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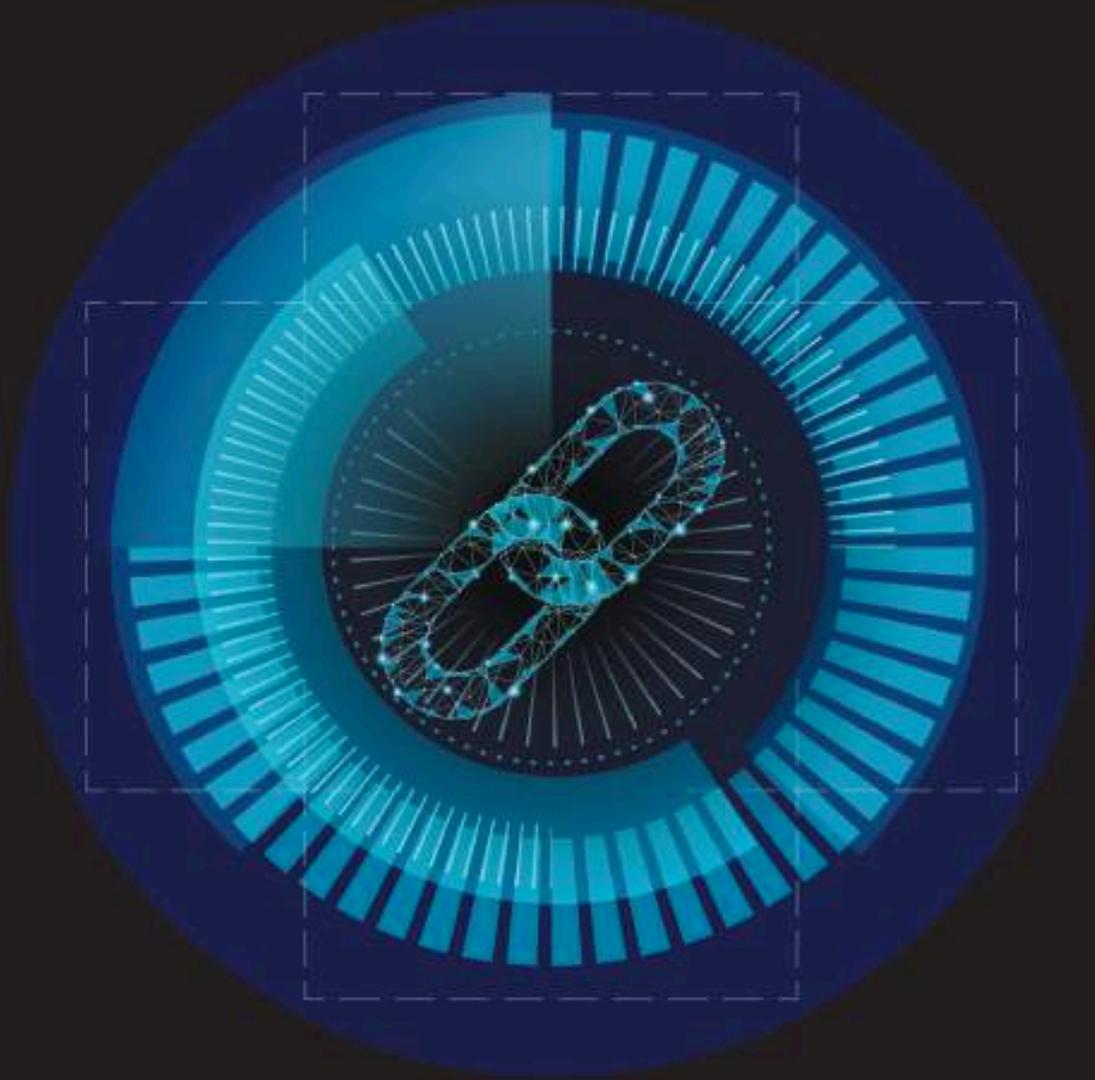
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Hold'em or Fold'em? Placing Bets on LegalTech and Innovation

By Jason Moyse

And contributions from International Thought Leaders, Experts and Legal Connoisseurs: Eva Bruch, Maya Markovich, Richard G. Stock, ELTA, Stephen Embry, Carl Herstein, Cash Butler, James Johnson, Adv. Lee Goldberg Zaidman, Vishnu Prasad, Annalise Haigh, Tom Hill, Nerushka Bowan, Zohar Fisher, Sandra Bekhor, Benjamin Alarie, Beth Lambdin, Rich Dibbins

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Have a terrific and lovely summer,

Kind regards, on behalf of the whole team
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How to innovate at a law firm

By Eva Bruch PHD, Founder of AlterWork

Having an innovation manager has become fashionable. This is even the case in the legal sector, although at law firms the particular idiosyncrasies of the profession are perhaps not taken into account when appointments are made

The brand new innovation directors, whether they come from other industries or from other jobs and functions in the firm itself, will have to overcome various obstacles if they are to achieve their purpose.

Firstly, there is the sector's traditional resistance to change and the fact that lawyers, who in most cases account for 80% of the workforce at law firms, are the ones who do all the production work for the service, and their salaries are directly linked to that production.

This is a substantial difference compared to what might be the case in the industries where these new managers come from, and it often makes their work more difficult.

By contrast, innovation managers from the sector know the situation better than anyone, but they also face the challenge of providing their new job with content without any kind of previous experience, with few examples to follow and with little specific sector-based training. They exist in a vacuum surrounded by a sea of doubts.

Implementing innovation culture

Few law firms are fortunate enough to have a visionary like Steve Jobs, capable of imagining the future and successfully getting ahead of client needs. How can they innovate, then? Innovation does not happen overnight. It requires practice and for that a method is needed.

Practice takes time – one of the most valuable and limited assets at any firm – and it also requires the dedication of the partnership’s professionals: its main asset. The combination is highly complex because nowadays what most firms sell is the time their professionals devote to advising their clients. It is like asking Microsoft to sell fewer Windows licenses because it needs to innovate.

Whatever business we are in, the short-term view of falling sales – in our case billable hours – does not help the innovation manager to lead with the already difficult exercise to persuade lawyers to do new things, or at least to do things in a different way.

The first question a managing partner of a law firm that wants to innovate must ask is

whether the partnership is prepared to invest time in the process. Here, the word invest is used with its full meaning because it means the time spent by the firm’s professionals innovating will help it to improve as a business. It can invest this time in seeking innovative ways of relating to and communicating with its clients; in making changes so that it works more efficiently; in thinking up new ways of finding and retaining talent; or in dealing with the task of digital transformation. These actions correspond to real concerns passed on to us by our clients.

The innovation cell

When a firm makes a decision to invest time and some money in innovation, the most important thing is to maximize the investment by finding the right methodology to speed up the process of generating ideas and putting them into practice. Agile methodologies are particularly suitable for this. As consultants, we have helped teams of lawyers put forward various solutions for specific challenges, and even create prototypes, in a single morning.

One of the key aspects of getting innovation methodologies to work is the selection of the people who are going to take part in the project – what we call the “innovation cell”.

The innovation manager must first detect the profiles within the firm who show a more open attitude to change, who are more creative or curious or who simply like the idea of forming part of the process of transforming the firm. This should be an open process that any professional from the firm can join in with, regardless of their level of seniority, experience or even the operational area they belong to.

If the working teams cut across departments and can include, for example, a partner and a junior lawyer, they will offer different views, needs, realities and a wide variety of ideas on a single aspect. If you limit this cross-departmental aspect so that only partners or associates take part in the process, you will not make it easier to subsequently implement innovation among professionals who might feel excluded and whose voices have not been listened to, despite the fact that, in the pyramid system of law firms, they form the largest group in the organization.

One of the ways, for example, of approaching the process of selecting professionals is by organizing talks to be attended voluntarily about innovation and digital transformation at the firm. The opinions of professionals about the challenges facing the center can also be collected and questions can be asked openly about their interest in forming part of an “innovation cell” – the seed for innovation culture at the firm.

A sense of urgency

Putting across to the firm’s professionals the challenges facing clients and lawyers themselves, and the changes happening in their environment, and explaining what other firms are doing, and what clients expect and demand of their advisers, will help create the sense of urgency you need.

That sense of urgency will arouse firms from the lethargy in which they have sunk, create the need to change and stimulate the imagination needed to cope successfully with the creative and conception phase of the innovation process that comes next.

When the incipient innovation team is urged into action by the need for change, it will have to be given tools for the job that ensure the best possible results in short periods of time. The agile methodologies we have already mentioned are the most appropriate for this.

Having reached this point, the innovation team will be ready to face its first challenges during a dynamic and motivating but relaxed and cheerful day of hard work. Having professionals experienced in applying agile methodologies leading these sessions and helping the teams move forward in the right direction can be decisive in achieving the best performance from these innovation workshops.

Conclusion

At a time when talking about innovation is in fashion, it is perhaps necessary to stop for a few moments to analyze what it means and how to approach a process that helps innovation managers overcome not only the obstacles common to all industries but also those specific to the legal sector to ensure a successful path to change.

Innovation requires time and resources. The firm’s management must be in no doubt about this if they really want to promote innovation. Innovation managers will have to identify and select the most representatively cross-departmental team they can. Making it cross-departmental will improve acceptance of changes and speed up their implementation within the organization.

The results will come earlier if a feeling of urgency has been generated around the need and if agile methodologies are followed, such as design thinking for the conceptual stage,

orientated towards achieving solutions to very specific problems or situations. The solutions devised are put into practice using the lean start-up technique, another agile methodology designed to construct products and services in very short development cycles, allowing constant feedback on the project and great capacity for variation and adaptation to market responses.

About the Author

Eva has a Degree in Law, a PhD in Communication from the UAB (Autonomous University of Barcelona) and an MBA from EADA Business School. As a lawyer, she worked with Morison ACPM and Bufete Pi Costa and at a technology based Legal Process Outsourcing firm.

Eva is Founder of [AlterWork](#), a legal management consulting company with a focus on technology and innovation.

She is a teacher at the UPF (Pompeu Fabra University-Barcelona) and ESIC Business School. Professor of Marketing for the Master for Access to the Legal Profession at the Central University of Barcelona.

Eva is the author of: “Tendencias, Marketing e Innovación en el sector jurídico” (Ed. La Ley) and co-author of “Reflexiones sobre la importancia de la gestión en los despachos de abogados” (Ed. Thomson Reuters) and New Law New Rules: a conversation about the future of the legal industry (Beaton Capital).

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Hold'em or Fold'em?

Placing Bets on LegalTech and Innovation

By Jason Moyse, Consulting. Technology. Services For Law.



In a noisy world, what is the best way to make sure we are making good decisions? There can only be one answer.

Put some skin in the game.

Everything else is a mere opinion or belief, which although often compelling and entertaining -- does not translate into productive contribution to the ultimate aim.

The reason that making the move to put skin (or perhaps chips) in the game is a challenge, whether that be in poker, investing, or any decision with uncertain variables but far reaching consequences, is that we simply do not have enough information to eliminate all doubt that our choice will lead to the desired outcome.

Annie Duke's recent book "Thinking in Bets: Making Smarter Decisions When You Don't Have All the Facts" is an excellent resource for these very uncertain times. We need to move our lives forward, and that requires action stemming from decisions which are made with imperfect information. Tough for most, perhaps harder for lawyers who can identify risk, but not necessarily act in the face of it. We also have a tendency to treat uncertainty as automatically negative rather than favourable -- no matter the probabilities. In fact, we rarely stop to consider the

probabilities in quantitative terms which is a necessary step in making good decisions.

A key distinction that Annie makes is between **outcome quality** and **decision quality**.

“What makes a decision great is not that it has a great outcome. A great decision is the result of a **good process** and that process must include an attempt to accurately represent our own state of knowledge. That state of knowledge, in turn, is some variation of ‘I’m not sure.’”

Winning and losing is a rather weak signal on your decision quality. You don't change your strategy when a few hands go poorly in the short run because it is never a good idea to play 7-2 offsuit (the worst starting hand) and *expect* to win. Yet, you might play it and you might win.

As Annie alludes in her book, the two primary drivers of success whether it be poker or any other decision theater are:

1. decision process, especially in light of insufficient or hidden information; and
2. luck.

The challenge is our view that if we achieve a successful outcome, or if we do not, we think it is correlated to our decision process. It is not.

A pair of aces is the best starting hand, but you can and often do still lose. Your decision quality in either instance needs to be on the lookout for bias -- like somehow it is always better to “ambush” opponents with the 7-2 off-suit because they will never see it coming! A horrible long term strategy based on odds, replete with bias and faulting reasoning. Annie tells the hi-

larious story of an amateur player who never gave up this exact bias and lost lots of money along the way.

That is poor decision process at work. So what is the mechanism that would normally improve the quality of decision making by removing as much bias as possible? Place a bet for an amount that is not trivial.

Annie’s point is that by betting, we reexamine our decision making process and are much more cognizant and critical of our bias and beliefs as we examine the available information. Are you sure about that? Do you mean \$100 sure or \$10,000 sure? Can you assign a probability? Based on known information, are you 20% or 80% sure of the outcome? Betting makes for calibration against our beliefs.

All decisions are bets and have elements of choice, probability, risk and magnitude of rewards. Increasingly, decisions are made in the most uncertain of environments and circumstances with never enough information. As in poker, investing and life, decisions are ostensibly best made in a rational way without emotion. Our bets are only as good as our beliefs.

Anyone can be a futurist. There is no accountability unless there is skin in the game. Put money on it? Different outlook.

LegalTech startup is a lot like poker. There will be many very bad outcomes no matter how many hands are played. Even among the winners, it will be difficult to discern with a complete absence of doubt, just why things went well. When choosing where to work, what to build or buy or where to invest resources,

HOW BIG IS THE U.S. LEGAL SERVICES MARKET?

The United States is the largest distributor of legal services in the world ... and the demand continues to grow. But the shape of that growth is changing. Large law firms are not the only option for corporate legal work. In fact, they are no longer the primary option.

TOTAL U.S. LEGAL-SERVICES MARKET HAS GROWN TO ≈ \$437B

Corporate legal departments are bringing more and more work in-house, despite the challenges of often having to accomplish more with fewer resources – and they are assigning more work to Alternative Legal Services.

\$1B LEGAL PROCESS OUTSOURCERS



THE GAP BETWEEN DEMAND AND NEED CONTINUES TO WIDEN.



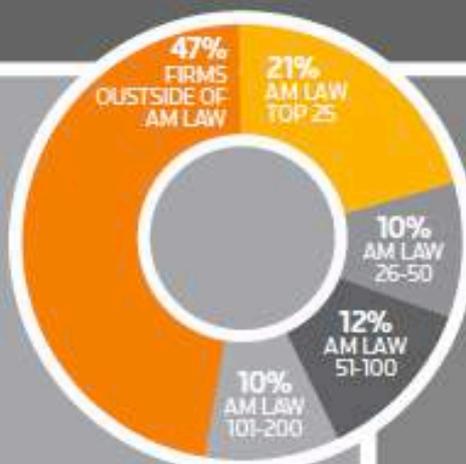
WHY DO LEGAL DEPARTMENTS USE OUTSIDE COUNSEL?

Much of the process-driven work isn't going to law firms, but corporate legal departments still need deep subject-matter expertise experienced law firms provide.*



WHICH FIRMS ARE GETTING CORPORATE LEGAL DEPARTMENT BUSINESS?

Proportional spend on outside law firms is shifting because of cost and need for specific expertise.



THE LEGAL PROCESS OUTSOURCE (LPO) MARKET IS EXPECTED TO GROW BY 30%

Alternative legal providers have secured more corporate legal department business than ever and the LPO market continues to grow.

30%

it's all risk capital and requires the placing of a bet. It's best to get comfortable with uncertainty so we can see the world more accurately.

Would you invest your own money in any of the inputs? Would you buy any of the outputs? Would you use any of the outputs if they were not free? Would you forego steady employment to pursue an idea for a venture?

We don't win bets by being in love with our own ideas. That includes the twitterati and blogosphere as a collective as well as those among us that attend conferences with the same repeated faces in the crowd. Echo chambers are essentially a collection of people in love with roughly the same idea. That's not a winning strategy for placing bets. It's like believing consistent or inconsistent play of 7-2 offsuit is a great strategy.

The more objective we are, the more accurate our beliefs. So let's examine things as objectively as we can when it comes to legal innovation and startups.

When people talk about the legal market, what exactly are they talking about? It's like saying "China". Which one? There are many. Some are prosperous. Some are not. Some are advanced. Some are not. But to use one term to describe the entirety of the "market" will clutter the decision process.

It's helpful to at least have some level of segmentation when discussing the legal market. From the "buyer" perspective, meaning purchasers of legal services, the U.S. number is typically suggested to be \$437B

At the recent ABA Tech Show, Dan Katz gave a barn burning keynote and gifted a hashtag worth betting on. As conferences and panels are beginning to proliferate - it is making it difficult to pick up the signal through all the noise. Usually, there are a lot of nodding heads in the audience rather than changed perspectives and that is regrettable.

Hard to argue with Dan's hashtag however -- #makelawbetter.

Professor Katz is a master of logic which is in part of why he is convincing - and his twitter handle and general emphasis is on "computational legal". Programmatic logic is highly defensible -- as are most things that strip away normative tendencies based on anecdotal data. They help us get to a more accurate reality to inform our bets.

The problem is that we need to convince the unconvinced on best ways to move legal forward so that we can tackle the many challenges with the current landscape. Logic alone will not do it.

Because of his immense credibility beyond mere spectatorship or talking head commentary, here's what I enjoyed most about reviewing Dan's slides. He makes a point that is too often missed in legal including by this author. **It is not all doom and gloom.**

Waves Of Funding And Exits

LexisNexis has done a great job of acquiring entities and bringing them into the fold of their go to market without necessarily changing a lot of the material foundations. Where founders stay on, and the offering remains

largely untouched but for integration into a broader product suite, that's a good exit in legal.

The idea that there would be an IPO of a legal services business while *possible*, is not *probable*. Private equity supports a number of the larger players at the moment, but no one is looking for an IPO as a good bet.

The acquisition of Avvo by Internet Brands is interesting because it is a legal business exit that looks like other verticals. It was noticeable however that many people on the journey, including the founder, have left the company. Commenting on this act is not an admonishment as founder fatigue and burnout is a real and serious phenomenon. We need founders to win as much or even more than the investors - at least in terms of seeing vision become reality. For those counting, Avvo had raised \$132 million since being founded in 2007. Dilution of founding team equity is part

of the calculus of success and the more money raised through successive rounds -- the more urgent the need for a big return.

