THE LEGAL TECHNOLOGIST

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FEATURES

COLUMN

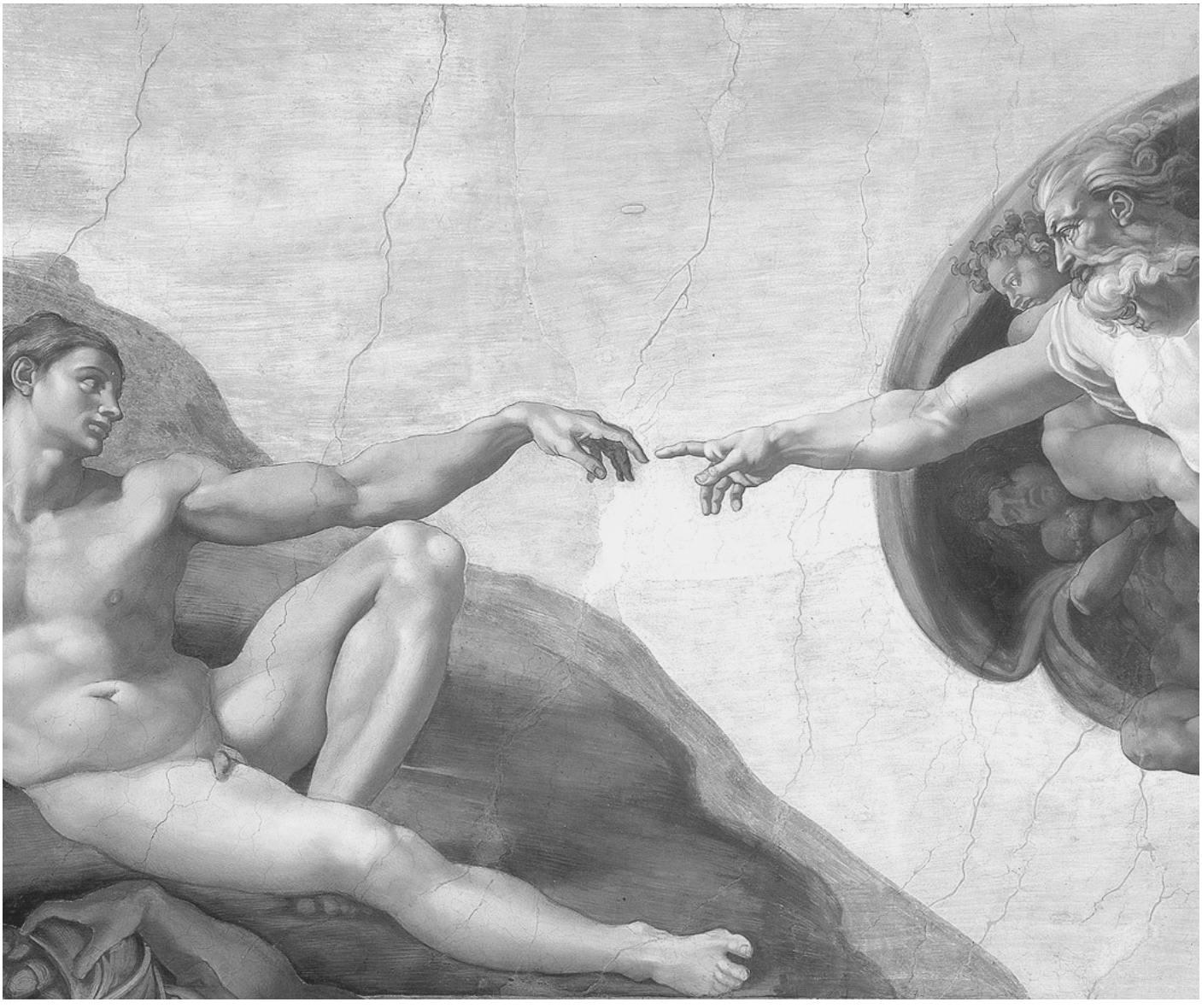
Hype or boring?

Rae Digby-Morgan returns with a column discussing the need to get back to basics in order to fully utilise the latest tech.

INTERVIEW

Ask the expert!

Experts Emily Foges, Richard Mabey and Dan Marcus discuss the impact of AI on law firms and their clients.



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Insight into the future of law

The Legal Technologist

Digital First
Rae Digby-Morgan

Contributors required

Here at the Legal Technologist we are always looking for good content so if you're interested in writing an article about how law and technology are converging then please do get in touch. This could be a practical article on legal tech, a use case of legal tech with clients, how new technology will change legislation or what the future lawyer looks like. This isn't an exhaustive list though so please don't think you are limited to just those topics.

If you are keen to contribute then all you need to do is get in touch with our editor at marc@legaltechnologist.co.uk.

We look forward to hearing from you!

A note from the editor

It has been a busy month for us!

Our careers supplement was published at the end of July and this issue published just three weeks later. Being quarterly seems a distant memory! We have also been busy developing our careers content and making improvements to our website.

This issue is packed with great content, including the answer to the best 'Ask the Expert' question we received recently. We also now have two regular columnists, Rae Digby-Morgan and our very own Stephenie Ong.

I just want to say a big thanks to all those that contributed to this issue and helped put it together.

Please do let us know what you think of the issue here.

All the best,

Marc May

Ask the Expert

Welcome to the Legal Technologist's first 'Ask the Expert' feature. Our readers ask us their burning Legal Tech questions, and we hunt down answers from experts in the field.

Our first question is about Artificial Intelligence (AI) and how it will affect law firms and their clients over the next decade. I'm Becky Baker, the Junior Editor, and I've asked some of the key players in the AI world to give us their thoughts on this question.

Defining AI

The term can encompass a wide range of technologies, including machine learning, natural language processing, and image recognition. They're united by the concept that AI technology can perform 'human' tasks such as making decisions, recognising data patterns, and perceiving images.

In the legal world, a range of applications of AI technology have already taken root. Many law firms are using AI capability to streamline their internal document and knowledge management systems, while technology-assisted review (TAR) is fast becoming a reality for corporate lawyers and litigators alike.

Experts from Luminance, Juro, and iManage will discuss how AI may impact:

- The nature of legal work;
- Junior lawyers and their training; and
- The future of the legal market.

Our Experts

Emily Foges
CEO
Luminance

Emily is CEO of Luminance, the leading artificial intelligence platform for the legal profession. She became CEO in 2016 when the company was a small team of technologists and lawyers. She took the product to market and led the growth of the business which is now used by over 150 law firms and organisations across 40 countries and six continents worldwide. Emily has more than 20 years' experience of growing and scaling technology-led businesses. Prior to joining Luminance, she worked in M&A as a consultant and in-house, building teams to drive acquisition strategy and deliver integration. In 2018, Emily was named 'Woman of the Year' at the 'Women in IT Excellence Awards'.

Richard Mabey
CEO
Juro

Richard co-founded Juro in 2016. Previously he was a corporate and M&A lawyer at Freshfields Bruckhaus Deringer, and worked in product at US legal technology company LegalZoom. Juro's AI-enabled contract management software helps businesses in 42 countries to manage contracts collaboratively.

Dan Marcus
Legal Practice Lead
iManage

Dan advises in-house legal teams and business units how they can best apply AI technology in their business, focusing on iManage RAVN software. iManage RAVN uses AI, machine learning and other technologies to help businesses unlock knowledge from documents, find new efficiencies and better serve their customers.

The nature of legal work

Emily Foges, CEO of Luminance, states that ‘the biggest impact we are seeing [of AI] is a change in the nature of lawyers’ work’. Juro CEO Richard Mabey strongly agrees. He thinks the day-to-day work of lawyers could change dramatically thanks to AI automation, bringing a range of benefits for law firms and in-house legal teams:

> ***"AI technology can reduce the burden of process work on lawyers in private practice and in-house, automating the ‘cookie-cutter’ kind of work that lawyers currently have to do. This could have a number of knock-on effects on law firms. These could include adding more value to client matters, better relationships between lawyer and client and between the legal function and the wider business in-house, and better employee engagement."***
>
> - Richard Mabey, CEO, Juro

Mabey also makes a surprising prediction for the lawyers of the future:

> ***"In ten years’ time, I wonder if we’ll use Microsoft Word at all for contracts. It’s an inherently uncollaborative program, with excess capability that’s rarely used - the opposite of a frictionless program that adds value where it’s needed."***

Law firms need tools that enable their lawyers to be effective and add value to client matters as efficiently as possible. Dan Marcus, Legal Practice Lead at iManage, also predicts that the effective implementation of AI technology will result in a seamless working experience for lawyers:

> ***"AI will be embedded seamlessly in our workflow; not screaming for attention but prompting us with tips and pointers where and when we need it. You will no longer leave the program you’re working in to find out the market standard for a clause you’re drafting, what the other options are and when and why these variations were used."***
>
> - Dan Marcus, Legal Practice Lead, iManage

AI can enable more effective working by removing friction points and integrating sources in workflows, in contrast to the disjointed way that lawyers are often forced to work, gathering research and precedents from an array of formal and informal sources.

