaps, have clear SLAs and assign individual owners within the legal department discrete sub-tasks. This gave the business a lot more visibility on who was working on what task and how long it was going to take. Alongside this, we created priority bands which aligned to what Revolut wanted to achieve in a certain period of time (originally these were set once a year, but we now re-set these on a quarterly basis). A priority band one receives an SLA time of 24 hours, band two gets an SLA time of 72 – 96 hours and band three was no more than 5 business days. We then made a commitment to the business that we would deliver on those SLAs and enable them to track it in real time using Metabase, which is a database for storing business analytics. We decided that no more than 2% of our tickets would be overdue and that the business could query the Metabase to see how we are doing with all these tickets.

Tech Jargon Buster

In case you're wondering, SLA means Service Level Agreement. It defines the level of service expected by a customer.

For more definitions, keep your eyes peeled for our Legal Tech dictionary which will be released later this year!

Following this, we created a legal dashboard showing us where requests were coming from – the product teams? From compliance? Or perhaps employment relations? It enabled me to make informed decisions on where we needed to hire people. If there were lots of requests coming in from compliance, then it showed me that maybe I needed a financial compliance lawyer to service them directly. That's the power tech gives you.

Lizzy: That's interesting, so what do you use nowadays?

Well, we've moved on a lot. One of the goals for me was to remove 'low value, high volume' stuff from my lawyers. To do that, I introduced templates (around 50 or so) for all our different agreements from basic NDAs all the way up to intercompany group lending/servicing agreements and corporate transaction documents. These templates are then uploaded onto our software, allowing the business to negotiate directly with the counterparty and not engage Legal because our preferred position is baked into the contract.

We also use legal tech to track and quantify legal risk. Everyone said quantifying legal risk is impossible, and it's not a perfect science, but it's definitely a useful exercise for getting the business to understand what a lawyer does. So for us, I just sat down and produced a simple excel spreadsheet and wrote down over 150 commercial clauses I'd seen in the last three years of Revolut. Everything from termination, penalty for late fees, exclusivity, confidentiality and audit rights. We then categorised, from 1 to 5, what we would and wouldn't accept. Those weightings would then spit out a score at the end, which would then influence how we governed certain risk with counterparties.

Lizzy: So, this spreadsheet now forms part of your legal dashboard?

With our developers we have built this spreadsheet into our own propriety risk system that we just call for short "back office". The software tracks each vendor, each legal score and how we will manage that moving forward. We can now query certain scores, see what terms are coming up and what risk we will or won't accept. It's available to everyone in the business and we're able to run different types of analysis on it. As a result of using Jira, we can closely track capacity and those who are getting pumped by a constant stream of tickets or those that are falling behind.

Legal tech has allowed us to have mature conversations with the business. When someone comes in and needs something within 72 hours, we can look at what else we've got on and where it lies within our priorities. I think it comes back to that point about transparency, tech has enabled us to be a genuine business contributor and partner. I think a lot of people talk about moving in-house and working closely with the business, but you can't do that in an educated way until you've actually got the access to the information and see where people are pushing and pulling.

Lizzy: We've spoken a lot so far about the benefits of using legal technology, but what do you think are the challenges?

That's a good question because in short, I don't think there is a single user-friendly piece of legal tech on the market. The first wave of legal tech, with Thomson Reuters or Serengeti and other platforms, was essentially an "off the shelf" product that was going to be over £75k and was going to take you over six months to migrate across. So not ideal and definitely not good for a young, particularly when your company is loss making!

The use of Jira is something that we have come to embrace, and we use it for a whole range of processes. But it's not flawless and I definitely don't think it is intuitive, particularly for us non-technical lawyers that don't have a computer science background. I think that long-term it would be great to have an off the shelf product, but in reality, just like people would like an off the shelf contract that you never need to negotiate, every single team has different requirements, so there needs to be a degree of personalisation.

I look at the price then I consider value to my team as I back my team and get their opinion as I don't want to introduce something they won't use. Finally, I consider compatibility with other things – everything with us is on Metabase and we have service desks that are part of Jira, so it would be amiss to introduce something outside of that system.

Lizzy: How do you find out about a new legal tech product?

Normally it's going to be at knowledge sharing meetings and with experts from in-house, sometimes it's from catching up with other GCs. It's important to think about the pain points and whether there's a solution – off the shelf or built in-house. We build around 98% of the legal tech and technology that we use generally. I think that's crucial because it's a great test – if you really want something, go and build it! Apart from this, we use Carda to manage share options and Peakon to gage the eNPS (Employee Net Promoter Score) of my team.