Founders that ride through antiquated and misguided regulatory opposition on top of regular business pressures deserve every ounce of success they get where they have consistently acted with integrity. Kudos to all the players at Avvo.

In instances like Lex Machina, Ravel and Intelligize coming into the fold at LexisNexis, it appears that the general benefits of the original startup offerings have been extended further with access to more resources.

Similarly, Thomson Reuters has extended the value of the Practical Law Company and the incredible foundation laid by the originating leadership team, employees, technology and business model. —>

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Pangea3 is like Elevate Services not an exclusive single point solution but a managed services business operating globally as a platform with many outputs. Pangea was indeed a sizeable and sophisticated operation when it was acquired for an amount that is somewhat unclear, but possibly as much as \$100 million.

Elevate Services has advantages of experienced and successful founders who could avoid taking on outside capital and surrendering equity. Recently, Elevate acquired a line of credit from Morgan Stanley which allows the company's destiny to be shaped through its own leadership rather than unduly influenced by investors seeking both return and liquidity at the time of their choosing. It is not uncommon for there to be disagreements between investors and operators on valuation and therefore strategy which filters into the overall approach of the business.

For any startup -- the longer you can avoid angel, venture or even larger private equity capital -- the better. However, it's just not possible for everyone to build and scale without outside financing -- so founders lay bets on whether they can steward capital to enough growth for profitability or perhaps a liquidity event that pays back investors and makes the whole journey financially worth the burden for the operator. Naturally, the founding mission of the business needs to be served and the true incentive should be on satisfying customers or cultivating assets. The point of starting up is to fill a gap that is not being adequately filled.

Things Are Speeding Up

A company like ROSS Intelligence is one that always draws attention given the rapidly in-

creasing amount of skin in the game. I originally met the founding team before they had garnered access to IBM Watson on a permanent basis. They were heading to an IBM competition where first prize was \$100,000. I remember chiding them that, first prize, would actually be continued access to Watson! As it turned out, they had moved so far so fast with the original iteration of the solution that they were granted permanent access before the competition. No, they did not ultimately win the \$100,000 which must have seemed like a lot of money at the time.

This all took place in 2015. Today, I don't even recognize them given their Y Combinator street cred and \$13 million in series A and seed round funding. There's a long way to go, but they certainly speak to the art of the possible and are inspiring a number of people in the industry. Over time however, they will need to show return for those investors that have backed them with a form of liquidity event and return. The chips always get raked in eventually -- and if the business does not show itself as a sustaining going concern -- the value will be drawn out from technology asset disposition which might actually decline in value as all technology eventually does on the path of either commoditization or obsolescence.

They are definitely mission-based with a core principle of access to justice and providing free use to a number of players. That's certainly admirable, however, not necessarily a sustainable business strategy over a long enough timeline. Their paid clients are actually what matter once the burn rate of investment dollars erodes their ability to give things away for free.

Revenues and profitability will eventually be on the mind of many observers. While those numbers are not likely to be disclosed -- the paying clients will speak volumes by giving testimonials confirming whether their meaningful problems are being solved. Alternatively, and much louder through absence, if there are many known purchasers but few effusive testimonials, the conclusion will be the opposite.

Similarly, LawGeex has raised \$22 million to date, and like ROSS, made some very visible strategic hires that show the seriousness of their mission. They are also masters of marketing producing content in the form of a LegalTech Buying Guide which includes contract review. That is what they do! ROSS has employed similar tactics which are hardly empirical. Nonetheless, said guides are outstanding resources for in-house buyers.

Success for these players are needed as a tide to lift all boats. The more players entering the market with technical, marketing and business skills, and a true desire to solve pain points, the better for aggregate value creation and modernization of the industry.

However, where they fail to return investment to those that have backed them, it will make it difficult for others to attract capital which might be needed for true growth and scaling that can not happen quickly from organic revenue alone.

Skin In The Game Beyond Founders

For all the activity around legal startups, as of yet, there is no clearly established and sizeable

fund dedicated towards legal innovation which looks and operates like a traditional venture capital fund "stating a thesis" and advising to the world at large" capital is available" we are looking for good investments.

Dentons NextLaw Labs, for example, is not a VC fund, does not state the capital it has on offer for startups and in many instances - is not seeking financial return from liquidity events in respect of the companies where it deploys capital.

In relation to a more traditional VC fund, that was certainly the intention of Aron Solomon and I when we launched Law Made, and we worked very hard at it. It's an enormous undertaking requiring all kinds of skills, knowledge and connections, but above all else, frankly, you need to have a track record, *gravitas* and your own capital. We did not sufficiently check each of those boxes and they are *all necessary at the same time*.

Players are now entering the space who can (and I say will) succeed at bringing along significant capital in addition to high net worth individuals, family offices and smart money angels who were previously acting in loose organizational fashion. A LegalTech VC fund is an eventuality.

There are also a plethora of new hubs, incubators, accelerators, laboratories and "centers" - all dedicated towards legal service delivery innovation. This may seem to have happened overnight, especially those communities of multi-disciplinary makers melding with lawyers.

Law firms are good at taking lots of actions and putting forward enormous *effort*. Perhaps not always efficiently, but typically, they never really struggled with throwing bodies at something. With a “more for less challenge” still prevailing, throwing bodies at problems is becoming less of an option and appropriate workflow, talent mix and technology (always the last consideration) are the required path to sustainability.

The biggest move from law firms in the last few years? A dedicated allocation of funds as a budget item for research, development and innovation. Not something you would traditionally expect from a partnership which pays the retained earnings back to the owners almost every year.

Curiously, in other instances - we are starting to see retreat from innovation with dissolution or diminishment of laudable programs that were both visible and market moving. There has been some restructuring and removal of key executives who were hired with the specific mandate to drive change. In more than one instance, it has not been a mutually agreed upon decision. These movements are not cause for permanent disillusionment, nor are they a declaration that no further bets will be made. If the incentives are aligned and *client driven* -- there will be many more hands dealt with chip stacks renewed and deployed.

Taxonomy

LegalTech and innovation are labels of convenience. As my colleague and friend Mark Cohen has written:

‘LegalTech, a common term used to describe the adoption of technology to legal delivery, is

much more than platforms, SaaS applications, and software. It describes the more holistic digitization process that the industry is undergoing. And while legal practice is still driven by precedent, delivery of legal services is propelled by innovation, process, technology, utilization of “the right resource for the task,” a legal supply chain, a growing use of metrics and best practices, data in lieu of conjecture, and output- results instead of input - billed hours.’

Personally, I get tagged with various labels -- but above all else -- I am most interested in *improvement* - not moonshot disruption, innovation, or for that matter -- technology. Improvement always starts with people, process and then perhaps technology which might be as simple as a checklist. Shiny object syndrome is distracting on the mission to simply #makelawbetter. Trite. Cliche. Truth.

In respect of legal services startups, there are a few taxonomies -- but the utility is mixed -- especially if you are looking to place a bet in the form of procurement, investment, or deciding where there is a gap you would like to fill with your own company.

These roadmaps, taxonomies, magic quadrants, logo strewn industry landscapes are good for creating familiarity with names but are almost always overwhelming. While we have a tendency in human nature to chunk things into buckets for easier understanding, the proliferation of these types of charts may do more harm than good.

Who says that those are the correct product categories of those players in those spaces?

Only the authors of the taxonomies. What's important to investors? More importantly, what's important to client users of the services? Those are the players with skin in the game -- not the taxonomists. Those are measures that matter because the reality is that resources and clients are required to build anything meaningful and lasting. Alas, the former does not guarantee the latter.

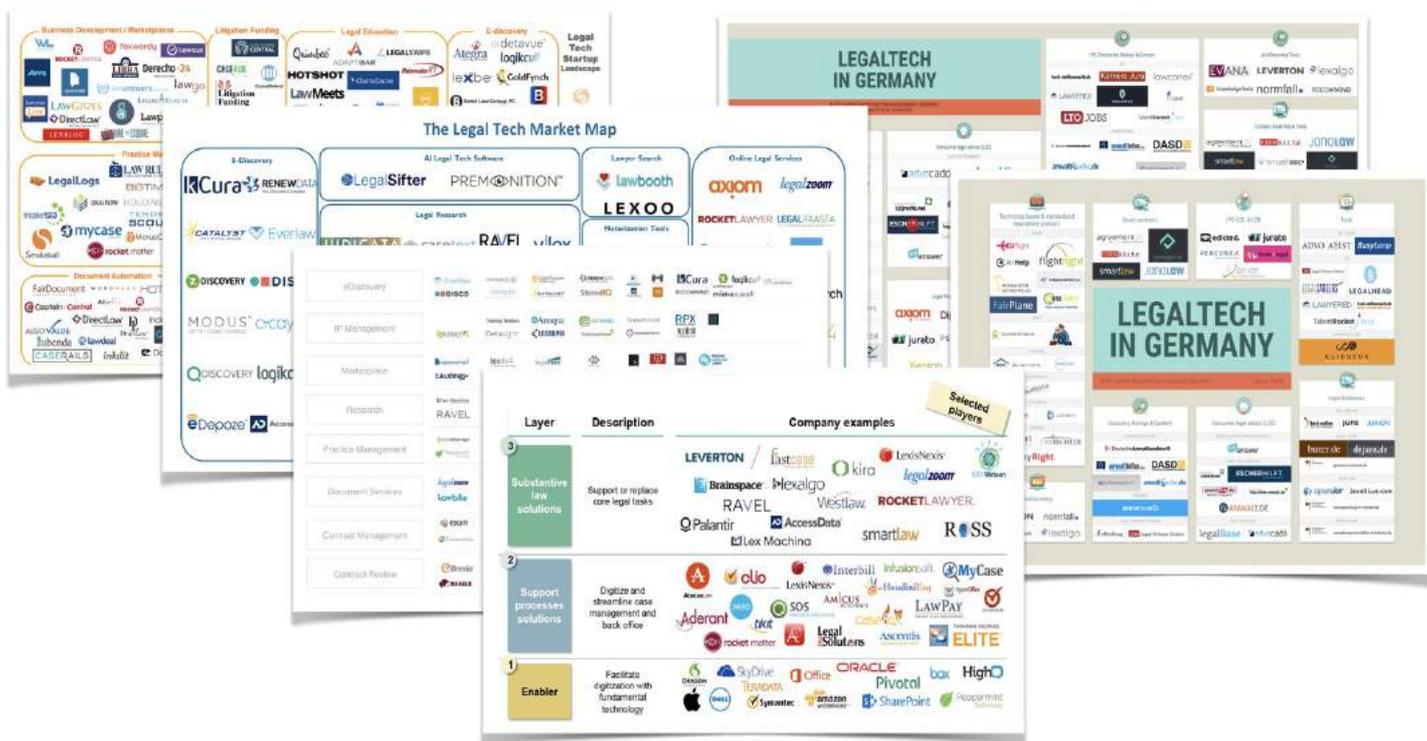
But Is There Really A Startup Explosion?

It's not particularly helpful that the various taxonomies are so poorly maintained. They may give you some outstanding information on individual companies when you drill down

and review the details, but on the whole, they are not at all representative of the true landscape.

For example, the number of startups listed on AngelList is grossly exaggerated upon even a light examination. There are a number of law firms, especially personal injury related, that appear on the listing which are neither startup, innovative, technology driven, or for that matter early stage entity.

Now I've got a bit of a *mea culpa* as I'm one of the curators of the **Stanford CodeX Legal-Tech Index** which is maintained by a few others on a voluntary basis.



Source: "CB Insights, 2016; Curle, 2016; TobSchall, 2016, 2017; Veith et al., 2014; Wilson, 2016: <https://medium.com/legal-tech/legal-tech-startups-9755b18f93ac>

While we review the incoming applicants and make decisions at a glance as to whether something is truly LegalTech and a startup deserving to be on the list, that front gate function doesn't account for downstream when the startup regrettably ceases to operate.

In startup-land that's the norm, not the outlier. Accordingly, the number of startups listed is not a true snapshot because it does not take

into account and subtract the numerous failures.

I found similar issues when reviewing Bob Ambrogi's list -- which to be fair - is also a voluntary effort. If the upkeep slides down on his priority list -- I certainly understand. He does enough for the "movement" as it is - and can always be counted on for an otherwise insightful and informed perspective.

Key Listings and Commentary on Legal Tech

		
<p>777 Startups Listed LegalTech Index</p>	<p>1600 + Startups in Legal Listings</p>	<p>647 Startups Listed</p>
<p>The LegalTech Index is a curated list of legal technology through the Stanford CodeX program. The database is intended as a resource for the legal technology community, and features data contributions from stakeholders in the community including Law Made. It is a global index.</p>	<p>Currently lists 1,641 companies, 725 investors and is followed by 6,000 people. AngelList is a U.S. website for startups, angel investors, and job-seekers. Since 2015, the site allows startups to raise money from angel investors free of charge. The number of listings for legal has increased 400% since 2014.</p>	<p>Bob Ambrogi has been the leading legal technology blogger since 2002 and recently started to collect and attempt to curate a list through his readership of various legal technology startups. It lists the company, a description, country and whether status is active.</p>
		
<p>In-House Counsel's Legal Tech 2017 Buyers Guide</p>	<p>Research Briefs: Market Maps</p>	<p>Community Builder with "Startup Map" and Conference</p>
<p>LawGeex, an AI contract review platform for businesses offers this free, downloadable guide that showcases more than 100 must-know technology solutions which solve the daily challenges faced by in-house lawyers. i</p>	<p>Useful for analysis from a functional perspective, but also the underlying financials, investment and business model of various legal tech business as well as industry analysis.</p>	<p>A "community" with thousands of members and supported by a few firms and other organizations. Authors of a joint white paper with Thomson Reuters: <i>Movers and Shakers: UK Law Tech Startups</i></p>

Note: Numbers are as at August 2017

So, while we all want to celebrate the proliferation of startups in legal finally being a force to be reckoned with, let's at least keep a little perspective and get to the truth, lest our judgment become clouded with delusional belief which biases our path of decision quality. Even if accepted at face value, we would find that that as a pool of new products, services, offerings and companies which are either investible and/or will be viable entities creating economic value for owners, employees and clients - LegalTech is still a tiny ecosystem.

Legal is the 5/10 blinds table at the casino off the strip. If you visit there, say hi to my parents near the nickel slot machines.

The "Big Game" for high rollers is played elsewhere. The annual investments into Healthtech and Fintech and other ecosystems are measured in billions. Whereas Eric Chin suggests that \$2.5 billion has been invested globally across 436 LegalTech companies, that is not on an annual basis. Similarly, CB Insights indicates that between 2011 and 2016, global companies raised \$739 million in aggregate funding related to the legal services industry. That is quite small and perhaps because the Total Addressable Market is not significant in comparison to other potential investment opportunities..

A number of other taxonomies are surfacing in different regions including Germany, France, the U.K., Australia and elsewhere.

While this is encouraging for entrepreneurship in those regions, to have sustained businesses that go beyond mere lifestyle, there needs to be a market much bigger than the founder's place of origin.

Even in Canada, I often give the advice, that dominating this market is selling yourself short if your technology or offering is readily transferable to other markets. It is somewhat puzzling to start anywhere other than the biggest potential market. To date, that is still the U.S., even if the buyers are not active, they still represent the biggest pot to play for.

Just as real estate is all about location, location, location, one of the key determinants of success for any startup is the Total Addressable Market and its more probable subset, Specific Addressable Market.

I would not bet on a company that is going after a small country market with a niche offering.

A common narrative however is that while the U.S. is the biggest *potential* market of buyers of services, U.K. law firms are ahead as far as adoption of innovation is concerned. This could be due to the protected nature of the legal profession in the U.S. which is less a factor in the U.K. where the *Legal Services Act* has provided an entirely different set of conditions.

Single Point Solutions Vs Platforms

Another key question I often ask when dealing with startups is as follows: 'Are you building a platform or a point solution? Is there a managed service to go along with this piece of technology?' With platforms or suites of bolt-on technologies more readily available in SaaS, there is a hedge against complete obsolescence and more pull to the client to utilize "multi-tenant" architecture allowing configuration of tools and features on an as needed basis. It is frustrating to buy two things when one would

have served. A Swiss Army Knife is a simpler buy for an organization than the individual spoon, fork, scissors, clippers and corkscrew.

Global Legal Hackathon

It is impossible to deny as fact that a well-spring was tapped when the Global Legal Hackathon recently launched and managed to garner participation in 22 countries, 40 cities through 600 teams and a total of 5000 participants.

Clearly something is afoot when it comes to legal innovation and there is a desire well beyond the traditional players. The experts from other disciplines are starting to, *thankfully*, contribute in large measure. Many of the technical participants in the Global Legal Hackathon had not previously been active in the legal industry.

Do you shout down the utility of hackathons in the “Real World”? Are you open to another possibility?

A few years ago some friends of mine entered a NASA sanctioned hackathon and were paired with some folks they had never met. Pizza, beer and fun. They won the event. They have gone on to raise millions of dollars and hired dozens of employees. Check out [Sky-Watch](#). They have lots of skin in the game.

Yes, it can happen that a hackathon produces a viable operation that garners clients, capital and dedicated employees empowered by an inspiring mission. However, that is outcome quality, not decision process quality. Winners from a hackathon who try to build a company are playing the 7-2 off-suit.

Let’s Talk About The Power Purchasers

Perhaps there is no story as compelling in relation to legal innovation than that of Justin Kan and Atrium. For those that don't know, Justin Kan, *thankfully*, did not go to law school. In fact, I'm pretty sure he has little love for lawyers. He is an outrageously successful entrepreneur that has exited multiple times at a very young age driven by savvy, guts and perseverance.

As a startup - what makes Atrium so unique is it's a technology lead company on one side, operating in conjunction with a properly approved law firm. The aggregate is an assault on the very model of legal services delivery. Driven by regulatory requirements which are otherwise prohibitive, the technology business is standalone and in the service of the law firm. For the technology business, Justin raised \$10.5 million dollars which pulled in pretty much every significant venture capitalist or angel in Silicon Valley. This is a statement from a number of power users (purchasers) of legal services. It's not the size of the investment that is significant - it's the incredible number of participants in the fundraising round that clearly understand the pain point in dealing with lawyers and have probably had enough of business as usual.