Impact on junior lawyers

Arguably it's paralegals, trainees and junior lawyers who initially stand to benefit most from AI automation because the burden of process-work falls squarely on them. Lightening the load of document-review could have a huge impact on their career satisfaction and progression, as Foges points out:

> ***"Junior lawyers normally burdened with endless mind-numbing due diligence can instead spend their time on more analytical and creative tasks, and we see this shift having a positive impact on lawyers' career progression."***

In Mabey's experience, some lawyers are concerned about the removal of process-work at the junior end of the profession. They question how we can effectively train lawyers without the learning experiences they'll gain from proof-reading and document review. According to Mabey, however:

> ***"This is a red herring. Junior lawyers don't need proof-reading and document review to learn attention to detail, perseverance or resilience. Training providers should be confident that junior lawyers can still learn the skills they need, even without so much process work to fill their days."***

Impact on junior lawyers

It's common sense that the best law firms combine rock-solid legal advice with superior client service. AI technology can support both these pillars of the legal services industry, and Mabey argues that the law firms of choice will be supported by a third: top-quality technology:

> ***"The 'winning' providers of legal services in the next ten years will be those who provide a blend of best-in-class technology and the best personal, human-centred service."***

AI technology can improve business relationships by reducing 'friction points' throughout the engagement. This is particularly relevant for the legal industry:

> ***"Legal service providers can sometimes be perceived as 'blockers' rather than 'enablers'; after all, part of the purpose of the legal industry is to identify potential problems and risks. Naturally, this can create friction between lawyer and client if the client's expectations aren't being met. The most competitive legal services providers will remove these friction points as far as possible using a successful blend of technology and better service levels."***
>
> - Richard Mabey, Juro

AI technology, whether it's used for internal document management or in client-facing tools, can streamline the client's experience and improve overall client care.

However, the analogy (and the industry) would collapse without considering the 'pillar' of legal advice itself. Having explored the key contributions AI is already making to the delivery of legal advice, including increased accuracy and efficiency, it is clear that automation will alter client expectations as to speed of delivery and costs. As Mabey points out, 'clients will simply refuse to pay for process-work' such as document review once it's been automated.

Although this might not sound like good news for law firms, it may benefit everyone in the end:

> ***"It's a win-win situation for client and lawyer; the client gets more for their money, and the lawyer gets to focus on more innovative work."***

Using AI for due diligence and document review work may also increase trust in the legal profession by reducing the capacity for human error. This is an important point for Foges:

> ***"Clients are increasingly demanding firms adopt AI as a way to give back control to the lawyers, giving them unparalleled insight into document sets and allowing clients to enter into deals with their eyes wide open. It gives lawyers the ability to review all of the documents in a transaction, not a subset, flagging all anomalies in an instant and reducing risk further down the line in the process."***

Clients will be reassured their lawyer's legal advice is based on the full picture, not merely a snapshot, of the information available.

Reduced friction and increased trust, combined with more effective service-delivery, sounds like a powerful cocktail of ingredients for thriving client relationships. Increased adoption of AI technology may also open up the market to smaller firms who have the foresight to invest early and the agility to adapt quickly to changing client expectations:

> ***"The adoption of AI levels the playing field for firms and clients alike, opening up the market to smaller firms with fewer people, as they will be able to bid for larger projects. So, to remain competitive in a crowded market, law firms and in-house counsel need to continue to view AI as an exciting enabler, rather than simply a box-ticking exercise. Accountancy is a case in point; today, the idea of a good accountant without Excel is unthinkable and in time, a lawyer without an AI platform will seem just as absurd."***
>
> - Emily Foges, Luminance

The good news for law firms who have already jumped on the AI bandwagon is that further investment in these AI 'enablers' is only going to get easier, and the benefits will not be limited to larger businesses:

> ***"AI has already crossed a tipping point where the efficiency gains pay for the upfront investment. In the next ten years the scale will continue to tip: AI will drive further efficiency gains and require less investment in both time and money. While larger firms will have structural advantages in implementing AI, these can be overcome by smaller firms who move fast with an effective AI strategy over the next few years. We have already seen ambitious smaller firms take these steps, so I highly doubt that the spread of machine learning in the legal profession over the next decade will be limited to the large city firms."***
>
> - Dan Marcus, iManage

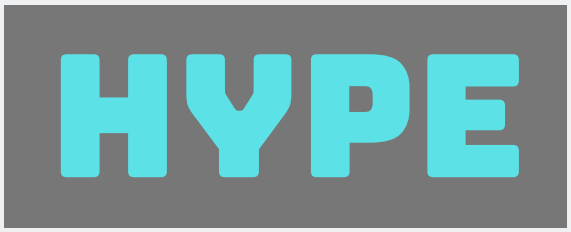
As the technology develops and is more widely adopted, AI-enabled contract management and due diligence could easily become industry standard across law firms and businesses of all sizes. Mabey agrees that AI can be a worthwhile investment for smaller organisations:

"We see increasing demand from small legal teams at mid-market organisations (not just large enterprises with 50+ people legal teams). For these teams, there's obviously a cost/benefit analysis to be done but, more and more, legal tech tools offer scalable pricing models that can deliver real ROI regardless of the size of the business. This is good news for small legal teams, who are often overloaded with process work."

Our experts all agree that AI is going to be an integral part of daily life in the legal profession in ten years' time. We'd love to know your thoughts about the opinions, ideas and predictions in this article. Do you agree with our experts? Have you had experience of working with AI technology in the legal profession? Tweet us at @LTechnologist to join the discussion!

And as always, if you have a Legal Tech question that you'd like us to find answers to, please visit our Ask the Expert page and we'll look into it for our next edition. For Legal Tech careers questions you can now consult Henry Venmore-Rowland, our very own Agony Uncle, on our Careers page.

Becky Baker
Junior Editor, The Legal Technologist



or Boring?

Everyone, let's calm down.

By Rae Digby-Morgan

There's nothing like a melodramatic battle to distract us from what's important. I've watched one unfold recently, energetically fought with hashtags and press releases.

In the red corner, we'll call our fighter 'AI Hype'. AI Hype is going to take over your job and make you millions whilst simultaneously predicting serendipitous legal flights of fancy. In the blue corner is 'Back to Basics', bringing the user back to the centre. Covering a wide range of concepts from the ubiquitous 'Legal Design', '#bringbackboring', to design thinking, this is a seasoned campaigner. 'Back to Basics' fights the endless parade of Solutions Looking for Problems; in other words,tech that (mostly) looks good but will gather expensive virtual dust.

So which fighter should you back? Frankly, this is the wrong question to be asking. It's like putting a baker and a fisherman in a cage fight, when they would be much better making a delicious tuna sandwich together.The reason you're being forced to choose between them is because both fighters are suffering from their own hype. Unsurprisingly, the answer lies somewhere in the middle. Cut through the fluff and silliness and you can take advantage of the best of both viewpoints.

We all know putting the user first is Design 101. Listening to your users is essential to design. Calling it 'boring' is a misnomer at best. Invest effort here instead of galloping ahead into 'design jam/sprint/thinking sessions' and the outcome is guaranteed to be better. Buying a new shiny service straight from the hands of the next ex-lawyer-turned-entrepreneur-start-up that waltzes through your door is a heinous crime to the #bringbackboring crew – and they're right.

Swing to the other extreme, and you'll think that AI is the path to new heights of legal brilliance. Except, it's not. Keep in mind that most things that are billed as AI aren't at all. AI and machine learning are very much related, but they're not the same – and there is very little real AI on the planet right now.Ultimately though, whether it is AI or machine learning is irrelevant. Tech built on this premise might look cool in a demo, but unless it's solving a well-understood and substantive problem for you, you'll never reap any benefit anyway. If you need to use tech to solve your problems, a thorough understanding of what you are trying to achieve is your best weapon to cut through the hype and make intelligent decisions.To utilise AI or machine learning to their full potential, start by getting back to basics. It's neither boring nor magic. Ironically, human understanding is the only way to ensure effective use of machine capabilities, not the other way around.

Rae Digby-Morgan is a service design and innovation specialist at Wilson Fletcher, a business innovation consultancy that helps established companies design the strategies, services and experiences needed to succeed in the digital economy.