> "We build in-house around 98% of all the legal tech we use at Revolut"

Lizzy: Do you have any advice for current trainees or future lawyers trying to understand legal tech?

There is no substitute for understanding the basics and the must-haves. Unfortunately, that means that tech won't help you become a better lawyer. Tech is a tool that will assist you with your time, making more informed decisions and demonstrating the 'value add'. Tech is complimentary, not a substitute.

My advice with legal tech would be embrace it – if you can learn to code that's good, if you can't, at least know how coding works. Ask those questions two or three levels deep. Everyone can understand on a high-level what tech can do. Email could be viewed as legal tech, but it's essentially a global to-do list and anyone can put anything on it. The key is to understand why processes work the way they do and why certain value is weighted over others. Get the basics: don't take tech on face value, sometimes very shiny, sophisticated tech won't solve your problem.

Overall a thought-provoking interview with some fascinating insights. It's evident that we live in interesting times, now that the legal team of a modern bank comes equipped with its own team of software engineers. Thank you to Tom Hambrett for sharing your thoughts with The Legal Technologist.

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Social Media and the Modern Lawyer: Interview with Eloise Skinner

In this month's Legal Technologist our Founder and Managing Editor Marc May interviewed Eloise Skinner. Eloise Skinner is a corporate tax lawyer based in London. She also has over ten thousand followers on her Instagram channel (@eloiseallexia) which is devoted to her showcasing ballet moves in different locations around London. She is also a published author, having written the Junior Lawyers' Handbook for the Law Society last year.

MM - Are clients positive about you having a social media channel showing passions outside of just being a lawyer?

ES - The type of work I do is generally not so client-facing, as we tend to support other deal teams within the firm. However, it is certainly another factor that I think about when I post something up.

MM - Judging by your Instagram feed it seems like you're out and about every day – how do you fit it into your work schedule?

ES - Instagram is able to portray a life that may not be entirely accurate. For example, I can do a couple of shoots a year and can get a few hundred pictures to use over time. Instagram doesn't always reflect reality!

MM - There is clearly a strategy there to curate your content and post in a particular way. Should lawyers learn to manage content on social media to either post about their professional or personal life?

ES - It's a question I didn't really need to address when I was actually becoming a lawyer. I was thinking the other day that it has been ten years since I started my law degree, and back then I was barely even on Facebook. There wasn't really any talk of online branding. It's much more complex now for junior lawyers and people coming into the profession now.

I think these days, you need to make a decision about whether you want a visible profile online. You don't necessarily have to have one: I don't think it harms you in any way if you keep your social media private. But if you are online, then there is a question of what image you want to put out there. Are you going to hold yourself out as a lawyer? Or are you going to keep every private and only post to friends and family?

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So there are a lot of different layers to it. I guess the most practical piece of advice is that junior lawyers should take the time to be intentional with the posts that they put out on social media.

MM - In the past I've seen lawyers sacked through their actions on social media – do you think that law schools should be teaching students about personal brand and marketing themselves on social media for their professional careers?

ES - I think you're right: it should be at least partially taught in law and ethics. You've got to be aware you're not just posting as a member of the public, you're also representing the legal profession.

ES - I think you're right: it should be at least partially taught in law and ethics. You've got to be aware you're not just posting as a member of the public, you're also representing the legal profession.

MM - Do you think lawyers need to learn about social media or is it the case that senior lawyers still live in a word-of-mouth/close connections world?

ES - It's hard to say. I think now more than ever, people are embracing technology due to the impact of Covid-19. So it's definitely being used more to connect and spread messages. With new social media platforms appearing all the time, I think it will always take a while for the newest ones to filter through to the top of the profession (understandable, as they'll generally be focusing on running their legal businesses!).

MM - Mental health and wellbeing is a big issue in the legal profession and I know it is something you're particularly interested in. With many lawyers working from home over the lockdown period (and some still working from home) – has technology been able to assist with wellbeing?

ES - I think technology has been both a positive and negative influence over the pandemic period. I've seen a huge proliferation of legal blogs and Instagram accounts, and a lot of stuff happening on LinkedIn. There have also been a lot of virtual internships available for students. That's been incredible, because if you want legal experience but your vacation scheme was cancelled, then things like Inside Sherpa or the Legal Cheek vacation scheme have been really valuable for people.

On the less positive side, I think there has been a real culture on Instagram of showing hyper-productivity and of people trying to outdo each other. There is also a danger that too much time on screen makes you lose perspective on the real world.

MM - There will be a big mix of those who have just received training contract offers and those that either applied and didn't get one or have just been made redundant, for example. So technology really does have a big impact?