Even among those that utilize lawyers often, the value is a mystery. Legal services do not offer enhancement to the core business, make a product better, assist customer acquisition or retention, or make a process more efficient. In short, entrepreneurs like Justin simply see an unavoidable expense to professional service providers. From an entrepreneur perspective, making the most efficient and effective use of

available resources, it must be bewildering to observe the grossly inefficient rendering of services by lawyers, the very opposite of any technology or engineering based product. A technology founder was bound to notice the lack of software innovation used by lawyers.

Just because they have significant wealth does not mean that people and organizations like to pay for things where they don't understand the value of their purchase.

Atrium is starting with a pretty niche set of clients related to corporate services on behalf of startups, but they are adding transparency and pricing models that are lacking elsewhere. If the model is successful, no doubt they will climb the value chain in terms of the customers that they serve beyond early stage corporate work. At time of writing, they claim to have completed 850 deals for clients that have raised \$5B.

Their impact on the overall legal industry will be shown if they successfully move into other legal practice areas and where other providers start to replicate or iterate on their model. Those that watch closely are asking if they will make the dent in the universe and be a sustainable operation or be another Clearspire.

Thus far however, they have skin in the game and laudable decision quality. In poker parlance, they are starting with a pair of Aces (the bullets). However, outcome quality will take some time to realize.

Technology: Where To Place Bets ?

The legal industry will move forward - there is no escape. Fax machines faced opposition.

Email faced opposition. Digital signatures faced opposition. Over a long enough time line, dismiss technology at your peril.

I am not a legal entrepreneur managing a team, investors, developers or clients. I have not lived that path, but I work with and support those that do. It is not pretty. Passion and mission as driver is not a cliché - it's a necessity. The rapid ascension of ROSS or Elevate are complete exceptions to the general trail left behind. One out of ten (conservatively speaking) fail. It sucks to fail. With that part, I do have *some* (read: much) experience.

I am sure you have heard of Artificial Intelligence. I know you have heard of Bitcoin. You *might* know that Bitcoin is built on the Blockchain.

Congratulations, you are now an expert.

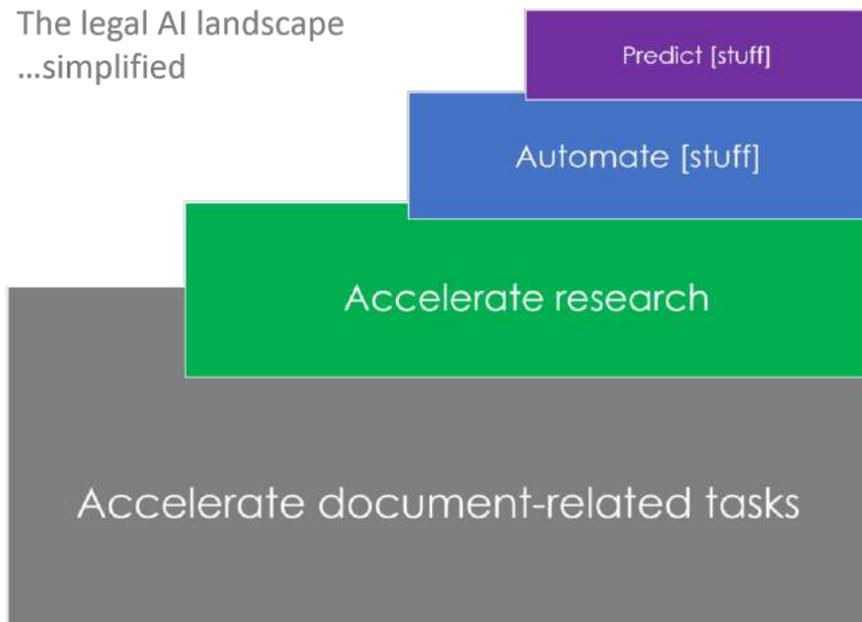
How do I know?

Because I am called upon to comment on these topics notwithstanding my protestations that not only am I not an expert, I actually don't believe those that they say they are. For Blockchain in particular, **there are only students**. For A.I. - perhaps there are some experts, but in terms of its application to legal processes, systems and other artefacts - there aren't many that can say they have successfully applied those concepts inside a legal business - which then made them money in excess of their investment. The sum total of what you need to know about A.I. is neatly summarized by Rob Saccone. Certainly Michael Mills does an admirable and more detailed job, but for those of us that like to write with

crayons - Rob's is much more palatable.

about technology, process and workflow (in legal).

The legal AI landscape
...simplified



Lawyers are paid to predict things. That is one of their most valuable outputs. So while research becoming incredibly efficient is useful - it is still a mere input of a traditional service. Novel value creation comes from predicting things that inform a decision that could not otherwise have been made.

Jules Miller presented an outstanding talk on the subject at Legal Geek in 2017 and emphasized that the U.S. is a dominant market and most certainly, the best source of investment capital. Kudos to Jules who adroitly made her point in the heart of an amazing European conference orchestrated by Jimmy Vestbirk. This conference has become a movement and it is very easy to get caught up in the genuine fun and excitement. Jimmy has done an incredible job at adding levity, joy and storytelling to what is otherwise people talking

However, even with the global explosion of interest driving innovation in legal, the best prospects for success are at the main tables and for investment dollars -- that is still the U.S.

I had occasion to spend some time with Jeroen Plink who represents the "smart money" in LegalTech investing as a formidable operator, including the Practical Law Company which was sold to Thomson Reuters. Getting investment from someone with this experience results in way more than mere cash.

Connections, experience, operational know-how, and access to clients, talent and leadership are pillars provided by quality investors with knowledge of the space.

While we might like to evaluate technology, products, services and offerings writ large - nothing rings more true than these words from Jeroen:

"The one thing I will not compromise on is the team. There are enough examples of mediocre product and great team that have succeeded but there are few successful examples of great product, mediocre team."

In Jeroen's mind, the probability of success is higher based on this variable. It is weighted more heavily than others, including the product itself. I'd listen to Jeroen because he makes good bets with his own resources.

Conclusion

Uncertainty and ambiguity reign supreme and while we do not know the specific winners, we do have a sense of broad themes that are likely to prevail.

Blockchain and A.I. matter because even if there is very little adoption at the moment -- they're here to stay. At least that is a good bet with the information on hand -- and by analogy -- it is very much like the early days of the world wide web and broader internet.

As one startup founder recently said to me -- it is absolutely inevitable and people that think otherwise are foolish. I'd bet on that.

Do you believe that these technologies, while almost all hype today, will never enter the legal services business in meaningful fashion? Hold your chips then, but you will eventually need to play a hand if you expect to grow your stack.

Let's not forget the nugget where Richard Susskind was accused of bringing the profession into disrepute with his mid-1990's prognostication of email becoming the dominant communication modality between clients and their lawyers. Hersey!

The challenge is in choosing the **specific** use cases and the **exact names** of the new ventures that will provide the offerings that get adopted in legal. There is also a good chance that the best prospect surviving startups in the legal space are not yet launched. However, at least from an investment perspective, the driving technological underpinnings are unfolding in real time.

You do not need to save the world or disrupt the industry to be successful. Solve a mundane problem that matters to enough people that they would pay for its solution -- and ideally cobble a few of those together in a platform rather than a single-point solution. Play many hands, all at once if possible.

Overall, there is just enough uncertainty to keep many people out -- but those that can find their way given a long enough time horizon on stakes big enough to matter will always have fuel. As in professional poker, the winners in LegalTech will be those with skin in the game and survivor skills over the longer term to take infrequent big wins with normalized crushing lows absorbed in stride. Rebuilding your chip stack after losing your bankroll? That's skin in the game. The exciting part is that all anyone needs is a chip and chair to get a place at the table. Ante up?

About the Author:

[Jason Moyse](#) Jason Moyse has served on global teams implementing major customer experience initiatives as a connector/doer/spark and key trusted advisor to the C-Suite, Senior Leadership and Governance Teams for legal and business matters.

Jason's broad background includes private legal practice in high volume commercial litigation as well as serving as in-house counsel.

A lawyer and Lean Six Sigma Black Belt, Jason is Manager of Legal Business Solutions on

behalf of [Elevate Services](#) – a next generation legal service provider helping law firms and corporate legal departments improve efficiency, quality and outcomes through consulting, managed services, technology and talent.

He is also the co-founder of [Law Made](#) – an

agency serving LegalTech startups and Corporates and Law Firms to help the Digital Davids and Enterprise Goliaths dance together through access to capital, clients and markets. Previously, he co-created and executed on the vision of LegalX through the MaRS Discovery District.

GLF 2018 Theme:

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August 23, 24, 2018 - Peace Palace, The Hague

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Innovation and Technology Lead to Better, Happier Lawyers - Faster

By Maya Markovich - Head of Product, Nextlaw Labs



By now, it's a well-known refrain: Those in the legal industry are mired in 'old thinking.' Technology as a threat. It will replace jobs, reduce revenue, and degrade the position of the firm in the legal marketplace. But future-focused industry voices, including [Nextlaw Labs](#), argue the opposite. We believe legal innovation and technology offer an unprecedented opportunity - especially for new attorneys just entering the professional realm.

Demystifying legal technology
The "robots will take our jobs" message is largely hyperbole, but it stems from a lack of understanding of the changes underway in the legal profession, and the technology options already available. As an industry, we've been here before, skeptical of the benefits of technology in legal practice. The legal establishment once claimed online legal research would never catch on.

Now we don't even think of this as an innovation- it's standard legal practice. Billing hours in the law library did shrink, but lawyers didn't disappear. They now provide faster, better, and more cost-effective client service thanks to technology.

For a sanity check, consider the following: Across all industries, 60% of all occupations have at least [30% technically automatable activities](#). Five percent of jobs can be [100% automated](#). Similar research has estimated that [23% of a lawyer's job](#) can be automated, yet we still need people to make critical decisions, especially in law. For example, contract review can be extraordinarily time consuming but is often written off client bills. Multiple legal tech products, including [Luminance](#), [Kira Systems](#) and [Nextlaw Ventures](#) portfolio company [Beagle](#), can quickly identify key clauses and precedents to conduct analyses, draw inferences and flag terms for additional scrutiny. Some claim to go even further to render recommendations and judgment calls. A lawyer then interprets those findings, incorporates context and nuance, and provides informed legal service - faster.

Don't Worry, Work Happy: Innovation drives job satisfaction

Nextlaw Labs believes that innovation can take the robot *out* of the lawyer by identifying and minimizing repetitive tasks and designing better, more intuitive workflows. Today, routine work that is not appropriate for lawyers at high billable rate, busy work that does not significantly improve the quality of legal services can be relegated to technology. Lawyers can focus on higher value work, strategic and creative thinking, and issues that demand insight and emotional intelligence. These are not only the most professionally satisfying aspects of the profession, but they also cultivate the attributes that make the best lawyers so good. What does this mean for recently minted attorneys? They can leapfrog much of the drudgery of cookie-cutter legal work that used to define those early associate years - docu-

ment review, long hours at the printers, keeping track of countless signature pages - and gain earlier substantive experience in higher-level client service delivery.

Legal tech drives the creation of new roles

The traditional law firm career path has long existed and will likely continue into the foreseeable future. But like revolutions in other industries, the modernization and reinvention of the practice of law is engendering new and unprecedented opportunities. If you're excited about the new ways tech is reshaping legal practice, the ability to try out new tools and understand your workflow from different angles can be eye-opening. At Dentons, attorneys at all levels have the opportunity to explore a wide variety of legal tech, and shape portfolio products of our investment arm [Nextlaw Ventures](#) for optimal utility. In addition, our sister consulting entity [Nextlaw In House Solutions](#) works closely with net new legal department roles in [legal operations](#), a group tasked with maximizing a legal department's ability to protect and grow the company. A rapidly growing number of legal tech companies worldwide are hiring lawyers who are entrepreneurial and tech-savvy, and innovation teams within firms are becoming more commonplace - including the rise of the

[legal engineer](#), a role which sits at the intersection of the business and practice of law, technology and client services. These multi-functional roles often allow for greater

creativity, engagement, collaboration, and innovative thinking than the lawyers of yesteryear could ever dream of. In response, [law schools](#) are increasingly incorporating technology, innovation and design thinking into

the curriculum to prepare students for this new world of opportunities.

New horizons

The legal industry is at a critical juncture. The business of legal service delivery is increasingly competitive and complex. Ever-increasing client pressure to evolve business models and exceed expectations has led to a range of reactions - from head in the sand neo-Luddism, to innovation doublespeak and vaporware, to informed and well-founded enthusiasm.

At its core, lawyering is creative problem solving. It requires a solid foundation of knowledge about process, players, and issues to be addressed - none of which can be automated. Streamlined and refined? Absolutely. But not replaced by machines. Attorneys are uniquely positioned to drive innovation, and for those with the drive and prescience, there's no better time to jump in with both feet.

Lawyers are trained to be risk-averse and dive

deep into the legal issues facing their clients. They don't always take notice when change happens around them. The risk? You could end up [like this](#). But for those who embrace creativity and innovation, there has never been a better time to be a lawyer.

About the Author:

[Maya Markovich](#) is Head of Product at [Next-law Labs](#). She leads the definition, development and launch of innovative solutions for NextLaw Labs. She delivers next-generation technology, process and innovation consulting services across the globe for the Dentons ecosystem, bringing deep knowledge of legal tech through hands-on experimentation with new products, including those in the portfolio of investment arm, Nextlaw Ventures. Collaborating with legal tech communities and experts worldwide, she continually evolves Next-law Labs' partnership and investment strategies.

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Failure to Delegate

By Richard G. Stock, M.A., FCIS, CMC, Partner with Catalyst Consulting

This is the third in a series of articles about how corporate and government law departments can improve their performance and add measurable value to the organizations

A detailed analysis of law firm staffing patterns over the years reveals very idiosyncratic behaviours - variations in the ratios of partner, associate and paralegal time that cannot be explained



except by a partner's preference on how to staff different matters for different clients. Partners in the same firm doing the same kind of work will use different proportions of associate and paralegal time.

This should be of significant interest to both law firm leadership and to corporate and institutional consumers of legal services. Law firm leadership should understand the extent to which partners leverage the time of associates at all levels of experience, of paralegals, and even of less senior partners. Leverage is central to law firm profitability. Gone are the days when a law firm would consider that first, second and third year associates were "loss leaders" – a very expensive training program with a serious attrition rate. More often than not, everyone in the legal "food chain" can readily delegate 20 % of their work to the next band of experience.

In most instances, this means delegating certain tasks rather than entire files. This requires planning and teamwork. Associates must do more than meet formal and informal billing targets. Firms should be more explicit in setting leverage objectives for individual partners. Delegation should be optimal.

Practice group leaders should consider this one of their core functions, not only because the law firm's bottom line is directly affected, but because knowledge transfer, training and development, and client service come into play.

General Counsel should take an avid interest in the staffing patterns of the law firms they retain both for an individual matter and for portfolios of legal work over time. Some of the reasons for doing so are the same as the ones that preoccupy law firm managing partners: turnaround time, knowledge transfer, and stable legal teams. However, the financial imperatives differ for the client.

The cost of a matter can be as much as 15 % less, depending on the extent of delegation. In recent years, law departments have been asking for detailed matter budgets for complex work beginning with files requiring at least 50 hours. The distribution of work by phase and task and by fee earner is now an established process in most firms. Too few clients are rigorous in requesting and diligently reviewing matter plans and budgets.

Negotiating a blended hourly rate for all fee earners on the file helps the law firm to focus its resources on the tasks at hand, thus properly overseeing the distribution of who does what by when. The firm and the client should

ensure that the matter plan and blended rate reflect the relative complexity of the file. However, a discounted blended rate will not control for the number of hours that are worked on a file. Better to agree on a capped number of hours, or on an annual fee that generates a productivity dividend - fewer hours - from the firm. It is easier to do this when the file is large enough or with a collection of matters over time. More eggs in fewer legal baskets.

Failure to delegate tasks is a much more widespread challenge in law departments. The law firm leverage model is simply not available. Counsel will work collegially enough, but individually still then to do more than 90 % of the work on a file, no matter how complex or simple the tasks may be. To the extent that there is any delegation by inside counsel, it will be by co-counselling with a law firm to use their associates or because the law department has paralegals available.

I recently spent time looking at file allocation patterns and service delivery in a 38-lawyer law department. About 85 % of the lawyers were litigators, supported by a legal assistant for each three (3) lawyers. Amazingly, there were no paralegals. Workloads were measured by file count without regard to any complexity levels or the mix of file types to each lawyer. There appeared to be no distinction made in file allocation to entry level and senior lawyers. No targets were set for file cycle times. All in all, this was a collection of hard-working solo practitioners.

Leverage in law departments need not take the form of senior and junior lawyers. Unlike law firms, law departments are not attrition-based models. Demographics suggest that most in-

side counsel have at least 10 years of practice experience. What is the solution when there are no juniors or paralegals on board? Twinning a lawyer with another lawyer and encouraging them to divide the work – that is to say the tasks of a given file – between them will drive productivity with two provisos. The first is that work intake and allocation must be centralized with group leaders in the law department such that workflow and deadlines are more explicit and capped.

The second is that law department leadership has a system to monitor file count, file complexity, and cycle times against objectives.

General Counsel and law firm leadership have much to gain but addressing the failure to delegate.

About the Author

Richard G. Stock, M.A., FCIS, CMC is a partner with Catalyst Consulting and is based in Canada. The firm has advised corporate and government law departments in 20 countries since 1996. Clients include: Shell, Heineken USA, The Judge Advocate General, Pearson Education, Toyota, SNC Lavalin, Bombardier, National Bank of Canada, TD Bank, Estée Lauder, Intact Financial Services, Ontario Power Generation, DocuSign, Charter Communications, United Steel Workers Benefit Funds, Air Canada, John Deere, Alberta Health Services, Disney, Fairmont, Wal-Mart, USAA, TransLink, Williams, IATA, the Department of Justice, Interac, the Government of Nunavut, and Turkish Airlines. Richard can be contacted at (416) 367-4447 or at

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#ELTACon2018

Legal Technology in Europe at Work Transformation in Practice

By the European Legal Tech Association

#ELTACon2018: Europe's biggest legal tech networking event in Amsterdam on the 11th and 12th of September.

At the European Legal Technology Association's second legal tech networking event, we will look beyond the hype surrounding current changes in the legal market and gain fresh insights into legal tech by looking at real-life examples from all over Europe, showcasing how legal technology works in practice. The event takes place in Amsterdam on 11th and 12th September, when you can meet ELTA Ambassadors, legal tech experts and enthusiasts from all over Europe,

find inspiration from other European countries, and discover how transformation is under way with new and innovative legal services.