Dancing with Exo-Skeletons

Lawyers in a world of smarter machines

By Marc Lauritsen

A recent paper (Toward a Phenomenology of Machine-Assisted Legal Work) lays out observations and questions about the emerging socio-technical landscape in which law practice finds itself. Intelligent machines are increasingly capable of performing valuable legal work. To what extent can and should we 'go on autopilot'? When might we get to the point of treating our artificial assistants as collegial collaborators? What dangers and opportunities do the new possibilities pose? What should the Bar, the judiciary, law schools, and society do about them?I encourage you to read the above paper. Despite the name it's pretty down to earth. Does it ring true? In the meantime, here are some other fascinating questions:

- What will professional life be like when lawyers are routinely outsmarted by machines?
- How might various forms of AI-based augmentation play out in practice? Will users hear voices?
- Will they see dynamic texts and images in their field of vision, like a fighter jet pilot's head-up display?
- What specific kinds of tasks might lend themselves to collaborative performance with an artificial agent? Document drafting? Argument assessment and formulation? Real-time negotiation? Fake news debunking?
- To what extent will it remain feasible to operate without such augmentation? Or will lawyers find themselves in an increasingly competitive arms race with other lawyers and their mechanical assistants?
- How should we begin preparing for this future?

I've enjoyed the concept of 'cognitive exoskeletons' for years, but don't appear to have coined it. The idea is that people can be equipped with a metaphorical suit of roboticised armor that greatly enhances their intellectual prowess; the added strength can be used to power their work. One can alternatively think in terms of cognitive prosthetics. Such arrangements will support both offensive and defensive uses, and arise in both private and public contexts. They will catalyse new forms of interaction, including with one's own – and with others' – exoskeletons. We can imagine uses by judges, clients, professors, and students as well as practising lawyers. There will be substantial challenges of inter-species communication as artificial personas show up as regular players on the stages of legal life. We will need increasingly agile machines to help us interact with other increasingly agile machines.

The analogy is imperfect. One will need the conceptual equivalent of nerves and musculature, not just bone. And physical skeletons don't come with the perceptual or analytical superpowers we would hope for in our cognitive versions. But thinking in terms of devices that closely interoperate with human behaviour can provoke insights into modes of augmentation that go beyond having smart agents to which we can refer tasks, and conventional screens on which we receive their flickering outputs.

We're beginning to see the coalescence of two 'waves': good old-fashioned AI and new-fangled deep learning. Hybrid systems that combine the best of symbolic reasoning and probabilistic analysis may catalyse rapid transformations in the power machines can bring to bear in complex legal situations.

Human principals will increasingly delegate routine decisions and actions to artificial agents that can "work things out among themselves" when disagreements need to be settled. Many disputes may resolve with little human attention. Litigation could become a game in which intervention by natural persons is the rare exception.

Operating gracefully with a cognitive exoskeleton 'on' will become a new professional skill. The most admired lawyers may be those who can perform with practiced nonchalance when their cognitive implants kick in. They will have figured out how to domesticate the artificial. They will comfortably dance with cybernetic shoes.

Legal education will hardly escape these developments. Students may no longer just focus on preparing their own minds; they may need to curate battalions of artificial companions that can accompany them into practice. Learning to 'code' may no longer be scoffed at as a fad. Apprentices may be expected to be shadowed by non-biological sidekicks.

Keyboards and screens of some kind seem likely to still be around. But artificial agents will take on new ways of making themselves known and intertwining in our work efforts. They will partner with us in interactive visualisations, comment unobtrusively on texts we're drafting, and whisper in our metaphorical ears.

All of this may be frightening, but it could also be fun. After all, at least some of the time we'll be encapsulated in a protective coating of superior intelligence. And that ironically may enhance our appreciation of fellow humans.

Marc Lauritsen

Capstone Practice Systems
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The law firm of the future: ready, steady, stop?

Legal tech adoption has been on the lips of every city law firm. But is this really being put into practice?

By Stephenie Ong

By 2022 – that is three years from now – Wolters Kluwer reports that at least two-thirds of organisations already leveraging on technology today will be actively utilising technologies such as artificial intelligence, blockchain and machine learning. By 2022, there would have been roughly an additional 7,500 qualified solicitors in practice across the country, adding to today's present total of about 147,000. However, in 2019, less than 24% of lawyers across Europe and the U.S. have a good grasp on how these technologies work. To make matters worse, 36% of these firms cite "lack of knowledge, understanding or skills" as the main reason for resisting new technology.

I recently attended a talk on legal tech and emerging technologies attended by both magic and silver circle heavyweights as well as alternative legal service providers. These are firms that have recently introduced programs for legal tech-focussed training contracts in a move to improve technology uptake within their firms. These are also firms that claimed to be at the forefront of legal tech development and cutting-edge technology in their solution delivery. It would be easy to then assume these firms would be at the vanguard of advocating implementing emerging technology, AI and the like, within their practices – and they are. In theory.

So what's the problem here?

First, for all their talk, execution is lacking. What I mean by this is the severe disparity in this advocacy at a junior level. First, law firms of this size take on anywhere between 50 to 100 trainees a year. The average number of trainees taken on for their tech-based programs? Six per intake.

This, one might argue, wouldn't cause such a problem. These handful of individuals would be enough to aid in upskilling other incoming trainees. But here's the problem with that: the current model of hiring trainees has not changed. If anything, there's only been the appearance of one more question previously unseen in most training contract application forms: "How do you think technology will affect the firm in the next five to ten years?" This is nothing a combination of firm research and Googling can't solve. It must be said, I am not criticising the current model; I too am a firm believer that solicitors require, above all else, strong verbal and analytical skills – but reading and knowing does not necessarily translate to real-life application. If legal tech is to become the mainstay of the legal profession, the ability to understand and learn basic to intermediate computer skills will need to be directly tested even at application stage.

Second, even if we were to increase the number of individuals being hired under these technology-centric training contracts, we would not automatically solve the information gap within firms. For one, adopting emerging technology such as AI alone does not mean anything if it is not utilised by lawyers. During a trainee's two years of training, it would be highly atypical to incorporate training with their hiring firm's in-house solution software. Much of this responsibility is often delegated to said firm's business and technology departments to allow the trainee 'to focus on learning to be a solicitor'. The upshot: the trainee joins the vicious cycle of having a legacy training curriculum that does not incorporate, much less leverage on, modern technology.

Third and most astoundingly, one of the most eyebrow-raising questions partners were asked during the talk's Legal Tech Adoption Panel was "How are your firms changing the way new talent is hired to address this need for legal tech in the industry?" The answer: silence.

Of course, with mammoth firms operating on such a global scale, partners could be forgiven for being unsure about the ins and outs of incoming talent. Less pardonable, however, is the way this was worked around. Instead of embracing the notion that legal tech may, in fact, disrupt the legal industry from the bottom up, the following statements were made:

*"**I mean, unfortunately, we're dinosaurs, we're not as good with the tech-y stuff as the young ones are. It's for them to change it."***

Which would be possible if trainees had a platform for serious consideration of their ideas, except:

"Well, we do not see the need to change our model. As trainees, we too had to go through stacks of evidence in data rooms. How else will trainees learn resilience?"

"To understand how the technology works, you have to understand the basics. And the basics mean pen and paper."

It is absolutely right to advocate the need to understand the basics, but the basics will not automatically induce mastery – where advanced levels of understanding is crucial, especially in an industry where we are expected to be our clients' trusted advisor. Mastery comes with time and practice. Quite simply, learning how to draft a contract will not teach you to code inputs into AI-based drafting software.

That said, there are exceptions to every rule. There will be tech-savvy trainees and nimble, adaptable law firms. There may even be a light at the end of the tunnel: Alternative Legal Service Providers (ALSPs). At the same Panel, some of the most reassuring comments provided about responding to the disruptive ability of legal tech were provided by ALSPs. One such example is one of them highlighting that the main reason their firm was set up was to operate as the in-between of a law firm and technology consulting firm. In other words, they set out to be sufficiently agile to keep up with modern technological developments, yet not too detached that they are unable to provide effective legal advice.

Nonetheless the problem remains: when something as disruptive as legal tech threatens to upend the industry, law firms at all levels need to respond to this like a properly-functioning circuit board. There simply cannot be the expectation that bulbs will light up if your wiring is fraught with short-circuits. Will this response come in the form of ALSPs? We will have to wait and see.

Further reading:

Wolters Kluwer, 'The Future Ready Lawyer' (2019) - Link here

The Law Society, 'Lawtech Adoption Research report' (2019) - Link here

Deloitte, 'Developing Legal Talent' (2016) - Link here

The Law Society, 'The Future of Legal Services' (2016) - Link here

What are your thoughts on the utilisation of legal tech within law firms? Feel free to send your thoughts to us via website HERE.

By Stephenie Ong
International Relations Manager,
The Legal Technologist

Why simplicity is the key to improving legal practice

By Max Cole

We hear so much about advanced technologies revolutionising the workplace today. We are told that Artificial Intelligence (AI), Robotic Process Automation (RPA) and chatbots are changing the face of industry. And it's a trend that's on the up.