ES – I think LinkedIn feeds in general can be a bit of an echo chamber. So, at the moment I do see a lot of people pleased to get training contract offers – but I think that if people are prone to comparison or you've just had a bad experience this year, it might not be the healthiest thing to be scrolling through over and over again. I think you've just got to mark the boundaries for yourself.

MM - In relation to legal tech itself, have you seen an increase in the use of legal tech in practice?

ES - I'm generally aware that things are changing very quickly. The areas in which I've seen significant changes are litigation (e.g. with virtual courts and hearings) and corporate (e.g. with due diligence tools). Even for me, and I didn't train all that long ago, there used to be days and days where you'd be looking through due diligence documents, and we're starting to see now that it can be done with the assistance of technology.

MM - Thank you!

Emerging Technologies

No-Code is a No-Brainer for the Legal Sector

By Alex Smith, Global Product Management Lead for iManage RAVN

According to Gartner, low-code application development will be responsible for more than 65% of application development activity by 2024. Similarly, Forrester forecasts that the total spending in low-code will hit $21.2 billion by 2022, representing a compound annual growth rate of roughly 40%.

Clearly, the no-code/low-code movement is a trend with momentum – and it offers a lot of potential benefits to the legal sector.

Why? Because lawyers are subject matter experts, not computer programmers – and they shouldn't need a degree in coding to be able to support a business process within a corporate legal department or law firm. The idea of just being able to drag-and-drop "building blocks" or "components" that will help automate or streamline a process – all without having to write a single line of code – is highly appealing.

Think here of an AI tool being used to help review a large set of contracts to find ones that contain specific clauses. A lawyer doesn't need to know how to write code to make that happen. Instead, they just interact with the user interface of the tool, plugging criteria into certain fields, creating a drag and drop training set, deciding the logical workflow, and then clicking a button.

In many ways, this no-code approach isn't a new idea. Products that are already present in just about every law firm on the globe, like Microsoft Excel, already offer this ability for end users to automate a calculation or logic based process without having to get under the hood and write code.

Excel lets users automatically pull in numbers, run calculations, and get an output like a chart or a visual dashboard – all without needing to know what Excel is actually doing behind the scenes. Likewise, common business tools like Salesforce or Survey Monkey enable all sorts of automation without requiring any coding knowledge. This is a user experience (UX) challenge and not a learn to code one.

Making use of what's already in place

Against the backdrop of COVID-19 and slimmed down budgets, the legal sector will continue to look to no-code/low-code tools and technologies to drive efficiency. It's unlikely that there will be budget or sign-off for purchasing shiny new products right now. Instead, there will be a keen interest in allowing lawyers and business users to make better use of the platforms that are already in place.

Part of the logic here is meeting people where they "live." If they spend their days surrounded by emails, documents, and spreadsheets – as most knowledge workers do – it makes sense to expand on the environment they're used to, rather than introducing something new. The ability to identify a need around those emails, documents, and spreadsheets that they work with every day – a process that needs to be automated, for instance, or a piece of knowledge that needs to be extracted – and quickly implement a solution is hugely valuable.

A few words of caution are necessary here. Building a full-fledged application isn't simply a matter of writing code: it's about understanding people, process, and needs within an organisation, and then designing a solution that makes sense for that context. Low-code/no-code solutions are not exempt from these considerations.

Put another way: just because a business user can quickly and easily put together an app or solution using low-code/no-code methods doesn't mean they shouldn't understand good practice around building digital applications.

If it's a simple project or undertaking, then it's likely fine for end users to jump in and create their own solution. If it's more complex, the gap in product and best practice knowledge might become problematic.

For example, if a business user creates some type of survey or information-gathering tool, but doesn't really understand all the implications around GDPR – including what disclaimers are necessary at the outset around data collection, or what type of governance or retention policy is required – things can quickly get tricky.

For this reason, IT teams would be well advised to evaluate projects upfront to determine whether a no-code approach is appropriate. Empowering employees with no-code tools – but not providing best practice-specific knowledge around corporate governance, ethics, and compliance, if the project calls for it – could create more problems than it solves.

A positive development

There is much talk about the need for more "data literacy" in the workforce, and this is true – data literacy is essential to thriving in today's fast paced and ever evolving digital landscape. But data literacy shouldn't be confused with coding.

The no-code/low-code movement doesn't eliminate the need for understanding what pieces of data are valuable and what best practices or project management skills might be needed to automate a process around that data. It simply means that the development of apps is no longer the exclusive domain of a small handful of people with computer science degrees.