BE INSPIRED

Learn from market leaders in tech, new legal services and solutions. Check out the latest developments on how technology can help solve real life problems. Discuss the latest advances with experts from in-house teams, start-ups, tech companies, law firms and academia, and learn about recent breakthroughs in implementation and transformation. The #ELTACon2018 will inspire you by looking experientially at the legal sector.

START TRANSFORMING

Make sure your key take-aways can be put into practice. Take an in-depth look at how to initiate change in an organisation, whether an in-house legal team, a law firm, a legal services provider, educational institute or start-up. Hear how other organisations have embraced change, pinpoint the opportunities offered by legal technology, and start transforming legal service provision.

MAKE IT HAPPEN – TOGETHER!

Don't leave the conference without a concrete plan to make change happen and a network that supports you! By connecting with old and new friends from the European Legal Technology community, we can all work together to leverage change. During the conference, we will link up with ELTA Ambassadors across Europe and pro-actively set an agenda to implement change.

The ELTA conference brings together ELTA's members and non-members, lawyers, entrepreneurs, investors, policy makers, academics, and engineers fronting the tech-driven transformation of the legal sector all over Europe. The speakers include Brian Kuhn (IBM), Doug Hebenthal (Axiom), Hans Albers (Juniper Networks) and many more.

Join the European Legal Technology Association for its second legal tech networking event in Amsterdam on the 11th and 12th

September! <http://legal-tech-association.eu/conference>

About ELTA

The European Legal Technology Association (ELTA) is an independent community of European legal tech experts and enthusiasts. Working on a peer to peer level, ELTA's network embraces change within the legal profession and strives to both serve and lead the profession through this period of change. The association connects open-minded people throughout Europe and their combined knowledge places ELTA at the forefront of developments in the legal market.



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Want To Be a Great Trial Lawyer? Embrace Technology

By Stephen Embry, Writer and publisher of Tech-Law Crossroads, a blog devoted to law, innovation and technology, speaker, and lawyer

What is it about trial lawyers and technology in the courtroom? Ask most trial lawyers and they will tell you that, at least in more significant cases, they will always have someone in the courtroom to run whatever tech they are using.

And typically, that person picks the tech that the lawyer uses and designs how it will be used at trial. Indeed, many trial lawyers—even experienced ones—believe that presentation technology is just too complicated and that they just don't feel comfortable and capable running it. The view of most of these lawyers is why bother learning about the technology they use or could use in the courtroom or how to make it fit the story they are trying to tell.

Why Bother?

But is this really true? Great trial lawyers are, at their core, storytellers. Great storytellers don't cede control of storytelling techniques to others; they embrace and use them. Trial lawyers that remain ignorant about tech don't know what tools there are to help tell the story they want to

tell. Trial lawyers that don't know how to use tech in the courtroom risk disrupting the telling of their story and distracting the jury as they fumble handoffs with their tech assistants (all too often disparagingly referred to as the "non-lawyers") sitting across the courtroom.

No trial lawyer really wants to be a fumbling bumbler who has to direct someone else to bring this up or bring that up punctuated with comments like "no not that, the other one." Most trial lawyers get the fact that a single lawyer on his or her feet with nothing than an iPad in their hands controls the courtroom and the presentation much like the captain of the ship controls their vessel.

But most of all, trial lawyers that dismiss technology and don't make it integral in the development of their case and presentation end up with their story being at the mercy of technology in the hands of others instead of using technology to support and enhance their story. In other words, bumlbers make the story fit the tech rather than the tech fitting the story.

But all this begs the question: can trial lawyers sufficiently master trial presentation technology to use it confidentially and enhance the stories they are trying to tell. As a [legal technology evangelist](#), I have always thought the answer should and has to be, yes.

Can Trial Lawyers Sufficiently Master Trial Presentation Technology?

This hypothesis was recently put to the test at TechU, an intensive technology trial presentation course put on by the [Federation of Defense and Corporate Counsel](#). (TechU and the related [FDCC Evolve initiative](#) are described in a recent article in greater detail).

According to its [website](#), the Federation, or FDCC as its better known, is "composed of recognized leaders in the legal community who have achieved professional distinction, is dedicated to promoting knowledge, fellowship, and professionalism of its members." Membership is by invitation only, and the FDCC rigorously vets candidates.

Its members come mostly from small to mid-size boutique firms that typically handle the defense of high-end liability and coverage cases for insurance companies. In a nutshell, these lawyers try cases. All the time. The FDCC is a group of elite trial defense lawyers. (The group also counts among its members a good number of in-house insurance industry members as well).

The Idea

TechU was the brainchild of the current FDCC President, [Scott Kraemer](#). It was Scott's view that not only can trial lawyers effectively use trial presentation technology, but mastery of trial technology is essential particularly for FDCC lawyers. By becoming more knowledgeable about and more effectively using technology tools to improve their storytelling abilities, thought Scott, FDCC lawyers would enhance their trial skills consistent with their reputation as the best of the best.

Scott came up with the idea of a course, later named TechU, which would culminate in the award of the Technology Master Advocate Certifications to the attendees and instructors. TechU graduated its first class over the weekend of April 7th. [Bob Christie](#), a Seattle lawyer, headed the instructional team, composed of [myself](#), [Jack Delany](#), a Philadelphia lawyer, and Tom Oakes, a legal technologist with [Veri-text Legal Solutions](#).

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From Scott's idea, the FDCC also created the [Evolve website](#) where its members can go to find what technology is available, some background on that tech and some instruction on how to use it. The FDCC also partnered with [Traveling Coaches](#) to create training modules on various technologies.

TechU

But there is nothing like hands-on experience which is where the crown jewel of this initiative, TechU, comes in. This 2 1/2 day intensive and immersive tech training was held in Philadelphia at Veritext's offices. The training was designed to provide participants the chance to learn the technology that's out there, have access to course instructors to help them with any and all questions and then actually use the skills they learned by making opening and closing statements to the other participants for feedback and constructive comment.

We deliberately kept the class size small so that everyone would have the chance to present. The participants themselves were a diverse group of lawyers ranging from those with 40 years' experience trying cases to those who had only a few. We had lawyers from small firms, large firms and in between firms. We had a number of women participants and those of different ethnic backgrounds. Many had minimal tech experience. Given this, we designed such that the participants could learn together in teams, collaborate and then talk in constructive terms about what they saw and heard.

The course was based, in large part, upon the use of the excellent [Lit Software](#) trial presentation products trio: [TrialPad](#), [TranscriptPad](#), and [DocReviewPad](#). We picked these products

in large part because they are intuitive to use and because they enable the use to do so much. The participants were instructed to come with an iPad with these three applications already installed.

The participants were also required to complete online training using a Traveling Coaches program developed for the FDCC. Then, using a hypothetical case, the participants created their opening and closing statements using TrialPad and incorporating other various technologies such as [Stage Pro](#), [TimeLine 3d](#), [Teleprompter +3](#), [PowerPoint](#) and [Body Anatomy](#).

To get everyone thinking about the importance of storytelling in the courtroom and how technology in the could enhance that, we kicked off Friday night with a lecture from [Bob Mongeluzzi](#), a well known and highly successful plaintiffs' lawyer. Mongeluzzi entertained and impressed the group by doing some of his actual opening and closings in well-known cases. He showed how technology and storytelling skills could be effectively married to obtain some of the largest verdicts in the nation.

The next day, Judge Linda Caracappa, Chief Magistrate Judge for the Eastern District of Pennsylvania told her story of how the Courts in her jurisdiction became a model for the rest of the country for technology hardware available in the courtroom. Borne out of a desire to "level the playing field," the Courts in the Eastern District of Pennsylvania have state of the art tools available to all practitioners. We also heard from Chris Espinosa of Exponent who told us about the latest tech tools for visualization methods in the courtroom such as augmented and virtual reality.

The Result

But while these lectures were enlightening, the highlight of the TechU was the presentations by the participants. To prepare for their presentations, the participants underwent almost a day of intensive hands-on use of the technology with the instructors and their colleagues, one on one to gain an understanding of what the technological tools available could do, how to use them and how to better tell stories with the aid of tech tools. The lead instructor, Bob Christie, perceptively understood that the ability for everyone to collaborate was critical to this process and created an atmosphere where learning and doing without fear of either failure or criticism could occur, allowing remarkable growth.

Interestingly, the majority of the questions and concerns centered on how to get data into the various programs like trial pad and then how to connect the iPad to a projector so that the images could be seen on the screen. Consistent with other experiences (and for that matter, my own), once the participants started using TrialPad and other Litsoftware programs, they very quickly caught on and became skillful at leveraging this technology demonstrating once again how intuitive these programs, as well as other courtroom technologies, really are.

And the opening and closing statements created by this hands-on marriage between technology and storytelling were in a word: incredible. It was remarkable how far and how fast the participants came in mastering the skills. But more importantly, they recognized that this marriage opened up whole new worlds of storytelling capabilities.

What Did We Learn?

So, what are the takeaways? Here are five:

- Lawyers should not and need not be dependent on tech assistants to run tech in the courtroom. When they do, they disrupt the flow of the story they are trying to tell, and the jury loses attention.
- Lawyers must know and understand technology and how to tell stories with it. Again, stories developed by lawyers that depend on third parties not immersed in the story results in stories fit around the technology instead of technology being used to enhance the story.
- Lawyers must know what technology there is out there and stay current. Without training like TechU, it's hard to know what's available and how it can enhance storylines.
- Collaboration around tech and storytelling is a phenomenal tool. Many times during the course, someone would offer a suggestion or way to accomplish something that solved a problem. And a diverse group coming at a story of a case in different ways unquestionably improves the product.
- Lawyers of whatever age, skill and knowledge level can very quickly master the technology that can improve their presentations and trial mastery. It need not be complicated or hard.

In short, the training was a rousing success. We kept getting comments like “best seminar I’ve been to in 10 years”, “it was a game changer,” “I can’t believe I came so far so fast.”

The TechU graduates came away from the course with an appreciation of what technology can do to enhance storytelling and persuasion. They came away with not only the confidence to begin using technology in the courtroom but to themselves decide what and how to use it.

And most importantly, they saw and experienced the power of trial presentation technology when it resides not in some third party but in the palm of their own hands.

So yes, trial lawyers can sufficiently master trial presentation technology to use it confidentially and to better persuade and communicate the stories they want to tell. And if they want to be competitive, they'd better.

About the Author:

[Stephen Embry](#) is a frequent speaker, blogger and writer. He is publisher of [TechLaw Crossroads](#), a blog devoted to the examination of the tension between technology, the law and the

practice of law. He is also co-author of a book entitled *Mass Tort Claims Resolution Facilities* and the 2017 and 2016 editions of the American Bar Association's *TechReports*.

Formerly a member of Frost Brown Todd LLC and the Firm's class action, privacy and mass tort groups, Stephen is a national litigator and advisor who is experienced in developing solutions to complex litigation and corporate problems. His mission is to find simple, successful and elegant solutions to civil litigation problems and dilemmas primarily in the mass tort, business and consumer class action, and privacy and data breach arenas.

Stephen recently successfully completed the certification program to earn the title of Technology Master Advocate by the Federation of Defense & Corporate Counsel. He now practices with his own firm, *embryLaw LLC*.

In addition to practicing law, Stephen's passions include education, officiating swimming on national and local levels and all things tech and travel related.



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The Value Series

A ClariLegal interview with Carl Herstein,

Chief Value Partner at Honigman Miller Schwartz and Cohn, LLP

By Cash Butler and James Johnson



Welcome to the first instalment of the ClariLegal interview series as we explore what industry experts think about value when consuming or delivering legal services. These industry thought leaders share their views and insights into the concept of value and the value exchange as it relates to the legal industry.

We had the pleasure of interviewing Carl Herstein, Chief Value Partner at Detroit based Honigman Miller Schwartz and Cohn, LLP, at his office in Ann Arbor, Michigan. Carl has been a practicing attorney since 1976, having spent his entire legal career at Honigman. Carl was previously the chair of the Billing and Collection Committee; he notes how serving on the committee taught him the importance of efficiency, understanding client goals, and fostering communication between clients and the firm.

As Honigman's Chief Value Partner, Carl is responsible for all aspects of value delivered by the firm, including pricing, process improvement, project management, and client concerns. In his role,

Carl is both a resource for the firm's partners and proactively works to champion the importance of providing value to clients, including the benefits of legal project management methods and tools, and innovations in the delivery of value and legal services.

Carl remarks how, as a mid-sized, Detroit-based firm, Honigman had a front row seat to view downturns in the Michigan automotive industry and learned to focus on delivering value to customers, long before the legal industry woke up to the importance of value in business during the 2008 recession. Carl notes how economic downturns taught the firm "the critical importance of being focused on ... clients, being focused on efficiency, and providing great value". Carl believes Honigman's clients understand the firm is cost- and value-conscious through being lean and focused on client goals and values, and through its innovative use of project management and preferred vendor management tools and expert service firms.

We started the substantive portion of the interview by asking Carl the big question – what does value mean to him? Carl notes how value can mean "different things to different people", pointing out how "sometimes people say it's all about price...some people say 'no, it's something else'. Importantly, Carl cited eight factors, which Honigman also lists on its website, as defining value:

- *Outstanding quality* – a necessary, but not sufficient, indicator of value
- *Proportionality* – the firm understands client objectives and ensures that costs are

proportionate to the business problem the client faces

- *Efficient resource allocation* – the firm assigns the right staff for the particular kind of work, keeping in mind client preferences as to the degree of partner involvement
- *Service and communication* – we are a service business and communication is the first requirement for good service
- *A commitment to help* – the firm understands the client's business and is passionate about achieving the client's goals
- *Price* – we want our client's to feel that the price is fair for what they receive
- *Predictability* – the firm is committed to providing a consistent experience, and the clients can rely on the budgets provided for the work that is within the agreed upon scope
- *"Something added"* – the firm strives to provide clients with service they didn't expect, such as identifying and handling a legal issue the client is unaware of before it becomes a problem to the client.

We asked Carl how his firm measures the delivery of value to its clients. Carl says that the firm conducts an annual survey of its attorneys to collect feedback they've received from clients about the services the firm provides. Carl also notes how the firm is employing project management tools to determine what services to provide to clients and to communicate to those clients about ongoing services. Carl cites how Honigman asks its attorneys to communicate with and report to clients "not just in terms of the monthly bills but as frequently as the clients would like ... doing the kinds of things that clients are asking firms to do".

Asking Carl about his opinion of how the concept of value is communicated in the legal industry, he notes how the industry can do a much better job at communication. Carl believes improving the communication process should begin during the training of new lawyers in law school and the first few years of practice. Law schools need to adopt courses in project management, process improvement, collaboration and legal innovation, and law firms need to continue those efforts, just like the efforts being adopted at Honigman. He notes, for example, how in-house counsel, who often serve as the client's face to outside counsel, have also been trained in the adversary model of law. As a result, they sometimes believe that it is not appropriate to be fully open with their outside counsel counterparts since there is still "a bit of that adversarial relationship, as opposed to one where people are acting more like collaborators and have a trusting relationship with one another".

Carl believes that, to achieve the service model both law firms and clients are looking for, clients should "be more forthcoming about not just the cost of services they're willing to pay, but also their goals, their priorities, and how they want their matter planned", while their lawyers must be straightforward in asking those questions, prompting clients to share this information in as much detail as possible, and then listening well to the clients' answers, responding accordingly, and making use of the information to benefit the client as much as possible. Clients and lawyers need to work together as a collaborative team. That means open communication, honest feedback, planning work together, and taking the time now

to understand the goals and priorities for the tasks that they have jointly undertaken.

We asked Carl about the fact that many clients use an RFP process to help determine who to hire. Carl says RFPs can be a valuable tool, and his firm uses them selectively when it purchases services too. But Carl cautions that developing a good RFP is not an easy task. It requires the purchaser of services to provide sufficient information to potential service providers so that it can get useful answers. Usually the more the RFP discloses about the needs and objectives of the purchaser, the better the responses. Responding to an RFP is an intensive and time-consuming process, and Carl relates that he has heard many firms express frustration that legal RFPs often don't give enough information to allow firms to respond as well or as creatively as they would like. Good pricing requires good scoping and good scoping requires a clear understanding of what is to be achieved and how.

We asked Carl about how clients can be more effective at communicating the value they want to their legal service provider.

Carl believes the key is training legal service providers, as Honigman encourages its attorneys to do, to ask the right questions of the client at the inception of every matter, particularly if the client isn't clearly articulating how the work the service provider is offering to do matches those goals and expectations. Carl emphasizes that it is also sometimes the case that a client may not understand all the circumstances or potential ramifications of their situation; as a result, law firms can be limited in their discussion of value with clients by the information (or lack thereof) at hand.

Accordingly, Carl suggests that lawyers “keep constantly coming back to ... what the client’s goals are, what the expectations are ... given how the matter has evolved.”

Turning the issue around, we also asked Carl how his firm communicates the value it seeks from its own service providers. Carl notes how much of a challenge there still is in communicating with legal service vendors, although there has been a good deal of improvement in recent years. Carl believes the key to communicating with vendors is to be both clear and upfront with expectations about sought-after value. Carl cites the growing number of vendor selection and management tools that make communication with vendors much easier. Carl suggests defining a common “vocabulary” for both law firms and legal service vendors to work from, because without standardized terms and common meanings, it is impossible to fairly compare the products being delivered for the price charged. Honigman has moved to a preferred vendor program; while it is a non-exclusive model out of respect for client preferences, Honigman has carefully vetted and developed contractual relationships with key vendors, aimed at insuring that clients get all eight components of value that Honigman itself seeks to provide when employing third party vendors on a client’s behalf.

Finally, Carl again suggests improvements in the training of lawyers; Carl notes how law school education can “focus on the lone, heroic [lawyer] ... who without the help of anyone else is able to win the case!” But Carl points out, in reality, the practice of law is more frequently a team effort requiring administrative

and project management skills in addition to legal knowledge and training.