But what does that mean in practical terms? According to Gartner's 2019 CIO Survey, in 2015 only 10 percent of respondents reported that their enterprises had deployed AI or planned to do so in the near future. Fast forward to 2019, and that number leaps to 37 percent, a 270 percent increase.

While sectors like telecom, high-tech and financial services have adopted advanced technologies in droves, the legal sector has been somewhat slower to join this journey of transformation. In fact, while there has been a significant increase in the number of lawtech companies, the same cannot be said of the level of lawtech adoption amongst legal practitioners.

The barriers to lawtech adoption

Why are so many lawyers ignoring this opportunity to accelerate processes, decrease transaction times and enhance both the customer and employee experience for the better? The truth is that the legal industry recognises the need for change, but numerous challenges obstruct much needed advancements.

Typically, lawyers who are resistant to lawtech can be split into three distinct viewpoints.. Firstly, there are those who are keen to change but prevented from doing so. These are legal businesses saddled with legacy infrastructure who find that their systems can't support or integrate with more modern systems. Also within this group are the younger, tech-savvy legal professionals who see the benefits of lawtech for their firms but can't get management buy-in.

Secondly, there's the group who are unsure of change. These are the professional firms wedded to the traditional billable hour model who are uncertain about (or resistant to) marrying billable hours with technology designed to boost efficiencies. This group also incorporates the 'boomer' generation who are not as comfortable with newer business models and not at ease with technology.

Finally, there are those who are unsure about the security of new systems – particularly cloud-based systems - and those who may be overwhelmed with the complexity, scale and the cost of the advanced technology on offer.

The reality is that most law firms don't have compelling needs for the full capabilities that advanced tech offers. For most lawyers, day-to-day working life isn't going to improve dramatically by dedicating considerable time and money building a chatbot. Working life may, however, be improved by going back to basics and making changes to remove inefficiencies.

The transformative power of small change

Implementing a series of small changes can have a powerful effect. Seemingly small actions can save time, save money and free up resources to invest in new opportunities. By starting small, it is easier to overcome challenges in an organisation and quicker to realise rewards. Instead of jumping straight into large scale, cutting edge technology implementation, which will be costly, time consuming and risky, organisations can take advantage of simplified versions of advanced technology that are quick to implement and cost-effective.

For example, rather than diving into a full scale RPA initiative, a better starting point might be to automate processes that you frequently use in your organisation. SaaS based tools that require no technology, other than a laptop and an internet connection and no specific tech knowledge enable you to be automating processes within an hour.

Automation – simplified

We all know that much of the daily grind in a law firm is neither enjoyable or necessary. With law firms under increasing pressure to do more with less, it is simply inefficient to have smart people doing 'dumb' things.

As an alternative to doing this work manually, automation has the potential to revolutionise working practices. It improves productivity through automating the daily and repetitive processes that waste up to a third of skilled employees' time in organisations today. By automating the dull, law firms will free up skilled staff to focus their efforts on delivering real value.

Ensuring success

The key to success is focusing on the basics. What are your true motivations for implementing a new tool? How are you going to ensure employee buy-in? After-all, your employees are the people who are going to be using this system every day.

PwC's 2018 Technology at Work study studied 12,000 global employees and concluded that there are three reasons why employees are motivated to use new technology: advancing their careers, improving efficiency and helping to do work more easily.

Make sure that these factors are reflected in any tool you introduce to your organisation. Choose tools which will enable staff to do their job better, that will enable them to show their skills when it matters (rather than drowning them in admin), and select solutions which are simple and easy to use so staff can quickly see their benefits.

The future

The reality is that law firms are starting to adopt advanced tech, and more will follow. The larger firms are already embracing the latest and greatest that lawtech has to offer. For the majority of small-to-mid sized firms, there is a happy middle ground. By starting small, and by choosing simple yet effective solutions that are fit for purpose, law firms of all sizes can embrace the power of advanced technologies and improve the practice of law.

Max Cole, Barrister and co-founder of Autto


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Is GDPR ready to meet Machine Learning Challenges?

By Marcel Hajd

The recent wave of enthusiasm for machine learning and algorithmic decision-making has its origins in the Turing Test, introduced by English mathematician, computer scientist, logician and cryptanalyst Alan Mathison Turing in 1950. The Turing Test is a test of a machine's ability to exhibit intelligent behaviour equivalent to, or indistinguishable from, that of a human. Nowadays, cloud computing technologies offer inexpensive, scalable, cloud-supported machine learning services and tools, with particular focus on data mining and other types of predictive analysis. With the continuing growth of the Internet usage and online exchange of personal data, data subjects often have little or no clear knowledge about what data controllers do with their personal data. On one hand, the law imposes strict requirements that service providers should abide by. However, in reality service providers establish data processing practices through privacy policies which are often long and complex for final users, making it difficult for users to identify potential misuses of their personal data.

Legal Framework and Machine Learning from EU perspective

Regulation of automated decision making was explicitly addressed in the 1995 Data Protection Directive (DPD). The 2016 General Data Protection Regulation (GDPR) extends individual protection not only on profiling of data subjects, but also other forms of automated processing.

Article 22 and Recital 71 of GDPR appear to be broader in scope than the corresponding Article 15 of DPD because GDPR covers “a decision based solely on automated processing, including profiling” whereas the DPD covers only “a decision ... which is based solely on automated processing of data intended to evaluate certain personal aspects relating to him, such as his performance at work, creditworthiness, reliability, conduct, etc”. So, Article 22(1) of GDPR gives the data subject the right not to be subject to decision-making based solely on automated processing, including profiling that produces legal effect concerning them or affecting them. Such personal data should only be collected for specified, explicit, and legitimate purposes, and subsequent processing that is incompatible with those purposes is not permitted. Machine learning is data driven, typically involving existing data sets and live data streams in complex training and deployment workflows. Such dynamic process faces several challenges related to GDPR.

In terms of lawfulness, Article 22(2) of the GDPR does include specific exceptions from the prohibition on automated decision-making, including contractual necessity and consent. Additionally, Article 22(3) of GDPR provides that data controller should implement suitable measures to safeguard data subjects’ rights (e.g. the right to contest data controller decisions). In reality, how can a data subject give his consent in

relation to a process that may lack transparency? Moreover, will data controllers need to obtain separate consents for different situations, particularly in medical, financial or employment contexts?

With reference to fairness, machine learning processes may use biased data in automated decision-making. Algorithms working on incomplete or unrepresentative data may generate false correlations that result in unjustifiable decisions. For example, profiling based on postal codes or magazine subscriptions may actually lead to selection based on race or gender. From the perspective of a data subject, how can we assure the data subject is properly informed and receives meaningful information about the logic of automated decision-making behind-the-scenes? Should data controllers and processors disclose the full code of algorithms and technical details? Probably not. A non-technical, explanatory description is more appropriate. However, it is questionable whether data subjects may still ask data controllers to disclose detailed technical descriptions of algorithms, and whether such technical descriptions are protected as trade secrets.

Verdict

Is GDPR ready to face challenges of automated decision-making? It's unclear whether growing use of algorithms will increase inequality and threaten democracy, or whether the anticipated benefits of automated decision-making will outweigh potential harms.Moreover, it should not be forgotten that human decision-making is often influenced by bias, both conscious and unconscious. This suggests the appealing possibility that it may be feasible in the future to use an algorithmic process to demonstrate the lawfulness, fairness, and transparency of decisions made by either humans or machines to a greater extent than is possible via human review of the decision in question. Indeed, it may already make sense to replace the current model in some contexts, whereby individuals can appeal to a human against a machine's decision, with the reverse model whereby individuals would have a right to appeal to a machine against a decision made by a human.

About the Author: Marcel Hajd is a fully qualified Slovenian lawyer with several years of experience and an international background. He specialises in domestic and cross-border debt recovery court procedure, as well as litigation. He has been involved in several projects advising legal tech start-ups, and he has an enduring passion for technology and the impact of Artificial Intelligence on legal practice.