Overall, this is a positive development, empowering domain experts to easily build technology that will improve the way they go about their day-to-day work. For law firms looking for greater agility as part of an ongoing digital transformation, this approach fits right in. In fact, many firms come to the iManage AI University with their own real-world data to gain first-hand insight and experience of using the AI tools to innovatively solve specific business problems. It allows them to focus on applying AI without having to worry about coding or the underlying data science. They genuinely find this approach empowering.

The cost savings for firms are not insignificant, either. The fact is, developers are expensive. For example, it can cost upwards of $100,000 to develop a mobile app. By saving money on these types of development costs for smaller workflow solutions, law firms can pass these savings on to their clients – all while tackling work more efficiently.

The no-code/low-code movement even has tremendous potential in improving access to legal services, since the price of legal counsel can be out of reach for many individuals. Rather than paying a lawyer to fill out an official form for court proceedings, what if lawyers could develop a simple, survey-like app that collects and files the relevant information for the individual?

This sort of thing is possible when the people who sit close to those processes – the domain experts who deal with that information every day – are empowered to create solutions themselves.

This is good news for all parties across the legal sector.

About the author

Alex Smith, Global Product Management Lead for iManage RAVN, has over 20 years of experience in product management and service design, including new and emerging technologies such as artificial intelligence, semantic search and linked data, as well as content management. Prior to iManage RAVN, Alex has held positions at Reed Smith LLP and LexisNexis UK.

Legal Tech in Arbitration

By Jan Mary Baloyo

One of the roles of legal technology (Legal Tech) in arbitration is the provision of rapid insight into the results of law and fact scenarios. This allows arbitrators to endorse more reliable settlement approaches. Legal Tech has been used in arbitration for case management such as obtaining the meaning from files, identifying patterns in disputes, and identifying sentiments like dishonesty. The speed at which assessments can be made and the low cost that Legal Tech offers is highly attractive to law firms since it allows them to provide clients with value for money and attract more work.

Recent Developments

- **DoNotPay.com** is a robot lawyer originally created to contest parking fines. It has successfully appealed £3million parking tickets in the US and UK.
- **Legal Utopia** is a website which can identify legal problems and provide guidance for resolution.
- **Ebay** provides an online process for dispute resolution.
- **IBM Project Debater** is an argumentation instrument which evaluates an argument's persuasiveness supporting in the decision-making process.
- **DisputesEfiling** is an online management tool for arbitration and mediation cases designed by litigators for litigators. It provides real-time data streaming and generate the volumes of anonymised data required in the analysis of outcomes.
- **International Institute for Conflict Prevention & Resolution** helped in the development of Cyber-Security Protocol for International Arbitration and is providing training in cyber-security for their arbitrator panel.
- The **Institute of the Stockholm Chamber of Commerce**, in collaboration with **Thomson Reuters**, has built their own secure platform for administration of cases.

Current Limitations

Artificial intelligence relies on access to large amounts of high-quality data to be able to firstly, train itself on evidence, and consequently, produce efficient and reliable results for the end-user. Even with the most capable hardware, without access to high quality data, it can be useless.

The progress of Legal Tech in arbitration has been dampened by the limited data available. The lack of data feed in Legal Tech platforms limits the volume of data available for processing. To date, DisputesEfiling is the only platform with data feed capacity. Additionally, the confidential nature of proceedings restricts the availability of cases to the public and privacy laws requires data to be anonymised before publishing, adding to the complexity.

Legal Tech is also not objective since it is coded by humans, who in nature, are not immune to bias. The quality of the input data will therefore impact the reliability and quality of resulting outcomes, may it be an advice, decision or argument.

Furthermore, the fact/law matrix utilised in arbitration to assess the weight and credibility of an evidence is highly complex and is also subject to change. It is questionable whether computers will be able to reach the processing power required to replace a human arbitrator and nimble enough to self-regulate with future legislation changes.

The Future

It is a fact that technology is now a permanent fixture in the legal sector and is currently at work in the field of arbitration where quick and cheap advice is always welcomed by arbitrators and customers alike. If Legal Tech is to grow further, training will be necessary in understanding the technology and maximise its potential. There will be a need for law firms to employ technologists to be able to do this, which then boils down to one of the main factors of innovation, money. The availability of funding to support legal sectors in engaging with legal technology and its development will dictate the pace of progress in this area. As with any new technology, their uptake time can take years, even decades.

Whether technology can replace human arbitrators is a question that cannot yet be answered. The accessibility of data needs to increase significantly, and data processing needs to advance further to enable Legal Tech to grow as quickly as possible. Perhaps arbitration will in the future look like an e-disclosure system where data can be made readily available and automatically

fed into a data processing network. Additionally, computers lack the human element of trust and confidentiality that is important to the law profession. It appears that for now, Legal Tech has still a long way to go to be fully capable of replacing human arbitrators.