Opening the floor for Carl’s last thoughts, he cites the trend of clients viewing law firms as just another vendor in the supply chain as clients have become very conscious of the cost of legal services. But, while acknowledging that it is perfectly legitimate to hold law firms accountable for service, performance, price, and other aspects of value, just like other vendors, Carl also pushed back a bit on that trend, noting that lawyers are unique because they have a fiduciary relationship with their clients and a code of professional ethics. Carl also notes that, from a business perspective, law firms are restricted by partnership models that can impose constraints on law firms that service vendors in other verticals don’t have, because those other vendors are corporations or similar limited liability entities. Carl urges that clients should take advantage of law firms’ uniqueness compared to other service providers, and strive to benefit from the collaborative potential of the relationship that those unique factors are intended to foster. a routine, repetitive legal matter may value price above all else to keep costs down, or may value exemplary customer service so that the recurring matter will be taken care of without the customer needing to spend any time or thought on it – think of a business that must regularly file legal applications in the ordinary course of business.

Disclaimer: The statements of the interviewees in the Value Article Series are opinions and observations of a personal nature and do not necessarily reflect the opinions and policies of their respective employers.

About

[Carl Herstein](#) is a real estate attorney who has experience in the areas of finance, tax appeals, interest/usury, and equine law. He is well known for his writings on Michigan real property law and his authoritative work on Michigan usury law, which have been cited by the



courts and utilized by practitioners. He has also worked extensively on the structure and documentation needed to settle complex real estate tax

appeals. As [Honigman's](#) Chief Value Partner, he works extensively on legal project management, alternative fee structures, and matters relating to the cost-efficient practice of law. Honigman, is a preferred vendor for ClariLegal.

[James Johnson](#) is principal attorney of [First Venture Legal](#), a Cambridge, MA-based law practice working with early-stage startups. He assists entrepreneurs and small business owners with corporate formation and structuring, contracts, commercial law,



employment matters, and early-stage fundraising. His practice utilizes alternative fee structures to deliver value-based service to early-stage ventures.

[Cash Butler](#) is a seasoned legal technology innovator. He has over 18 years of experience in the legal vertical market, primarily working in eDiscovery, litigation & compliance. Cash is an expert at legal vendor and project management and is the founder and CEO of ClariLegal, a preferred Litigation/Legal vendor management

platform that matches corporations and law firms with the right vendors who have the right service offering at the right price. The



ClariLegal solution saves time and money. [ClariLegal](#) also improves, quality and project transparency which helps corporation and law firm customers gain more in control of the litigation. Cash practices and believes in continuous business process improvement through the smart application of technology to provide better, faster, less expensive, more secure legal service delivery that improves outcomes.

Cash is also an avid hockey, baseball and football fan with a strong affinity for Boston College and the University of Michigan.

‘Ask Mo!’

By LEx360s' Mo Zain Ajaz

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**A changing world requires a
new approach to law**

By Deloitte Legal

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Israel's' Legal Outsourcing Hub

An Untapped Pool of Talented Attorneys from Around the World

By Adv. Lee Goldberg Zaidman, COO of LawFlex

There's no doubt that the legal industry is undergoing a revolution. Legal theorists and commentators are lauding the change, the breath of fresh air sweeping across the profession and forcing traditional, conservative law firms to change their work methods. One of the transformations is the increasing use of legal outsourcing by law firms, mostly in the United States and the United Kingdom. [1]

According to a report prepared in 2017 by Thomson Reuters, Georgetown Law Centre for the Study of the Legal Profession and the University of Oxford Said Business School [2], Legal Outsourcing is a growing market share with momentous implications for the entire industry. The study reports that the legal outsourcing

market share currently stands at \$ 8.4 billion (\$) per year. Legal Outsourcing service-providers are dynamic actors and are expected to become some of the major players on the field in the coming years.

According to data collected in the study, the use of legal outsourcing services is already very common today, with 60% of the legal departments of commercial companies using legal outsourcing services in some way, inter alia, for due diligence in mergers, document review, compliance and regulation. An additional 14% are expected, according to their testimony, to begin making use of legal service providers in the near future.

Legal Outsourcing is a win-win-win situation for all three sides of the transaction - benefiting the law firm or the legal department, the Alternative Legal Service Provider (ALSP), and the freelance lawyer. It is the answer to an increasingly worrying problem. Law firms around the world are facing time constraints and workloads which vary and create peaks of overwork, spurts of volume that they need an extra pair of hands to handle. Couple that with clients' increasing demands for cheaper and faster products and you have the post-2007-slump defined. These law firms are in constant need of turning to cost-effective solutions. At the same time, you have more and more lawyers who are looking for flexible alternatives to escape the 9AM to 5PM (mostly it is 9AM to 9PM) grind.

The answer comes in the form of ALSPs who "hook up" law firms and lawyers who chose to work as freelancers. Instead of interviewing an endless list of applicants, hiring staff and then

letting them go because the peak of work has ended (or not letting them go, and getting stuck with non-effective staff members), legal outsourcing allows law firms to take on freelance lawyers to adapt the size of the workforce to their needs, saving costs but not losing out on quality.

ALSPs offer a variety of services. From expert legal opinions, to legal research, legal writing (e.g. preparing motions, appellate briefs, trial briefs, legal memoranda, complaints, pleadings, responses etc.), contract management, document review (e.g. drafting standard contracts, creating and managing databases and repositories, contract reviewing as per standard position and map deviations, analysing contracts for specific compliance or other requirements etc.), litigation support and paralegal services.

Another huge asset they can provide is instant pop-up E-Discovery teams. This is one of the fastest-growing and in-demand fields. [3] By working together with technological platforms like Relativity, it is possible to have within a minute's call an armada of lawyers reviewing documents either from your location, or remotely - from the lawyers' home.

The benefits of legal outsourcing are numerous. Firstly, is the ability to maximize efficient time management by outsourcing the less significant tasks and concentrating completely on the more important tasks. There is also the issue of cutting costs. With no overhead and lawyers willing to work for slightly less in order to work the way they want, it's possible to roll back the savings to the client and increase their satisfaction. Extremely important is not

only the direct cost-saving but the indirect value of being able to take on large-scale projects because you have the personnel on hand. All these means that firms today are utilising Legal Outsourcing more and more.

Another obvious trend is the incorporation of technology into the legal profession. The use of innovative, modern technology in law firms echoes what is happening in the wider business economy. The emergence of these new technologies, processes and automation has brought exciting change and vast consumer and business benefit but also a new modern work structure, and shaping one where temporary positions are prevalent, freelance work is the norm and organisations contract with individuals on a short-term basis. Of course, that doesn't mean that the legal profession will disappear tomorrow morning, replaced completely by computers. But there is likely to be a prolonged intermediate stage that will last a few decades, where legal outsourcing will be the default work method and managed review will be done alongside technology.

Freelance lawyers who make the leap to independence look for flexibility and the ability to decide when and how it is convenient for them to work. It allows them to pursue their other passions, hobbies or family life. They are also able to decide what work or project suits them – rather than having to take on all from their employers with no room to ask question or refuse.

Many of today's younger lawyers are Millennials who were born during the technological revolution and grew up playing on the internet more than they played with their Lego sets.

This command of technology has translated into a desire for a flexible and dynamic workplace. When most work can be done from your kitchen table, why should you be chained to a desk in a fluorescent-lighted office cubicle? The millennial mind-set, quite correctly, is that embracing technological progress in the workplace should enable them to have a better work/life balance.

Study after study reveals that Millennials seek engaging and fulfilling work early on in their careers. [4] They aren't blinded or tempted by the promise of future status or higher pay. According to a 2010 Pew Research Center analysis, only 15 percent of Millennials consider a high-paying career to be one of the most important things in their lives. [5] Similarly, a 2014 Clark University Poll found that 78 percent of young people believe “it is more important to enjoy their work than to make a lot of money.” For previous generations, “work-life balance” was considered an issue for women wanting to harmonize between their careers and child-rearing. But for millennials, “work-life balance” – or “work-life blend” is a generational concern. Young lawyers—men and women alike—are unwilling to accept a deal that effects their quality of life. The traditional model of a lawyer in Big Law simply won't hold water with them, and law firms are feeling the burnt of it. In short, Millennials seek connection, meaning, and fulfilment in their chosen careers.

The change is already apparent. Many of the “Magic Circle” and other leading firms have already introduced flexible working hours. A&O led the way in 2015 when they introduced their iFlex program, even becoming

finalists in the American Express Best Flexible Working Initiative Award, [6] and Herbert Smith following shortly after with their one home-working day per week. [7] Mishcon de Reya's impressively high retention rate can perhaps be explained by the trust they put in their employees. The firm is known to be one of the most flexible in terms of working arrangements.

Legal Outsourcing confers on firms the ability to ADAPT and be quick on their feet, by providing an immediate solution. Instead of paying staff for hidden unemployment, law firms can utilise Legal Outsourcing to expand their team when an urgent, large-scale project comes in – all of a sudden increasing the workflow. If the law firm needs a lawyer fluent in a foreign language or qualified in a foreign jurisdiction, a freelance lawyer can come in and provide assistance, no-strings-attached. Like a lot of things in today's modern society, we need legal services to be accessible, immediate, efficient and cost-effective – to the client and to the law firm.

Of course, there are also downsides to legal Outsourcing. The major one cited by law firms is communication and cultural barriers. That is just one reason why Israel is the perfect hub for legal outsourcing. Not only are there native lawyers proficient in English and with a similar cultural orientation, but every year new lawyers emigrate to Israel from around the world.

Israel has a proven track-record regarding its law firms. Amongst Israel's' largest firms are names such as [Goldfarb Seligman & Co Law Offices](#) who work with Google, IDB Group,

and Intel, Herzog Fox & Neeman who work with Facebook, HSBC, Microsoft, and [Meitar Liquornik Geva Leshem Tal](#) who count among their clients Amdocs, Citibank and more.

Some Israeli law firms are gradually opening international branches outside of Israel. Since August 2012 (change of legislation), over 60 international law firms have established a presence of some sort in Israel; some settled for a temporary desk managed by a partner who travels to Israel every few weeks. Others went further with a representative permanently present and available. Greenberg Traurig already set up a fully-functioning office, while Yingke, a premier Chinese firm, has merged with the Israeli law firm EKZN. So that there is no doubt that Israel is a lawyer-savvy nation.

The Israeli Bar Association has 73,726 advocates registered as members as of August 2015. [8] Israel ranks first in the world in number of lawyers and 43rd in the number of judges, relative to the country's population. This overrunning of the market means that salaries for the average lawyer in Israel are quite low compared to their colleagues abroad. The average Israeli lawyer is paid about a fourth of what his American counterpart is. Combine that with English-speaking skills (Ethnologue, an annual reference publication that provides statistics on the languages of the world, lists English as widespread in Israel and states that 85% of the Israeli Population are fluent in English) [9] and it is possible to find an abundance of cost-effective talent.

Alongside native Israel's are a large number of immigrants. While some Jews emigrate to Israel looking for economic prosperity in a more

Westernized society, others are drawn by fervent love for Israel, its people and its culture. They give up a convenient life in the land they grew up in, in order to come to Israel – a country in which they have never lived but which they have always called home. According to the Israeli Central Bureau of Statistics 11,500 new immigrants came to Israel in 2017. Of these, no less than 525 were lawyers and accountants. [10]

Utilizing lawyers in Israel allows foreign law firms access to top lawyers who were trained in their jurisdictions but are now living overseas, while billing them at a much lower rate.

All this means that Israel houses a fleet of professional, experienced lawyers – qualified in a variety of jurisdictions, with knowledge in an assortment of legal fields, and fluent in a number of languages. Lawyers who previously worked for premier law firms in Europe or in the United States, are available at the much more cost-effective Israeli price standard. An additional advantage is that experienced lawyers taken on to do even basic tasks like Due Diligence, Document Review and E-Discovery – just get the job done faster and better.

To conclude, the legal arena is rapidly changing, to a point where alternative legal service providers are key players working alongside legal departments and law firms. It is not only the specialised expertise which are the reason for law firms and legal departments to use alternative legal service providers, but also technology, effective and efficient processes and saving costs.

Notes:

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[10] Israeli Ministry of Aliyah and Integration Statistics. URL: <http://www.moia.gov.il/Hebrew/InformationAndAdvertising/Statistics/Pages/ImmigrationToIsraelCurrentYear.aspx>

About the Author

[Adv. Lee Goldberg Zaidman](#) is the COO of [LawFlex](#). Lee is responsible for all aspects of management and development of LawFlex in Israel and overseas, including enhancing the service provided to clients, managing the pool of lawyers and handling operations with law firms and business entities in order to, among other things, promote and establish the status of LawFlex as market leader in the Legal Resourcing field.

Lee believes that the success of the company lies in the quality of its members, and approaches every process with a desire and belief in achieving a tailor-made solution fitted perfectly to our customers and their needs.

Lee joined LawFlex after an eight-year stay in London, England. Whilst in London, she worked at the law firm Berwin Leighton Paisner, where she dealt, among other things, with financial risk regulation and hedge funding. Lee completed her L.L.,M. cum laude at the University College London. In conjunction with her studies, Lee worked as a research assistant to the Director of the University of Oxford Centre for Competition Law and Policy. Lee also holds a bachelor's degree in Law and Business Administration (specializing in Marketing) from the Interdisciplinary Center Herzliya.



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A close-up portrait of Vishnu Prasad, CEO of Law Pundits. He is a man with dark hair, wearing glasses, a white shirt, and a blue tie. The portrait is partially cut off by the right edge of the page.

Advancing the Legal Ecosystem by being all-inclusive:

Challenges and Opportunities

An interview Vishnu Prasad , CEO Law Pundits

Vishnu, among other activities you are Founder of Law Pundits evolving from a one-man law tuition service into a legal academic services firm and expanding into other areas of the legal ecosystem. What inspired you to start this company, what's it about and what are the core activities?

Law Pundits indeed, was founded as a tuition service for law students when I was a post-graduate law student at the London School of Economics. As soon I graduated, I joined a law firm, but I did work on Law Pundits during my free time. It has pivoted quite a bit from its initial days and evolved over the years to do several activities. We were able to expand to several other areas of the legal sector. We are very focussed on experimenting and

innovating in the legal field, it could be as minor as taking the legal recruiting process online in India or something like creating an advertisement platform exclusively for the legal industry.

I feel, a sense of entrepreneurship, creativity and passion to solve problems could be the reason why any enterprise begins. Law Pundits also started on this premise. One of the reasons why I started Law Pundits was that some of the law students at LSE were facing certain challenges because students were coming from different legal systems and as I was a student doing an LLM after having gained some exposure and experience in law, I was able to help the other students especially those law students in their undergraduate studies. Many people from Civil Law countries that came in were not familiar with the Common Law system, I was able to help them out and support myself as well at the time. Then it branched out into a range of different services.

The core inspiration as I realized early on was that law, in spite of being a centuries old profession, had potential for doing things differently and I personally wanted to create something that would be beneficial to the legal community as well as for the public. That was the reason behind starting Law Pundits.

Our core activities presently include, law related events and legal conferences, connecting people from the legal community to the general public, promoting the rule of law as well as increasing access to justice and bringing together various stakeholders from within the legal industry. We have several other activities that we have planned on a global scale, pre-

dominantly one of them would be to make sure that we align ourselves with the UN Sustainable Development Goal of Promoting Peace and Justice.

Your mission is “to create a better world through the advancement of law”. In what way do you try to achieve this?

I mean, take any country in this world - Those countries that fall under the category of “developed” or “advanced” all have one thing in common, a very robust legal and justice system. While innovation, scientific discoveries, sports etc. are highly important as well for countries, it would be pointless to have all that without a progressive justice system, awareness of laws and proper access to justice. Our aim is to create a better world through the advancement of law and that is the motto upon which we operate.

We are doing multiple things to make sure that law is advanced and is attainable to the public. We do this through a combination of different activities - Providing information on law, helping with access to good legal education, spreading the knowledge about legal technology to the public etc. are ways in which we are attaining this objective. With one of our prominent events, we promote legal education through our partner law schools around the world so that the advancement of law is possible and also so that the law students based around the world are able to get access to the legal education of advanced countries like the United States or certain countries in Europe, after they get sufficient training, they go back to their countries and are able to implement the best practices into their own legal systems.

You're now organizing the Global Legal Forum Conference in The Hague from August 23-24, 2018. There are many other legal tech events as well. What makes you stand out between your colleagues?

[Global Legal Forum](#) is not just a legal tech event by itself, we chose legal tech as the theme for it but GLF aims to bring together various stakeholders from the legal industry to a common platform so that Access to Justice goals are attained from different stakeholders. With what is going on in the legal sector right now and in the technology sector, we understand that the importance of having more discussions and creating roadmaps on a global scale to take it forward so that the legal sector and the public can benefit at large.

Of course there are many other legal tech events and most of them have been doing a fantastic job of promoting the legal tech sector. At the present stage where the world is at in terms of innovation in law, certainly multiple events and discussions surrounding topics are essential and I am really glad to see it happening. However, these events are usually region specific and with focuses mainly for legal tech or hackathon events. GLF is more about bringing together multiple stakeholders from the legal industry to create meaningful actionable plans that can be implemented at scale.

If you have to choose 3 unique selling points which 3 should you choose to describe your business and why?

Law Pundits is a platform where lawyers, the public, law schools, legal tech companies, the legal in house counsels, can come together. There is something for everyone. That is some-

thing not many organizations in our domain are able to provide. While we understand we can't be everything to everyone, we also realise that there is no such organization or firm which where all the people can come together to interact with each other and learn from each other and we plan to be that firm which is able to bridge that gap. Having said that our three USPs would be *Demystify, Connect* and *Innovate*.

Many people who do not have a legal background have problems approaching lawyers or even knowing about their rights, we strive to demystify law to those people who have problem approaching lawyers or applying law to their situations, serve the legal industry through creative innovations and provide valuable connections and insight through our events.

How do you think tech will impact the legal profession? In what way, will it significantly alter the traditional role of the lawyers as trusted intermediaries?

I really believe a lot more innovation will happen in law in the next 5 years than whatever little innovation has happened in legal sector in the past few centuries. Many roles that were traditionally done by the lawyers will most certainly be automated, but with that several opportunities will be presented as well. Engineers and scientists could play a significant role in the legal sector now more than ever before. With chat bots being able to answer basic legal queries, it is likely that the public in general would learn more about rights and laws that would affect them since it would easily be accessible to them. With technology in place right now to predict the likelihood of winning the case if it goes to trial, clients can take a call

on whether to pursue a matter. Furthermore, there are so many tasks within the legal sector which can be automated especially with regard to contracts, document review etc.

However this does not mean that lawyers will be totally replaced. Lawyers have this human component and emotional intelligence or emotional support which is needed for many legal matters like divorce proceedings or criminal defence. It will be a while before clients might get comfortable and willing to handle things on their own without the help of a trained lawyer.