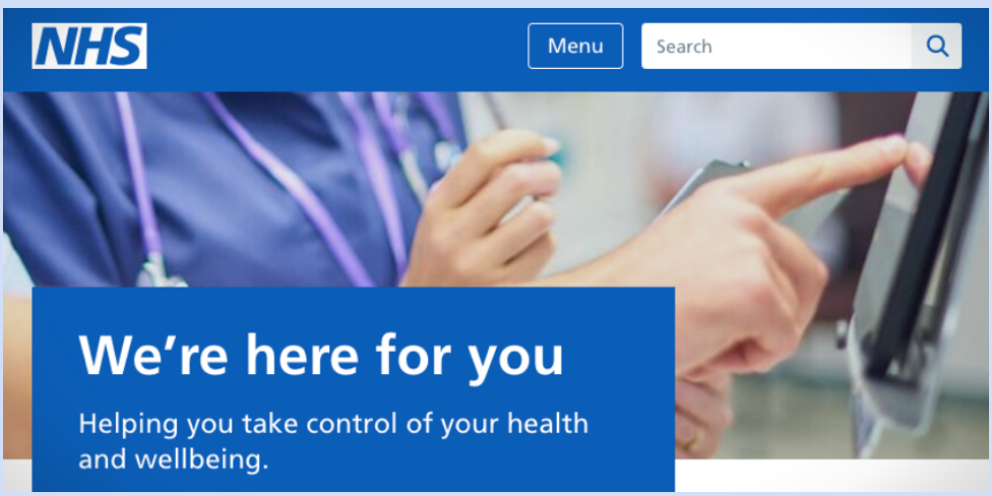
How legal tech could enable greater access to justice

By Julia Babiarz

In a period of austerity, applications of Legal Tech provide a realistic foundation from which we could rebuild acceptable levels of legal assistance. Severe cuts to civil legal aid have led to the development of a justice system that's open to those who can afford it but closed to the most vulnerable and in need of its protection. The reach of legal aid cuts is laid bare in the Ministry of Justice's own statistics. The year before the relevant provisions of the Legal Aid Sentencing and Punishment of Offenders Act ('LASPO') came into force, legal aid was granted in 925,000 cases; the year after it came into force, legal aid was only granted in 497,000 cases, a drop of 46 per cent.

The figures fail to tell the story of the human cost incurred as a result of such changes. In a private interview with Amnesty International, Sarah, an appellant in child care proceedings stated: "I feel alone, like I've been left in the dark without anywhere to get help…I'm scared about what that will mean for my kids" (Quoted in Amnesty International's 2016 legal aid report, 'Cuts that hurt: The impact of legal aid cuts in England on access to justice').

Technology could be pivotal in helping people like Sarah overcome the growing problem of access to justice. There are many innovative ways we could deploy tech to enable this, and making greater use of online legal platforms would be a good start. Websites containing clear simple legal information and advice are useful for citizens. We have state-provided, online services that provide medical guidance and plenty of resources at www.NHS.uk, and there is no reason, especially for those who cannot afford otherwise, why legal help should not be similarly accessed.



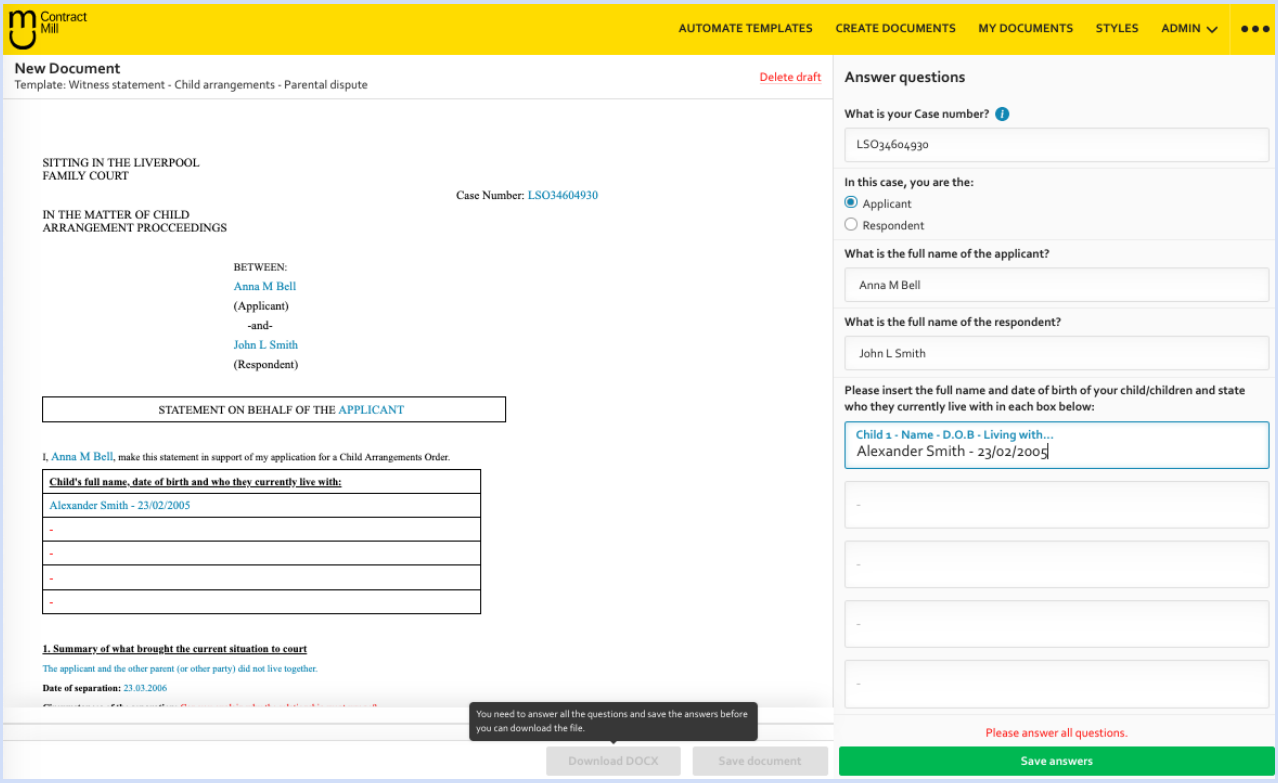
Recent statistics from the Office for National Statistics suggest that 87% of British adults use the internet daily or almost daily. In contrast, the majority of citizens in England and Wales are unable to afford the services of lawyers and the courts.

Increasingly people are turning to online legal services for basic guidance on procedural and substantive issues. There are some quite basic online legal services available to citizens, for example the information available on https://www.citizensadvice.org.uk. Many of these kinds of legal services websites contain some static information about the services offered, electronic versions of paper flyers and brochures, and links to resources.

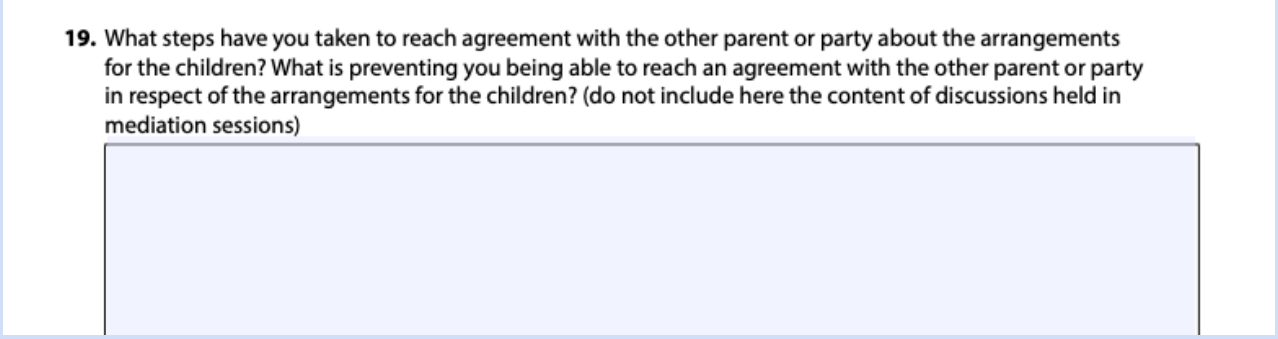
So where do we go from here?

One promising development in the web-based delivery of legal information is the provision of more interactive resources within these platforms, including document automation.Through the use of document automation we can generate polished and customised documents using information from the user's responses to a simple questionnaire. The user is given sufficient information to answer simple questions and the underlying software incorporates those answers within a standard form to produce a completed document.

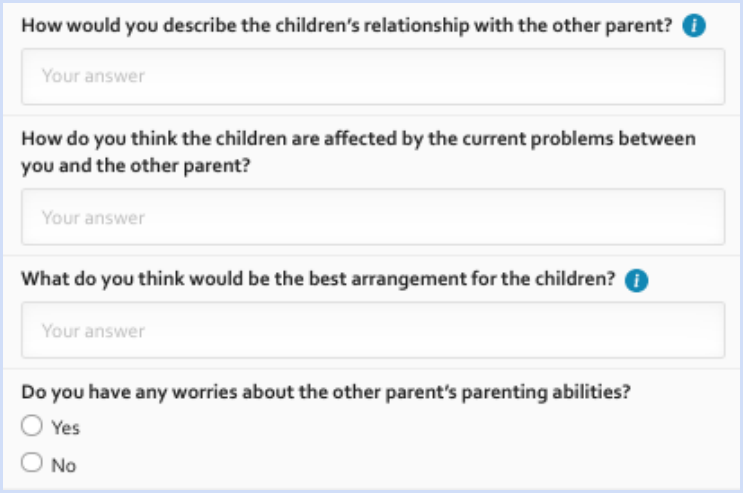
To help with statement drafting in child care proceedings, Lucy Yeatman and Icreated a simple informative web-based questionnaire using Contract Mill.