Jan Mary Baloyo

Lawyer of the Future

Informational on-line services and methodologies

By Ana Burbano, Board Member (Technical Director), United Students for Automated Legal Services Development (USAD)

Quoting Marc Andreessen's thesis *"software is eating the world"* published in The Wall Street Journal on August 20, 2011, information-based services, such as legal services, are, in my view, literally being "swallowed" by software. For this reason, in this article, I am going to make an introduction to two relevant elements to consider when we are providing legal services: the way in which information is obtained in the delivering processes (through methodologies such as Project Management) and the way in which services are analysed and reported (with methodologies such as Lean, Six Sigma or Legal Design Thinking).

Obtaining Information

Regarding the first element, it is essential to correctly manage how information is obtained in each of the delivery processes. This is not only useful to order the way in which we work, but also to be able to make predictions in similar situations in the future. From my point of view, a useful methodology for managing information and process correctly is Legal Project Management (LPM). Through this methodology: the beginning of the process is identified, a plan is projected for how it is thought the project will behave (among other elements, the expected budget can be included), the project is executed following identified steps so we can consider that the correct execution of the steps is controlled, and finally we indicate when the process closes. These phases allow establishing limits, prefixing budgets, evaluating delivering channels, indicating completion, and the ability to proceed with revisions in order to make future improvements or adjustments. It also allows us agile ways of working and budgetary control.

Although we lawyers are used to delimiting the begin-ning of their relationships with the client, the legal process and the end, we rarely ask ourselves questions such as: Am I collecting information about the process to serve in similar future processes? Am I interested in the way the client receives my services? Is it the most optimal channel to communicate with the client? Do I know on-line or in an automated way the hours charged to the project by the team members and their relationship to the different tasks of the project?, among many others. These questions must be addressed to consider us good planners of our services, there are infinite number of LPM technology solutions on the market.

The use of LPM as well as agile methodologies is controversial among traditional providers of legal services. In reality, all lawyers always carry out planning for their clients. The difference between what is done a long time to program the cases and the LPM is that with the latter we do not leave questions "to chance", but rather the way of approaching the processes is standardised, and a virtuous circle is closed by use of the information that allows something tremendously significant: projecting possibly specific futures.

The same thing that happens to the incorporation of the LPM happens with agile methodologies. Born within software development projects, they can be crucial for the development and implementations of legal software or Legal Tech. Few lawyers are familiar with agile methodologies, unless they are experts, Kanban (applied to the provision of recurring services) and Scrum (for efficient creation of service / product software) are commonly used in digital business. Legal services of the present and the future are and will be software-based and therefore development and implementation managers should seriously consider becoming familiar

with and using these working methodologies. However, it is necessary to pay attention to the fact that the incorporation of agile methodologies supposes to fully assume that the services behave like projects and definitively abandon the "traditional" way of approaching the client and charge hours.

Challenges of process improvement

As for the second element, the way in which processes are analysed before, during and after their execution is relevant when providing services. These tasks are directly related to the way in which we try to improve the processes to digitise them. We all logically know that non-digitised processes that are inefficient, transferred to the digital world "as is", are going to be just as inefficient as the non-digitised. For this reason, before digitising them, it is important to analyse them with process improvement methodologies such as Lean or Six Sigma. I will indicate that they serve to improve efficiencies, quality and variability of the processes.

In this sense, if we want to intensely improve processes, we can also make use of the Legal Design Thinking methodology. In this sense, bringing together all the parties involved to "draw the process" or carry out a Business Process Modeling (BPM) and collect proposals for functionalities of future software, in addition to training creativity and assumption of measured risks (cultural change) by lawyers, is really important for the reliability of the process. Likewise, the participation of all possible users / participants makes the viability also greater, as well as more efficient.

The classic system of "I have an idea as a lay person in technology" and I leave it to the developer / technician entirely, it does not serve the purpose of improving the process and way of working because, in this formula, the software will only respond to the technological need (efficiency improvement) but not to the business need (greater competitiveness in the market or a new organisational culture in a digital business based on the needs of the client/consumer/user). From this, it also derives that the success stories of digital businesses in the legal sector are not based on the injection of capital simply, but on a business vision that really understands the needs of the future user.

In large established organisations, in this sense, the challenge of improving processes and making them digital is immense, given that there will always be detractors from modifying the way of working and it will be necessary to know the organisation better to know which strategy is the most appropriate.

Ana Burbano

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