Can you share some of the tech companies you follow closely?

We do follow tech companies very closely and one our top favourites is Ross Intelligence because they are among the pioneers when it comes to AI and legal technology.

We are also following one company from The Hague very closely, they are not a legal tech company but the application is very useful and important in legal technology as well. They have a tech where soldiers can interact with each other using a VR background. The application of that technology is going to be immense if it can be made acceptable into the judicial and legal system.

We are also looking at the application of this bot, it's an American legal tech company that we are following closely. It is also very interesting in terms of the impact it can have on the legal profession as they help with the parking ticket situations. While this is being done only for parking tickets at this stage, its application could be extended to other areas as well.

The number of legal start-ups focused on tech has grown dramatically in recent years. Any thoughts on why?

Whenever there is a surge in any industry or sector, it is because of the potential or opportunity. Legal technology is no different. Legal tech is very much a part of the 4th industrial revolution. While all of the legal tech start-ups might not be successful, the innovation that is going on in this area should certainly be welcome. It is also much needed. Legal tech companies help in democratizing the legal sector with better access to justice. Legal tech is not limited just to lawyers or people with legal training. There are a lot of tech start-ups where the founders have no legal training or say a degree from a law school, they are purely people from a technical background. It is a field open to everyone. This combined with the advent of other technologies like blockchain, AI, machine learning in all other sectors have had an impact on the legal sector as well.

You closely watch the legal tech start-up community. What's your advice for someone thinking about starting a new legal tech or legal start-up?

In the US alone the Legal sector is a \$400 billion dollar industry, In UK it is approximately \$42 billion and globally (including US) it is almost \$1 trillion. It is undeniably a big sector which can accommodate a lot of innovative companies. While it is obvious, I would say a deep understanding of the problem that you are trying to solve and finding a faster and simpler way to resolve it is definitely a plus point. Places like Crunchbase have good data of the businesses that operate in the legal technology space. It would be helpful to analyse if what you want to do is already being

done and if so, what can you do to make it better.

Do you think the legal industry disrupted by various technologies needs specialized attorneys to resolve the regulatory and operational challenges arising from a new technology?

As the legal tech industry grows the challenges that it presents is also going to increase. That has happened for every sector. For example, if we look at the banking sector, which is highly regulated these days were self-regulated in most countries in the 70s and 80s. Later on there have been several situations whereby governments have recognized the need to have more regulations and now it is one of the most regulated sectors.

With the legal tech sector, it is still in the early stages, that does not mean we have to wait for something really consequential to happen to have a discussion around the regulatory aspects. Very recently the Law Society of England and Wales have been having significant discussions on regulating the use of AI and codes in law. Regulatory challenges are definitely going to arise but I feel the sector should be left to do more innovation before being regulated. Lawyers who have a good understanding about Block chain, technology and AI would certainly be needed to advise not only companies operating in this space, but the legislators as well.

What's overall your opinion on the current processes in the legal sector when you think about development, planning and implementation of (innovative) tech strategies?

Let's be honest here, there is work within the legal domain that can be automated and done faster and with much fewer errors. We are at a stage where changes to the legal profession is happening really quickly and law is inherently a profession that has not changed significantly for centuries.

The biggest challenge facing the legal tech sector would be in educating the lawyers not just on how to use the new technology, but to embrace it. Many firms and in house departments based in some countries have been quick to adapt technology but the same cannot be said as a general trend.

Do you see differences between American and European firms in their daily operation and how they develop, plan and implement (innovative) tech strategies?

Absolutely. I have had the opportunity to analyse the different legal tech companies operating around the world. North America certainly has the highest number of legal tech companies around the world. One of the main reasons could be because law firms and legal departments in the US have been quick at adopting and implementing new technologies, which encourages more legal tech companies. A lot of innovation is happening in other parts of the world as well. A majority of the firms in Europe and Asia that have initiated the process of adopting technology into legal practice seem to have their main offices in the US. Although there are domestic and EU centric firms that have been innovating and leading the way in technologically aligning their practice in EU, US law firms seem to be far ahead in the implementation process.

The legal profession is changing and professionals need to be more business and tech savvy. What do you see as the biggest challenge for the legal professional in let's say five years from now?

The biggest challenge will be for the existing legal professionals who are in a state of denial that technology will not impact them or their practice will somehow be immune from technological advances. For others it presents them with opportunities in the form of being able to do a lot more meaningful legal work, greater time devoted for their clients, better access to justice, and significant reduction in time taken in decision making process in courts. The ancillary challenges could be a re-training of lawyers to include coding. This could also present opportunities for law schools to devise a curriculum to deal with the innovative law programs and courses needed to address the challenges and opportunities that legal technology presents.

About the Author:

[Vishnu Prasad](#) is a Lawyer, Entrepreneur, Educator and Legal tech enthusiast. As Founder and CEO of [Law Pundits](#), he leads a team of technologists, sales heads, designers, event professionals and marketers. He is also responsible for new initiatives, activities and expansion of Law Pundits. He oversees the various verticals of Law Pundits and conferences and summits that Law Pundits organises globally. He currently heads the Global Legal Forum, an initiative for promotion of access to justice through technology and attaining Sustainable Development Goal of Law and Justice.

He founded India's first and largest Legal Tech Conference – The Legal Tech Fair and The first law exhibition in India - The Legal Education and Services Expo and created the first exclusive advertisement networking platform exclusively for legal sector – The Law Ad Network.

In 2014 he was also a “Fastcase 50” award recipient, the award recognizes 50 of the smartest, most courageous innovators, techies, visionaries, and leaders in law. He is also a distinguished Fellow of Royal Society of Arts in London.

As part of his passion project, he is also the license holder for TEDxThiruvananthapuram, the largest TEDx event in the state of Kerala in India.

Prior to starting Law Pundits, Vishnu was a corporate lawyer having practiced in both India and UK. He was also the visiting professor at Regents Business School where he taught Business Laws to Management Students.

Vishnu holds an LLM from London School of Economics and an LLB from University of Kerala.





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The Theme for the 2018 GLF conference is “Legal Technology | Blockchain | AI : The Changing Dynamics of Law”. The discussion would consider the opportunities and challenges presented by technology advancement in the legal domain along with the involvement of government, legal practitioners, legal academia and judiciary from a practical and policy perspective.

GLF 2018 will give you an unparalleled opportunity to learn first-hand about the latest in legal technology and meet, interact and network with legal leaders from government including law ministries and judiciary understand, how, different segments within the legal sector view the growth in legal technology from around the world congregating in The Hague – the city of Justice at the Peace Palace, the seat of the International Court of Justice.

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New Law in Asia; Fab or Fad?

“Nothing is so painful to the human mind as great and sudden change” – Mary Wollstonecraft Shelley

By Annalise Haigh and Tom Hill

The legal industry is changing. No more than 10 years ago, words like flexible, innovative, value-driven legal solutions would not have been in the vernacular of lawyers – and NewLaw, alternative legal service providers or law company’s did not exist. The practice of law was a privilege bestowed upon the select few who had money to study it, the resilience to endure the long hours and the tactical nous to implement historical doctrines that had stood the test of time. The new age of smartphone’s, smart tablets and even smarter service providers has created the phenomenon known as “*NewLaw*”.

NewLaw is a blanket term that has been coined to cover any legal service or solution that is the antithesis of BigLaw, or otherwise more plainly - describes any model, process, or tool that represents a significantly different approach to the creation or provision of legal services than what the legal profession traditionally has employed. The Global Financial Crisis, regulatory change, globalisation, changing power paradigms of general counsels and technology are some of the main drivers for the rise of NewLaw. Hot topic of the day is how technology can facilitate greater efficiency and accuracy to simple legal tasks and whilst change can be intimidating to those entrenched in the legal industry, it is also providing huge opportunities and potential. Legal consulting firms and other non-traditional legal structures are using technology combined with an astute legal mind to create more client-centric solutions. Asia, with the sheer volume and sophistication of its labour force, while a late adopter is slowly taking hold of NewLaw and we wanted to take a closer look at trends occurring across Asia, how this compares to the rest of the world and what the future looks like for the legal industry.

Trends across Asia

In June 2017 at The Legal Inno' Tech Forum, the keynote speaker Mitch Kowlaski said, "The current legal services delivery model is at the end of its natural lifecycle. And the only people who don't know it are members of the legal profession". One of the major driver's of such trends in Asia is the development of a global economy and that purchasers of legal products are demanding greater efficiency and a better product for a lower price. This is putting increased pressure on the long established

"partner/associate" model and the development of a new model; where between 30-50% of junior legal tasks can be completed by using artificial intelligence.

China

In many jurisdictions this is seen as a threat to the legal services market, however in China they're being praised for embracing the transformative power of Artificial intelligence. Firms such as Legal Miner are at the forefront of such change. Legal Miner combine data mining and legal analytics expertise to; "reveal the enigmatic Chinese decisions in an extensive, systematic and visual manner". The key to their recent success is the collaborative workplace in which lawyers work in conjunction with technology experts to continually advance the system. Most significantly, the development is based on making the Chinese legal system more transparent and facilitating business ventures from overseas. The court system has also embraced the use of technology employing online legal assistance for court users and employing e-filing systems for documents.

Hong Kong

In Hong Kong, Heidi Chu, Secretary General of the Law Society recently stated, "AI's impact on the routine tasks of our day-to-day practice like timekeeping, legal research, contract review or due diligence analysis will only intensify in the years ahead". Mr Chu went on to say, "Understanding and using technology intelligently to support the operation of our legal practices should be a priority in these changing times". One company who has pounced on the opportunity in Hong Kong is *KorumLegal*. By focusing on the three keys of any in-house

department – people, process and technology – *KorumLegal* delivers client-centric solutions at the fraction of the price of a major law firm or the Big 4. With lower overhead expenses than comparable contract lawyer solution providers, it can offer top rate talent at half the cost of a traditional law firm. And as the drive to be more efficient in-house continues to mount, *KorumLegal* has brought the best practices from the world of legal process management to deliver efficiency gains and fully integrated technology solutions to in-house departments across Hong Kong and the greater Asian landscape. The two key factors in the growth of alternative legal services providers in Hong Kong are (1) the integration of technology into the “DNA” of the company, right from its founding and (2) a revenue model that benefits from efficiency. The entrepreneurial landscape of Hong Kong’s business environment provides the perfect setting for NewLaw to flourish. A favourable time zone, access to advanced technology and a highly educated and progressive labour force suggests that these trends should continue and alternative legal service providers who embrace technological change in Hong Kong are likely to flourish.

Singapore

We’re seeing similar trends in Singapore with companies such as Legalese recently attracting US\$418,000 in investment from venture Capitalist group Walden International. Legalese plans to invest the money into future research and development into computational law, “a computer science-based approach to the generation, management, and execution of legal paperwork”. This appears to be the most successful model for firms to excel in the legaltech

space; the collaborative function of technological experts working in conjunction with legal experts is a very powerful and profitable business model. Singapore is very keen to be the central legal innovation hub of Asia. The FLIP (Future Law Innovation Programme) which is part of the Singapore Academy of Law is a great example of collaboration between government, legal innovation and technology. The programme through a LegalTech incubator offers support and resources to forward-thinking law firms and LegalTech startups to switch to a brighter, innovation-driven future and has made waves in its first year of operation. With the government providing a lot of support for LegalTech and NewLaw in Singapore it’s one of the most prominent hubs for legal innovation in Asia.

Around the world

The World Intellectual Property Organisation released figures in 2017, which mapped the filing of patents relating to new legal services technology from 2012 to 2016. In 2012, 99 patents were filed. This increased by 484% to a whopping 579 patents filed in 2016. This illustrates the dramatic growth in the industry with the leading players emerging as the US (38%), China (34%) and South Korea (15%), showing that whilst US remains at the forefront of legal tech, the Asians statistics are continuing to grow and with such a formidable and sophisticated labour force, these figures are only predicted to rise. It is important to recognise the UK as well, as another major player in the market. Parliament enacted the Legal Services Act 2007, now some time ago, with the core purpose of changing the business structure of law to include non-lawyers in significant positions of power. Effectively, this facilitates the

ability for a multi-national to have internal legal counsel and a law firm to become a multi-national. This inherent “blurring of the lines” surrounding legal firm structure is emblematic of what is occurring in Asian companies as legal experts team up with non-legal, technology experts, to drive the future of legal services.

The Future

The prefix to this article mentioned the quote by Mary Wollstonecraft Shelley, the author of the novel *Frankenstein* (for those playing at home). You may be wondering what the author of a novel about the creation of a grotesque but sapient creature in a science experiment, has to do with legal tech, but it's her insight into change that we're most concerned with.

Change can be scary and for a junior lawyer who's told that up to 50% of your tasks, may now be completed by a machine, the fear is only emphasised as you look back over the 6 years you spent at university and the monumental student loans, you'd “prefer not to think about”.

However, it is also lawyers at the pointy end of the spectrum who need to be wary of technological challenges. The market is full of alternative legal service providers, online legal resources and flexible and innovative alternatives to large law firms. Previously, law firms could hide behind inflated fees and rigid service structures, but as we've mentioned technology is changing the access to legal services and facilitating the growth of a new market where the client is king, overheads are low and lawyers are using technological tools to provide a far more efficient service. The good

news is; there is huge opportunity for lawyers of the next generation who embrace this change, have a commercial appreciation and can use technology to contribute to the ever-growing efficiency of the legal market. While NewLaw in Asia is only just beginning to prosper, the opportunities for growth are huge, just don't be caught at the boardroom table with your highlighter in hand, wondering where all the work went.

About the Authors

[Annalise Haigh](#) transitioned from "BigLaw" into "NewLaw" almost a year ago and is a true believer in the capacity for new innovative legal solutions to improve the legal sector for the better. Her current role at KorumLegal epitomizes this belief.

Annalise wears two hats - as an Australian qualified lawyer, she is a [KorumLegal](#) Consultant assisting clients come up with innovative legal solutions and also as a business strategist, she works closely with KorumLegal's core business, managing the marketing and online community strategy.

Outside of KorumLegal, Annalise's great passion is snowboarding.

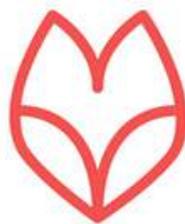
[Tom Hill](#) qualified in Sydney, where he practiced in a large international law firm specializing in Insurance Litigation and advising on a range of General Liability claims.

Having relocated to Hong Kong in early 2018, Tom has worked as a Legal Consultant at KorumLegal advising a large multi-national bank and now advises on Commercial Transactions in emerging markets throughout Asia.



Tom Hill

When he's not "lawyering", you'll find Tom playing in the Premier Hong Kong Rugby competition and he hopes to play for the Hong Kong National Side, once he becomes eligible in 3 years time.



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Law firm business models.

traditional business models versus new business models

By Nerushka Bowan - Emerging technology law specialist, legal technology innovator and speaker

The traditional law firm business model, at its core, is built on the concept of selling time or the dreaded “billable hour.” Until recently, the practice of law was largely uncontested and clients quietly acquiesced to paying lawyer invoices billed by the hour. However, recent developments in technology, a tightening market, educated customers and empowered workforce are putting pressure on the traditional law firm and demonstrating the need for a change.

The legal profession to date has been risk averse and conservative when dealing with change (CBA, 2017). Clients are now demanding value for the fees they pay, and are no longer willing to pay based solely on time spent (Georgetown law, 2016).

These changes bring significant opportunities for law firms willing to innovate (CBA, 2017). These changes have also brought about questions regarding ethical and regulatory issues in this traditional and regulated profession (Flip, 2017).

The International Business Association report (Esteban & Klotz, 2017) identifies a variety of drivers for change in law firm business models including client demands, challenges to the partnership model, new models of working, increased competition and development of legal technology and innovation. Clients are also looking for integrated, business solutions, rather than siloed legal advice (Deloitte, 2016). According to Deloitte's survey (2016), 52% of clients can imagine a future where they would be happy to buy their legal services from non-traditional law firm entities.

Although drivers for change are present, partner performance remuneration models are still based on traditional methods, such as billable hours, in addition to fee income, profitability and referral of work (PWC, 2017). Although there have been signs of change in law firms in terms of adoption of technology and innovation, there has not yet been any significant change in the core business model of law firms.

Client demands on law firms are changing as their sophistication and buying power increases, for example, clients are expressing dissatisfaction with the billable hour and demand alternative fee structures and increased use of technology (Esteban et al, 2017). Until recently, in-house legal teams did not want procurement involved in sourcing of legal service

providers (Bloomberg, 2017). Due to pressure on in-house legal teams to reduce spend and demonstrate value, legal counsel no longer select law firms solely on long-standing relationships, and have increased the requirements of legal service providers they use (Bloomberg, 2017).

Employee demands for a more flexible lifestyle, including contract and virtual work are also putting pressure on the traditional law firm business model (Esteban et al, 2017). Change in law firm business models can also improve personal wellbeing of its lawyers who are currently pressured to work long hours in order to meet their performance requirements (Flip, 2017). Flexible work arrangements could also enhance diversity, for example, extended retention of senior women lawyers (Flip, 2017).

In addition, law firms are seeing increased competition from new unregulated entrants to the market leveraging technology and alternate business models, as well as the big four auditing firms entering into the legal services market (Esteban et al, 2017). The advancement in legal technology and innovation gives law firms the tools to potentially leverage opportunities to transform existing traditional business models into newer, innovative business models. According to the Time for Change survey by PwC (2017), technology has the potential to have the biggest impact for change in law firms as it will impact all aspects of a law firm.

Performance in traditional law firms is stagnating, and law firms need to take action now to future-proof themselves (PWC, 2017).

Challenges facing law firms in the UK market include clients' demands, threat from US firms, new entrants and new technologies (PWC, 2017).

Digital advancement in law firms

In its Future of Legal Services report (2016), the Law Society of England and Wales cites technological and process innovation as one of five drivers of change in the legal services market. According to the Flip report (2017), changing cultures, consumer pressure and lower prices are driving increased use of legal technology.

Rajah (2017) states that although technology will not replace lawyers, it "will change the way lawyers work" and eventually those who do not adopt technology "will fall behind and lose out".

Some of the key trends and digital advancements identified for 2017 for law firms are practice management software (Clio, 2017), e-discovery (Kane, 2017), social media (Kane, 2017), legal processing outsourcing (Seeger & Clay, 2017), and alternate business structures (Seeger et al, 2017).