The current template provided on Gov.uk includes complex questions, which can be intimidating and difficult to understand.



Contract Mill enabled us to include extensive guidance notes and clear explanations in plain English so that anyone, even those with no legal knowledge or experience, can complete a document conveniently at a time and place that suits them.



Lucy and I have broken every single question down into manageable sub-questions. We thought about what the question was asking and we tried to frame it in a way which a user could easily understand. We are still working on the application and we hope to have it running very soon.

As Joel Tito from the Centre for Public Impact states *"most engagement with the law still requires the costly intervention of a legal expert. It is here that recent developments in AI can have the most impact. If the legal reasoning process is capable of automation, access to justice would no longer be in the hands of a profession which has a pecuniary interest in maintaining a monopoly over legal services"*.

In practice, we are far away from that capability. However, this 'AI buzz' has led to many believing that technology is either going to replace judges or shatter the evolution of law. In reality, when can recognize a particular technology's extreme novelty, we can benefit from its efficiencies whilst we trial it at arm's length. We can provide feedback and enable it to develop into the swift competent service we need it to be.

Whilst reading Tomorrow's Lawyers by Richard Susskind, I was greatly inspired by a quote he drew attention to: "*perfect is the enemy of the good*". A tech solution which may have a few weaknesses which we could work on and develop should be compared with what we actually have today, a system that is too expensive, inaccessible and barely understandable to those with no legal knowledge. I believe that in this period of austerity, simple applications of tech will be the solution that enables us to reform our court system.

By Julia Babiarz
Junior Legal Engineer
SYKE

Is only your face old or does having concerns about your privacy make you outdated too?

By Ambra Pacitti

1. The honey trap of quickness and visibility

Recently we witnessed a sharp division across social feeds: some users were sharing pictures of their old, future selves, whilst others were not so happy to scroll through a geriatric ward each time they opened their social media accounts. Likewise, people were split when it came to the relationship between FaceApp and privacy, which is not, if I may add, the most fruitful one. After the first days of blind love towards FaceApp, someone finally thought of reading its terms & conditions.

It is a trick we have seen before: companies create playful apps that can be used by millions of people in just a few seconds, producing a *social media ready* result. Quickness and visibility: what everyone is looking for in 2019. However, behind these apparently frivolous apps, someone needs to make a profit. In the case of FaceApp, each user, knowingly or not, granted Wireless Lab, the company behind it, a *"perpetual, irrevocable, nonexclusive, royalty-free, worldwide, fully-paid, transferable sub-licensable license to use, reproduce, modify, adapt, publish, translate, create derivative works from, distribute, publicly perform and display your User Content and any name, username or likeness provided in connection with your User Content in all media formats and channels now known or later developed, without compensation to you"*, in addition to consenting to a general use of the uploaded contents *"regardless of whether it includes an individual's name, likeness, voice or persona, sufficient to indicate the individual's identity"*.

On top of that, just to make sure every imaginable right was covered, users agreed that the uploaded content *"may be used for commercial purposes"*. Not to forget the privacy policy, which makes clear how data may be shared, combined, accessed and transferred. Basically, a bargain with the devil.

2. Are we all just overreacting?

What is most interesting about the whole FaceApp situation, however, goes beyond the shock stemming from the sudden realisation that users' data may be forever kept on an *unknown* server for *unknown* purposes, but instead the opposing reaction is evident. Alongside the startled ones, are the blasé. I've encountered several posts mocking those worried about their privacy. For instance, one taunted: "*Be careful to those filters aging us, they save our data and send them to the FBI without us knowing. Our safety is important. Zuckerbergggg, kittens and coffee*".

So the question comes naturally: is it really an issue we should worry about? Well, *yes*, actually.

3. Black Mirrors

Chuapadados, a project aimed at showing the truth behind big data, puts it quite clearly: *it is all about the hidden faces of our beloved technologies*. The scandal of period tracking apps selling data to employers was just one of these many hidden faces.

In addition to deceitful apps, users should be aware of what Eli Pariser names the "*filter bubble*", defined as the intellectual isolation originating from personalised searches, resulting in a website algorithm that selectively guesses what information a user would like to see. The aftermath is dangerous. Users

become separated from information that is far from their view and, putting it in Pariser's words, *they eventually isolate themselves in their own cultural or ideological bubble*. Moreover, these bubbles make it difficult for people to change their minds, as social media are not a place for confrontation any longer, but a black mirror of their own selves, a validation of what users already know, or think they know.

4. It is not about being a conspiracist

Ultimately, it is not about conspiracy theories, but simply about acknowledging that technologies are evolving and that they come with a price, mostly hidden. This is the actual strength of companies creating apps such as FaceApp: the fact that most people still do not understand what big data can be used, or exploited, for.

Likewise, users need to stop underestimating the issues originating from the use of their personal data. It is not simply about having your photos on a server somewhere on the planet (well, it should be), but realising that our freedom to know the world as it is, without having a distorted version of it springing from our past click-behaviour and search history, is currently at stake. In the future, the focal point of technological advancement should move from the ethics of artificial intelligence to the ethics of algorithms. At this moment, the world of data resembles a casino: colourful, fun and cool. Attracting people inside with flashing lights; it's only once you leave that you notice the damage done.

Ambra Pacitti

Blockchain and divorce – Mission Possible?

By Slavina Petrova

Do you believe in love on the blockchain? Diamonds are forever, and so is the blockchain.

Marriage is an institution with a long history, but technologists want to totally change how it works in the future. For them, that means blockchain.

The first blockchain marriage took place in 2014, when entrepreneur David Mondrus married his fiancée at a private Bitcoin conference at Disney World in Orlando, Florida. The guests of Joyce and David's wedding were given a QR code showing the transaction where their marriage data was stored.And last November, Lukas Götz, CEO of the Austrian startup block42, married using the first smart wedding contract in the German speaking world.

A blockchain is a publicly distributed ledger that verifies transactions and records events. Every new transaction creates a block with a cryptographic hash and timestamp, building a chain of verified information. This disruptive technology can be applied in many fields such as finance, healthcare, supply chain management and, not surprisingly, in the legal sector. It can revolutionise our whole perception of how contracts are administered and executed.

Divorce isn't a pleasant thing. The process is complicated, both emotionally and administratively. That is why Lukas Götz from Graz has decided to take the bold step of executing a smart wedding contract.

A smart contract is a computer protocol that digitally facilitates or enforces the negotiation or performance of a contract. The transaction happens without third parties and is irreversible. The concept was first described in 1993 by computer scientist and cryptographer Nick Szabo as a kind of digital vending machine. The self-executing element makes such contracts an important part of the digital revolution we've witnessed in the last couple of years.

The smart wedding contract Lukas Götz and his fiancée used is based on the Ethereum blockchain. The spouses have an Ethereum wallet which gives them access to the contract, anytime, anywhere.

According to Götz, there are many benefits of such contracts. Firstly, unlike paper-based contracts, smart contracts are adaptable and can be managed during the marriage. Assets like property or stocks are tokenized and can be added or removed easily. The dynamics of this option offers flexibility which is currently almost impossible, or at least very time-consuming.

Transparency is the next key element of the so-called smart wedding contracts. Every change is recorded automatically by the system. In this way, the focus is on clarity of asset management, which could have an immense importance in future court or out-of-court sittings.

Another essential part of the smart wedding contract is that the divorce function can be invoked only by the spouses. Once they have decided to trigger it, all assets are divided automatically. Time-consuming divorce negotiations and court proceedings will be history.

Nevertheless, a meeting with a notary will remain necessary. The current Austrian legislation still requires a written physical document that makes a contract binding and enforceable. Only in that way a court could make a judgment in a legal case with regards to the wedding contract.

Attorneys from the Austrian law firm Stadler Völkel assisted in a pilot of this process. They created a common marriage contract which was enhanced by referencing smart wedding contract. As Mag. Urim Bajrami from Stadler Völkel puts it:

“This pilot shows what’s possible in the field of smart contracts – today and in the near future. There are many different questions concerning blockchain-based contracts. Smart contracts have the power to replace written contracts. The terms are deterministically coded and can – in case of certain circumstances trigger concrete actions. That means that a smart wedding contract is self-executing. That leads to an optimised legal certainty for the affiliates. Smart contracts will revolutionise the daily legal business of the future!”