As we approach the next five years, some of the key future legal technology trends that will play a significant role in shaping the future of law include automation (George, 2016), cloud computing (George, 2016), big data analytics (Rajah, 2017), artificial intelligence (Hyde, 2016) and technology focused legal professionals ((Flip, 2017). Although law firms have made some progress with traditional technologies, adoption is low with newer emerging technologies such as artificial intelligence,

predictive analytics and smart contracting, although 80% of the top 10 law firms are piloting artificial intelligence solutions (PWC, 2017).

Leveraging digital opportunities in law firms

According to the Law Firms in Transition: 2017 Trends survey, 84% of respondents remarked that technology replacing human resources is a permanent trend (Seeger et al, 2017). Although this seems like a high response, few in the industry are actively implementing solutions or taking steps to prevent themselves from being "replaced" or disrupted. The current state of the legal industry is a classic example of the "innovator's dilemma" coined by Clay Christensen, Harvard Business School professor (Ovbiagele, 2017). According to the theory, it is the incumbents' own success that makes them slow to adopt change, and once they realise drastic innovative change is required, it is already too late and they have lost valuable market share to new entrants seizing the opportunity to disrupt the status quo (Ovbiagele, 2017).

Although it may appear obvious to some that radical innovation and change is required, there are also systemic barriers to change that prevent law firms from adopting true digital advancement and disruption. These include the business model of selling time (the billable hour) (Georgetown Law, 2016). In order to increase profits, law firms have historically increased hourly rates at very high percentages year-on-year (since there are only 24 fixed hours in a day!) and are now facing push back from clients who are no longer willing to pay these exorbitant fees (Georgetown Law, 2016).

In addition, key strategic decisions about the law firm business are made by partners in the law firm who also share in the profits of the business and are likely those who have excelled at billing hours – therefore the incentive or drive to invest in change is low (Georgetown Law, 2016). Other barriers include relatively high cost of adoption (which could be prohibitive for small to medium size law firms which may be more incentivized to implement change), lack of awareness by decision makers as well as a lack of urgency (given that they are largely still successful operating under the traditional business model) (Rajah, 2017).

Law firms willing to move forward could leverage opportunities brought about by digital advancements in these four broad categories:

- To gain competitive advantage
 - To improve productivity and performance
 - To enable new ways of managing and organising
 - To develop new business
- (Altameen, Aldrees, & Alsaeed, 2014, pg. 1)

For example, if law firms looked at cost per unit versus revenue per unit in a similar manner to software and publishing companies, the potential cost savings would be more evident:

According to the table below, it is clear that law firm revenue is tied directly the cost of production. This means that law firm revenue is limited by the number of hours that humans are capable of producing. Comparatively, software and publishing companies reduce their cost over time, and increase profits as volumes increase. It is also arguable that the



revenue per unit may also increase exponentially over time as more products are sold, while costs continue to decrease. (Neota Logic, 2014).

It will be interesting to see whether the legal industry, especially long-standing successful incumbents, are able to recognize current and future looking digital advancements and technological trends in their industry, and act on those insights before it's too late. Larger law firms have powerful strategic advantages given their established brands, international networks, client relationships and talented workforce (PWC, 2017). The winning law firms will be those who use these strategic advantages to adapt and respond to change (PWC, 2017).

Core themes that law firms need to focus on in order to reinvent their business models include focusing on the client, leveraging lawyers, re-engineering processes and innovate to differentiate (Talwar, 2014). Law firms have to decide whether they will become “business innovators” (leaders in technology which have transformed through effective use of IT), “survivors” (little change in business model, loss in market share, and remain in few key areas), “seat warmers” (law firms that understand the potential but do not have an effective strategy or IT team to deliver and leverage digital opportunities presented) or “frustrated superheros” (the law firm has a highly capable resources or IT team but lacks the buy-in of senior management and leadership to evolve) (Talware, 2014).

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Nerushka Bowan is an emerging technology law specialist, legal technology innovator and speaker. She has a background as a technology & privacy lawyer for an international law firm. She is involved in the awareness and upskilling of lawyers about the future of law. She is also a consultant trainer at the Blockchain Academy and a co-chair of the Johannesburg chapter of the International Association of Privacy Professionals. She regularly speaks to corporates and at events, publishes blogs and articles, and is regularly interviewed and quoted in media on various technology-related topics. She was recently listed on CryptoCoin. News as one of [20 African women to watch in Blockchain and Crypto](#). Nerushka uses her unique experience and forward looking mindset to identify future risks and ask the legal and ethical questions brought about by emerging technology and packages these topics into stimulating and thought-provoking workshops and presentations.



Legal Tech endeavors in the Startup Nation.

why Israel is a center for innovation in the legal tech industry

By Zohar Fisher – Founder of Robus Legal Marketing

Israel is often referred to as the ‘Start-up Nation’. Bill Gates once even called it a ‘tech superpower’. Along the years, Israeli entrepreneurs have founded and led some of the most innovative start-ups in the past decade.

Companies such as *Waze*, *Wix*, *Fiverr*, *Mobileye* and *moovit* have all originated there. Israel also has the highest number of lawyers-per-capita in the world, ahead of countries such as the U.S., Canada and Germany with a figure of almost 600 lawyers per 100,000 people.

There are several unique factors that have attributed to Israel’s success as a start-up nation, each of which were a key component of its success in the Legal Tech space as well.

It is important to acknowledge these factors in order to understand how they have contributed to its success.

Why is Israel the Startup Nation?

- One important factor is the **compulsory military service**. As part of the compulsory military service for most Israelis aged 18 and older, men spend up to three years in the defense forces, while women serve two years. Rather than seeing this as a burden, many Israelis credit military service with being a driving force behind their country's high-tech success. Many tech specialists have come through the ranks of military intelligence units, including the famed cyber unit of '8200'. People who have been in the Israeli military view it as a rather entrepreneurial experience, even though in the rest of the world people don't think of the military as a place that encourages original thinking.
- **Immigration** is another important factor. Most Israelis are born to immigrant parents (or grandparents) or have immigrated to Israel themselves. By definition, immigrants are risk-takers, leaving their familiar surroundings for a better life. Therefore, a nation of immigrants is a nation of entrepreneurs.
- We also can't forget to mention **Israeli chutzpah** – being blunt and straightforward. In Israel, you can walk down the street and see the CEO of a large corporation and you can approach them and say, 'Hey, I have a company, can we sit together and talk?' - and many times they'll say, 'Let's talk', because if you don't know this person you know someone who does. In countries like China or India, where the social hierarchies are very clear, acting in

such a way would be embarrassing, but in Israel there are no boundaries.

This 'chutzpah' also means that Israelis don't see failure as a big deal. You can fail three times with different start-ups, and when you pitch to investors for your fourth start-up, you would advertise your experience with multiple start-ups as an advantage.

Why Legal Tech?

A younger generation of lawyers, who are more attuned to technology, is entering the legal workforce in Israel. In fact, there are more and more *tech-enthusiastic lawyers who demand tech solutions that will make their practice better and their working lives easier*. Some of these young lawyers are even quitting their legal practice to become legal tech entrepreneurs.

As discussed above, Israelis, and by extension Israeli lawyers, are typically less risk-averse than other cultures and are straightforward, informal and aggressive. Therefore, when these younger Israeli lawyers are unhappy with the way law is practiced today and demand increased use of legal tech, they will make their opinions heard and either affect change within their law firms, start their own innovative practice or become legal tech entrepreneurs.

We have seen the rise of several Israeli legal tech startups in the past few years. One of the most prominent Israeli legal tech companies is *LawGeex*, which offers a machine-learning and AI-based product for contract review. In [a study](#) published in February 2018 where 20 experienced US-trained lawyers were pitted

against the LawGeex AI algorithm, the AI achieved an accuracy level of 94%, compared to an average accuracy level of 85% across the 20 human lawyers. In fact, LawGeex received an additional \$12 million in funding last month (April 2018).

There are several other legal tech startups based in Israel. A surprisingly growing amount of which are targeting the local legal market in Hebrew, as opposed to the larger US and UK legal markets.

A list of all active Israeli legal tech start-ups can be found in our Israeli Legal tech Startup database on [Tech&Law Israel's website](#).

Challenges for Israeli legal tech

Although the Israeli legal market is very competitive and Israeli law firms are constantly looking for ways to improve their service offering, many law firms in Israel have yet to embrace the latest wave of legal tech. Most of the law firms still use simple, low-tech solutions such as Microsoft Word extensions and anachronistic practice management software.

There are several reasons for the current situation:

Language tends to be a big factor in legal tech products, especially those that involve AI and machine learning. Although some of the larger Israeli law firms do work in English when it comes to contracts and corporate work, most of the Israeli legal sector operates in Hebrew.

Therefore, it is clear why Israeli companies are not willing to invest resources in developing legal tech solutions in Hebrew, a language that is only used by approximate-

ly 56,000 lawyers. This is also why the vast majority of the international legal tech companies do not operate in Israel, nor do they target Israeli clients – Israel's legal market is a relatively small one.

Israel might be the first in the world in terms of lawyers-per-capita ratio, but in absolute numbers it still has less than half the number of lawyers in the UK, for instance. Due to the relatively small local legal market, Israeli legal tech companies often aim for markets abroad.

Israeli law firms are now willing to accept certain aspects of innovative technology in their offices. Partners' forums in Israel's biggest law firms have requested to be presented with the benefits of empowering their practice using technology. In most cases, after learning about the various ways in which legal tech solutions are transforming the practice of law worldwide, partners at Israeli law firms are convinced.

Despite the rising demand for legal tech solutions, the adoption of legal tech solutions by Israeli law firms has been slow.

There is still a real struggle in the adoption and implementation of legal tech solutions. Each law firm, on its own, does not have the ability to look for relevant legal tech solutions abroad, nor to reach out to companies and convince them to customize their products to fit the Israeli market and the needs of the individual law firm. This would require too much effort and resources, which Israeli law firms are not keen or able to invest.

Another issue facing Israeli law firms interested in legal tech solutions is the **cost** associated with its adoption and implementation. Israeli law firms charge much lower fees than their European or American counterparts. This leaves less room for expensive investment projects, such as the adoption of legal tech solutions.

Fortunately, these are difficulties that the Israeli legal market can overcome. More and more law firms are now realising that in order to work more efficiently, and to meet clients' continuously increasing expectations, they will need to harness legal technologies in their daily operations. In a fierce market like the Israeli legal sector, Israeli lawyers have to find ways to stay competitive and new technologies is certainly one way to do so.

The future of legal tech in the startup nation

Tech&Law Israel is the first legal tech community in Israel, bringing together different players interested in legal innovation. One of the main goals at Tech&Law Israel is to increase awareness for legal tech in the Israeli market, and in the past few months, there has been increased media attention and buzz in the legal tech sector.

A few months ago, Tech&Law (Israel) took part and organized Israel's first legal hackathon, as part of the Global Legal Hackathon, with over 80 participants and along with the Israeli law firm of FBC. The platform also saw great success in helping Israeli law firms and in-house counsel that seek legal tech solutions adopt the right products and solutions for them.

Israel's legal tech scene has seen rapid growth in the past two years. With Israeli law firms' increased interest in legal tech solutions and the continued success of Israeli legal tech companies, it is clear that the Start-up Nation has a promising future on the global legal tech stage.

About the Author:

[Adv. Zohar Fisher](#) is the founder of [Robus Legal Marketing](#) (founded in 2010), one of the leading veteran strategy consultants in the field of legal marketing in the Israeli legal sector and has a long standing (over ten years) reputation in the legal business development field. Throughout the years, Zohar has acquired unprecedented professional experience and knowledge in closely and personally accompanying tens of law firms in Israel and abroad in arrange of organizational processes, branding campaigns, marketing, internet and media development. Zohar has been lauded, not once as the "law firm whisperer, leading mergers between firms, wide strategic consulting initiatives and core processes in the legal market in Israel. Over the years, Zohar has expanded the activities of Robus to include a number of departments. Today, he leads a number of departments, with particular emphasis on mergers, foreign firms, the LawFlex initiative and the Legal Tech department. Prior to founding Robus, Zohar spent a number of years working in business development at a leading law firm in Israel. He is amongst the founding players in the strategic consulting, marketing and branding field in the Israeli legal market.



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Robots or people?

Don't make these compromises with your law firm website!

By Sandra Bekhor MBA, president of Bekhor Management



Law firms vying for Google's attention have, more than likely, experienced the unrelenting tug of war, between the needs of people and the needs of robots.

Robots (Google's web crawling spiders) are constantly on the lookout for new tags, keywords and links to fulfill search requests with the most suitable matches online. While people (your audience) are seeking compelling content that not only answers their queries, but also helps them to connect with the actual human beings on the other side.

People are the ultimate point of a website. We all know that. Even so, sometimes the robot agenda becomes louder or more urgent. It can't be helped. In many areas of law, if robots don't find your site, neither will people. On the flip side, if the robot agenda wins in every respect, people will find your site. But they won't want to stay.

The problem is you really want both sides to win.

That being the case, rather than repeat the lectures you've probably heard before about quality marketing and SEO best practices, I thought there would be greater value in constructing some guidelines around when to give in to which agenda. These guidelines result in a more integrated approach that takes into account the best interests of your firm as a whole, rather than focusing on just web data.

7 online legal marketing compromises you should never make, for either robots or people:

- 1. A default voice driven by keywords rather than the firm's professional identity:*
Pick one. Passionate, controversial and assertive statements that reflect the positions of the law firm's partners. Or, a stiff robotic application of an exact keyphrase. Which would you rather read? Most people will pick the one that tells them to expect to speak to a real human being that might even align with their values. Establishing a real voice on a law firm website isn't actually contradictory to the SEO agenda. But it takes a lot of skill and creativity to execute well.
- 2. Forfeiting your firm's name - in favour of keywords - in search results:*
Search results have three sections, a title, a url and a description. All are fed by the tags programmed into the back end of your website. Some firms choose to focus both the title and description on keywords. Others include, or even prioritize, their firm name. Why? When people see your name come up, over and over, on search results, they start to recognize it. This is the beginning of the establishment of trust. That's branding. There's no need to remove your keywords. Just save some space for your firm's name.
- 3. Misguided hierarchy of information throughout the website:*
SEO has become a real science. There are some best practices that you are well advised to follow. But, there's still a grey zone

where you can get creative about meeting your people agenda too. Here's an example. Headings and subheadings (coded as H1, H2, H3...) are used to tell Google what a page is about. But headings are visually prominent. So, they are also used to tell readers what a page is about. And readers respond to impactful messaging. Questions they can relate to and bold copy that speaks to their needs and concerns. The problem is, if you use your headings for Google, the message to the reader gets lost... and, ultimately, so does the reader! Instead, figure out a way to merge both agendas. Or customize tags such that the visually prominent headings that speak to people aren't coded for Google.

- 4. Sounding like a broken record for the sake of meeting keyword targets:*
It's true that keywords need to be repeated a certain number of times to meet SEO density targets. But Google has been modifying its algorithm to more closely mimic human behaviour. As a result, the use of similar phrases (rather than just repeating the exact same phrase over and over) are now viewed more favourably by Google's algorithm. So, if you mix it up, appropriately (still using your main keyword as the dominant phrase), then you will meet the needs of both robots and people.
- 5. Website development guided by SEO rather than firm objectives:*
Your law firm website is a hub for all your online marketing and maybe even your off-line marketing. That means that it is more than a digital brochure. Your website plays a critical role in your practice development

plans. As such, your website strategy should begin with higher level objectives. That doesn't mean it shouldn't account for SEO objectives. It just shouldn't start there. The need to drive traffic to the site isn't enough of a starting point. For some people, this will be their first encounter with your firm. So, before your next refresh, give some thought to what you are building, for whom and why.

6. *Rigidly structuring your site based on the structure of your firm:*

Some legal services get a lot of search volume and others simply don't. In certain niche markets, people (and businesses) already know who the major players are. Or there are offline resources that connect people to service providers. The question is should your services that require SEO take on a higher priority online than your services that don't? Structure has huge SEO implications. So, in this case, as long as it's aligned with your firm's goals and won't negatively impact your readers' experience, carefully consider what works best for the robots.

7. *Content for the sake of it:*

There's huge pressure to churn out content, for the sake of SEO results. In an effort to meet the robot agenda, some firms prioritize volume over quality. But ask yourself if one of those web pages, blog articles or videos was the only thing a prospective client saw on your site, how would it reflect on your firm? The irony here is that robots aren't just looking for volume. To align with what matters to people, they also looking for stickiness (visit

duration). And pages with a high bounce rate (when readers leave quickly) aren't good for SEO results either.

Take a fresh look at your website to see how well you're doing with this list of compromises. Who's winning the battle right now? The robots or the people?

What can you do to call a truce?

Integrate marketing, to align objectives and standards on both sides of the rope... as well as with your practice. Your firm will be better positioned to win this game of tug of war when neither people nor robots fall into the muck!

About the Author:

Sandra Bekhor MBA, president of Bekhor Management, helps lawyers and other professionals build and enhance their practices, through marketing and management programs aligned with core strengths. Sandra has extensive experience helping small to mid-sized firms succeed in the modern marketplace. She can be reached at: sandrabekhor@bekhor.ca and www.bekhor.ca



Canada's Modern Workplace

How artificial intelligence is helping HR departments prepare for the possibility of increased employee marijuana use

By Benjamin Alarie, CEO Blue J Legal and the Osler Chair in Business Law at the University of Toronto



Not so long ago, the legalization of recreational marijuana and the practical application of artificial intelligence in human resources seemed like remote possibilities. As far out as they may seem, these developments are a reality and their impacts on the workplace are imminent.

In just under four months, recreational marijuana will be legalized in Canada and there remain many lingering questions about its consequences for workplaces. HR professionals are particularly curious since they will inevitably be confronted with the challenging question of what constitutes legally-justified testing for employee cannabis use.

To answer this question, and others like it, employers and employment lawyers are turning to a widely discussed and rapidly growing technology: artificial intelligence (AI).

AI's introduction as a practical and reliable tool for professionals couldn't have come at a better

time. Given the prospect of increased employee cannabis use, HR teams around the country are actively laying the groundwork for the drug testing policies they'll be introducing or revamping to ensure workplace safety.

Uncharted Territory

In the coming months, many HR professionals will reach out to legal counsel to tackle questions such as whether or not prospective employees can be screened for drug use and how to fairly and legally conduct employee drug testing (randomly, targeted, post-incident, etc.); some will attempt to find the answers on their own. However, one notable challenge stands in the way: there isn't yet a statutory regime that provides a clear and fixed set of rules that outline when employers can mandate drug testing for employees. Until now, judges and adjudicators have relied heavily on the common law; that is, on decisions reached by the courts in similar cases in the past.

There are hundreds of past decisions addressing a multitude of nuanced drug testing situations. When trying to determine how a particular scenario should be handled, manually reading through these hundreds of cases is cumbersome and resource-intensive. What's more, even when extensive research is completed, it can be difficult to obtain a definitive answer that takes into account all relevant factors from all relevant cases.

A Balancing Act

At the centre of most cases stand two opposing interests which HR professionals are intimately familiar with: privacy and safety. Many employees feel strongly that what they do outside of work is a personal matter that shouldn't be subjected to scrutiny by their employer. Drug

testing can be invasive, anxiety-provoking, time-consuming, and it can undermine the trust that is crucial to maintaining healthy employer-employee relationships. HR departments, however, have a responsibility to ensure that the workplace is a secure, harm-free environment. If employees know that they will be subjected to drug testing, it may dissuade them from using marijuana at work, fostering a safer workplace for all.

Judges and adjudicators consider a range of relevant factors when assessing the privacy and safety tradeoff. For instance, was the employee in a role where her safety or the safety of others was a primary concern? Did the employee show signs of impairment (abnormal speech, red eyes, odour, etc.)? Was there physical evidence of the employee using drugs at work? What was the extent of the damage to others or to property, if any? Were there plausible alternative explanations for the incident? Did the employer explicitly consider the worker's privacy interests before requiring a drug test? Was the testing random or targeted based on other factors?

Data as Fuel

The multitude of cases and the factors addressed in each written decision generates a trail of valuable data, which lawyers use to identify patterns in past case outcomes. These breadcrumbs are also fundamental inputs that AI systems use to provide tailored insights about how decision makers have weighed various factors. For the first time, software is now available that quickly, precisely, and comprehensively analyzes the findings of hundreds of relevant decisions to make predictions about how these relevant factors will impact new cases.

The Science behind the Software

AI sometimes connotes an image of a confusing black box of 1's and 0's. In reality, newly available software for drug testing is relatively transparent and user-friendly. It works by first asking for a series of inputs through a short, plain language user questionnaire suitable for lawyers and HR professionals alike. It collects information about the user's context such as the applicable province, the past disciplinary record of the employee, the degree to which the employee cooperated with the employer, the nature of the employee's work responsibilities, the specific indicators of impairment, any alternative explanations, and more.

With inputs unique to the situation at hand, the software goes to work, instantly comparing the information provided by the user to all relevant past cases. The result is a report that conveys how likely it is that a drug test would be found to be legally permissible or impermissible, along with a corresponding confidence level (expressed as a percentage).

The software also generates a succinct and easy-to-understand explanation for the predicted outcome and a list of past decisions that are most similar to the circumstances inputted. The user can try multiple scenarios and see how the predicted outcome would change given different assumptions. When tested against cases that the system has never seen before, an AI-based prediction system is able to achieve 90 per cent or greater accuracy.

The most advanced systems are also updated with new decisions as they are published, enabling the system to improve its predictions and provide up-to-date outputs.

What lies Ahead

In the same way that software programs have improved internal processes like payroll and tracking employee time-sheets, AI-based tools represent a generational leap forward for tackling legal employment issues. Indeed, software powered by AI is quickly becoming one of the most valuable resources for HR professionals and employment lawyers, making their work smarter, faster, and more thorough.

Similar to the introduction of workplace computers in the 1980s, the newness of AI has created a combination of fear and excitement. Although history does not repeat itself perfectly, it does rhyme. It is only a matter of time before it will be hard to imagine working as an HR professional without the help of AI software.

About the Author:

[Benjamin Alarie](#) is CEO of [Blue J Legal](#) and the Osler Chair in Business Law at the Faculty of Law at the University of Toronto. Professor Alarie researches and teaches in taxation law and judicial decision-making, and was awarded the Alan Mewett QC Prize for excellence in teaching by the law school's graduating class of 2009. Before joining the Faculty of Law as a full-time professor in 2004, Professor Alarie completed graduate work in law at the Yale Law School and was a law clerk for Madam Justice Louise Arbour at the Supreme Court of Canada.

He has dozens of academic publications, and his research has been funded by the Social Sciences and Humanities Research Council, the Canadian Foundation for Innovation, and the Ontario Ministry of Research and Innovation.

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Outsourcing System Administration

Looking Beyond the Walls for the Keys to the Castle

By Beth Lambdin, Systems-Oriented Legal Operations Leader



It is commonly understood in the world of corporate counsel that technology and streamlined process have become tantamount in importance to the legal services themselves when benchmarking that department's success. Accepting this maxim, however, does little to prepare or inform legal leaders on how to build, adopt, shop for, or apply the ever evolving components of these tools. A simple Google search reveals countless articles lauding the rise of "legal operations", and the imperative for acquiring metrics and developing BI. Much of this content is awash in theory and precepts that ignite enthusiasm for innovation, disruption and thought leaders, but neglect to emphasize the need for that hands on specialist who is capable of keeping ship sailing, after the team decides to set on this voyage. Acquiring a well rounded, attentive and diplomatic system administrator is integral to a well run legal ops platform, yet it is frequently assigned as an afterthought, overshadowed by the complexities of the initiative at a more macro level.

This article makes a case for looking outside the company to staff this position to catalyze the change and maintain the project's success.

“Legal” technology far transcends legal hold, IP docketing, e-billing and matter management platforms.

The first step to achieving a robust business intelligence platform is to recognize the cross functional interdependence of metrics needed to support a forward thinking legal department. Finance, human resources and governance/compliance are examples of groups traditionally outside the legal department’s immediate purview that contribute directly to the legal department’s story. Reliable, meaningful data is built on the concept of “single source of truth,” the “practice of structuring information models and associated data schema such that every data element is stored exactly once.” Unfortunately, this concept is often overlooked by legal leadership, considering new technology initiatives in a vacuum, acquiring a new system and assigning the system administration role as an add on to an existing team member’s job description.

Viewing legal system administration as administrative only, as opposed to embracing it as an overarching opportunity for process change and company wide synchronicity can lead to chaos and unreliable results. More often than not the requisite skills and experience needed to fill the complex role of holistic system administration are found within an outside disruptive force, rather than an expansion of existing institutional knowledge.

Creating a designated system administrative role inhouse can be successful when carefully considered, but the option of outsourcing, even if only temporarily, to get a legal department’s house in order is an often overlooked

approach. Several factors might indicate whether outsourcing is the best option for a company that strives to make meaningful changes towards a technologically savvy, analytics driven legal department. Some of these drivers include the following:

- Increase in legal staff and attorneys
- Increasing volume of matters
- Margin compression
- Moving significant workload from outside counsel to in house counsel
- Desire to improve quality of data and prepare for Business Intelligence platform
- Issues with initial configuration/implementation of particular systems that are beginning to surface
- Recent organizational changes within the company or legal department

If any of the scenarios described above are front of mind when making personnel decisions regarding legal operations initiatives, moving forward with a third party expert can offer many specific benefits. One simple reason for this is that all the scenarios described put stress on a legal department. Common responses to stress or change (even when planned) are typically reactive and short sighted. One such example is to urgently fill a void to hold things together by either making a quick hire or expanding the job description of a current employee who has neither the bandwidth, confidence, or requisite skills to fulfill it successfully.

Unfortunately, these stop gap measures often evolve into insufficient long term solutions that are void of vision and leave the vast potential of the technology solutions unfulfilled (at best.)

Once a legal department has identified the need for a system administrator and also perhaps that some of these drivers exist, finding the correct person to fill the system administration role is imperative. Again while it may be possible to fill this role internally, the list of attributes the candidate should possess are often built through experience with multiple clients. A third party consultant, by nature of maintaining continuous experience with various corporate cultures, industries, systems and personalities can often bring a more circumspect viewpoint to troubleshooting and problem solving. While a legal department must be clear in identifying its goals upon initiating this relationship, many departments suffer from the problem of “not knowing what you don’t know.” A person with fresh perspective may not only help achieve these goals, but also assist in refining them and identifying potential new aspirations, even if more long term. Some of the key attributes a system administrator should possess are:

- Ability to communicate/collaborate cross functionally (tech, finance, Legal, HR)
- Possesses LEDES invoices and ERP experience
- Experienced in developing curricula and training
- Can implement audit and controls clearly
- Drives and defines processes
- Report writing and big picture visionary
- Institutional/Industry knowledge
- Independent worker/autonomous
- Flexible/able to move seamlessly across projects

Outsourcing the administration of legal enterprise solutions could be approached in multi-

ple ways depending on needs, resources, goals and sophistication of the legal departments. While a legal department may seek a longer term relationship with a consultant, another very effective approach is to use the consultant as a stepping stone or foundation to finding and training a more permanent replacement.

Consider this metaphor. You would like to custom build a sophisticated airplane and then pilot that plane for various excursions. You would hire a mechanic or engineer to design, build and test the health of the plane based on the criteria and direction provided. Not only would the engineer build the plane, but she would also write an operator’s manual, help hire the pilot and then train that pilot on all the nuances of the vehicle before handing over the keys and preparing the pilot for successful flight. Similarly a consultant could ensure the health of a legal department’s technology, write an arsenal of reports for the department to run, document the work in an “Internal Policies and Procedure” manual then help to identify his/her successor and provide focused training to a new system administrator to take the reins long term.

A short list of benefits this approach can realize for your legal department include:

- Increase bandwidth of legal department
- Reduce risk and cost
- Document goals, process and requirements for consistency
- Manage a more effective post-M&A transition
- Optimize resources and drive efficiency
- Achieve economies of scale
- Build systems for sustainability and growth

In short, outsourcing a system administrator role, even if only temporarily, is a savvy move for any legal department striving to innovate and develop a world class legal operations program while minimizing risk and streamlining change management.

About the Author:

[Beth Lambdin](#) is a legal operations leader who has consulted for myriad corporate legal departments in the disciplines of systems implementation, diagnostics, training and optimization. As a member of the professional services team at Legal Tracker (a Thomson Reuters business) for almost 7 years, she helped Legal Departments achieve their goals through the optimal use of technology, sys-

tems and process. She has lead initiatives that reduced legal spend, improved workflow efficiencies, successfully negotiated preferred timekeeper rates and rolled out enterprise software internationally. These successes, achieved in parallel with demonstrating how to effectively collect and display data, have helped her corporate counsel clients showcase their value through cutting edge business intelligence.

Beth earned her JD, from Benjamin N. Cardozo School of Law with a focus on Intellectual Property, and her BA from Yale University. She is an active volunteer with the Asbury Park Music Foundation, organizer of the Asbury Park Porchfest, live music event , and cofounder of Feed Your Head, a rock n' roll trivia contest and content provider.

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Social Media

two dirty words within the legal sector

By Rich Dibbins, Conscious Solutions Limited



However, these two words are changing the way firms interact with their clients, in the following 6 areas:

1. Customer service
2. Firm reputation
3. Recruitment
4. Brand awareness
5. Improve website visitors
6. Building and improving referral relationships

One thing you may notice above is I don't mention anything about "selling legal services". This is because Social Media is all about building a trust worthy reputation. Imagine someone random comes up to you in the street and offers you legal services. Do you say yes? Of course not, because of the following two reasons:

1. You don't know them, so our level of trust is very low
2. You don't buy from people you don't trust.

With Social Media, you need to build an element of trust and value. Once you achieve this, then people will buy legal services from you. Client's don't just wake up one day and think "Oh I need some legal services". Typically, most law firms are built on referrals, however, this tends to be a single relationship within the law firm and referrals only last so long. You need to start looking to other potential revenue referral streams.

The way law firms interact with clients is now more important than ever. People buy legal services in a different way. For Private Clients, they shop around for costs, even if they have a referral...Why? Simple, there is too much choice out there, so why not look around. Clients' purchasing decisions are based around various areas one of them can be reviews, these can be seen on Google Reviews or Facebook business pages. They are the little gold stars.

Reviews are the cornerstone of most Social Media strategies, well they should be. Imagine a client leaves you complaint via phone or email. You have a process in place to deal with it. But when a client does it online, a lot of law firms leave it and ignore it. Putting it down to "idiots", but these idiots need a response. Any reviews you receive need a response, even if they are bogus. It shows you care and pay attention.

A big area I hear around Social Media is law firms are afraid or reluctant to put their fee earners on LinkedIn in case someone poaches them.

If a firm wants someone from your firm, there are many ways to do this. However, recruitment for law firms on LinkedIn is more effective than ever with the option of paid adverts via "InMail" the instant messaging function. You can tailor a simple message to individuals covering different areas, for example, expertise, geography and job title. Creating tailored adverts will help get your message in front of the right audience. Instead of the scatter-gun approach, you are more targeted. This saves on wasted clicks, is cost effective and most of all there are no recruitment fees.

Once you have set up your social media pages, they will tend to get a bit of TLC over the coming months. But then soon lose momentum. This is where law firms suddenly say "*Social Media doesn't work for us*". One critical area is missed off, driving traffic back to your website. This is what it comes down to. You create fantastic content on your website, but not sharing it with the masses on Social Media. Think of your website as a gorgeous Ferrari in the garage, you know it is there., but no one else does. Social Media is a way of getting your website in front of 1,000s of individuals in a very short space of time.

A great client of Conscious shared content from a very well known online forum of mums. Their legal speciality was around children. They posted a tweet out with a link to the article on their website. This was then picked up, and potentially seen by 96,000 individuals. How long would it take you to see or speak to that many people? The best part is it drives a large amount of traffic back to the website, meaning more forms filled in potentially resulting in more web enquiries.

Harnessing the power of Social Media is more prevalent these days than ever. It costs you very little, however time is the one area it will take up. This is where great Social Media tools such as HootSuite and Buffer can save you time and help you manage your Facebook, LinkedIn and Twitter accounts more effectively.

If I were a law firm looking to venture into the world of Social Media, I would not go in guns blazing. Instead, these are my top 6 tips you need to do first:

1. Establish a strategy, this just needs to be a simple understanding of what Social Media platform you are going to use.
2. Have a Social Media policy in place to help your staff understand what is expected. But also what they shouldn't do on Social Media.
3. Investment, you need to look at the free tools available to you. These will save you time and manage your posts, comments and reporting. Remember if you don't report on your performance, how will you know what works or what doesn't?
4. Content, you must be engaging with your content. Posting legal jargon or selling your legal services is boring. Use the rule 3 in 10, 3 things about the firm e.g. People, services or events. 7 things about something else, in the news today, charities, legal updates, referral news.
5. Look, listen and engage. This means look at what others are posting and see where you can contribute, like others posts and encourage others to do the same.
6. Think of Social Media as a strategy, it's not going to be about quick wins. It does take time, so don't feel disheartened if no one is sharing or liking your posts. Try doing a post at 5 pm on a Friday and build from here. If you do too much too soon, your enthusiasm will drop faster than a stone.

Enjoy Social Media, your personality of the firm and the brand need to come across. Remember its called Social Media...so be social.

About the Author:

[Rich Dibbins](#) is the Head of Sales for [Conscious Solutions](#). Rich joined the company in 2012 and has worked with numerous law firms on their digital marketing strategies including website design, email marketing, lead conversion, social media, SEO, PPC & CRM.

An enthusiastic presenter on social media & digital marketing Rich presents in a way people can understand and from which they can learn practical, applicable knowledge.

Rich is an engaging, challenging and occasionally cheeky presenter at legal marketing events & in-house seminars all over the country.

In 2017 Rich has presented 14 times to over 280 people on behalf of Conscious Solutions.

You can watch a presentation Rich gave at a previous <http://www.legalex.co.uk> event on [YouTube](#).

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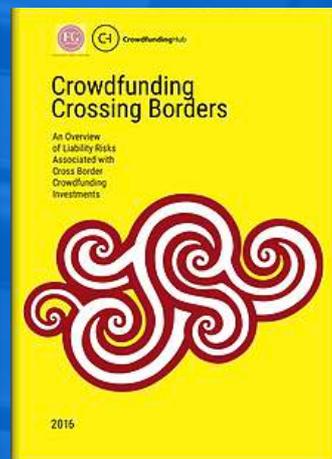
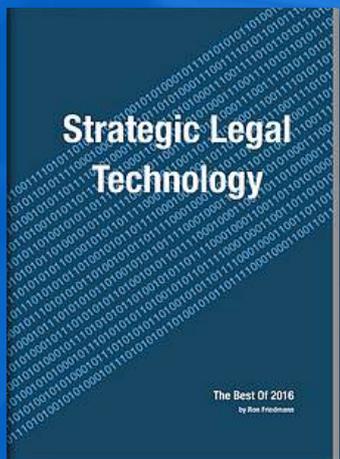
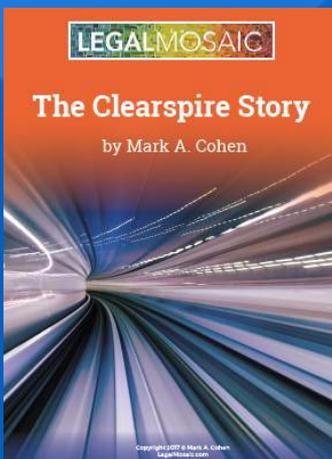
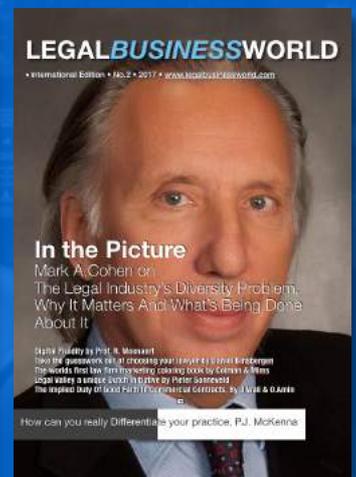
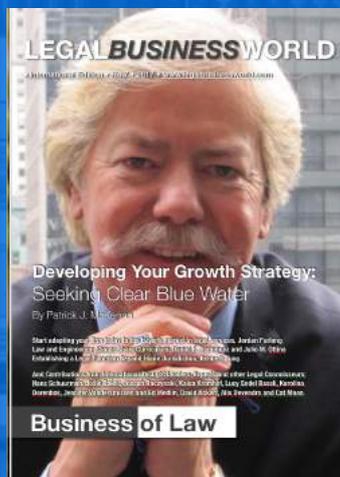


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