Lukas Götz and his team hope that anytime soon the smart wedding contract will be a legally binding document and the digital will take the lead over the physical.

But, in some countries, the future is almost here.According to public record data from Washoe County in the US state of Nevada, the region recorded over 950 blockchain marriages in 2018. And, somewhat unsurprisingly, county officials are also recording birth certificates using the technology.

The County Recorder's Office is also collaborating with the start-up Titan Seal from Nevada to develop a blockchain-based system for the digitalisation of marriage certificates. Currently it takes about five to seven business days to receive a certified copy of your marriage license, but with this new project it could be in your inbox within minutes of your request.

“*For better or worse, til’ death do us part, because the blockchain is forever”*, says David Mondrus. And we couldn't agree more.

Slavina Petrova

Can technology improve lawyers' well-being?

By Elizabeth Agbana

The increasing integration of technology into working life has created challenges as well as opportunities. Some professionals may fear technology will replace them, while others are struggling to effect technological change due to inertia and resistance within the profession. The legal sector is one of the sectors which the reluctance to change has hindered the transformative potential of technology. However, if we can overcome these barriers to change, introducing technology to the practice of law can help contribute to the lawyer's well-being, particularly through Artificial Intelligence (AI).

Much has already been said about the potential of AI to eliminate paralegal and legal research roles. As much as we can sympathise with this fear, it's important to recognise that the same fear existed before technology was given the opportunity to thrive in other sectors, such as retail. The key is that when technology can automate repetitive tasks this provides the opportunity for humans to focus on more important matters. There's no doubt that automation will create efficiencies in ways people cannot match, which may result in a reduced workforce due to unused capacity. However, we can't forget the importance of interpersonal interaction in law and business. We need to widen our focus from how AI will increase efficiency and profitability to consider what other benefits technology can offer the legal profession, such as the well-being of employees.

The question is how can the advantages of AI help the legal sector achieve good well-being for lawyers? The recent JLD resilience and well-being survey report 2019 revealed the top key stress factors: high workload, client demands and client expectations.Therefore, if the legal profession focuses on using AI purely to increase a firm's capacity to take on new work, then AI will not improve the well-being of lawyers because lawyers would still be working to full capacity; that capacity would simply be greater, as enabled by AI. However, if law firms leave some capacity underutilised after implementing AI, then there will be a reduction in workload for lawyers which will in effect improve their well-being. Having some of the firm's capacity underutilised will also provide flexibility for the firm to manage client expectations and react quickly to business-critical situations, including tech-related problems.

Naturally, from a business perspective optimising and maximising profitability is crucial, and one of the key financial metrics for law firms is, of course, billable hours. However, as other lawyers have argued, profitability for law firms should not revolve around the billable hour at the expense of employees' well-being. The legal profession needs to adjust its business model to reward quality and efficiency.

For AI to improve the well-being of lawyers, firms must take ownership of the well-being of their employees. This means addressing the root cause of negative stress and actively structuring the business process in a way that considers employees well-being and not just solely focuses on profitability and efficiency.

Elizabeth Agbana

The tough relationship between law students and lawtech

By Pawel Misztal

During my law degree, I have been bombarded with vague articles urging me to embrace “lawtech” and “AI”. Surprisingly,“blockchain” popped up only once in a while. For students with limited connections to the legal profession, these articles may be their primary source of knowledge about legal practice. Since law students are under constant pressure to obtain the ‘mythical’ commercial awareness , they have no other choice but to read about greater efficiencies enabled by lawtech, new features and law firm firing paralegals while embracing lawtech. Richard Susskind, ahead of the Future of Legal Education and Training Conference 2019, made an even more far-reaching remark:

“If you are a young lawyer or you are running a law firm, you should ask yourself, should I compete with these AI/online systems or should I be one of those who is building these systems? Which will you do?”

These words gain seriousness when one learns that Swansea University recently launched its Master’s in Legal Tech aimed at… law graduates. No doubt, in the era of legal tech hype, many aspiring solicitors may think that such qualification would give them an edge in getting training contracts at City firms. Is this true? We are yet to hear the answer from their Graduate Recruitment teams.

Unfortunately, attending lawtech conferences and training sessions costs at least a hefty £200 for a day or two (excluding travel and accommodation costs). Notably, lawtech vendors are not likely to offer anything to students who happen to show an interest in their software and I cannot see what I, a mere LLB graduate, can offer them, unless I would be interested in becoming lawtech salesman myself. So while it would be great to attend one of these conferences, accessibility is clearly an issue. On the other hand, some information about products are available online, but they explain little to nothing about how these programs actually work. Having witnessed a demo of Nia Analysis’ software for analysing contracts for misfitting and contentious phrases at the London Tech Week, I must admit that online resources fail to explain the nature of legal tech. Perhaps that’s a bitter pill that majority of my peers have to swallow: lawtech companies don’t care about students, but they care about law firms that can be an actual source of revenue!

The problem is that aspiring solicitors do not have easy access to resources that will help them learn the technical basics that they are somehow expected to know, unless they want to be at a strong disadvantage. The greatest thing that I obtained through my interest in tech is a strong understanding of its limits. I can see why some law students would either overestimate the capabilities of (legal) tech or would wonder about the point of qualifying as a solicitor and working hard for their law degree in the first place if the majority of the current legal workload is getting automated at the terrifying pace (yes, a career in law will get more and more competitive).

Personally, I benefited a lot from learning the basic concepts about AI and blockchain. Over time, I started spending more time reading about the legal issues relating to the new technologies and I discovered my passion for digital law. This is why I attended London Tech Week (with a free pass!) in the first place and I actually got a bit of insight into the current state of the art.

However, I cannot see my journey as a way for every law student. The majority of my peers don't want to practice law in such a specific niche - they are focused on 'mainstream' areas, e.g. criminal law, family law or human rights. I cannot see anything wrong with that. Arguably, they would do much better in the interviews by focusing on the areas of practice that they are passionate about rather than by showing off with tech-savvy terminology that they don't necessarily understand in depth.

Going back to the knowledge about lawtech, at the level of a law firm, whether we are talking about City giant or a high street practice, the only thing that matters is understanding what's really out there available on the market. No doubt, you're only in a good position to enquire about lawtech products when you are already employed by a law firm, and probably not until you're at the level of senior associate.

In conclusion, if lawtech vendors are keen to attract law students in any way, they should start by explaining basic terminology first and then presenting the actual capabilities of the software rather than bombarding us with buzzwords. I am sorry to say, but few people outside of the tech industry know the relationship between 'blockchain' and 'Bitcoin' and even fewer have heard anything about 'smart contracts' or 'Ethereum'.

Let's start with the basics. Be aware of your audience, at all times.

Pawel Misztal

Positioning the legal department at the heart of the business

By Adv. Edo Bar-Gil

The Change in the In-house Counseling Position and Role

In the last ten years the in-house legal profession has grown rapidly and consistently. Now approximately 20-25% of lawyers work in-house, and in the UK, the in-house counsels market doubled itself in the past 15 years and currently, one of four counsels work in-house.

The role of in-house counsel has also changed significantly . In-house counsel no longer needs to be solely focused on the law, but also on other “non-legal” tasks. There are many reasons for this, including, among others, the economic environment, globalisation, mergers, governance concerns and competition. In-house lawyers need to deal with - and be experts in - a long list of issues, such as:

- Cost effectiveness and ROI (Return on Investment)
- Data and knowledge management (including BigData)
- Reporting and analytics
- New technology / LegalTech
- Project management
- Business decision making.

From a “Responsive” Troubleshooting Role to a Strategic Business Partner

One “role” that is commonly forgotten by in-house lawyers is their that of a strategic business partner, contributing to the core of the organisation. This goes far beyond a trouble-shooting or problem-solving role. An in-house lawyer must also take the initiative to address core business concerns and become indispensable to the wider organisation.

It is important that management recognises in-house lawyers’ contribution to the business and it is a key factor in an in-house lawyer’s success. Any in-house lawyers that fail to position themselves this way risk being sidelined or having their roles outsourced.

Beyond (re)branding their role and position in the business, in-house lawyers must generate and deliver a strategy for success and a clear business plan for their wider team. Bottom line, this means running the legal department like a business within a business.

Besides dealing with legal matters, in-house lawyers should spend a significant amount of their time on:

- identifying gaps in the service of the wider business
- developing cross-departmental joint solutions
- creating a clear vision, goals and priorities
- collecting and analysing accurate data
- providing detailed reports that demonstrate the “business value” of in-house lawyers

Legal Tech - Running the Legal Department as a Business within a Business

Using knowledge management, contract lifecycle management, entity management and e-billing LegalTech tools can help in-house lawyers to create an accurate, real-time legal database.

These tools can help keep track and provide visibility of legal matters and costs. They enable in-house counsel to demonstrate that the legal department is using minimum costs to provide maximum results. In addition, they enable the legal and financial teams to set up clear financial guidelines and strict budgets and alert each other upon any deviation from the guidelines.

Arich and accurate legal database will enable the following capabilities and, by doing so, optimising the legal function of the business both from a professional and operational point of view:

- monitoring and managing (legal) data
- learning from past actions and their results (both business and legal)
- making data driven decisions
- increasing the accessibility to legal data keeping track of the performance of tasks
- managing the workload and dealing with it in advance
- highlighting potential cost savings
- identifying gaps and trends
- making informed choices and taking calculated risks
- making accurate and “realistic” forecasts
- reducing administrative time
- streamlining the work (both from financial, procedural and operational points of view).

If investing in legal technology would bring so many benefits for the wider business, , how come in-house counsel encounter endless difficulties in getting budgets for purchasing and implementing the necessary technologies or tools?

Justifying Investment in Legal Tech – Positioning the Legal Department as a Productive-Business Unit

There is no doubt that the legal department provides value to an organisation. Investing in the right technology may increase added-value and optimise the legal function’s work and performance. As a result, the entire organisation will benefit.

Nevertheless, in many cases it is difficult for in-house legal teams to get the necessary budget and resources to research and purchase the necessary legal tools. Among other reasons, it is often due to the fact the legal department is commonly not considered to be a productive business unit but rather a necessary overhead.

How can we change this perception? The answer is quite simple. In-house lawyers must present a clear business case that demonstrates the value of such investment to the entire organisation. Needless to say, that value will never be solely (legal) costs savings.

In-house lawyers need to objectively demonstrate the added-value the legal department offers to the organisation, and make it clear that by investing in the right technology, the added-value it can offer will increase. For example, investment in LegalTech could reduce time and resources spent in finalising deals, empower legal consumers by providing them with permission-based access to data, create optimised processes, reducing and perhaps even eliminating bottlenecks, enable learning from past actions and their results (both business and legal), manage the legal workload, by identifying gaps and trends.

Implementing any technology should be done after exploring and exhausting the current technologies and their capabilities, based on the organisation's tolerance and openness for new tools and with a "baby-step" approach.

After getting the initial approval from management and implementing the first step – whatever it may be – it will become part of the organisation's culture and a "way of life", so further investment in the legal department are just a matter of time.

*** Adv. Edo Bar-Gil is head of the Legal Ops department at LawFlex – an international legal outsourcing company located at Israel – the Startup Nation (https://www.lawflex.com/)**

Digital-first: it's not just new tech, it's a new mindset

By Rae Digby-Morgan

Digital-first has become one of those expressions. Thrown around like confetti, it's easy to tune it out as just the latest de-rigeur phrase for firms wanting to look in-touch.

In fact, it's nothing of the sort. It's a fundamentally important mindset for modern business leaders, and a critical principle when undertaking any type of innovation or business transformation.

What does it really mean?

Digital-first means approaching any new opportunity or problem with the assumption that the solution should be as digital as possible.

Fundamentally, this is very simple:

Imagine as much of the service that you are creating as possible being used by clients in digital form.

Imagine as much of the service as possible being powered by underlying digital platforms.

In our work at Wilson Fletcher, we've developed three 'lenses' that we use as our digital-first thinking and design tools They're stimuli that can be used to help frame innovation in a digital-first way.

Why is it so important?

I'll outline three of the many benefits my view these are enough to make unarguable.

1: Commercial potential.

Digital services can reach clients anywhere on earth and can scale much faster. The more digital service can be, the greater its potential to generate revenue from larger numbers of clients — and in a more efficient way. Focus that time you've released on strengthening the relationship with your client and you're cementing that connection and increased revenue potential.

2: Client appeal.

We live digital lives and for high-value new digital experiences. In our time poor world, the vast majority of people will choose the most digital experience they can to ease pressure. The more digital an experience you give them (assuming that it's a good one), the more likely they are to adopt it.

3: Future-proofing

New technologies are emerging daily that enable ever more sophisticated ways to perform a myriad of tasks. The more your service is designed as a digital experience, the easier you can leverage those new capabilities as they emerge.

Applying models and experiences in unrelated sectors is how we make the largest leaps. Let's explore an example to illustrate how this plays out in practice: the design of a new airport.

Today's airport.

Airports are predominantly physical experiences. They are basically enormous buildings full of signage, systems and stress. Numerous digital services (airport and airline apps in particular) have been created to support this physical experience, with limited impact on the overall experience.

A summary of today's experience might be...

After an inevitably stressful journey to the airport, consumers are deposited into massive buildings where they have to follow endless directional signage, hunt for critical flight information on information boards, and endure long queues to pass through security and identity checks.

Once through, they're channeled via duty-free shops into holding areas full of seating, eateries and more shops. They have to monitor the information boards constantly to ensure they leave enough time to walk to their gate, where they wait again and go through more security before they reach the plane.

It's a rigid, worry-ridden experience largely borne of airports being designed as physical-first experiences.

The digital-first airport.

Now let's imagine what that experience would be like if it were conceived digital-first.

We'd start by reframing the challenge to be more digital-friendly. Instead of thinking about how we create a place where travellers go to get on planes as smoothly as possible, we'd more fundamental question: how do we create a to get travellers onto planes as smoothly as possible?

The process starts when they have to leave their home/office/hotel and ends when they're in their seat on the plane. We should of course consider the entire journey — pre-planning, booking, post-flight etc. — but we'll keep it to this for now.

The process has people, planes, journeys, time, money, security, identity and many more. So to shape a digital-first experience we need to construct a service scenario that connects all these.

Here's a simplified example of how that might work.

Tickets with smarts.

Smart tickets are stored in a digital wallet that links them to the identity of the wallet-holder. The tickets are connected via a central travel service to the airline operating the plane, to security and passport authorities, and to the plane itself.

They're also connected to transport systems, weather systems and a whole host of supporting platforms that might impact the relationship between the traveller and the plane.

On the morning of the flight the traffic is bad. The service adjusts the time of the cab that was ordered and sets the traveller's alarm on their smartphone 30 minutes earlier. When the traveller wakes up, they're notified of what's happening and what they need to do to get to the plane on time.

While in the cab, they check-in — a frictionless process that uses biometrics to validate their identity. They're presented with a series of personalised duty-free offers based on their history and where they're going, and can shop a comprehensive catalogue of products available on duty-free terms.

A very different physical experience.

They — and the other car-pooled passengers the picked up on the way — arrive at one of a cluster of small buildings serving a handful of gates each. The driver's app has been directed to the specific location, which puts them within a few metres of their gate.

As the enter the building, their arrival is registered automatically. They head straight to a unified gate where their luggage is scanned and tagged, individualised security checks conducted based on their digital identity profile. The duty-free purchases they wanted to travel with are passed to them. The rest will be delivered to their preferred address.

They wait for a short time while other passengers arrive, getting individual status updates frequently on their phone. A small store serves a range of items most commonly needed by travellers and a dining area serves food and drinks, all of which could also be pre-ordered en-route of course.

Another phone alert tells them when to board. The boarding order and pace is optimised algorithmically to suit the people and plane. Once they're in their seat, the infotainment system loads their profile from their ticket ID and lines up the next episode of their favourite new series.

You get the idea. A simpler, streamlined experience with a minimal amount of in-building clutter involved. No centralised customs with massive queues. Staff allocated intelligently when and where they need to be.

Behind the scenes, machines do the heavy lifting. In the foreground, airline and airport staff are free to offer exceptional service to customers and address very rare conditions not catered for by the system.

The physical plays a very small part in the overall customer experience: it is primarily a digital experience that connects traveller and the various parties involved in them.

If airports were built frequently, this airport platform could be used again and again. Even the buildings could be built similarly each time. The final big stress variable in the traveller experience — the huge differences between airports, from design to the language of signage — would also be eradicated.

A tool for building tomorrow's firms.

Any new initiative can be approached like this, but it takes some time to do it. Making digital-first thinking the norm in your firm is all about practicing it repeatedly until it's a habit. The results provide the motivation to adopt it and the repeated use of it helps it become the new normal. It's all about building that habit.

Stick to conventional thinking and you'll get conventional outcomes: imagine if we stopped talking in terms of 'legal process' or contracts? Describing the will inevitably self-limit your critical thinking . At best you'll get incremental improvements and at worst you'll fuel a firm that is progressively more vulnerable to disruption and decline.

Choose to adopt digital-first thinking and you'll build a robust, innovative business that is equipped to flourish in the digital economy.

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Past editions

If you would like to have a read of our previous editions please click on the links below:

- May/June 2018 Issue

- October 2018 Issue

- January 2019 Issue

- March 2019 Issue

- Careers Supplement

Next edition

Next edition will be out in October 2019.